

Comhairle Contae Chorcaí Cork County Council

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c/o Aidan Kelly,
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24th July 2024

REF: D/237/24
LOCATION: Gortnagraige, Mallow, Co. Cork.

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

Dear Madam,

On the basis of the information submitted by you on 14th June and 16th July 2024 the Planning Authority, having considered the question whether or not the construction of an agricultural shed for housing cattle on a site at **Gortnagraige, Mallow, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development.**

Reason for Decision

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

- Sections 2 and 3 of the Planning and Development Act 2000, (as amended),
- Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001, (as amended) and
- The particulars received by the Planning Authority on 14th June and 16th July 2024.

And Whereas Cork County Council has concluded that –

- The construction of an agricultural shed for housing cattle on a site at **Gortnagraige, Mallow, Co. Cork** constitutes **development which 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>

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

<i>Ref No.</i>	D/237/24
<i>Applicant</i>	Susan O'Connor
<i>Description</i>	Agricultural shed for housing cattle
<i>Location</i>	Gortnagraige, Mallow

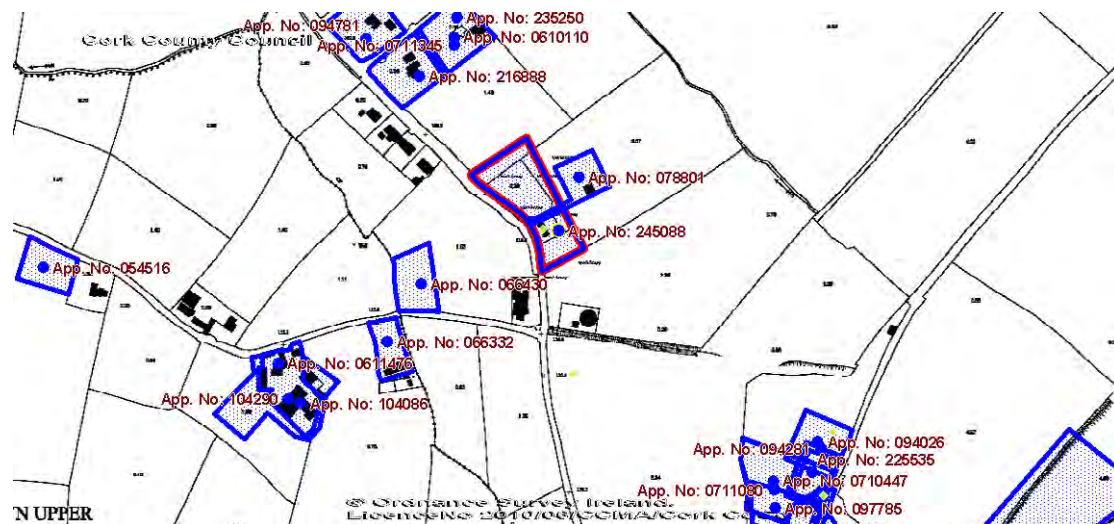
Section 5 Query

The subject of the section 5 query is whether the construction of an agricultural shed for housing cattle on a site in Gortnagraige, Mallow constitutes exempted development.

Site Location and Description

The site is located in the townland of Gortnagraige, to the south of Mallow town. The site adjoins the local road, L5368. The site is located within an area identified as High Value Landscape in the CDP. There are no scenic routes in the vicinity. The site is located within the screening zone for Blackwater River Special Area of Conservation. The site is located outside of the mapped flood risk zones A and B, as set out in the Cork County Development Plan 2022. Therefore, the site is located within flood zone C.

Planning History



Subject site;

07/8801: William O'Shea. Construction of cattle shed comprising of feeding passage, slatted tank unit and straw bed and construction of clean yard. Granted.

24/5088: Darren O'Connor, Susan O'Connor. Permission to construct a single storey extension to the rear and side of existing dwelling house, 2 No. dormer windows to

rear roof of existing dwelling house, material alterations to south eastern, front and rear elevations of existing dwelling house, septic tank and percolation area, new site entrance and all associated site works. Due date: 06/08/24.

Internal Reports

Area Engineer (email received on 09/07/24): The Area Engineer noted the existing entrance and she stated that 'With a bit of trimming of verges, sight lines will be improved.' In a telephone conversation with the Area Engineer on 09/07/24, she stated that she is satisfied that the existing entrance would not endanger public safety by reason of traffic hazard or obstruction of road users.

Environmental Officer (report dated 08/07/24): Further information is required.

Legislative Context

Planning and Development Act 2000, as amended

Section 2 (1)

Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3 (1)

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.

The Planning and Development Regulations 2001 as amended.

Article 6(1) states 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Class 6 refers to works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

This class is limited by a number of conditions.

Article 9(1)

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, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (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 Pleanala 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 any 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 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 fall under (i),(ii), (iii) or (iv)
- (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.

Assessment

The query relates to the construction of an agricultural shed for housing cattle on a site in Gortnagraige, to the south of Mallow. There is an existing shed to the east of the site. The existing structure lies to the north east of a vernacular dwelling. A search of the planning history shows that permission was granted for a cattle shed with a feeding passage, slatted tank unit, straw bed and a yard under 07/8801. The file is not currently available for inspection.

In the current application, it is stated that the floor area of the existing shed is 130 sq m. The floor area of the proposed shed is 160 sq m. The proposed structure would adjoin the existing shed to the west of same. Vehicular access is proposed via the existing entrance to the north of the dwelling. It appears that site clearing works have been carried out.

The proposal comprises development as defined in Section 3 (1) of the Planning and Development Act, 2000 where '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'.

The issue is whether the proposal comes within the scope of Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Class 6

Class 6 refers to works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage. The development description complies with this class. The proposed floor area of 160 sq m falls within the specified limit.

This class is limited by the following conditions;

Condition 1 – *'No such structure shall be used for any purpose other than the purpose of agriculture'*. It is intended to house cattle.

Condition 2 – *'The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100m of that complex shall not exceed 300 sq m gross floor space in aggregate.'* The stated floor area of the existing shed is 130 sq m. The proposed floor area is 160 sq m. The combined floor area of 290 sq m which would fall within the limit. There are no other structures at this location.

Condition 3 – *'Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of Environment and Local Government requirements and shall have regard to the need to avoid water pollution.'*

The Environmental Officer notes that there is an existing watercourse on the eastern boundary of the land, approximately 130m from the existing slatted shed. He notes that there is an existing public water abstraction source approximately 155m to the south of the proposed shed. The most recent data indicates that 222m³/day is abstracted from a borewell which should not be impacted by the proposed shed. It is not permitted to landspread farm effluents within 200m of the water abstraction point which reduces the area of spreadlands available to the operator of the lands.

The Environmental Officer stated that, based on the information provided by the applicant, he considers that there will be insufficient storage capacity for the farm effluents likely to be generated in the expanded livestock housing and insufficient land for the disposal of that material by landspreading. He also raised concerns regarding the feeding of livestock housed in the extended livestock house and the possibility of open feed yards. He requires further information to fully assess the query in respect of condition no. 3.

Condition no. 4 -*'No such structures shall be situated, and no effluent from such structure shall be stored, within 10m of any public road'*. The set back distance significantly exceeds this figure.

Condition 5 – *'No such structure within 100m of any public road shall exceed 8m in height'*. The height of the building is c.6.1m.

Condition 5 – *'No such structure shall be situated, and no effluent from such structure shall be stored, within 100m of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and,*

as may be appropriate, the occupier or person in charge thereof'. This condition is complied with.

