

Comhairle Contae Chorcaí Cork County Council

Killeagh Inch Community Council,
c/o Colm MacSweeney,
52 Woodview,
Killeagh,
Co. Cork.
P36 YH43.

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Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891
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Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



22nd April, 2025

REF: D/232/25
LOCATION: Killeagh Playground, Glenbower Woods, Killeagh, Co. Cork.

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

Dear Sir,

On the basis of the information submitted by you on 20th March, 2025 the Planning Authority, having considered whether the extension to the existing playground at **Killeagh Playground, Glenbower Woods, Killeagh, Co. Cork** is or is not development or is or is not exempted development, has declared that it is **exempted development**.

Reason for Decision

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

- the details submitted to the Planning Authority on the 20/03/2025,
- Class 33, Schedule 2, Part 1 of the Planning and Development Regulations (2001, as amended),
- Sections 2, 3 and 4 of the Planning and Development Act (2000, as amended), and,
- Article 9(1) of the Planning and Development Regulations (2001, as amended).

And Whereas the Planning Authority hereby decides that

The extension to the existing playground at **Killeagh Playground, Glenbower Woods, Killeagh, Co. Cork** is **exempted development** in accordance with Class 33 of Schedule 2, Part 1 of the Planning and Development Regulations (2001), as amended.

NOW THEREFORE, Cork County Council, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the extension to the existing playground at **Killeagh Playground, Glenbower Woods, Killeagh, Co. Cork** is **exempted development**

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



**CATHAL DE BARÓID,
ADMINISTRATIVE OFFICER,
PLANNING DEPARTMENT.**

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

Planners Report

Section 5 Declaration Reference D/232/25

The Question

Whether the extension to existing playground is / is not exempted development for the purposes of the Planning and Development Act.

Site Location

The subject site is located at Killeagh Playground, Glenbower Woods, Killeagh, as shown in figure 1 below.



Figure 1: General location of Killeagh Playground. Source: Google Maps.

Planning History

09/6957: Conditional permission granted on 03/12/2009 to Killeagh/Inch Community Council for the construction of a new public playground, site entrance, car park & all associated site works.

Planning Policy Context

As per the provisions of the Cork County Development Plan, 2022 – 2028, the site is located within the development boundary of Killeagh and on lands zoned as Green Infrastructure and the site has a

Specific Development Objective GR-01: *Protect the special character and amenity value of Glenbower Wood*. Flood Zones A & B are located to the south of the subject site.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

Section 3 (1) states that,

“In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land”.

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

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted from development for the purposes of the Planning and Development Act.

Planning and Development Regulations, 2001 (as amended)

Article 6, Part 1

“Subject to article 9, development consisting of a class specified in column 1 of part 1 of schedule 2 shall be exempted for the purposes of the Act, provided that such development complied with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.”

Article 9(1) sets out circumstances in which exempted development defined by Article 6 Second Schedule shall not be exempted development, including if the carrying out of development would:

“(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act”.

(ii) consist of or comprise the formation, 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,

Assessment

The detail submitted as part of the application is noted. It is stated that Cork County Council currently manage the playground and upon completion of the extension, the Council will take it over under license. As shown in figure 2 below, the playground extension will facilitate a basket swing, a low level trim trail, flora climber, 4.5m high spacenet, wheelchair accessible roundabout, wheelchair accessible trampoline and surfboard on springs. No new access is proposed as part of the extension.

