

Comhairle Contae Chorcaí Cork County Council

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2nd April 2024

REF: D/209/24
LOCATION: Inch, Whitegate, Co. Cork.

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

Dear Sir,

On the basis of the information submitted by you on 16th February and 28th March 2024 the Planning Authority, having considered the question whether or not the proposed relocation of site boundary and construction of new fence with hedge on new boundary at **Inch, Whitegate, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development.**

Reason for Decision

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

- The particulars received by the Planning Authority on 16th February and 28th March 2024,
- Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended and
- Articles 3, 6 and 9 and Class 5 and 11, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,

And Whereas Cork County Council has concluded that –

The proposed new boundary fence/ hedgerow at **Inch, Whitegate, Co. Cork is development and is exempted development.**

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.



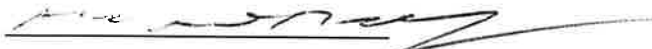
We are Cork.



Recycled

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,



**KEVIN O' REGAN,
SENIOR EXECUTIVE 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

D209-24- New boundary fence/ hedgerow at Inch, Whitegate

The Question

The applicant has stated that an area of ground adjacent existing dwelling it to be purchased and will become part of the curtilage of the existing dwelling. A new boundary/hedgerow is to be added to the strip of land thus the applicant is querying whether said works are/are not “exempted development” for the purposes of the Act

Planning History



The lands to the North of the site were originally developed by Kinsale Energy in 1976. The access road adjacent the site serves this development. The subject site is now owned by gas networks Ireland but no formal planning applications appear to apply to the site

Statutory Provisions

I consider the following statutory provisions relevant to this referral case:

Planning and Development Act, 2000

Section 3 (1) states:-

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

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

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations, 2001.

Planning and Development Regulations, 2001

Article 6(1) of the Regulations states as follows:- *“(a) Subject to article 9, development consisting 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 the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1*

Article 9 (1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development.

Schedule 2, Part 1 of the P&DR 2001

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.

2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish)

which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.

3.No such structure shall be a metal palisade or other security fence.

<p>CLASS 11 The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –</p>	<p>1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is</p>
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373

<p>(a) any fence (not being a hoarding or sheet metal fence), or</p> <p>(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<p>the greater, and in any event shall not exceed 2 metres.</p> <p>2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.</p>
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Assessment

The applicant is proposing to purchase an additional triangular piece of land to the West of existing site to add to the curtilage of this existing dwelling house and erect a new fenceline to demarcate same. The subject site is owned by Gas Networks Ireland and is alongside the entrance to this development (approx. 100m to the North). Having viewed the site on “streetview” image, the subject site currently has no defined boundary/hedgerow in place (see image below). The subject site is clearly maintained/ landscaped by GNI



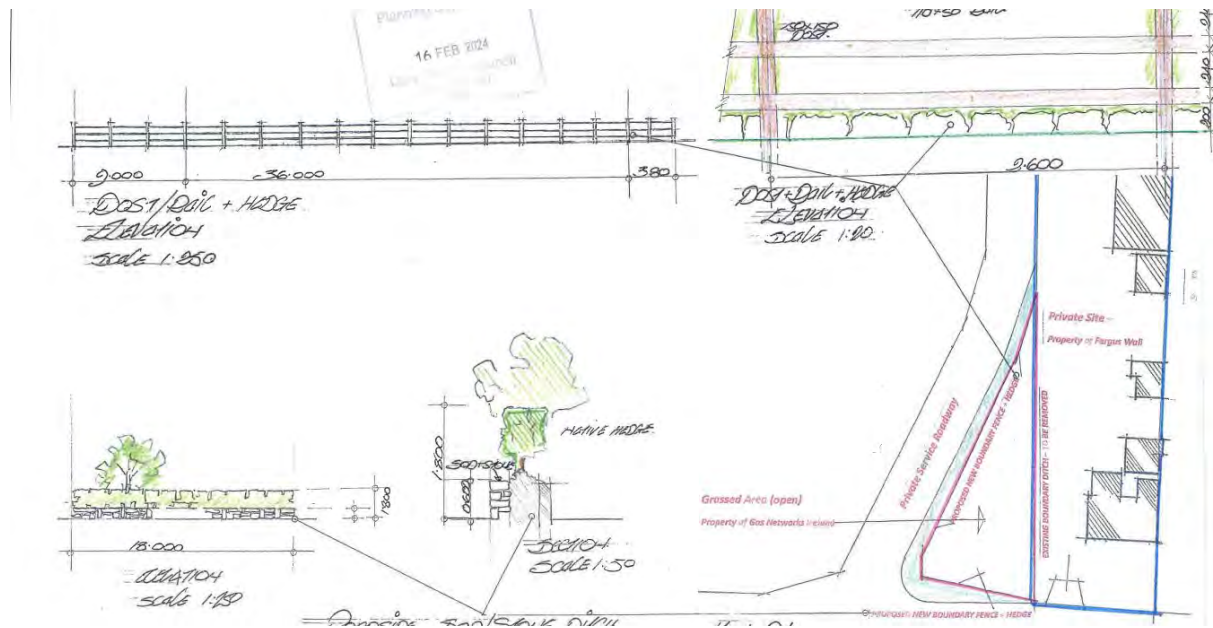
In the first instance, consideration needs to be given as to whether or not the works proposed constitute “development” for the purposes of the Act. Section 3 defines “development” as the carrying out of “works” on in over or under land or the “making of any material change of use in the structure or other land”. “Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal”.

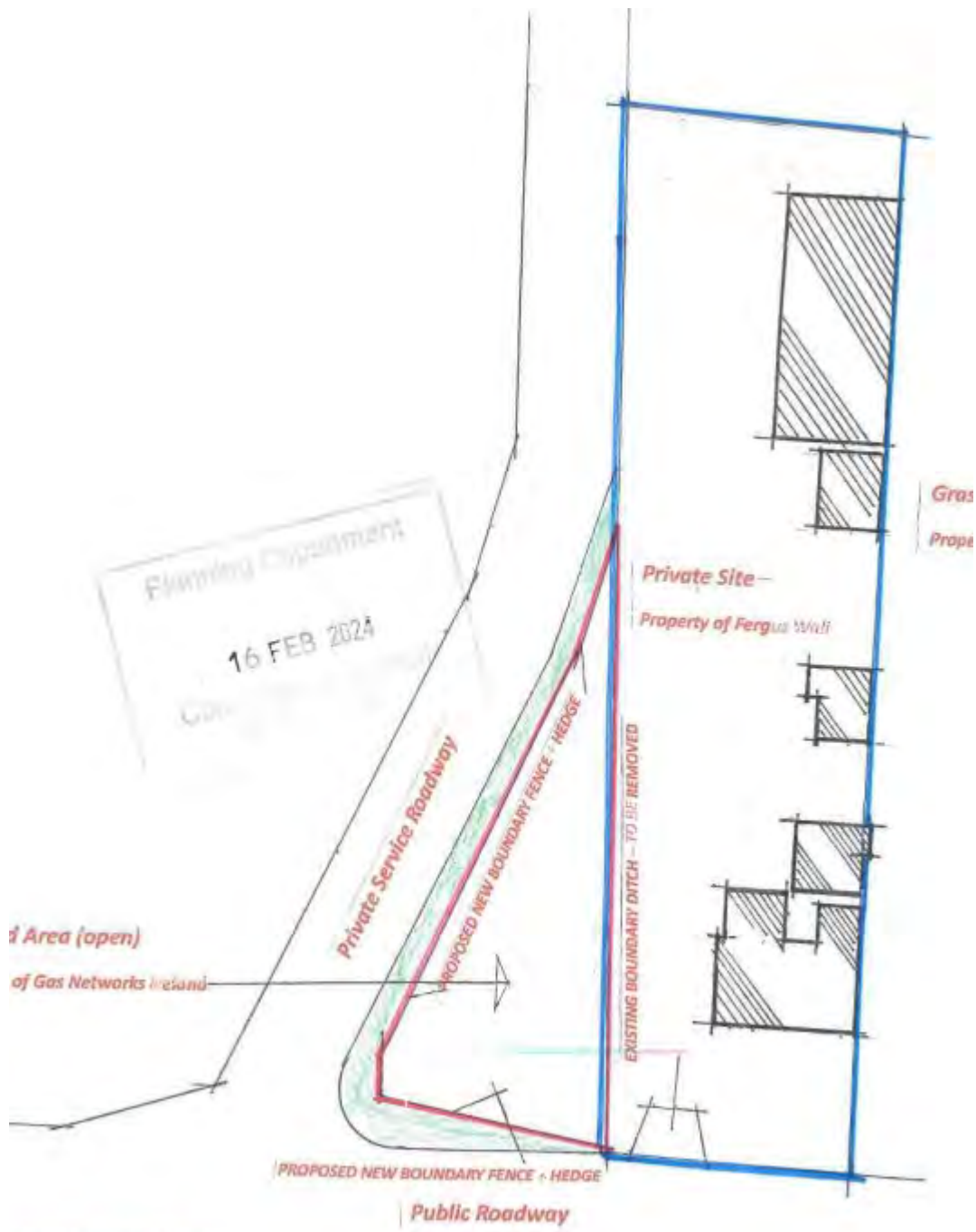
The addition of a new fence constitutes both an operation of construction and an alteration thus proposal meets the definition of “development” as set out under the Act. Please note this position would only relate to the proposed physical fence/ wall as the planting of a hedgerow would not fall within the definition of “development”. The other element that needs to be considered is whether any “material change of use” will take place. The subject

site is owned by GN Ireland and is maintained for amenity purposes. No formal planning permission applies to the site thus it has an amenity use at present. The proposed use is also for amenity purposes thus I am satisfied that no *material change of use* will take place.

