

## Tracy OCallaghan

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**From:** Eveleen Crowley  
**Sent:** Tuesday 16 January 2024 13:33  
**To:** Richard Keating  
**Cc:** Tracy OCallaghan  
**Subject:** Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 - 2010. (Ref. No. D/315/23)  
**Attachments:** D315.23 (Carrigaline Men's Shed).pdf

Good afternoon,

Further to recent correspondence notifying you of a third-party Declaration with regard to the above development I attach for your information copy of the Planning Authority's decision.

Kind regards

**Eveleen Crowley | Oifigeach Cléireachais | Pleanail agus Fobairt**  
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**Eveleen Crowley | Clerical Officer | Planning & Development**  
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**From:** Eveleen Crowley  
**Sent:** Wednesday 6 December 2023 13:07  
**To:** Richard Keating <[Richard.Keating@CorkCoCo.ie](mailto:Richard.Keating@CorkCoCo.ie)>  
**Cc:** Tracy OCallaghan <[Tracy.OCallaghan@CorkCoCo.ie](mailto:Tracy.OCallaghan@CorkCoCo.ie)>  
**Subject:** Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 - 2010. (Ref. No. D/315/23)

Good afternoon,

Please be advised that a declaration has been sought with respect to Section 5 of the Planning and Development Act 2000 (as amended) from the Planning Authority by the Carrigaline Men's Shed with respect to whether the installation of a photo-voltaic system at Waterpark, Church Road, Carrigaline, Co. Cork constitutes development.

You are being notified as the applicant has indicated that Cork County Council is the legal owner of the land in question.

Kind regards

**Eveleen Crowley | Oifigeach Cléireachais | Pleanail agus Fobairt**  
Comhairle Contae Chorcaí | Halla an Chontae | Corcaigh | T12 R2NC | Éire

# Comhairle Contae Chorcaí Cork County Council

Aidan Winters,  
Carrigaline Men's Shed,  
Waterpark House,  
Church Road,  
Carrigaline,  
Co. Cork.

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.  
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16<sup>th</sup> January 2024

REF: D/315/23  
LOCATION: Carrigaline Men's Shed, Waterpark, Church Road, Carrigaline.

**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 5<sup>th</sup> December 2023 and 15<sup>th</sup> January, 2024 the Planning Authority, having considered the question whether the installation of a photovoltaic system on the roof of the Carrigaline Men's Shed premises is or is not exempted development **at Waterpark, Church Road, Carrigaline, Co. Cork** 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, 3 and 5 of the Planning and Development Act 2000 as amended,
- Article 9 of the Planning and Development Regulations 2001-2023 as amended,
- Class 61 of Part 1, Schedule 2 of the Planning and Development Regulations 2001-2023 as amended and
- The particulars received by the Planning Authority on 5<sup>th</sup> December 2023 and 15<sup>th</sup> January, 2024

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

- The works proposed represent development,
- The proposed development meets the requirements of Class 61, Part 1, Schedule 2 of the Planning and Development Regulations 2001-2023,

The Planning Authority concludes that the installation of a photovoltaic system on the roof of the Carrigaline Men's Shed premises at Waterpark, Church Road, Carrigaline, Co. Cork **is development and is exempted development**.

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

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

Yours faithfully,



**KEVIN O' REGAN,  
SENIOR EXECUTIVE OFFICER,  
PLANNING DEPARTMENT.**

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

## **D/315/23 Response to Further Information Report**

Further information was requested as follows:

1. Please confirm that the distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 15 cm.
2. Condition/limitation 5 of Class 61 of Part 1, Schedule 2 of the Planning and Development Regulations states that any ancillary equipment associated with the solar photo-voltaic panels shall not be placed or erected on a wall or any roof that is not a flat roof. Can you please give details of the location of ancillary equipment (if any) and confirm it is not proposed to be located on the roof of the Men's shed or a wall?
3. Please confirm that the proposed solar photovoltaic installation will be primarily used for the provision of electricity for use within the curtilage of the building or site.

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### **Assessment**

The agent has responded on 14/01/2024. He confirms that the distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 15 cm. I note that a drawing of same has not been submitted but the agent states that the system will be designed to conform with Class 61.

He confirms that any ancillary equipment will be located internally within the building and not on any wall or roof.

He confirms that the electricity generated will be for use of the Mens Shed building or site.

### **Recommendation**

Whereas a question has arisen as to whether the installation of a photovoltaic system on the roof of the Carrigaline Men's Shed premises at Waterpark, Church Road, Carrigaline, Co. Cork is or is not development and is or is not exempted development,

And whereas the Planning Authority has had regard to:

- (a) Sections 2,3 and 5 of the Planning and Development Act 2000 as amended,
- (b) Article 9 of the Planning and Development Regulations 2001-2023 as amended,
- (c) Class 61 of Part 1, Schedule 2 of the Planning and Development Regulations 2001-2023 as amended,

And whereas the Planning Authority has concluded that:

- (a) The works proposed represent development,

(b) The proposed development meets the requirements of Class 61, Part 1, Schedule 2 of the Planning and Development Regulations 2001-2023,

The Planning Authority concludes that the installation of a photovoltaic system on the roof of the Carrigaline Men's Shed premises at Waterpark, Church Road, Carrigaline, Co. Cork is development and is exempted development.



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Susan Hurley  
Executive Planner  
15/01/2024



# Carrigaline Mens Shed



From: Aidan Winters  
Date: 14/01/2024

Carrigaline Men's Shed  
Church Road  
Carrigaline  
Co. Cork. P43 C668

To: Cork County Council  
FAO: Eveleen Crowley

Your Ref: Ref: D315/23 letter dated 9<sup>th</sup> January, 2024  
RE: CMS application for Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000-2010.

Dear Eveleen, and to whom it may concern,

Just to confirm the system has been designed and specified to meet all of the conditions/limitations of Section 5 Exempted Development for community building/sites as set out in Class 61 of Part 1, Schedule 2 of the Planning and Development Regulations.

The system installation also will meet all of the relevant Class 61 conditions/limitations having been set out explicitly in Class 61 compliance in the Carrigaline Men's Shed supply scope of work, which work will be supervised by Aidan Winters B.E. C. Eng.

Please find responses to your specific queries on condition/limitations 3, 5 and 14 respectively:

1. **Condition/limitation 3:** The distance between the plane of the roof and the solar photovoltaic panels shall not exceed 15cm.
2. **Condition/limitation 5:** All ancillary equipment shall be located internal to the building and ancillary equipment is not proposed to be located on the roof of Carrigaline Men's Shed or on a wall of the Carrigaline Men's Shed.
3. **Condition/limitation 14:** The proposed photovoltaic installation will be primarily used for the provision of electricity or heating, for use within the curtilage of the Carrigaline Men's Shed building or site.

Please note Carrigaline Men's Shed require to timely be able to avail of this badly needed grant aid which has been already approved for this project from a separate arm of Cork Co. Co.

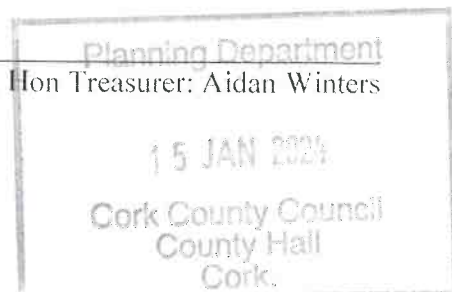
Again can we respectfully request the soonest receipt by Carrigaline Men's Shed of this Section 5 Exemption given it is a pre-requisite for this grant aid and so as not to put this grant aid in jeopardy.

Should you have any further queries please email me or call me on 087 1329744 in the first instance..

