

Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,
Bóthar Chorcaí, An Sciobairín,
Co. Chorcaí P81 AT28.
Fón: (028) 40340 • Faics (028) 21660
Suíomh Greasáin: www.corkcoco.ie
Planning Section, Norton House,
Cork Road, Skibbereen,
Co. Cork P81 AT28.
Tel: (028) 40340 • Fax: (028) 21660
Web: www.corkcoco.ie



Rosscarbery Playground Committee,
c/o Mr. Shane Murphy,
Rossa Avenue,
Rosscarbery,
Co. Cork. P85 EY11.

14th June, 2023.

Our Ref: D/21/23.

RE/ **Declaration request on exempted development under Section 5
of the Planning & Development Act, 2000 (as amended).**

Dear Sir,

On the basis of the information and plans submitted on 18th May, 2023 on behalf of Rosscarbery Playground Committee, the Planning Authority declares that the proposed upgrading of existing playground, including replacement of existing equipment, new zip lines and replacement surfacing at Rosscarbery, Co. Cork is development and *is exempted development* having regard to Sections 3 and 4 of the Planning & Development Act, 2000, as amended and to Articles 6(1) and 9 of the Planning & Development Regulations, 2001, as amended, and Class 33 of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001, as amended.

Please note that this Declaration of Exemption relates to the existing playground area only and does not include any extension to the playground surface area.

Please also note that any material departure from the proposals as submitted may remove the development from the Exempted category and require the submission of an application for Permission under the Act.

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

Receipt No. WCP11603, in respect of €80.00, is issued herewith.

Yours faithfully,


**KEVIN O'REGAN.
SENIOR EXECUTIVE OFFICER.**

Anne Lordan

From: Tim Twomey
Sent: Wednesday 14 June 2023 13:02
To: Anne Lordan
Cc: Kevin O'Regan; Annie O'Keeffe
Subject: RE: D/21/23

Hi Anne,

I agree with the Area Planner's recommendation that the specific declaration sought i.e. *"the proposed replacement of existing equipment in the playground with equipment of a similar size, replacement of existing surface with similar new surface and the provision of zip lines"* is development and is exempted development.

It is noted from an examination of the photographs submitted with this application that an extension to the playground may also be proposed. Based on Q3 of the application form, the applicant has not sought a declaration of exemption on this matter.

In the interests of clarity, I am recommending the inclusion of the following *Note below.

*Please note this declaration of exemption relates to the existing playground area only and does not include any extension to the playground surface area.

Regards,
Tim

From: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Sent: Tuesday 13 June 2023 15:58
To: Tim Twomey <Tim.Twomey@CorkCoCo.ie>
Subject: FW: D/21/23

Hi Tim,

Attached report from Ms. Annie O'Keeffe, Area Planner for your recommendation and sign-off.

Regards,

Anne.

Anne Lordan | Oifigeach Foirne Cúnta | **Pleanáil agus Foirbairt**
Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co. Chorcaí |
P81 AT28 | Éire
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Anne Lordan | Assistant Staff Officer | **Planning and Development**
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Customer Portal: www.yourcouncil.ie

Ref D/21/23

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

Re: Works to playground, Rosscarbery, Co. Cork

Proposal

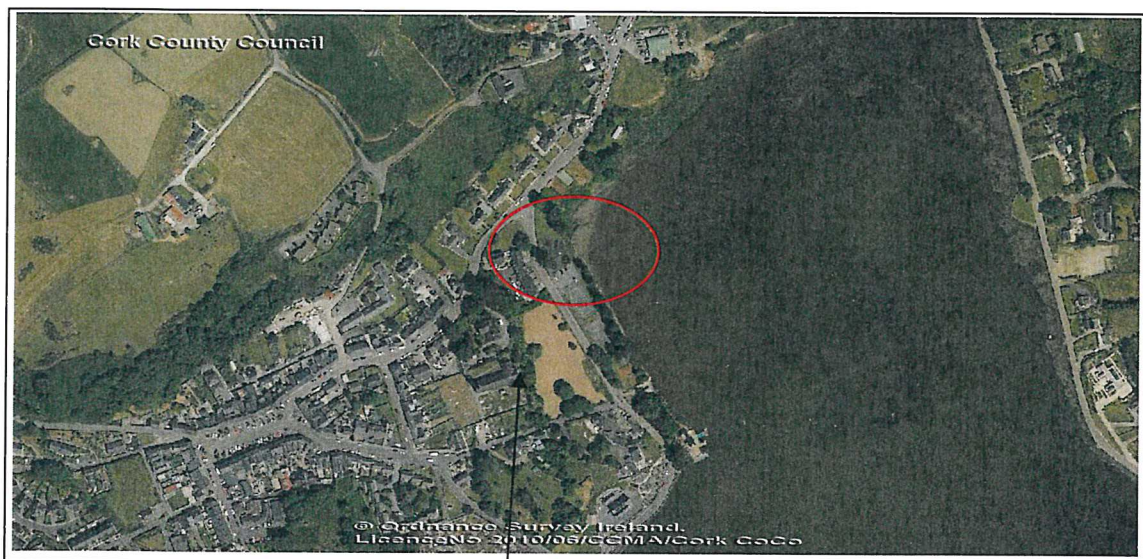
Rosscarbery Playground Committee seeks a Declaration of Exemption regarding a proposed upgrading of the existing playground, including replacement of existing equipment, new zip lines and replacement surfacing.