Class 33 of Schedule 2, Part 1, Exempted Development of the Planning and Development Regulations, 2001 (as amended) is of relevance:

Description of Development	Conditions and Limitations
<p data-bbox="308 396 735 434"><i>Development for amenity or recreational purposes</i></p> <p data-bbox="308 434 735 474">CLASS 33</p> <p data-bbox="308 474 735 515">Development consisting of the laying out and use of land—</p> <p data-bbox="308 515 735 553">(a) as a park, private open space or ornamental garden,</p> <p data-bbox="308 553 735 593">(b) as a roadside shrine, or</p> <p data-bbox="308 593 735 981">(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.</p>	<p data-bbox="762 396 1189 712"></p> <p data-bbox="762 712 1189 981">The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.</p>

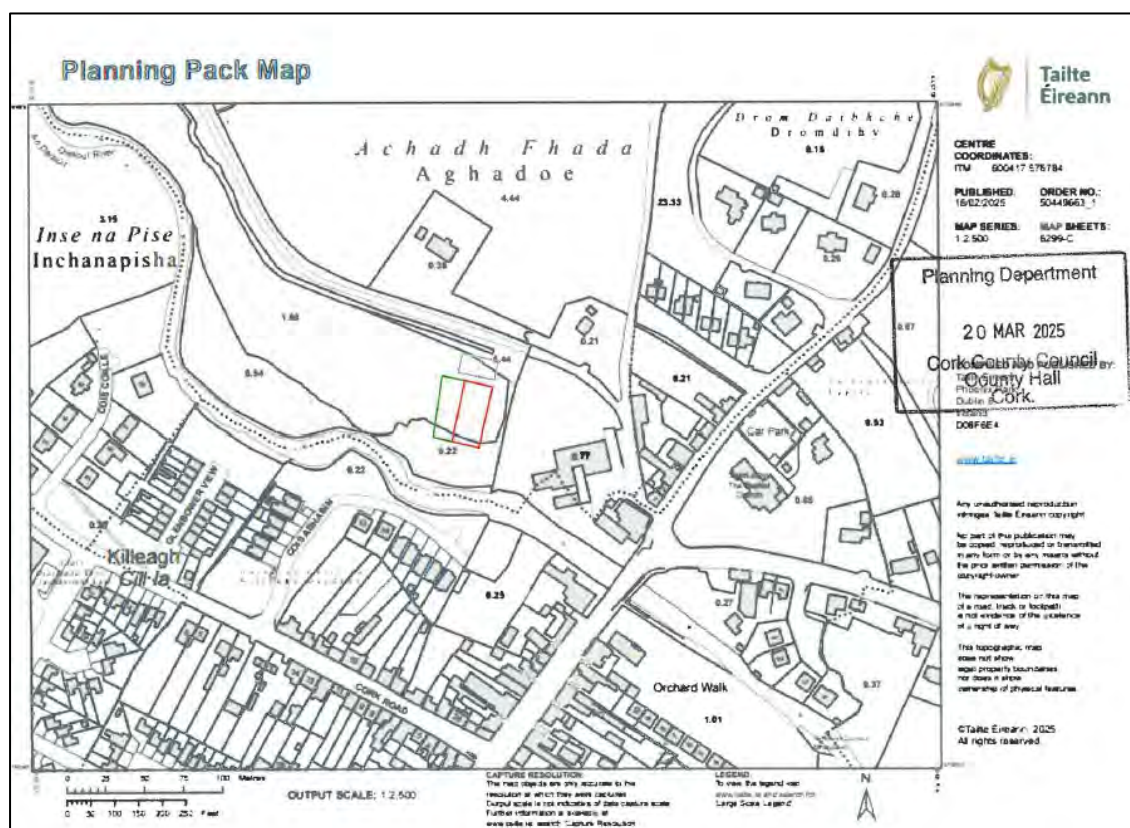


Figure 2: Extract of submitted site location map.