Condition 6 – *'No unpainted metal sheeting shall be used for roofing or on the external finish of the structure'*. The drawings appear to indicate that this condition is complied with. The specification should be stated.

Article 9 (1) (a) states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would

(i) contravene condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. A search of the planning history does not indicate that this is 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 4m in width.

Vehicular access is proposed via the existing entrance on to the local road, L5368. The Area Engineer noted that the road width is greater than 4m. It is not proposed to modify the entrance.

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

In an email received on 09/07/24, the Area Engineer noted the existing entrance and she stated that 'With a bit of trimming of verges, sight lines will be improved.' In a telephone conversation with the Area Engineer on 09/07/24, she stated that she is satisfied that the existing entrance would not endanger public safety by reason of traffic hazard or obstruction of road users.

(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 site is located within the screening zone of the Blackwater River Special Area of Conservation. A screening assessment report is attached. The site is located over 150m from a watercourse and over 1.1km from the SAC. The screening assessment will be completed on receipt of a final recommendation from the Environmental Officer.

Conclusion

It is considered that the proposal constitutes development in accordance with section 3 of the Planning and Development Act 2000, as amended. In order to assess if the proposal falls within the remit of class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, further information is required in respect of condition 3, as set out by the Environmental Officer. Clarification could also be provided in relation to condition 6.

The following further information should be requested;

1. You are requested to submit the following information in order to assess if the proposal complies with the requirements of condition no. 3 of class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;

Condition 3 – Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Please submit the following;

1. Details of the type, age and number of cattle to be housed in the sheds.
 2. Details for the feeding of the livestock.
 3. Calculations for the volume of slurry/effluent seepage/soiled water likely to be generated in the sheds versus capacity of the existing slatted slurry tank demonstrating sufficient storage capacity to comply with the requirements of the S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended.
 4. Details for the storage and disposal of farmyard manure generated in the loose house.
 5. Details for the disposal of effluents generated on the farmyard demonstrating adequate spreadlands for the volume of farm effluents generated on the farm and taking account of S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended, particularly the buffer zones which must be maintained around the public water abstraction point located to the south of the farmyard.
2. Please submit a materials specification for the proposed shed and clarify if any unpainted metal sheeting is proposed for the roof or the external finish of the structure.

P Goulding
09/07/24

BLACKWATER RIVER SPECIAL AREA OF CONSERVATION

Development location: Mallow
File Ref: D237/24

Section 1: Project Information	
Brief description of the key components of the proposed development.	Agricultural shed for housing cattle
Distance of proposed development site	Over 1.1km

from the SAC.	
Distance of proposed development from watercourses.	Over 150m
List any ecological reports which have been provided in support of this application.	None
Section 2: Natura 2000 Site Data	
Site Name	Blackwater River SAC Site Code 2170
Qualifying features of Natura 2000 sites	<p>Habitats: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; <i>Salicornia</i> and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); <i>Taxus baccata</i> woods of the British Isles.</p> <p>Species: Freshwater pearl mussel; White-clawed crayfish; Sea lamprey; Brook lamprey; River lamprey; Allis shad; Twaite shad; Salmon; Otter; Killarney fern.</p>
Conservation Objectives	<p>Detailed conservation objectives for the Blackwater River SAC have been published by NPWS (July 2012 ver 1). These objectives set specific targets for each of the qualifying features for which the SAC is designated. The overall objective is to ensure that the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected is maintained. Specific objectives relating to individual habitats and species, identify particular stretches of the river to which water quality targets apply.</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks <i>Salicornia</i> and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); <i>Trichomanes speciosum</i>; Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> Vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); *<i>Taxus baccata</i> woods of the British Isles; Freshwater Pearl Mussel; White-clawed Crayfish; Sea Lamprey; Brook Lamprey; River Lamprey; Twaite Shad; Salmon and Otter.</p> <p>Please see expanded information relating to the conservation objectives at : http://www.npws.ie/protectedsites/specialareasofconservationsac/blackwaterrivercorkwaterfordsac/</p>

Other Notable Features	This is an extremely large riverine site which includes the entire length of the river and many of its tributaries from its headwaters in north west Cork and east Kerry to the estuary at Youghal. This site overlaps with the Blackwater Callows Special Protection Area which extends from Fermoy to Tallow along the river and its banks, and with the Blackwater Estuary Special Protection Area which extends through the estuarine portion of the site. It is an important site for a number of freshwater fish and invertebrate species. Associated habitats along the banks of the river including wetland habitats and woodlands are also included within the SAC.
Section 3: General Assessment <i>Consult with or refer file to ecology if the answer to any of the following is yes.</i>	
Is the proposed project within the SAC?	N
Is the proposed project within 100m of the SAC (landbased projects)?	N
Does the proposed project involve development in the intertidal or coastal zone within the potential impact zone of the SAC eg extensions or improvements to marine infrastructure (piers, slips, pontoons, marinas), or coastal protection works?	N
Does the proposed project involve dredging of marine sediments within the potential impact zone of the SAC?	N
Is there a surface water linkage between the development site and the SAC?	N
Is the proposed project located within an area identified to be at risk of flooding within the potential impact zone of the SAC?	Y (zone C)
Does the proposed project involve the development of flood protection measures within the potential impact zone of the SAC?	N
Does the proposed project involve works within 30m of any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve development of water crossings or any instream or banks works along any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve surface water abstraction from any watercourse within the SAC?	N
Does the proposed project involve a discharge of surface water or wastewater to any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve groundwater abstraction within 1km of the SAC?	N
Does the proposed project involve the development or extension of buildings or other structures to be used for agricultural purposes within the potential impact zone of the SAC?	Y

Does the proposed project involve the erection of a wind farm (>3 turbines), or an extension to an existing windfarm within the potential impact zone of the SAC?	N
Does the proposed project involve the development, extension or upgrade of a cycleway or walkway within 100m of the SAC?	N
Could the proposed project give rise to a change in land management practises within the SAC?	N
Section 4: Assessment of Proposals for Treatment of Wastewater <i>In order to ensure that there will be no impact on water quality, the following must be certified (mark the relevant box with X).</i>	
For developments proposing connection to individual waste water treatment systems the waste water treatment system must comply with EPA guidelines.	
For developments connecting to public waste water treatment systems which discharge to surface water within the catchment of this SAC, the public system must have the capacity to treat the proposed additional loading?	
Section 5: Screening Conclusion – Please tick either A or B	
A) Potential for significant impacts on the SAC have been ruled out. (In order to make this conclusion, you must certify the following, having regard to the information provided in sections 1, 2, 3, and 4).	
<i>Answers to all questions in section 3 is No.</i>	N
<i>Where applicable, waste water treatment facilities comply with EPA Guidelines or receiving WWTP has capacity to take increased load without causing a breach to license conditions (see section 4).</i>	
B) Potential for negative impacts have been identified or impacts are uncertain.	Y
Any Notes or Comments	
<i>The screening assessment will be completed on receipt of a final recommendation from the Environmental Officer.</i>	
Section 6: Screening Completed By	Date
Patricia Goulding	09/07/24

Further Information Response

Following a request for further information, a response was submitted on 16/07/24.

In his report dated 18/07/24, the Environmental Officer noted the submission and he states that he has no objection to the proposed development, subject to the shed being constructed in compliance with Dept. of Agriculture, Food and the Marine specification S.123: Minimum Specification for Bovine Livestock Units and Reinforced Tanks.

