



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Esther Ring,



09/04/2025

RE: **Section 5 Request.**

R926/25: Bridgestown, Inniscarra

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 12th of March 2025, I wish to advise as follows.

The Planning Authority has been tasked with determining whether the construction of an agricultural style shed 60f*40f (223sqm) considered exempt development.

- a) The first issue for consideration is whether or not the matter at hand is 'development'.
The proposal includes an act of construction and therefore falls within the definition of 'works'. Therefore, the proposal constitutes development within the meaning of the Act and **IS DEVELOPMENT**.
- b) The second issue for consideration is whether or not the matter at hand constitutes 'exempted development'. The exemptions for agricultural structures is set out in Article 6 Schedule 2, Part 3, Class 6 of the *Planning and Development Regulations 2001* (as amended). The proposal is assessed below against the conditions/limitations of Class 6.

(b.1) Condition/limitation

"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."

Assessment - As per the application form, the proposed structure would exceed 200 sq metres – **not exempt**.



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Cork City Council

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(b.2) Condition/limitation

No such structure shall be used for any purpose other than the purpose of agriculture

Assessment - The intent for the full holding is unclear – toilets and carpark are shown on the site layout plan.

(b.3) Condition/limitation

The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.

Assessment - N/a - No farmyard complex

(b.4) Condition/limitation

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 the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.

Assessment - No details of effluent storage facilities have been provided.

(b.5) Condition/limitation

No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.

Assessment - No details of effluent storage facilities have been provided.

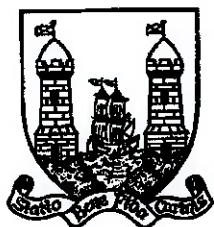
(b.6) Condition/limitation

No such structure within 100 metres of any public road shall exceed 8 metres in height.

Assessment - This is unclear as no scaled drawings showing the elevations of the proposed structures was submitted with the application.



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(b.7) Condition/limitation

No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

Assessment - No details of effluent storage facilities have been provided.

(b.8) Condition/limitation

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

Assessment - This is unclear as no scaled drawings showing the elevations of the proposed structures was submitted with the application.

CONCLUSION: Is not exempted.

In view of the above and having regard to –

- Section 2(1), 3(1) and 4 of the Planning and Development Act 2000 (as amended), and
- Article 6, Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001 (as amended)

The Planning Authority considers that – the construction of an *agricultural style shed 60f*40f (223sqm)*

IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.

Is mise le meas,

Anthony Angelini
Assistant Staff Officer
Planning & Integrated Development
Cork City Council



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PLANNER'S REPORT		Cork City Council
Ref. R926/25		Planning and Integrated Development
Application type	Section 5 Declaration	
Description	Farm building, development class 6.	
Location	Bridgetown, Iniscarra	
Applicant	Esther Ring	
Date	08/04/2025	
Recommendation	Is Development and Is Not Exempted Development.	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. REQUIREMENTS FOR A SECTION 5 DECLARATION

Section 5(1) of the Planning and Development Act 2000 as amended states,

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The requirements for making a section 5 declaration are set out in the Act.

2. THE QUESTION BEFORE THE PLANNING AUTHORITY

As per Q2 of the application form:

*Is the construction of an agricultural style shed 60f*40f (223sqm) considered exempt development?*

Additional details:

- The use of the shed includes multi-purpose
- Equine keeping and DAFM requirement.
- The site is a registered equine premises.
- Agricultural use (tillage)
- Machinery storage.
- There are existing amenities from planning application T.P 91/297 as granted.

Information submitted:

- 1:1000 map showing a c10 acre site.
- Application form
- Site plan drawing showing the following:
- Donkey's paddock, shelter, horses area, car-park, toilets

3. SITE DESCRIPTION

The subject site is located in the townland of Bridgetown, Inniscara. It is mainly agricultural and in part a large concrete structure which was used for open air testing (as indicated by the planning history). There is an established entrance with gates and splay walls.

4. PLANNING HISTORY

91/297 Open air test site for product radio frequency measurements. (Apple)

19/38866 – Permission refused for a dwelling.

21/40439 – Application withdrawn. Permission sought for a dwelling.

5. STATUTORY PROVISIONS

5.1 The Act

Section 2(1),

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

Section 3(1),

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.*

Section 4(1)(a) –

The following shall be exempted developments for the purposes of this Act – development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used.