Please note Class 5 allows the construction of a 1.2m fence/wall bounding the curtilage of a house. There may be a debate as to whether or not this area of land can yet be classed as forming the "curtilage" of the dwelling as the purchase of the subject land has not yet taken place. In any event, class 11 provides a similar exemption for land that does not form the curtilage of a dwelling thus a similar exemption would apply in either instance. The site directly fronts the public road and both exemption classes place a 1.2m height limit on any new boundary/ fenceline

It appears from the drawings that a new sod/stone ditch with hedgerow is being proposed for the Southern end of the site whereas a post and rail timber fence is proposed for the Western end though same is not wholly clear from the drawings. The post and rail fence is <1.2 thus would meet the provision of Class 5 or Class 11. The sod and stone ditch is also <1.2m (800mm) in height however the proposed hedge will bring the overall hedge height to 1.8. While this planted element is technically outside the scope of class 5 or 11, there is an associated traffic concern that has been raised by the a/e (see class 9 restriction below). It is also noted that an existing hedgerow is being removed to allow addition of the subject site to the overall plot. Again this is outside the scope of this assessment however from a biodiversity perspective, the retention some of this hedgerow would be beneficial. An advice note relation to same could be issues as part of any final determination





Site Layout Plan

Article 9 – Restriction on Exemptions.

Article 9(1) states that development to which Article 6 relates shall not be exempted for the purposes of the Act.

(a) If the carrying out of such development would

(iii) endanger public safety by reason of a traffic hazard or obstruction to road users.

The file has been referred to the area engineer to confirm whether or not the new boundary would constitute a traffic hazard/ obstruction of road users (please see report from A/E attached under appendix A below) The A/E has indicated that the height of 1.8m adjacent the existing entrance is excessive and should not exceed 1m within the sight distance triangle.

AA/EIA

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, part 2 of schedule 5 lists development which may require EIA for the purposes of part 10 of Part 10 of the Planning and Development Act.

Having considered that detail I am satisfied the proposal does not trigger any requirement for mandatory or sub-threshold EIA. Similarly, and having regard to the nature of the proposal and the distance to Natura 2000 site, I am satisfied that requirement for AA is not warranted as the proposed does not generate any negative impacts on Natura 2000 sites.

Conclusion

In considering this referral, and having had regard particularly to –

(a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,

(b) Articles 3, 6 and 9 and Class 5 and 11 , Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

Further information is required as per the following:

-It appears from the drawings that a new sod/stone ditch with hedgerow is being proposed for the Southern end of the site whereas a post and rail timber fence is proposed for the Western end though same is not wholly clear on drawings lodged. Please confirm/ clarify this issue


Please note the overall height of the Southern boundary (including proposed hedge) is indicated as 1.8m. Please note such a height adjacent the existing entrance is excessive and would impede available sight distances from this entrance. The proposed new boundary height (overall) should not exceed 1m within the sight distance triangle. Please revise drawings to indicate same

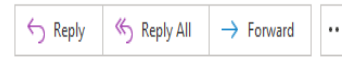
Enda Quinn
Executive Planner
15/3/2024

Appendix A- area engineers comments

RE: Section 5 - D/209/24 - Inch, Whitegate



Paul O'Donovan
To  Enda Quinn



Fri 23/02/2024 11:

Hi Enda,

Regarding the construction of the new fence with hedge, it would be a requirement that any section of this within the sightline triangle be no greater than 1m above the road level.

It appears in the drawing that they are proposing it to be 1.8m.

Regards,
Paul

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

D209-24- New boundary fence/ hedgerow at Inch, Whitegate

Additional Report- 2/4/2024

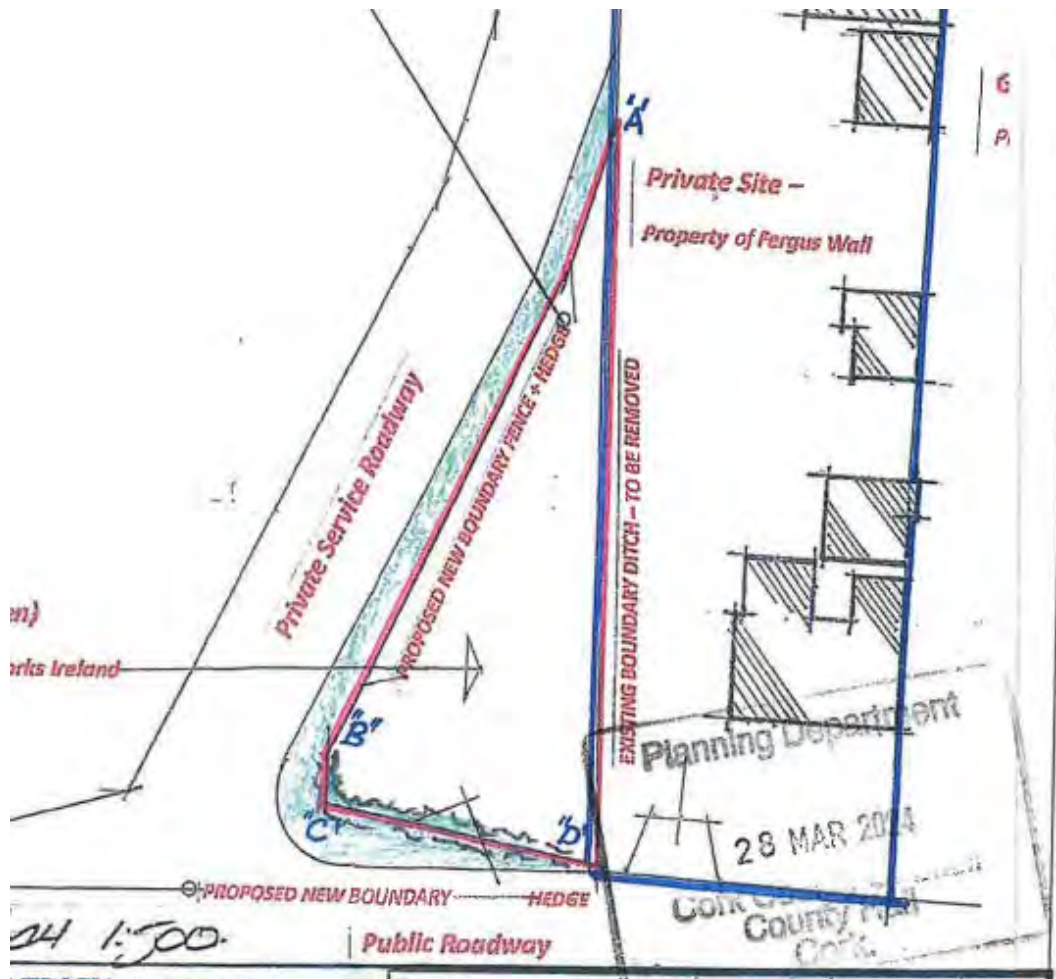
Further information is required as per the following:

-It appears from the drawings that a new sod/stone ditch with hedgerow is being proposed for the Southern end of the site whereas a post and rail timber fence is proposed for the Western end though same is not wholly clear on drawings lodged. Please confirm/ clarify this issue

Please note the overall height of the Southern boundary (including proposed hedge) is indicated as 1.8m. Please note such a height adjacent the existing entrance is excessive and would impede available sight distances from this entrance. The proposed new boundary height (overall) should not exceed 1m within the sight distance triangle. Please revise drawings to indicate same

Applicant has responded to this request stating the following

- **Our clients' propose a post and rail fence with native species hedging from A to B on attached site plan**
- **Our clients' propose a native hedge species from B-C to D on the attached site plan.**
- **The rail and hedge fence A-B will be maintained to a height of 1.20 to 1.80m high**
- **The native hedge fence from B to C to D will be maintained at a height of 1.000m**



The area B-D will not exceed 1m in height thus the area engineer is satisfied that no traffic hazard will be created

Conclusion

In considering this referral, and having had regard particularly to -

- (a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,
- (b) Articles 3, 6 and 9 and Class 5 and 11 , Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

The proposed new boundary fence/ hedgerow at Inch, Whitegate constitutes “development” but also constitutes “exempted development” as per Class 5 and Class 11 of the Planning and Development Regulations, 2001 (as amended)

Enda Quinn
Executive Planner
2/4/2024

Appendix B- area engineers updated comments

Hi Enda,

The FI response is acceptable with the section of fencing/hedging within the sightline triangle shown as no greater than 1m above the road level.

Regards,

Paul

**Patrick A Cashman
Associates**

Architecture + Project Management
Established 1987

The Secretary
Planning Department
Cork County Council
County Hall
Cork

25th March 2024.

Re; D/209/24
FERGUS WALL at Inch Whitegate, Co Cork

Dear Secretary

We refer to the above and your last correspondence dated 19th March with queries on our clients proposal.

In reply to same we enclose 6 copies of revised drawing wherein the following is reflected.

