

# 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](http://www.corkcoco.ie)  
Planning Section, Norton House,  
Cork Road, Skibbereen,  
Co. Cork P81 AT28.  
Tel: (028) 40340 • Fax: (028) 21660  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



The Dick Barrett Commemoration  
Committee,  
c/o Michael O'Mahony (Secretary),  
Tawnies Lower,  
Clonakilty,  
Co. Cork.

22<sup>nd</sup> March, 2024.

Our Ref: D/6/24.

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 27<sup>th</sup> February, 2024 on behalf of the Dick Barrett Commemoration Committee, the Planning Authority declares that the proposed roadside memorial statue at Main Street, Derrigra, Ballineen, Co. Cork is development and is exempted development under Class 33(b) Schedule 2, Article 6, Part 1 of the Planning and 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. WCP12498, in respect of €80.00, is issued herewith.*

Yours faithfully,

  
**KEVIN O'REGAN.**  
**SENIOR EXECUTIVE OFFICER.**

## Anne Lordan

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**From:** Ronnie Barry  
**Sent:** Wednesday 20 March 2024 13:48  
**To:** Anne Lordan  
**Subject:** FW: amended report D6-24 Ballineen Memorial  
**Attachments:** D6-24 dick barrett memorial ballineen.docx

Anne,

I endorse the report of the Area Planner which is attached to this email.

The proposed development is considered to constitute development and is exempted development.

Regards,

Ronnie.

Ronnie Barry | Pleanálaí Feidhmiúcháin Sinsearach | Pleanáil agus Forbairt  
Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co. Chorcaí P81 AT28, Éire  
T+353 (0)28-40340 | [ronnie.barry@corkcoco.ie](mailto:ronnie.barry@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)  
Tairseach na gcustaiméirí: [www.yourcouncil.ie](http://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 | [ronnie.barry@corkcoco.ie](mailto:ronnie.barry@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)  
Customer Portal: [www.yourcouncil.ie](http://www.yourcouncil.ie)

**From:** Kate Killian <Kate.Killian@CorkCoCo.ie>  
**Sent:** Tuesday, March 19, 2024 3:29 PM  
**To:** Anne Lordan <Anne.Lordan@CorkCoCo.ie>; Ronnie Barry <Ronnie.Barry@CorkCoCo.ie>  
**Subject:** amended report D6-24 Ballineen Memorial

**NAME OF APPLICANT:** Dick Barrett Memorial Committee.  
**ADDRESS OF DEVELOPMENT:** Ballineen  
**DEVELOPMENT:** Proposed roadside memorial statue  
**APPLICATION TYPE:-** Exempted Development

### **Assessment**

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2018 as amended.

#### ***Is the proposal development?***

The proposal comes within the definition of development in S.3 of the Planning and Development Act 2000 for the following reason:-

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

#### ***Is the proposal exempted development?***

The proposed development as described in the application form, falls under Class 33 (b) of the Second Schedule of the 2018 Planning and Development Regulations.

The Class Definition is:

*Development consisting of the laying out and use of land -*

- (a) as a park, private open space, or ornamental garden*
- (b) as a roadside shrine*
- (c) For athletics or sports other than golf or pitch and putt or sports involving the use of motor vehicles aircraft or firearms) where no charge is made to the visiting members of the public to the land*

### **Condition and limitation**

The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.