The applicant confirmed that no unpainted metal sheeting is proposed. Green cladding is proposed. The proposal complies with condition no. 6 of class 6.

Having regard to the Environmental Officer's recommendation and given the distance from the SAC, it is considered that significant impacts on the SAC could be screened out.

Conclusion

Based on the available information and having regard to;

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001, as amended and
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,

it is considered that the proposed development constitutes development and exempted development.

P Goulding
24/07/24

Application for Planning Exemption - F.I. received 17/07/24

Reference: D/237/24

Applicant: Susan O'Connor

Address: Gortnagraige, Mallow, Co. Cork P51 PF61

Date: Updated 18th July '24

By: Kevin Murphy

Details of Application

The application for planning exemption relates to the construction of a 160m² shed attached to an existing livestock house with slatted slurry tank on the Applicant's 13.14Ha landholding at Gortnagraige, Mallow, Co. Cork. The shed is to be 8.54m wide x approx. 20m long (scaled from the drawing) and is described as a roofed loose area Class 6.

Assessment of Application

The proposed development is within an existing small farmyard which consists of a single building, a livestock house with slatted slurry tank. Based on the information provided, the existing livestock housing is consistent with the available slurry storage capacity and the area of lands available to the Applicant for the disposal of the effluents likely to be generated on the farm by the number of animals housed.

It is proposed to construct a 160m² loose house attached to the existing slatted shed. This will enable the operator of the farmyard to more than double the number of animals. It is not proposed to construct any additional slurry/effluent storage capacity and no details have been provided for the storage of farmyard manure generated in the proposed shed.

There is an existing watercourse on the eastern boundary of the land at approx. 130m from the existing slatted shed. The nearest third-party dwelling is on the opposite side of the public road at approx. 110m from the proposed development.

An existing public water abstraction source is located at approx. 155m south of the proposed shed. Latest information available to CCC Env. Dept. indicates that 222m³/day is abstracted from a borewell. The borewell should not be impacted by the proposed shed but it is not permitted to landspread farm effluents within 200m of the water abstraction point which reduces the area of spreadlands available to the operator of the lands.

In my report dated 08/07/24, I recommended that the Applicant should be asked to provide the following information:

1. Details of the type, age and number of cattle to be housed in the sheds.
2. Details for the feeding of the livestock.
3. Calculations for the volume of slurry/effluent seepage/soiled water likely to be generated in the sheds versus capacity of the existing slatted slurry tank demonstrating sufficient storage capacity to comply with the requirements of the S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended.
4. Details for the storage and disposal of farmyard manure generated in the loose house.
5. Details for the disposal of effluents generated on the farmyard demonstrating adequate spreadlands for the volume of farm effluents generated on the farm and taking account of S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended, particularly the buffer zones which must be maintained around the public water abstraction point located to the south of the farmyard.

In F.I. received by CCC Planning on 16/07/24, the Applicant clarified that:

1. It is proposed to house 15 no. 1 – 2 yr old cattle in the shed over the winter.
2. The Applicant has advised that cattle are to be fed hay which will be stored in the shed with the animals. My query related to where the animals were to be fed rather than what they will be fed but this is not an issue subject to compliance with the GAP Regulations.
3. Proposed livestock numbers and calculations for the effluent storage capacity demonstrate compliance with the requirements of the GAP Regulations.
4. FYM generated in the loose house is to be allowed to build up within the building prior to being removed for landspreading during the permitted period (after 12th Jan).
5. The Applicant has confirmed that buffer zones around the public water abstraction source will be maintained. The remaining lands are adequate for the disposal of the farm effluents that will be generated by the proposed livestock numbers.

Conclusion

I have no objection to the proposed development subject to the shed being constructed in compliance with Dept. of Agriculture, Food and the Marine specification S.123: Minimum Specification for Bovine Livestock Units and Reinforced Tanks.

END

Susan O'Connor,
C/O Aidan Kelly,
Molough,
Newcastle,
Clonmel,
Co. Tipperary

9th July, 2024

Our Ref.: D/237/24

Re: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.

Whether the proposed construction of an agricultural shed for the housing of cattle at Gortnagraige, Mallow, Co. Cork is or is not development and is or is not exempted development.

Dear Sir/Madam,

I refer to your application for a Declaration of Exemption in relation to the above.

It is considered that the information submitted with the Section 5 Declaration application is insufficient to enable the Planning Authority to make a determination in this case. You are therefore requested to submit the following further information in order to assess if the proposal complies with the requirements of Condition No. 3 of Class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;

Condition 3 – Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Please submit the following;

1. Details of the type, age and number of cattle to be housed in the sheds.
2. Details for the feeding of the livestock.
3. Calculations for the volume of slurry/effluent seepage/soiled water likely to be generated in the sheds versus capacity of the existing slatted slurry tank demonstrating sufficient storage capacity to comply with the requirements of the S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended.
4. Details for the storage and disposal of farmyard manure generated in the loose house.
5. Details for the disposal of effluents generated on the farmyard demonstrating adequate spreadlands for the volume of farm effluents generated on the farm and taking account of S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters)

Regulations 2022 as amended, particularly the buffer zones which must be maintained around the public water abstraction point located to the south of the farmyard.

6. Please submit a materials specification for the proposed shed and clarify if any unpainted metal sheeting is proposed for the roof or the external finish of the structure.

Yours faithfully,

**ANGELA CARRIGY,
ASO PLANNING DEPARTMENT.**

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

<i>Ref No.</i>	D/237/24
<i>Applicant</i>	Susan O'Connor
<i>Description</i>	Agricultural shed for housing cattle
<i>Location</i>	Gortnagraige, Mallow

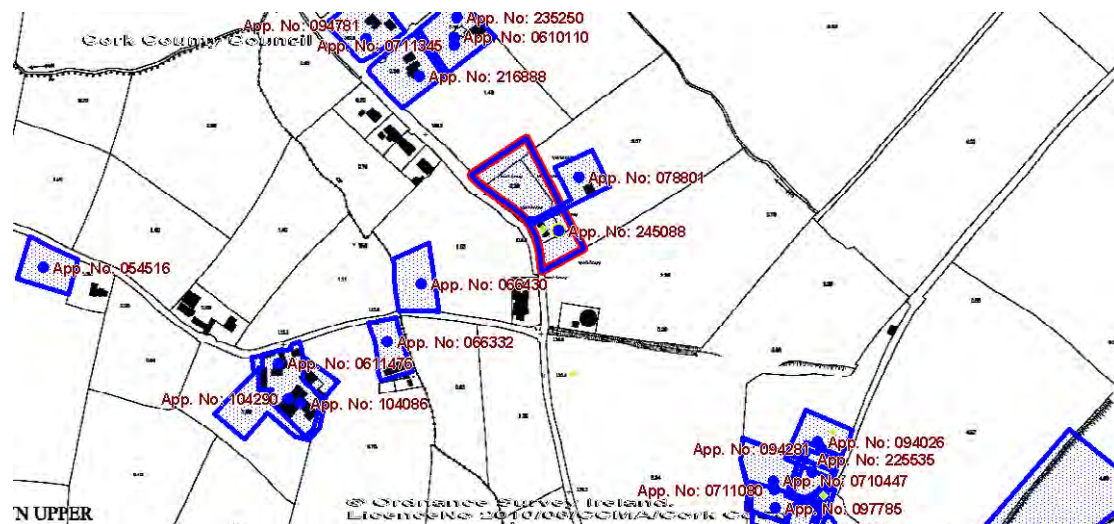
Section 5 Query

The subject of the section 5 query is whether the construction of an agricultural shed for housing cattle on a site in Gortnagraige, Mallow constitutes exempted development.

