

Newmarket Sports & Leisure Group,  
C/O Denis Withers,  
Kanturk Road,  
Banteer,  
Co. Cork.

12<sup>th</sup> March, 2025

REF: D/212/25  
LOCATION: Island Wood, Newmarket, Co. Cork.

**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 12<sup>th</sup> February, 2025 the Planning Authority, having considered whether the proposed resurfacing/reinstatement of approximately 670m of the existing river walk path at **Island Wood, Newmarket, 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:

- Sections 1, 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2024 (as amended)
- Article 6 and Article 9(1)(a)(vii), (viiB) and (viiC) of the Planning and Development Regulations, 2001-2024 (as amended)

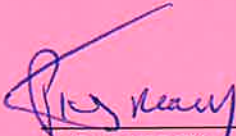
**And Whereas the Planning Authority** hereby concludes that

- The proposed resurfacing/reinstatement of approximately 670m of the existing river walk path at **Island Wood, Newmarket, Co. Cork** is development and **is exempted development** in accordance with Class 3, of Schedule 2, Part 1 Exempted Development of the Planning and Development Regulations 2001

*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,



---

**PIO TREACY,  
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>*

Coillte,  
Dublin Road,  
Newtownmountkennedy,  
Co. Wicklow  
A63 DN25

12<sup>th</sup> March, 2025

**Our Ref.: D/212/25**

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

***Whether the proposed resurfacing/reinstatement of 670m of the existing river walk path at Island Wood, Newmarket, Co. Cork is or is not development or is or is not exempted development***

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

Yours faithfully,



---

PIO TREACY,  
ADMINISTRATIVE OFFICER  
PLANNING DEPARTMENT

Encl.

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## D/212/25 – Section 5 Declaration

### 1. Introduction

A Section 5 declaration is sought by Newmarket Sports and Leisure Group as to whether the resurfacing/reinstatement of approximately 670m of the existing river walk path at Island Wood, Newmarket is development and is or is not exempted development.