- Our clients' propose a post and rail fence with native species hedging from A to B on attached site plan
- Our clients' propose a native hedge species from B-C to D on the attached site plan.
- The rail and hedge fence A-B will be maintained to a height of 1.20 to 1.80m high
- The native hedge fence from B to C to D will be maintained at a height of 1.000m

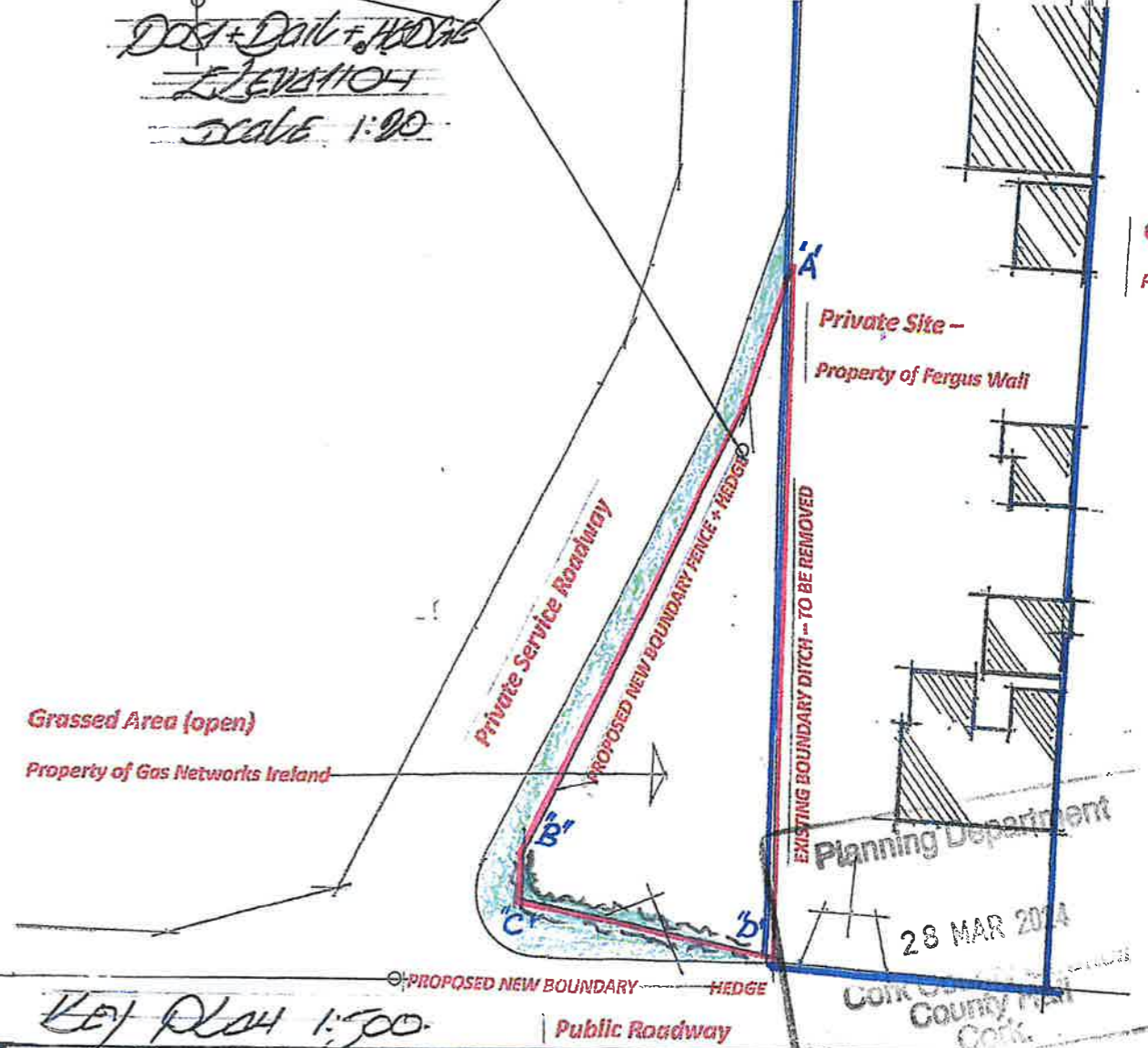
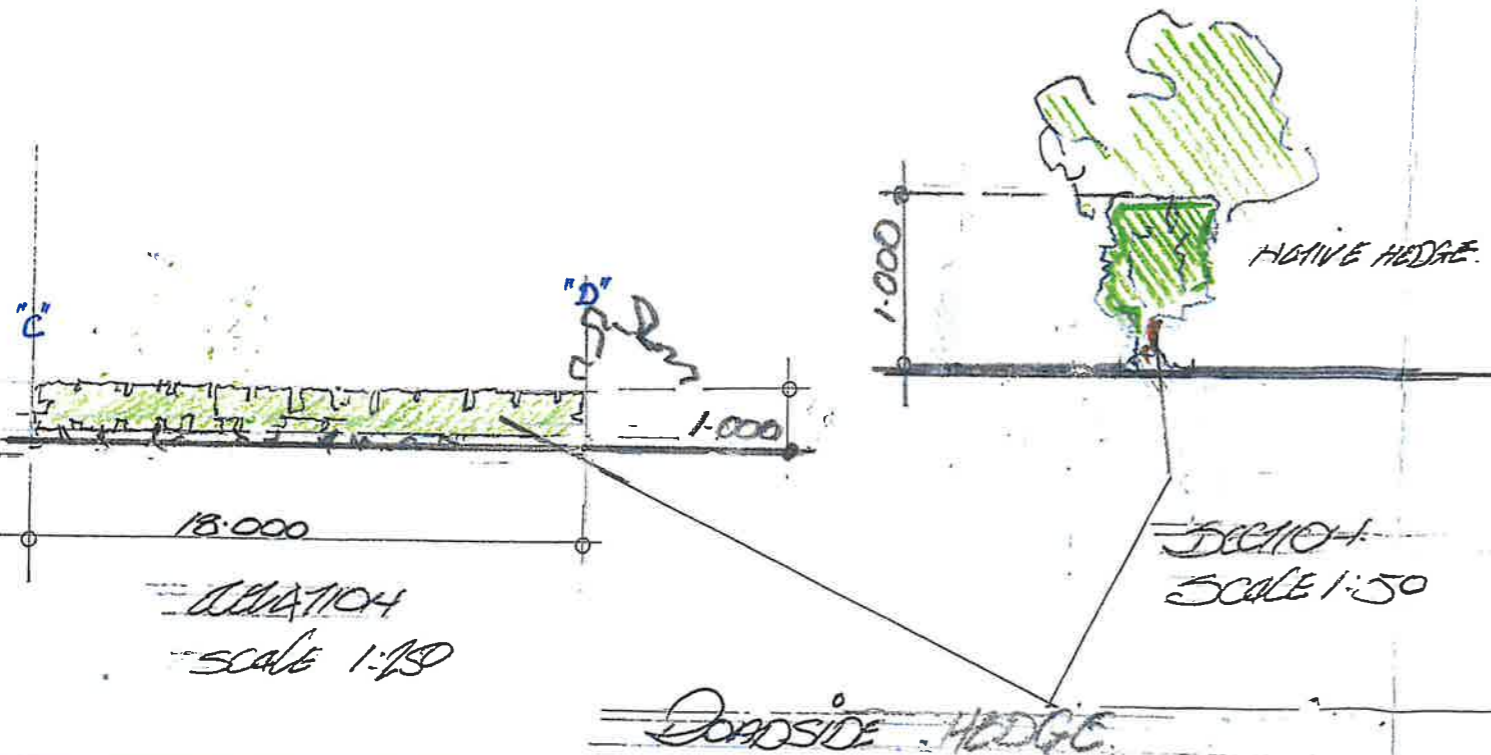
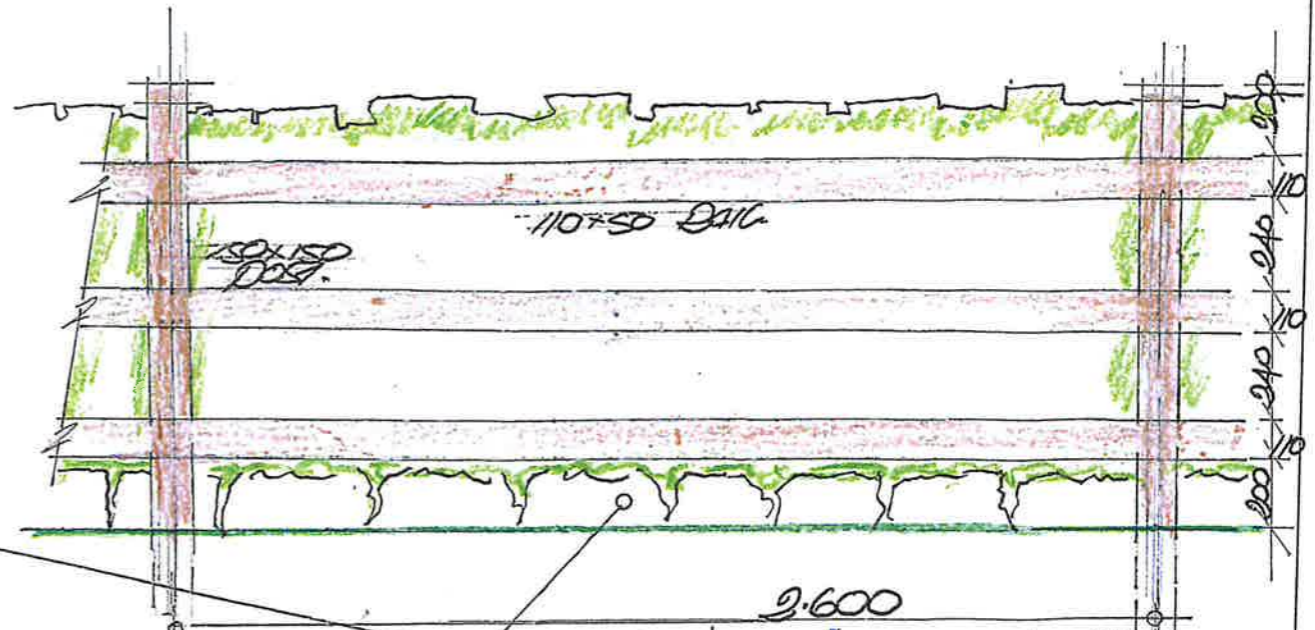
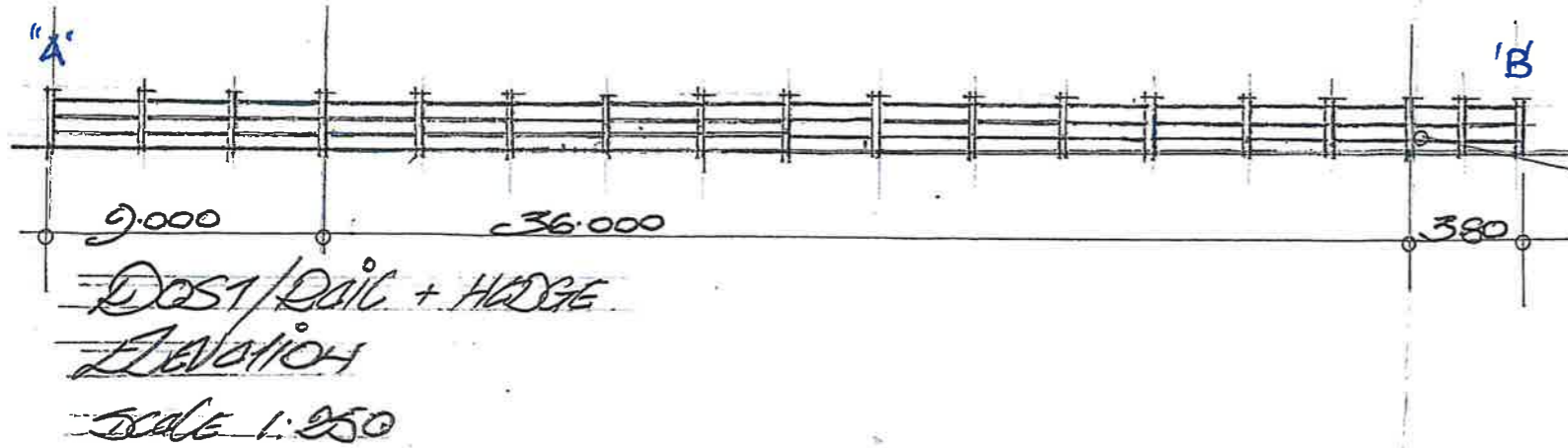
We trust that this confirmation along with the accompany drawings, will be deemed adequate response and we await your decision on our clients application in due course .

