

Comhairle Contae Chorcaí Cork County Council

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Cork Road, Skibbereen,
Co. Cork P81 AT28.
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Mr. Denis Harrington,
c/o John J. O'Sullivan & Associates,
Lindhu,
Reenmeen East,
Glengarriff,
Co. Cork.
P75 YX92

12th May, 2023.

Our Ref: D/18/23

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 by you on 03rd May, 2023 from John J. O'Sullivan & Associates on behalf of Mr. Denis Harrington, the Planning Authority declares that the construction and insertion of a replacement septic tank and percolation area at Ardnaturrish More, Glengarriff does not constitute exempt development for the following reasons:

- (a) The replacement of an existing septic tank with a 3,000 dual chamber septic tank on, in or under, the land involves the carrying out of works, as defined under Section 3 (1) of the Planning and Development Act 2000 that is therefore "development".
- (b) The "development" does **not** come within the scope of Section 3 (1) of the Planning and Development Act, 2000 (as amended).
- (c) Given that there was no notice issued under Section 7 H(5) of the Water Services Amendment Act 2012 the "development" does **not** come within the scope of any Class of "development" listed in Part 1 of Schedule 2 to the Planning and Development Regulations 2001 as amended and therefore it is considered that the replacement septic tank and percolation area constitute "development" that is **not** "exempted development".

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. WCP11564, in respect of €80.00 fee, is issued herewith.

Yours faithfully,


KEVIN O'REGAN
SENIOR EXECUTIVE OFFICER

REG. No. _____
PLANNING (WEST) DEPT

15 MAY 2023

CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, CO. CORK



We are Cork.



TO: Anne Lordan
Planning Department
Ref : D/18/23

Planning and Development Regulations 2001- 2023

Exempted Development Planning and Development Act 2000

Site

The site lies at Ardaturrish More located off the N71 between Glengarriff and Bantry being a single story unoccupied dwellinghouse set back from the N71 and where a new septic tank and percolation area together with alterations to the dwellinghouse undertaken stated to be around 19th March 2020 without any permission or decision in place. There is a current enforcement file (SKB21040). To the west of the site, and within trees is an advertisement board stating “*Buyer Beware - Boundary Dispute*” photographs contained in appendix. To the east lies a further separate single storey dwellinghouse (Ref 22/145 and 21/807) that has also installed an unauthorised septic tank and percolation area at the rear that is subject to separate enforcement investigation report dated 10th May 2023 (SKB22088).

Planning History

The site has no recent planning history, the historic maps show applications in the 1960s, 1970’s and 1981 (see enclosed plan in appendix). The site has no recent planning application(s) and/or permission for any development, including a septic tank and percolation area.

The subject site is the subject of a longstanding enforcement file (SKB21040) and where “*warning letters*” have been issued 13th and 18th August 2021 together with a further letter(s) dated 2nd December 2021 and 3rd November 2022 which are set out in the appendix.

The adjacent site also a single storey dwelling and has done exactly the same and installed a new septic tank and percolation and again, without any permission in place and is the subject of a separate enforcement file (SKB22088) and under two planning application(s) (Ref 22/145- Invalidated and planning reference 21/807 - Refused) and where it was indicated that permission was required retrospectively for the septic tank and percolation area. There is a current enforcement file SKB22088 on that site as well the ‘*warning letter*’ that was issued on the 30th November 2022 as well as three other letters to be issued in May 2023 following two letters issued on 21st January 2022 and 1st November 2022 that again advised of the requirements for retrospective permission for the septic tank and percolation area. Suffice to register the exact or similar issues arise in both sites.

Details of the development.

This Section 5 application (D/18/23) was received on the 3rd May 2023. The site was visited on a number of occasions (SKB21040) the most recent being the 8th May 2023 and photographs taken as enclosed in the appendix.

The application has badly raised the question and required a formal decision as to whether the construction and insertion of a septic tank and percolation area constitutes “*exempt*”

development” or not. The covering letter dated 28th April 2023 has suggested agreement with the Area Engineer and that “this application will enable matters to be finalised and the enforcement file closed.” Section 5 of the form states that the applicant was “aware that inspections carried out under the Water Services Act of 2012.”

The Section 5 application, that was **not** anticipated, and has been submitted notwithstanding the letter dated 2nd December 2021 and 3rd November 2022 set out in the appendix which had provided clear unequivocal advice on such matters, as follows:

*“ There is also a requirement to ensure that wastewater treatment systems comply with the EPA Code of Practice 2021. There is little point in the EPA Code of Practice 2021 being produced if that advice is ignored and/or your client considers that an exception from all others should be made so as to deny others the ability to comment on the matter The department would therefore **reiterate that in this particular case retrospective planning permission is required** and you have no decision in your possession, as you must, what so ever that states to the contrary.”*

(SKB21040 - Extract of letter dated 22nd November 2022 set out in the Appendix)

ASSESSMENT

As set out in the letter dated 2nd December 2021 the department has already offered an informal opinion that the alterations to the roof and two patio doors constitute “*exempt development*” having regard to Section 4 (1) (h) of the Planning and Development Act 2000 set out below.

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

There is no good reason to suggest any variance from that opinion. This question has **not** however been raised in this Section 5 application as submitted.