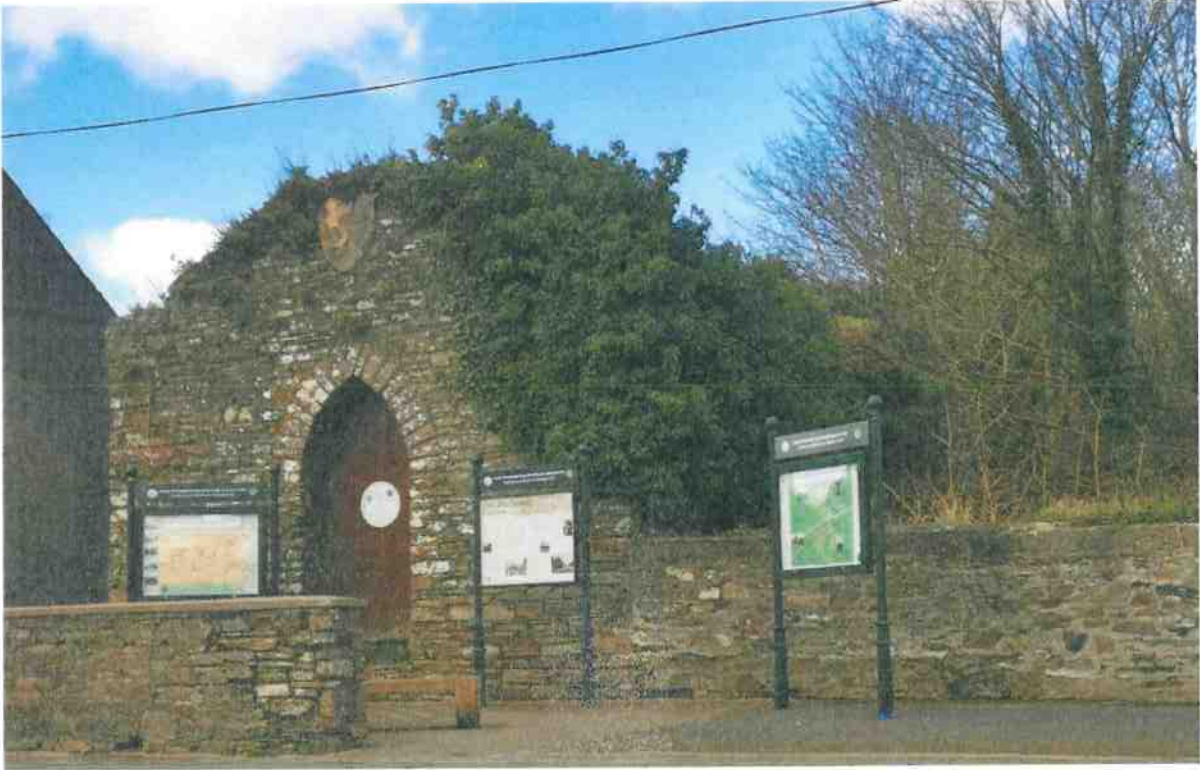
**Conclusion:** The proposed development proposed is for a roadside shrine and will consist of a bust on a limestone plinth, there will be an inscription on this limestone plinth it is considered that the proposal conforms to the exempted development Class 33 (b) of the Second Schedule of the 2018 Planning and Development Regulations as amended

The overall size of the memorial structure is a stated 0.55 metres metres in length and 1.5 metres high thus under the permitted and exempted area allowed for within the classification. The structure on the site to the rear of the statue proposed is not listed on the RPS or on the NIAH list of Architectural interest. The applicants have stated that consent from CCC to erect the memorial will be forthcoming after the exemption cert is issued.

It is considered that the proposed is exempt as per class 33 (b) .

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Kate Killian  
Executive Planner  
19/03/2024





## 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:

✓
✓
✓
✓
✓

### FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

REG No. _____
PLANNING (WEST) DEPARTMENT
27 FEB 2024
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3<sup>rd</sup> parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

### **DATA PROTECTION**

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

*Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to [dpo@corkcoco.ie](mailto:dpo@corkcoco.ie) or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.*

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

MICHAEL O'MAHONY on behalf of  
DICK BARRITT Commemoration Committee

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

DERRISRA  
MAIN STREET BULLINGLEN, Co. CORK.

REG No. \_\_\_\_\_  
PLANNING (WEST) DEPARTMENT

27 FEB 2024

CORK COUNTY COUNCIL

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought. **MORTON HOUSE, SKIBBEREEN, Co. CORK**  
Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

- To provide a memorial to Dick  
BARRITT deceased 8/12/1922 which  
will be

- SCULPTURE OF BUST OF DICK BARRITT  
SIZE BETWEEN LIFE SIZE AND 1.5 TIMES  
LIFE SIZE
- SCULPTURE WILL BE MOUNTED ON A  
PLINTH OF KILKENNY LIMESTONE OF  
MONUMENTAL GRADE QUALITY.
- HAND CARVED INSCRIPTION AS V cut lettering
- CONCRETE FOUNDATION WORKS.

