

# 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 Greasáin: [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)



Mr. John J. O'Sullivan &  
Associates,  
Consulting Engineers,  
"Lindhu"  
Reenmeen East,  
Glengarriff,  
Co. Cork.

19<sup>th</sup> April, 2024.

Our Ref: D/7/24.

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 by you on 8th March, 2024 and further information received on 8<sup>th</sup> April, 2024 on behalf of Mr. Brian Hanrahan, the Planning Authority declares that the proposed construction of 3 No. agricultural product/storage buildings and poly tunnel at Gortagarry, Ballylickey, Bantry, Co. Cork is considered to be development and **is not considered to be exempted development** in accordance with the criteria outlined in the Planning & Development Regulations, 2001 (as amended).

The new entrance on to the minor road is not authorized and has been opened in recent times, the roadway on which the access is located is greater than the 4m. in width, has been constructed/opened without planning permission and does not comply with Article 9(1)(a)(ii) of the Planning & Development Regulations 2001 (as amended). The Area Engineer is also concerned that the development may pose a traffic hazard.

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.

Receipt No. WCP12520, in respect of €80.00 fee, is issued herewith.

Yours faithfully,

  
KEVIN O'REGAN  
SENIOR EXECUTIVE OFFICER

REG. No. \_\_\_\_\_  
PLANNING (WEST) DEPT  
23 APR 2024  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, CO. CORK

## Anne Lordan

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**From:** Ronnie Barry  
**Sent:** Friday 19 April 2024 08:34  
**To:** Anne Lordan  
**Subject:** D/7/24  
**Attachments:** Document1.docx

Anne,

I note the report and recommendation prepared by the Area Planner and endorse his recommendation.

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)

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**From:** Sean Taylor <Sean.Taylor@CorkCoCo.ie>  
**Sent:** Friday, April 19, 2024 8:28 AM  
**To:** Ronnie Barry <Ronnie.Barry@CorkCoCo.ie>  
**Subject:** Document1

Declaration on exempted development D/7/24

Location: Gortagarry Ballylickey.

Development: Agricultural product/storage buildings and poly tunnel.

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The applicant was requested to submit the following details for the consideration of the Planning Authority.

1. Clarify the proposed use of the lands and specifically the buildings, is this a commercial use or is this a domestic project.
2. Outline clearly what agricultural activities will be engaged in within your landholding, to enable the Planning Authority to be satisfied that the proposed structures are intended for agriculture use.  
Appropriate supporting documentation including herd no, agriculture qualifications etc should be included.
3. Indicate what products are to be stored within the proposed product store.
4. The Planning Authority is unclear as to where the main entrance to the site is to be located. It is noted that access on to the N71 may impact on other road users and any intensification may require permission from Transport Infrastructure Ireland. Article 9 (1) (iii) of the Planning and Development Regulations 2001 (as amended) indicates that a development is not exempt if there is a traffic risk or obstruction of road users. Any proposal for intensification of use on the N71 should be discussed with the Area Engineer for clarity and permission may be required from TII.

The applicant has responded and it is indicated that the lands are used for cattle and horticultural activity with a particular focus on Hazelnut growing.

The applicant has indicated that the hay shed is for hay storage and the poly tunnel is used for propagation purposes with the storage shed used for holding produce, including nuts and blueberries.

The applicant has included a herd number, and it is indicated that no access on to the N71 is proposed.

### Assessment

#### Agricultural structures

CLASS 9 (Planning and development regulations 2001).

Description of development	Conditions and limitations
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.	<ol style="list-style-type: none"><li>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.</li><li>2. The gross floor space of such structures together with any other such</li></ol>

	<p>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.</p> <p>3. No such structure shall be situated within 10 metres of any public road.</p> <p>4. No such structure within 100 metres of any public road shall exceed 8 metres in height.</p> <p>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.</p> <p>6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.</p>
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The proposal consists of 3 no agricultural storage buildings. Class 9 of the Planning and Development Regulations appears to be a catch all for small agricultural structures.

In relation to condition/limitations, the proposal is for storage/horticultural use and no animals are to be housed in any of the units - 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 900sq/m floor space in aggregate.

The proposal is > 10 m from the public road and > 100m from any other third party residencies. (The nearest 3<sup>rd</sup> party residency is over 300m away)

All 3 buildings are less than 8m in height.

The units proposed are a standard Agricultural painted metal finish.

The applicants have indicated that the product store will be used for the storage of farm product.

The site is located within an area defined as High Value Landscape, in proximity to a scenic route.

There are 2 existing entrances indicated one of which is on the N71 National Route.