In terms of the septic tank and new percolation area, as outlined, it was previously indicated in letter(s) dated 2nd December 2021 and 3rd November 2022 that this does **not** constitute “*exempt development*.” There is no good reason to suggest any variance from that opinion. Any discussions with the Area Engineer does **not** obtain a grant of permission and/or an exemption certificate.

Furthermore **no notice has been issued** under the Water Services Act of 2012, none has been submitted and an extract from the planning report dated 27th October 2022 for the site next door (Ref 22/145 and 21/807 and SKB22088)) that has also installed an unauthorised septic tank and percolation area at the rear stated as follows:

“ The agents covering letter dated 4th March 2022 had also indicated that “all works carried out in compliance with the water services act.”

*In response to the registered letter, it is now crystal clear, that no such notice was served under Section 70H of the Water Services Act 2007 (as inserted by Section 4 of the Water Services (Amendment) Act 2012). Having liaised with the Environment Unit (07/04/2022 and 08/04/2022) they also confirm of no inspection of this property. In the further letter dated 30th September 2022 received on the 7th October 2022, the applicant/agent are of the view that they basically undertook a repair of the previous septic tank system and suggest that this is “exempted development.” It is **not**.”*

Since 2009 and European legislation there is a national commitment to preventing pollution hence the EPA standards that came into effect in 2009. As part of the national inspection of septic tanks and it would be the duty of the Planning Authority **not** to simply ignore obvious pollution. The Councils own web site on this issue has advised “*Cork County Council will determine the areas where inspections will be carried out at a local basis. They will use the risk information....**They will consist of checks to make sure that the DWWTS is not leaking nor has an unauthorised discharge, that it is properly operated and maintained.*”

All new septic tanks and percolation areas on a greenfield site will always require planning permission since it constitutes the meaning of “development” as set out under Section 3(1) of the Planning and Development Act 2000. In more recent years septic tanks have been the subject of an inspection by the local authority and if a notice is served requiring the septic tank to be improved then upon receipt of such a notice such remedial works, as the local authority shall instruct, would constitute “*exempt development*” having regard to under Schedule 2, Part 1, Article 6, and Class 44 of the Planning and Development Regulations 2001 – 2021. Class 41(g) of the Planning and Development Regulations 2001-2021 states as follows:

*(g) the carrying out of remedial works in compliance **with an advisory notice issued on the Section 7 H(5) of the Water Services Amendment) act 2012***

However no such notice has been served in relation to this site and therefore no claim for it to be “*exempt*” under Class 44 of the Planning and Development Regulations 2002-2023 can be made. It is recalled that the agent in the his letter dated 25th August 2021 and 19th November 2021 (SKB22040) had originally suggested that the works were “*deminimus*” which equally is **not** applicable.

In terms of case law it is advised that a Referral to *An Bord Pleanala* (File 25 K RL 2340) in 2006 for a septic tank at Ballinacarrow, Rathconrath , Mullingar confirmed without doubt that a septic tank was “*development*” that was not “*exempt development*” thus requiring planning permission.

In late 2009 a case at Riverbend, Ballywilliam, Kinsale, County Cork (04.RL.2650) came to the conclusion that moving the septic tank previously permitted in the east of the site to the western boundary did not accord with the permitted development and was **not** therefore “*exempt development*” thus planning permission was required for moving the septic tank.

In the same light ‘*turning the septic tank around*’ would involve significant excavation and installing extensive new pipework to a cess pit may also not amount to being ‘*exempt development*’ and/or necessarily being immune from enforcement action under Section 157 of the Planning and Development Act 2000. It was also concludes that since a septic tank does **not** come within the scope of ‘*maintenance*’ under Section 4(1) (h) of the Planning and Development Act 2000, see case 25 K RL 2340 in 2006 for a septic tank at Ballinacarrow, Rathconrath, Mullingar.

In terms of any recent decision of Cork County Council attention is drawn to a Section 5 application for a bored well and replacement septic tank at Dromleigh South, Bantry (D/30/21) where the Senior Executive Planner stated the following conclusion (report dated 17th August 2021) as follows:

“ It is concluded that (a) replacement of an existing septic tank with a six person population,(six persons) precast concrete tank on, in or under, the land involves the carrying out of works, as defined under Section 3 (1) of the Planning and Development Act 2000 and is therefore development: (b) the development does not come within the scope of section 1 of the Planning and Development Act 2000, as amended; (c)the development does not come within the scope of any Class of development listed in Part 1 of Schedule 2 to the Planning and Development Regulations 2001 as amended, and therefore it is considered that the replacement of an existing septic tank with a six person (population six persons) pre cast concrete tank constitute development and is not exempted development.”

(D /30/21 Report dated 17th August 2021)

Given that the exact same set of circumstances and that of “*development*” is applicable the very same conclusions apply. This replacement septic tank and percolation area is **not** “*exempt development*” and which would be equally applicable to the single storey dwelling at the site next door (SKB22088). A report on that site was also written today dated 10th May 2023.