Yours faithfully

Aidan Winters B.E. C.Eng. Mobile: 0871329744 Email: [winters.aidan@gmail.com](mailto:winters.aidan@gmail.com)  
Carrigaline Men's Shed Project Manager (voluntary and pro bono)

Chairman: Barry Cogan, Hon Sec: Roger Morrissey, Hon Treasurer: Aidan Winters



# Comhairle Contae Chorcaí Cork County Council

Aidan Winters,  
Carrigaline Men's Shed,  
Waterpark House,  
Church Road,  
Carrigaline,  
Co. Cork

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9<sup>th</sup> January, 2024

Our Ref.: D/315/23

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

***Whether the installation of a photo-voltaic system on the roof of The Carrigaline Men's Shed premises at Waterpark, Church Road, Carrigaline, Co. Cork is development and is or is not exempt development.***

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. In respect of the proposal submitted, the Planning Authority has concluded that further information is required in order to clarify if the works proposed constitute exempted development.

1. Please confirm that the distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 15 cm.
2. Condition/limitation 5 of Class 61 of Part 1, Schedule 2 of the Planning and Development Regulations states that any ancillary equipment associated with the solar photo-voltaic panels shall not be placed or erected on a wall or any roof that is not a flat roof. Can you please give details of the location of ancillary equipment (if any) and confirm it is not proposed to be located on the roof of the Men's shed or a wall?
3. Please confirm that the proposed solar photovoltaic installation will be primarily used for the provision of electricity for use within the curtilage of the building or site.

Yours faithfully,

Eveleen Crowley  
Clerical 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>



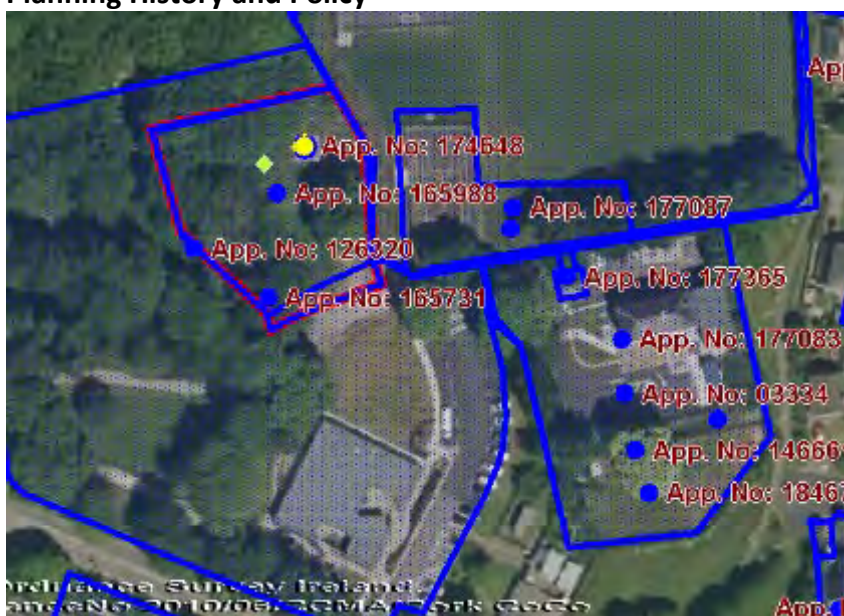
## D/315/23

### Declaration on Exempted Development Under Section 5 of the Planning and Development Act 2000 as amended.

#### 1.0 Introduction

- 1.1 Aidan Winters has submitted a Section 5 declaration asking whether the installation of a photovoltaic system on the roof of the Carrigaline Men's Shed premises at Waterpark, Church Road, Carrigaline, Co. Cork is or is not development and is or is not exempted development?
- 1.2 The Council are the registered owners and the Property Section has submitted a letter of consent for the proposed development.

#### 2.0 Planning History and Policy



##### 17/4648

Carrigaline Men's Shed were granted planning permission for A) Purpose built men's shed incorporating; clubhouse reception; social, display and meeting rooms; kitchen and welfare facilities; carpentry and metal workshops; storage and general purpose rooms; screened external above ground rainwater harvesting tanks. B) Polytunnel for gardening use, raised beds and external composting facilities. C) Erection of 2.4 metre high palisade type fencing approx 60.0 metre long to the site North and North West. D) Erection of 2.4 metre high paladin mesh type fencing together with external hedge screening approx. 60m long to the South and South-West with adjoining parking provision of 10 no. parking spaces. E) Existing site to be regarded to create falls to suit existing/new levels and disabled access with self-draining chippings finish generally and tarmac to suit existing/new area. Connection to existing storm water drains, public sewer and all associated site works.

##### 16/5988

Carrigaline Men's Shed were granted planning permission for (A) 2 no. covered steel containers to provide general purpose meeting rooms with kitchen and clubhouse/reception

facilities connected with 3.0 metre wide central display area and linking steel roof over the entrance and display, measuring 12.0 x 8.0 metres overall. (B) Purpose built enclosed steel workshop area and separate prefabricated carpentry workshop with pitched steel roof to provide semi open covered central work area linking both workshops, measuring 13.5 x 12.0 metres overall, and with screened external above ground rain water storage tank. (C ) 2 no. prefabricated units with shared entrance and linking canopy for general purpose and storage use, measuring 16.5 x 3.6 metres overall. (D) Polytunnel for gardening use measuring 10.5 x 5.5 metres with 3 no. 300 litre external compost bins to outdoor planting and raised bed area, including a 15 square metre recycling compound. (E) Erection of 2 metre high palisade type fencing approx. 120 metres long to establish new boundary lines with beech hedging screen approx. 60metres long to south and west boundaries, combined with low level wall and adjoining parking provision of 9 no. parking spaces. (F) Existing site fill to be regraded/redistributed to create falls to suit existing/new levels and disabled access, with self draining chippings finish generally and tarmac to main/entrance area. Connection to existing storm water drains and public sewer. Removal of one existing small tree and one existing large damaged tree and all associated site works

### **12/6320**

Carrigaline Lions Youth Project Ltd were granted planning permission for Youth Centre (incorporating youth activity/general purpose rooms café, offices and meeting rooms), together with associated site works (incorporating alterations to existing road network and car park adjoining Cork County Council Local Area Office, and landscaping to include upgrading of existing park and pedestrian bridge).

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2.1 The site is zoned 'Existing Residential/Mixed Residential/Other Uses' in the Cork County Development Plan 2022-2028.

2.2 The site is within a High Value Landscape as designated in the Cork County Development Plan 2022-2028.

### **3.0 Relevant Legislation**

3.1 According to Section 2(1) of the Planning and Development Act 2000 (as amended), the definition of "Works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

3.2 According to Section 3(1)(a) of the Planning and Development Act 2000 (as amended), "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.

3.3 Section 4(1)(h) of the Act is "*development consisting of the carrying out of works for the maintenance, improvement, or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*"

3.4 Section 5(1) defines ancillary equipment for the purpose of rooftop solar photo-voltaic or solar thermal collector panels in classes 56(d), 56(e), 60 or 61 of Part 1 of Schedule 2 and class 18(c) of Part 3 of Schedule 2 does not include any equipment which must be placed or erected on a wall or a rooftop to allow a solar photo-voltaic or solar thermal collector installation to function.