Cost Estimate: €19,762.

4. APPLICATION DETAILS:

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

(a) Floor area of existing/proposed structure(s):	<i>Colonnade 1400 x 350 x 350 44.</i>
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas (m <sup>2</sup> ) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following:  Existing/previous use _____  Proposed use _____	REG No. _____ PLANNING (WEST) DEPARTMENT  27 FEB 2024
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	<i>Secretary of Dick Barron Commemorative Committee</i>	
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

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

7. APPROPRIATE ASSESSMENT:

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

**ADVISORY NOTES:**

The application must be accompanied by the required fee of €80  
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.  
 Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.  
 The application should be sent to the following address:  
 The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant, to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.*

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

Signed (Applicant or Agent as appropriate)	<i>Michael O'Mahony</i>
Date	<i>7/2/2024</i>





# Planning Pack Map

X MARK THE SITE



Tailte Éireann



**CENTRE COORDINATES**  
ITM: 834532,854188

**PUBLISHED:** 07/02/2024 **ORDER NO.:** 80384878\_1

**MAP SERIES:** 1:2,500 **MAP SHEETS:** 8038-B

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann  
Phoenix Park  
Dublin 3  
t83 and  
D08P8E4

www.t83.ie

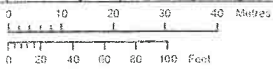
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This topographic map does not show legal property boundaries, but it does show ownership of physical features.

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OUTPUT SCALE: 1:1,000

**CAPTURE RESOLUTION**  
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**LEGEND**  
To view the legend visit [www.tailte.ie/dm3/search/for/Large-Data-Legend](http://www.tailte.ie/dm3/search/for/Large-Data-Legend)



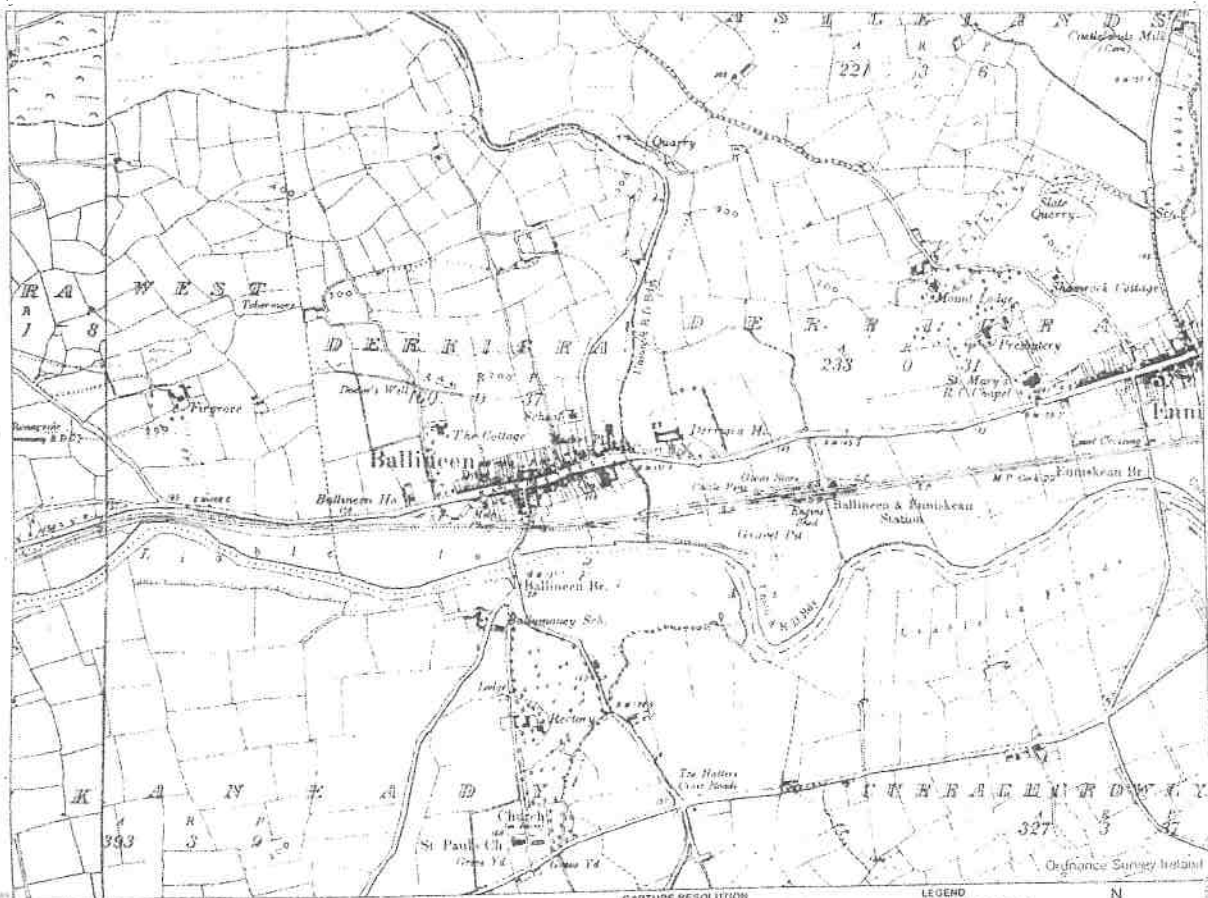
REG NO.  
PLANNING (WEST) DEPARTMENT  
27 FEB 2024  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, Co. Cork