Recommendation

Having regard to the plans and particulars received on the 3rd May 2023 the construction and insertion of a replacement septic tank and percolation area does NOT constitutes “*exempt development*” for the following reasons :

- (a) The replacement of an existing septic tank with a 3,000 dual chamber septic tank on, in or under, the land involves the carrying out of works, as defined under Section 3 (1) of the Planning and Development Act 2000 that is therefore “*development*!.”
- (b) The “*development*” does **not** come within the scope of Section 3 (1) of the Planning and Development Act 2000, as amended;
- (c) Given that no notice was issued under Section 7 H(5) of the Water Services Amendment) Act 2012 the “*development*” does **not** come within the scope of any Class of “*development*” listed in Part 1 of Schedule 2 to the Planning and Development Regulations 2001 as amended, and therefore it is considered that the replacement septic tank and percolation area constitute “*development*” that is **not** “*exempted development*.”

Further Recommendation

That providing this decision is ratified and a decision issued under file D/18/23 that a further letter is issued on the associated enforcement file (SKB21040) to reiterate that planning permission is required for the retention of the septic tank and percolation area.



P. O'Sullivan:
Executive Planner
10th May 2023



Subject Site



Subject site



Subject Site



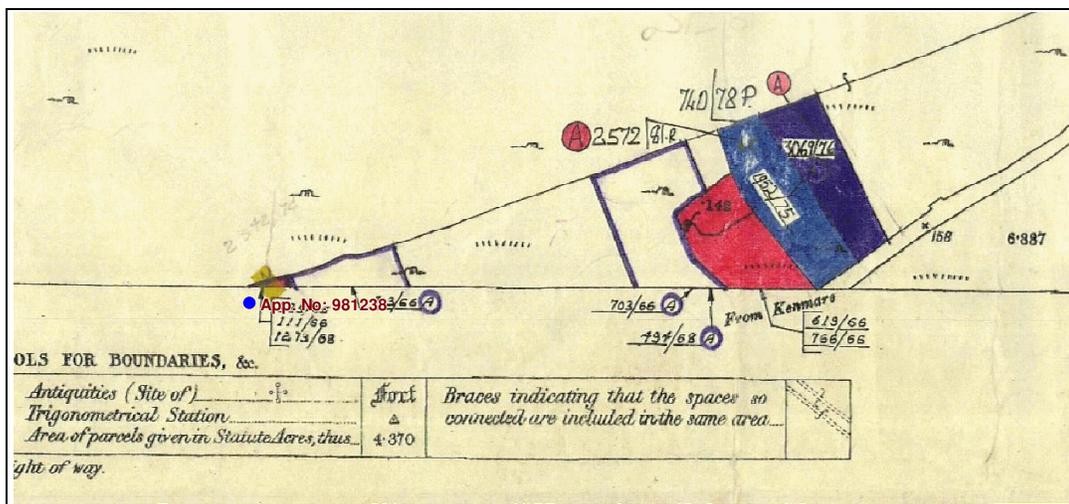
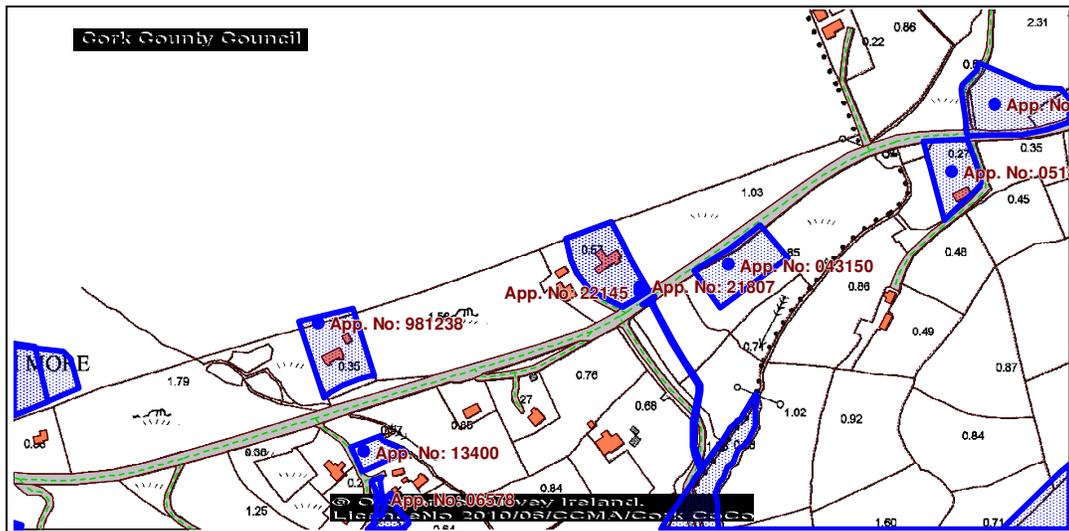
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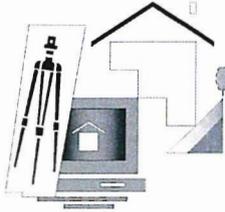


Site adjacent



Site adjacent





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 · Fax: 027 63557 · Office email: info@jjos.ie · Website: www.jjos.ie ·

Our Reference:
JJOS/P/0026/21

Your Reference:
SKB 21/040

Date:
28th April 2023

Cork County Council,
Planning Department,

Norton House,
Skibbereen,
Co. Cork.

Re: Section 5 Application and Alleged unauthorised alterations to building, altering roof, installation of two patio doors and alleged unauthorised installation of a septic tank located in Ardaturrish More, Glengarriff, Co Cork..

