

# Comhairle Contae Chorcaí Cork County Council

John Linehan,  
School Road,  
Farranistig,  
Whitechurch,  
Co. Cork  
T34 X722

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27<sup>th</sup> January, 2025

REF: D/296/24  
LOCATION: Shanlyre, Whitechurch, Co. Cork

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

Dear Sir,

On the basis of the information submitted by you on 19<sup>th</sup> December, 2024 the Planning Authority, having considered whether the proposed construction of a shed for the storage of agricultural machinery at **Shanlyre, Whitechurch, Co. Cork** is or is not development or is or is not exempted development, has declared that it is **not 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)
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)

**And Whereas the Planning Authority** hereby decides that

The proposed construction of a shed for the storage of agricultural machinery constitutes development and not exempted development based on the available information and a site inspection.

**NOW THEREFORE, Cork County Council**, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the proposed construction of a shed for the storage of agricultural machinery at **Shanlyre, Whitechurch, Co. Cork** is **not exempted development**.

**Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to**



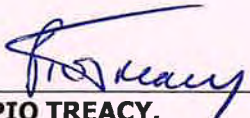
We are Cork.



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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,

  
\_\_\_\_\_  
**PIO TREACY,  
ADMINISTRATIVE 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>	<b>D/296/24</b>
<i>Applicant</i>	John Linehan
<i>Description</i>	Agricultural Shed
<i>Location</i>	Shanlyre, Whitechurch

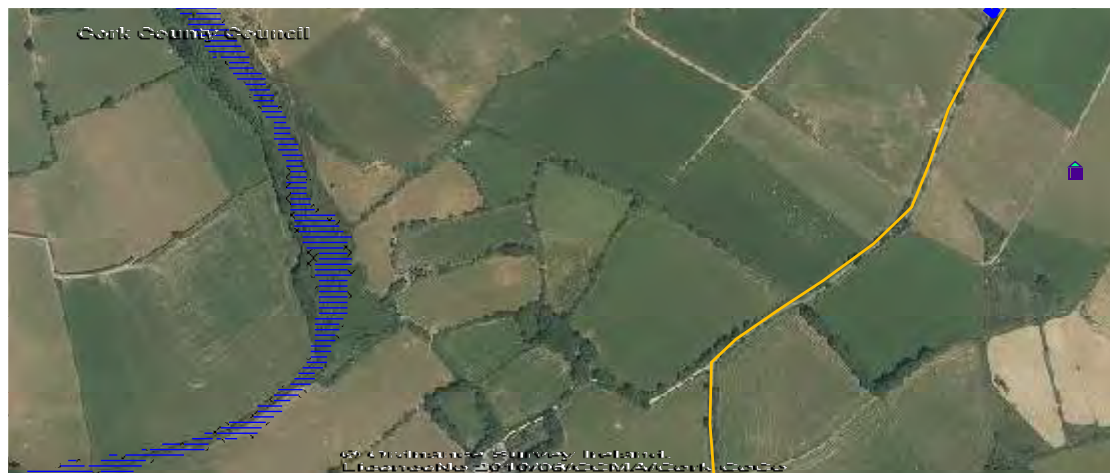
### *Section 5 Query*

The subject of the section 5 query is whether the construction of an agricultural shed on a site in Shanlyre, Whitechurch, constitutes exempted development.

### *Site Location*

The proposal comprises an agricultural shed on a site in Shanlyre, to the north west of Whitechurch. The site adjoins local road, L6961, to the south west of Shanlyre Crossroads. The site lies to the east of the N20 and the railway line. The site is located outside of the study area for the proposed M20. The site is located outside areas identified as High Value Landscape in the CDP. There are no scenic routes in the vicinity. The site is located outside of the screening zone of a Natura 2000 site. The north western section of the landholding overlaps flood risk zones A and B. The remainder of the holding and the site of the proposed shed lie within flood zone C.

### *Planning History*



There is no record of an application on the holding on the PES or the previous registry maps.

### *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) In this Act, except where the context otherwise requires, "development" means—

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

- (a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or
  - (b) where land becomes used for any of the following purposes—
    - (i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,
    - (ii) the storage of caravans or tents, or
    - (iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders' waste, rubbish or debris,
- the use of the land shall be taken as having materially changed.

*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 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended refers to 'works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 sq m'.

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 or forestry, but excluding the housing of animals or the storing of effluent'.

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 900 sq m gross floor space in aggregate.'

Condition 3 – 'No such structures shall be situated within 10m of any public road'.

Condition 4 – 'No such structure within 100m of any public road shall exceed 8m in height'.

Condition 5 – 'No such structure shall be situated 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'.