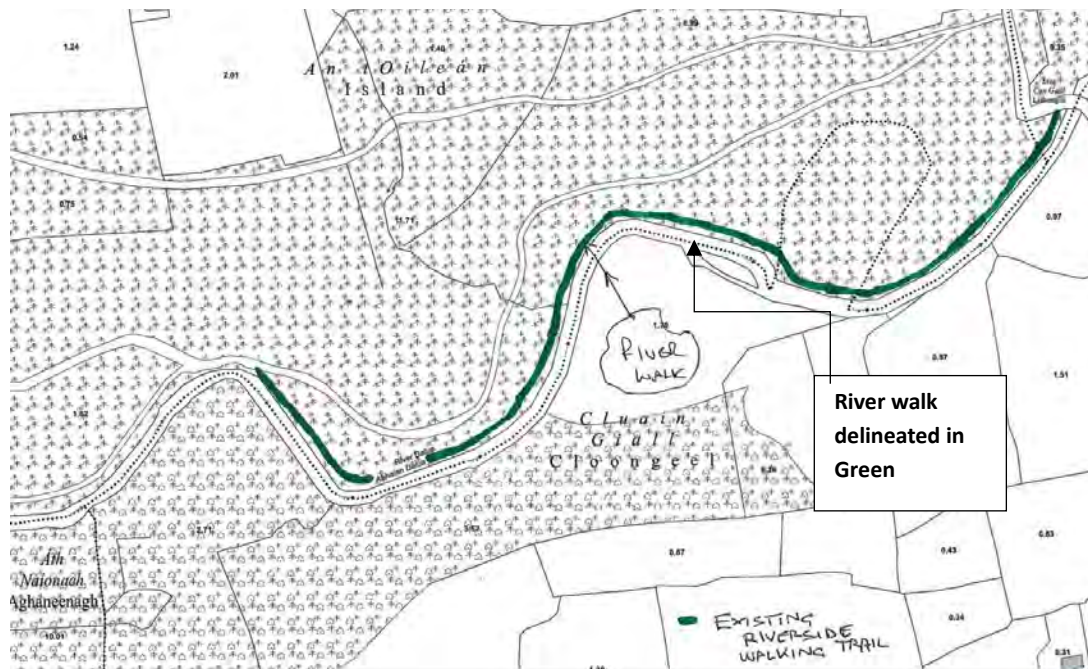


Figure 1 Subject site location

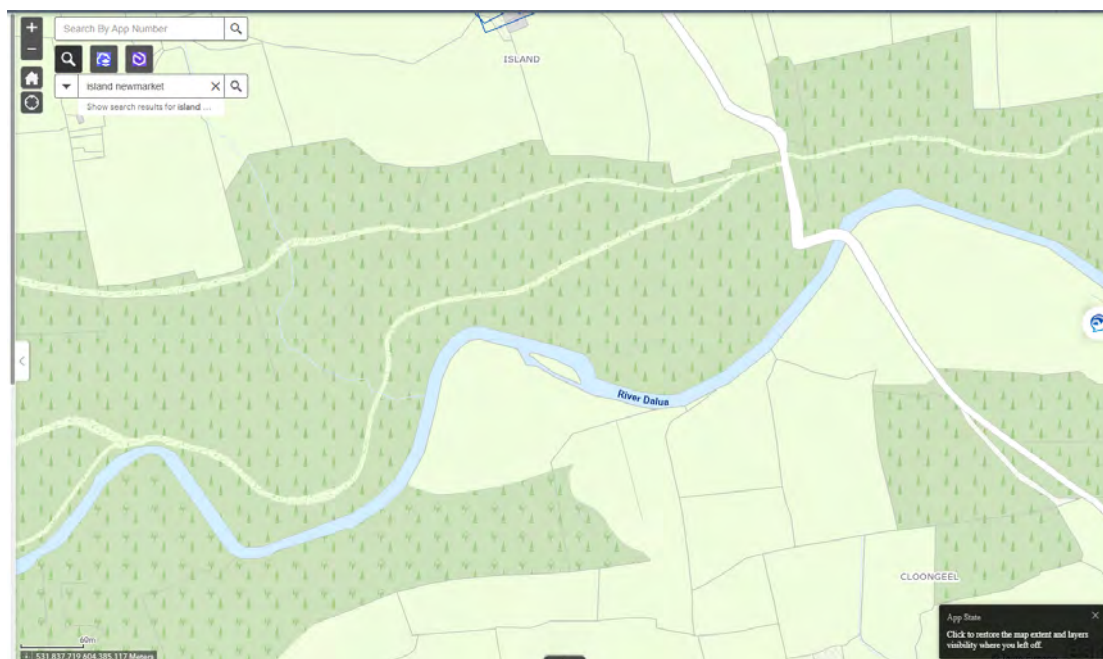


Figure 2 Screenshot of location from Internal Planning Viewer

### 2. Question subject of the Section 5

On the basis of the information submitted the question to be addressed under this request is as follows:

“Whether the resurfacing/reinstatement of approximately 670m of the existing river walk path at Island Wood, Newmarket is development and is or is not exempted development.

### **3. Site location and description**

The subject site comprises a Woodland area, known as ‘The Island’ south of Newmarket town. The existing path which is the subject of this Section 5 query traverses the wooded area and adjoins the River Dalua. The woodland area is served by a car park.

It is detailed in the application, that 153m of the Island River Walk surface has already been resurfaced and reinstated by Cork County Council and the ORIS grant 2024. The proposed development is to facilitate all ages and abilities access to the river walk. Grant funding has been approved by Cork County Council community fund and Sports capital funding.

The site is located within the Blackwater River SAC. It is detailed that consent has been granted by the National Parks and Wildlife (NPWS) and Inland Fisheries for the works to take place.

Coillte are the owners of the land and consent to Newmarket Sports and Leisure Group to undertake the resurfacing works.

### **4. Planning History**

None traced.

### **5. Statutory Provisions**

The following statutory provisions are relevant to this referral case;



#### **Planning and Development Act 2000, as amended**

Section 2(1) states as follows:-

“In this Act, except where the context otherwise requires – ‘development’ has the meaning assigned to it by Section 3 ...”

Section 3 (1) states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of 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(1) identifies what may be considered as exempted development for the purposes of the Act, and Section 4(2) of the Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations, 2001.

#### **Planning and Development Regulations, 2001 as amended**



Article 6(1) of the Planning & Development Regulations, 2001 as amended states as follows:-  
“Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 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.”

Development for amenity or recreational purposes

Class 33 of Schedule 2, Part 1, Exempted Development of the P& D Regs 2001, refers to

Development consisting of the laying out and use of land—

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

(b) as a roadside shrine, or

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

#### Conditions and Limitations

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.

CLASS 13 of Schedule 2, Part 1, Exempted Development of the P& D Regs 2001, refers to

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

The width of any such private footpath or paving shall not exceed 3 metres.

## **6. Assessment**

I note the details and layouts submitted as part of the application. It is detailed that the current pathway is to be resurfaced and reinstated to make the path easier and safer for all abilities to use, with a concrete surface and 1.5m wide with the top of the concrete surface flush with the adjacent soil /surface to avoid flood damage. The existing path comprises of loose concrete.

An AA screening and determination carried out by Cork County Council’s Capital Projects Implementation Unit has been included in the documentation submitted. This was carried for the first section of resurfacing that was carried out to date but covers the entirety of the resurfacing project.