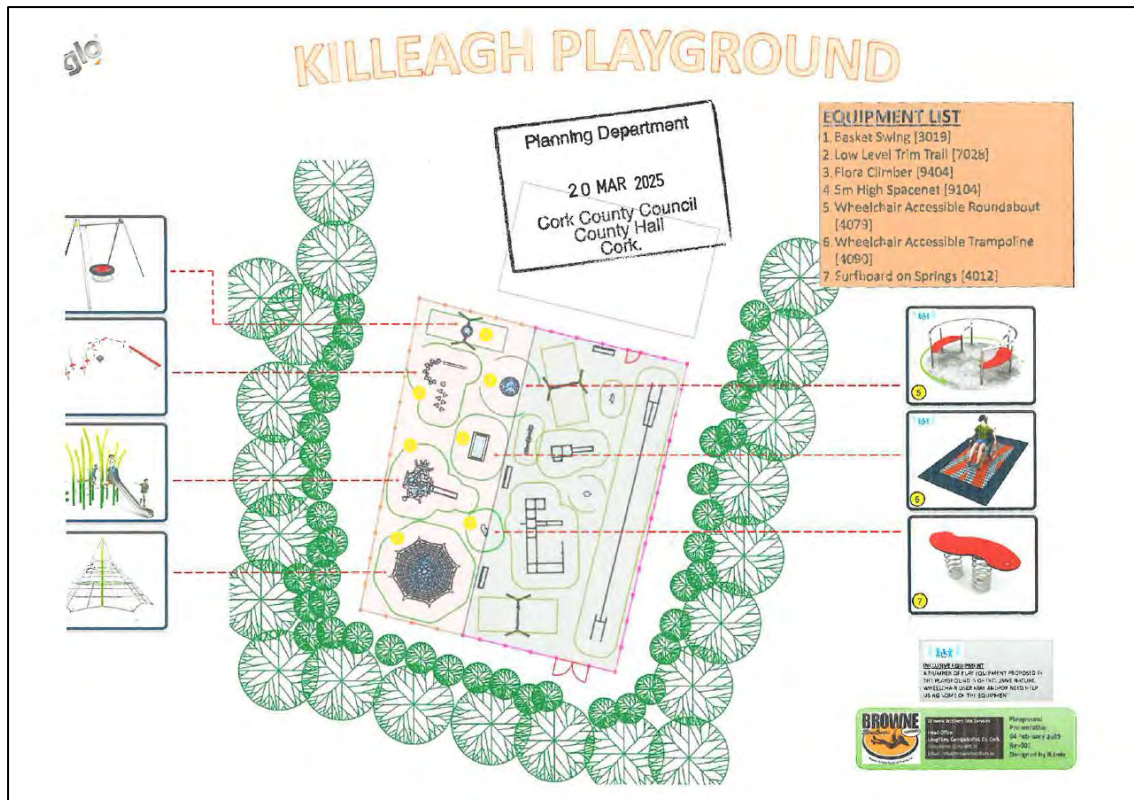


Figure 3: Extract of submitted extension details/equipment.

Having regard for the question posed to the Planning Authority, the proposal constitutes “development” as set out under Section 3 of the Planning and Development Act 2000, in that “works”, which by interpretation as set out under Section 2 of the Act, includes “*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*”, are proposed to be carried out on the subject site.

The question therefore is whether or not these “works” constitute “exempted development”, for the purposes of this Act. Having reviewed Class 3 of Schedule 2, Part 1, Exempted Development, the works are for an extension to an existing playground which can be considered as development consisting of the laying out and use of the land as a park.

Having reviewed Article 9, *Restrictions on exemption*, in the Planning & Development Regulations, (2001) as amended, the proposal is not considered to be de-exempted by same.

Conclusion

WHEREAS a question has arisen as to whether the extension to an existing playground is / is not exempted development:

AND WHEREAS Cork County Council, in considering this referral, had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.
- Class 33, of Schedule 2, Part 1, Exempted Development of the Planning and Development Regulations 2001, as amended.
- Article 9 (1) Restrictions on exemption of the Planning and Development Regulations 2001, as amended.

The Planning Authority has concluded that:

The extension to an existing playground **is development and is exempted development** in accordance with Class 33 of Schedule 2, Part 1 of the Planning and Development Regulations (2001), as amended.