Dear Sirs,

I refer to our previous correspondence in regard to the above matter and your letter dated 3rd December 2021. I'm pleased to confirm that agreement has been reached with Mr Aidan Prendergast the Area Engineer in regard to the existing septic tank installation. As suggested in your letter of 3rd December 2021 we now have pleasure in attaching the completed section 5 application form for your kind attention. We note that the only outstanding matter of SKB 21/040 relates to the septic tank we hope that this application will enable matters to be finalised and the enforcement file closed.

Before closing we used the place on record our gratitude for your time and patience in dealing with this matter. We also wish to apologise for the delays in dealing with you your correspondence. If there are any queries whatsoever please don't hesitate to contact us.

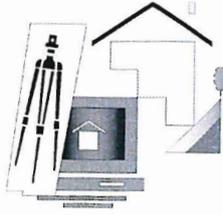
Yours sincerely,

JOHN J. O'SULLIVAN, B.E., C.Eng, M.I.E.I.
Writer's e-mail: johnj@jjos.ie

REG. No. 2118123
PLANNING (WEST) DEPT

03 MAY 2023

CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28



GLEN DESIGN PARTNERSHIP T/A

JOHN J. O'SULLIVAN & ASSOCIATES

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Septic tank Appraisal

Client: Denis Harrington

Property: Ardnaturrish More, Glengarriff, Co
Cork P75 D540.

Local Authority: Cork Co Council

Inspected by: John J. O'Sullivan
B.E. C . Eng. M.I.E.I.

Dates of
Inspection: 17th June, 12th & 14th August, 2022

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APPRAISAL

INTRODUCTION

On or about spring 2022 I was contacted by Denis Harrington who explained that he was in receipt of a warning letter from the Planning Dept of Cork Co Council. This letter related to works he had undertaken on a house at Ardnagashel, a few miles east of Glengarriff. He subsequently sent me on a copy of the warning letter and this dealt with works to the house and it's septic tank system. We responded to the warning letter on his behalf and the Planning Department responded to confirm that they were happy with the works to the house. They also sought additional information in regard to the septic tank installation and also confirmation in regard to it's satisfactory operation. I arranged to carry out a number of inspections of the septic tank system and also inspected a number of test holes which were excavated quite close to the septic tank installation in order to determine ground conditions including water table level. Herewith is my report.

GENERAL

This detached dwelling is currently comprised of a single storey modest dwelling very likely built during the 1960's and is located in the townland of Ardnagashel adjoining the N71 a few miles east of Glengarriff. The property is in an excellent state of repair having been refurbished by Denis Harrington. These works were comprised of refurbishment and extension of the house under exempted development regulations. Our Practice was engaged to investigate the existing septic tank installation. The existing dwelling is located on a reasonably level raised plateau near the northern boundary of the property and the septic tank and percolation system are located in fairly large green lawn area which runs from the front of the house right down to the N71. My initial inspection of the area where the septic tank was located led me to believe that ground conditions were quite good.

SOIL TYPE

The SIS national soil classification on the EPA website classifies the soil as peaty. The website also confirms this soil has poor drainage characteristics. This information conflicts with the relatively good drainage characteristics that are clearly evident from the photographs attached at appendix A.

AQUIFER CATEGORY

The aquifer is deemed to be LI – locally important. In our experience the bedrock in this area is generally poor in terms of potential water yield. Generally speaking bored wells in this area would not be very productive. This aquifer is not deemed to be at risk.

BEDROCK TYPE

The bedrock is noted as part of the Caha mountain formation and classified as sandstone and shale till.

Continued...

LOCAL WATER SUPPLY SCHEMES

There are no Irish Water supply schemes in the immediate area. The old Snaive GWSS takes water from the Coomhola river and the most westerly tapping on this is 200 m to the east to this property. There is also a private Group scheme taking it's source from Loch Beg approx. 500m to the north of the property.

TOPOGRAPHY

The general topography on the northern side of the N71 where the house is located may best be described as poor quality peaty ground covered with fionnan and furze. The lawn area to the front of the house is manmade in as much as the ground levels were raised significantly by the importation of subsoil and topsoil. Reference to the attached aerial photograph will show the rough nature of the ground on the north side of the N71. It also clearly shows that there are very few houses on this side of the road. Only a total of 5 no along a 900m stretch of the N71. The aerial photograph also shows a patchwork of reasonable quality agricultural fields on the southern side of the N71. These appear to be well maintained and would have much better drainage characteristics. The nearest rock outcrop to this property is approximately 50 m to the North of the septic tank location and is located above it. The existing septic tank is located in an area of ground which appears to be quite suitable for disposal of effluent by means of a dual chamber septic tank and percolation system. If this system was located 50m west of this location it would undoubtedly cause problems. 50m to the east is located another lawn area constructed when that house was built in the 1970's. the general direction of ground slope is from north to south across the N71. The N71 rises gently from east to west in the direction of Glengarriff.

NEARBY DWELLINGS

The reference to the attached aerial photograph will show I have marked the 4 dwellings closest to this particular house.

House 1 is 34 m to the north-east. Floor level higher than the septic tank serving this house which has been marked A on the attached aerial photograph.

House 2 is 225 m to the west of it.