Condition 6 – 'No unpainted metal sheeting shall be used for roofing or on the external finish of the structure'.

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, in the draft variation of the 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 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 an agricultural shed on a site in the townland of Shanlyre, Whitechurch. It is stated that the shed will be used for the storage of machinery equipment for agricultural work. It is also stated that diesel will not be stored on site. The floor area of the building is 290 sq m. The holding comprises 10.74ha. The applicant states that he is engaged in agricultural work and site development works and that he has a number of vehicles and machinery required for the works. He states that some of his work is seasonal. There are no other farm buildings on the holding. There is a ruinous stone structure to the south west of the holding. The applicant stated that he has widened the entrance, installed gates and constructed a farm road.

On the date of inspection, there was a vehicular entrance to the south east of the holding and a roadway along the north eastern boundary over 230m which traversed through a new break in the field boundary to the north west. The google streetview image captured in 2009 does not show evidence of an entrance at this location at that time. There is no record of permission for same. Substantial clearing has been carried out along large sections of hedgerows, along with some trenching works.



A large area has been cleared on site with compacted hardcore/gravel on a small section to the east. It is proposed to site the building at this location. There were some materials and a range of machinery on site, much of which would be related to the construction industry, as illustrated in the following images. There were small mounds of aggregate on site and large mounds of soil and stone. Partial excavation/drainage works have been carried out. There is a track with soil/stone mounds adjoining in the northern section of the holding to the south. Substantial extraction work has been carried out on the slope on the northern section of the land. The site levels fall towards a watercourse. In light of the above, there are significant concerns in this case.







With regard to the current proposal, the shed 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'.

Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended refers to 'works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 sq m'.

The stated floor area of the proposed shed is 290 sq m which would fall within the stated 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 or forestry, but excluding the housing of animals or the storing of effluent’.*

There are significant concerns about the proposed use of the building. It is noted that there is a range of vehicles on site, much of which would be related to the construction industry. The holding comprises 10.74ha. The applicant resides in Farranastig, c.3km to the south. The applicant states that he is engaged in agricultural work and site development works. There is no farm complex at this location. There is a ruinous stone structure to the south west of the site. There are concerns in relation to the particulars of the proposal, the nature of the use and the size/design of the shed. The floor plan also lacked detail. The proposed building would only be exempted development if it is to be used for the purpose of agriculture or forestry. Based on the available information and a site inspection as referenced above, I am not satisfied that this is the case.

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 900 sq m gross floor space in aggregate.’* There is a ruinous structure to the south west of the holding.

Condition 3 – *‘No such structures shall be situated within 10m of any public road’.* The set back distance significantly exceeds this figure.

Condition 4 – *‘No such structure within 100m of any public road shall exceed 8m in height’.* The height of the building measures c 7m. The distance from the public road also exceeds this limit.

Condition 5 – *‘No such structure shall be situated 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’.* This condition is complied with.

In light of the above, it is considered that the proposed development would constitute development and not exempted development.

While the Section 5 query did not specifically include any other element, there are questions in relation to the other works carried out, including the entrance, roadway/partial yard, excavation/extraction work, drainage work, mounds of material and the current use of the land for the storage of vehicles. Reports from the Environmental Officer and the Area Engineer would be required.

The entrance and roadway have been put in place, which were not listed in the Section 5 query but they were referenced in the documentation. The provisions of section 4(1)(ia) which relates to the development consisting of the construction, maintenance or improvement of a road (other than a public road) that serves a forest or woodland is not applicable in this case. There is no specific exemption class for a farm road.

In the event that the development complied with an exemption class, article 9 would apply. 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 (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, or (iii) endanger public safety by reason of traffic hazard or obstruction of road users. With regard to the entrance and article 9(1)(a)(ii), it is noted that the adjoining road is less than 4m in width. However, this is only relevant if it relates to a specific exemption class and it is considered that the proposal does not comply with class 9 in this case. A commentary would be required from the Area Engineer in respect of article 9(1)(a)(iii). It is noted that the entrance adjoins a bend in the road. Class 9, Schedule 2, Part 1 of the Regulations refers to the construction, erection renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway. The height of any such structure shall not exceed 2 metres. Having regard to Article 9(1) (a) (iii), a commentary would be required from the Area Engineer.

Full details of the other work on the holding was not provided. With regard to the storage of vehicles, Section 3(2) of the Act is noted which states that (b) where land becomes used for any of the following purposes—(iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders' waste, rubbish or debris, the use of the land shall be taken as having materially changed. It appears that the mounds of material may be derived from the excavation carried out but it is also not clear if material has been imported to the site.

