# COnhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,
Bóthar Chorcaí, An Sciobairín,
Co. Chorcaí P81 AT28.
Fón: (028) 40340 • Faics (028) 21660
Suíomh Greasain: www.corkcoco.ie
Planning Section, Norton House,
Cork Road, Skibbereen,
Co. Cork P81 AT28.
Tel: (028) 40340 • Fax: (028) 21660
Web: www.corkcoco.ie



Concept Design, Consulting Engineers, 16, North Main Street, Bandon, Co. Cork.

14th May, 2024.

Our Ref: D/15/24.

REG. No.
PLANNING (WEST) DEPT

1 5 MAY 2024

CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK

RE/ Declaration request on exempted development under Section 5 of the Planning & Development Act, 2000 (as amended).

Dear Sir,

On the basis of the information and plans submitted by you on 30th April, 2024 on behalf of Mr. Martin Crowley, the Planning Authority declares that the construction of replacement slatted tank at Glanbanoo, Bantry, Co. Cork constitutes development and would be "exempted development" under Class 8 of Part 3, Schedule 2 of the Planning & Development Regulations 2001(as amended).

Please note that any material departure from the proposals as submitted may remove the development from the Exempted category and require the submission of an application for Permission under the Act.

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

Receipt No. WCP12603, in respect of  $\epsilon$ 80.00, is issued herewith.

Yours faithfully,

KEVIN O'REGAN.

SENIOR EXECUTIVE OFFICER.





### **Anne Lordan**

From:

Ronnie Barry

Sent:

Friday 10 May 2024 11:24

To:

Anne Lordan

Subject:

RE: D-24-15 Class 8 Agriculture Bantry

Attachments:

D-24-15 Class 8 Agriculture Bantry.docx

Anne,

I have reviewed Sean's report and endorse the recommendation that the proposed development would constitute development and would be exempted development.

Please note that I have amending the ending of the report, as attached, to reflect the proposed slatted tank and not the sheep pen referenced at the end of the report dated 09/05/24.

Regards,

Ronnie.

### Ronnie Barry | Pleanálaí Feidhmiúcháin Sinsearach | Pleanáil agus Forbairt

Comhairle Contae Chorcaí I Teach Norton I Bóthar Chorcaí I An Sciobairín I Co.Chorcaí P81 AT28, Éire T+353 (0)28-40340 I ronnie.barry@corkcoco.ie I www.corkcoco.ie

Tairseach na gcustaiméirí: www.yourcouncil.ie

### Ronnie Barry | Senior Executive Planner | Planning and Development

Cork County Council | Norton House | Cork Road | Skibbereen | Co.Cork P81 AT28, Ireland

T+353 (0)28-40340 I ronnie.barry@corkcoco.ie | www.corkcoco.ie

Customer Portal: www.yourcouncil.ie

From: Anne Lordan < Anne.Lordan@CorkCoCo.ie>

Sent: Friday, May 10, 2024 11:13 AM

To: Ronnie Barry < Ronnie.Barry@CorkCoCo.ie> Subject: FW: D-24-15 Class 8 Agriculture Bantry

Hi Ronnie,

Attached report from Mr. Sean Taylor, Area Planner for your recommendation and sign-off.

Regards,

Anne.

#### Anne Lordan | Oifigeach Foirne Cúnta | Pleanáil agus Foirbairt

Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co. Chorcaí | P81 AT28 | Éire

T +353-(0)28 - 40340 | Ext. 7121

Anne.Lordan@corkcoco.ie | www.corkcoco.ie Tairseach na gcustaiméirí: www.yourcouncil.ie

# Anne Lordan | Assistant Staff Officer | Planning and Development

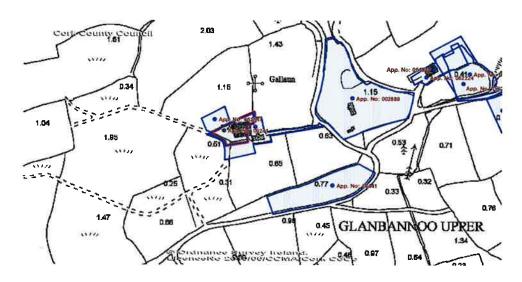
Cork County Council | Norton House | Cork Road | Skibbereen | Co. Cork | P81 AT28 | Ireland T +353-(0)28 – 40340 | Ext. 7121

### Cork County Council – Norton House – Skibbereen

### Declaration on exempted development D/15/24

Location: Glanbanoo Bantry. Development: Slatted Tank.