I note article 9 (1) (a) (vi) of the P&D regulations 2001 -2022, and the question of whether the proposal would interfere with the character of a landscape, or a view a 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 proposal is located within a High Value Landscape.

Following a site inspection no significant visual impact is apparent. The development is located away for the scenic route and does not impact on the main view which is coastal.

Article 9 (1) (ii) and (iii) indicates that the development is not exempt if it will consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, or if there is a traffic risk or obstruction of road users.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users, (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

The applicant has indicated that there will be no access on to the N71 and the entrance is to be located off the minor road.

The new entrance on to the minor road is not authorised and has been opened in recent times, the roadway on which the access is located is greater than the 4m in width, has been constructed/opened without planning permission and does not comply with Article 9 (ii) of the Planning and development regulations 2001 (as amended).

The Area Engineer is also concerned that the development may pose a traffic hazard.

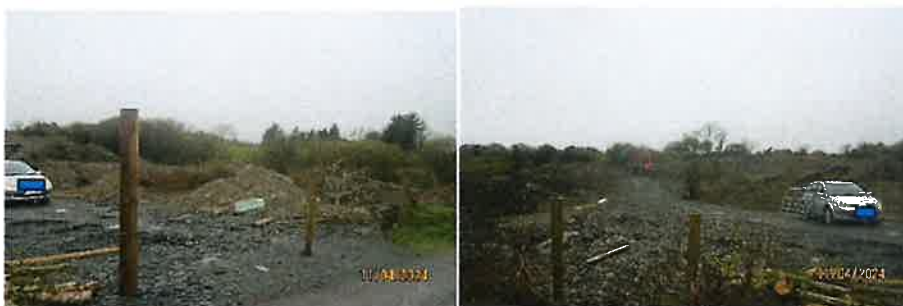
#### Conclusion

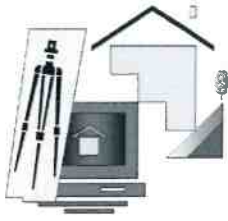
This entrance has not been authorised and the road with exceeds the allowable width of 4m.

Traffic hazard/obstruction to other road users has not been ruled out.

The proposal is therefore considered to be development and is not considered to be exempted development in accordance with the criteria outlined in the Planning and Development Regulations 2001 (as amended).

Sean Taylor  
Executive Planner





GLEN DESIGN PARTNERSHIP T/A

# JOHN J. O'SULLIVAN & ASSOCIATES

· Planning & Architectural Consultants · Consulting Engineers & Surveyors ·

'Lindhu', Reenmeen East, GLENGARRIFF, Beara, Co. Cork, Ireland.

· Tel: [027 63126](tel:02763126) · Fax: [027 63557](tel:02763557) · Office email: [info@jjos.ie](mailto:info@jjos.ie) · Website: [www.jjos.ie](http://www.jjos.ie) ·

Our Reference:  
[GH/E/0001/20](#)

Your Reference:

Date:

8<sup>th</sup> March 2024

Cork County Council,  
Planning Department West,  
Norton House,  
Cork Road,  
Skibbereen,  
Co. Cork

Dear Sir/Madame,

**Re: Section 5 Declaration Of Exemption Application  
Brian Hanrahan  
3 No Agricultural Structures at Gortagarry, Ballylicky, Bantry, Co Cork**

I hereby submit for your consideration the above application with all the necessary drawings, site layout, site location maps, application forms etc enclosed herewith, which we hope that the enclosed is of assistance to you.

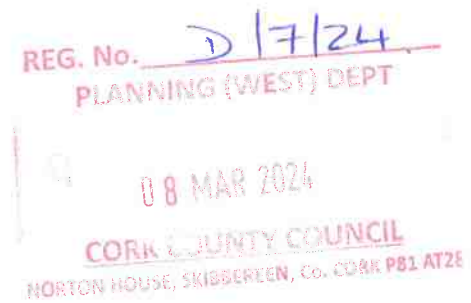
The proposed development will consist of a Storage Shed, Polytunnel and Produce Store.

Both our client and ourselves look forward to receiving the County Council's decision in due course.

Yours sincerely,

**GERARD HARRINGTON, B.Sc. Arch. Tech.**

Writer's e-mail: [harry@jjos.ie](mailto:harry@jjos.ie)





## **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:**

X
X
X
X
X
X
X
X

### **FOR OFFICE USE ONLY**

<b>Receipt No.</b>	
<b>Cash/Cheque/ Credit Card</b>	
<b>Date</b>	
<b>Declaration Ref. No.</b>	

REG. No. \_\_\_\_\_  
PLANNING (WEST) DEPT  
  
08 MAR 2024  
  
CORK COUNTY COUNCIL  
NORTON HOUSE, SIBBEREEN, CO. CORK PB1 AT2E

**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)**

Brian Hanrahan

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

Gortagarry  
Ballylickey  
Bantry  
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

223.3sq/m straw storage shed

161.57sq/m polytunnel

165.88sq/m product store

REG. No. \_\_\_\_\_  
PLANNING (WEST) DEPT  
08 MAR 2024  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 ATZE



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>) Existing Store = 25sq/m  
Proposed storage shed =223.3sq/m.