Yours Faithfully


Patrick A Cashman

Patrick A Cashman
Dip ArchT Dip P.M. CIOB IPMI IAAS
Farren House
Cork Road, Midleton, Co Cork
T 086 2768482
E patrickacashman@gmail.com





KEY PLAN 1:500

REV	DATE	BY	CHK	DESCRIPTION

Client	Scale	Status	Index
Disc	Date	Drawn	Chk. PAC
Job No.	Project No.		0

Comhairle Contae Chorcaí Cork County Council

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Web: www.corkcoco.ie



Fergus Wall,
c/o Patrick A. Cashman,
Architecture & Project Management,
Farren House,
Cork Road,
Midleton,
Co. Cork.

19th March 2024

REF: D/209/24
LOCATION: Inch, Whitegate, Co. Cork.

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

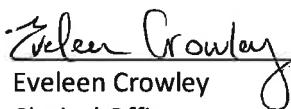
Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. In respect of the proposal submitted, you are requested to submit further clarification in accordance with Section 5 (2)(b):

It appears from the drawings that a new sod/stone ditch with hedgerow is being proposed for the southern end of the site whereas a post and rail timber fence is proposed for the western end though same is not wholly clear on drawings lodged. Please confirm/ clarify this issue.

Please note the overall height of the southern boundary (including proposed hedge) is indicated as 1.8m. Please note such a height adjacent the existing entrance is excessive and would impede available sight distances from this entrance. The proposed new boundary height (overall) should not exceed 1m within the sight distance triangle. Please revise drawings to indicate same.

Yours faithfully,


Eveleen Crowley
Clerical 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>



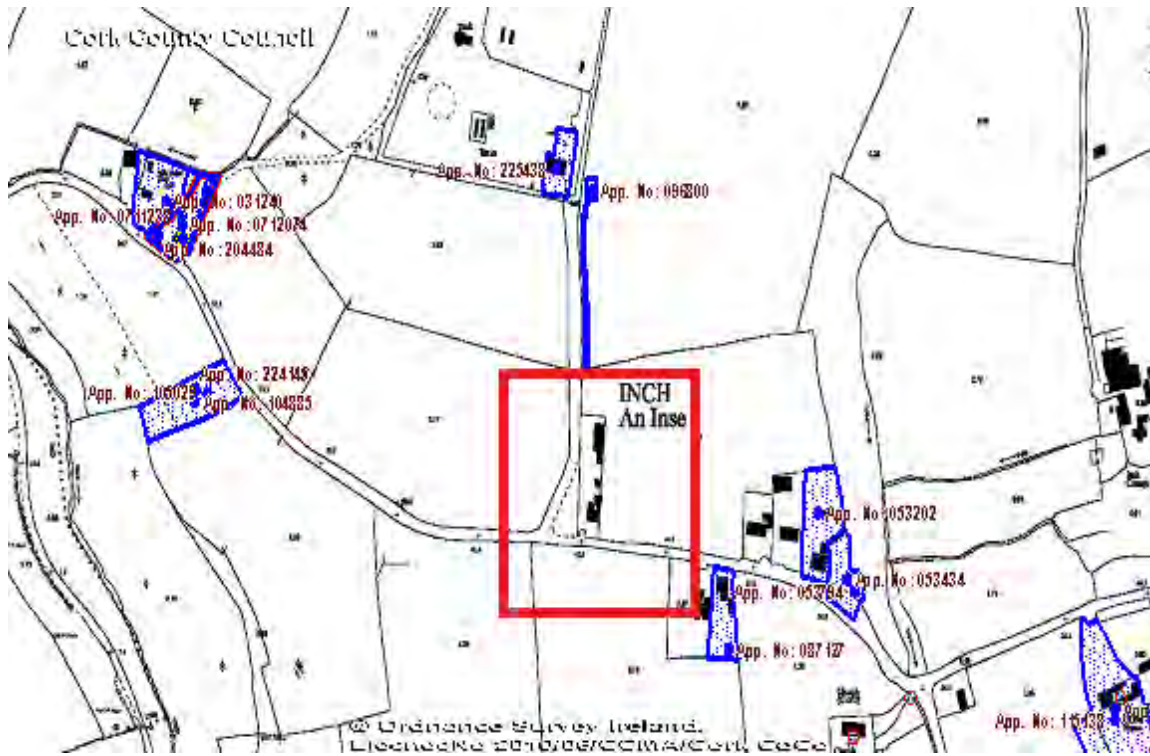
Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

D209-24- New boundary fence/ hedgerow at Inch, Whitegate

The Question

The applicant has stated that an area of ground adjacent existing dwelling it to be purchased and will become part of the curtilage of the existing dwelling. A new boundary/hedgerow is to be added to the strip of land thus the applicant is querying whether said works are/are not “exempted development” for the purposes of the Act

Planning History



No planning history on the site

Statutory Provisions

I consider the following statutory provisions relevant to this referral case:

Planning and Development Act, 2000

Section 3 (1) states:-

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

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

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations, 2001.

Planning and Development Regulations, 2001

Article 6(1) of the Regulations states as follows:- *“(a) Subject to article 9, development consisting 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 the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1*

Article 9 (1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development.

Schedule 2, Part 1 of the P&DR 2001

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.

2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.

3. No such structure shall be a metal palisade or other security fence.

<p>CLASS 11 The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –</p>	<p>1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is</p>
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<p>(a) any fence (not being a hoarding or sheet metal fence), or</p> <p>(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<p>the greater, and in any event shall not exceed 2 metres.</p> <p>2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.</p>
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The applicant is proposing to purchase an additional triangular piece of land to the West of existing site to add to the curtilage of this existing dwelling house and erect a new fenceline to demarcate same. Having viewed the site on "streetview" image, the site currently has no defined boundary/hedgerow in place (see image below)

