

# Comhairle Contae Chorcaí Cork County Council

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.

Fón: (021) 4276891  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning & Development,

County Hall,  
Carrigrohane Road, Cork T12 R2NC.

Tel (021) 4276891  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



MSD Ireland (Brinny)  
C/O Saoirse Kavanagh,  
McCutcheon Halley,  
6 Joyce House,  
Barrack Square,  
Ballincollig,  
Cork.

23<sup>rd</sup> May, 2024

REF: D/227/24  
LOCATION: MSD Brinny, Brinny, Innishannon, Co. Cork.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir/Madam,

On the basis of the information and plans submitted by you on the 1<sup>st</sup> May, 2024 the Planning Authority having considered whether the provision of a looped nature trail including occasional seating, planting and bat/bird/bee/insect boxes on lands adjacent to the existing MSD Brinny site at **Brinny, Innishannon, Co. Cork** is or is not development and is or is not exempted development has declared that it is **exempted development**.

**Reason for Decision**

The Planning Authority in considering this referral had particular regard to:

- Section 2(1) and 3(1) of the Planning and Development Act, 2000, as amended
- Article 6(1) of the Planning and Development Regulations 2001- 2023 (as amended)
- Class 33 of Schedule 2, Part 1, of the Planning and Development Regulations 2001 - 2023 (as amended) and
- The Planning history of the site.

**And Whereas Cork County Council has concluded that –**

The works consisting of the provision of a looped nature trail including the occasional seating, planting and bat/bird/bee/insect boxes on lands adjacent to MSD Brinny, Brinny, Innishannon Co. Cork constitutes **development and is exempted development**.

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

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.

Yours faithfully,



KEVIN O' REGAN  
SENIOR EXECUTIVE OFFICER  
PLANNING DEPARTMENT

*In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>*

**Planning Ref D/227/24**

**Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000**

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**Site Location:**

MSD Brinny, Innishannon

**Proposed Development:**

Whether the provision of a looped nature trail including occasional seating, planting, and bat/bird/bee/insect boxes on lands adjacent to the existing MSD Brinny site, is or is not development and is or is not exempted development under Section 4 (1) (i) of the Planning and Development Act 2000(as amended), under Class 13 and Class 33, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended.

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**Proposal /Context**

The referrer is seeking a determination by the planning authority as to whether the provision of a looped nature trail including occasional seating, planting, and bat/bird/bee/insect boxes on lands adjacent to the existing MSD Brinny site, is or is not development and is or is not exempted development under Section 4 (1) (i) of the Planning and Development Act 2000(as amended),under Class 13 and Class 33 Schedule 2, Part 1 ofthe Planning and Development Regulations 2001 as amended.

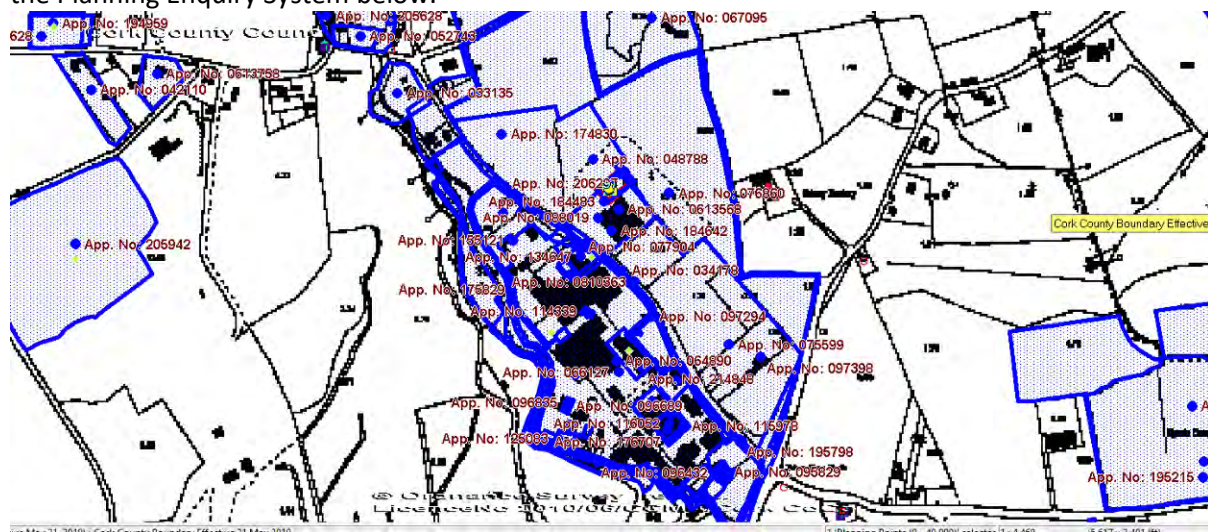
The referral is accompanied by a planning report and a landscaping plan. The proposal is for a looped nature trail within a forested area within the ownership of MSD Brinny for its employees. The looped nature trail will be accessed via the existing staff carpark and will include a number of benches and will be 800m in length and will be 2m in width. Within the site is a recently planted area by MSD (2021). The works will be undertaken by a small construction team. No material will be removed from the site. The applicant proposes to install a number of insect, bat and bird boxes to improve biodiversity in the area. The trail will only be accessed during the daylight hours and will only be available to staff.

## Planning History

### 23/6470 MSD Brinny Solar Farm application On Further Information Request

20/6297	A waste collection area consisting of external yard and 64sqm waste building for the purposes of staging waste for regular collection and associated ancillary site works. This application relates to a development, which comprises an activity for which an Industrial Emissions License under part IV of the Environment Protection Agency 1992 (as amended) is required.	Granted
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There is an extensive planning history associated with the MSD facility as illustrated in the extract from the Planning Enquiry System below.



**17/4830** The development will consist of a Biopharmaceutical Manufacturing Facility and associated works; • The alterations and extensions to permitted pharmaceutical production building, Building 21 for pharmaceutical vaccine production use, located to the northeast of the MSD site. The works include a new first floor, internal works, the alteration of all elevations including raising the parapet by 0.5 meters, the construction of a new 2 storey extension to the west elevation containing stairs and lift and the construction of a new two storey electrical and lift extension to the east elevation and the provision of roof mounted plant within the curtilage of the new raised parapet and an enclosed services shaft. The existing permitted Building 21 is 3,751 square meters and 15.2 meters high. Modifications include raising of the parapet by 0.5m and the addition of the East 2 storey electrical extension sized 190 square meters and 15.7 meters high. The West Staircase and Lift shaft is sized 31 square meters and to a height of 15.7m. The East lift shaft is sized 16 square meters and 17.1m high. The South Service shaft is 12 square meters and 15.7m high. • Permission for a temporary contractor's compound to facilitate the construction work and commissioning of Building 21, consisting of a single storey administration building, a single storey canteen facility, 20 no. modular (container based) offices, 2 no. toilet blocks and 26 no. modular (container based) storage units for construction related materials. • The works include car parking for an additional 320 new permanent car spaces in an extension and alteration to the existing main car park using an existing widened road entrance. • The relocation of a permanent contractor compound to a new location to the southwest of the MSD site. This site is to be laid out with two storey and single storey modular construction facilities including 25 no. single storey modular (container based) workshops, 4 no. modular (container based) storage units for construction related materials, 1 no. two storey modular office building, a single storey toilet building, a single storey canteen building, 2 no. single storey workshops, and a single storey security building. The site area is to be fully landscaped and consists of an area sized 5,106 square meters in total. • The works also include landscaping, a surface water attenuation area, local landscaped berms, minor alterations to existing entrances, alterations and ext

## **Policy Context**

### **Cork County Development Plan 2022**

#### *Cork County Development Plan 2022*

The application site is located within the Rural Area Under Strong Urban Pressure as defined in the Cork County Development Plan 2022.