Site Location and Description

The site is located in the townland of Gortnagraige, to the south of Mallow town. The site adjoins the local road, L5368. The site is located within an area identified as High Value Landscape in the CDP. There are no scenic routes in the vicinity. The site is located within the screening zone for Blackwater River Special Area of Conservation. The site is located outside of the mapped flood risk zones A and B, as set out in the Cork County Development Plan 2022. Therefore, the site is located within flood zone C.

Planning History



Subject site;

07/8801: William O'Shea. Construction of cattle shed comprising of feeding passage, slatted tank unit and straw bed and construction of clean yard. Granted.

24/5088: Darren O'Connor, Susan O'Connor. Permission to construct a single storey extension to the rear and side of existing dwelling house, 2 No. dormer windows to

rear roof of existing dwelling house, material alterations to south eastern, front and rear elevations of existing dwelling house, septic tank and percolation area, new site entrance and all associated site works. Due date: 06/08/24.

Internal Reports

Area Engineer (email received on 09/07/24): The Area Engineer noted the existing entrance and she stated that 'With a bit of trimming of verges, sight lines will be improved.' In a telephone conversation with the Area Engineer on 09/07/24, she stated that she is satisfied that the existing entrance would not endanger public safety by reason of traffic hazard or obstruction of road users.

Environmental Officer (report dated 08/07/24): Further information is required.

Legislative Context

Planning and Development Act 2000, as amended

Section 2 (1)

Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3 (1)

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.

The Planning and Development Regulations 2001 as amended.

Article 6(1) states 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Class 6 refers to works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

This class is limited by a number of conditions.

Article 9(1)

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, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (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 Pleanala 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 any 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 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 fall under (i),(ii), (iii) or (iv)
 - (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.

Assessment

The query relates to the construction of an agricultural shed for housing cattle on a site in Gortnagraige, to the south of Mallow. There is an existing shed to the east of the site. The existing structure lies to the north east of a vernacular dwelling. A search of the planning history shows that permission was granted for a cattle shed with a feeding passage, slatted tank unit, straw bed and a yard under 07/8801. The file is not currently available for inspection.

In the current application, it is stated that the floor area of the existing shed is 130 sq m. The floor area of the proposed shed is 160 sq m. The proposed structure would adjoin the existing shed to the west of same. Vehicular access is proposed via the existing entrance to the north of the dwelling. It appears that site clearing works have been carried out.

The proposal comprises development as defined in Section 3 (1) of the Planning and Development Act, 2000 where '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'.

The issue is whether the proposal comes within the scope of Class 6 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Class 6

Class 6 refers to works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage. The development description complies with this class. The proposed floor area of 160 sq m falls within the specified limit.

This class is limited by the following conditions;

Condition 1 – *'No such structure shall be used for any purpose other than the purpose of agriculture'*. It is intended to house cattle.

Condition 2 – *'The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100m of that complex shall not exceed 300 sq m gross floor space in aggregate.'* The stated floor area of the existing shed is 130 sq m. The proposed floor area is 160 sq m. The combined floor area of 290 sq m which would fall within the limit. There are no other structures at this location.

Condition 3 – *'Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of Environment and Local Government requirements and shall have regard to the need to avoid water pollution.'*

The Environmental Officer notes that there is an existing watercourse on the eastern boundary of the land, approximately 130m from the existing slatted shed. He notes that there is an existing public water abstraction source approximately 155m to the south of the proposed shed. The most recent data indicates that 222m³/day is abstracted from a borewell which should not be impacted by the proposed shed. It is not permitted to landspread farm effluents within 200m of the water abstraction point which reduces the area of spreadlands available to the operator of the lands.

The Environmental Officer stated that, based on the information provided by the applicant, he considers that there will be insufficient storage capacity for the farm effluents likely to be generated in the expanded livestock housing and insufficient land for the disposal of that material by landspreading. He also raised concerns regarding the feeding of livestock housed in the extended livestock house and the possibility of open feed yards. He requires further information to fully assess the query in respect of condition no. 3.

Condition no. 4 -*'No such structures shall be situated, and no effluent from such structure shall be stored, within 10m of any public road'*. The set back distance significantly exceeds this figure.

Condition 5 – *'No such structure within 100m of any public road shall exceed 8m in height'*. The height of the building is c.6.1m.

Condition 5 – *'No such structure shall be situated, and no effluent from such structure shall be stored, within 100m of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and,*

as may be appropriate, the occupier or person in charge thereof'. This condition is complied with.

Condition 6 – *'No unpainted metal sheeting shall be used for roofing or on the external finish of the structure'*. The drawings appear to indicate that this condition is complied with. The specification should be stated.

Article 9 (1) (a) states that development to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would

(i) contravene condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. A search of the planning history does not indicate that this is 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 4m in width.

Vehicular access is proposed via the existing entrance on to the local road, L5368. The Area Engineer noted that the road width is greater than 4m. It is not proposed to modify the entrance.

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

In an email received on 09/07/24, the Area Engineer noted the existing entrance and she stated that 'With a bit of trimming of verges, sight lines will be improved.' In a telephone conversation with the Area Engineer on 09/07/24, she stated that she is satisfied that the existing entrance would not endanger public safety by reason of traffic hazard or obstruction of road users.

(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 site is located within the screening zone of the Blackwater River Special Area of Conservation. A screening assessment report is attached. The site is located over 150m from a watercourse and over 1.1km from the SAC. The screening assessment will be completed on receipt of a final recommendation from the Environmental Officer.

Conclusion

It is considered that the proposal constitutes development in accordance with section 3 of the Planning and Development Act 2000, as amended. In order to assess if the proposal falls within the remit of class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, further information is required in respect of condition 3, as set out by the Environmental Officer. Clarification could also be provided in relation to condition 6.

The following further information should be requested;

1. You are requested to submit the following information in order to assess if the proposal complies with the requirements of condition no. 3 of class 6, Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended;

Condition 3 – Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Please submit the following;

1. Details of the type, age and number of cattle to be housed in the sheds.
 2. Details for the feeding of the livestock.
 3. Calculations for the volume of slurry/effluent seepage/soiled water likely to be generated in the sheds versus capacity of the existing slatted slurry tank demonstrating sufficient storage capacity to comply with the requirements of the S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended.
 4. Details for the storage and disposal of farmyard manure generated in the loose house.
 5. Details for the disposal of effluents generated on the farmyard demonstrating adequate spreadlands for the volume of farm effluents generated on the farm and taking account of S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended, particularly the buffer zones which must be maintained around the public water abstraction point located to the south of the farmyard.
2. Please submit a materials specification for the proposed shed and clarify if any unpainted metal sheeting is proposed for the roof or the external finish of the structure.