Alannah Hurley

Assistant Planner

15/04/2025



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.	P20002500
Cash/Cheque/ Credit Card	CHEQUE
Date	20/3/25
Declaration Ref. No.	D1232/25

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)

Killeagh Inch Community Council

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

Killeagh playground
Glenbowee woods
Killeagh, Co. Cork

Planning Department

20 MAR 2025

Cork County Council
County Hall
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

Extension to existing playground.

The current playground is surrounded
by safety fencing & Managed by
Cork County Council & Maintenance & Insurance.

On completion of the new proposed works
the Cork County Council have agreed to
work on the same principle & will take
it over under license.

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):	40 x 16 mtrs ⁽¹³⁵⁾
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use Proposed use	Grass Area playground.
(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):

Planning Department
20 MAR 2025
Cork 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 checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	voluntary organisation, with permission of owners.	
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):	Glenbow Woods Ltd. c/o Richard Lynch.	

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

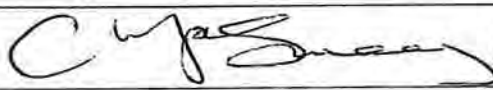
Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes ☐ No ☒

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

☒ I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	 (Killeagh Inch Community Council)
Date	11.3.25

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

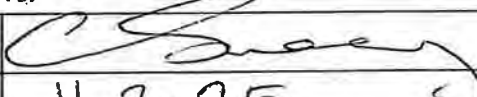
- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation



In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Sensitive personal data being submitted in support of Declaration of Exemption Application

☒ I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	
Date	11.3.25

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.


ADVISORY NOTES:

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

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

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

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

Signed (Applicant or Agent as appropriate)	
Date	11.3.25



Site Location Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 600417,576784

PUBLISHED: 18/02/2025
ORDER NO 50449663_1

MAP SERIES: 6 Inch Raster
MAP SHEET CK066

Planning Department

20 MAR 2025

COMPILED AND PUBLISHED
Tailte Éireann
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

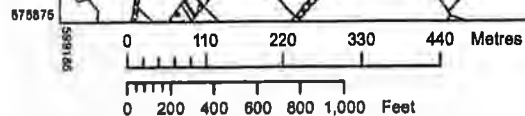
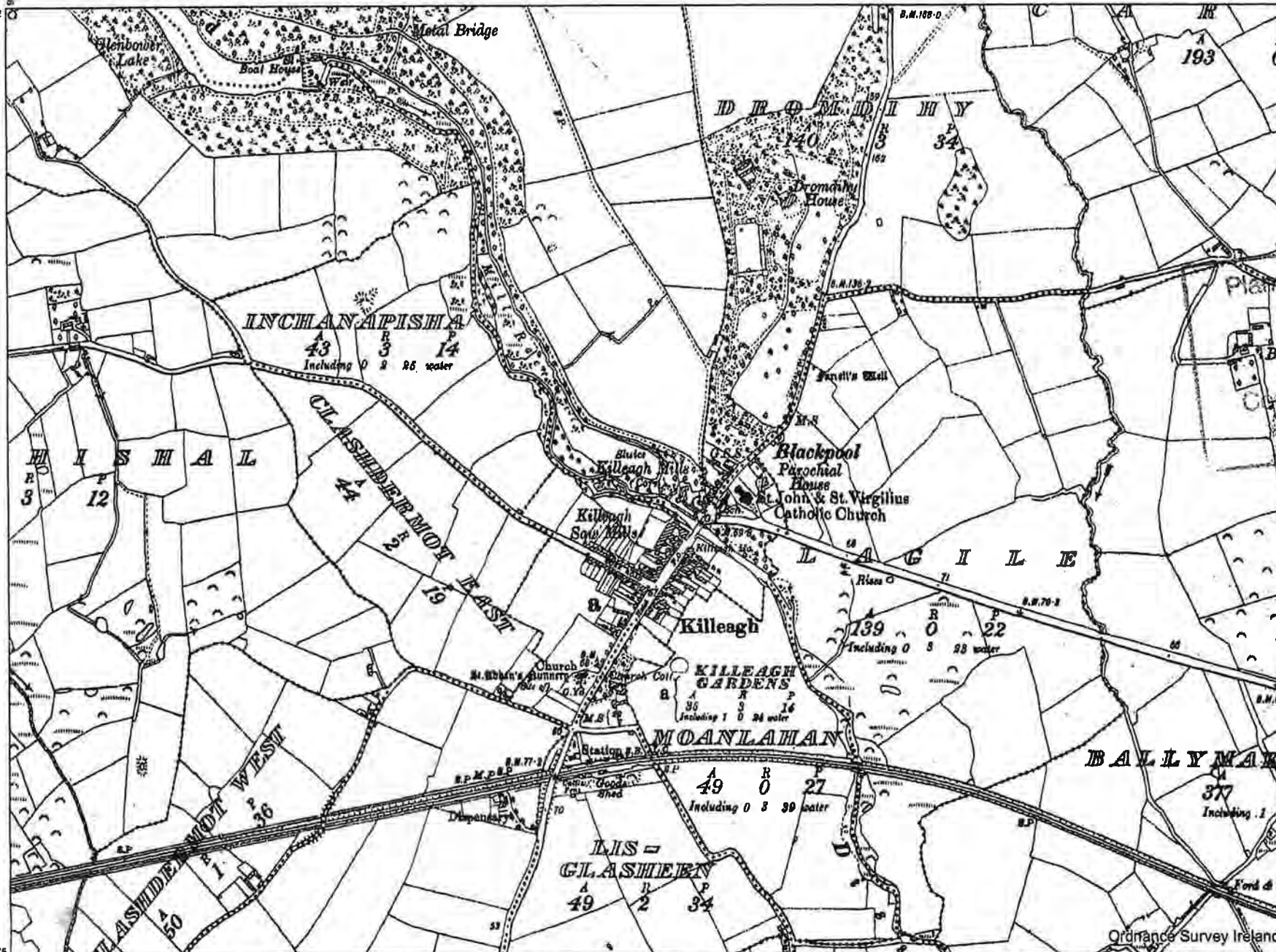
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Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
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'Large Scale Legend'