(a) Floor area of existing/proposed structure(s):	Proposed polytunnel = 161.57sq/m. Proposed product store=165.88sq/m
(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 _____ _____ _____	N/A  Proposed use _____ _____
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	<p>REG. No. _____</p> <p>PLANNING (WEST) DEPT</p> <p>08 MAR 2024</p> <p>COUNTY COUNCIL</p> <p>STATION HOUSE, SNIBBEREEN, CO. LORK P81 AT2E</p>	
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 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

### 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.

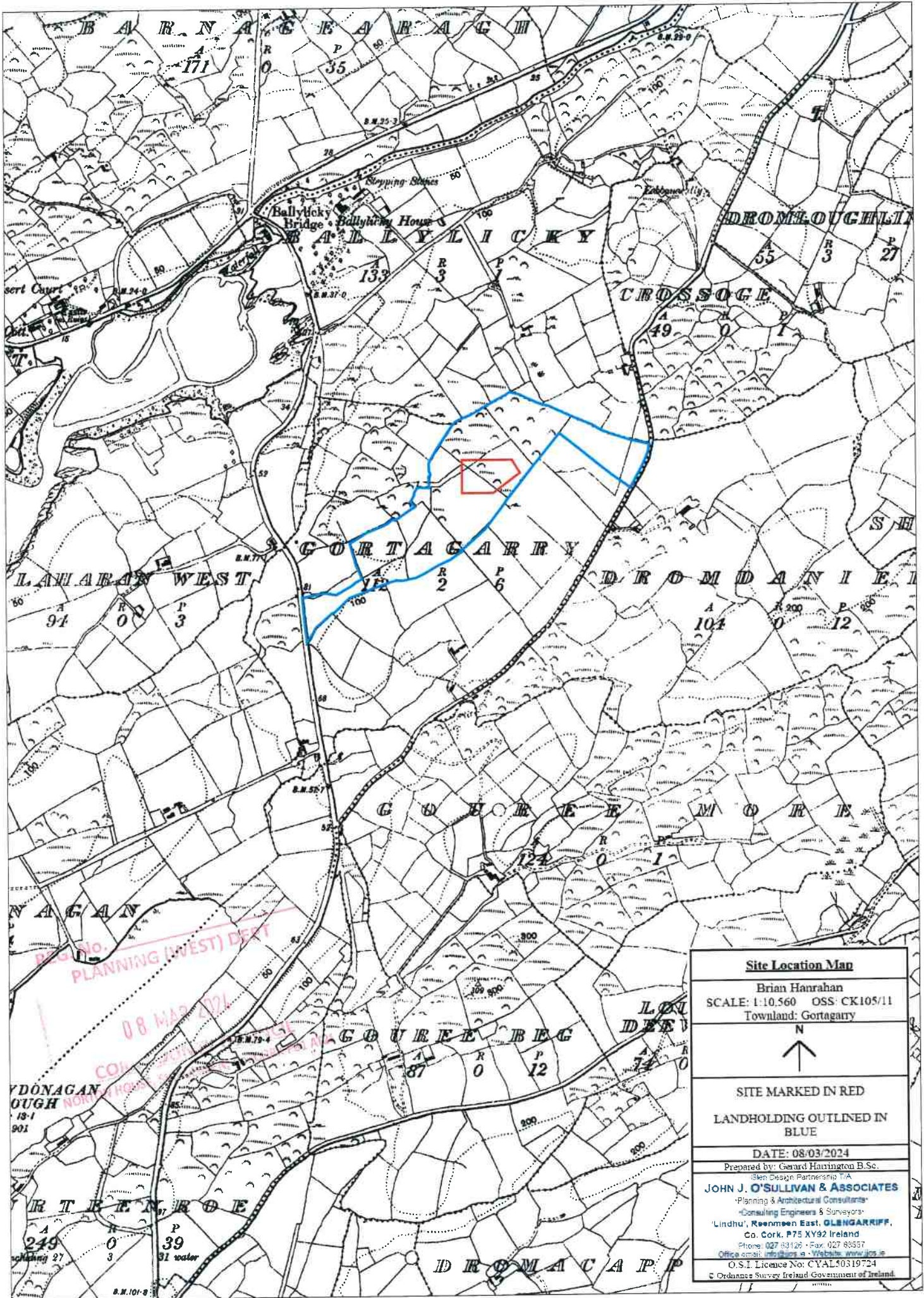
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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.*