3.5 Schedule 2, Part 1, Class 61 may also be relevant:

<p><b>CLASS 61</b></p> <p>The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation:</p> <p>(i) an educational building,</p>	<p>1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.</p>
<p>(ii) health centre or hospital,</p> <p>(iii) recreational or sports facility,</p> <p>(iv) place of worship,</p> <p>(v) community facility or centre,</p> <p>(vi) library,</p> <p>(vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.</p>	<p>2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.</p> <p>3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.</p> <p>4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.</p> <p>5. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.</p>

	<ol style="list-style-type: none"> <li>6. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.</li> <li>7. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.</li> <li>8. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the building or site.</li> </ol>
	<ol style="list-style-type: none"> <li>9. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.</li> <li>10. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.</li> <li>11. The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</li> <li>12. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</li> <li>13. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.</li> </ol>

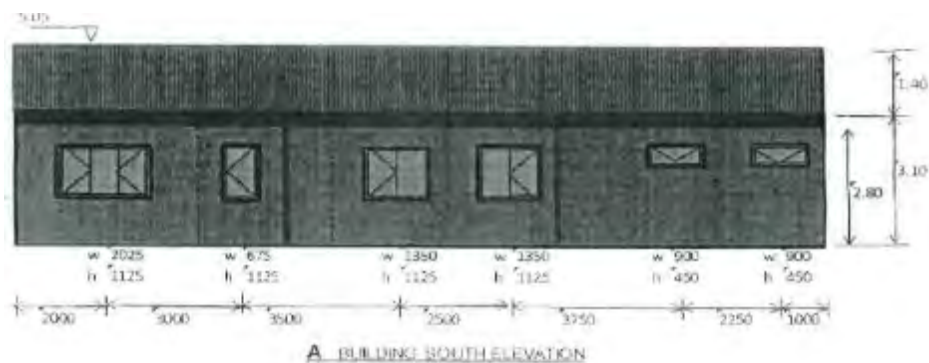
	<p>14. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.</p> <p>15. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are</p>
	<p>causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</p>

3.6 Article 9 (1) (a) of the Planning and Development Regulations 2001-2023 is relevant.

#### 4.0 Assessment

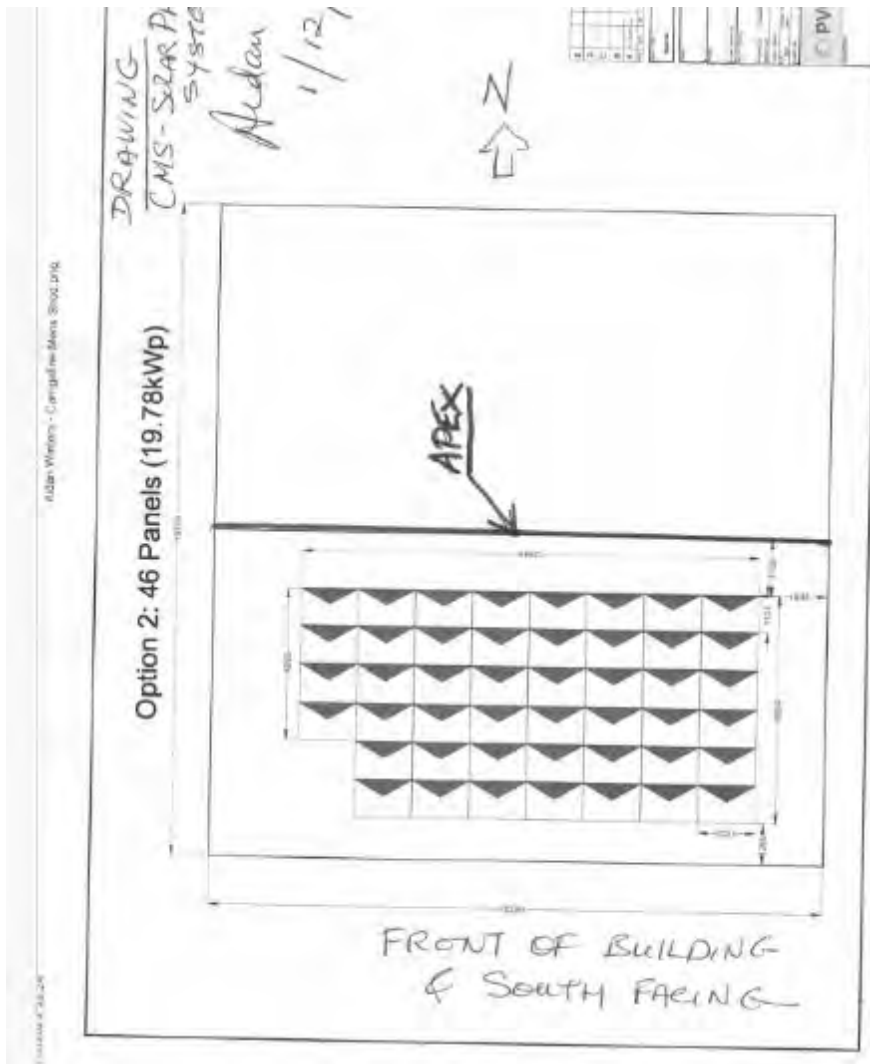
4.1 The details submitted with the application outlines that the proposed photo-voltaic system comprises 90 sqm of solar panels. These panels have a dimension of 1.722m x 1.134m. They would be mounted on the south facing side of the shed roof which has only an 8 degree pitch. These panels would be mounted against the grey painted roof.

4.2 A drawing of the panels on the roof has not been submitted. Existing drawings of the shed building have been provided. The southern elevation is as follows:



4.3 A drawing of the roof with panels has been submitted:





- 4.4 The installation of photo-voltaic panels constitutes 'works' being an act of construction. It also constitutes development being works on land. The next question is whether it could be considered exempted development? I refer to Class 61, Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2023 as amended. It is an exemption for the placing or erection on a roof of solar photovoltaic collector installation on certain types of building including health centres, recreational facilities, community facilities or centres. I am satisfied that the Men's Shed could be a considered a community facility as per item (v) of Class 61. There are 15 conditions/limitations which must be satisfied in order to meet the criteria for the exemption.
- 4.5 Condition/limitation 1 species if the development is located in a solar safeguarding zone, the total aperture area shall not exceed 300 sqm. I have check the Solar Safeguarding Zones Map and the site is not within such a zone and in any case, the total aperture area will not exceed 90 sqm. Condition/limitation 2 is not relevant as the site is not within a solar safeguarding zone.
- 4.6 Condition/limitation 3 states that the distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 15 cm in the case of any roof which is not

flat. An elevation drawing showing the panels on the roof has not been submitted so I can't tell how high off the roof the proposed panels would be. The information does say they will be mounted against the roof but it is not clear whether the space between the roof and panels would be greater than 15 cm. Further information should be sought to confirm that the distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 15 cm.

- 4.7 Condition/limitation 4 requires the panels to be a minimum of 50 cm from the edge of the roof. The drawing shows the closest panel would be 1.26m from the roof edge. This complies with the required separation distance.
- 4.8 Condition/limitation 5 states any ancillary equipment shall not be placed or erected on a wall or any roof that is not a flat roof. No information has been provided about ancillary equipment. Further information can be sought to query this.
- 4.9 Condition/limitation 6 and 7 relate to the height of ancillary equipment on a flat roof and distance to the edge of same. The Men's shed does not have a flat roof so the equipment cannot be placed on same. By seeking further information, it will be revealed where any ancillary equipment would be located and this aspect can be further assessed.
- 4.10 Condition/limitation 8 refers to free standing installations not being erected forward of the front wall of the building or site. The proposed development relates to panels on the roof so are not free standing and therefore this condition/limitation is not relevant.
- 4.11 Condition/limitation 9 and 10 refer to total aperture of free standing panels and height of same. Again, this is not relevant.
- 4.12 Condition/limitation 11 states the placing of an installation on a wall is not exempt. The proposed development is intended to be erected on a roof, so this is not relevant.
- 4.13 Condition/limitation 12 refers to free standing installations within an ACA so is not relevant to the proposed development as the proposal is not free standing and not within an ACA.
- 4.14 Condition/limitation 13 states no sign or advertisement will be attached to the installation. The drawing does not show any signs or advertisements.
- 4.15 Condition/limitation 14 outlines that development under this class shall only be exempted development where the solar photovoltaic installation is primarily used for the provision of electricity for use within the curtilage of the building or site. The application details do not explicitly state that the electricity will only be used for the Men's Shed but given the size of the installation, it would appear reasonable to assume same. However, this can be clarified by further information.