The landscape character of this area is defined as Broad Fertile Lowland Valleys.

There are no designated scenic routes in proximity to the site.

The site is not located within a Screening Zone of a Natura 2000 site.

The site is not located within an area identified as being at risk of flooding.

The following objectives of the Cork County Development Plan 2022 are of relevance in the assessment of this application:

As per the Cork County Development Plan 2022, the site is within a Broad Fertile Lowland landscape. The site is not on a scenic landscape.

### **Natura 2000 Designation**

The site is not located within the Screening zone of any Natura 2000 site

### **Environmental Impact Assessment Preliminary Screening**

The proposed development does not fall within a class of development for the purposes of EIA with reference to Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Having regard to the nature and scale of the proposal, it is considered that it would

not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Planning and Development Act, 2000 (as amended)**

Section 2 (1) of the Act states - “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1) of the Act states – In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

### **Section 4**

Of note is Section 4 (1) (i) which applies an exemption to development consisting of the thinning, felling or replanting of trees, forests or woodlands or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species.

Section 4(2)(a)(i) of the Act states ‘The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that— by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

Section 4(4) of the Act states ‘Notwithstanding..... any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.’

### **Planning and Development Regulations 2001**

Article 6(1) – Exempted Development Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1

### **Schedule 2, Part 1 – Exempted Development Class 13**

#### **CLASS 13**

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

The width of any such private footpath or paving shall not exceed 3 metres.

## Schedule 2, Part 1 – Exempted Development Class 33

<i>Development for amenity or recreational purposes</i>	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.
<b>CLASS 33</b>	
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, or	
(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 for admission of the public to the land.	

### Article 9 – Restrictions on Exemption

#### **Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—**

*(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*

*(ii) 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,*

*(iii) endanger public safety by reason of traffic hazard or obstruction of road users,*

*(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

*(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

*(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

*(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

*(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

*(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,*

*(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.*

*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,*

*(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

*(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,*

*(xi) obstruct any public right of way,*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

*(b) in an area to which a special amenity area order relates, if such development would be development:—*

*(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or*

*(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or section 202 of the Act that such development shall be prevented or limited,*

*(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,*

*(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.*

*(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or*

*(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under*



## Assessment



### Subject Site

- Is the provision of a looped nature trail measuring circa 800m on private land exempted development ?
- Is the laying out of the area as an amenity area exempted development ?
- Is the planting of trees in this area exempted development ?

The applicant indicates that the works are exempted development under Class 13 and Class 33 of the Planning and Development Regulations 2001 as amended while the planting of trees is exempted under Section 4 (1) (i) of Planning and Development Act 2000 as amended ‘the thinning ,felling or replanting of trees as exempted development as long as broadleaf high forest is not replaced by conifer species’.

### Is or is not development

Development is defined, under Section 3(1) of the Planning and Development Act, 2000 – 2014, as “the carrying out of works on, in, over or under land...” Works are defined, under Section 2(1) of this Act, as including “any act or operation of construction, excavation, demolition, extension...”

As has been outlined, the development falls within the aforementioned Section 3(1) description and therefore constitutes ‘development’.

### Is or is not exempted development

*Development for amenity or recreational purposes*  
CLASS 33  
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, or

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.

(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 for admission of the public to the land.

The applicant states that the provision of the nature trail falls within the parameters of Class 13 of Part 1, Schedule 2 of the Regulations while the setting /laying out of the amenity area is covered by Class 33 Part 1, Schedule 2 of the Regulations and that the planting of trees is exempted under Section 4 (1) (i) of the Act ‘ *of the thinning, felling or replanting of trees as exempted development as long as broadleaf high forest is not replaced by conifer species*’.

In relation to Class 33 Part 1, Schedule 2 of the Regulations, this class permits the laying out and use of land as a *park, private open space or ornamental garden*. I understand that Cork County Council have previously deemed trail construction to be a type of linear “park” (see D295-11) and if this precedent is followed in this instance, the nature trail element, along with the tree planting, signage, occasional seating and bat, bee, insect boxes can all be considered / encapsulated in Class 33 “exempted development”

#### **Restrictions on exempted development**

There are no conditions or limitations attached to Class 33 in relation to the laying out and use of lands as (a) as a park, private open space or ornamental garden.

Notwithstanding the above, Article 9(1) of the Regulations contains prescribed circumstances where a development that would otherwise constitute exempted development would not.

#### **Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—**

(i) *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act, this is not the case.*

(ii) *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, this is not the case*

(iii) *endanger public safety by reason of traffic hazard or obstruction of road users, this is not the case as the park is for private use and will be used by workers of MSD Brinny during daylight hours only. No third party/uncontrolled access will be allowed. The amenity area will be accessed via the existing private carpark associated with the Industrial facility.*

(iv) *except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, this is not the case*

(v) *consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies, this is not the case*

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, **this is not the case. The proposal will enhance biodiversity in the local area. The site is not a special amenity value or special interest.**

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan, **The site is adjacent to a Record of Protected Structure The Old Rectory RPS614. Having consulted with the Conservation Officer the lands for the amenity area do not form part of the curtilage of the protected structure and are screened from the RPS . This is not the case.**

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended, **this is not the case**

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

**The Courtmacsherry Estuary Special Area of Conservation (SAC) (Site Code: 001230) and the Courtmacsherry Bay Special Protected Area (SPA) (Site Code: 004219) as the nearest European Designated Sites. However, given the lack of a source-pathway-receptor link e.g. hydrological connection, and noting the intervening distances i.e. 22km and lack of suitable ex-situ habitat for species of conservation interest, it is considered that the proposed development individually / in combination with other plans and projects either directly or indirectly are not likely to have any significant effects on any of the European sites. There is no requirement for AA.**

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000. **The closest pNHA is located 1.5km from the site. The proposal will not impact on the pNHA .**

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, **this is not the case**

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, **this is not the case**

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, **this is not the case**

(xi) obstruct any public right of way, **this is not the case**

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area, **this is not the case**

*(b) in an area to which a special amenity area order relates, if such development would be development:— **this is not the case***

*(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or **this is not the case***

*(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or section 202 of the Act that such development shall be prevented or limited, **this is not the case***

*(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive, **this is not the case***

*(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards. **This is not the case***

*(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or **This is not the case***

*(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under **This is not the case***

## **Recommendation**

WHEREAS a question has arisen as to whether works consisting of the provision of a looped nature trail including occasional seating ,planting and bat/bird/bee/insect boxes on lands adjacent to the existing MSD Brinny site , is or is not development and is or is not is exempted

AND WHEREAS Cork County Council, in considering this section 5, had regard particularly to

- • Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000,
- Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001 - 2023
- Class 33 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 - 2023, and
- The planning history of the site.

AND WHEREAS Cork County Council has concluded that works consisting of the provision of a looped nature trail including occasional seating ,planting and bat/bird/bee/insect boxes on lands adjacent constitute ‘development’, as defined under Section 3(1) of the Planning and Development Act, 2000 as amended and would come generally within the scope of the exempted development provision provided at Class 33 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 – 2023.

