

Comhairle Contae Chorcaí Cork County Council

Newcestown Hurling and Football Club,
c/o Pat O' Halloran, B.E.,
Consulting Engineer,
Corbally Cross,
Ballinora,
Waterfall,
Co. Cork.
T12 RD74.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891 • Faics: (021) 4276321
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891 • Fax (021) 4276321
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



8th March, 2023

REF: D/205/23
LOCATION: Coolanaugh, Newcestown, Co. Cork.

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

Dear Sir,

On the basis of the information and plans submitted by you on the 1st and the 8th February, 2023 the Planning Authority having considered whether or not the proposed provision of 36 no. 5m high lighting columns around the existing public walkways to both full sized GAA playing fields at **Newcestown Hurling and Football Club, Coolanaugh, Newcestown, Co. Cork** is or is not development and 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 3(1) and 4 of the Planning and Development Acts 2000(as amended)
- Schedule 2, Part 1, Class 33 of the Planning and Development Regulations 2001 as amended

And Whereas Cork County Council has concluded that –

While Class 33 allows for the layout and use of lands for an athletic or sport field where no charge is made for admission of the public to the lands, there is no exemption for the erection of 36 no, 5m high light columns around the two playing pitches. Having reviewed the rest of the exempted development classes these works do not fall under any other class of exempted development and it is considered that the works are not exempt and require Planning permission.

And Now therefore the Planning Authority hereby decides that

The proposed provision of 36 no. 5m high lighting columns around the existing public walkways to both full sized GAA playing fields at **Newcestown Hurling and Football Club, Coolanaugh,**

Newcestown, Co. Cork is not considered exempted development and the proposed works would require planning permission.

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,



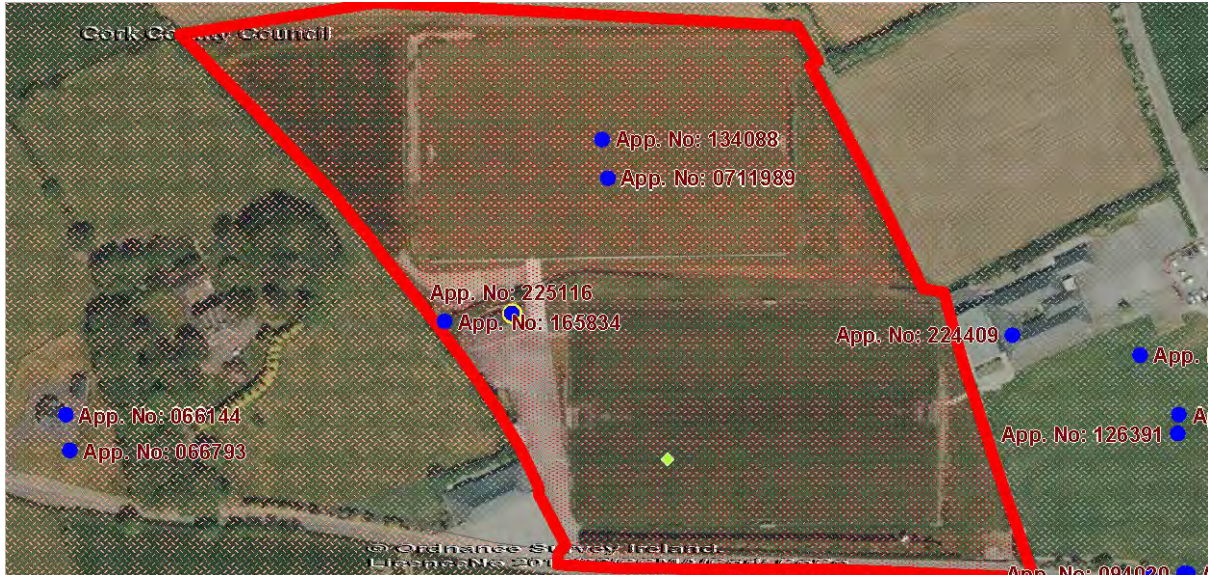
KEVIN O' REGAN
SENIOR EXECUTIVE OFFICER
PLANNING DEPARTMENT

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

Planning Ref D/205/23

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

Site Location: Newcestown GAA.



