Comhairle Contae Chorcaí Cork County Council

Doneraile GAA, C/O O'Connor Architectural Design & Planning, 38 Old Avenue, Riverstown, Glanmire, Cork. T45 X512

14th May, 2025

REF:

LOCATION:

Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC. Fón: (021) 4276891 R-phost: planninginfo@corkcoco.ie 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



D/244/25 Doneraile GAA Grounds, Knockacur, Doneraile, Co. Cork P51 WF1H

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

Dear Sir/Madam,

On the basis of the information submitted by you on 15th April, 2025 the Planning Authority, having considered whether the proposed (1) Putting in place of a 1.8m wide concrete walking path to connect existing walking paths around the existing GAA pitches, (2) Replacing / repairing sections of the existing walking paths around the GAA playing pitches and (3) Putting in place a metal support rail on top of the existing fence surrounding playing pitch No.2 at Doneraile GAA Grounds, Knockacur, Doneraile, Co. Cork P51 WF1H 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 15th April, 2025
- Section 2(1), 3(1) and 4(1)(a) of the Planning and Development Act, 2000, as amended,
- Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,.

And Whereas the Planning Authority hereby concludes that the putting in place of a 1.8m wide concrete walking path to connect existing walking paths around the existing GAA pitches, the replacement/repair of sections of the existing walking paths around the GAA playing pitches and the putting in place of a metal support rail on top of the existing fence surrounding playing pitch No. 2 at





Doneraile GAA Grounds, Knockacur, Doneraile, Co. Cork P51 WF1H constitutes 'development' as defined in Section 3 of the Planning and Development Act. The development comes within the scope of the exemption under Class 33 of Part 1 of Schedule 2 of the Planning & Development Act 2001 as amended and it complies with the relevant conditions and limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1).

On this basis it is considered that the proposed development is development and 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,

PIO TREACY, A/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

SECTION 5 DECLARATION – PLANNER'S REPORT

File Reference:	D/244/25
Description:	 Putting in place of a 1.8m wide concrete walking paths to connect existing walking paths around the existing GAA pitches. Replacing / repairing sections of the existing walking paths around the GAA playing pitches. Putting in place a metal support rail on top of the existing fence surrounding playing pitch no.2.
Applicant:	Doneraile GAA Club
Location:	Doneraile GAA Club, Knockacur, Doneraile, Mallow, Co. Cork.
Date:	12 th May 2025

SUMMARY OF RECOMMENDATION

It is concluded that:

- 1. Putting in place of a 1.8m wide concrete walking paths to connect existing walking paths around the existing GAA pitches.
- 2. Replacing / repairing sections of the existing walking paths around the GAA playing pitches.
- 3. Putting in place a metal support rail on top of the existing fence surrounding playing pitch no.2.

constitutes 'development' as defined in Section 3 of the Planning and Development Act. The development comes within the scope of the exemption under Class 33 of

Schedule 2, Part 4 of the Planning and Development Regulations 2001 as amended, and it complies with the relevant conditions and limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1)(a) (iii) and (viiB).

On this basis it is considered that the proposed development **is development and is exempted development.**

PURPOSE OF REPORT

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

SITE LOCATION

The subject site comprises the existing Doneraile GAA Club Facility located within the development boundary of the settlement on the southern extremity of the village. The lands are zoned as Green Infrastructure under the Cork County Development Plan 2022 with the specific zoning objective: GA-04 which states:

"Playing pitches. Parts of this zone are within the Blackwater River Special Area of Conservation and these areas are not suitable for development." The lands lie within designated High Value Landscape and the eastern end of the overall lands lie within designated Flood Zone A. The River Blackwater SAC is located approx. 50 from the overall site boundary and approx. 190m from the location of the proposed footpaths.