Policy

The subject site is located within the mapped development boundary for Rosscarbery, a designated Key Village in the Cork County Development Plan 2022. Objective U-01 passes through the site and seeks to upgrade the scenic walkway around the bay, north of the causeway.

The site is located within a designated Scenic Landscape and there are designated Scenic Routes in the vicinity. The site is located outside the mapped Architectural Conservation Area.

The proposed structure is not located within the mapped indicative Screening Zone for any Natura 2000 site. The site is located within the indicative mapping of Flood Zone A as shown on the Planning Enquiry System.



Subject site

Site Inspection

I inspected this site on 08/06/2023.

Planning History

There is no relevant planning history.

Relevant Statutory Provisions

The most relevant statutory provisions are as follows:

Section 2 of the Planning and Development Act, 2000 provides that: "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1) of the Planning and Development Act, 2000 provides that: "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 4 of the Planning and Development Act 2000 sets out what shall be exempted developments for the purposes of the Act. Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Article 6(1) of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) makes provision for certain classes of development to be exempt from the requirement to obtain planning permission.

Article 9 of the Planning and Development Regulations, 2001 (S.I. No. 600 of 2001) makes provisions for the removal of exemptions in particular circumstances.

Specifically **Class 33 of Part 1 of Schedule 2**, of the Planning and Development Regulations, 2001, as amended, sets out development for amenity of recreational purposes which shall be exempt subject to specific conditions and limitations as follows:

CLASS 33

Development consisting of the laying out and use of land—

(a) as a park, private open space or

ornamental garden,

(b) as a roadside shrine, or

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.

(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.

Internal Reports

No internal reports requested.

Assessment

It is considered that the proposed replacement of existing equipment in the playground with equipment of a similar size, replacement of existing surface with similar new surface and the provision of zip lines would consist of the carrying out of works and therefore constitutes development within the meaning of the Planning and Development Act 2000, as amended. The question therefore arises as to whether such development is or is not exempted development.

The proposed upgrading works are considered to be development of a type provided for under Class 33 and would also appear to meet the conditions and limitations for exempted development as set out in Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

On this basis it is considered that the proposed upgrading of the playground area is development and is exempted development.

Conclusion

Having regard to Sections 3 and 4 of the Planning and Development Act, 2000, as amended, and to Articles 6(1) and 9 of the Planning and Development Regulations 2001, as amended, and Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, the proposed works are development and are exempted development. Please issue a Declaration of Exemption accordingly.

A. O'Keefe

Annie O'Keeffe
Area Planner
13/06/2023



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"/>

REG. No. D/21/23
PLANNING (WEST) DEPT

18 MAY 2023

CORK COUNTY COUNCIL
NORTON HOUSE, SKISBEREEN, Co. CORK

FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

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.