NOW THEREFORE that works consisting of the provision of a looped nature trail including occasional seating ,planting and bat/bird/bee/insect boxes on lands adjacent is development and is exempted development.

John Redmond

Executive Planner

22/05/2024

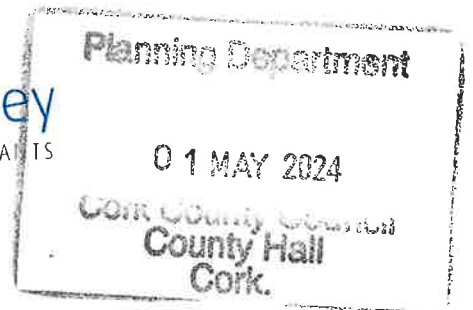
# Section 5 Declaration

For Development at MSD Brinny, Co. Cork  
on behalf of MSD Ireland (Brinny) a branch of MSD  
International GmbH

May 2024



**McCutcheon Halley**  
CHARTERED PLANNING CONSULTANTS



# Document Control Sheet

<b>Client</b>	MSD Brinny	
<b>Project Title</b>	Nature Trail at MSD Brinny	
<b>Document Title</b>	Section 5 Declaration	
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	<b>Appendices</b>	--
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**CORK**

6 Joyce House  
Barrack Square  
Ballincollig  
Cork  
P31 YX97

T. +353 (0)21 420 8710

**DUBLIN**

Kreston House  
Arran Court  
Arran Quay  
Dublin 7  
D07 K271

T. +353 (0)1 804 4477

[www.mhplanning.ie](http://www.mhplanning.ie)

## Contents

1.	Introduction .....	3
2.	Site Context and Proposed Development.....	3
2.1	Planning History.....	4
2.2	Description of Works.....	5
3.	Legislative Context .....	6
3.1	Planning and Development Act 2000 (as amended).....	6
3.2	Planning and Development Regulations 2001 (as amended).....	7
4.	Assessment of Exemption.....	7
4.1	Restrictions on Exemption Specified under Article 9.....	8
5.	Summary .....	11



# 1. Introduction

This report, prepared by McCutcheon Halley Planning Consultants on behalf of MSD Ireland (Brinny) a branch of MSD International GmbH, accompanies a request for a Section 5 Declaration which seeks:

*Whether the provision of a looped nature trail including occasional seating, planting, and bat/bird/bee/insect boxes, on lands adjacent to the existing MSD Brinny site, is or is not development, and is, or is not, exempted development under Section 4(1)(i) of the Planning and Development Act 2000 (as amended) and under Class 13 and Class 33, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).*

This report sets out the site context and proposed development, assesses the legislative context, and assesses whether the development is exempted.

# 2. Site Context

MSD Ireland is one of the county's leading healthcare companies. The site in Brinny, Co. Cork was established over 35 years ago and now specialises in the development and manufacturing of innovative novel vaccines and the testing of immune-oncology medicines.

MSD Brinny is located c. 4km north-west of Innishannon and c. 4.8km north-east of Bandon. The campus straddles the L2235 with the majority of the buildings located to the west of the road and the main staff car parking area located to the east. Immediately north of the staff car park is a field, under the ownership of MSD Brinny, with a recently planted woodland area in the southern half and a grassy area in the northern half. Agricultural fields are located further north of this field.

There are a number of individual dwellings accessed off the local roads in the vicinity of the site, with the closest dwellings located adjacent to the recently planted woodland area.

The area subject to this Section 5 Declaration is field owned by MSD Brinny that is located north of the existing car park.



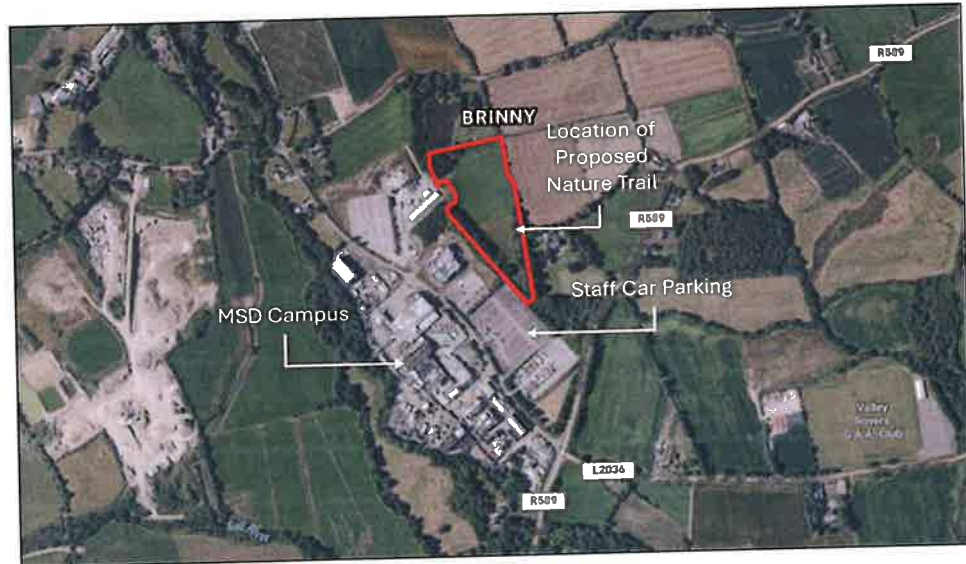


Figure 1 Location of Proposed Nature Trail in relation to MSD Campus and Staff Parking

## 2.1 Planning History

There is a significant number of planning applications on the MSD Brinny site. There are 8 no. previous applications which include the current subject site and these are listed in the table below.

Planning applications relating to the wider MSD Brinny site are not listed below.

The most recent applications located close to the current subject site include an extension to Building 21 (reference: 18/4642) and a waste collection area (references 20/6267 and 21/5817).

Ref	Decision Date	Development
09/7398	08/12/2009	Retention of alterations to permitted development (Pl. Reg. No. 08/10363) consisting of an increase in the plan area of the previously approved link bridge between the external lift and the Operations 1 building and the addition of full height single skin side cladding in lieu of fencing around the previously approved yard enclosure.
08/8019	15/09/2008	Construction of 11m high two storey extension over basement to northern elevation of existing Operations 2 building No. 19
08/10363	24/02/2009	Construction of (a) external goods and passenger lift to first floor and associated part covered compound (72sqm) to serve Operations 1 Building all to be located on the western

		elevation of the Operations 1 Building, (b) a canopy roof onto an existing drum storage compound (176sqm) located at the northern end of the site
<b>07/7904</b>	10/07/2007	Construction of two storey modular office building extension to existing single storey locker room building within Pharmaceutical Production facility
<b>07/6860</b>	29/05/2007	Extensions to existing Operations 2 building to provide additional production, office and storage accommodation comprising of two storey extension and single storey extension to Eastern elevation and two storey extension to Western elevation
<b>06/6127</b>	30/05/2006	Construction of single storey steel framed and cladded gas cylinder storage building
<b>04/8788</b>	01/02/2005	Demolition of a single storey solvent washroom annex to existing production building and construction of extension to house production plant
<b>03/4178</b>	14/10/2003	Extension to fermentor building, to house contingency fermentor, link corridor & a 2 storey extension to utilities bay to service the fermentor.