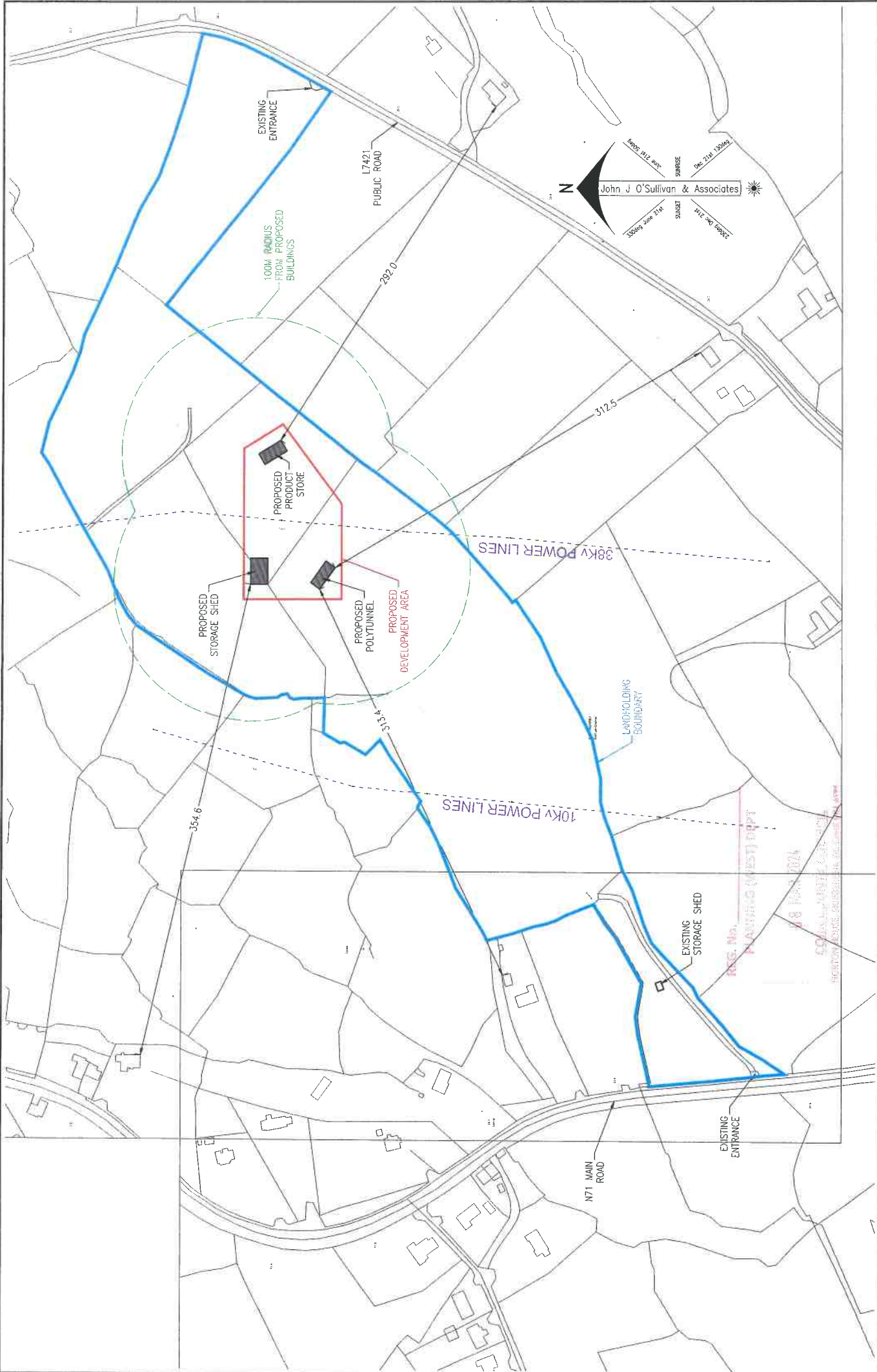
9. **I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	<i>Brian Hanrahan</i>
Date	 8th March 2024

REG. No. \_\_\_\_\_  
PLANNING (WEST) DEPT  
08 MAR 2024  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT2E