The applicant is seeking a declaration of exempted development for the construction of a slatted tank replacement. The development has a stated volume of 183.22 and is a replacement for 2 older storage tanks.



In terms of the planning and development regulations 2001 (as amended) the following exemption class is relevant:

## Agricultural structures

CLASS 8 (Planning and development regulations 2001).

Description of development	Conditions and limitations	Compliance
works consisting of the provision of roofless cubicles, open loose yards, self feed silo or	1. No such structure shall be used for any purpose other than the purpose of agriculture.	Satisfactory
aprons, assembly yards, milking parlours or structures for the making	2. The gross floor space of such structure together with any other such structures situated within the same farm yard complex or within 100 metres of that complex shall not exceed 300sq/m floor space in aggregate.	Satisfactory

similar character or description having an gross aggregate floor space not exceeding 200sg/m, and any ancillary provision for effluent storage.

3. Effluent storage facilities adequate to serve the structure having regard to the size, use and location shall be constructed in line with Department of Agricultural, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Satisfactory

4. No such structure shall be situated and no effluent from such structure shall be stored within 10 metres of any public road.

Satisfactory

5. No such structure within 100 metres of a public road shall be greater than 8 metres in height.

Satisfactory

6. No such structure shall be situated, and no effluent from such structure shall be stored within 100 metres of any house (other than the house that 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.

Satisfactory

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

Satisfactory

### Assessment.

I have examined the documentation submitted

Article 8 of the 2001- 2018 regs (vi) states that development to which article 6 relates shall not be exempted if it interferes with the character of a landscape or a view or prospect of special amenity value, or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed. The site is located within an area designated as having a High Value Landscape and is not located within an SAC or SPA area.

The proposal is located within an existing farmyard complex would not appear to have a significant impact on the landscape character of the area, due to the location and type of structural development proposed.

In relation to compliance with the conditions and limitations of class 8. The following is relevant:

The proposed development appears to satisfy all the criteria outlined in Class 8 of the P &D Regs which refers specifically to 'any ancillary provision for effluent storage'.

The proposal does not include any buildings, and is exclusively for the underground storage of slurry. The proposal includes the removal of 260sqm of redundant open slurry and soiled water tank. Much of the other development within the farm complex is covered under class 6 of the planning and development regulations, which includes roofed structures. Areas indicated such as clean yard has a floor area 216.70 sqm and sheep dipping tank and handling facility has a floor area 2.32 sqm (these areas are generally covered under class 8 and are below the 300sqm aggregate.

I therefore conclude that the proposed slatted tank comes within the conditions and limitations of Class 8 of the Planning and Development Regulations 2021 (as amended) and is therefore considered to be exempted development, subject to compliance with the conditions and limitations outlined in Class 8 of the Planning and Development Regulations 2001 (as amended).

Sean Taylor Executive Planner 9/05/2024

0.15.24

# **Concept Design** CONSULTING ENGINEERS & PROJECT MANAGEMENT

16 North Main Street, Bandon, Co. Cork.

(023) 8854904/8854905. Tel: Fax: (023) 8854907

E-mail: info@cdpm.ie

Cork County Council, Planning Section, Norton House, Skibbereen, Co. Cork.

29th April 2024

Re: Martin Crowley, Glanbannoo Upper, Bantry, Co. Cork Proposed new Slatted Tank

Dear Sir/Madam,

With regard to the above mentioned, we wish to confirm that we act on behalf of the above-mentioned client, our client intends to construct a new underground slurry storage tank in accordance with the Department of Agriculture Specifications at his farm yard in Glanbannoo Upper, Bantry, Co. Cork. I would like to confirm as follows:

The proposed New slatted tank is a replacement for the existing open concrete block-built slurry/dirty water tanks identified as Tanks 14 and 15 on the accompanying site plan 11/76-04 Rev. C

The Proposed new concrete tank will measure as follows internally: REG. No.