With regard to Appropriate Assessment, the site is located outside of a screening assessment zone of a Natura 2000 site, including the Blackwater River SAC. In a discussion with the Ecologist on 22/01/25, he advised that there could be impacts on freshwater quality and he deferred the issue to the Environmental Officer.

#### Recommendation

Based on the available information and a site inspection, it is considered that the proposed shed constitutes development and not exempted development. It is considered that the case should be referred to the enforcement section.

Having regard to;

- (a) sections 2 and 3 of the Planning and Development Act 2000, as amended, and
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,

it is considered that the proposed development constitutes development and not exempted development.

P Goulding  
23/01/25



L. Ahern  
23/01/2025

# Application for Planning Exemption

**Reference:** D/296/24

**Applicant:** John Linehan

**Address** Shanlyre, Whitechurch, Co. Cork

**Date:** 23<sup>rd</sup> January '25

**By:** Kevin Murphy

## Details of Application

The application for planning exemption relates to the construction a machinery storage shed at Shanlyre, Whitechurch, Co. Cork.

## Assessment of Application

The proposed development is for the construction of an approx. 29m x 10m x 7m high agricultural shed which is to be used for the storage of machinery linked to agricultural works and development works.

Based on the information provided:

- The shed is to be used for the storage of machinery; no diesel is to be stored on the site.
- The gross floor area is to be approx. 29m x 10m (290m<sup>2</sup>) x 7.0m high.
- Access to the proposed shed is to be via an approx. 300m long farm access road.
- An approx. 50m x 40m (2,000m<sup>2</sup>) hard standing area is to be constructed on the north side of the proposed shed.
- The proposed structure is to be at approx. 300m from the public road.
- The nearest third-party dwellings are at approx. 300m from the proposed shed.
- The nearest watercourse is at approx. 230m northwest of the proposed shed.
- The proposed development is not within the buffer zone for any drinking water source.
- The site is not within a designated flood zone.

Land Registry records show that that approx. 50% of the lands, including the site on which the shed is to be constructed, are owned by John & Cecilia Linehan. The remainder of the lands within the red line are registered to four others, also with the Linehan surname. These persons have a right of way from the public road to their registered lands.

## **Conclusions**

The proposed structure appears to best fit the criteria for a Class 9 Exempted Development. The Applicant should be asked to provide the following information:

1. Confirmation that the proposed shed is for use connected to the landholding rather than works as an agricultural or construction contractor.
2. Details of the agricultural and development work carried out by the Applicant and the machinery to be stored in the proposed shed.
3. Confirmation that the proposed agricultural shed will be constructed in compliance with Dept. of Agriculture, Food and the Marine specification S101: Minimum Specifications for the Structure of Farm buildings.
4. Confirmation that the proposed farm access road will be constructed to Dept. of Agriculture, Food and the Marine specification S199: Minimum Specification for Farm Roadways and Underpasses.
5. Clarification as to why an approx. 2,000 m<sup>2</sup> area of hardcore is required adjacent to the shed..

**END**

School Road,  
Farranastig,  
Whitechurch,  
T34 X722

Secretary,  
Planning department,  
Cork Co. Council  
County Hall,  
Cork.

Re. Exemption certificate for proposed agricultural shed at Shanlyre, Whitechurch, Co. Cork.

Dear Sir/Madam

Enclosed, find completed application form, 4 no. copies of the drawings and a cheque for €80 for the above application.

I am seeking a section 5 declaration of exemption for the proposed building which is located within my farm comprising of 10.74 ha on which there are no other buildings or residents

I am engaged in agricultural work and site development works and have a number of vehicles and machinery required for the works. There is insufficient room within the curtilage of my residents (location indicated with the 6" map) to park the vehicles. As some of my work is seasonable, some of my machinery are not in use for a considerable amount of time. It is therefore necessary for me to house this machinery when not in use to protect it from the weather.

The proposed building is located 230m from the public road and will be adequately screened by the existing vegetation. The proposed green fibre cement sheeting will be environmentally friendly within the landscape.

I have carried out improvements to the entrance to the farm. There was an existing opening which was totally inadequate for modern day farming. I have widened this opening and

Planning Department

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Cork County Council  
County Hall

fitted gates. These gates are located 5.2m from the edge of the public road. I constructed a farm road along the north eastern boundary of my land to facilitate the farming of the land. This road will now provide access to the proposed building.