<p align="center"><b>Site Location Map</b></p> <p align="center">Brian Hanrahan  SCALE: 1:10,560 OSS CK105/11  Townland: Gortagarry</p>
<p>N</p> 
<p>SITE MARKED IN RED  LANDHOLDING OUTLINED IN BLUE</p>
<p>DATE: 08/03/2024  Prepared by: Gerard Harrington B.Sc.  Site Design Partnership Ltd</p>
<p><b>JOHN J. O'SULLIVAN &amp; ASSOCIATES</b>  "Planning &amp; Architectural Consultants"  "Consulting Engineers &amp; Surveyors"  'Lindhu', Keenmeen East, OLENGARRIFF,  Co. Cork, P75 XY92 Ireland  Phone: 027 83126 • Fax: 027 83557  Office email: info@jjoa.ie • Website: www.jjoa.ie  O.S.I. Licence No: CVAL50319724  © Ordnance Survey Ireland Government of Ireland.</p>



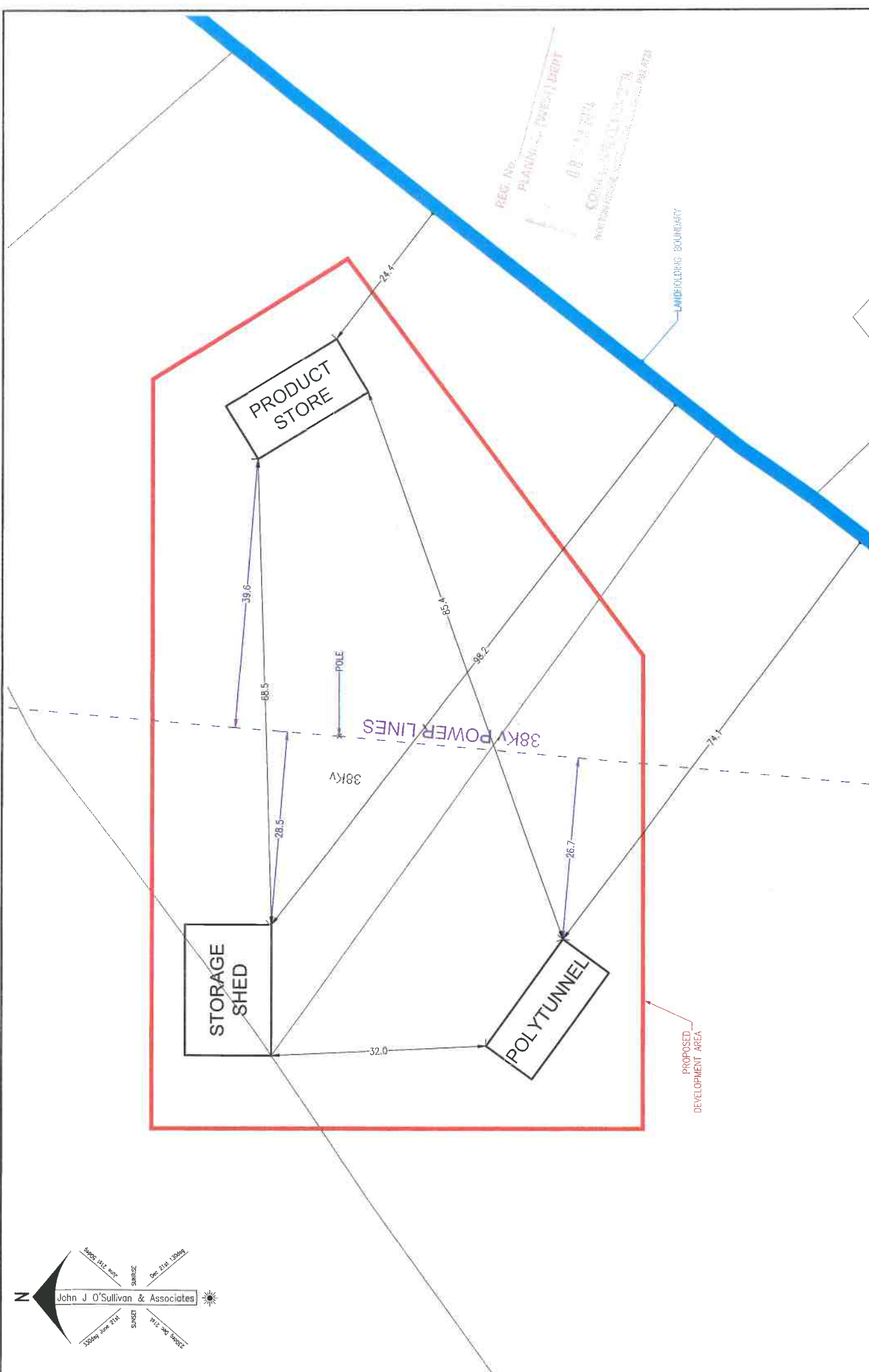
Drawn By: Gerard Harrington  
 Checked By: Gerard Harrington B.Sc. Arch. Tech.  
 Date: 27/02/2024  
 Dwg No: E00012001-01