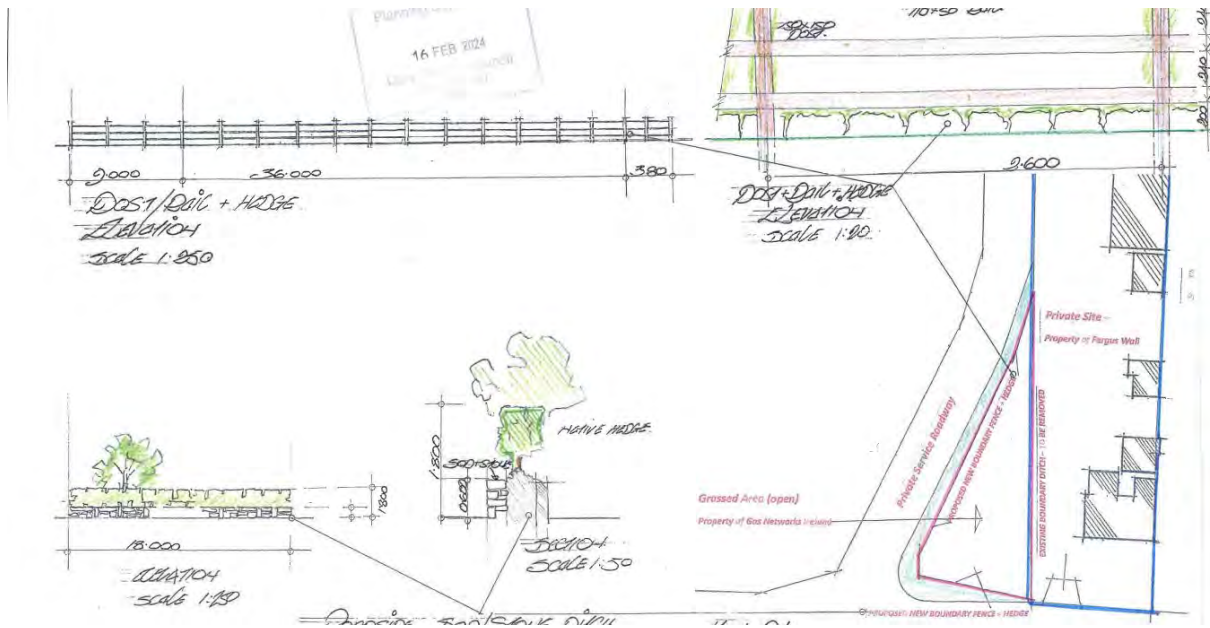


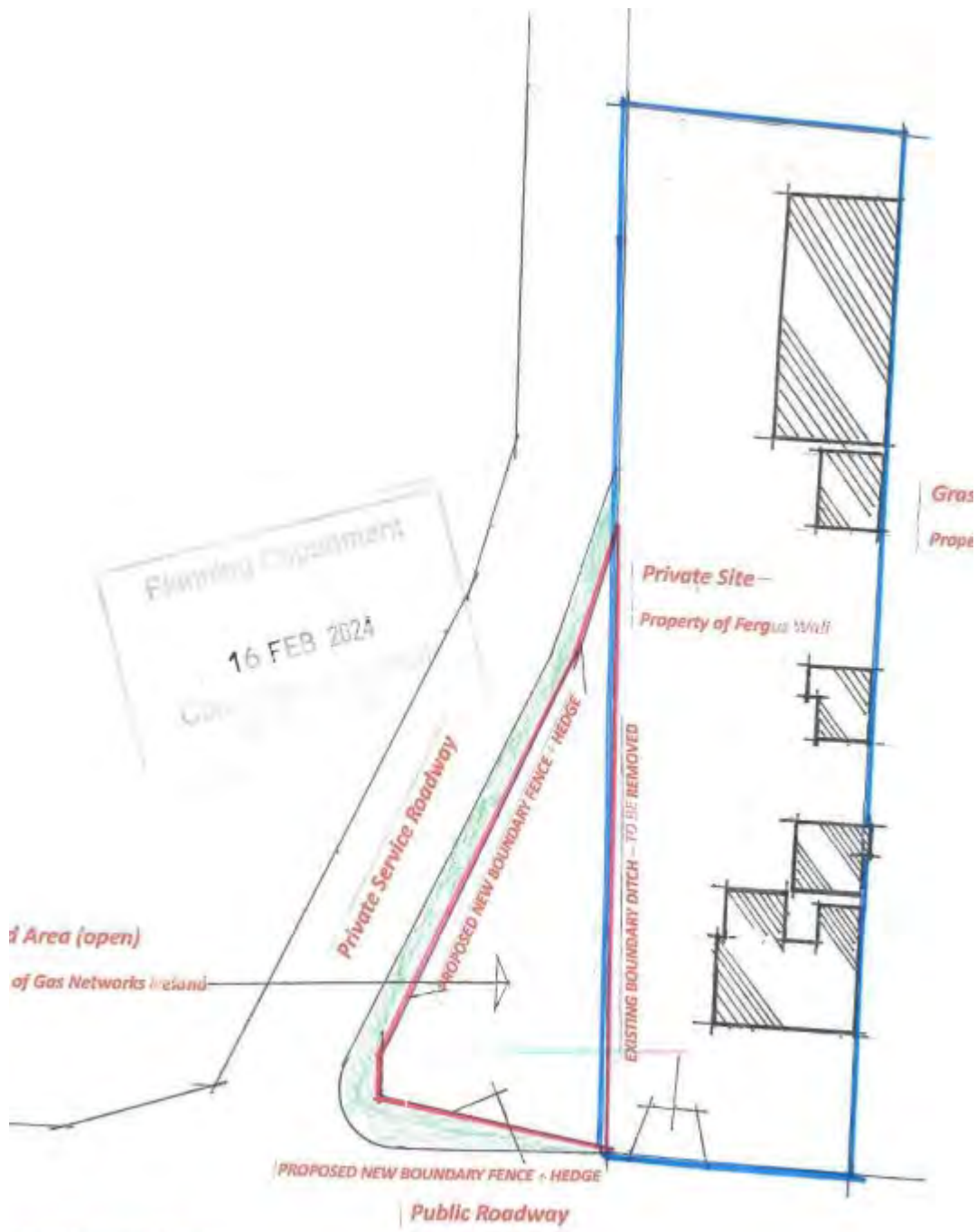
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"Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal". The addition of a new fence constitutes both an operation of construction and an alteration thus proposal meets the definition of "development" as set out under the Act. Please note this position would only relate to the proposed physical fence/ wall as the planting of a hedgerow would not fall within the definition of "development"

Please note Class 5 allows the construction of a 1.2m fence/wall bounding the curtilage of a house. There may be a debate as to whether or not this area of land can yet be classed as forming the "curtilage" of the dwelling as the purchase of the subject land has not yet taken place. In any event, class 11 provides a similar exemption for land that does not form the curtilage of a dwelling thus a similar exemption would apply in either instance. The site directly fronts the public road and both exemption classes place a 1.2m height limit on any new boundary/ fenceline

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Site Layout Plan

Article 9 – Restriction on Exemptions.

Article 9(1) states that development to which Article 6 relates shall not be exempted for the purposes of the Act.

(a) If the carrying out of such development would

(iii) endanger public safety by reason of a traffic hazard or obstruction to road users.

The file has been referred to the area engineer to confirm whether or not the new boundary would constitute a traffic hazard/ obstruction of road users (please see report from A/E attached under appendix A below) The A/E has indicated that the height of 1.8m adjacent the existing entrance is excessive and should not exceed 1m within the sight distance triangle.

AA/EIA

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, part 2 of schedule 5 lists development which may require EIA for the purposes of part 10 of Part 10 of the Planning and Development Act.

Having considered that detail I am satisfied the proposal does not trigger any requirement for mandatory or sub-threshold EIA. Similarly, and having regard to the nature of the proposal and the distance to Natura 2000 site, I am satisfied that requirement for AA is not warranted as the proposed does not generate any negative impacts on Natura 2000 sites.

Conclusion

In considering this referral, and having had regard particularly to –

(a) Section 2(1), 3(1), 4(4), of the Planning and Development Act, 2000, as amended,

(b) Articles 3, 6 and 9 and Class 5 and 11 , Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended,

The Planning Authority has concluded that:

Further information is required as per the following:

-It appears from the drawings that a new sod/stone ditch with hedgerow is being proposed for the Southern end of the site whereas a post and rail timber fence is proposed for the Western end though same is not wholly clear on drawings lodged. Please confirm/ clarify this issue


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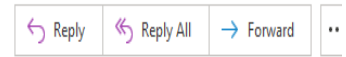
Enda Quinn
Executive Planner
15/3/2024

Appendix A- area engineers comments

RE: Section 5 - D/209/24 - Inch, Whitegate



Paul O'Donovan
To  Enda Quinn



Fri 23/02/2024 11:

Hi Enda,

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It appears in the drawing that they are proposing it to be 1.8m.

Regards,
Paul

**Patrick A Cashman
Associates**

Architecture + Project Management
Established 1987

The Secretary
Planning Department
Cork County Council
County Hall
Carrigrohane Road
Cork



09/02/2024.

Re; Application for Section 5 Declaration
Re-location of site boundary and construction of new boundary
For Fergus Wall Esq at Inch, Whitegate, Co Cork.

Dear Secretary

We refer to our previous application herein dated 24/01/2024 and your request for further information dated 6th Feb 2024

We return herewith the original documentation together with the additional information requested in yours of 6th inst;

We enclose amended Section 8 of application form
We enclose four copies of the elevational and sectional drawings showing the proposed boundary fence and hedge details as envisaged in the new locations.

We trust that these are now in order and that our clients application may receive due consideration by your department

Yours Faithfully


Patrick A Cashman.

encl

Patrick A Cashman
Dip ArchT Dip P.M. CIOB IPMI IAAS
Farren House
Cork Road, Middleton, Co Cork
T 086 2768482
E patrickacashman@gmail.com

**Patrick A Cashman
Associates**

Architecture + Project Management
Established 1987

**The Secretary
Planning Department
Cork County Council
County Hall
Carrigrohane Road
Cork**

24/01/2024

Re; Application for Section 5 Declaration of Exemption

Purchase of Plot and re-location of site boundary at Inch Td, Whitegate Co Cork for Fergus Wall Esq.

Dear Secretary

Our client intends to purchase a small plot of land immediately to west of a private dwelling and site owned by him at Inch Whitegate.

The triangular plot is currently owned by Gas Networks Ireland who have offered to sell it to our client Fergus Wall, subject to confirmation that there are no planning implications with the re-location of the boundary. There are no development works whatever proposed for the plot other than relocating the site boundary westward and we confirm that the lands will simply add to the area/curtilage of the site associated with the existing dwelling

To that end we apply for Section 5 Declaration of Exemption so that my client can re-assure the vendors and proceed with purchase.

To that end we now enclose the following maps and documents;

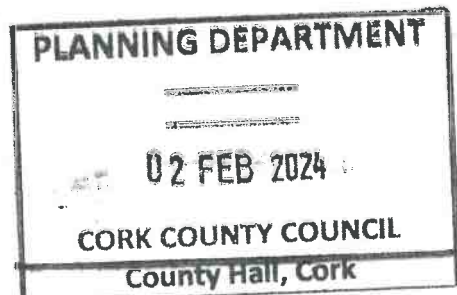
- 1. 4 copies of duly completed and signed application forms.**
- 2. 4 copies of site layout plan showing the original site in our clients ownership and the portion of ground which he hopes to purchase from Gas Networks Irl – indicating a position for the proposed new and adjusted site boundary.**
- 3. 4 copies of site location maps to scale of 1:2500 and 1:10,560 showing our clients site and the site which it is proposed to purchase.**
- 4. We further enclose our clients cheque in the amount of €80.00 being the fee required.**
- 5. Copy letter/e.mail from Gas Network Irl, representative Elaine Murray indicating willingness to sell the plot subject to compliance with planning or alternative confirmation of exemption.**

We request that our clients application be considered and we await your decision in due course.