Table 1 Overview of Planning History

### 3. Description of Works

MSD intend to provide a looped nature amenity trail around the field and woodland area located north of the existing car parking area. The trail will be accessed from the south, through the existing car park.

The proposed 580 metre trail will consist of a self binding gravel, 2m in width, and will begin as a single trail before splitting and looping around the boundary of the subject site. There will be an additional path across the centre of the site, which will provide a shorter, 380 metre looped trail.

To the south of this central path, is an existing newly planted woodland (planted c. 2021) which will be maintained. Any of these trees that are within the area of the new pathway will be removed and replanted within the adjacent woodland.

The field to the north is currently a tight cut pasture and it is proposed to allow this field to convert to a longer native grassland meadow over time. This will be achieved without using chemical treatments and allowing native

seed with the soil matrix to emerge. In addition, some larger trees will be planted in the northern field to provide a parkland feel.

There is existing dense vegetation along the boundaries of the site. It is intended to maintain this vegetation as screening. Additional screening vegetation is proposed to maintain residential amenity of the adjacent dwelling.

Additional tree and shrub planting are also proposed, as indicated in the enclosed landscape plan.

Along the trail, it is proposed to provide timber trailhead and navigational signage, occasional seating, bat boxes, bird nesting boxes, insect houses, and conservation solitary beehives.

The works required to complete the trail will be completed by a small team and it is expected to be completed within a couple weeks. The construction of the path may impact an area of c. 2.5m in width, but the path once constructed will be just 2m in width. No soils or other materials will be removed from the site and any soil generated onsite will be used within the existing site. There are no proposed works to any watercourse.

Overall, the proposal will provide a net biodiversity gain while providing a valuable amenity for the employees at MSD Brinny.

Once complete, access will be controlled with the park only being open and available to staff during daylight hours. The access gate will be closed during weekends and the amenity path will not be open to the public.

## 4. Legislative Context

### 4.1 Planning and Development Act 2000 (as amended)

Under the provisions of the Planning and Development Act 2000 (as amended) [hereafter referred to as the PDA 2000], the following relevant definitions are provided:

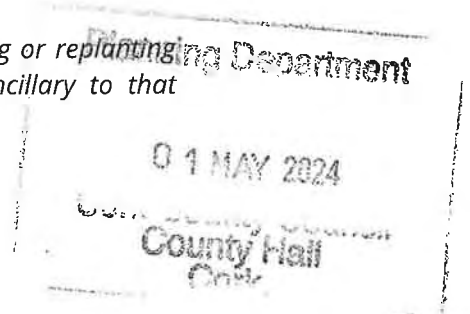
**'Development'** is defined in Section 3 of the PDA 2000 as *"the carrying out of works on, in, over or under land or the making of any material change of use of any structures or other land"*.

**'Works'** are defined in Section 2 to include *"any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal"*.

**'Structure'** is defined to mean *"any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined"*.

Section 4(1) of the PDA 2000 provides that certain activities shall be exempted development for the purpose of the Act and includes specific provision under Section 4 (1)(i) for:

*development consisting of the thinning, felling or replanting of trees, forests or woodlands or works ancillary to that*



*development, but not including the replacement of broadleaf high forest by conifer species.*

Section 4 (2) of the PDA 2000 provides that the Minister may by regulation provide for any class of development to be exempted development. These are provided for within, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

#### 4.2 Planning and Development Regulations 2001 (as amended)

Under the provisions of the Planning and Development Regulations 2001 (as amended) [hereafter referred to as the Regulations], Article 6 provides that:

*Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

Part 1 of Schedule 2 provides for several classes of exempted development. The proposed development at MSD Brinny falls within Class 13, which relates to the construction of a private footpath or paving, and Class 33, which relates to provision of amenity and recreational facilities.

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>CLASS 13</p> <p>The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.</p>	<p>The width of any such private footpath or paving shall not exceed 3 metres.</p>
<p>CLASS 33 Development consisting of the laying out and use of land—</p> <p>(a) as a park, private open space or ornamental garden,</p> <p>(b) as a roadside shrine, or</p> <p>(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 for admission of the public to the land.</p>	<p>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.</p>

## 5. Assessment

The proposal includes the provision of a park area with a looped amenity path, bird/bat boxes, insect/bee houses, the planting of trees and shrubs, and

all associated works. There will be minor removal of trees to facilitate the provision of the path.

Section 4(1)(i) of the PDA 2000 lists the thinning, felling or replanting of trees as exempted development, as long as broadleaf high forest is not replaced by conifer species. The provision of the pathway will result in the removal of a minor number of trees that will be replanted in the existing woodland area. The replanted trees will not include any conifer species. Therefore, the proposed removal and replanting of trees is in line with the exemption under Section 4(1)(i) of the PDA 2000.

Class 13, of Schedule 2, Part 1, of the Regulations includes an exemption for the construction of any private footpath or paving, as long as the path/paving does not exceed 3m in width. The proposal includes the construction of a private pathway for use by MSD Brinny staff. The access will be managed and will not be open to the wider public. The proposed path is therefore considered a private pathway as described under Class 13. The proposed pathway will be 2m in width, with c. 2.5m impacted during the construction phase. This width is below the Class 13 limit of 3m width for exempted pathways. Therefore, the proposed path is considered exempted under Class 13.

Class 33, of Schedule 2, Part 1, of the Regulations includes an exemption for the laying out and use of land as a park, private open space, or ornamental garden. The only condition or limitation attached to this exemption relates to the provision of a roadside shrine. The proposal will include the provision of a private park with a looped trail as an amenity space for MSD Brinny staff and will not be open to the wider public. The provision of seating, tree and shrub planting, bird/bat boxes, insect and bee houses, and navigational signage are all associated with the park area. Therefore, this proposal is considered exempt under Class 33 of the Regulations.

A review of referrals to An Bord Pleanála was carried out, but no referral for a similar development was found.

### 5.1 Restrictions on Exemption Specified under Article 9

Table 2 provides an analysis of the provisions of Article 9 and demonstrates that none of the restrictions which could apply to exemptions would actually apply in this instance.

Article 9 Restrictions		Assessment
<b>(1) (a) if the carrying out of such development would—</b>		
<b>(i)</b>	contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,	The proposal will not contravene any planning permission granted on the site or the overall MSD Brinny site.

Planning Department

01 MAY 2024

Wexford County Council  
County Hall  
Cork.

(ii)	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,	The proposed amenity walkway will be 2m in width and will not exceed 4m in width.
(iii)	endanger public safety by reason of traffic hazard or obstruction of road users,	The works do not involve the laying out or material widening of a means of access to a public road.
(iiia)	endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,	The works will not result in a glint and/or glare risk for the operation of aircraft
(iv)	except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	The proposed works do not include the construction of a building or an extension to an existing building.
(v)	consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,	The works do not include the carrying out of works under a public road.
(vi)	interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan	The proposal will not interfere with the character of the landscape. The proposed walkway and grassland meadow will be screened by existing dense vegetation which surrounds the site.
(vii)	consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local	The proposed works does not relate to any places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest.

	area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,	
(viiA)	consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,	The proposed works do not relate to the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places.
(viiB)	comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,	An Appropriate Assessment is not required for the proposed works.
(viiC)	consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.	The proposal is not likely to have an adverse impact on any area designated as a natural heritage area.
(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 proposed works do not relate to any structure, existing or proposed.
(ix)	consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	The proposed works do not relate to any structure, existing or proposed.
(x)	consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,	The subject site is under private ownership and has not been available to the public for recreational purposes.