Proposed Development: i) Is planning permission required to for the **installation of 36 no . 14 watt. led lamps around existing public walkway at Newcestown GAA pitch.**

Proposal /Context

The applicant is seeking a determination by the planning authority as to whether or not the provision of 36 no. 5m high lighting columns around a public walkway is exempted development under the Planning and Development Regulations (2001, as amended). It will consist of 18 no . lighting columns around each playing pitch.

Planning History

22/5116 i) construction of ball wall and astro turf playing surface, along with flood lighting for the astro turf playing area (ii) associated site development works and (iii) retention of vehicular entrance (replacing agricultural entrance) and parking area. Granted

Legislative Context

According to **Section 3(1) of the Planning and Development Act (2000-2010)**, “development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.

Section 4 of the same Act lists works that would be considered exempted development. It also conveys power on the Minister to make regulations to provide for any class of development to be exempted development for the purposes of the Act.

Schedule 2 Part 1 of the Planning and Development Regulations (2001 – 2013). Class 33

Development for amenity or recreational purposes

CLASS 33 Development consisting of the laying out and use of land—

(a) as a park, private open space or ornamental garden,

(b) as a roadside shrine,

or (c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

Having reviewed the Planning and Development Regulations in relation to Exempted development, the installation of lighting columns around playing pitches does not fall under any of the exempted classes of development.

Assessment

While Class 33 allows for the layout and use of lands for an athletic or sport field where there no charge is made for admission of the public to the lands, there is no exemption for the erection of 36 no, 5m high light columns around the two playing pitches. Having reviewed the rest of the exempted development classes these works do not fall under any other class of exempted development and it is considered that the works are not exempt and require Planning permission.

Conclusion

Having considered the information received and the provisions of both the Planning and Development Act 2000 as amended and the Planning and Development Regulations 2001 as amended, the proposed works are not considered exempted development and the proposal would require planning permission.

John Redmond
Area Planner
08/03/2023

Pat O' Halloran, B.E,
Consulting Engineer,

Corbally, Ballinora, Waterfall Nr. Cork.

Mobile: 00353 86 8402284 email: pohconsulteng@eircom.net

Our Ref: POH/NCN GAA

Your Ref:

Date: 5th February '23

TO: Angela Carrigy
Planning Authority
Cork County Council,
Carrigrohane,
Cork

Subject: Application for Planning Exemption for Lighting to Public Walkway for
Newcestown GAA at Coolanagh, Newcestown, Co Cork.

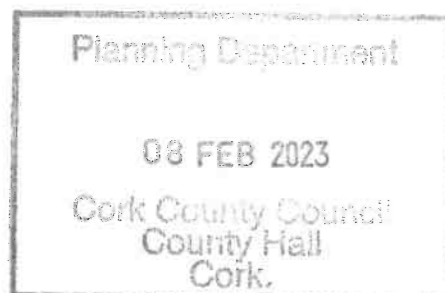
Dear Angela,

In response to your email 1st February '23 re the aforementioned subject matter, I attach 4
copies of page 5 and 1 copy of page 6, omitted from my original submission.

Regards



Pat O'Halloran



Angela Carrigy

From: Angela Carrigy
Sent: Wednesday 1 February 2023 12:16
To: pohconsulteng@eircom.net
Subject: Section 5 application - Newcestown GAA
Attachments: DECLARATION APPLICATION FORM 2018.docxrev2.docx

Pat,

I am in receipt of your Section 5 application for your client Newcestown GAA for lighting to public walkway. Pages 5-6 were omitted from this application. Please complete the attached relevant pages and submit. This application will not be processed until information is received.

Regards

Angela

Angela Carrigy, Pleanáil agus Fobairt

Comhairle Contae Chorcaí | Halla an Chontae | Corcaigh | T12 R2NC | Éire

T +353-(0)21 – 4285860

angela.carrigy@corkcoco.ie | www.corkcoco.ie

Tairseach na gcustaiméirí: www.yourcouncil.ie

Angela Carrigy | Planning & Development

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angela.carrigy@corkcoco.ie | www.corkcoco.ie

Customer Portal: www.yourcouncil.ie



Pat O' Halloran, B.E,
Consulting Engineer,

Corbally, Ballinora, Waterfall Nr. Cork.