- 4.16 Condition/limitation 15 states development which causes glint and/or glare shall not be exempted development and any panels causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazard has been agreed and implemented to the satisfaction of the Planning Authority.
- 4.17 It would appear that the proposed photo-voltaic installation may comply with Class 61 and may be considered exempted development provided the height of the panels are less than 15cm from the roof and that the electricity generated is for use on site and that no ancillary equipment will be proposed on the roof or walls of the building. These issues can be clarified by way of further information. It is also necessary to examine if any of the items in article 9(1)(a) could de-exempt the proposed development. I have reviewed same and am satisfied that none of the items apply. The building is in a designated High Value Landscape and article 9(1)(a) suggests a development would not be exempt if it would interfere with the character of a landscape of special amenity value. I consider that given the relatively small scale of panels, the pitch of the roof and the location of the building in a town setting that the proposed development would not detract from the visual amenities of the area.

*Appropriate Assessment*

- 4.17 The subject site is within the screening zone of the Cork Harbour Special Protection Area (SPA) and having regard to the scale of the proposed development, its siting relative to the SPA, coupled with the lack of a hydrological connection between the site and the SPA, it is considered that the subject matters of this application would not be likely to give rise to significant impacts on the Natura 2000 site.

**Recommendation**

I recommend that the application be deferred.

1. Please confirm that the distance between the plane of the roof and the solar photo-voltaic panels shall not exceed 15 cm.
2. Condition/limitation 5 of Class 61 of Part 1, Schedule 2 of the Planning and Development Regulations states that any ancillary equipment associated with the solar photo-voltaic panels shall not be placed or erected on a wall or any roof that is not a flat roof. Can you please give details of the location of ancillary equipment (if any) and confirm it is not proposed to be located on the roof of the Men's shed or a wall?
3. Please confirm that the proposed solar photovoltaic installation will be primarily used for the provision of electricity for use within the curtilage of the building or site.



*Susan Hurley*

---

Susan Hurley  
Executive Planner  
05/01/2024

## Tracy OCallaghan

---

**From:** Eveleen Crowley  
**Sent:** Wednesday 6 December 2023 13:07  
**To:** Richard Keating  
**Cc:** Tracy OCallaghan  
**Subject:** Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 - 2010. (Ref. No. D/315/23)

Good afternoon,

Please be advised that a declaration has been sought with respect to Section 5 of the Planning and Development Act 2000 (as amended) from the Planning Authority by the Carrigaline Men's Shed with respect to whether the installation of a photo-voltaic system at Waterpark, Church Road, Carrigaline, Co. Cork constitutes development.

You are being notified as the applicant has indicated that Cork County Council is the legal owner of the land in question.

Kind regards

**Eveleen Crowley | Oifigeach Cléireachais | Pleanail agus Fobairt**  
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**Eveleen Crowley | Clerical Officer | Planning & Development**  
Cork County Council | County Hall | Cork | T12 R2NC | Ireland  
T +353-(0)21 – 4285874 |  
[Eveleen.crowley@corkcoco.ie](mailto:Eveleen.crowley@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)  
**Customer Portal: [www.yourcouncil.ie](http://www.yourcouncil.ie)**



## Tracy OCallaghan

---

**From:** Tracy OCallaghan  
**Sent:** Tuesday 5 December 2023 14:52  
**To:** Aidan Winters  
**Cc:** Eveleen Crowley  
**Subject:** FW: Carrigaline Men's Shed application Section 5 Exemption for installation of Solar Photo-Voltaic System  
**Attachments:** Item1 S-5 Exempt App 5 of 6.pdf; Item1 S-5 Exempt App 4 of 6.pdf; Item1 S-5 Exempt App 1 of 6.pdf; Item1 S-5 Exempt App 2 of 6.pdf; Item1 S-5 Exempt App 3 of 6.pdf; Item1 S-5 Exempt App 6 of 6.pdf; Item-4 Solar Photo-Voltaic System Roof Arrangement Plan Drawing.pdf; Record Place Map.pdf; Urban Rural Place Map.pdf; Site Layout Map.pdf; Site Elevations Drawing.pdf; Site Section and Front of Saite Elevation.pdf; Council Confirming Lease.pdf

Good Afternoon,

Further to your recent Section 5 application, I now refer you to Part 12, Section 157 of the Planning & Development Regulations 2001 (as amended) which states:

Exemptions.	157.	(1)	Where a planning application consists of or comprises development which, in the opinion of the planning authority, is development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority— (a) is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,  (b) is designed or intended to be used as a work-shop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain, or  (c) is ancillary to development referred to in paragraph (a) or (b),  a fee shall not be payable when making any such application.
-------------	------	-----	---

The exemption only relates to planning application fees. As you have applied for a Section 5 Declaration of Exemption, the fee exemption is not applicable.

Please contact me at the number below to arrange payment of the prescribed fee of €80.00 to allow us to process your application.

Kind Regards,

**Tracy Ní Cheallacháin | Oifigeach Fóirne | Pleanáil agus Fobairt**

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

T +353-(0)21 – 428 5633

[tracy.ocallaghan@corkcoco.ie](mailto:tracy.ocallaghan@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

**Tairseach na gcustaiméirí: [www.yourcouncil.ie](http://www.yourcouncil.ie)**

**Tracy O' Callaghan | Staff Officer | Planning & Development**

Cork County Council | County Hall | Cork | T12 R2NC | Ireland

T +353-(0)21 – 428 5633

[tracy.ocallaghan@corkcoco.ie](mailto:tracy.ocallaghan@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

**Customer Portal: [www.yourcouncil.ie](http://www.yourcouncil.ie)**



**Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil. Please consider the Environment before printing this mail.**



1

# CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

### APPLICANT CHECKLIST

- 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:

(Please tick ✓)

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

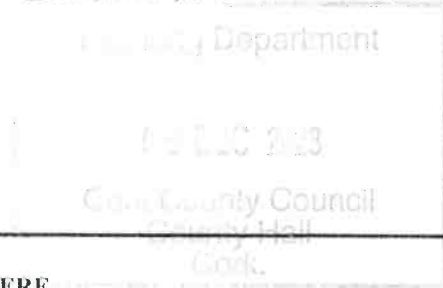
ATTACHED TO EMAIL

CMS EXEMPT AS CHARITABLE ORGANISATION

### FOR OFFICE USE ONLY

Receipt No.	CAC0165920
Cash/Cheque/ Credit Card	CARD
Date	5/12/23
Declaration Ref. No.	D/315/23

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 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.