P Goulding
09/07/24

BLACKWATER RIVER SPECIAL AREA OF CONSERVATION

Development location: Mallow
File Ref: D237/24

Section 1: Project Information	
Brief description of the key components of the proposed development.	Agricultural shed for housing cattle
Distance of proposed development site	Over 1.1km

from the SAC.	
Distance of proposed development from watercourses.	Over 150m
List any ecological reports which have been provided in support of this application.	None
Section 2: Natura 2000 Site Data	
Site Name	Blackwater River SAC Site Code 2170
Qualifying features of Natura 2000 sites	<p>Habitats: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks; <i>Salicornia</i> and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); <i>Taxus baccata</i> woods of the British Isles.</p> <p>Species: Freshwater pearl mussel; White-clawed crayfish; Sea lamprey; Brook lamprey; River lamprey; Allis shad; Twaite shad; Salmon; Otter; Killarney fern.</p>
Conservation Objectives	<p>Detailed conservation objectives for the Blackwater River SAC have been published by NPWS (July 2012 ver 1). These objectives set specific targets for each of the qualifying features for which the SAC is designated. The overall objective is to ensure that the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected is maintained. Specific objectives relating to individual habitats and species, identify particular stretches of the river to which water quality targets apply.</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected: Estuaries; Mudflats and sandflats not covered by seawater at low tide; Perennial vegetation of stony banks <i>Salicornia</i> and other annuals colonising mud and sand; Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>); Mediterranean salt meadows (<i>Juncetalia maritimi</i>); <i>Trichomanes speciosum</i>; Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> Vegetation; Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles; *Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>); *<i>Taxus baccata</i> woods of the British Isles; Freshwater Pearl Mussel; White-clawed Crayfish; Sea Lamprey; Brook Lamprey; River Lamprey; Twaite Shad; Salmon and Otter.</p> <p>Please see expanded information relating to the conservation objectives at : http://www.npws.ie/protectedsites/specialareasofconservationsac/blackwatercorkwaterfordsac/</p>

Other Notable Features	This is an extremely large riverine site which includes the entire length of the river and many of its tributaries from its headwaters in north west Cork and east Kerry to the estuary at Youghal. This site overlaps with the Blackwater Callows Special Protection Area which extends from Fermoy to Tallow along the river and its banks, and with the Blackwater Estuary Special Protection Area which extends through the estuarine portion of the site. It is an important site for a number of freshwater fish and invertebrate species. Associated habitats along the banks of the river including wetland habitats and woodlands are also included within the SAC.
Section 3: General Assessment <i>Consult with or refer file to ecology if the answer to any of the following is yes.</i>	
Is the proposed project within the SAC?	N
Is the proposed project within 100m of the SAC (landbased projects)?	N
Does the proposed project involve development in the intertidal or coastal zone within the potential impact zone of the SAC eg extensions or improvements to marine infrastructure (piers, slips, pontoons, marinas), or coastal protection works?	N
Does the proposed project involve dredging of marine sediments within the potential impact zone of the SAC?	N
Is there a surface water linkage between the development site and the SAC?	N
Is the proposed project located within an area identified to be at risk of flooding within the potential impact zone of the SAC?	Y (zone C)
Does the proposed project involve the development of flood protection measures within the potential impact zone of the SAC?	N
Does the proposed project involve works within 30m of any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve development of water crossings or any instream or banks works along any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve surface water abstraction from any watercourse within the SAC?	N
Does the proposed project involve a discharge of surface water or wastewater to any watercourse within the potential impact zone of the SAC?	N
Does the proposed project involve groundwater abstraction within 1km of the SAC?	N
Does the proposed project involve the development or extension of buildings or other structures to be used for agricultural purposes within the potential impact zone of the SAC?	Y

Does the proposed project involve the erection of a wind farm (>3 turbines), or an extension to an existing windfarm within the potential impact zone of the SAC?	N
Does the proposed project involve the development, extension or upgrade of a cycleway or walkway within 100m of the SAC?	N
Could the proposed project give rise to a change in land management practises within the SAC?	N
Section 4: Assessment of Proposals for Treatment of Wastewater	
<i>In order to ensure that there will be no impact on water quality, the following must be certified (mark the relevant box with X).</i>	
For developments proposing connection to individual waste water treatment systems the waste water treatment system must comply with EPA guidelines.	
For developments connecting to public waste water treatment systems which discharge to surface water within the catchment of this SAC, the public system must have the capacity to treat the proposed additional loading?	
Section 5: Screening Conclusion – Please tick either A or B	
A) Potential for significant impacts on the SAC have been ruled out. (In order to make this conclusion, you must certify the following, having regard to the information provided in sections 1, 2, 3, and 4).	
Answers to all questions in section 3 is No.	N
Where applicable, waste water treatment facilities comply with EPA Guidelines or receiving WWTP has capacity to take increased load without causing a breach to license conditions (see section 4).	
B) Potential for negative impacts have been identified or impacts are uncertain.	Y
Any Notes or Comments	
<i>The screening assessment will be completed on receipt of a final recommendation from the Environmental Officer.</i>	
Section 6: Screening Completed By	Date
Patricia Goulding	09/07/24

Application for Planning Exemption

Reference: D/237/24

Applicant: Susan O'Connor

Address: Gortnagraige, Mallow, Co. Cork P51 PF61

Date: 8th July '24

By: Kevin Murphy

Details of Application

The application for planning exemption relates to the construction of a 160m² shed attached to an existing livestock house with slatted slurry tank on the Applicant's 13.14Ha landholding at Gortnagraige, Mallow, Co. Cork. The shed is to be 8.54m wide x approx. 20m long (scaled from the drawing) and is described as a roofed loose area Class 6.

Assessment of Application

The proposed development is within an existing small farmyard which consists of a single building, a livestock house with slatted slurry tank. Based on the information provided, the existing livestock housing is consistent with the available slurry storage capacity and the area of lands available to the Applicant for the disposal of the effluents likely to be generated on the farm by the number of animals housed.

It is proposed to construct a 160m² loose house attached to the existing slatted shed. This will enable the operator of the farmyard to more than double the number of animals. It is not proposed to construct any additional slurry/effluent storage capacity and no details have been provided for the storage of farmyard manure generated in the proposed shed.

There is an existing watercourse on the eastern boundary of the land at approx. 130m from the existing slatted shed. The nearest third-party dwelling is on the opposite side of the public road at approx. 110m from the proposed development.

An existing public water abstraction source is located at approx. 155m south of the proposed shed. Latest information available to CCC Env. Dept. indicates that 222m³/day is abstracted from a borewell. The borewell should not be impacted by the proposed shed but it is not permitted to landspread farm effluents within 200m of the water abstraction point which reduces the area of spreadlands available to the operator of the lands.

Conclusion

Based on the information provided by the Applicant, it is my opinion that there will be insufficient storage capacity for the farm effluents likely to be generated

in the expanded livestock housing and insufficient land for the disposal of that material by landspreading. I also have concerns regarding the feeding of livestock housed in the extended livestock house and the possibility of open feed yards.

The Applicant should be asked to provide the following information:

1. Details of the type, age and number of cattle to be housed in the sheds.
2. Details for the feeding of the livestock.
3. Calculations for the volume of slurry/effluent seepage/soiled water likely to be generated in the sheds versus capacity of the existing slatted slurry tank demonstrating sufficient storage capacity to comply with the requirements of the S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended.
4. Details for the storage and disposal of farmyard manure generated in the loose house.
5. Details for the disposal of effluents generated on the farmyard demonstrating adequate spreadlands for the volume of farm effluents generated on the farm and taking account of S.I. 113 of 2022: European Union (Good Agriculture Practice for Protection of Waters) Regulations 2022 as amended, particularly the buffer zones which must be maintained around the public water abstraction point located to the south of the farmyard.