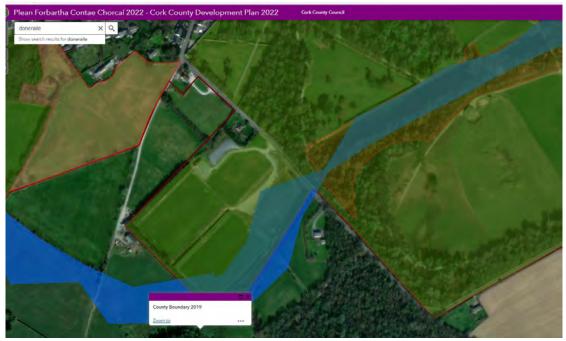


Figure 1: Site Location – Extract of zoning map from CDP 2022

SUBJECT DEVELOPMENT

The subject development relates to the construction of 1.8m wide concrete walking paths to connect existing walking paths around the existing GAA pitches, the replacement/repair of sections of the existing walking paths around the GAA playing pitches and the erection of a metal support rail on top of the existing fence surrounding playing pitch no.2 as indicated in the submitted site layout plan – extract shown in figure 2.

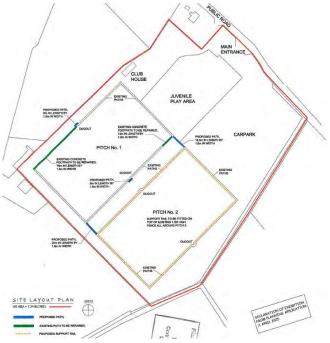


Figure 2: Extract of Site Layout Plan submitted.

PLANNING HISTORY

View on Map New Enqui		n of Application Print To PDF	
File Number:	074880	Applicant Name:	Doneraile G.A.A.
Local Authority:	Cork County Council	Development Description:	Construction of playing
Date Received:	08/02/2007		pitch, indoor hurling hall incorporating changing
Туре:	PERMISSION		rooms, meeting rooms, gymnasium, outdoor
Submissions By:	14/03/2007 *		hurling alley and associated works
Due Date:	04/04/2007 #	Development Address:	
Decision:	CONDITIONAL		Doneraile
Decision Date (MO):	03/04/2007	Engineering Area:	
Application Status:	APPLICATION FINALISED		
Grant Date:	09/05/2007	Functional Area:	North Cork
Further Info. Requested:	n/a	Number of Appeals to An Bord Pleanala:	0
Further Info. Received:	n/a		

Registration of Application

View on Map New Enquiry Result List Print To PDF

File Number:	0611608	Applicant Name:	Doneraile G.A.A
Local Authority:	Cork County Council	Development Description:	
Date Received:	20/10/2006		playing pitch, indoor hurling hall incorporating
Туре:	PERMISSION		changing rooms, meeting rooms and gymnasium,
Submissions By:	23/11/2006 *		outdoor hurling alley and associated works
Due Date:	14/12/2006 #	Development Address:	Knockacur
Decision:	REFUSED		Doneraile
Decision Date (MO):	14/12/2006	Engineering Area:	
Application Status:	APPLICATION FINALISED		
Grant Date:	n/a	Functional Area:	North Cork
Further Info. Requested:	n/a	Number of Appeals to An Bord Pleanala:	0
Further Info. Received:	n/a		

Planning and Development Act, 2000

Section 3(1) of the Act states the following in respect of 'development': "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."

Section 2(1) of the Act states the following in respect of 'works': "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 4 (1)(h) states:

"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;"

Planning and Development Regulations 2001 (as amended)

Schedule 2, Part 3 – Exempted Development

Exempted6. (1)Subject to article 9, development of a class specified in column 1 of Part 1 of ScheduleDevelopment2 shall be exempted development for the purposes of the Act, provided that such
development complies 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) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development.

	Column 1 Description of Development	Column 2 Conditions and Limitations
Develo	pment for amenity or recreational purposes	
land –	 33 pment consisting of the laying out and use of As a park, private open space or ornamental garden, 	
b)	As a roadside shrine, or	The area of any such shrine shall not exceed 2sqm, the height shall not exceed 2m above the centre of the road opposite the structure and it shall not be illuminated.
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.	

PART 1, Schedule 2 Exempted Development – General

ASSESSMENT

The question which arises in this case is whether the following proposed works is or is not development and is or is not exempted development:

- 1. Putting in place of a 1.8m wide concrete walking paths to connect existing walking paths around the existing GAA pitches.
- 2. Replacing / repairing sections of the existing walking paths around the GAA playing pitches.
- 3. Putting in place a metal support rail on top of the existing fence surrounding playing pitch no.2.

Is or is not development?

Section 3(1) of the Act states the following in respect of 'development': "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."