I trust the enclosed information will enable you to issue the exemption certificate and I look forward to hearing back from you,

Yours faithfully,

Planning Department  
19 DEC 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:**




**FOR OFFICE USE ONLY**

Receipt No.	PC2-0002460
Cash/Cheque/ Credit Card	Cheque
Date	19/12/2024
Declaration Ref. No.	D/296/24

**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)

MR JOHN LINEHAN

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

SHANLYRE, WHITECHURCH  
CO. CORK

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought  
Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

A SHED FOR THE STORAGE OF
MACHINERY EQUIPMENT REQUIRED
FOR <del>ARET</del> AGRICULTURAL WORK
NO DIESEL WILL BE STORED ON
THE SITE
SEE ATTACHED LETTER

Planning Department  
19 DEC 2024  
Cork County Council  
County Hall  
Cork.

**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 <del>existing</del> /proposed structure(s):	290 SQ M
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If yes, please provide floor areas (m <sup>2</sup> ) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following:  Existing/previous use _____ Proposed use _____	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:**

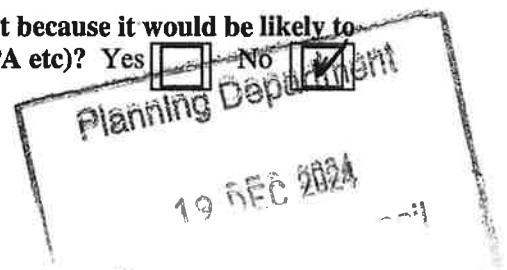
Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
If you are not the legal owner, please state the 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 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)	John Linehan
Date	19 <sup>th</sup> - December - 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	John Linehan
Date	19 <sup>th</sup> - December - 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](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.**



**ADVISORY NOTES:**

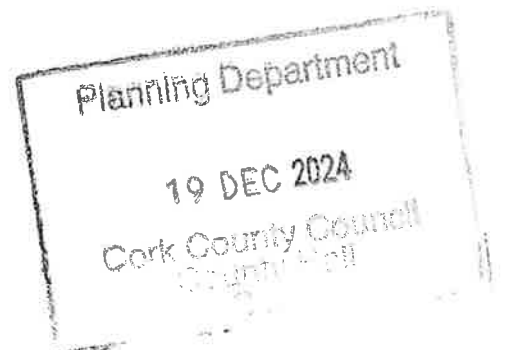
The application must be accompanied by the required fee of €80  
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.  
Sufficient information should be submitted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

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

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

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

Signed (Applicant or Agent as appropriate)	<i>John Lincan</i>
Date	<i>19<sup>th</sup> - December - 2024</i>



## DRAWING LIST

Location Map	Scale 6 in to 1 mile
Site Map	1:2500
Site Plan	1:1000
Site Plan	1:500
Plan, Section & Elevations Shed	1:200

Planning Department

19 DEC 2024

Cork County Council  
County Hall  
Cork.