GLEK DESIGN PARTNERSHIP T/A  
**JOHN J. O'SULLIVAN & ASSOCIATES**  
 Planning & Architectural Consultants · Consulting Engineers & Surveyors ·  
 Llundud, Reenmeen East, GLENGARRIFF, Co. Cork, P75 YX92 Ireland  
 Tel: 027 63126 · Fax: 027 63557 · Office email: info@jjos.ie · Website: www.jjos.ie



Drawing Status: SUBMISSION  
 Drawing Title: LOCATION MAP  
 Scale: A3 - 1:2,500  
 O.S.S. CK105/11 - 6595

Client: BRIAN HANRAHAN  
 Project: EXEMPTION CERT APP FOR FARM BUILDINGS AT  
 GORTAGARRY, BALLYLICKY, BANTRY



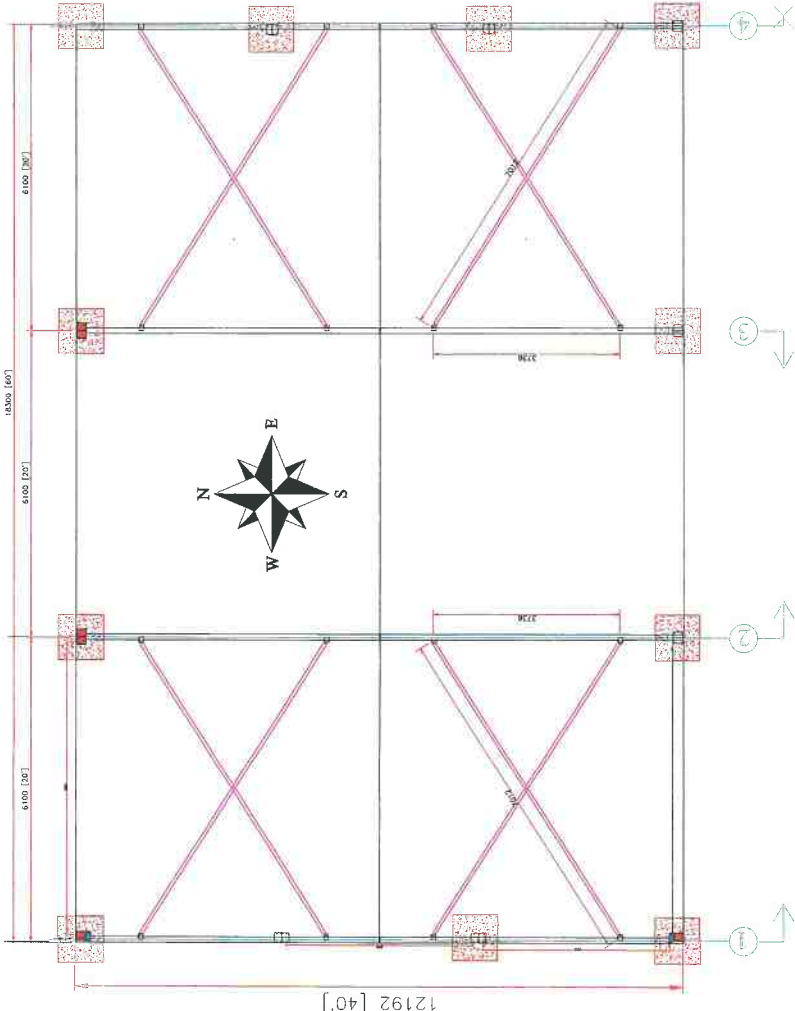
John J O'Sullivan & Associates
 
  
 350099 John J. O'S.
   
 01274 2142
   
 01274 129049

Client: BRIAN HANRAHAN Project: EXEMPTION CERT APP FOR FARM BUILDINGS AT CORTAGARRY, BALLYLUCKY, BANTRY	Drawing Status: SUBMISSION Drawing Title: SITE LAYOUT Scale: A3 - 1:500 O.S.S. CK105/11 - 6595	GLEN DESIGN PARTNERSHIP T/A <b>JOHN J. O'SULLIVAN &amp; ASSOCIATES</b> Planning & Architectural Consultants - Consulting Engineers & Surveyors 'Lindhu', Reenmeen East, GLENGARRIFF, Co. Cork, P75 YX92 Ireland Tel: 027 63126 Fax: 027 63557 Office email: info@jjos.ie Website: www.jjos.ie	Drawn By: Gerard Harrington Checked By: Gerard Harrington B.Sc. Arch. Tech. Date: 27/02/2024 Dwg. No: E00012001-01
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1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES.
2. THIS DRAWING IS TO BE USED AS A GUIDE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE WORK BEFORE COMMENCING.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES.