AW

Item 3 146

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A - CONTACT DETAILS)

CARRIGALINE MEN'S SHED

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

CARRIGALINE MEN'S SHED  
WATERPARK  
CHURCH ROAD  
CARRIGALINE, Co. CRK

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

PLANNING EXEMPTION FOR  
INSTALLATION OF A PHOTO-VOLTAIC  
SYSTEM ON THE ROOF OF  
THE CARRIGALINE MEN'S SHED  
PREMISES-

	Planning Department
	13 DEC 2023
	Carroll 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 existing/proposed structure(s):	360 m <sup>2</sup>
(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"/> 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	    MLA  MLA  MLA
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please state relevant reference number(s):

Planning Department  
17 DEC 2023  
Carroll County Council  
County Hall  
Cork

**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 type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	LEASED FROM CRK	
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):	Co. Co. ON 30 YEAR RENEWABLE LEASE	

**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 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 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

ITEM 3 306

*[Handwritten signature]*

**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>Adan Winter</i>
Date	<i>1/12/2023</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>Adan Winter</i>
Date	<i>1/12/2023</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](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.

*ITAS 496*

*AW*



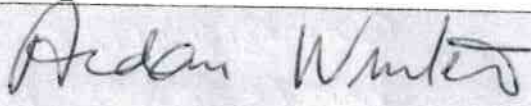

**ADVISORY NOTES:**

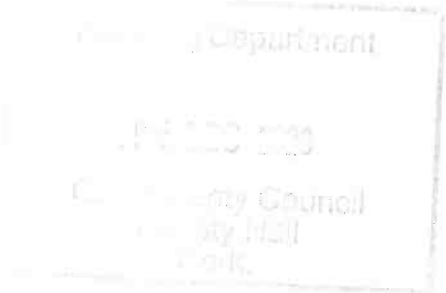
The application must be accompanied by the required fee of €80  
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.  
 Sufficient information should be 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	



*AW*

*Item 3 5 86*



17/04648


**ADDITIONAL CONTACT INFORMATION TO BE SUBMITTED WITH APPLICATION**

- The applicant(s) address **must** be submitted on this page.
- **Only one copy of this section of the application form needs to be submitted**

**(A) Applicant: (From Question 1 of Application Form)**

Address (Required):	AIDAN WINTERS CARRIGALINE MEN'S SHED WATERPARK HOUSE CHURCH ROAD CARRIGALINE, Co. CORK.
Telephone No./Mobile No. (if any):	087-1329744
Email Address (if any):	WINTERS.AIDAN@GMAIL.COM

**(B) Person/Agent acting on behalf of the Applicant (if any):**

Name:	
Address:	
Telephone No./Mobile No. (if any):	
Email Address (if any):	
Should all correspondence be sent to the above address? Please tick appropriate box.	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	

**(C) Owner/s (required where applicant is not the owner):**

Name:	CARRIGALINE MEN'S SHED
Address:	WATERPARK HOUSE CHURCH ROAD CARRIGALINE, Co. CORK.
Telephone No./Mobile No. (if any):	
Email Address (if any):	

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application. These details will not be made available to any third party with the exception of An Bord Pleanala for the purpose of administering the appeal.

**Fully completed application forms should be submitted to the relevant planning office.**

**CORK COUNTY COUNCIL**

County Hall Office

Planning Dept. TEL: (021) 4276891  
 County Hall, FAX: (021) 4867007  
 Carrigrohane Road,  
 Cork, T12 R2NC

West Cork Planning Office

Norton House, TEL: (028) 40340  
 Cork Road, FAX: (028) 21660  
 Skibbereen,  
 Co. Cork, P81 AT28

WEB ADDRESS: [www.corkcoco.ie](http://www.corkcoco.ie)

Item 3 6 of 6









58 186

Surveyed 1997  
Revised 2015  
Levelled

# Urban/Rural PLACE Map



62811

**ITM CENTRE PT COORDS**  
673320,662752

**DESCRIPTION**

**MAP SHEETS**  
1:2500  
6510-A  
1:1000  
6510-12

174848-28/83/2817-Urban Rural Place Ma

*PROPOSED SITE OUTLINED IN RED*

*AREA: 0.187 ha*

- X1 LOCATION SITE NOTICES*
- X2 FIXED TO EX. TREES*

*NEW PREMISES FOR CARRIGKINE MEALS SHED -  
CHURCH ROAD - CARRIGKINE JULY 2018.*

*PLANNING ARCHITECTURAL + PLANNING 021  
BRICK - CARRIGKINE 488070*



Produced by National Map Services,  
Unit 7, South Ring Business Park,  
Kinsale Road,  
Co. Cork  
On behalf of Ordnance Survey Ireland,  
Phoenix Park, Dublin 8.

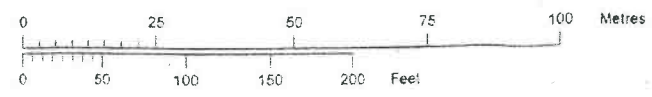
Sáraithe ar áiteanna neamhdáiríthe cóipeáil  
Shuirbhéireacht Ordnáis Éireann agus  
Rialtas na hÉireann.  
Unauthorised reproduction infringes Ordnance  
Survey Ireland and Government of Ireland  
copyright.

Gach cead cosnamh. Ní ceadmhadh son chuid  
den fhóilsíochán seo a chóipeáil, a áitíreacht nó  
a tharchur in aon fhóirm ná ar aon bhealach gan  
cead i scríobhinn roimh ré ó úinéirí an chóipchirt.  
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© Ordnance Survey Ireland, 2016