House 3 is 130 m south-west of it.

House 4 is 112 m south south-west of it.

The nearest dwelling is 34 m to the east of the septic tank, this quite a significant separation. I am satisfied that this separation of 34 m from the nearest house is more than sufficient to ensure that this septic tank installation will not impact in any way on this nearby property. I should also point out that the original septic tank serving this particular property was located on the boundary fence separating it from the property to the East, the septic tank was discharging directly into a small ditch and would certainly have diminished the amenities of both properties. This is now no longer the case and the new septic tank is over 20m further away from this nearby house.

LAND USE

The predominant land use in the immediate environs of this septic tank installation on the northern side of the N71 is very low density residential with little or no agricultural use.

Continued...

The predominant land use in the immediate environs of this septic tank installation on the southern side of the N71 is relatively low density residential with significant agricultural use.

GROUNDWATER FLOW

The natural groundwater flow direction in the area would be in a north-south direction down towards the Ardnamanagh stream which flows westwards to the shingle strand at Ardnamanagh. There is a separation of 190 m between the septic tank installation and the Ardmanagh stream. The small ditch mentioned above separating this property from that immediately to the East of it would very often be dry and does not show up on the EPA records.

WATER TABLE LEVEL

A test hole was excavated within the footprint of the percolation area adjacent to the existing septic tank installation, this were in the region of 400 mm deep and there was no evidence of the water table in this. The test hole was open to the elements for a number of months and despite this no groundwater was evident at any time. Examination of the area around the perimeter of this lawn would indicate that the level of the water table is at least 2 m below ground as the lawn is in effect a raised soil mound.

GROUND CONDITIONS

As previously mentioned the ground conditions throughout the area on the north side of the N71 are poor apart from constructed lawn areas in front of the dwellings. The conditions below the N71 are quite good as the area is comprised of relatively good quality well-drained agricultural land.

ROCK OUTCROPPING

The predominant land use in the immediate environs of this septic tank installation is very low density residential. Reference to the attached aerial photograph confirms there is rock outcropping. The nearest area lies approximately 25 m to the north of the septic tank installation behind the dwelling.

SURFACE WATER PONDING

There is no evidence of any surface water ponding in the vicinity of the septic tank installation during any of my visits. My most recent visit was the afternoon of Thursday 20th October 2020. The water table is low in the lawn area and soakage characteristics are quite good, the likelihood of surface water ponding is very low in my opinion.

EVIDENCE OF ENRICHMENT

There is no evidence of enrichment of the soil resulting in excessive growth of vegetation on the property. This further confirms the good percolation characteristics of the ground adjoining the septic tank.

Continued...

DRAINAGE DITCHES

There is evidence of drainage ditches comprised within the property. The nearest one runs along the north and eastern boundary of the property, the original single chamber septic tank discharged into this ditch – highly unsatisfactory. The refurbished septic tank installation is now a total of 20 m West of this ditch. This ditch gravitates southwards across the N71 and ultimately discharges to the Ardnamanagh stream.

SPINGS/WELLS

There is no evidence of any natural springs comprised within the property or within 50m of the septic tank. The nearest deep bored well is the one serving this house. This is located at the rear of the property 33 m away from the percolation system and significantly higher than it. The well serving the adjoining property to the East is over 60 metres away to the north-east and is also at a much higher level. The separation distances are in compliance with current EPA guidelines.

EXISTING SEPTIC TANK

The existing septic tank is a 3000 L Kiely's precast unit – please refer to attached brochure. This is dual-chamber and is in excellent condition. The expected population is likely to be no more than 4 persons. **The hydraulic loading would therefore potentially be 600 L, this would result in a retention time of 5 days in the septic tank and is excellent.**

EXISTING PERCOLATION SYSTEM

The distribution of the treated effluent to ground is not discernible from the surface, we confirm on behalf of Denis Harrington that a 36m system of subsurface percolation drains allows the effluent to percolate down into ground. He has also confirmed that the percolation system incorporates a 300 mm deep gravel layer underneath the individual trenches in order to further distribute the effluent and reduce the hydraulic loading per square metre. The separation distances for this percolation trench system are as follows.

Site boundary-4.5 m.

Public road-75 5 m.

Nearest dwellinghouse-34 m.

The overall size of this gravel bed comes to 85 square metres and thus the hydraulic loading rate works out at 7.05 litres per square metre, very low in our opinion. Soakage tests were undertaken within the footprint of the percolation system and these resulted in a T value of 5.95mins. SR6 1975 recommends a distribution length of 35 lin.m for this T value.

Recommendations

The septic tank is in excellent condition and there is absolutely no evidence of any environmental degradation within or without the property. I would however recommend consideration be given to the following works.

1. A grease trap should also be provided on the outlet from the kitchen to ensure that the effluent has a low level of fats oils and greases.

Continued...

2. In view of the anticipated light loading on the septic tank installation, it will suffice to desludge the septic tank system every second year.

Conclusion

Subject to the matters outlined in Recommendations above being undertaken I am happy to certify the satisfactory installation and operation of the septic tank in this dwelling.

SIGNED:



JOHN J. O'SULLIVAN, B.E., C.Eng, M.I.E.I.

