Comhairle 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



William Brennan, c/o Tony O'Sullivan, Architects, 64, The Glenties, Macroom, Co. Cork.

7th June, 2023.

Our Ref: D/20/23.

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 on 11th May, 2023 on behalf of Mr. William Brennan, the Planning authority declares that the proposal to construct agricultural building at Carhoogarriff, Leap, Co. Cork is development and *is exempted development* having regard to Section 3 and 4 of the Planning & Development Act, 2000 as amended and to Articles 6(1) and 9 of the Planning & Development Regulations, 2001, as amended and subject to compliance with conditions and limitations 1 to 6 outlined in Class 9 of Part 3, Article 6 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. WCP11583, in respect of $\in 80.00$, is issued herewith.

Yours faithfully,

KEVIN O'REGAN. SENIOR EXECUTIVE OFFICER.





Anne Lordan

From: Sent: To: Cc: Subject: Tim Twomey Tuesday 6 June 2023 12:18 Anne Lordan Kevin O'Regan RE: D-20-23

Hi Anne,

I agree with the Area Planners recommendation subject to compliance with conditions and limitations 1 to 6 outlined in Class 9 of Part 3, Article 6 of the Planning and Development Regulations 2001 (as amended).

Regards,

Tim

From: Anne Lordan <Anne.Lordan@CorkCoCo.ie> Sent: Friday 2 June 2023 18:00 To: Tim Twomey <Tim.Twomey@CorkCoCo.ie> Subject: FW: D-20-23

Hi Tim,

Attached report from Ms. Annie O'Keeffe, Area Planner for your recommendation And sign-off.

Regards

Anne.

Anne LordanOifigeach Foirne CúntaPleanáil agus FoirbairtComhairle Contae ChorcaíTeach NortonBóthar ChorcaíAn SciobairínCo. ChorcaíP81 AT28ÉireT+353-(0)28 - 40340Ext. 7121Anne.Lordan@corkcoco.iewww.corkcoco.ieTairseach na gcustaiméirí:www.yourcouncil.ie

Anne LordanAssistant Staff OfficerPlanning and DevelopmentCork County CouncilNorton HouseCork RoadSkibbereenCo. CorkP81 AT28IrelandT +353-(0)28 - 40340Ext. 7121Anne.Lordan@corkcoco.iewww.corkcoco.ieCustomer Portal:www.yourcouncil.ie

From: Annie O'Keeffe <<u>Annie.OKeeffe@CorkCoCo.ie</u>> Sent: Friday 2 June 2023 15:47 To: Anne Lordan <<u>Anne.Lordan@CorkCoCo.ie</u>> Subject: D-20-23

Hi Anne,

Copy of report attached.

Have a great weekend.

Ref D/10/23

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

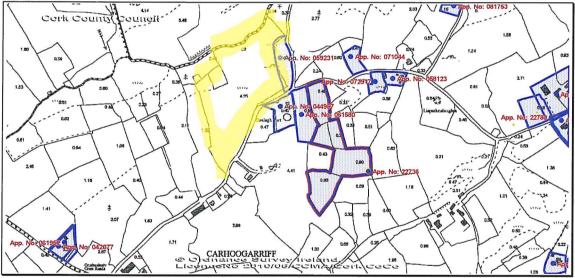
Re: Erection of agricultural building at Carhoogarriff, Leap, Co. Cork

Proposal

The applicant seeks a Declaration of Exemption for an agricultural shed stated to be intended for use as a storage for agricultural machinery and equipment. The site is currently in agricultural use and forms part of a 4.38ha landholding owned by the applicant.

The development has a stated floor area of 280sqm and has a maximum ridge height of 5.54m. The shed is sited 74.5m from the public road and there are no 3rd party dwellings located within 100m of the proposed shed.

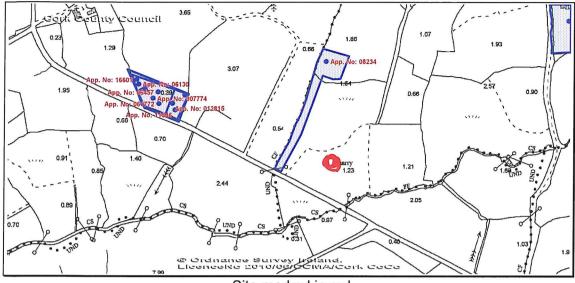
The applicant is seeking a Declaration of Exemption under Class 9 of the Planning and Development Regulations 2001, as amended.



Site outlined in yellow

Planning History

The is no record of planning permission pertaining to the site.



Site marked in red

Relevant Statutory Provisions

The most relevant statutory provisions are as follows:

Section 2 of the Planning and Development Act, 2000 provides that: "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1) of the Planning and Development Act, 2000 provides that: "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

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

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

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

CLASS 9

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

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry but excluding the housing of animals or the storing of effluent.

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

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

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

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

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

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

Cork County Development Plan 2022

The subject site is located in a rural area identified as a Tourism and Rural Diversification Area in the Cork County Development Plan 2022. The site is not located within the indicative flood risk zone for fluvial or pluvial flooding as mapped on the Flood Risk maps. The site is not located within the indicative Screening Zone for any Natura 2000 site.