Yours Faithfully;


Patrick A Cashman.

Patrick A Cashman
Dip ArchT Dip P.M. CIOB IPMI IAAS
Farren House
Cork Road, Midleton, Co Cork
T 086 2768482
E patrickacashman@gmail.com





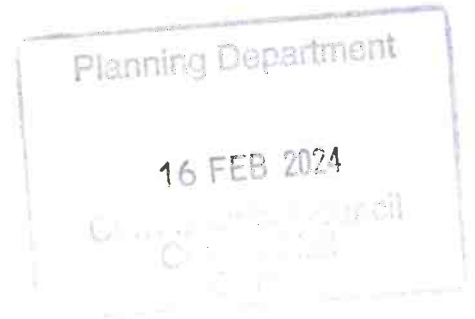
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

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 checked="" type="checkbox"/>



FOR OFFICE USE ONLY

Receipt No.	PL2000 2348
Cash/Cheque/ Credit Card	Cheque
Date	16/2/24
Declaration Ref. No.	D/209/24

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)

FERGUS VAIL

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

14CH WHMEGONE Co Cork.

Planning Department
16 FEB 2024
Cork County Council
County Hall
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

PROPOSING TO PURCHASE A STRIP OF LAND
TO WEST OF EXISTING DWELLING IN APPLICANTS
OWNERSHIP + TO CONSTRUCT A NEW BOUNDARY
FENCE + HEDGE ON NEW BOUNDARY.

ATTACHED MAP SHOWS EXISTING PLOT OUTLINED IN
BLUE + STRIP PROPOSED TO PURCHASE OUTLINED
IN RED

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):	H/A.
(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 <u>OPEN GRASSED AREA</u>	Proposed use <u>OPEN GRASSED AREA WITH NEW BOUNDARY</u>
(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):

Planning Department

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Cork County Council
County Hall

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:	<u>PROPOSED TO PURCHASE.</u>	
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):	<u>GAS NETWORKS IRELAND PO BOX 51 GASWORKS RD COBK</u>	

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

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

7. APPROPRIATE ASSESSMENT:

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

8. DATA PROTECTION DECLARATION:

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

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

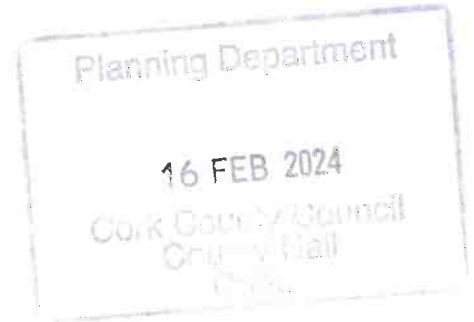
Signed (By Applicant Only)	Fergus Wall
Date	25-1-24

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	Fergus Wall
Date	25-1-24

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:

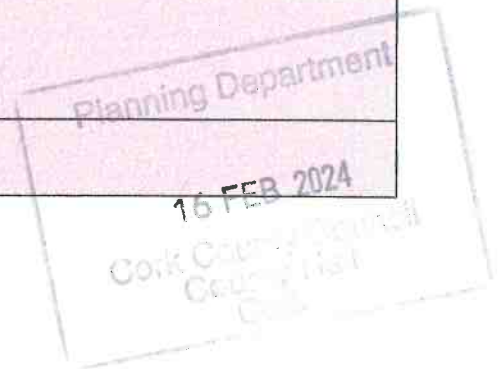
The application must be accompanied by the required fee of €80
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
 Sufficient information should be submitted 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	21/01/2024



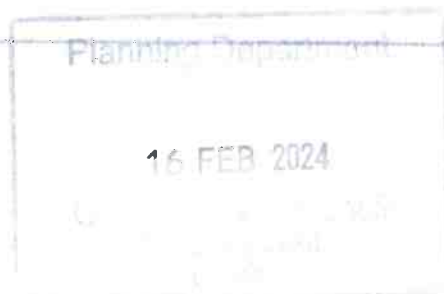
Wall, Fergus

From: Fergus Wall <fergus.wall@hotmail.com>
Sent: Tuesday 19 December 2023 11:39
To: Wall, Fergus
Subject: [EXTERNAL] Fwd: Inch AGI - Entrance

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Sent from [Outlook for Android](#)

From: Elaine Murray <Elaine.Murray@gasnetworks.ie>
Sent: Tuesday, December 19, 2023 11:12:23 AM
To: Fergus Wall <fergus.wall@hotmail.com>
Subject: Inch AGI - Entrance



Hi Fergus,

Following up on our phone conversation just now, in that Gas Networks Ireland approve in principle to sell a portion of the land at the entrance to our site subject to you acquiring any necessary planning approvals/consent from Cork County Council that may be required in order adjust the boundary.

If you have any questions at all just let me know?

Hope you have a lovely Christmas.

Kind regards,
Elaine

Elaine Murray
Land and Consents Manager
elaine.murray@gasnetworks.ie
086 3380 623
Gas Networks Ireland,
P.O. Box 51, Gasworks Road,
Cork, Ireland. T12 RX96.



Tá an fhaisnéis á seachadadh dírithe ar an duine nó ar an eintiteas chuig a bhfuil sí seolta amháin agus féadfar ábhar faoi rún, faoi phribhléid nó ábhar atá íogair ó thaobh tráchtála de a bheith mar chuid de. Tá aon athsheachadadh nó scaipeadh den fhaisnéis, aon athbheithniú ar nó aon úsáid eile a bhaint as, nó aon ghníomh a dhéantar ag brath ar

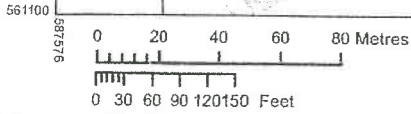
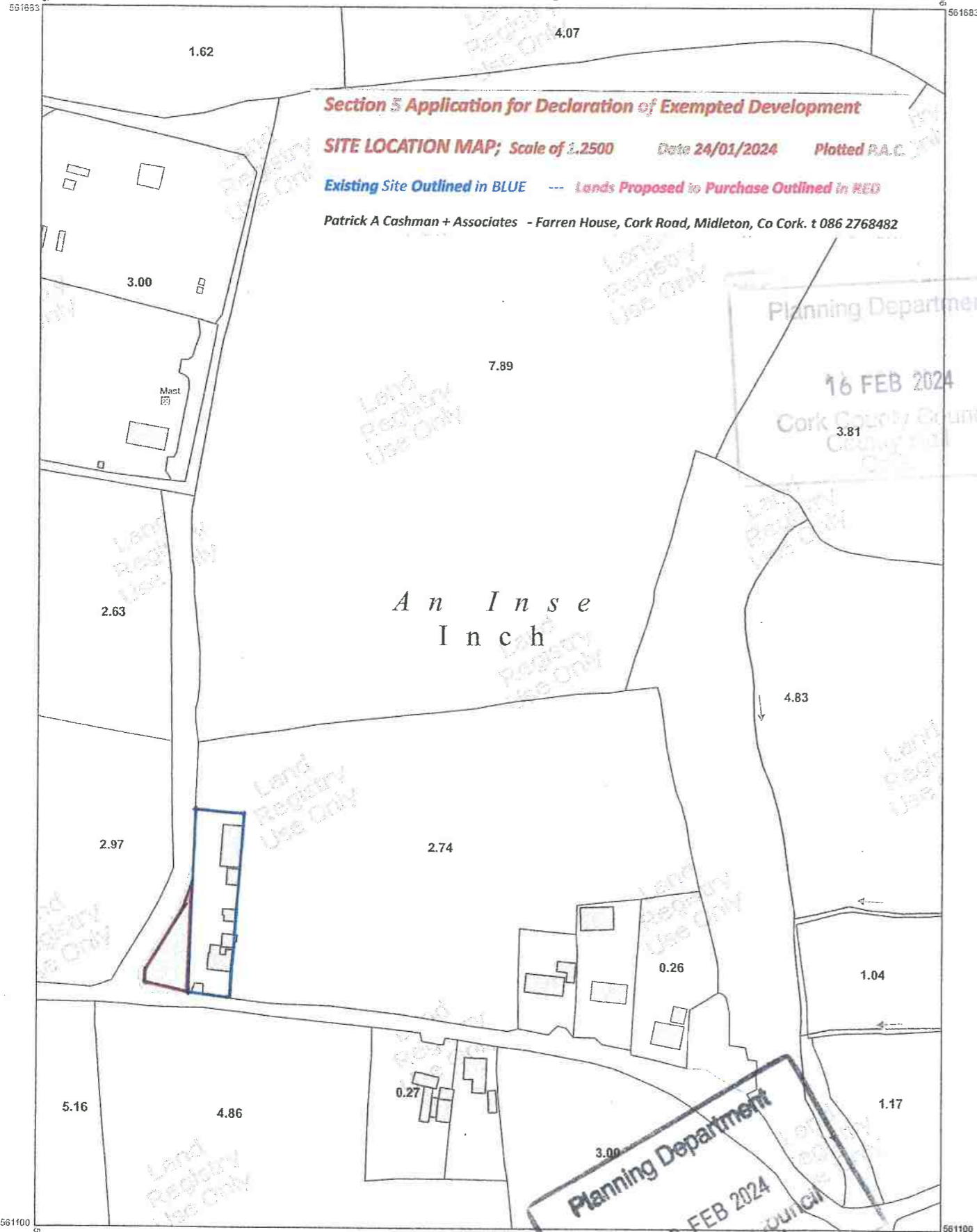
Land Registry Compliant Map

Section 5 Application for Declaration of Exempted Development

SITE LOCATION MAP; Scale of 1:2500 Date 24/01/2024 Plotted P.A.C.