Plot Ref. No. 25263949\_1\_2  
Plot Date 19-MAY-2016

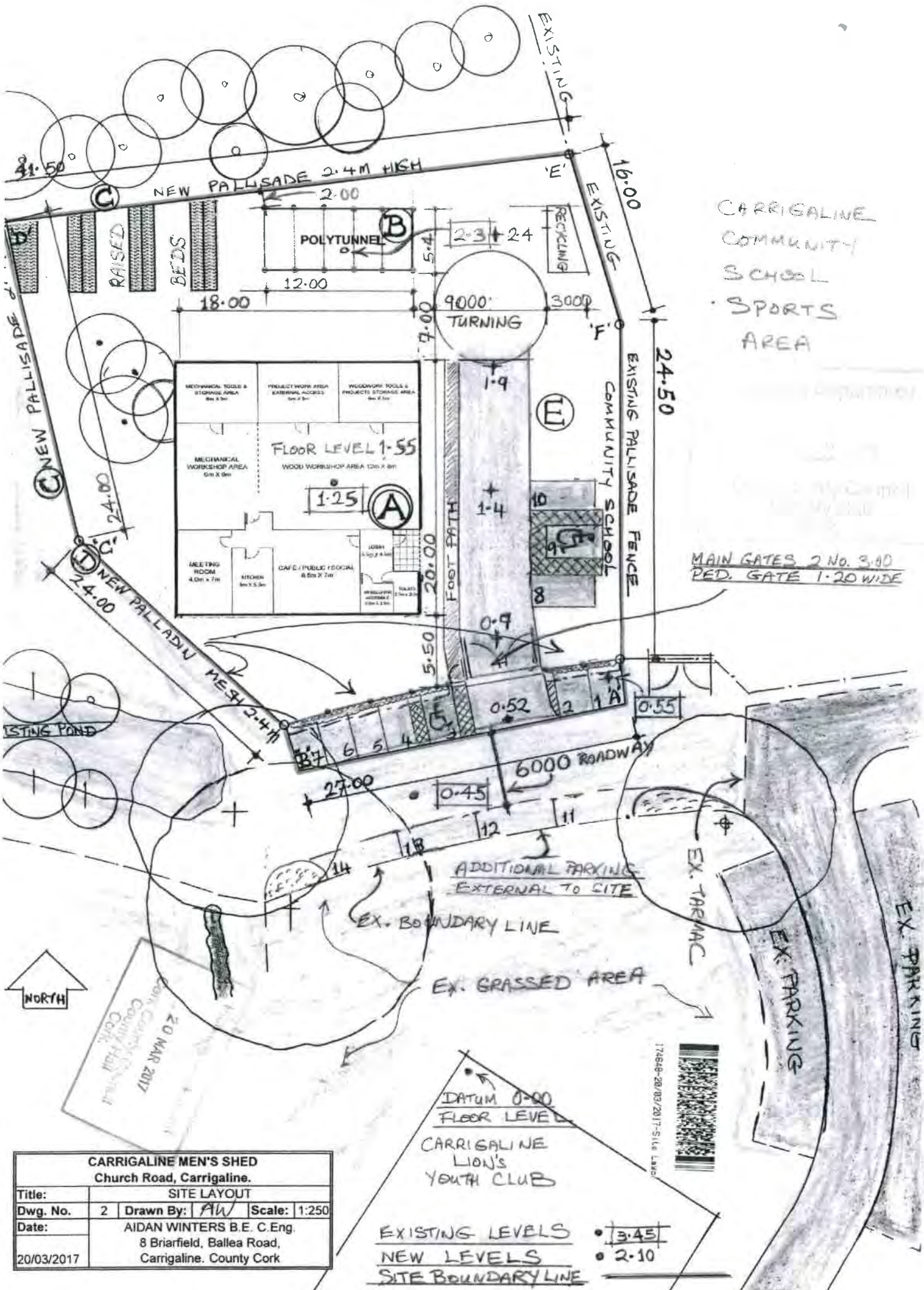


Scale:- 1:1,000  
Scála:- 1:1,000

62611  
62665  
173115  
173630





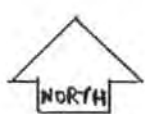


CARRIGALINE  
COMMUNITY  
SCHOOL  
SPORTS  
AREA

MAIN GATES 2 No. 3.00  
RED. GATE 1.20 WIDE

<b>CARRIGALINE MEN'S SHED</b> Church Road, Carrigaline.			
Title:	SITE LAYOUT		
Dwg. No.	2	Drawn By:	AW Scale: 1:250
Date:	AIDAN WINTERS B.E. C.Eng. 8 Briarfield, Ballea Road, Carrigaline. County Cork		
20/03/2017			

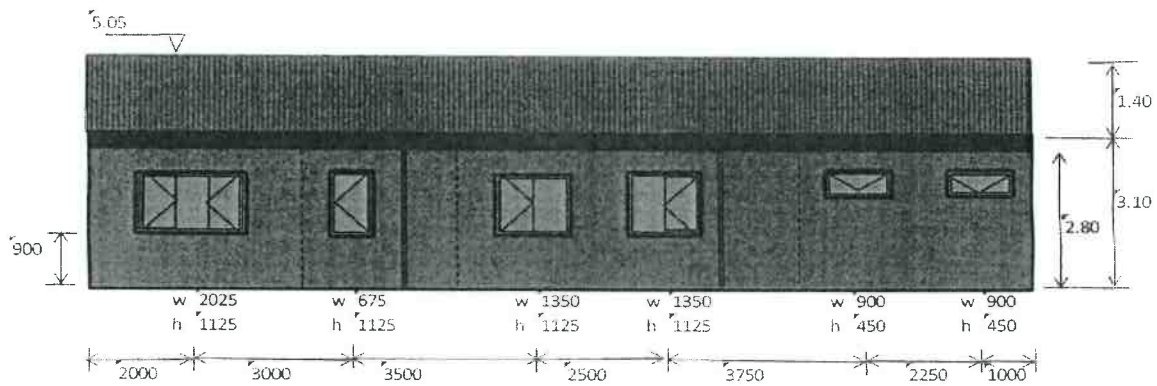
EXISTING LEVELS     • 3.45  
NEW LEVELS         • 2.10  
SITE BOUNDARY LINE



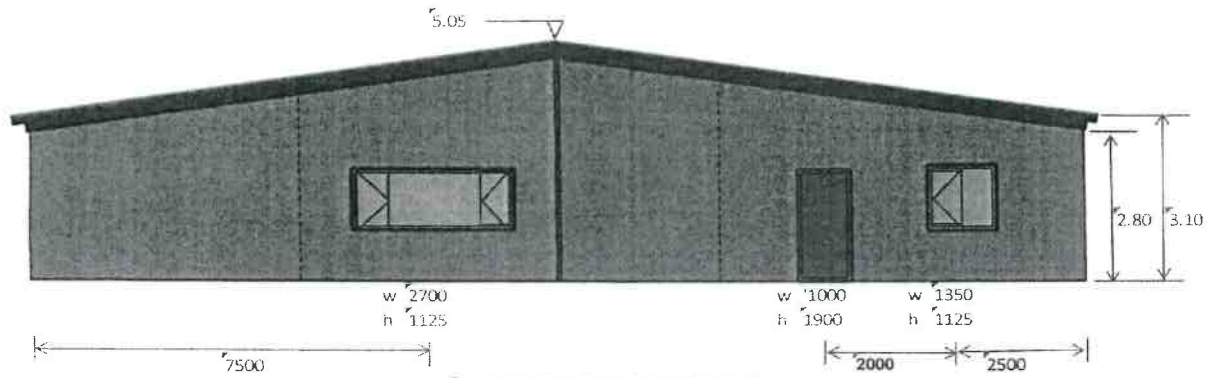
20 MAR 2017  
CARRIGALINE COMMUNITY SCHOOL