Planning Department

(xi)	obstruct any public right of way,	The proposed works will not obstruct any public right of way.
(xii)	further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,	The proposed works do not relate to any structure, existing or proposed.
(1)	<b>(b) in an area to which a special amenity area order relates, if such development would be development:—</b>	Not applicable to the subject site or proposed works
(1)	<b>(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive, (</b>	Not applicable to the subject site or proposed works
(1)	<b>(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.</b>	Not applicable to the subject site or proposed works
(2)	<b>Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.</b>	Not applicable to the subject site or proposed works
(3)	<b>For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.</b>	Not applicable to the subject site or proposed works

## 6. Summary

The proposed development includes the provision of a private path and park area for recreational and amenity use by MSD Brinny staff at MSD's site in Brinny, Co. Cork.

We formally request a Declaration under Section 5 of the Planning and Development Act confirming that the provision of the looped amenity



walkway, grassland meadow, and planting is exempted development under Section 4(1)(i) of the PDA 2000 and Schedule 2, Part 1, Class 13 and Class 33 of the Regulations.

**Planning Department**  
01 MAY 2024  
Cork County Council  
County Hall  
Cork.



# **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:

✓
✓
✓
✓
✓
✓
✓
✓

<b>PLANNING DEPARTMENT</b>
01 MAY 2024
<b>CORK COUNTY COUNCIL</b>
County Hall, Cork

## **FOR OFFICE USE ONLY**

Receipt No.	8TF0004193
Cash/Cheque/ Credit Card	EFT
Date	11/5/24
Declaration Ref. No.	D 227 24

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)**

MSD Ireland (Brinny) a branch of MSD International GmbH

CORK COUNTY COUNCIL APPLICATION

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

MSD Brinny, Brinny, Innishannon, Co. Cork

PLANNING DEPARTMENT

**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

Whether the provision of a looped nature trail including occasional seating, planting, and bat/bird/bee/insect boxes, on lands adjacent to the existing MSD Brinny site, is or is not development, and is, or is not, exempted development under Section 4(1)(i) of the Planning and Development Act 2000 (as amended) and under Class 13 and Class 33, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

DATA PROTECTION

**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):	N/A
(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 Woodland, grass area,	Proposed use Woodland and grassland meadow with amenity looped nature trail
(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:		
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"/>	Planning Department 01 MAY 2024 County Hall
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)	
Date	01-May-2024

**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)	<i>Liam Vaughan</i> <b>LIAM VAUGHAN</b> <b>MSD BRINNY</b>
Date	<b>01 MAY 2024</b>

**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	

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](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westcorkplanninginfo@corkcoco.ie](mailto: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.**





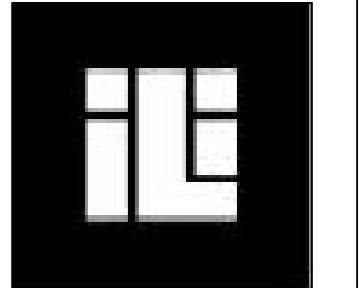
**Landscape Key:**

- Alnus glutinosa**, 12-14cm girth, 3.5M high, 1M clear stem, Bareroot with timber stake securing system.
- Salix babylonica**, 12-14cm girth, 3.5M high, 1M clear stem, Bareroot with timber stake securing system.
- Quercus robur**, 12-14cm girth, 3.5M high, 1M clear stem, Bareroot with timber stake securing system.
- Pinus sylvestris**, 12-14cm girth, 3.5M high, 1M clear stem, Bareroot with timber stake securing system.
- Cedrus libani**, 16-18cm girth, 5M high, 1M clear stem, Rootball with timber stake securing system.
- Existing vegetation to be retained and protected
- Proposed screening woodland planting 1 plant per 1.5M2 (2160 M3 = 1440 whips), 8-10cmg, 2.5m tall bareroot, with single stake. Species as follows: 20% Pinus sylvestris (288 whips), 20% Quercus petraea (288 whips), 15% Betula pendula (216 whips), 15% Ilex aquifolium (216 whips), 15% Alnus glutinosa (216 whips), 15% Crataegus monogyna (216 whips).
- Proposed grassland meadow: Wildflower meadow allowed to naturally develop from seed present in the soil matrix with low maintenance regime.
- Proposed self binding gravel (breedon gravel/hoggin), refer to detail A on dwg. LA-002
- Existing levels
- Proposed levels and slopes
- Drifter bench, 3000mm long x 300mm wide x450mm high. Fsc Hardwood, corten steel frame. By Streetlife or equal and approved, detail on installation to engineers instructions.
- Timber post sign : 150x150mmx950mm high pressure treated douglas fir/larch with 5mm thick UV resistant polycarbonate disc showing direction/distance by Signiatec Ltd, Co. Kilkenny, R95 CC2N or similar and approved. Foundations/fitting to engineers detail
- Timber finger post : 150x150mm x 2000mm high pressure treated douglas fir/larch with 10mmx150mm high x400mm long UV resistant polycarbonate arrow with text, by Signiatec Ltd, Co. Kilkenny, R95 CC2N or similar and approved, foundations fittings to engineers details
- Bat box. Sno RSPB burford bat box or similar and approved. Positioned on retained mature trees around perimeter of the site, towards outer edges of areas of new woodland planting and in the vicinity of the stream. Exact location sited on closest mature tree.
- Bird nesting box . Sno Vestre Wings habitat or similar and approved. Positioned around perimeter of the site, towards outer edges of areas of new woodland planting and in the vicinity of the stream. Exact location sited to avoid interference with tree roots.
- Insect houses. Sno Vestre Leaf habitat or similar and approved. Positioned towards outer edges of areas of new woodland planting and in the vicinity of the stream. Exact location sited to avoid interference with tree roots.

**THIS IS NOT FOR CONSTRUCTION**

This drawing is the copyright of the Landscape Architect unless otherwise stated. All dimensions are in millimeters. Where dimensions are not given, drawings must not be scaled and the matter must be referred to the Landscape Architect. If the drawing includes conflicting details/dimensions the matter must be referred to the Landscape Architect. All dimensions must be checked on site. The Landscape Architect must be informed, by the contractor, of any discrepancies before work proceeds.