Writer's e-mail: johnj@jjos.ie

DATE:	7 th November 2022
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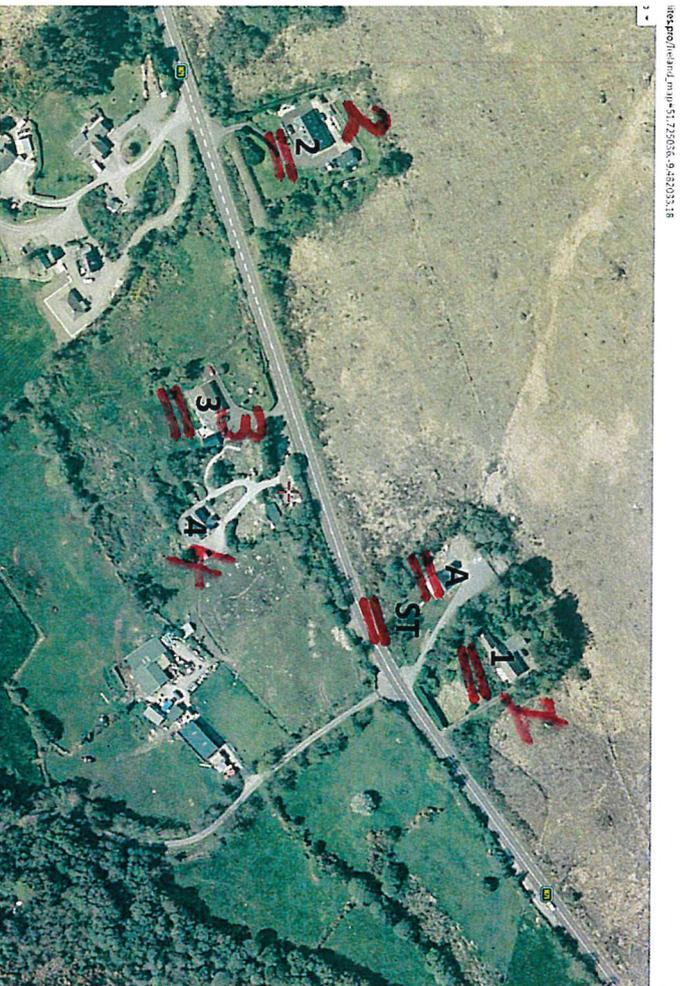
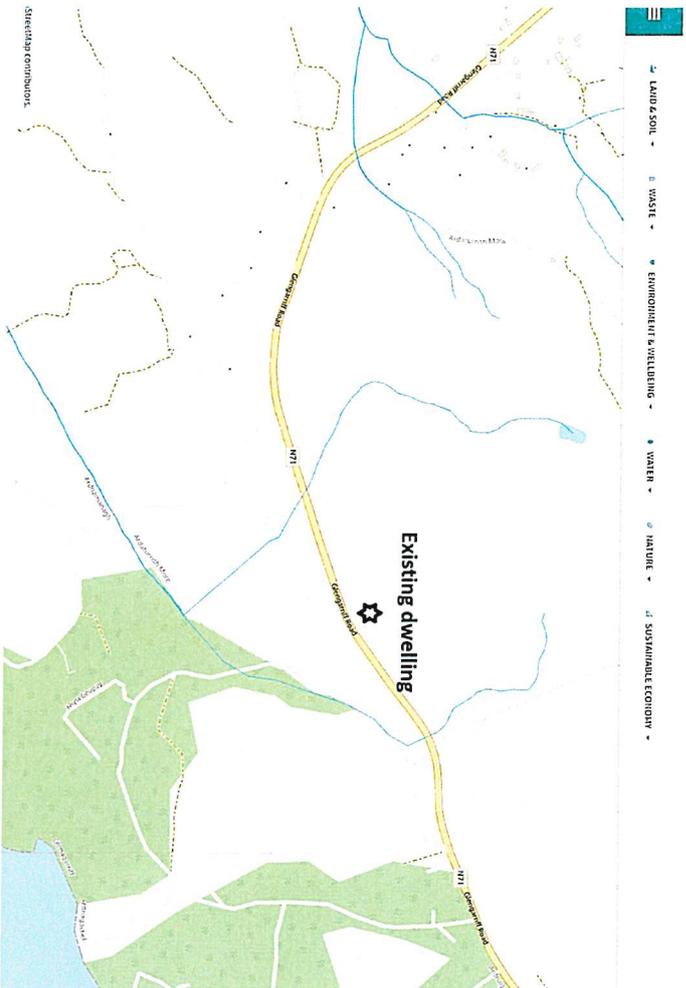
Inspections and performance standards

The basic standard expected for all domestic waste water treatment systems is that they do not cause a risk to human health or the environment. Inspections are carried out to identify treatment systems that do not meet this standard. Irrespective of the age or type of system in place, if there is no evidence of risk to human health or the environment, no action is necessary. There is no question of imposing modern standards on older systems, or of householders having to acquire additional land to remediate systems arising from an inspection.