# Site Location Map



Tailte Éireann

*2024/02/24*



**CENTRE COORDINATES:**  
 (ITM) 504532 554198

**PUBLISHED:** 07/02/2024  
**ORDER NO.:** 50381973 1

**MAP SERIES:** 6 inch Raster  
**MAP SHEETS:** CK100  
 6 inch Raster CK100

**COMPILED AND PUBLISHED BY:**  
 Tailte Éireann  
 Phoenix Park  
 Dublin 8  
 Ireland  
 D08 V6E4

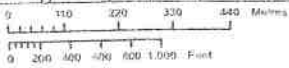
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OUTPUT SCALE: 1:10,560

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

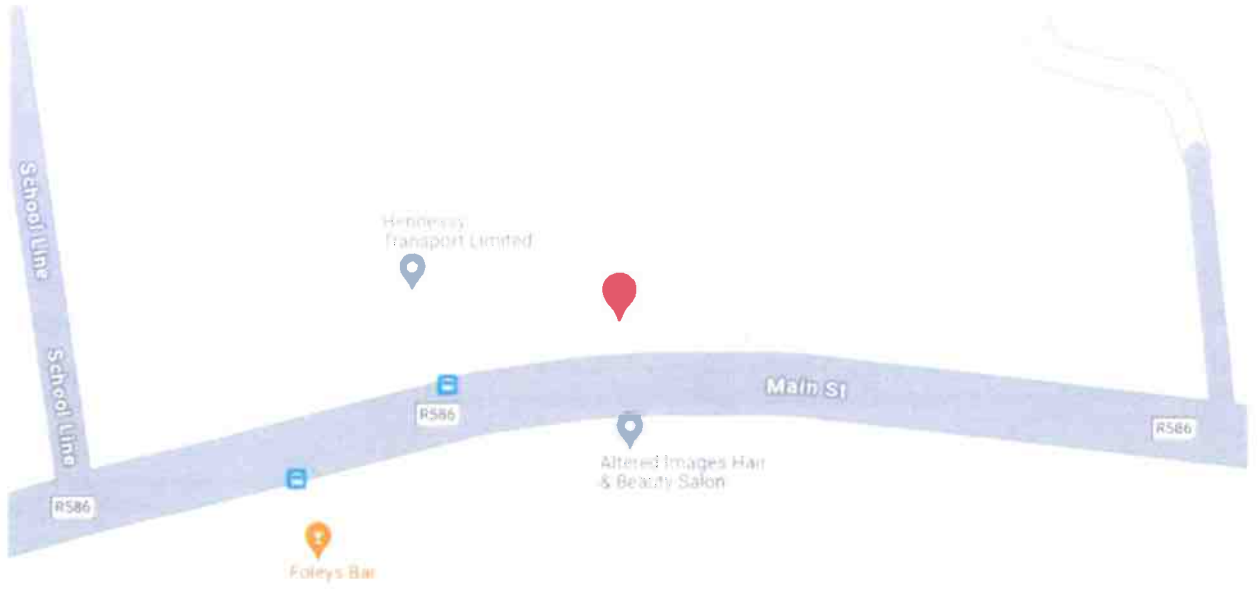