END



Molough,
Newcastle,
Clonmel,
Co. Tipperary.
11 Jun. 24

Section 5
Schedule list

Client:
Susan O Connor

Address;
Gortnagraige, Mallow, Co. Cork. P51PF61

Documentation:

Drawings

Sheet no.	Title	Scale	Size	Quantity
01	site layout	1:500	A2	4
02	Floor plan	SEE PAGE	A3	4

Maps

Sheet no.	Title	Scale	Size	Quantity
05	Site location map	1:10560	A4	4
06	Site location map	1:2500	A4	4

Application form and checklist 4

Regards

Aidan Kelly B.Arch B.sc Arch Tech B.Agr





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:

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Planning Department

14 JUN 2024
Cork County Council
County Hall
Cork.

FOR OFFICE USE ONLY

Receipt No.	PL20002390
Cash/Cheque/ Credit Card	CHEQUE
Date	14/6/24
Declaration Ref. No.	D/23724

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)

Susan O Connor

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

Gortnagraige, Mallow, Co. Cork. P51PF61

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 proposed shed will be housing cattle and be a CLASS 6 EXEMPTION STRUCTURE

Total existing 130m2 class 6

Total Proposed 160m2 class 6

Total 290m2

which is under the 300m2 total allowed

Is the proposed shed exempt

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)

(a) Floor area of existing/proposed structure(s):	130m ² class 6 existing
(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 checked="" 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 N/A _____ _____
(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"/>
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 checked="" 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

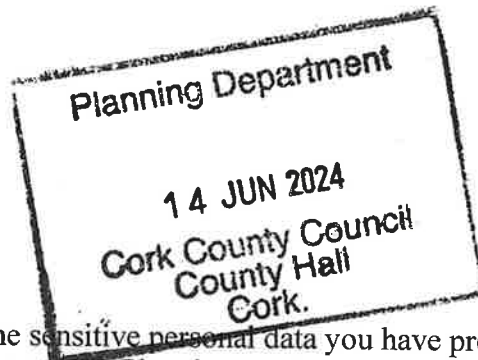
Signed (By Applicant Only)	
Date	8/6/2024

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:

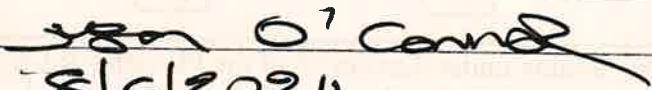
- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation



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	8/6/2024

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)	
Date	11-6-2024



Site Location Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 555774,595729

PUBLISHED: 01/06/2024
ORDER NO.: 50404159_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK033

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
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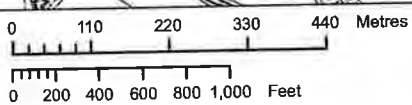
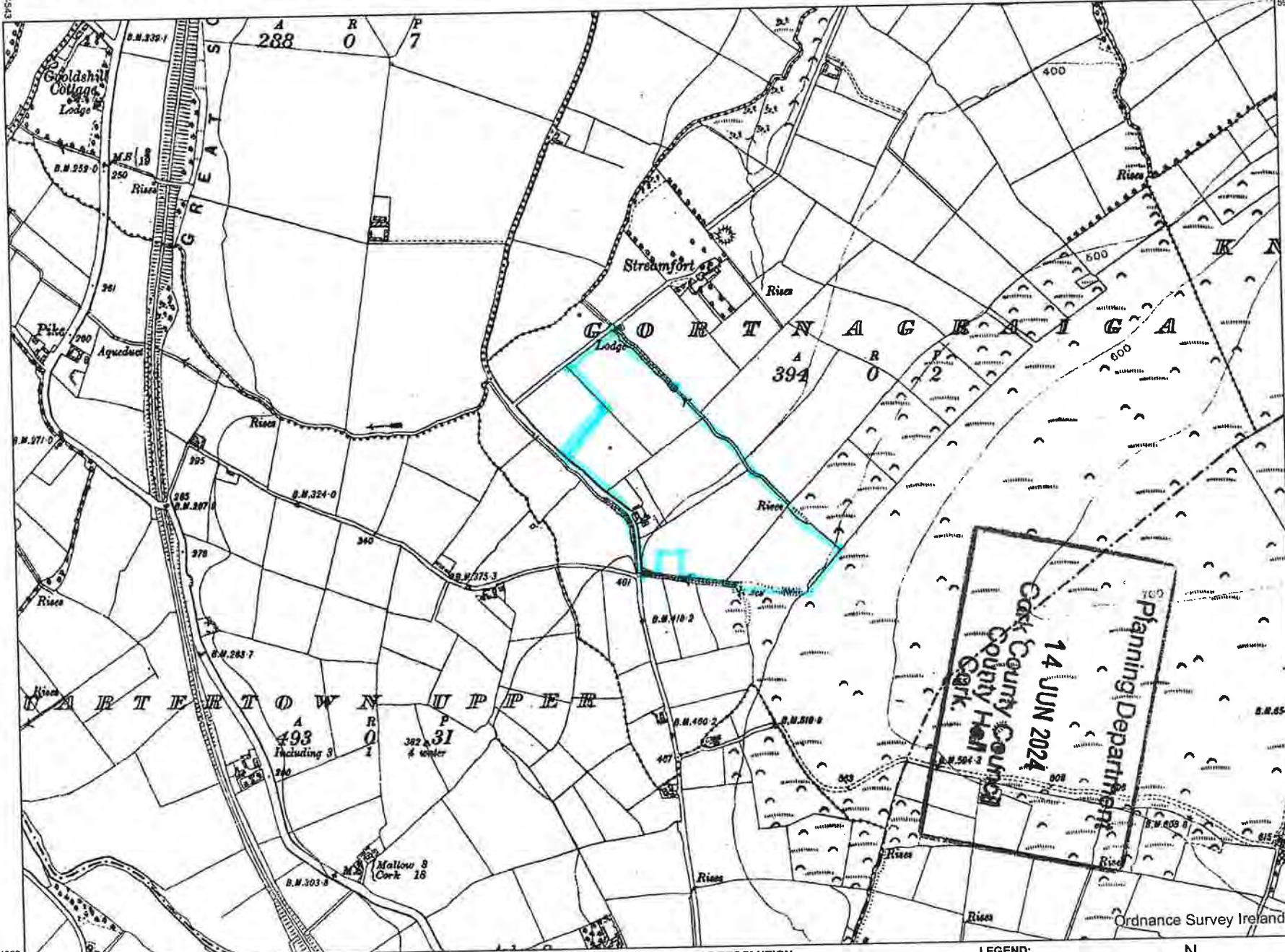
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OUTPUT SCALE: 1:10,560

CAPTURE RESOLUTION:
The map objects are only accurate to the
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Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