Farm Outlined in Blue



Applicants residence circled in Red



Grid (farm) 56 1594 58 3619

O.S.Cork 6193  
O.S.Cork 6241

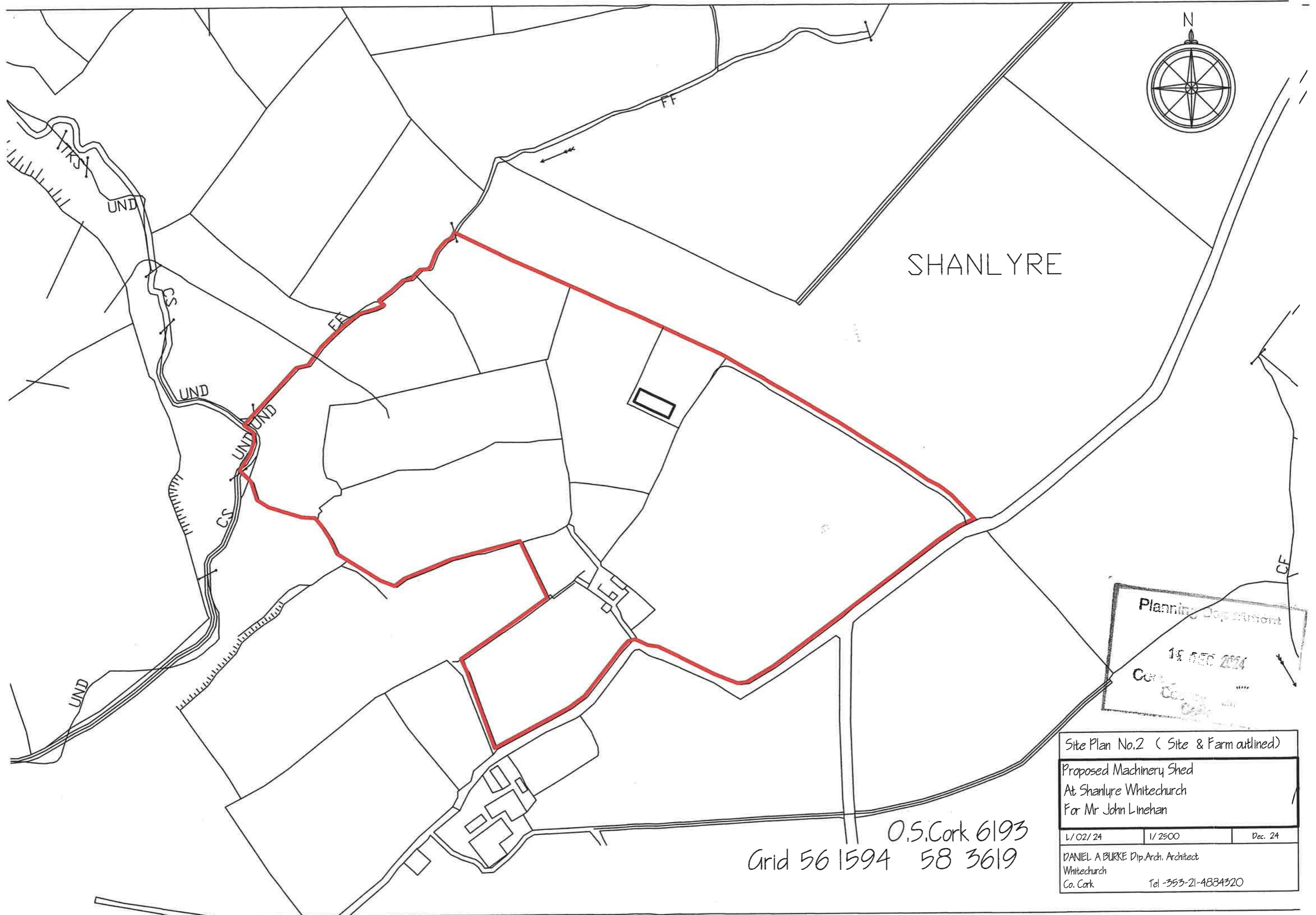
Location Map

Proposed Machinery Shed  
At Shanlyre Whitechurch  
For Mr John Linehan

L/02/24

Scale 1/10560

Dec. 24



SHANLYRE

Planning Department  
 18 DEC 2024  
 Co. Cork

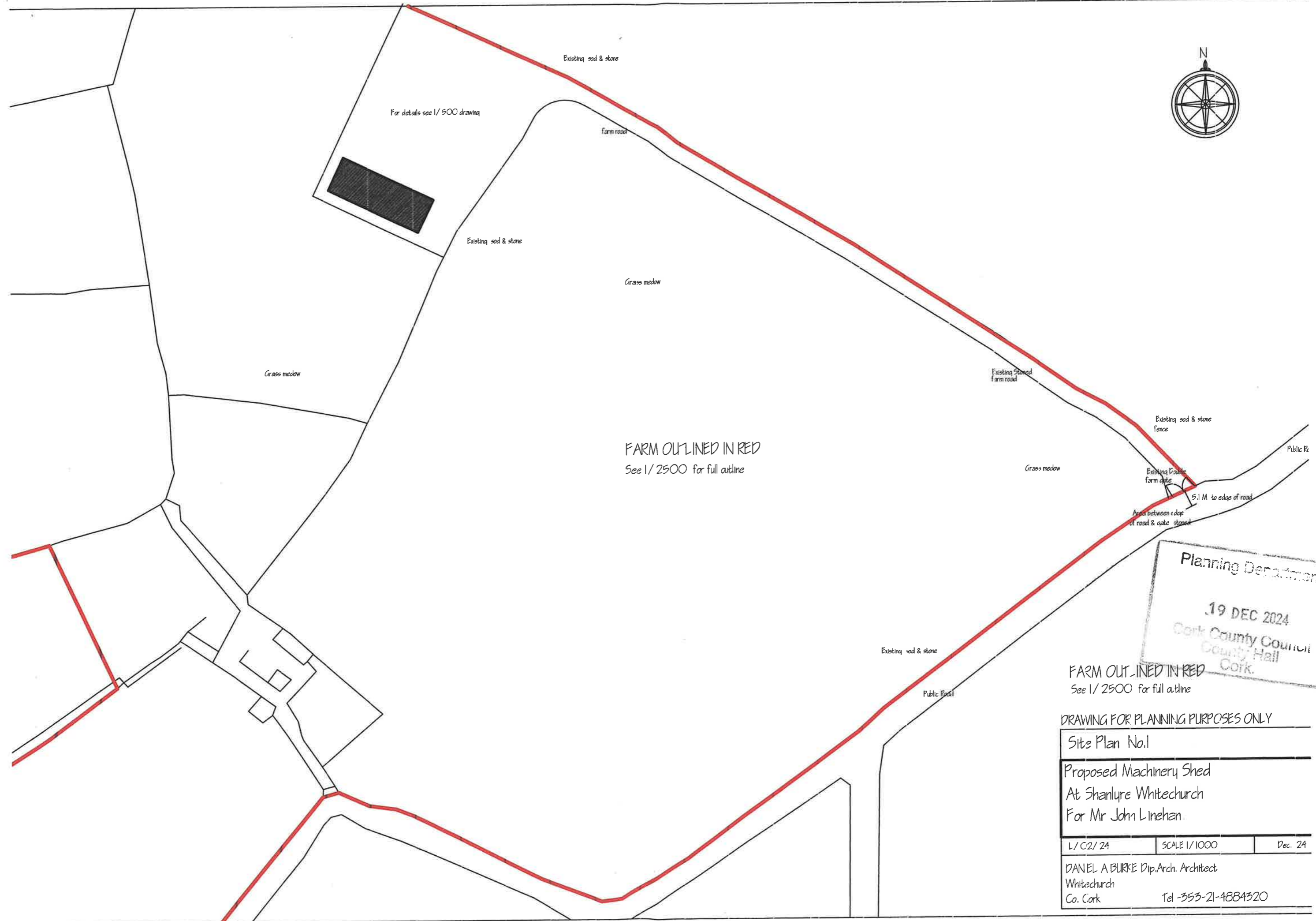
Site Plan No.2 ( Site & Farm outlined)