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 NORTON HOUSE, SKIBBEREEN, CO. CORR

# Site Layout Plan



Location marked with Dropped Pin in Red



Location of Monument marked with Dropped Pin in Red

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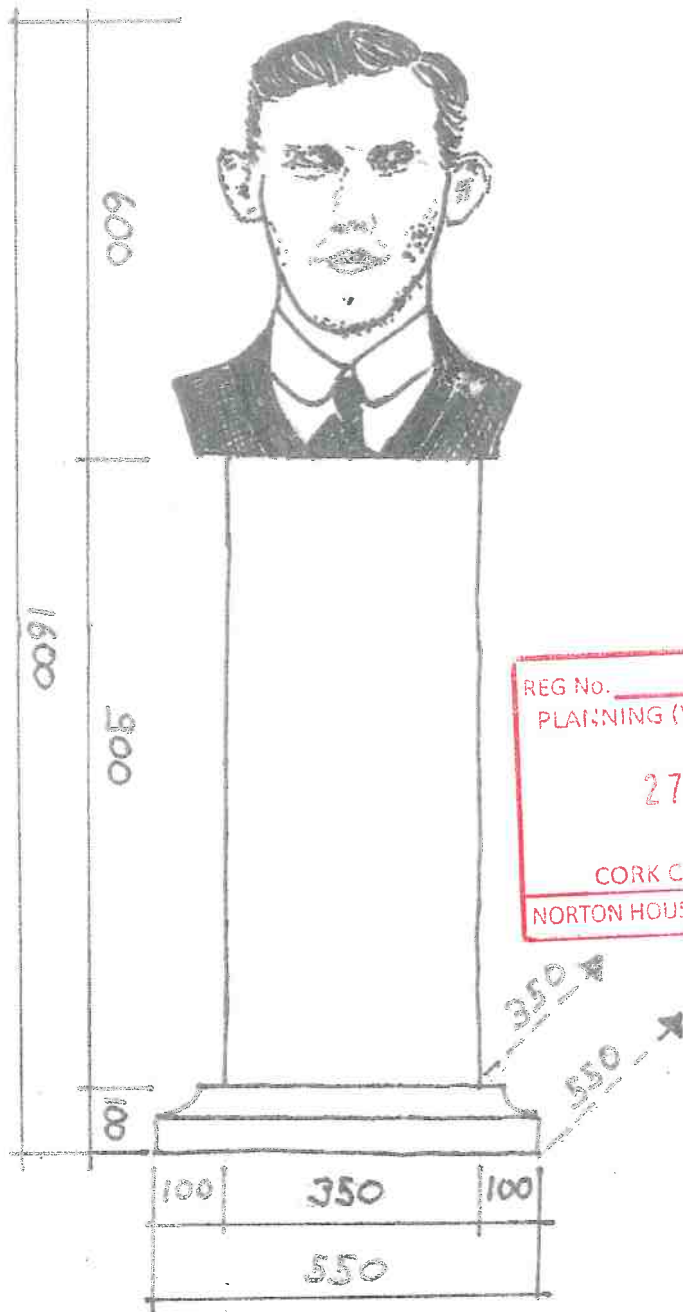


Location of monument within the Heritage Site marked with red/orange arrow. It will be centrally placed between both existing Heritage Boards. Ducking for upward lighting already in place at that location.