Existing Site Outlined in BLUE --- Lands Proposed to Purchase Outlined in RED

Patrick A Cashman + Associates - Farren House, Cork Road, Midleton, Co Cork. t 086 2768482



OUTPUT SCALE: 1:2,500

Planning Department
02 FEB 2024
Cork County Council

CENTRE COORDINATES: ITM 587791 561299
PUBLISHED: 11/01/2024
MAP SERIES: 1:2,500
ORDER NO.: 50376747_2
MAP SHEETS: 6513-D, 6514-C
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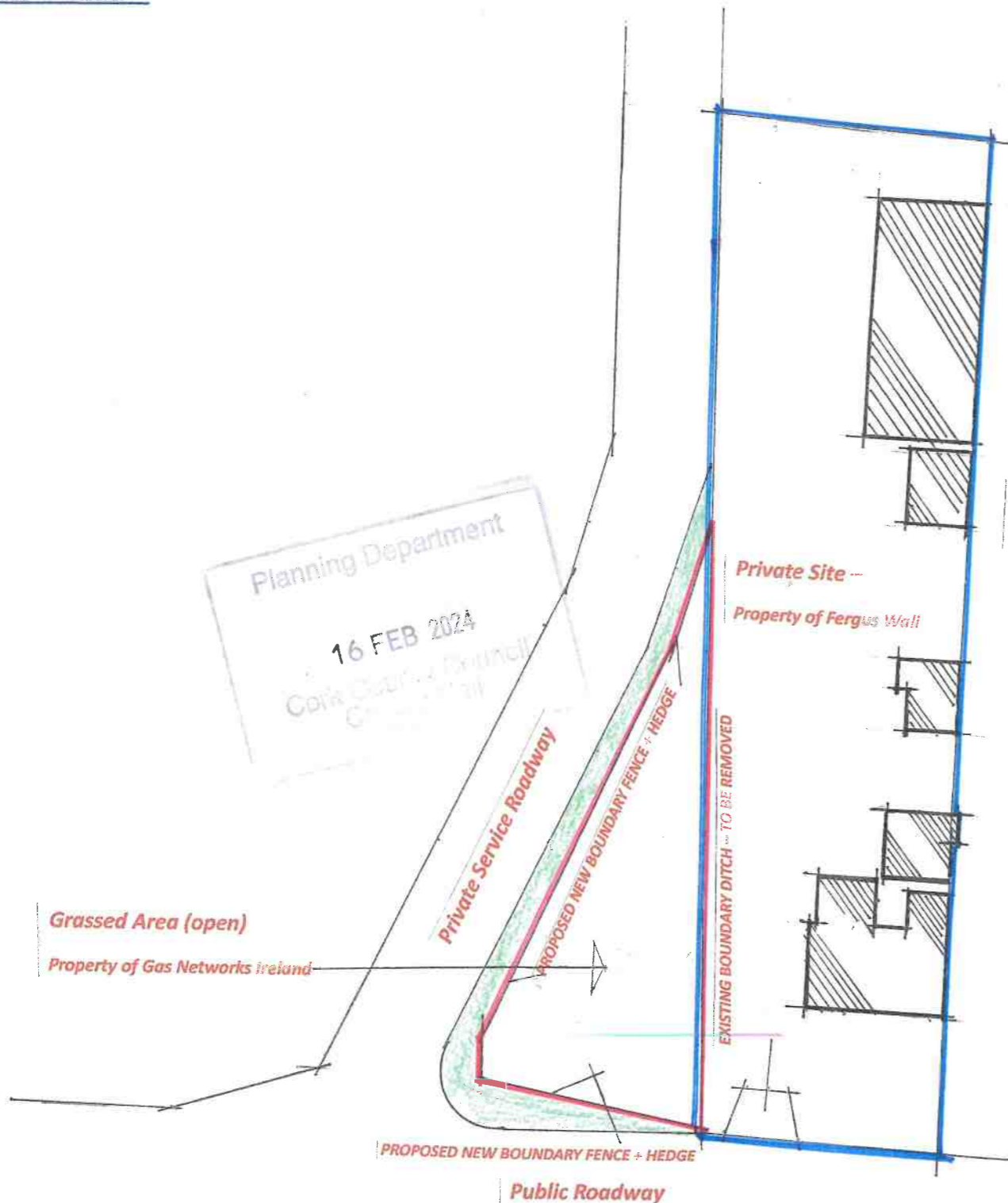
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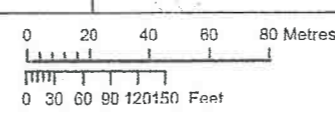
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Site Layout Plan
Scale of 1:500

Planning Department
16 FEB 2024
Cork County Council
County Hall



Site Location Map
Scale of 1:2,500

OUTPUT SCALE: 1:2,500

Planning Department
02 FEB 2024
Cork County Council
County Hall
Cork

Section 5 Application for Declaration of Exempted Development
SITE LAYOUT PLAN; Scale of 1:500 Date 24/01/2024 Plotted P.A.C.
Existing Site Outlined in BLUE --- Lands Proposed to Purchase Outlined in RED
Patrick A Cashman + Associates - Farren House, Cork Road, Midleton, Co Cork. t 086 2768482