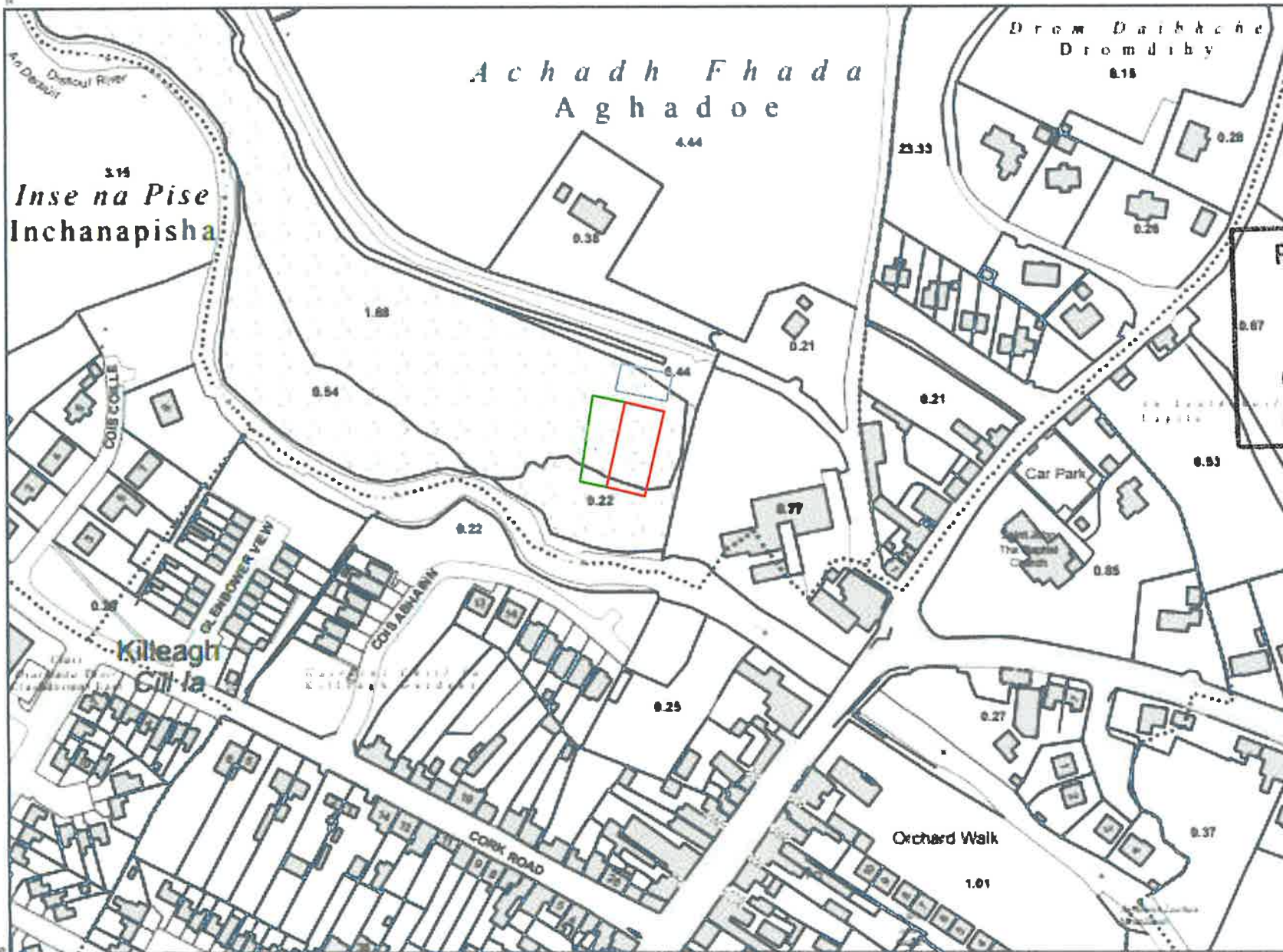


Ordnance Survey Ireland

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**Tailte
Éireann**



CENTRE
COORDINATES:
ITM 600417 576784

PUBLISHED: 18/02/2025 **ORDER NO.:** 50449683

MAP SERIES: 1:2500 MAP SHEETS: 6293-C

Planning Department

20 MAR 2025

Cork County Council
County Hall
Cork.