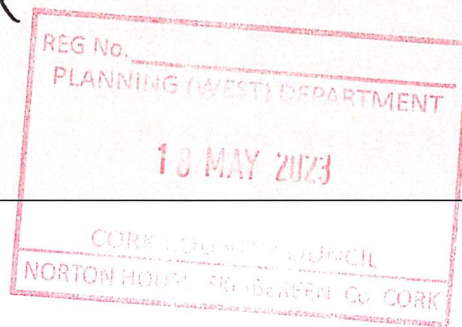
Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data 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)

Rosscarbery Playground Committee

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

Rosscarbery Playground



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

Do we need planning permission to:

- 1 Re place existing equipment with similar size equipment?
- 2 Re-place existing surface with similar spec of existing surface
- 3 Provide new zip lines

Note: Attached are photos of existing playground and our proposal for the new re-development

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable: N/A
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use _____ _____ Proposed use _____ _____	N/A
(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): REG NO. _____ PLANNING REFERENCE NO. _____ 10 MAY 2023

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:	Roscorbery Playground Committee	
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):	TBC - ongoing conversation with Cork county council	

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

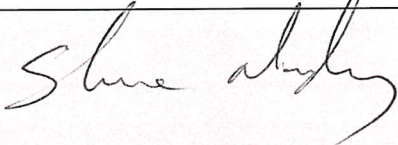
ADVISORY NOTES:

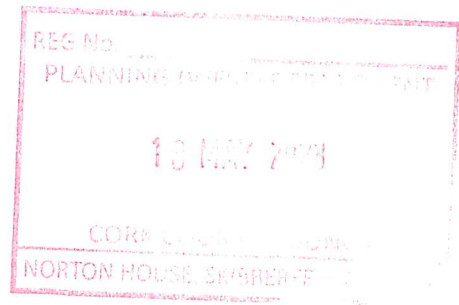
The application must be accompanied by the required fee of €80
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
 Sufficient information should be submitted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

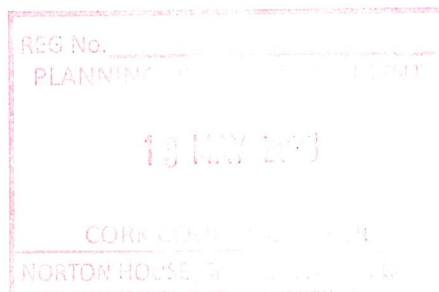
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be 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:

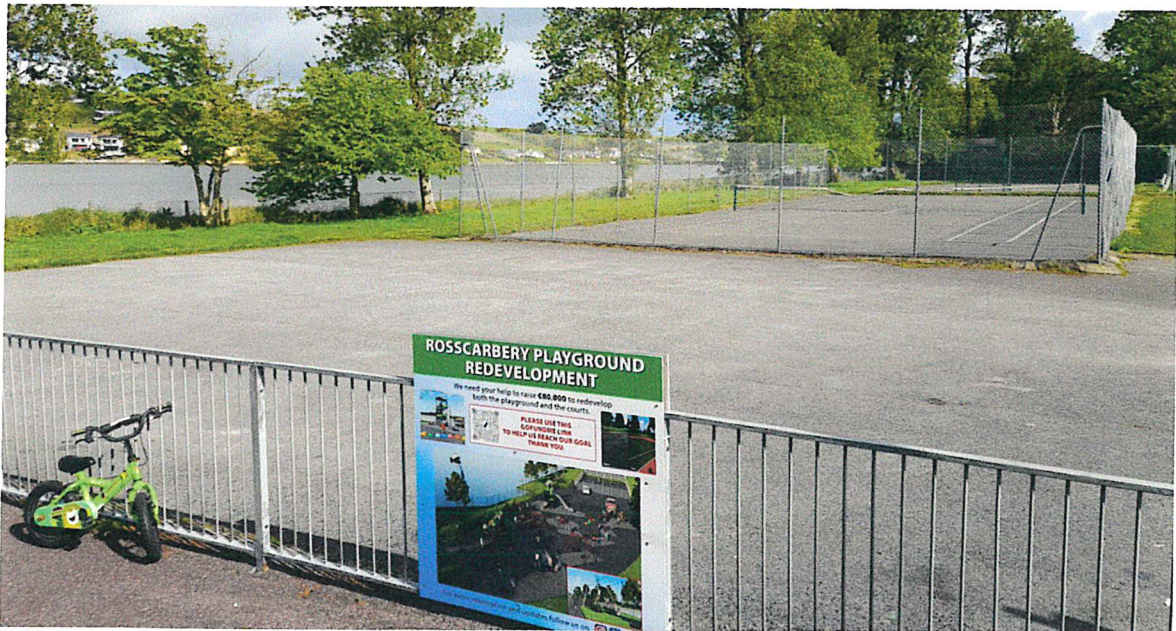
Signed (Applicant or Agent as appropriate)	
Date	8 th May 2023



Playground Proposal:



Existing Playgrounds



REG No. _____
PLANNING / WEST DEPARTMENT

19 MAY 2023

CORNER