The proposed works include the construction of concrete footpaths, the placement/repair of sections of the existing walking paths and the installation of the metal support rail and therefore **constitute 'development'**, as defined in Section 3 of the Planning and Development Act 2000, as amended.

Is or is not exempted development?

Schedule 2, Part 1, Class 33 provides for the laying out and use of land 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. The proposed construction of concrete footpaths, the placement/repair of sections of the existing walking paths and the installation of the metal support rail surrounding playing pitch no.2. are all ancillary to the existing GAA pitches. The applicant is the Doneraile GAA Club and there will be no charge for admission of the public to the land. On this basis it is considered that the proposed development comes within the scope of the exemption under Class 33 of Schedule 2, Part 4 of the Planning and Development Regulations 2001 as amended, and it complies with the relevant conditions and limitations.

In relation to restrictions on exemptions by virtue of Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended) I note the following:

Article 9 (1) (a) provides that certain development to which Article 6 relates (i.e. exempted development) shall not be exempted in various circumstances. Article 9(1) states that: Development to which Article 6 relates shall not be exempted development for the purposes of the Act – (a) if the carrying out of such development would:

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

Due to the minor nature of the works and the fact that all of the subject footpaths are located outside of the flood zone it is considered that there would not be a requirement for an appropriate assessment because it would not be likely to have a significant effect on the integrity of a European site.

CONCLUSION

Having regard to:

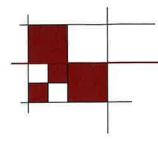
- the particulars received by the Planning Authority on 15th April 2025.
- Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000,
- Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,

It is concluded that the putting in place of a 1.8m wide concrete walking paths to connect existing walking paths around the existing GAA pitches, the replacement / repair of sections of the existing walking paths around the GAA playing pitches and the putting in place of a metal support rail on top of the existing fence surrounding playing pitch no.2. constitutes 'development' as defined in Section 3 of the Planning and Development Act. The development comes within the scope of the exemption under Class 33 of Part 1 of Schedule 2 of the Planning & Development Act 2001 as amended and it complies with the relevant conditions and limitations. It is also considered that these exemptions are not restricted by the terms of Article 9(1).

On this basis it is considered that the proposed development is development and is exempted development.

Janet Payne Executive Planner 12th May 2025

L Ahern A/Senior Executive Planner 12/05/2025



O'Connor • Architectural Design & Planning

Architectural Design, Planning Consultancy & Project Management. 38 Old Avenue, Riverstown, Glanmire, Cork. T45 X512 (43 Bank Place, Mallow, Co. Cork. P51 PN50) Tel: 087 2693666 Email: joconnor@ocadp.ie

11th April 2025

SECTION 5 EXEMPTION APPLICATION

Planning Department, Cork County Council, County Hall, Co. Cork.

Re: Exemption application for walking paths and associated works at Doneraile GAA Club grounds, Knockacur, Doneraile, Mallow, Co. Cork. P51 WF1H.

Dear Sir / Madam,

We have been asked by Doneraile GAA Club to apply for a section 5 declaration of exemption for the following proposed works at their grounds.

- 1) Putting in place 1.8m wide concrete walking paths to connect existing walking paths around the existing GAA playing pitches.
- 2) Replacing / repairing sections of the existing walking paths around the GAA playing pitches.
- 3) Putting in place a metal support rail on top of the existing fence surrounding playing pitch no.2.

We enclose the following -

- 6" and 1:2500 scale site location maps.
- 1:1500 scale site layout plan.
- Application form.
- Application fee of \in 80.00.

Confirmation in relation to the exempt nature of the works is required for grant application purposes.

Based on the above, we look forward to confirmation that the proposed works are exempt development.

erry O Connor Bsc. Arch. Tech. RIAI



www.ocadp.ie



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

(Please tick $\sqrt{}$) APPLICANT CHECKLIST 4 No. Copies of Application Form: Fighting Letterall 1 No. Copy of Contact Details: 4 No. Copies 6" O.S. Maps: 4 No. Copies 25" O.S. Maps: 15 APR 2025 4 No. Copies of Site Layout Plan: 4 No. Copies Scaled Drawings of Development: Cork County Council €80 Application Fee: **County Hall** Cork FOR OFFICE USE ONLY PL20002515 **Receipt No.** Cash/Cheque/ CHEQUE **Credit Card**

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.