15.86m x 4.725m x 2.745m = 205.7cum

PLANNING (WEST) DEPT Less freeboard of 0.3m as per Department of Agriculture specification APR 2024 CORK COUNTY COUNCIL NORTON HOUSE, SKIBSEREEN, Co. CORK

Working volume = 183.22cum

### Tank Usage based on 20 weeks

10 No. Cows x 0.33cum/week x 20 weeks = 66cum

5 No. 1–2-Year-olds  $\times$  0.26cum/week  $\times$  20 weeks = 26cum

10 No. 0-1-Year-olds  $\times$  0.15cum/week  $\times$  20 weeks = 30cum

Rainfall based on 20 weeks

37mm per week x  $15.86 \times 4.725 \times 20$  weeks = 55.46cum

Total Tank volume required = 177.45cum, working volume provided 183.22cum therefore capacity is adequate.

The tank will be covered with Department of Agriculture approved slats and will have 1 No. agitation point as the tank is less than 25.5m long. *The tank is a replacement for existing concrete block-built storage structures*.

We acknowledge that the proposed works constitute development but we are of the opinion that the works are exempted development under the Regulations Published by the Minister under Section 4(2)(a) of the Act.

Article 6(1) of the Planning and Development Regulations, 2001 (as amended) provides that subject to Article 9, development of a class specified in Column 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.

We would be of the professional opinion that the construction of this replacement tank would be considered exempt development as detailed under Exempt Development – Rural:

### Class 8:

Works consisting of the provision of roofless cubicles, open loose yards, self-feed silos or silage areas, feeding aprons, assembly yards, feeding aprons, milking parlours or structures for the making or storage of silage or any other structures or description having a gross floor space not exceeding 200 m<sup>2</sup>and any ancillary provision for effluent storage,

we are of the professional opinion the proposed structure is exempt as follows:

- 1. The structure will not be used for any purpose other than the purpose of agriculture.
- 2. The gross floor area of such structure together with any other such structure s within the same farmyard complex or within 100 meters of that complex shall not exceed 300 m<sup>2</sup> gross or space in aggregate:

New tank is within existing farmyard complex 15.86 m<sup>2</sup> X 4.725 m<sup>2</sup> TOTAL AREA 74.9m<sup>2</sup>

- 3. Effluent storage facilities adequate to serve the structure having regard its size, use and location shall be constructed in line with Department of Agricultural, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. <u>Total Tank volume required = 177.45cum, working volume provided 183.22cum therefore, capacity is adequate.</u>
- 4. No such structure shall be situated and no effluent from such structure shall be stored, within 10 m of any public road. The proposed tank will be in excess of 150 m to the nearest point of the public road.
- 5. No such structure shall be situated within 100 m of any public road shall not exceed 8 m in height. *N/A underground tank.*
- 6. No such structure shall be situated and no effluent from such structure shall be stored with 100 m of any house) other than the house of the person providing the structure. *Confirmed*.
- 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. *N/A underground replacement tank.*

We therefore request that the Planning Authority issue an Declaration of Exemption under Section 5 confirming that the proposed agricultural development is considered Exempt Development under Class 8 of Part 3 of Schedule 2 of the Planning Regulations.

Please find enclosed 4 No. copies of the following:

- Section 5 Application Form.
- OSI Maps 1:2500 and 1:10560.
- Site Plan drawing 11/76-01 Rev C dated 29/04/2024.

We also attached a cheque for the fee of €80.00.

Trusting everything is in order and should you require any further information, please do not hesitate to contact our office.

Yours sincerely,

Declan Daly, C. Eng., B. Eng., MIEI.