Proposed Machinery Shed  
 At Shanlyre Whitechurch  
 For Mr John Linehan

L/02/24	1/2500	Dec. 24
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DANIEL A BURKE Dip. Arch. Architect Whitechurch Co. Cork	Tel -353-21-4834320
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O.S. Cork 6193  
 Grid 56 1594 58 3619



FARM OUTLINED IN RED  
See 1/2500 for full outline

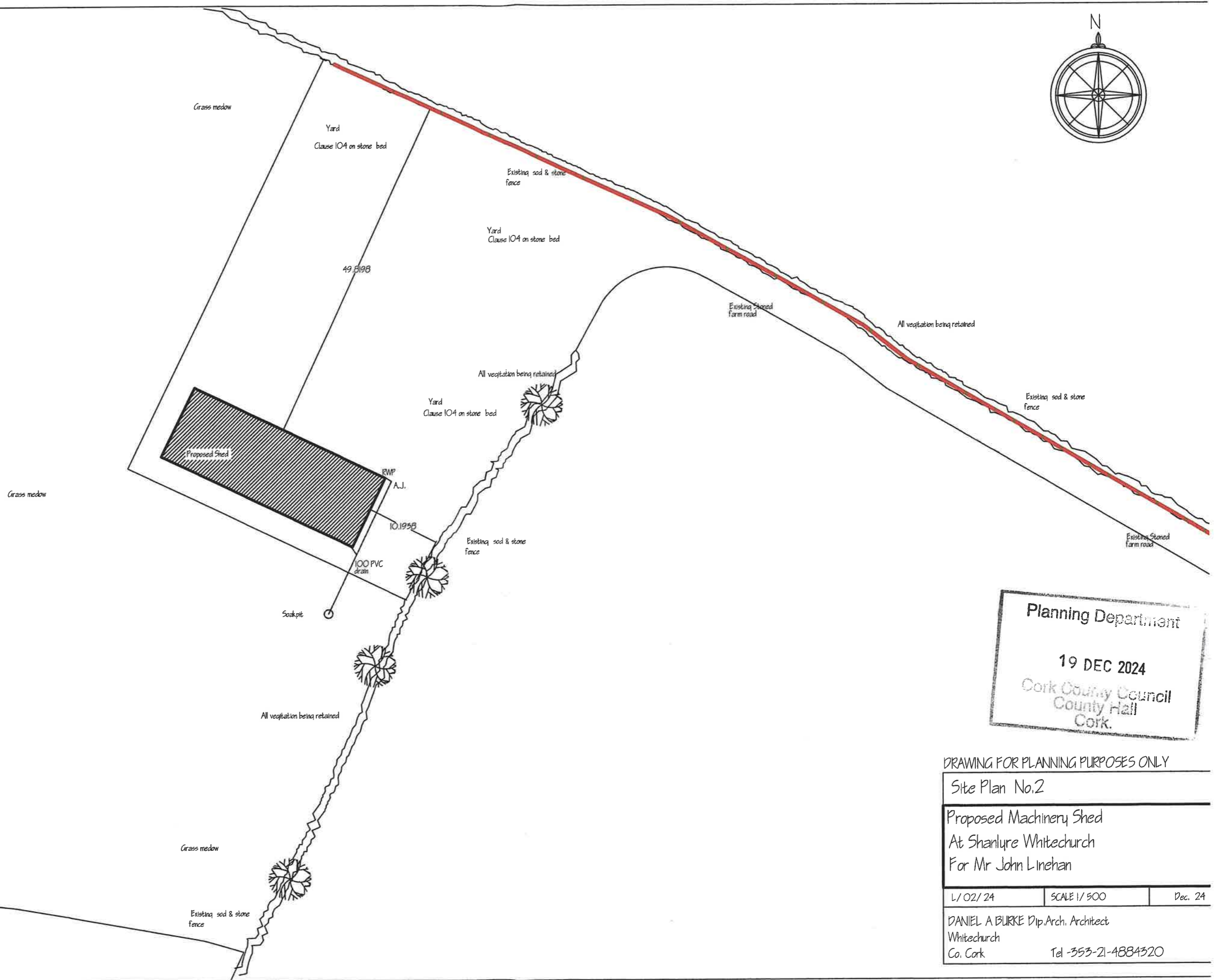
Planning Department  
19 DEC 2024  
Cork County Council  
County Hall  
Cork.