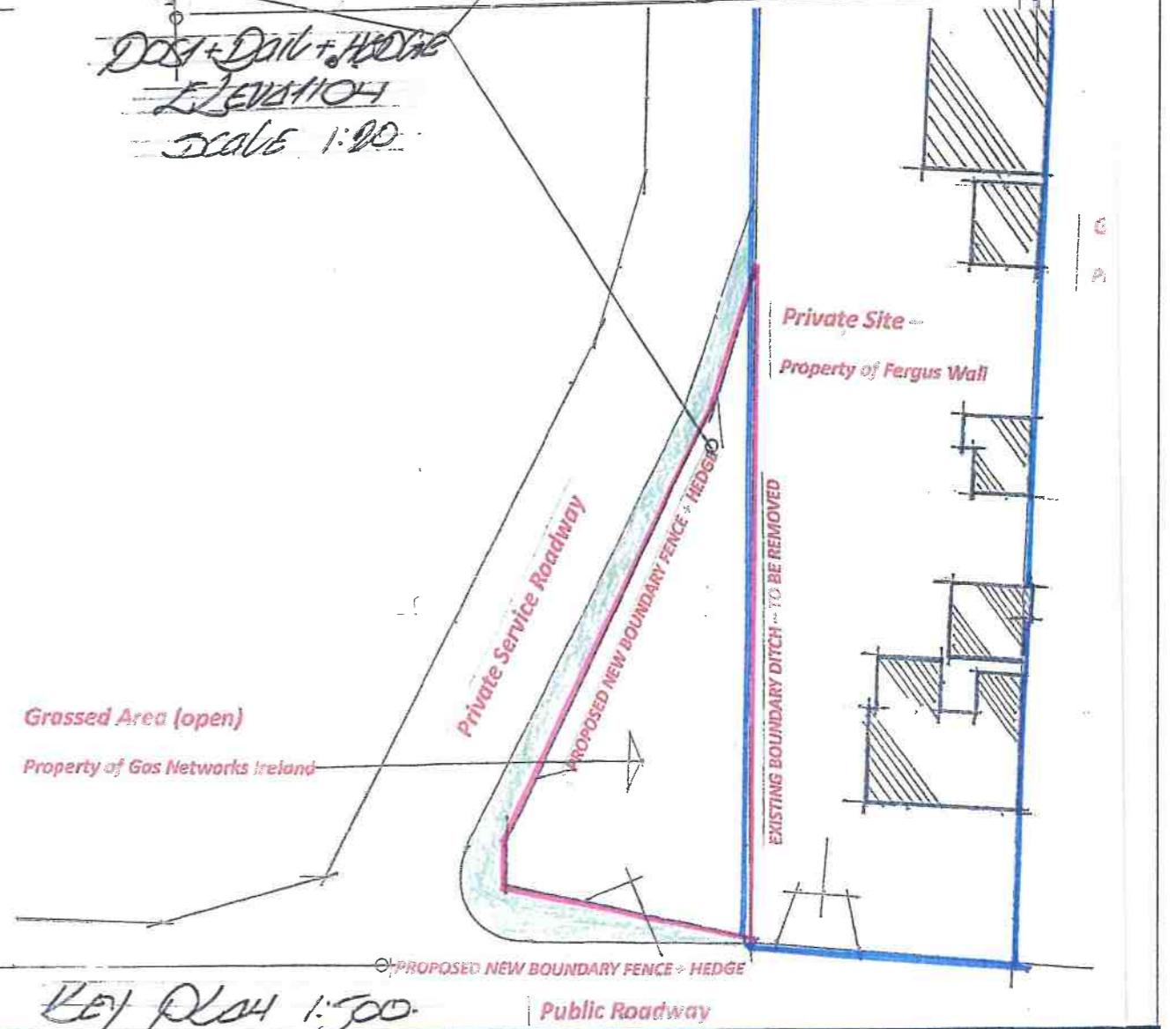
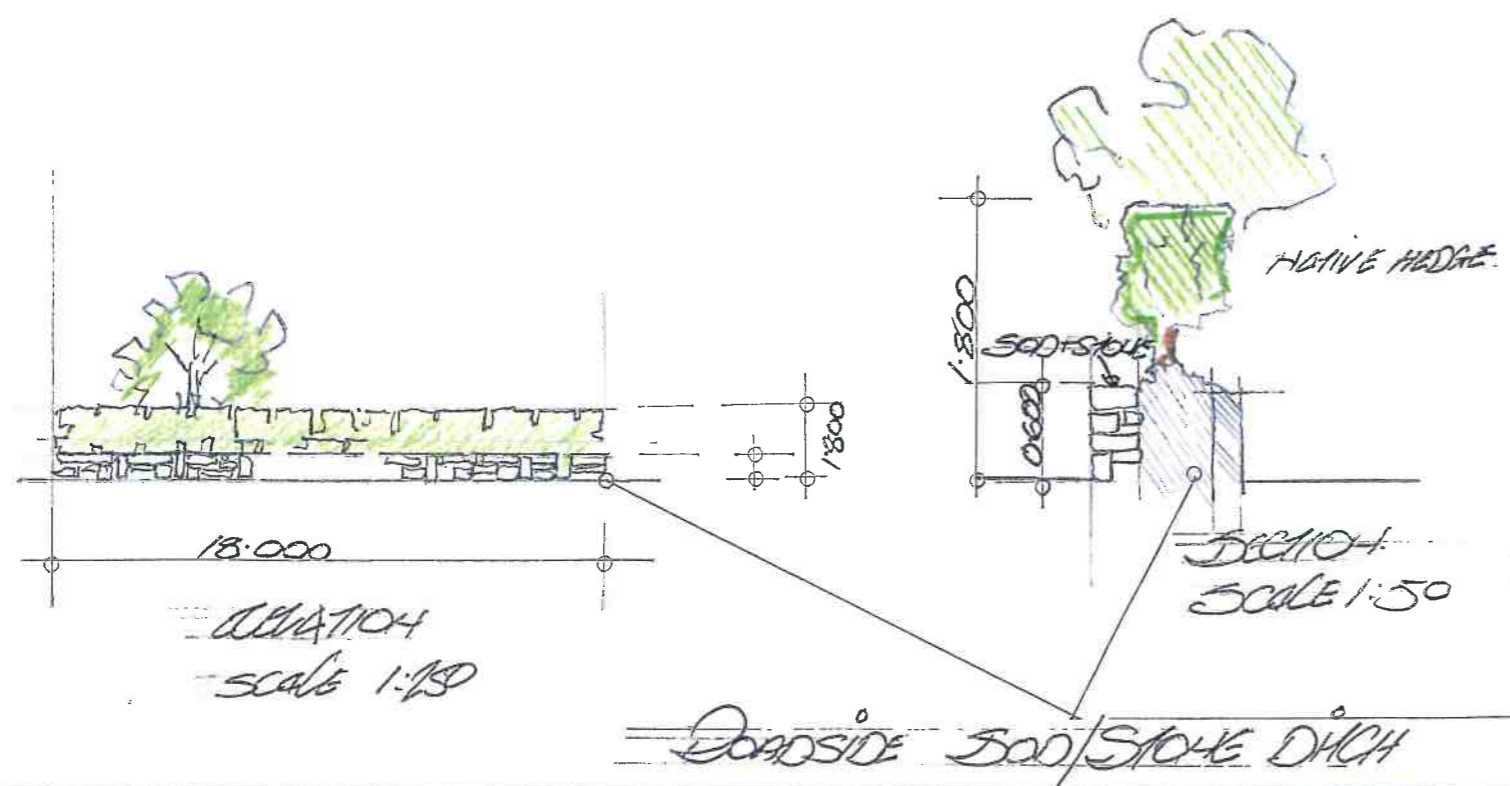
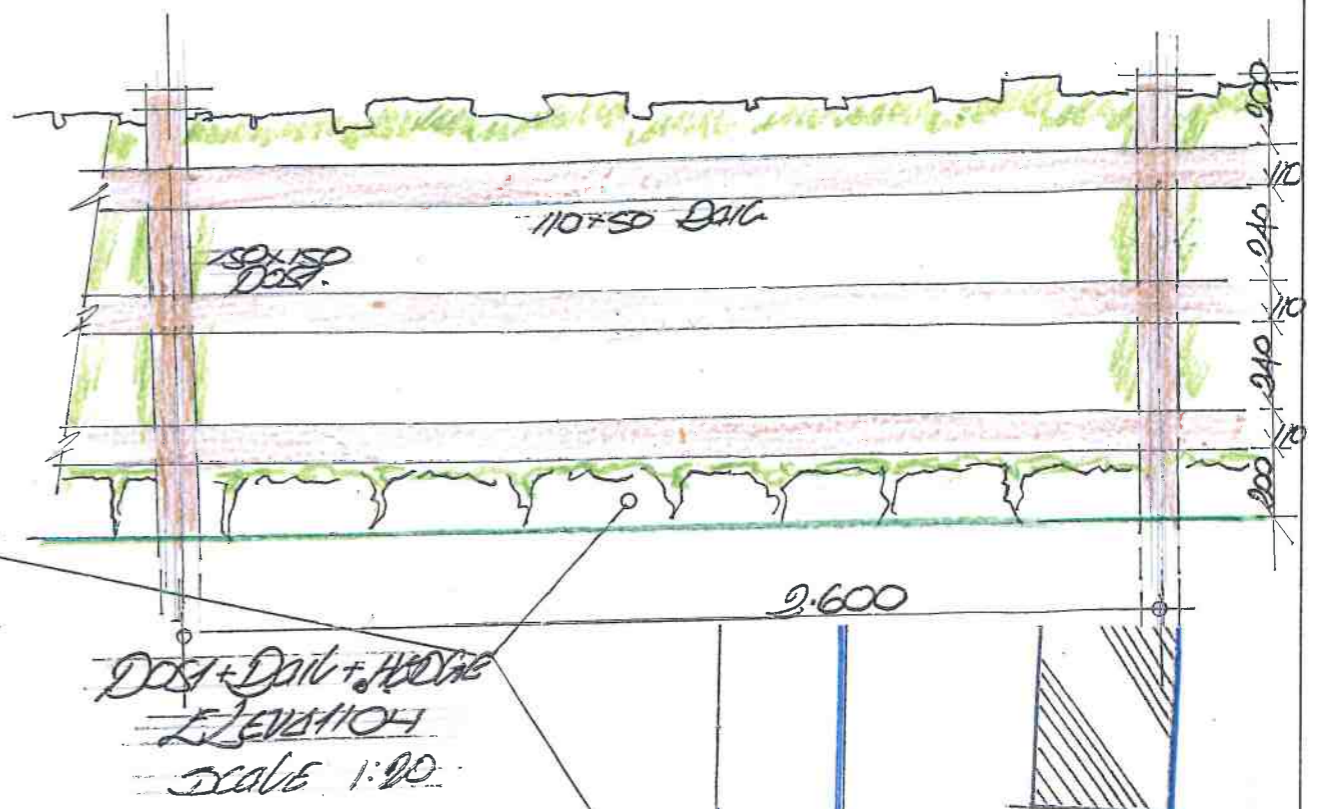
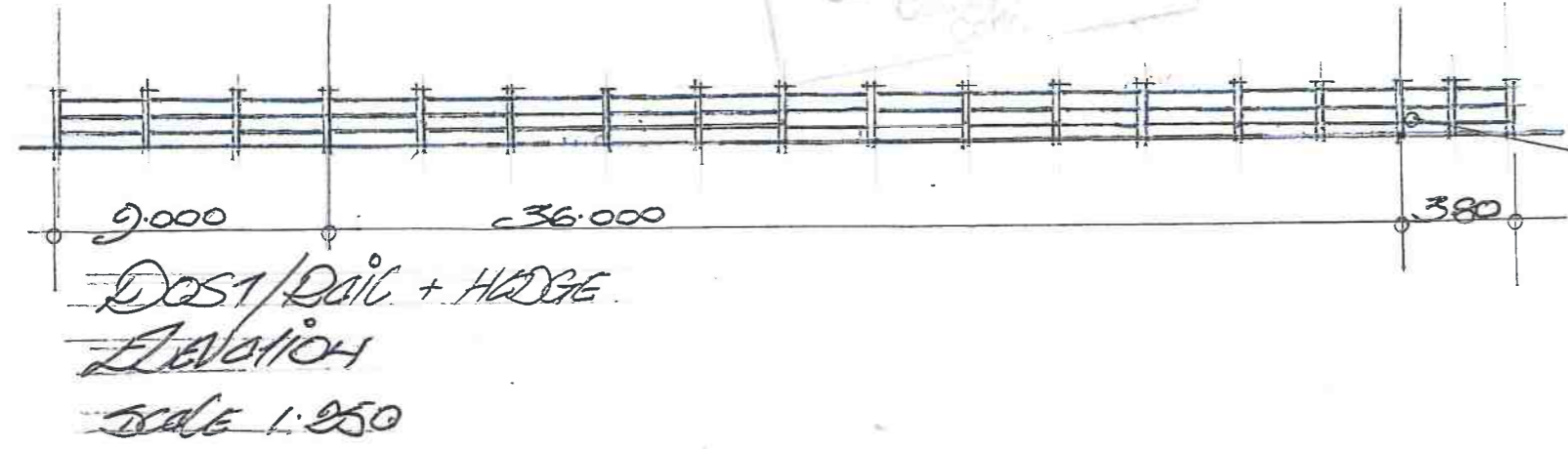
rev	date	drawn	description	rev	date	drawn	description

PATRICK A. CASHMAN
ARCHITECTURE & PROJECT MANAGEMENT

FARRIN HOUSE, CORK ROAD, MIDLETON, CO. CORK
086 2768482 PATRICK.CASHMAN@GMAIL.COM

Sheet	Scale	Sheet	Scale	Sheet	Scale

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Cork



REV	DATE	DRAWN	DESCRIPTION	REV	DATE	DRAWN	DESCRIPTION

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Date	Rev.	Chd.	PAC	Passwd PAC
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Job				
Location				