Mobile: 00353 86 8402284 email: pohconsulteng@eircom.net

Our Ref: POH/NCN GAA

Your Ref:

Date: 27th January '23

TO: The Secretary,
Planning Authority
Cork County Council,
Carrigrohane,
Cork

Subject: Application for Planning Exemption for Lighting to Public Walkway for Newcestown GAA at Coolanagh, Newcestown, Co Cork.

A Chara,

I hereby submit documentation and drawings relevant to: Application for Planning Exemption for Lighting to Public Walkway for Newcestown GAA at Collanagh, Newcestown, Co Cork.

It is proposed to install 36 Nr 14 Watt Led Lamps, low energy input, around the existing public walkways to both full sized GAA playing fields.

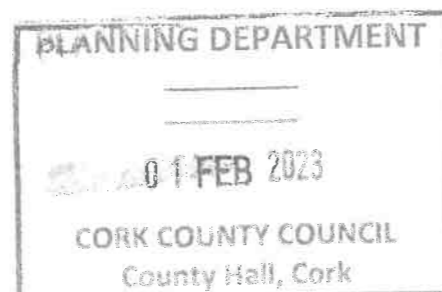
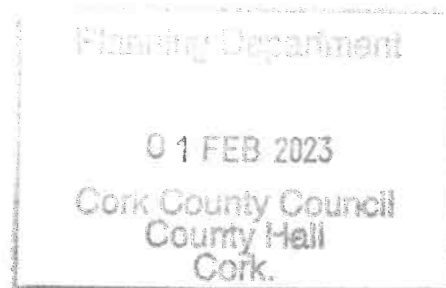
I attach fee in the sum of €80.00

I advise, all communication relevant to this planning application should be communicated to myself.

Regards


Pat O'Halloran

PAT O'HALLORAN B.E. CIVIL
CONSULTING ENGINEER
021-4876605 - 086-8033613
8402284





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.	P20002214
Cash/Cheque/ Credit Card	CHEQUE
Date	1/2/23
Declaration Ref. No.	D/205/23

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)

Newcestown Hurling and Football Club

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

Coolanaugh, Newcestown, 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

Application for Planning Exemption for Lighting to Public Walkway for Newcestown GAA . It is proposed to install 36 Nr 14 Watt Led Lamps, low energy input, around the existing public walkways to both full sized GAA playing fields, 18 lamps around each playing pitch	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> Planning Department 01 FEB 2023 Cork County Council County Hall Cork. </div>	

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):	
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use _____ _____ _____ Proposed use _____ _____ _____	
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input 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)	<i>Denis Kern Seunsky</i>
Date	<i>23.01.2023</i>

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	<i>Denis Kern Seunsky</i>
Date	<i>23.01.2023</i>