DATUM 0.00  
FLOOR LEVEL  
CARRIGALINE  
LION'S  
YOUTH CLUB

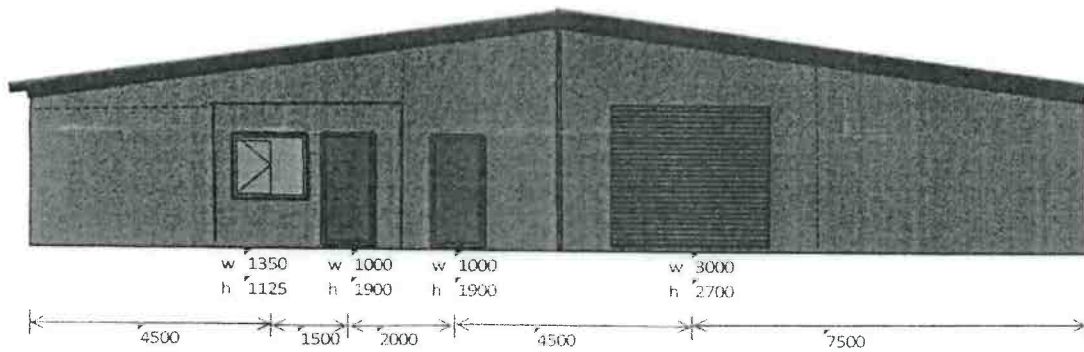




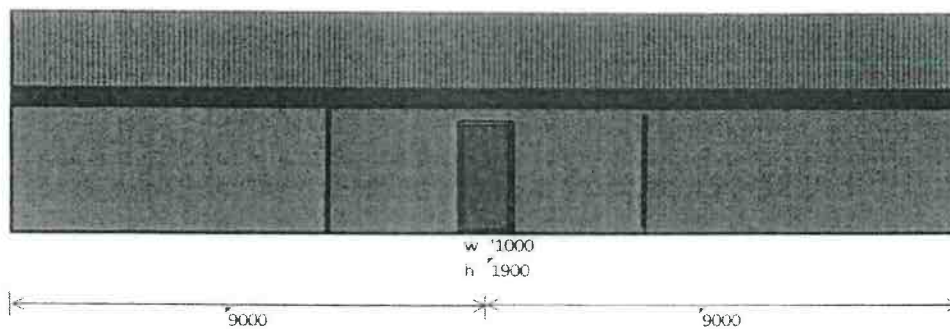
**A BUILDING SOUTH ELEVATION**



**A BUILDING WEST ELEVATION**

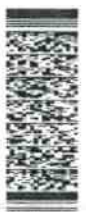


**A BUILDING EAST ELEVATION**



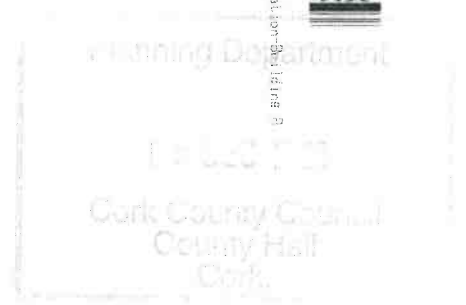
**A BUILDING NORTH ELEVATION**

174848-20/03/2017-2 (revision: 001) 141108 R

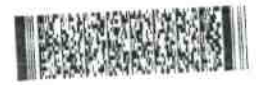


**CARRIGALINE MEN'S SHED**  
Church Road, Carrigaline.

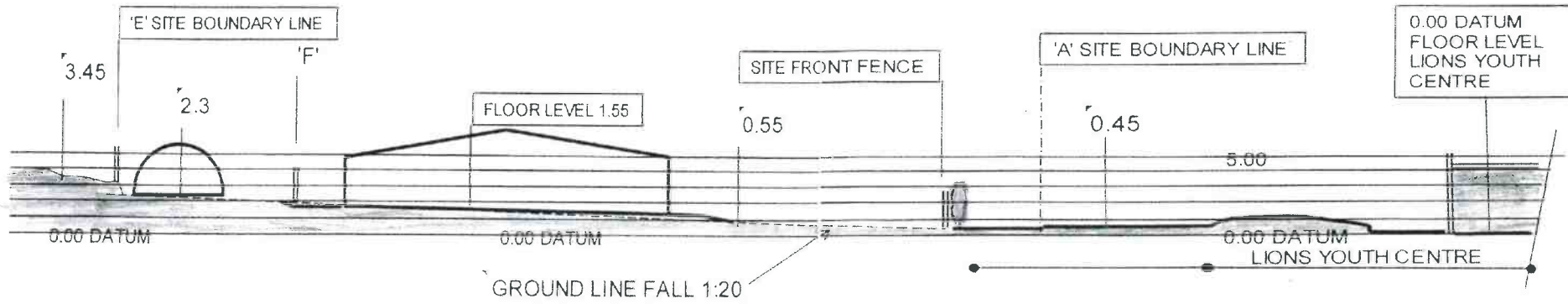
<b>Title:</b>	N,S,E & W ELEVATIONS of BUILDING A		
<b>Dwg. No.:</b>	5	<b>Drawn By:</b>	AW
<b>Date:</b>	20/03/2017		
	AIDAN WINTERS B.E. C.Eng. 8 Briarfield, Ballea Road, Carrigaline, County Cork		
	Scale: 1:100		



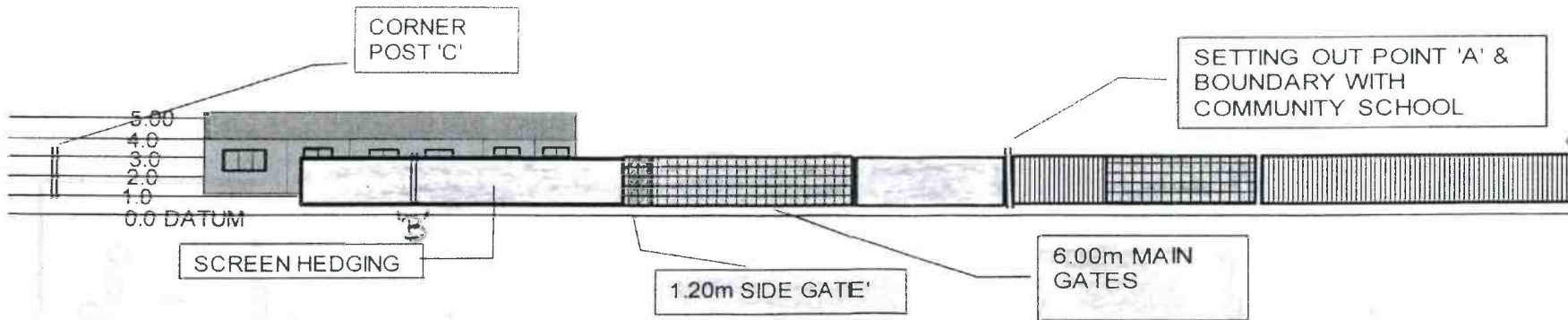




174648-20/03/2017-Site Section & Site



**1:250 SECTION**  
LOOKING EAST



**1:250 SOUTH ELEVATION**

FILED  
20 MAR 2017  
Cork County Council  
Cork

<b>CARRIGALINE MEN'S SHED</b> Church Road, Carrigaline.			
GENERAL SITE SECTION & SITE SOUTH ELEVATION			
Title:			
Dwg. No.	7	Drawn By:	AW Scale: 1:250
Date:	AIDAN WINTERS B.E. C.Eng.		
20/03/2017	Briarfield, Ballea Road, Carrigaline, County Cork 8		