FARM OUTLINED IN RED  
See 1/2500 for full outline

DRAWING FOR PLANNING PURPOSES ONLY

Site Plan No.1		
Proposed Machinery Shed At Shanlyre Whitechurch For Mr John Linehan		
L/C2/24	SCALE 1/1000	Dec. 24
DANIEL A BURKE Dip. Arch. Architect Whitechurch Co. Cork		
		Tel -353-21-4884320

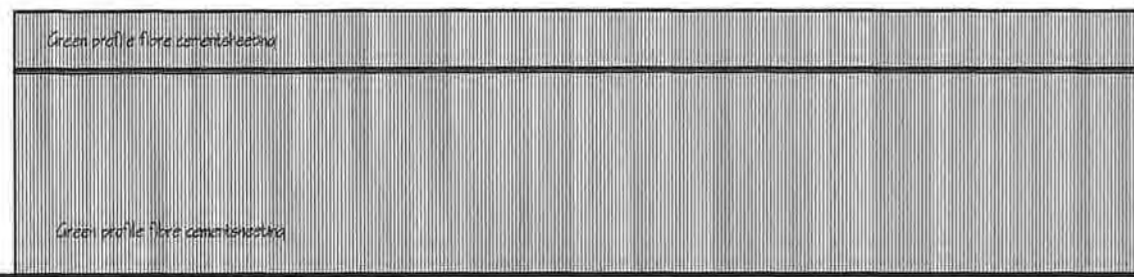




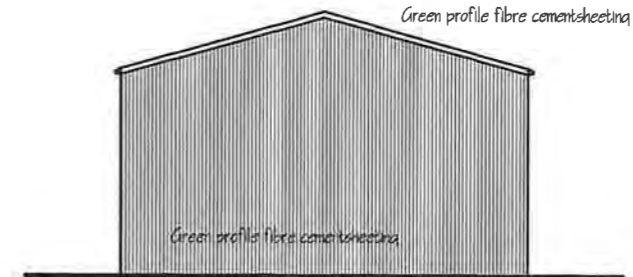
Planning Department  
19 DEC 2024  
Cork County Council  
County Hall  
Cork.

DRAWING FOR PLANNING PURPOSES ONLY

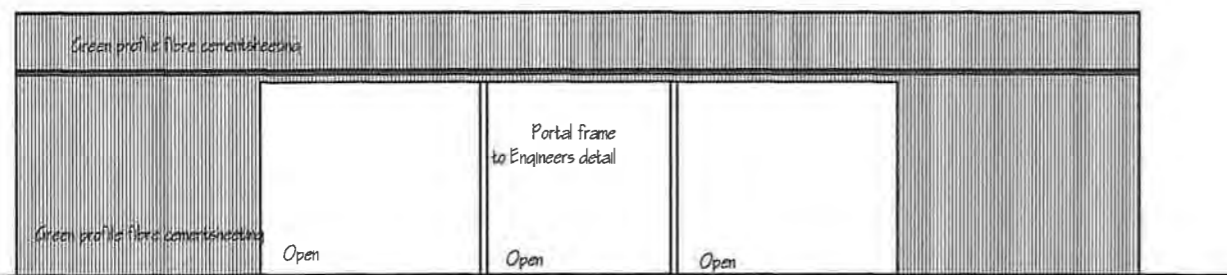
Site Plan No.2		
Proposed Machinery Shed At Shanlyre Whitechurch For Mr John Linehan		
L/02/24	SCALE 1/500	Dec. 24
DANIEL A BURKE Dip. Arch. Architect Whitechurch Co. Cork		
		Tel -353-21-4884320