**Cathal O'Meara**  
Landscape Architects  
087 9202549  
2 Mc Sweeney St,  
Fermoy, Co. Cork



**Chartered member of the Irish Landscape Institute**

**Client: MSD**

**Project: MSD Brinny Co. Cork**

**Drawing: Landscape layout**

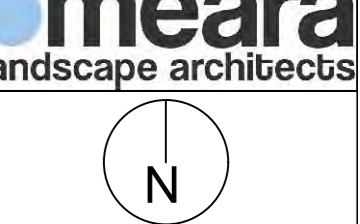
**Date: 25/04/2024**

**Drawn By: Luis Medeiros**

**Checked By: Cathal O'Meara**

**Issue: Tender**

**Dwg No: 2112-LA-T001**



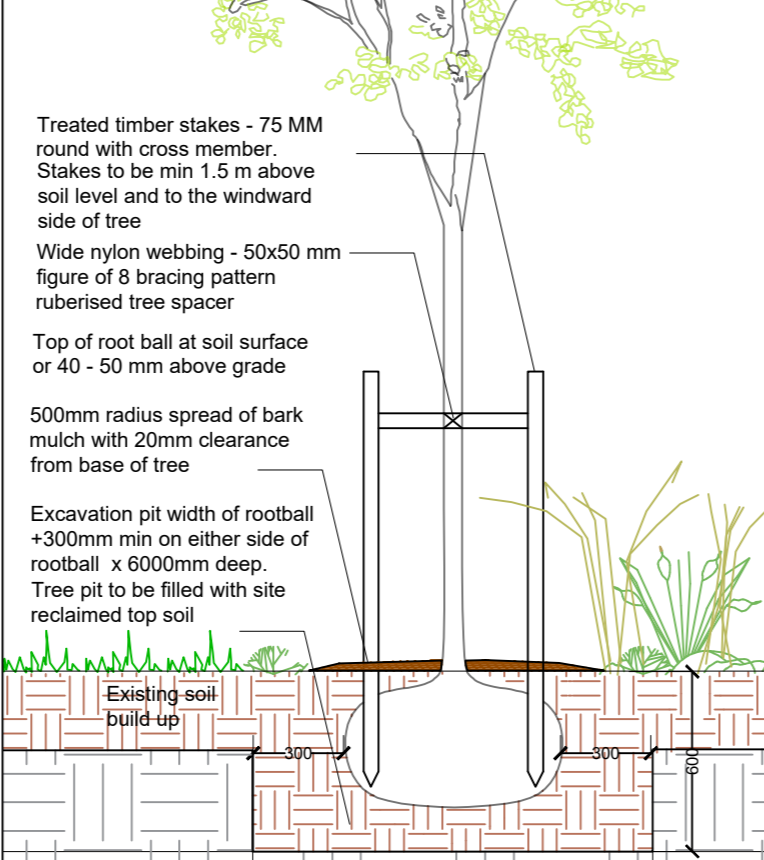
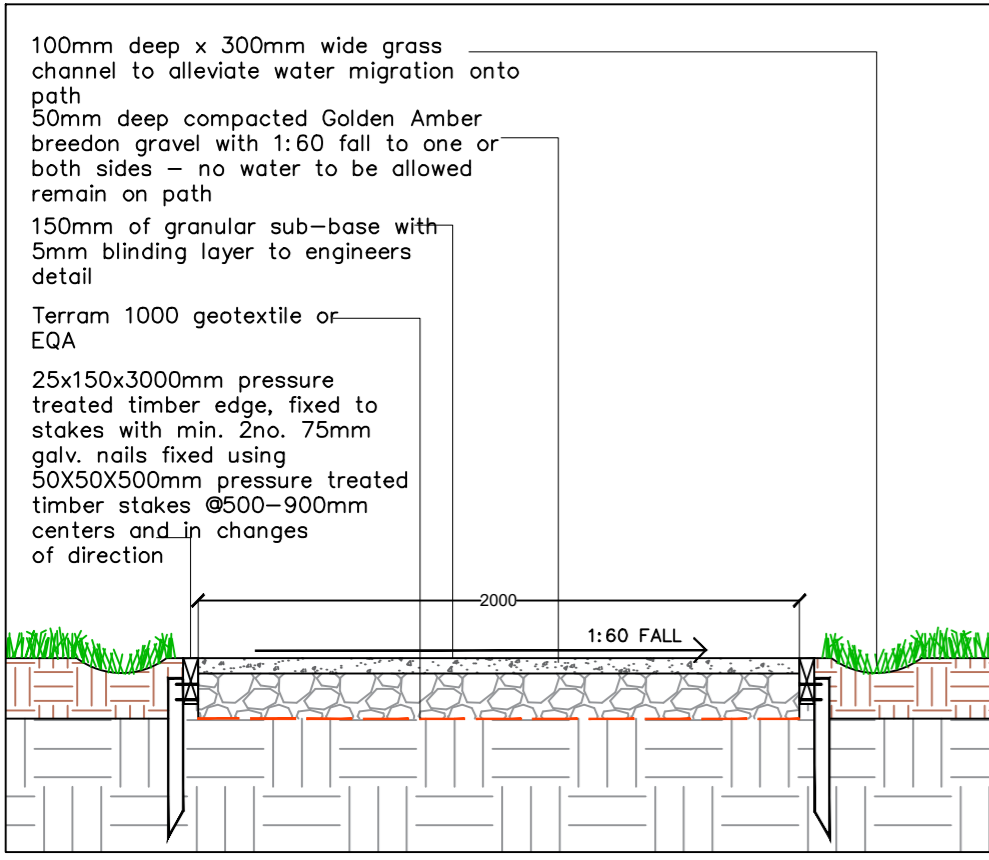
**DJF ENGINEERING SERVICES LTD.**  
Consulting Engineers • Project Managers



**Cathal O'Meara landscape architects**



Layout 1:500, @ A1



**NOTES**

No soil or other materials to be removed from site  
Any soil generated onsite to be used within the existing site - as directed by the landscape architect  
No invasive species evident onsite, any which are discovered shall be shown to landscape architect  
No works within any watercourse

**TOPSOIL & CULTIVATION**

- The formation levels shall be as follows: Tree pits: 1000mm x 1000mm x 600mm deep; bottom of pit broken up to a depth of 150-200mm and scarify sides.
- Root Protection: Area beneath Existing Trees: Cultivation to a depth of 300mm for whip planting to be undertaken by hand using hand tools only to minimize root damage. If significant roots are encountered, these will be left undamaged and dug around;
- Backfilling with Topsoil: Larger Tree pits shall be backfilled, in layers to 200mm, with site found topsoil. All finished levels shall be 25mm above adjacent soil to allow for compaction. Cultivation: Topsoil shall be cultivated to a medium till, removing all rubbish, vegetation, perennial weeds, roots, stones over 50mm in any one dimension and raked to even levels.

**PLANTING**

- Plant Stock and Timing: Plant material shall conform to BS 3936 Part 1: 1992, Part 2: 1990, Part 9: 1998; Part 10: 1990 and BS4043: 1989 and shall be protected at all times in transit to the site. The planting season shall be from 1st October to the 31st March. Planting shall not be carried out during periods of frost, drought, cold drying winds, or when the soil is waterlogged.
- The planting shall be carried out following practical completion of the building and hard landscaping. Planting outside the planting season will require adequate watering to ensure establishment.
- All trees & whips shall be planted upright at the same depth as the nursery soil level and evenly spaced, leaving room for growth. Allow at least 300mm clearance between the rootball and the edge of the pit to facilitate staking/anchoring and to allow adequate amount of backfill around the root ball.
- Larger 12-14cmg trees shall be staked and braced with a cross member. Smaller trees 8-10cmg shall be single staked only. Immediately following planting, all plants shall be watered-in to field capacity.
- Mulching: Prior to the application of mulch for the larger trees (only), the planting areas shall be completely weed free and watered sufficiently to achieve field capacity. The surface of the planting areas shall be mulched with a layer of Organic Compost Mulch or Fine Composted Bark Mulch composted for 2-4 weeks with a particle size of 0-8mm, to a depth of 50mm, ensuring that any low branches are not smothered. The mulch shall be topped-up to maintain, after settlement, a depth of not less than 50mm.