REG. NO. 09-03-2019  
 PLANNING (WEST) DEPT.  
 COUNCIL CHAMBERS, 100 HAY STREET, WEST PERTH, WA 6150

Clonality Engineering Ltd	
100 Hay Street, West Perth, WA 6150	Phone: 08 9441 5555
Fax: 08 9441 5556	
Email: <a href="mailto:info@clonality.com.au">info@clonality.com.au</a>	
Website: <a href="http://www.clonality.com.au">www.clonality.com.au</a>	
Project No.:	100 Hay Street, West Perth, WA 6150
Client:	Key Bank
Design No.:	
Revision No.:	
Scale of plan:	As Shown
Date:	11/07/2019
Prepared by:	
Checked by:	
Approved by:	
Scale:	



**PROJECT INFORMATION**

**CLIENT:** Key Bank

**PROJECT NAME:** 100 Hay Street, West Perth

**PROJECT NO.:** 100 Hay Street, West Perth

**DATE:** 11/07/2019

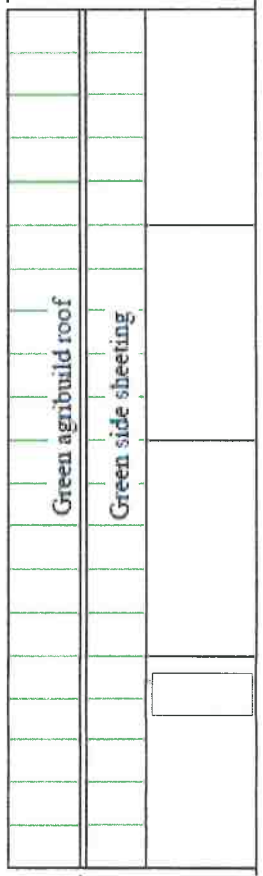
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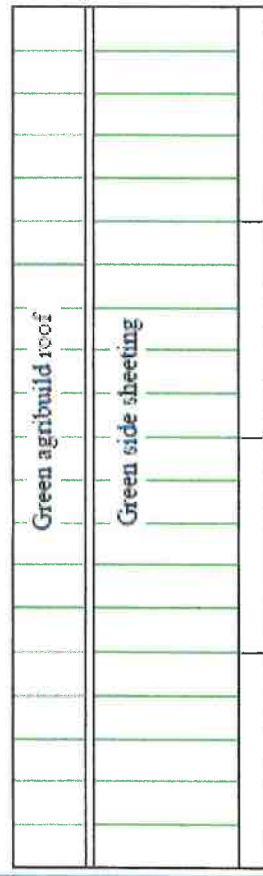
**CHECKED BY:** [Blank]

**APPROVED BY:** [Blank]

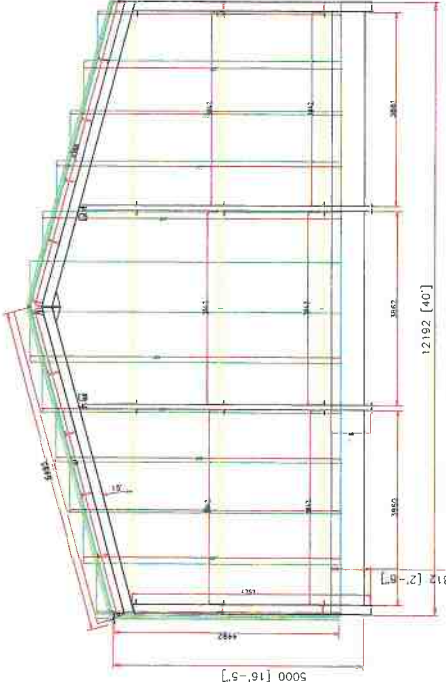
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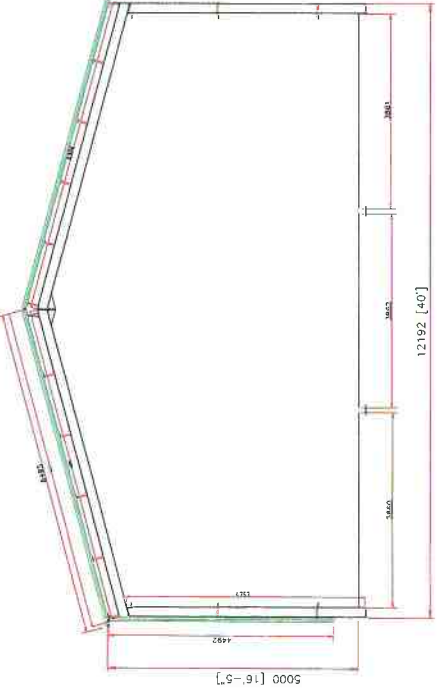
North Elevation