Internal Reports

No internal reports sought.

Assessment

I inspected the site on 02/06/2023. The site is under pasture.

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

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

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

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

The structure is not located within 100m of any third party dwellings whose consent would be required for the structure to be exempt and the building complies with the conditions in terms of height, size, materials and distance from the public road.

The proposed shed is intended for storage of agricultural machinery and equipment and accords with Class 9 which applies to structures used solely for the purpose of agriculture or forestry (but excluding the housing of animals or storing of effluent).

Conclusion

Having regard to Sections 3 and 4 of the Planning and Development Act, 2000, as amended, and to Articles 6(1) and 9 of the Planning and Development Regulations 2001, as amended, and Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, the proposed agricultural shed is development and is exempted development. Please issue a Declaration of Exemption accordingly.

A. D'ILLEPA

Annie O'Keeffe Area Planner 02/06/2023

Tony O'Sullivan architects			Macroom Co. Cork P12 C921 353 (0)87 990 1651 Infa@tosarchitects.ie tosarchitects.ie
Planning Dept Cork County Council, Norton House, Skibbereen, Co. Cork	REG. No. Dat Our PLANNING (WEST) DEPT 11 MAY 2023 CORK COUNTY COUNCIL NORTON HOUSE, SKIBBEREEN, CO. CORK P81 8775	te: r Ref:	2023-05-09 23029

Ad The Glonies

Re: Application for Section 5 Declaration of Exemption for Agricultural Shed at Carhoogarriff, Leap, Co. Cork for William Brennan

Dear Sir/Madam,

I hereby enclose an application for a Section 5 Declaration of Exemption for a new agricultural shed as per above. The shed will be used for housing agricultural machinery and equipment. We believe that the works are exempt under PART 3, Article 6, Exempted Development — Rural guidelines. All works are within the parameters listed below. The entire landholding in the applicants' ownership is 4.38Ha / 10.82 acres.

Agricultural Structures

CLASS 9

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

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.

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

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

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

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

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

Please find enclosed the following information in support of this Section 5 application:-

- 4 Copies Section 5 Application Form
- 4 Copies Ordnance Survey Maps
- 4 Copies Site Plan & Overall Site Plan
- 4 Copies Plans, Section & Elevations of Proposed Shed
- 4 Copies Applicant Landholding Folio Maps
- Application Fee Cheque for €80.00

I trust that the submitted information is sufficient for you to consider this application, but if I can be of any further assistance to you, or should you require any further information, please do not hesitate in contacting me.

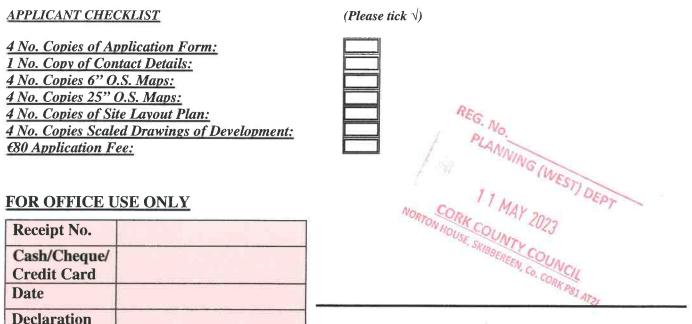
Yours Sincerely

Tony O'Sullivan MRIAI Tony O'Sullivan Architects Ltd

PLANNING (WEST) DEPT 1 1 MAY 2023 NONION HOUSE, SKIGBEREEN, CO. CORK PB1 ATZE



<u>CORK COUNTY COUNCIL APPLICATION</u> FOR SECTION 5 DECLARATION OF EXEMPTION



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

Ref. No.

• 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

<u>http://www.corkcoco.ie/Privacy-Policy</u> 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 <u>dpo@corkcoco.ie</u> 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)

William Brennan

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

Carhoogarriff, Leap, 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

ovision of a shed for agricultural use. Housing agricultural machinery & equipment.
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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^2)

(a) Floor area of existing/proposed structure(s):	280sqm
 (b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1st October, 1964 (including those for which planning permission has been obtained): 	Yes No No 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 Agricultural Field 	Proposed use Agricultural Shed
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No V If yes, please state relevant reference number(s): N/A

5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner B. Other
Where legal interest is "Other" , please state your interest in the land/structure:	N/A
If you are not the legal owner, please state the	N/A
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 No
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 No
If yes, please state relevant reference No. N/A
Is this site located within an Architectural Conservation Area (ACA), as designated in the County
Development Plan? Yes No Nortowner CORK CO. MAY 2022
USE CONT

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

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>, <u>as amended</u> and the Regulations made thereunder:

Signed (Applicant or <u>Agent</u> as appropriate)	Tog ost	Registered Architect
Date	10-May-2023	Tony O'Sullivan
		100

REG. No. PLANNING (WEST) DEPT 11 MAY 2023 CORK COUNTY COUNCIL NORTON HOUSE, SKIBBEREEN, Co. CORK PSI ATZI