**MEADOW Restoration Areas of Species-rich Grassland from Intensively Managed Pasture.**

The existing fields being used as agricultural grasslands, over the years have created a low structural diversity throughout the grasslands. Reducing the available habitats for invertebrates and small mammals. The proposed actions are:

- 1- Allow the flora to regenerate naturally by reinstating traditional farming methods rather than re-seeding the fields, so that wildflowers can re-colonise at their own pace.
- 2- No fertilisers to be applied into the fields.
- 3- Hay cut in April and September to reduce the nutrients in the soil and allow for a wider variety of grasses to establish. All cut hay to be allowed settle for 3 days prior to removal from field. (to allow any seeds to fall onto meadow)
- 4- After about 5 years the vegetation will change, becoming visible the new species taking over the grasses and allowing for the wildflowers to germinate and flourish.

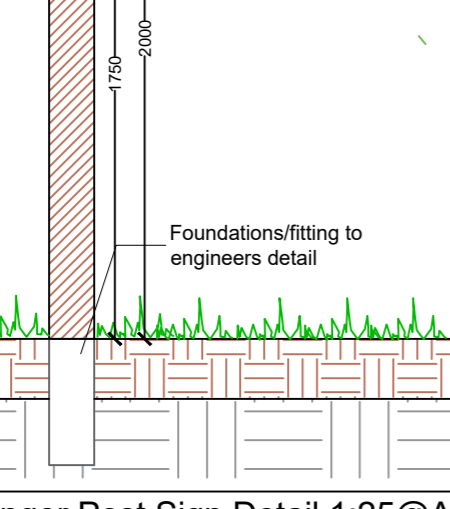
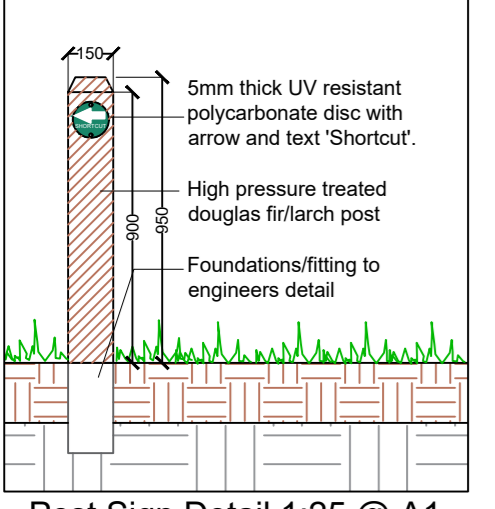
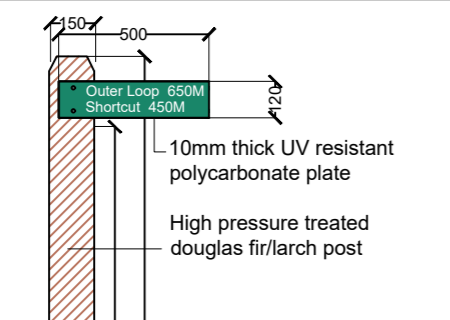
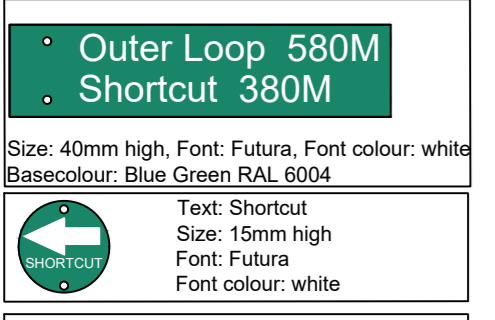
**IMPLEMENTATION**

- Existing trees on the route of the proposed path will be removed by hand in advance of site works and replanted into existing woodland as instructed by landscape architect.
- Deciduous trees and whip planting - Late October to late March
- All construction works to be carried out to manufacturers recommendations regarding climatic conditions and controls.
- Adverse Weather General: Do not use frozen materials or lay on frozen surfaces.

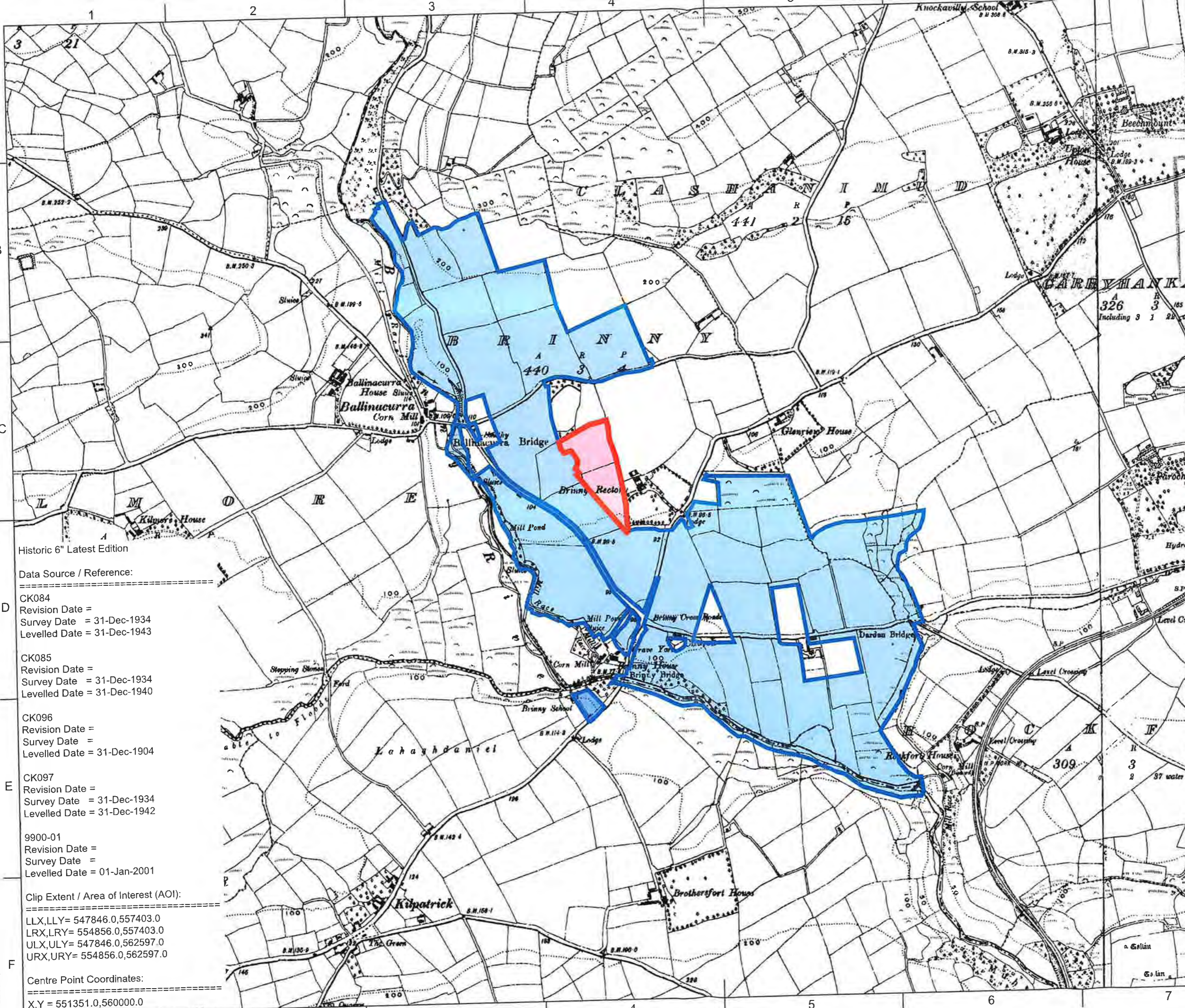
**AFTER CARE PERIOD**

Maintenance: The Aftercare Period shall extend for an 18 month period. During the Aftercare Period maintenance visits shall be carried out, at least monthly from April to September and twice during the dormant season to carry out the following operations to establish growing plants in weed free areas. Maintenance operations shall include: watering, firming-up, pest and disease control, meadow grass cutting, general pruning, weed control, top up mulch and autumn tidying.