South Elevation



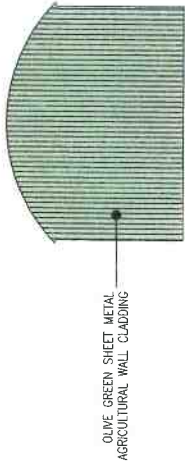
Elevation GL184



Elevation GL283

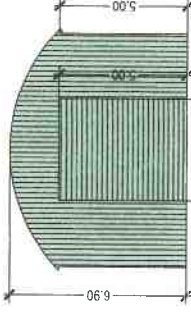


# PRODUCT STORE

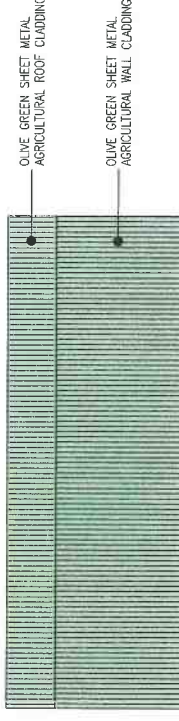


OLIVE GREEN SHEET METAL AGRICULTURAL WALL CLADDING

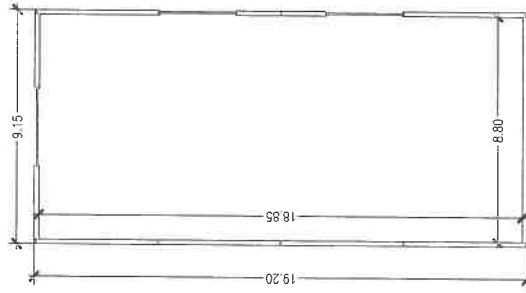
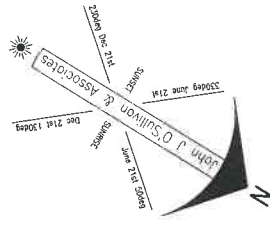
North Elevation



South Elevation

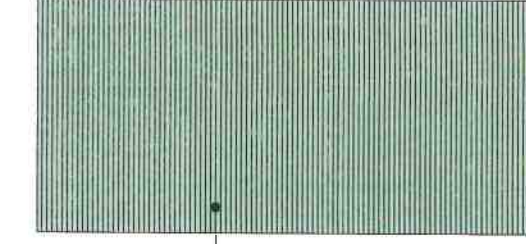


East Elevation

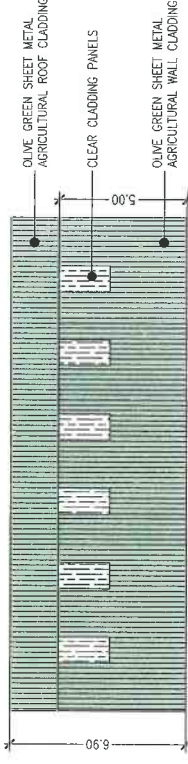


Floor Plan

Gr Floor Area = 165.88m<sup>2</sup>



Roof Plan

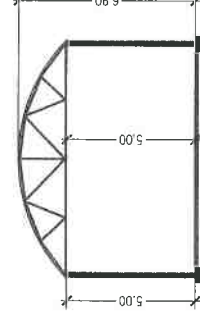


West Elevation

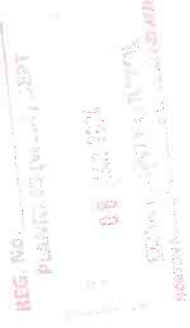
Note:  
Proposed product store for the storage of organic farm produce.

Shed designed to department of agriculture specifications.  
"Minimum specification for storage structures for farm produce S105 February 2016." and "Minimum specifications for the structure of agricultural buildings s101" and "Concrete specification October 2015".

Standard agricultural green cladding sheathing used on all sides. Clear cladding used to utilize natural light and reduce energy bills.



Typical Section



Client: BRIAN HANRAHAN	Drawing Status: SUBMISSION	Drawn By: Gerard Harrington
Project: EXEMPTION CERT APP FOR FARM BUILDINGS AT GORTAGARRY, BALLYLUCKY, BANTRY	Drawing Title: PRODUCT STORE Scale: A3 - 1:200 O.S.S.	Checked By: Gerard Harrington B.Sc. Arch. Tech. Date: 27/02/2024 Dwg. No: E00012002-01

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