Ordnance Survey Ireland

Planning Pack Map



Tailte Éireann

Gort na Gráige
Gortnagraiga

CENTRE COORDINATES:
ITM 555774,595729

PUBLISHED: 01/06/2024
ORDER NO.: 50404159_1

MAP SERIES: 1:2,500
MAP SHEETS: 6008-B, 6008-D, 6009-A, 6009-C

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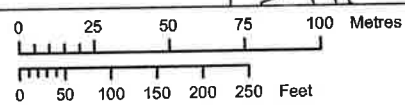
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Baile na Ceathrún
Uachtarach
Quartern town Upper

shed location

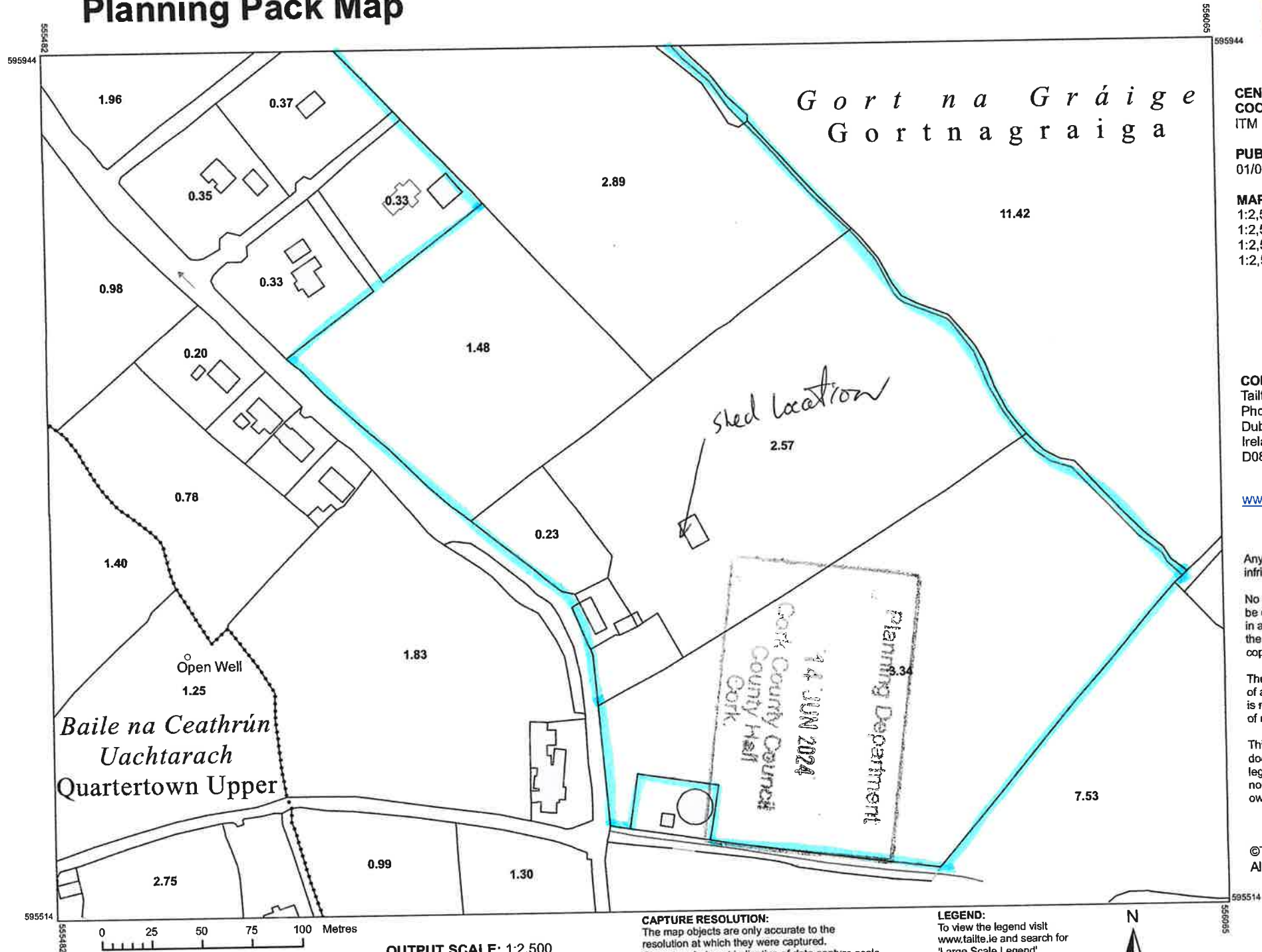
14 JUN 2024
Cork County Council
County Hall
Cork
Planning Department

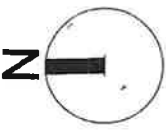


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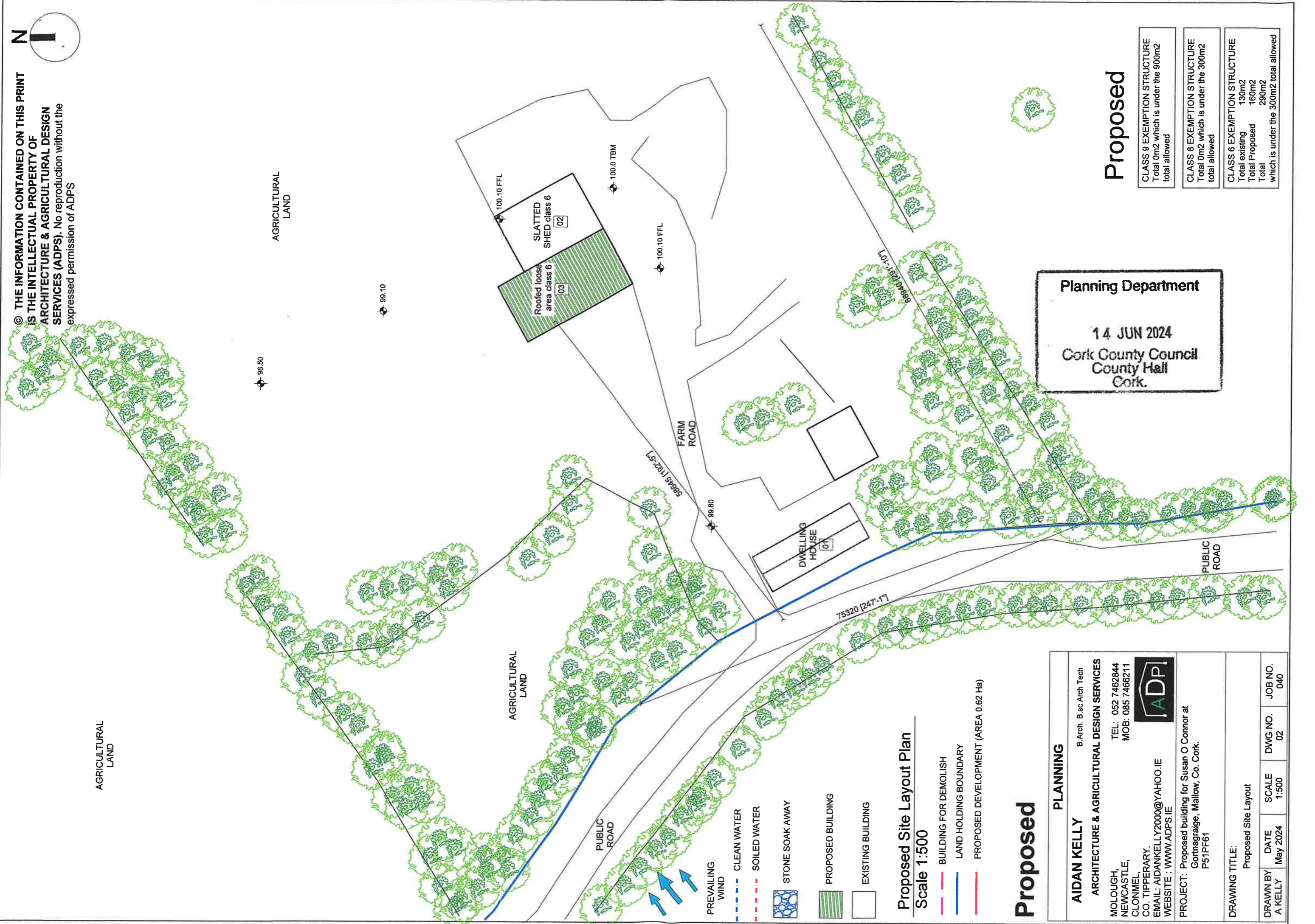
CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'