Dellen My

REG. No.
PLANNING (WEST) DEPT

3 0 APR 2024

NORTON HOUSE, SKIBBEREEN, Co. CORK



# CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST	(Please tick $\sqrt{\ }$ )
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: 680 Application Fee:	

### FOR OFFICE USE ONLY

Receipt No.	1 - 1 - 1
Cash/Cheque/	
Credit Card	
Date	
Declaration	
Ref. No.	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 or write to us at Data Protection Officer, Cork County Council, County KIBBEREEN CO. CORK Hall, Carrigrohane Road, Cork, Ireland.

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A - CONTACT DETAILS)

MARTIN CROWLEY

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

CO. CORU

### 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

CONSTRUCTION OF AN UNDERGROUND
REINFORCED CONCRETE SUWRRY POM
TO PEPLACE EXISTING CONCRETE
Block But TRANG WHICH WILL BE
DEMOUSHOOD & DECOMMISSIONED AS
PART OF THE PROPECT
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NORTON HOUSE SKIBBERGEN, CO. CORK

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

(a) Floor area of existing/proposed structure(s):	75m²		
(b) If a domestic extension is proposed, have	Yes No No		
any previous extensions/structures been			
erected at this location after 1 <sup>st</sup> October,	If yes, please provide floor areas (m <sup>2</sup> ) and		
1964 (including those for which planning	previous planning reference(s) where applicable:		
permission has been obtained):			
(a) If a change of use of land and/on hailding(a)			
(c) If a change of use of land and/or building(s) is proposed, please state the following:			
is proposed, please state the following.			
Existing/previous use	Proposed use		
AC. D. I C. it D. A.	ACRILCUMAZ		
AGRI CUITIPAC	Northunger		
(d) Are you aware of any enforcement	Yes No No		
proceedings connected to this site?	If you place state relevant reference number(c)		
	If yes, please state relevant reference number(s):		
5. LEGAL INTEREST OF APPLICANT IN T	HE LAND/STRUCTURE:		
Please tick appropriate box to show applicant's	A. Owner B. Other		
legal interest in the land or structure:			
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):			
	DOMESTIC ON THE ACTION A DEA		
6. PROTECTED STRUCTURE DETAILS / A	RCHITECTURAL CONSERVATION AREA:		
Is this a Protected Structure/Proposed Protected Structure	ucture or within the curtilage of a Protected		
Structure: Yes No	3 n West		
	NOTORY APP 105		
If yes, has a Declaration under Section 57 of the Pla			
	or issued for the property by the Planning Authority: Yes		
or issued for the property by the Planning Authority	i es		
N/A	res Sandaras Cuna		
or issued for the property by the Planning Authority  If yes, please state relevant reference No.	Tes Janobanien Co. Cit		
If yes, please state relevant reference No.			
If yes, please state relevant reference No. NA  Is this site located within an Architectural Conserva	ation Area (ACA) as designated in the County		
If yes, please state relevant reference No. NA  Is this site located within an Architectural Conserva			
If yes, please state relevant reference No. NA  Is this site located within an Architectural Conserva	ation Area (ACA) as designated in the County		
If yes, please state relevant reference No. NA  Is this site located within an Architectural Conserva Development Plan? Yes N  7. APPROPRIATE ASSESSMENT:	ation Area (ACA) as designated in the County		
If yes, please state relevant reference No.  Is this site located within an Architectural Conserva Development Plan?  Yes	ation Area (ACA) as designated in the County  opriate assessment because it would be likely to		

#### 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 <a href="http://www.corkcoco.ie/privacy-statement-cork-county-council">http://www.corkcoco.ie/privacy-statement-cork-county-council</a> 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)	Martin Cromby
Date	29-04-24

# 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	Martin Combes	
Date	29-04-24	

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: <a href="mailto:planninginfo@corkcoco.ie">planninginfo@corkcoco.ie</a> or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: <a href="mailto:westcorkplanninginfo@corkcoco.ie">westcorkplanninginfo@corkcoco.ie</a> 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 <u>Planning and Development Acts 2000</u>, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	ann M
Date	29-4-24

PLANNING (NVEST) DEPT

SORK COUNTY COUNCIL

NORTON HOUSE, SHABEREEN, Co. CORK