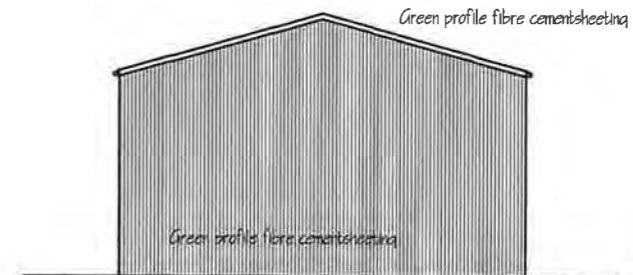
SOUTH WEST ELEVATION



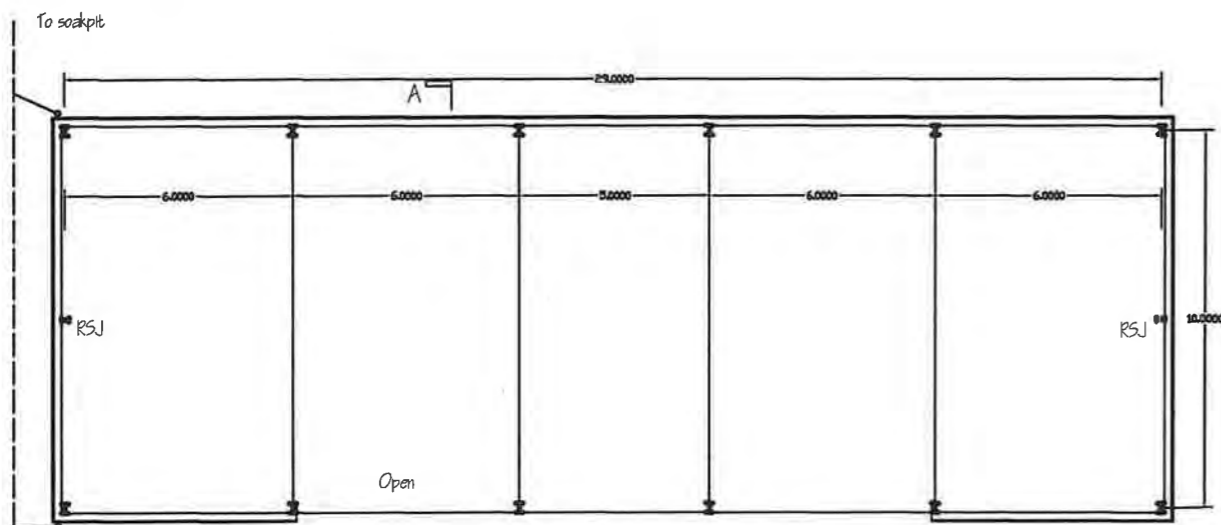
NORTH WEST ELEVATION



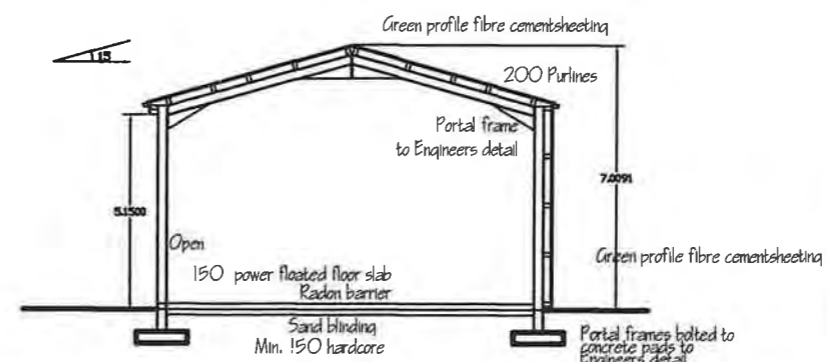
NORTH EAST ELEVATION



SOUTH EAST ELEVATION



PLAN



SECTION A-A

Planning Department  
 19 DEC 2024  
 Cork County Council  
 County Hall  
 DRAWING FOR PLANNING PURPOSES ONLY

Plan, Section, Elevations  
 Proposed Machinery Shed  
 At Shanlyre Whitechurch  
 For Mr. John Linehan  
 L/02/24 SCALE 1/200 Dec. 24  
 DANIEL A BURKE Dip. Arch. Architect  
 Whitechurch  
 Co. Cork Tel: 353-21-4884320