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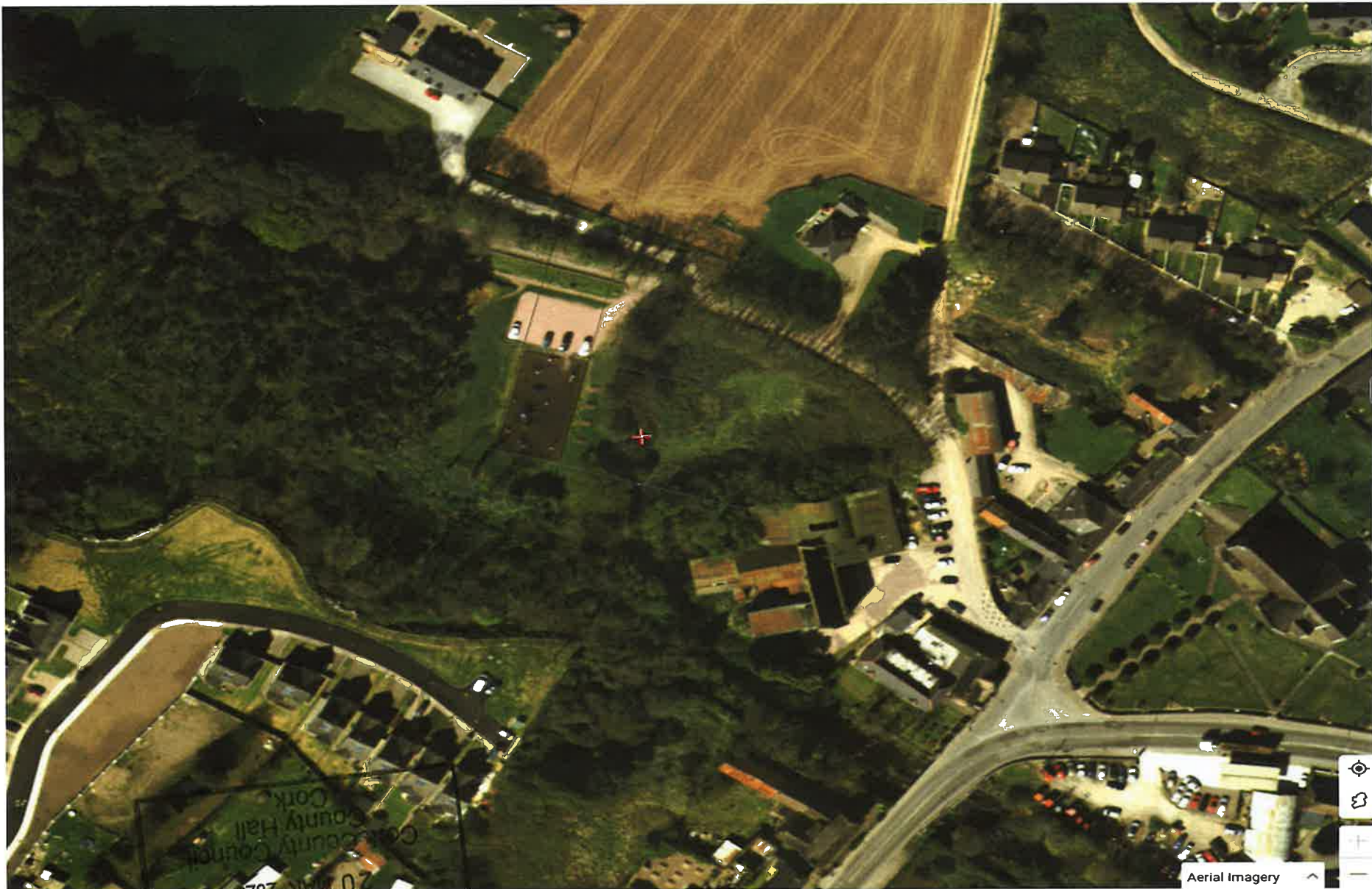
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OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The mass objects are only accurate to the resolution at which they were captured. Circular scale is not indicative of data capture scale. Further information is available at www.bvds.nl/astro/Capture-Resolution

LEGEND.
To view the legend and
www.123in.in and search for
LIFE SIZE LINDS





Planning Department
20 MAR 2025
Cork County Council
County Hall
Cork

Aerial Imagery

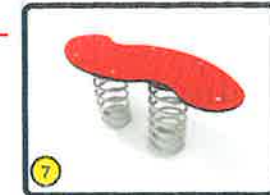
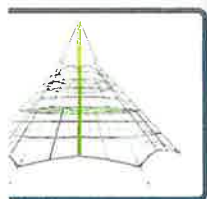
KILLEAGH PLAYGROUND

Planning Department

20 MAR 2025
Cork County Council
County Hall
Cork.

EQUIPMENT LIST

1. Basket Swing [3019]
2. Low Level Trim Trail [7028]
3. Flora Climber [9404]
4. 5m High Spacenet [9104]
5. Wheelchair Accessible Roundabout [4079]
6. Wheelchair Accessible Trampoline [4090]
7. Surfboard on Springs [4012]



INCLUSIVE EQUIPMENT
A NUMBER OF PLAY EQUIPMENT PROPOSED IN
THIS PLAYGROUND IS OF INCLUSIVE NATURE.
WHEELCHAIR USER MAY AND/OR NEED HELP
USING SOME OF THE EQUIPMENT.