DATE STAMP HERE

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.

16/4/25

1244/25

Date

Declaration

Ref. No.

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

<u>http://www.corkcoco.ie/Privacy-Policy</u> 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 <u>dpo@corkcoco.ie</u> 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)

DONTRAILE GAA

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

DONERATE GAA GROWAS KNOCKACUR, DONERAILE CO. CORK PSI WFIH

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

THE Following works Exampt From PLANNING -PUTTING IN PLACE 1.8. WIDE CONCRETE WALKING PATHS CONNET EXISTING WALKING PATHS AROUND TH To FXISTING GAA PLAYING PITCHES. REPLACING /REPAIRING SECTIONS OF THE EXISTING WALKING 2 XIZOUND THE GAA PLAYING PITCHES-PLACE A NOTAL SUPPORT RAIL ON TOP TING 12 ENCE SURROWDING PLAYING EXISTING NO: C Planning Department 15 APR 2025 Cark 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^2)

(a) Floor area of existing/proposed structure(s):	N/A-
(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 No 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:	Coming Department
Existing/previous use	Proposed use 15 APR 2025
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No 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 B. Other
Where legal interest is "Other", please state your interest in the land/structure:	OUNTRY IS GAA CLUR.
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/Pro	posed Protected Structure or with	thin the curtilage of a Protected
Structure: Yes	No	and a standard and the second standard
If yes, has a Declaration under S	Section 57 of the Planning & De	evelopment Act 2000 been requested
or issued for the property by the	Planning Authority: Yes	No
AND STATISTICS FOR A STATISTICS		
If yes, please state relevant refer	rence No	
Is this site located within an Arc	chitectural Conservation Area (A	ACA), as designated in the County
Development Plan? Yes	No	Environment in Destination of the
· 清水、花台、水 - 2016年1月1日		

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would	d be lik	ely to /
have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes	No	1

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)	Jom Magner
Date	27-3-25

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	Tom Magune	
Date	27 . 2 - 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: <u>planninginfo@corkcoco.ie</u> or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: <u>westcorkplanninginfo@corkcoco.ie</u> 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.

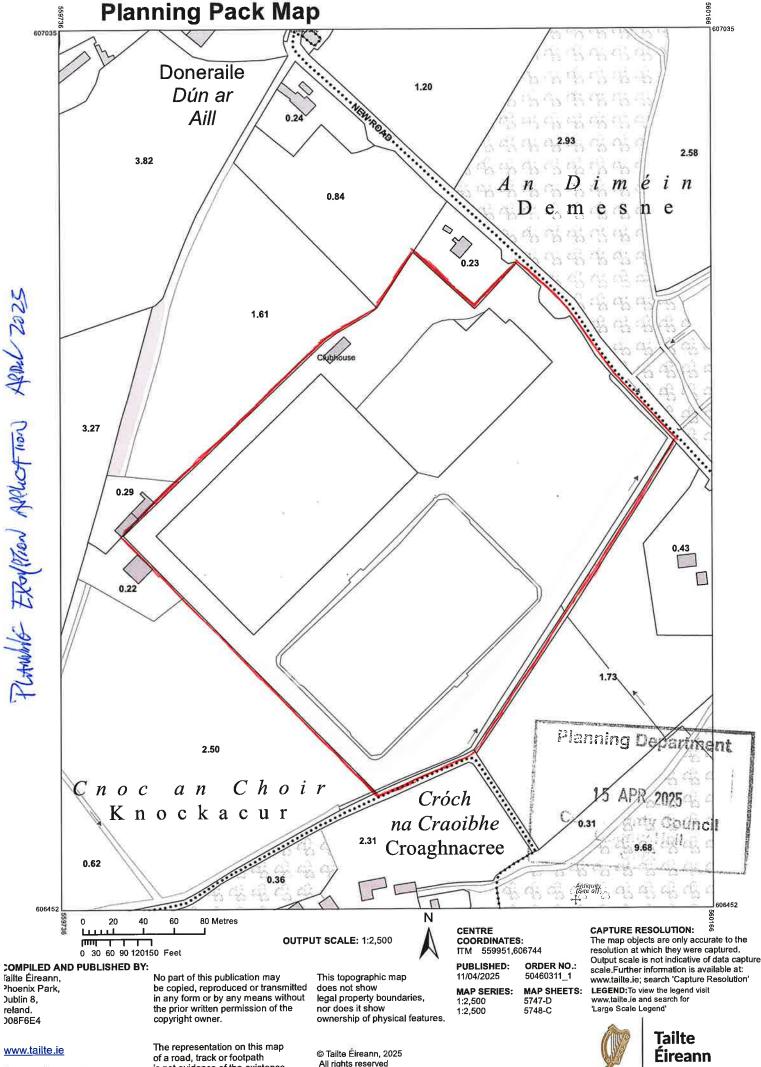
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be 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 <u>Planning and Development Acts 2000</u>, <u>as amended</u> and the Regulations made thereunder:

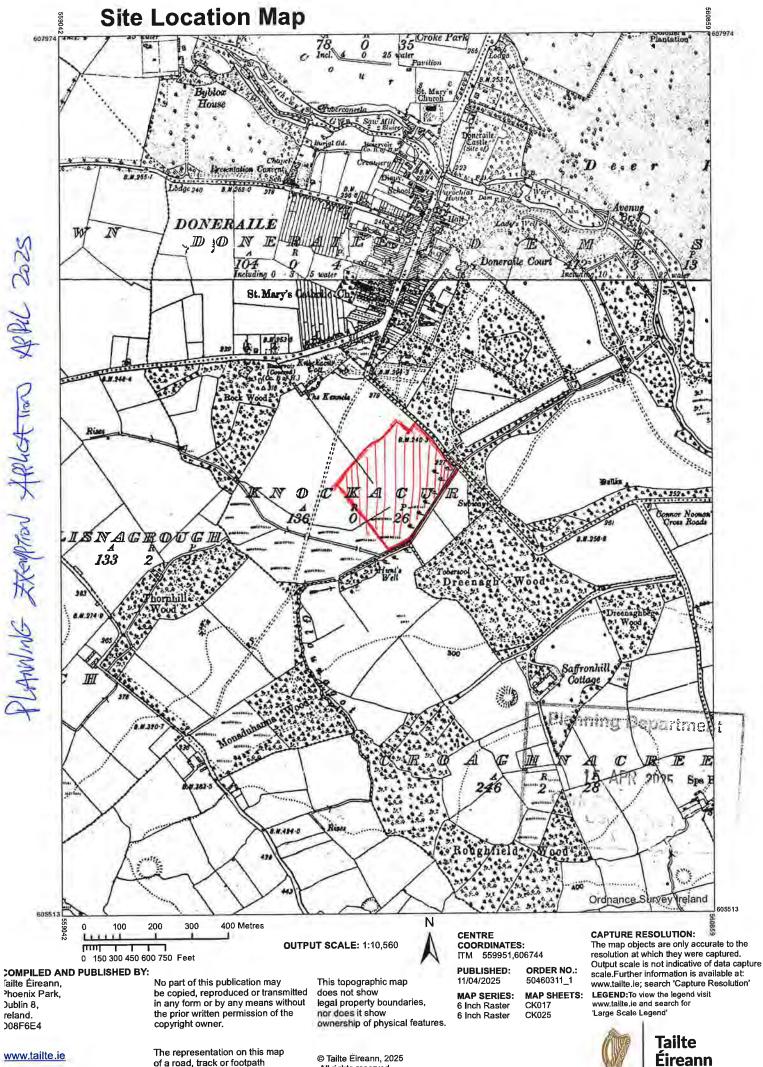
Date	
11/4/2025	

O' CONNOR Architectural Design & Planning 36 Cld Ave, Riverstown, Glanmire, Cork Tel: 087 2693666 • info@ocadp.ie

15 APR 2025 Control of the second	024	Planning Department
Centr Providy Description Control Mail Control Mail		15 APR 2025
A GET ST MAL		Cost Annaly Costral
124.00		N George Paul



Any unauthorised reproduction infringes Tailte Éireann copyright. is not evidence of the existence of a right of way.



Any unauthorised reproduction infringes Tailte Éireann copyright.

of a road, track or footpath is not evidence of the existence of a right of way.

© Tailte Éireann, 2025 All rights reserved