Where an on-site system fails an inspection, the remediation work required is based on factors such as:

- the nature of the problem
- the extent of risk to public health or the environment
- the existing site size and the hydrological and geological conditions present

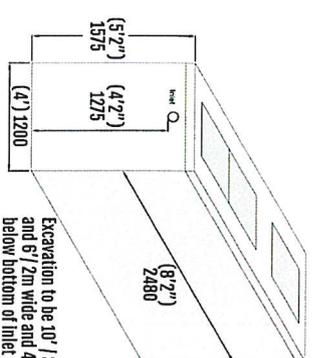
Water Services Act 2012



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3100 LITRE SEPTIC TANK

Concrete Double Chamber Tank with cover



Excavation to be 10' / 3.5m long and 6' / 2m wide and 4'2" / 1.275m below bottom of inlet pipe.

Excavation to be 3m (10') long x 1.8m (6') wide x 1.57 (5'2") from bottom on inlet pipe to base of hole.

All our septic tanks are delivered and placed in position. There must be clear access for our truck/machine to get within 6' of the excavation.

Excavations must be dug to the correct dimensions. The base of the excavation should be dry and screened level with a layer of sand or grit. Unstable or soft ground should have 250-300 mm of compacted hardcore.

EN Certified Tanks

Related Products





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.	

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)

Denis Harrington

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

Ardnaturrish More
Glengarriff
Co Cork P75 D540

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

The original septic tank system which serves the property had degraded over the years
and the applicant arranged for the installation of a new tank to replace the old system
He was aware that inspections carried out under the water services amendment Act of 2012 and in cases where
the septic tank system was found to be deficient upgrading was an option
without the need for a formal permission. The existing septic tank was in very poor
condition and discharging directly into a drain, the applicant felt that it needed to be upgraded immediately.

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) N/A

(a) Floor area of existing/proposed structure(s):	
(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 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 _____ _____ _____ Proposed use _____ _____ _____	
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please state relevant reference number(s): SKB 21/040

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:		
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:

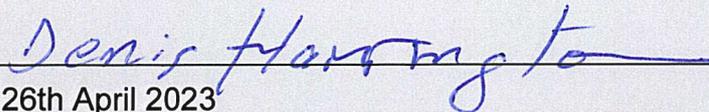
Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

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)	
Date	26th April 2023

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.

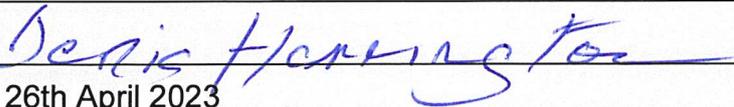
Special Categories of data / Sensitive Personal data include:

- 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	
Date	26th April 2023

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:

Signed (Applicant or Agent as appropriate)	 John J O Sullivan BE C.Eng
Date	27th April 2023

The Property
Registration Authority
An tÚdaráis
Clárúcháin Maoinne



Official Property Registration Map
This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.dra.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

- (centre-line of parcel(s) edged)
- Freehold
- Leasehold
- Subleasehold
- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

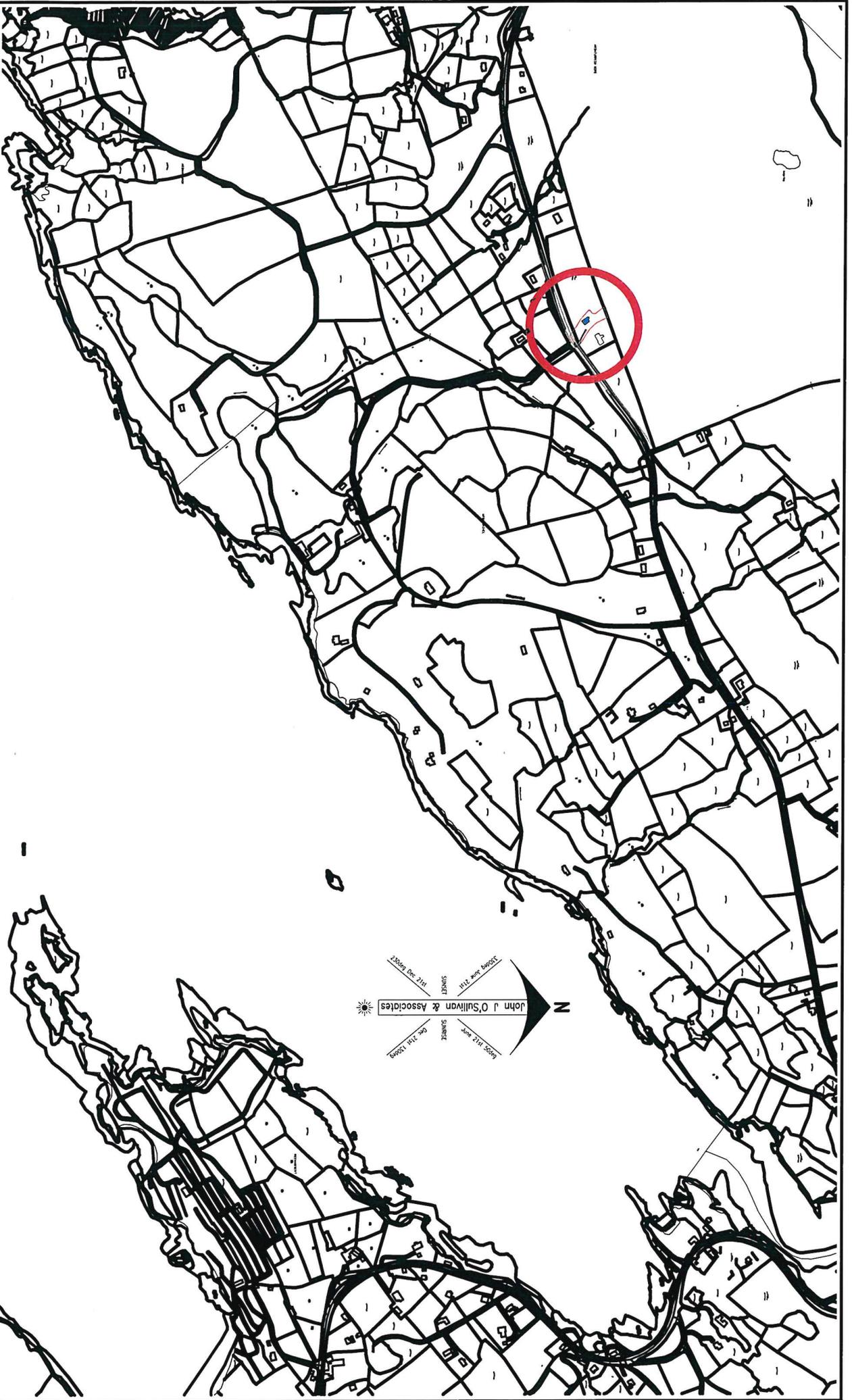
- Burdens (may not all be represented on map)
- Right of Way / Wayleave
 - Turbary
 - Pipeline
 - Well
 - Pump
 - Septic Tank
 - Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