5.2 The Regulations

Article 9 (1)(a)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

- (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (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,*
- (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,*
- (xi) obstruct any public right of way,*
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

(Article 6) Schedule 2, Part 3, Class 6 (Agricultural Structures)	
<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
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.	1. No such structure shall be used for any purpose other than the purpose of agriculture. 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. 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 the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated; and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
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6. ASSESSMENT

The purpose of this report is to assess whether or not the matter in question constitutes development and whether it falls within the scope of exempted development. Matters pertaining to the acceptability of the proposal in respect of the proper planning and sustainable development of the area is not a consideration under section 5.

6.1 Development

The proposal includes an act of construction and therefore falls within the definition of 'works'. Therefore, the proposal constitutes development within the meaning of the Act.

CONCLUSION:

- Is development.

6.2 Exempted development

Is it exempted development?

The exemptions for agricultural structures is set out in *Article 6 Schedule 2, Part 3, Class 6* of the *Planning and Development Regulations 2001* (as amended). The proposal is assessed below against the conditions/ limitations of Class 6.

General

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.

Assessment

*As per the application form, the proposed structure would exceed 200 sq metres – **not exempt**.*

Condition/limitation 1

- 1. No such structure shall be used for any purpose other than the purpose of agriculture*

Assessment

The intent for the full holding is unclear – toilets and carpark are shown on the site layout plan.

Condition/limitation 2

- 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.*

Assessment

N/a - No farmyard complex

Condition/limitation 3

- 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 the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.*

Assessment

No details of effluent storage facilities have been provided.

Condition/limitation 4

- 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.*

Assessment

No details of effluent storage facilities have been provided.

Condition/limitation 5

No such structure within 100 metres of any public road shall exceed 8 metres in height.

Assessment

This is unclear as no scaled drawings showing the elevations of the proposed structures was submitted with the application.

Condition/limitation 6

No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

Assessment

No details of effluent storage facilities have been provided.

Condition/limitation 7

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

Assessment

This is unclear as no scaled drawings showing the elevations of the proposed structures was submitted with the application.

CONCLUSION:

- **Is not exempted.**

7. ENVIRONMENTAL ASSESSMENT

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

7.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

8. RECOMMENDATION

In view of the above and having regard to –

- Section 2(1), 3(1) and 4 of the Planning and Development Act 2000 (as amended), and
- Article 6, Schedule 2, Part 3, Class 6 of the Planning and Development Regulations 2001 (as amended)

The Planning Authority considers that – the construction of an *agricultural style shed 60f*40f (223sqm)*

IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.

Michelle Delaney

Executive Planner

Melissa Walsh

S.Executive Planner.

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924564/4321

Lionra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

Bridgestown Inniscarra Co Cork
51°54'25" N | 8°37'27.80"

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

Note: only works listed and described under this section will be assessed under the section 5 declaration.

is the construction of an agricultural style shed
60' x 40' = (2238sqm) considered exempt
development

CORK CITY COUNCIL
PLANNING & DEVELOPMENT

13 MAR 2025

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

DEVELOPMENT MANAGEMENT

The use of the shed includes multi purpose
• Equine keeping and DAFM Requirement
The site is an registered Equine premises
• Agricultural use (tillage) machinery
storage

Under The Planning and development
Res 2001 (St. No. 6002001 The structures
does not exceed 300sqm
will be 10m from the road
and 100m from nearest house or
dwelling

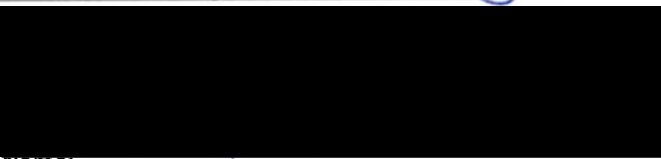
there is existing amenities from Planning
application TP 91/297 Granted.

3. 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 meters (sq. M)

(a) Floor area of existing/proposed structure/s	223 Square meters
(b) If a domestic extension, 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 ☐ No ☒ If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) _____ _____ _____	Proposed/existing use (please circle) _____ _____ _____

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		Esther Ring
Applicants Address		
Person/Agent acting on behalf of the Applicant (if any):	Name:	
	Address:	
	Telephone:	
	Fax:	
	E-mail address:	
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)		Yes ☒ No ☐

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other ☒
Where legal interest is 'Other', please state your interest in the land/structure in question	daughter of the owner Renting the land	
If you are not the legal owner, please state the name and address of the owner if available	Mr and Mrs Con Ring 9 Glencoe Crescent Ballycolling	

6. I / We confirm that the information contained in the application is true and accurate:

Signature

Date:



10/3/23

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should 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:

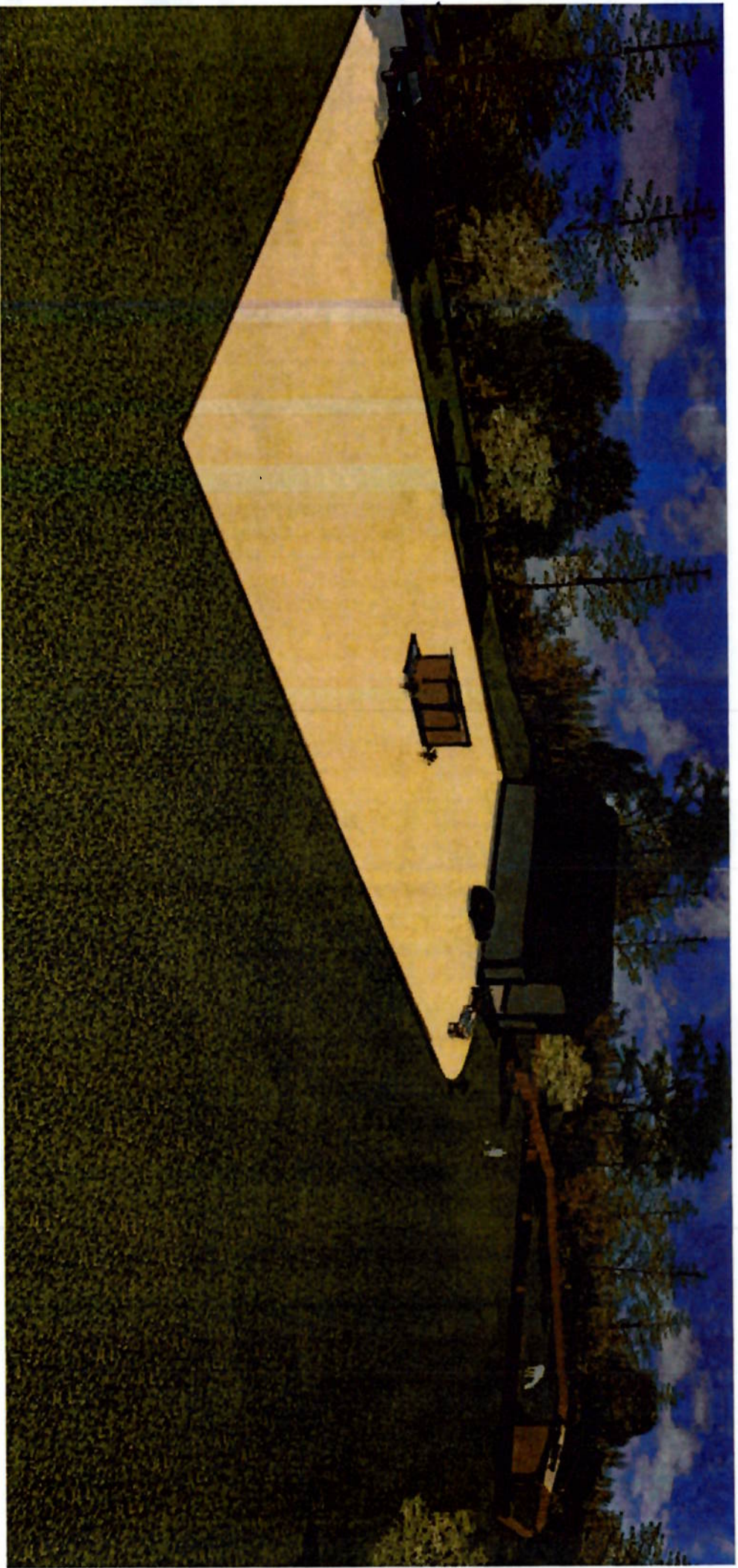
The Development Management Section, Strategic Planning & Economic Development
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- 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 is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration 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 was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration 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.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution



Mr & Mrs Con Ring

Date: 11/3/ 25

Planning Department
Cork City Council
City Hall Anglesea St.
Cork

Subject: Permission for Submission of Section 5 Exemption Application

Dear Sir/Madam,

We, Mr. and Mrs. Con Ring, hereby confirm that we give full permission for our daughter, Esther Ring, of [REDACTED] to submit a Section 5 exemption from planning application. This application relates to the construction of an agricultural-style shed, measuring 223 square meters, on our property at Bridgestown, Inniscarra, Co. Cork.

Please do not hesitate to contact us should you require any further information.

Yours sincerely,

Mr. Con Ring & Ann Ring

Con Ring
Ann Ring

557170 mE, 573060 mN



Tallie
Éireann

Folio: CK143339F

This map should be read in conjunction with the folio.