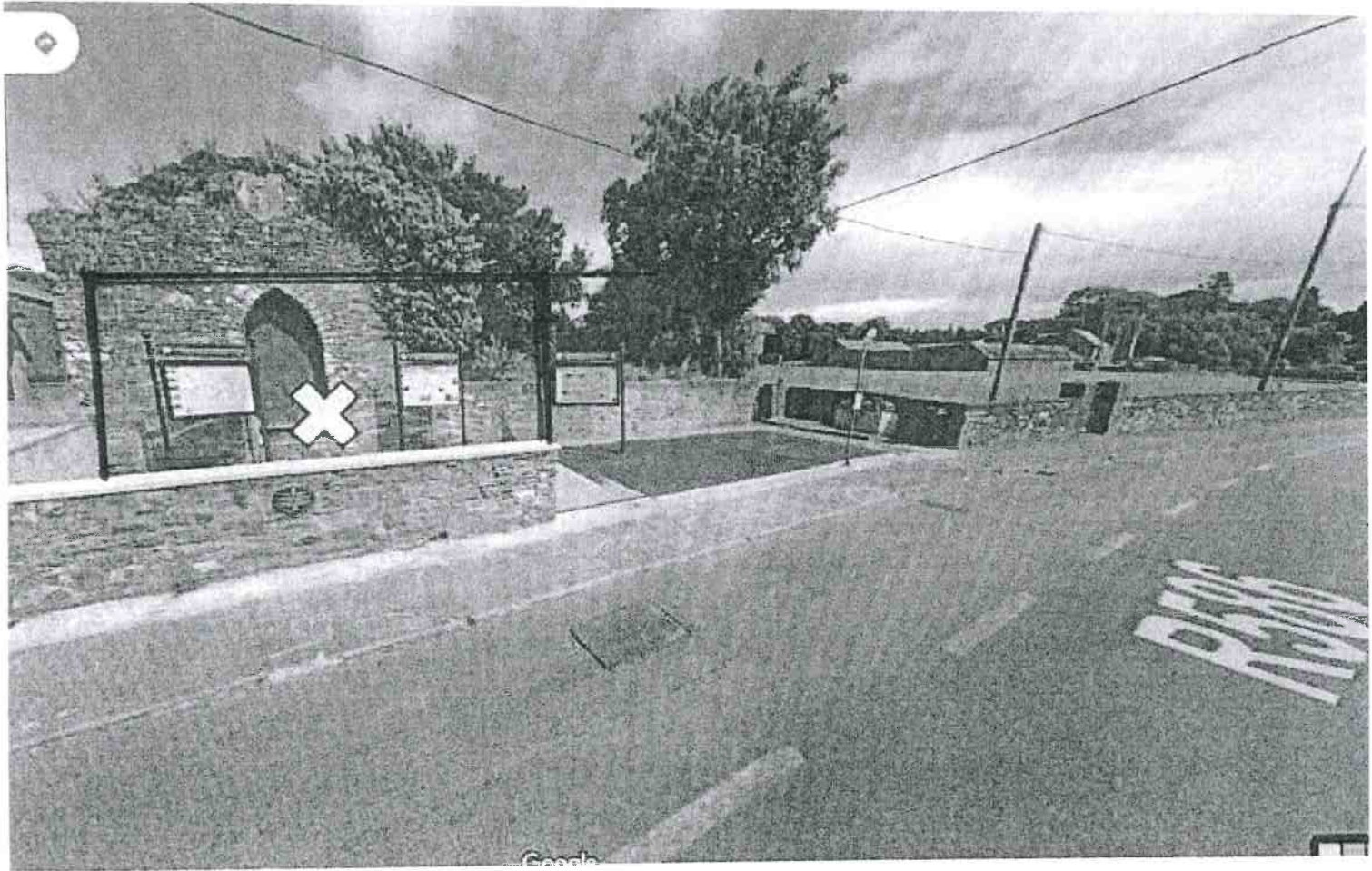
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