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	23.01.2023



**Planning Exemption Application for
Lighting to Public Walkway for Newcestown GAA**

At Coolanagh, Newcestown, Co Cork

Site Location Map – Scale 1:2500

Site Outlined in Red

Map Prepared by: Pat O'Halloran, B.E, Consulting Engineer

Date: 25th January 2023



**CENTRE
COORDINATES:**
ITM 539700,559327

PUBLISHED: 16/11/2020
ORDER NO.: 50155429_1

MAP SERIES: 1:5,000
MAP SHEETS: 6539, 6540

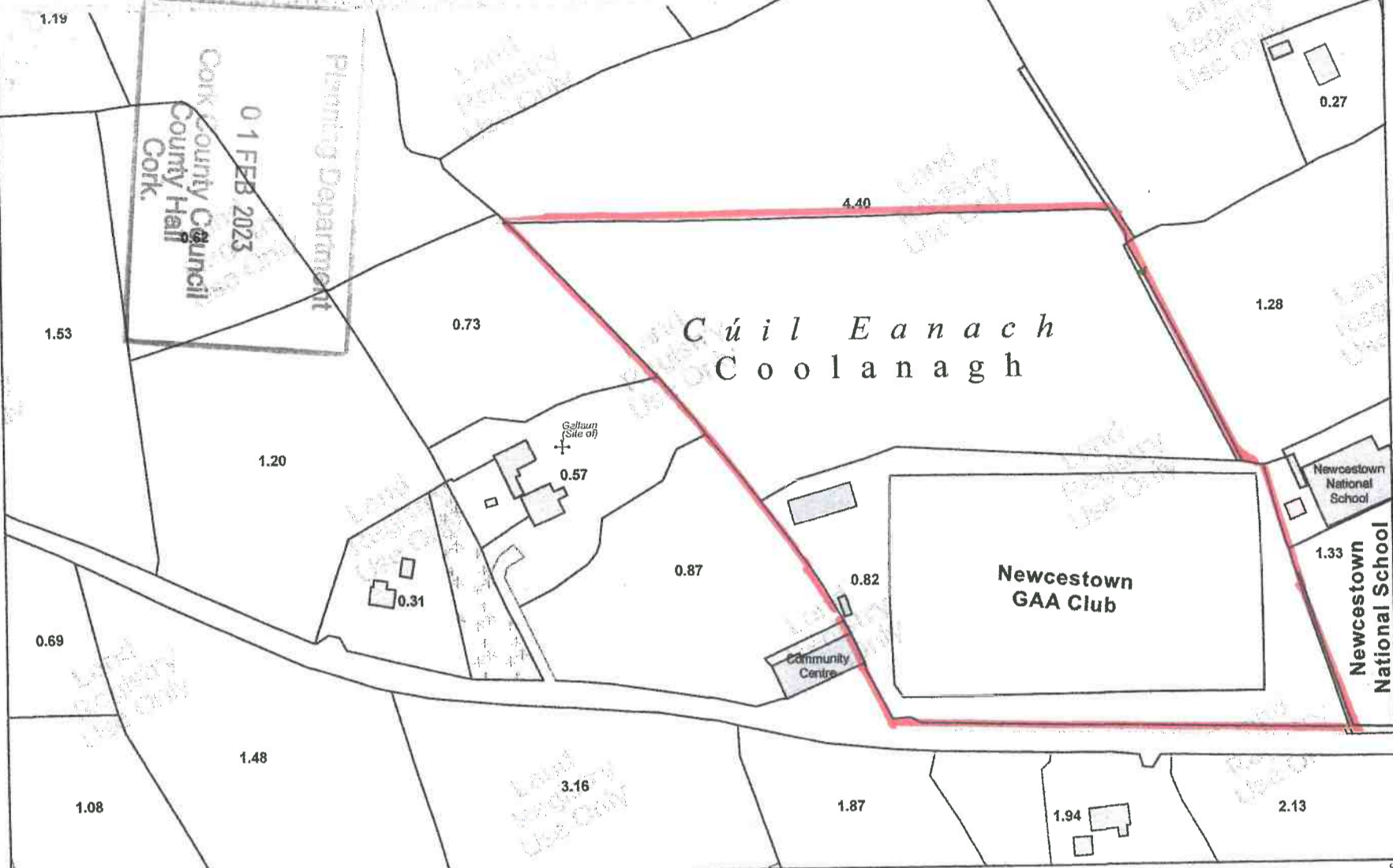
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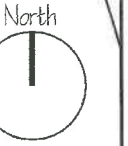
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CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured

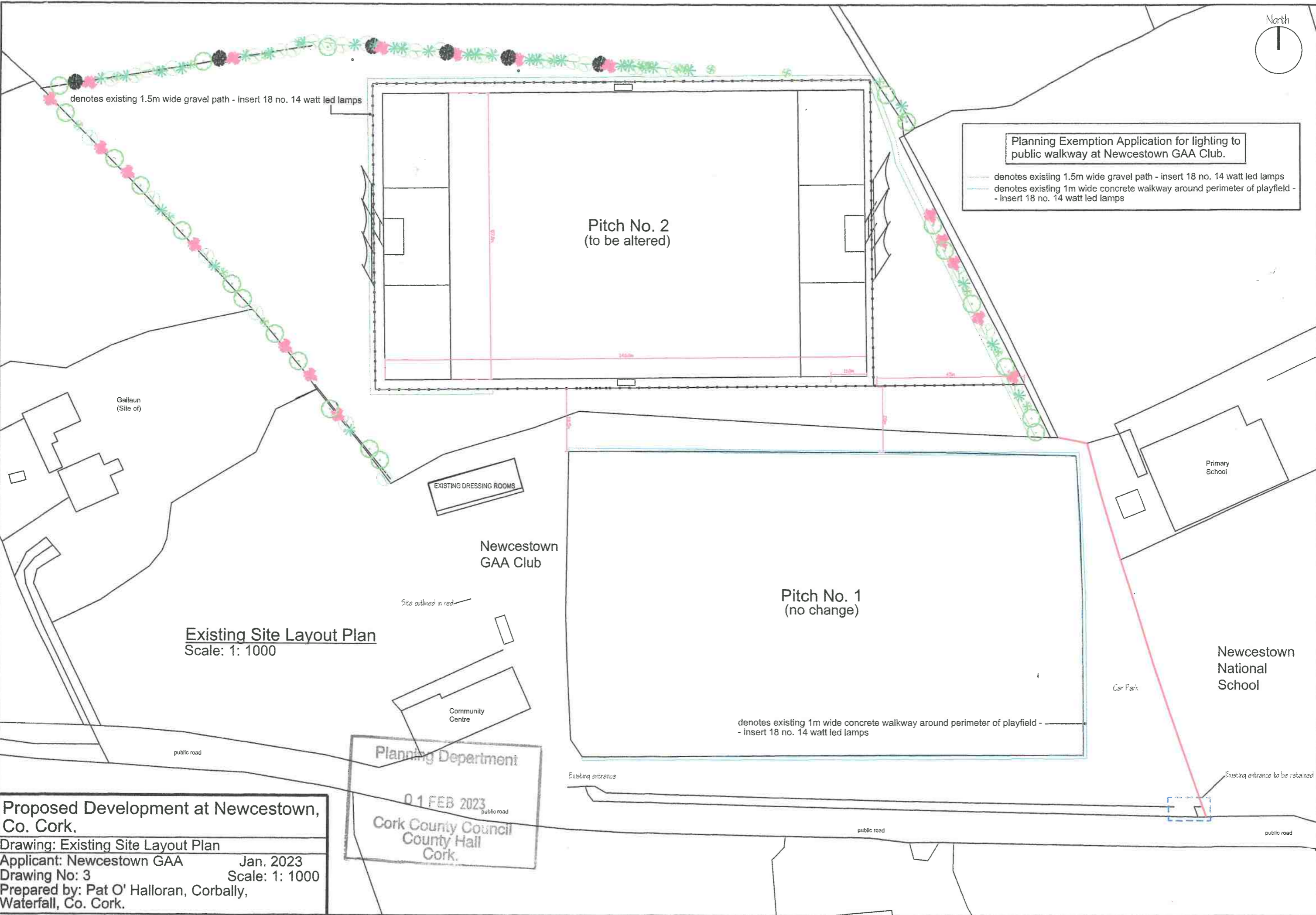
LEGEND:

North



Planning Exemption Application for lighting to public walkway at Newcestown GAA Club.

- denotes existing 1.5m wide gravel path - insert 18 no. 14 watt led lamps
- denotes existing 1m wide concrete walkway around perimeter of playfield - insert 18 no. 14 watt led lamps



denotes existing 1.5m wide gravel path - insert 18 no. 14 watt led lamps

Pitch No. 2
(to be altered)

Gallaun
(Site of)

EXISTING DRESSING ROOMS

Newcestown
GAA Club

Site outlined in red

Existing Site Layout Plan
Scale: 1: 1000

Community
Centre

Pitch No. 1
(no change)

Primary
School

Newcestown
National
School

Car Park

denotes existing 1m wide concrete walkway around perimeter of playfield -
- insert 18 no. 14 watt led lamps