Cork County Council  
Planning Department

4

### Option 2: 46 Panels (19.78kWp)

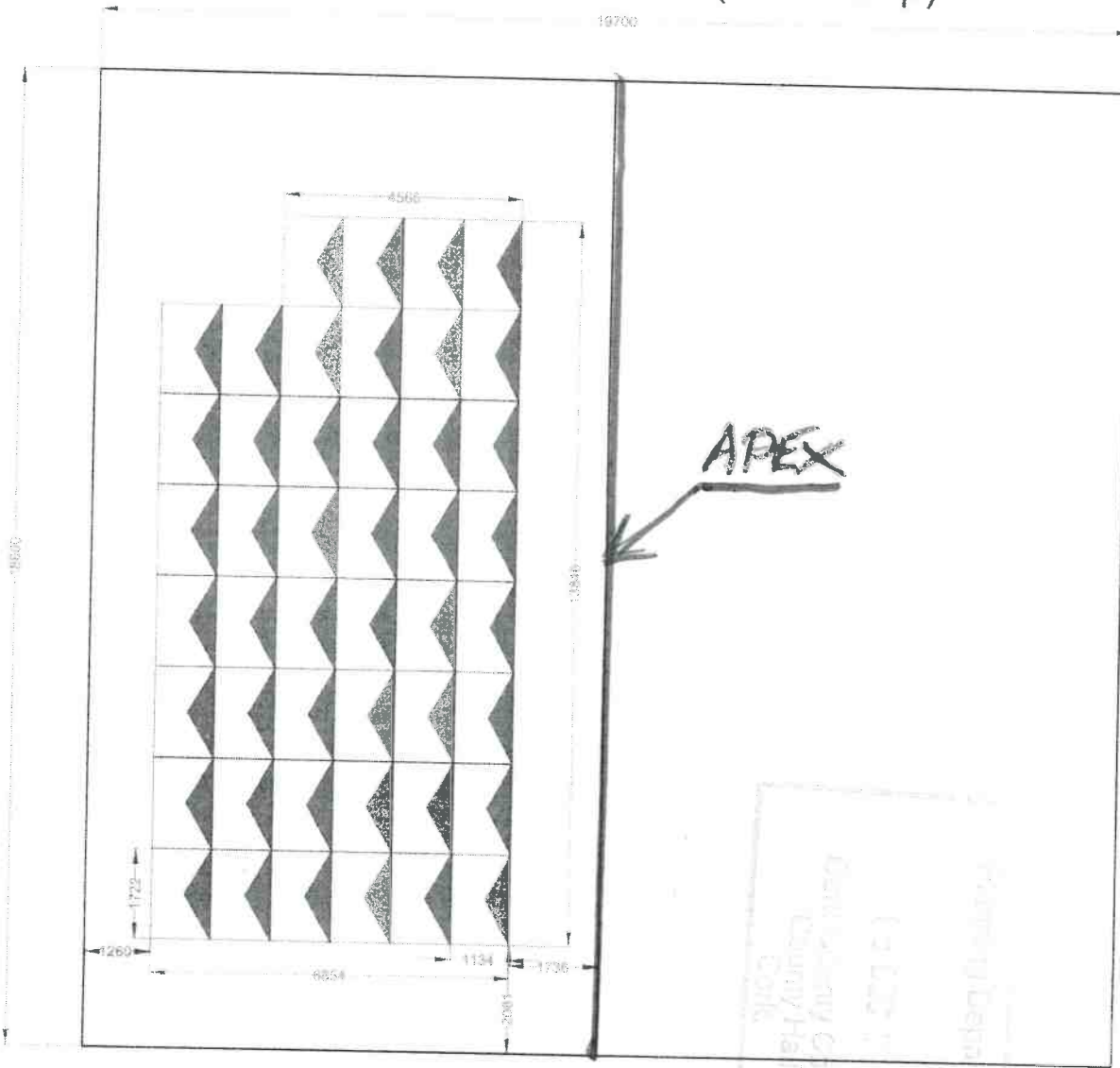
DRAWING

CMS-SOLAR PHOTO-VOLTAIC SYSTEM LAYOUT.

Aidan Winters

1/12/2023.

FRONT OF BUILDING  
& SOUTH FACING



E		
D		
C		
B		
A		
Title		
Author		
Date		
Project		
Project Reference		
Rev. No.		
Project No.		
Client Name		
Client Address		
Client Contact		
Client Email		
Client Phone		
Client Fax		
Client Website		
Client Logo		
Project Logo		
Project Name		
Project Address		
Project Contact		
Project Email		
Project Phone		
Project Fax		
Project Website		
Project Logo		
PVGEN		

2

# Comhairle Contae Chorcaí Cork County Council

Halla an Chontae,  
Corcaigh, Éire.  
Fóna: (021) 4276891 • Faics: (021) 4276321  
Suíomh: Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
County Hall,  
Cork, Ireland.  
Tel: (021) 4276891 • Fax: (021) 4276321  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



Roger Morrissey,  
Hon Secretary,  
Carrigaline Men's Shed,  
Rosehill,  
Carrigaline,  
Co. Cork.

Planning Department  
20 MAR 2017  
Cork County Council  
County Hall  
Cork.

24<sup>th</sup> May 2016.

**Re: Council owned lands at Church Road Carrigaline Co. Cork.**

Dear Roger,

I refer to our recent conversation in the above connection and would confirm that this Council are the registered owners of the lands coloured blue and denoted as plan 741 on the attached map.

I would further confirm that the Council consents to your group making a planning application on the lands at issue.

Yours faithfully,

**BARRY OWENS MSCSI, MRICS,  
EXECUTIVE QUANTITY SURVEYOR,  
PROPERTY SECTION.**



174648-20/03/2017-Land Owners Consent

Doc: 24<sup>th</sup> May 2016.  
E-Mail [barryowens@corkcoco.ie](mailto:barryowens@corkcoco.ie)  
Mobile: 086 608 1823

Fax: (021) 4346254  
Tel: (021) 4285484

Planning Department  
20 MAR 2017  
Cork County Council  
County Hall  
Cork.

ÉIRE  
IRELAND

1916  
2016

Clár Comairte  
Cead Bliain  
Comhary  
Programme





Planning Department

20 MAR 2017

Cork County Council  
County Hall  
Cork

Planning Department

20 MAR 2017

Cork County Council  
County Hall  
Cork

The Property  
Registration Authority  
An tÚdaráis  
Clárúcháin Maoino



Official Property Registration Map

This map should be read in conjunction with the following:

Registry maps are based on OSi topographic mapping. Where registry maps are printed at a scale that is larger than the OSi published scale accuracy is limited to that of the original OSi Map Scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see [www.orai.ie](http://www.orai.ie).

This map incorporates Ordnance Survey Ireland (OSi) mapping data under a licence from OSi. Copyright © OSi and Government of Ireland.

Summary of land tenure types:

Freehold

Leasehold

Subleasehold

'S' Register

See Section 49(2)(b) of the Registration of Title Act 1964 and Sections 124 & 125 and Regulation 34(2) 1972 - 2010.

Burden types that are recorded on maps:

Right of Way / Easement

Turbary

Pipeline

Well

Pump

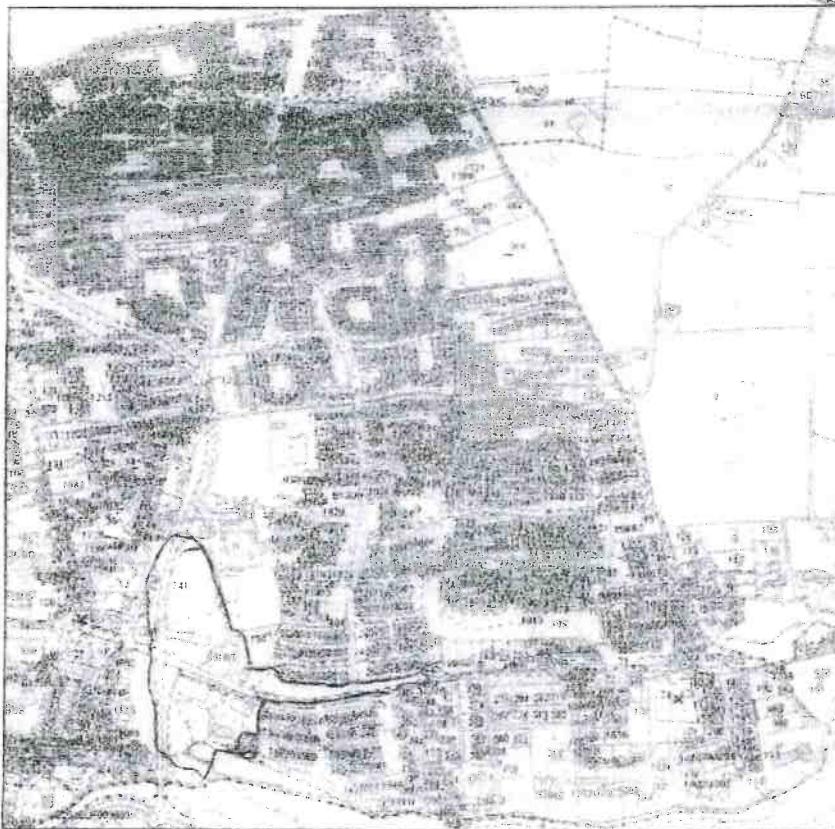
Septic Tank

Stack Pit

A full list of burdens and their symbols can be found at [www.orai.ie](http://www.orai.ie).

The Registry operates a non-priorities registration system. The Registry Map and the Register are not guaranteed to be correct in relation to the priority of rights in registered land. Transactions by registered land in Ireland are subject to the provisions of the Land Registration Act 1964.

(See Section 35 of the Registration of Title Act, 1964) As inserted by Section 92 of the Registration of Deeds and Title Act 2016



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Planning Department

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Cork County Council  
County Hall  
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