Replacement Planting. All plants, which have died, are missing or have failed to thrive, shall be noted and replaced with the same size and species as originally planted, in the following planting season.



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  - All dimensions to be site checked
  - This drawing is to be read in conjunction with other project related drawings.
  - All dimensions are in millimetres
  - All levels relate to site datum.
  - All levels to be checked on site.

Planning Department  
 01 MAY 2024  
 Carrickmacross  
 County Wick  
 Council

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EXISTING LAND HOLDINGS SHOWN THUS  
 SITE BOUNDARY SHOWN THUS

Rev	Description	CP	NMCG	08.04.24
A	ISSUED FOR INFORMATION	CP	NMCG	08.04.24

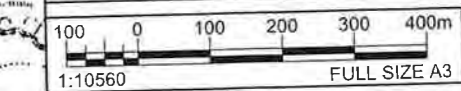


Project Phase:  
 FRONT END STUDY



Project Name:  
 Nature Trail

Drawing Title:  
 Site Location Map  
 1/10560



Scale A3: 1:10560	Drawing No: 4833-FES-XX-X-XXX-DR-DJF-AR-0001	Rev: A
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Historic 6" Latest Edition

Data Source / Reference:  
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 Survey Date = 31-Dec-1934  
 Levelled Date = 31-Dec-1943

CK085  
 Revision Date =  
 Survey Date = 31-Dec-1934  
 Levelled Date = 31-Dec-1940

CK096  
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 Survey Date =  
 Levelled Date = 31-Dec-1904

CK097  
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 Survey Date = 31-Dec-1934  
 Levelled Date = 31-Dec-1942

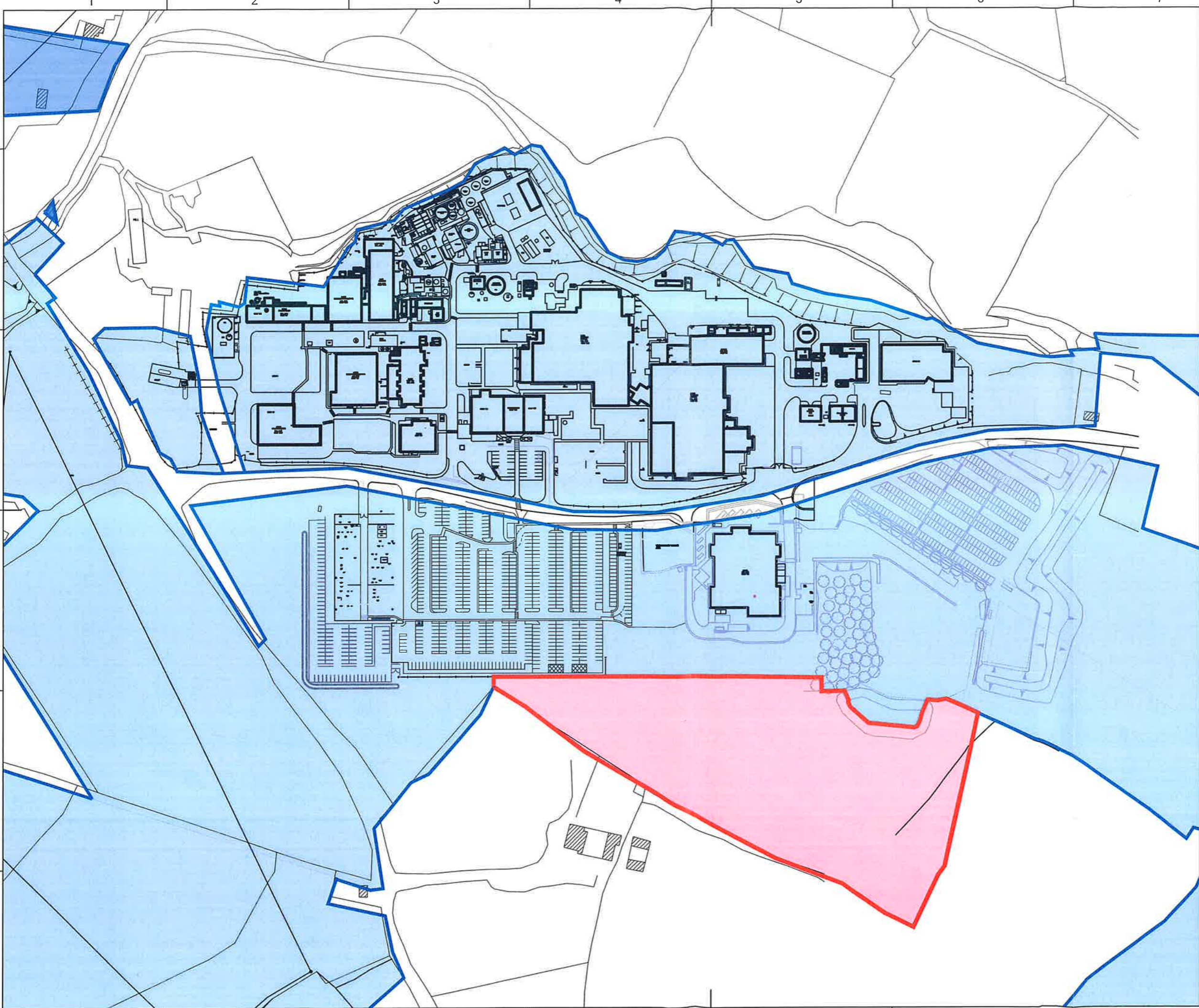
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 Survey Date =  
 Levelled Date = 01-Jan-2001

Clip Extent / Area of Interest (AOI):  
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 LRX,LRY= 554856.0,557403.0  
 ULX,ULY= 547846.0,562597.0  
 URX,URY= 554856.0,562597.0

Centre Point Coordinates:  
 X,Y = 551351.0,560000.0



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Planning Department

01 MAY 2024

Corr County Council  
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Number: CYAL50389177

EXISTING LAND HOLDINGS SHOWN THUS

SITE BOUNDARY SHOWN THUS

Rev	Description	By	CHKD	Date
A	ISSUED FOR INFORMATION	CP	NMcG	08.04.24

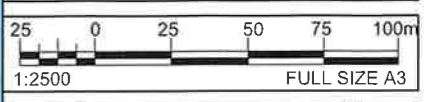


Project Phase:  
FRONT END STUDY

Client:  
 MSD

Project Name:  
Nature Trail

Drawing Title:  
Site Location Map  
1/2500



Scale A3: 1:2500	Drawing No: 4833-FES-XX-X-XXX-DR-DJF-AR-0002	Rev: A
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