Tallie Éireann (TÉ) Registration mapping is based on T&E Surveying mapping. Where T&E Registration maps are printed at a scale that is larger than the T&E Surveying scale, accuracy is limited to that of the T&E Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to T&E Registration maps, see www.tallie.ie.

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(centre-line of parcel(s) edge)

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

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

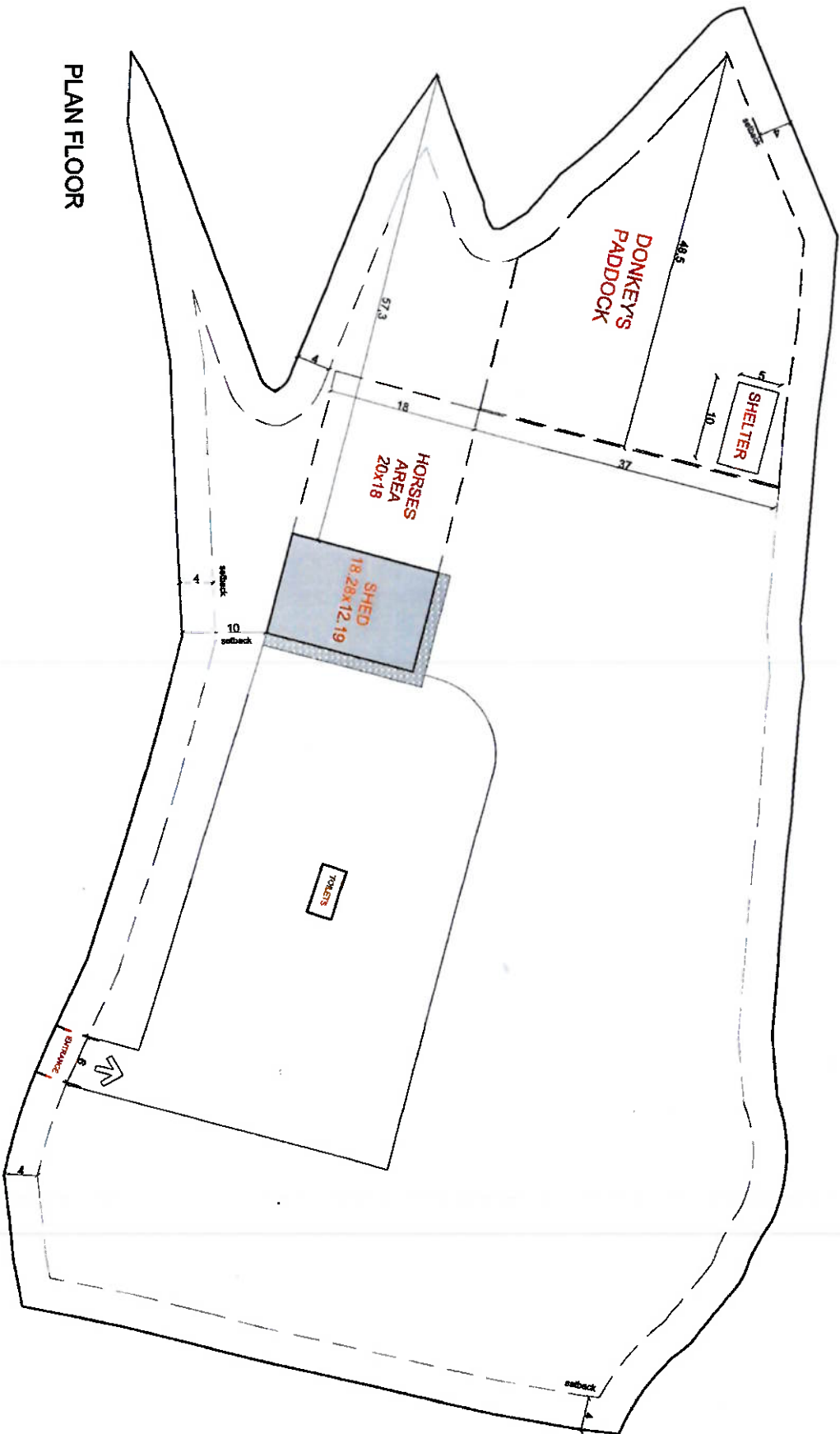
Tallie Éireann Registration operates a non-conclusive boundary system.

The T&E Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a T&E Registration map is conclusive as to the boundaries or extent. (see Section 65 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deeds and Title Act 2006.



1:1000 Scale

Page 1 of 1



PLAN FLOOR

DESIGNER BRUNA DAU FERNANDES

CUSTOMER ESTHER RING

PROJECT MULTI USE AGRICULTURAL SHED

SCALE 1:500

MEASUREMENTS METERS

03/06/2025

A3

1/1