~ DRAFT ~	
LAND RECTIFICATION MAP	
Scale: 1:1,000	OSS: CK10506 & CK10510
DHC Construction Ltd. (CK35421)	
- To -	
O'Donoghue (CK3107F) & Hanley (CK33542)	
- To -	
Land to be Transferred marked 'A' and Outlined in BLUE	
Area = 0.0387Hectares / 0.096Acres	
O'Donoghue (CK3107F) & Hanley (CK33542)	
- To -	
DHC Construction Ltd. (CK35421)	
Land to be Transferred marked 'B' and Outlined in GREEN	
Area = 0.0214Hectares / 0.053Acres	
Date: 05/04/2023	
Prepared by: John Galvin, B.Sc. Arch. Tech.	
Glen Design Partnership T/A JOHN J. O'SULLIVAN & ASSOCIATES Planning & Architectural Consultants Consulting Engineers & Surveyors Lindhu, Reemheen East, GLENGARRIFF, Co. Cork, P15 XY92 Ireland Phone: 027 83128 - Fax: 027 83557 Office email: info@jjo.ie - Website: www.jjo.ie O.S.I. Licence No. CTAL5019724 © Ordnance Survey Ireland/Government of Ireland	





Client: Denis Harrington

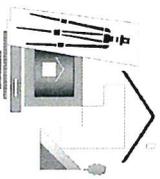
Project: Site Layout at Ardaturrish
Glengarriff

Drawing Status: ISSUE FOR COMMENT

Drawing Title: SITE LOCATION MAP

Scale: A4 - 1:10,560

O.S.S. CORK



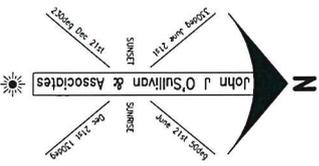
GLEN DESIGN PARTNERSHIP T/A

JOHN J. O'SULLIVAN & ASSOCIATES

• Planning & Architectural Consultants • Consulting Engineers & Surveyors •

• Lindhu, Reemheen East, GLENGARRIFF, Co. Cork, P75 YX92 Ireland

• Tel: 027 63126 • Fax: 027 63557 • Office email: info@jjos.ie • Website: www.jjos.ie •



Drawn By: Seamus O'Regan

Checked By: John J O'Sullivan

Date: 24/04/2023

Dwg No: P00262101



Client: Denis Harrington
 Project: Site Layout Ardnaturrish Glengarriff

Drawing Status: ISSUE FOR COMMENT
 Drawing Title: SITE LOCATION MAP
 Scale: A3 - 2,500
 O.S.S. CORK

GLEN DESIGN PARTNERSHIP T/A
JOHN J. O'SULLIVAN & ASSOCIATES
 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: Seamus O'Regan B.Sc. Arch. Tech.
 Checked By: John J O'Sullivan BE MIEI CEng
 Date: 28/04/2023
 Dwg No: P00262101-00



GLEN DESIGN PARTNERSHIP T/A

JOHN J. O'SULLIVAN & ASSOCIATES

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· 'Lindhu', Reenmeen East, GLENGARRIFF, Co. Cork, P75 YX92 Ireland

· Tel: 027 63126 · Fax: 027 63557 · Office email: info@jjos.ie · Website: www.jjos.ie ·



Client: Denis Harrington

Project: Site Layout with Septic at Ardnaturrish Glengarriff

Drawing Status: ISSUE FOR COMMENT

Drawing Title: SITE LAYOUT PLAN

Scale: A3 - 1:500

O.S.S. CORK

Drawn By: Seamus O'Regan B.Sc. Arch. Tech.

Checked By: John J O'Sullivan BE MIEI CEng

Date: 04/11/2022

Dwg No: P00262101-00