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AGRICULTURAL LAND

AGRICULTURAL LAND

AGRICULTURAL LAND

- PREVAILING WIND
- CLEAN WATER
- SOILED WATER
- STONE SOAK AWAY
- PROPOSED BUILDING
- EXISTING BUILDING
- BUILDING FOR DEMOLISH
- LAND HOLDING BOUNDARY
- PROPOSED DEVELOPMENT (AREA 0.62 Ha)

Proposed Site Layout Plan
Scale 1:500

Proposed

PLANNING			
AIDAN KELLY B.Arch. B.sc Arch Tech		ARCHITECTURE & AGRICULTURAL DESIGN SERVICES	
MOLOUGH, NEWCASTLE, CLONMEL, CO. TIPPERARY.		TEL: 052 7462844 MOB: 085 7466211	
EMAIL: AIDANKELLY2000@YAHOO.IE WEBSITE: WWW.ADPS.IE			
PROJECT: Proposed building for Susan O Connor at Gortnagraige, Mallow, Co. Cork. P51PF61			
DRAWING TITLE: Proposed Site Layout			
DRAWN BY A KELLY	DATE May 2024	SCALE 1:500	DWG NO. 02
			JOB NO. 040

Planning Department

14 JUN 2024
Cork County Council
County Hall
Cork.

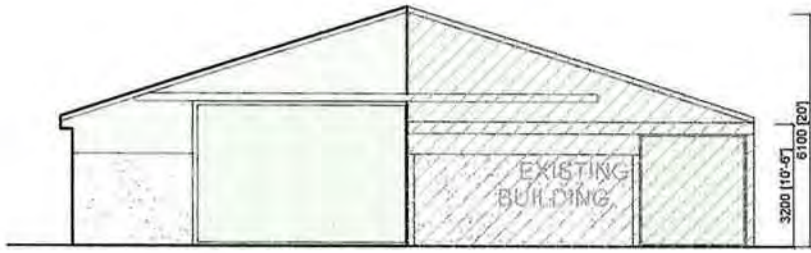
Proposed

CLASS 9 EXEMPTION STRUCTURE Total 0m2 which is under the 900m2 total allowed	CLASS 8 EXEMPTION STRUCTURE Total 0m2 which is under the 300m2 total allowed	CLASS 6 EXEMPTION STRUCTURE Total existing 130m2 Total Proposed 160m2 Total 290m2 which is under the 300m2 total allowed
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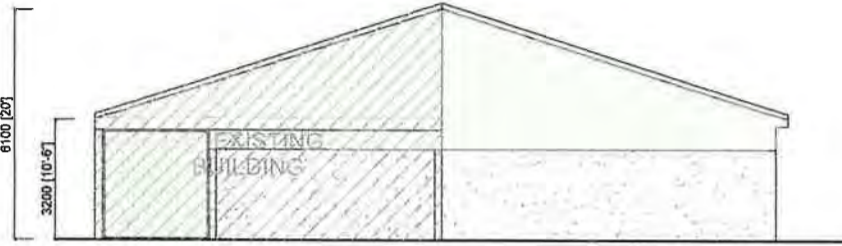
NOTE
 ALL STEEL SIZING AND DESIGN TO BE CHECKED BY AN ENGINEER PRIOR TO CONSTRUCTION

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Planning drawing only
NOT CONSTRUCTION DRAWING



South Elevation
 Scale 1:200



North Elevation
 Scale 1:200



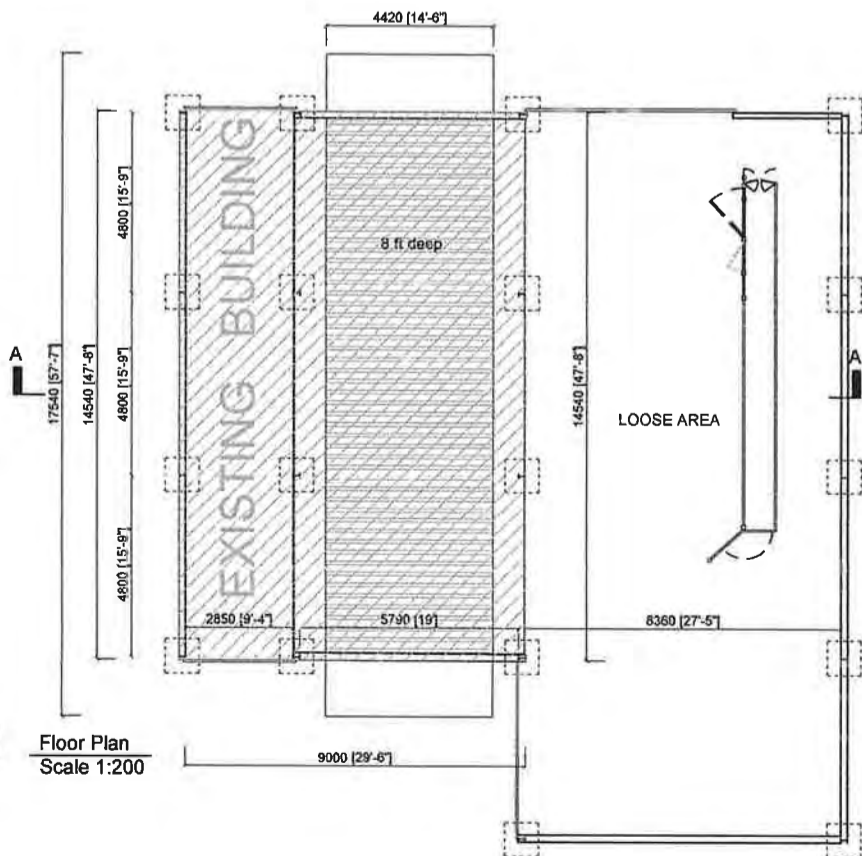
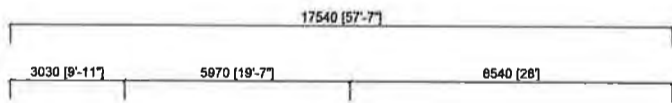
East Elevation
 Scale 1:200



Section A-A
 Scale 1:200



West Elevation
 Scale 1:200



Floor Plan
 Scale 1:200

Proposed

Existing Building Area : 130 m²
 Roofed Crush Area : 160 m²
 Total Area : 290 m²

PLANNING

AIDAN KELLY

B.Arch. B.sc Arch Tech

ARCHITECTURE & AGRICULTURAL DESIGN SERVICES

MOLOUGH, NEWCASTLE, CLONMEL, CO. TIPPERARY.
 EMAIL: AIDANKELLY2000@YAHOO.IE
 WEBSITE: WWW.ADPS.IE

TEL: 052 7462844
 MOB: 085 7466211



PROJECT: Proposed building for Susan O Connor at Gortnagraige, Mallow, Co. Cork. P51PF61

DRAWING TITLE:
 Plan and Section

DRAWN BY A KELLY	DATE May 2024	SCALE	DWG NO. 03	JOB NO. 040
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14 JUN 2024
 Cork County Council
 County Hall
 Cork.
 Planning Department