Existing entrance

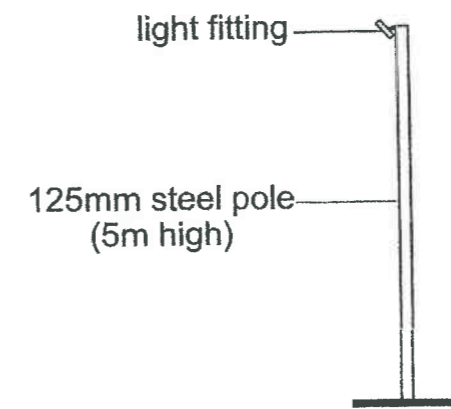
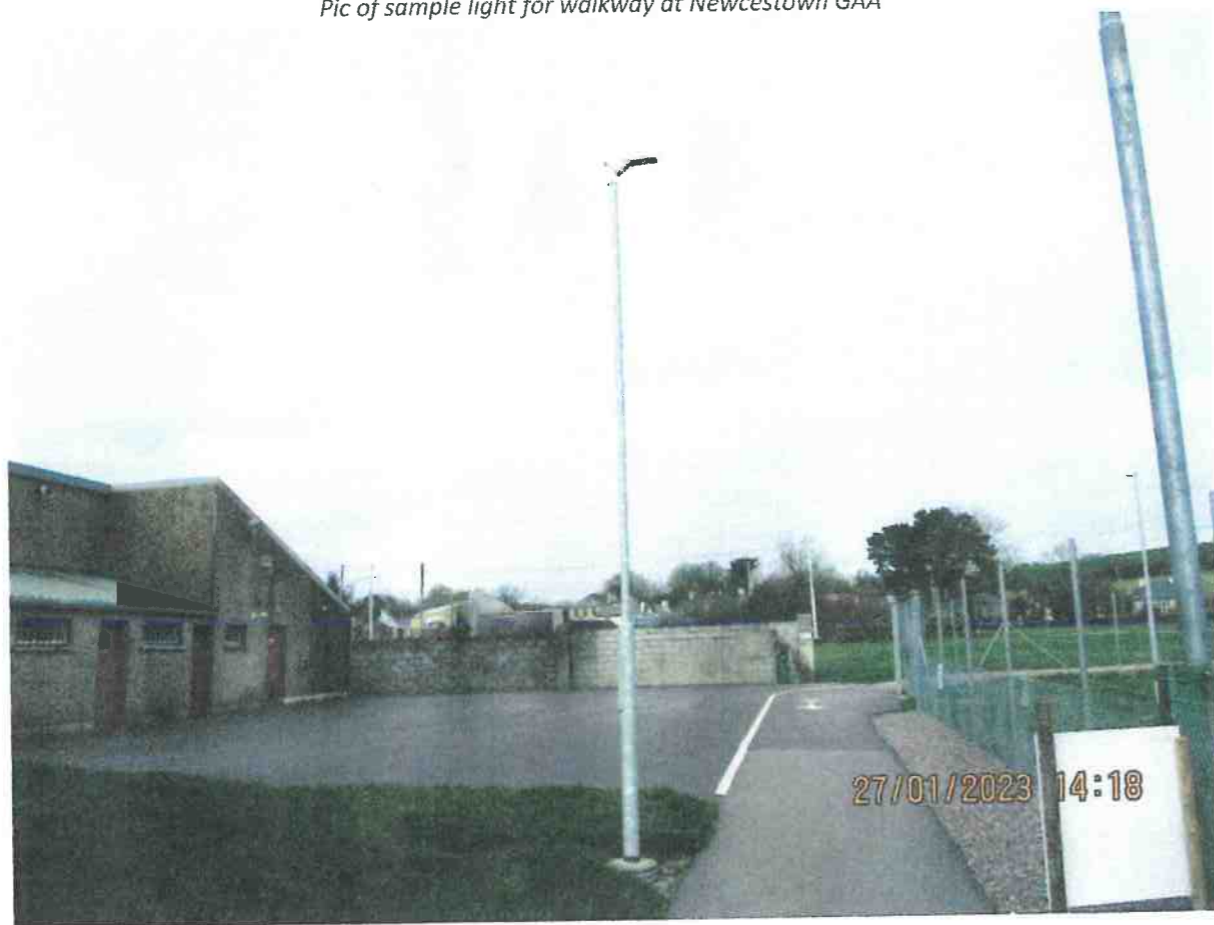
Existing entrance to be retained

**Proposed Development at Newcestown,
Co. Cork.**

Drawing: Existing Site Layout Plan
 Applicant: Newcestown GAA Jan. 2023
 Drawing No: 3 Scale: 1: 1000
 Prepared by: Pat O' Halloran, Corbally,
 Waterfall, Co. Cork.

Planning Department
 01 FEB 2023
 Cork County Council
 County Hall
 Cork.

Pic of sample light for walkway at Newcestown GAA



Proposed Elevation of Walkway Light
Scale: 1: 100



Proposed Plan of Walkway Light

Planning Department

01 FEB 2023

Cork County Council
County Hall
Cork.

Proposed Development at Newcestown,
Co. Cork.

Drawing: Walkway Light Details

Applicant: Newcestown GAA

Jan. 2023

Drawing No: 8

Scale: 1: 100

Prepared by: Pat O' Halloran, Corbally,
Waterfall, Co. Cork.