Having reviewed the works proposed in respect of Class 33 of Schedule 2, Part 1, Exempted Development of the P& D Regs 2001, which refers to

*Development consisting of the laying out and use of land—*

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

*(b) as a roadside shrine, or*

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

#### Conditions and Limitations

*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.*

I would consider that the works proposed falls under the definition of development as provided for in section 3 (1) of the P&D Act 2001, as amended as it involves works to the existing pathway. In terms of it being exempt or not, I have reviewed Class 33 of the Exempted development provisions of the Regulations which refers to *'the use of land as a park'* and would consider the fact that the path is existing, in a public amenity area that is accessed by the public, falls under this Class of Exemption.

Note definition of a park as per the Cambridge Dictionary *'is a large area of land with grass and trees, usually surrounded by fences or walls and specially arranged so that people can walk in it for pleasure or children can play in it.* Having regard to this definition, it is considered that the wooded area with an existing path open to the public falls within the definition of a park and the development to be carried out relates to development consisting of the use of land as a park.

I have reviewed Article 9, (1) Restrictions on exemptions of the Planning and Development Regulations, 2001 as amended, and note (viiB) which states,

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—

*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.'*

The development is located adjoining the Dalua which forms part of the River Blackwater SAC. The Ecology team have reviewed the AA Screening carried out by Cork County Council on the resurfacing of the entirety of the footpath and are satisfied that the proposal is not likely to have a significant effect on the integrity of a European Site and therefore a Stage 2 Appropriate Assessment is not required, and it will not have a significant effect on any features or other objects of ecological interest. As such, the proposal is not de-exempted by Article 9 (1) (viiB) of the Planning and Development Regulations, 2001, as amended.

I note the comments of the Area Engineer which has raised no concern as it is surfacing an existing walkway within the confines of an amenity wood.

#### Conclusion

**WHEREAS** a question has arisen as to whether the resurfacing/reinstatement of approximately 670m of the existing river walk path at Island Wood, Newmarket, *is development and is or is not exempted development*: **AND WHEREAS** Cork County Council, in considering this referral, had regard particularly to –

- Sections 1,2, 3, 4 and 6 of the Planning and Development Act, 2000, as amended
- Class 33, of Schedule 2, Part 1, Exempted Development of the P& D Regs 2001,
- Article 9 (1) (viiB) Restrictions on exemption of the Planning and Development Regulations 2001, as amended;

The Planning Authority has concluded that:

- The resurfacing of the existing path is development and is exempted development in accordance with Class 33, of Schedule 2, Part 1, Exempted Development of the P& D Regs 2001,



Carol Dunne  
Executive Planner

11.03.2024

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The report of the Area Planner is noted and endorsed. I concur with the conclusion:

**WHEREAS** a question has arisen as to whether the resurfacing/reinstatement of approximately 670m of the existing river walk path at Island Wood, Newmarket, *is development and is or is not exempted development:*

**AND WHEREAS** Cork County Council, in considering this referral, had regard particularly to –

- Sections 1, 2, 3 and 4 of the *Planning and Development Act, 2000, (as amended);*
- Article 6 and Article 9(1)(a)(vii), (viiB) and (viiC) of the *Planning and Development Regulations 2001, (as amended);*
- Class 33, of Schedule 2, Part 1, Exempted Development of the *Planning and Development Regulations 2001, (as amended)*

The Planning Authority has concluded that:

- The proposed resurfacing/reinstatement of 670m of the existing river walk path at Island Wood, Newmarket, Co. Cork is development and is exempted development in accordance with Class 33, of Schedule 2, Part 1, Exempted Development of the P& D Regs 2001.



Louise Ahern  
A/Senior Executive Planner  
11/03/2025



**Comhairle Chontae Chorcaí**  
**Cork County Council**

**Cork County Council,**  
**West End, Newmarket,**  
**Co.Cork.**  
Tel. No.: (029) 60018 Fax. No.: (029) 60874  
Web: <http://www.corkcoco.com/>



**Oifig an Innealtora**  
**An Ceann Thiar**  
**Ath Trasna**  
**Co. Chorcaí**  
Fón.: (029) 60018 Faics. No.: (029) 60874  
Suíomh Gréasáin: <http://www.corkcoco.com/>

Angela Carrigy  
Planning Dept  
County Hall  
Carrigrohane Road  
Cork

04<sup>th</sup> March 2025

**Re: Declaration of Exemption Development, for proposed  
resurfacing of 670m of existing river walk path Island Wood,  
Newmarket, Co Cork**

Angela,

I have no issue with this proposal as it's the surfacing of an existing walkway within the confines of an Amenity wood.

Surface water will not be an issue as a result of this development.

The access road to the Island wood is in good condition and adequate parking is available for this development.

Overall, I have no issue with the proposal and would recommend grant of permission for this application

Regards,

*Billy Dennehy,*  
*Executive Engineer,*  
*Kanturk/Mallow Municipal District,*  
*Newmarket Office,*  
*Cork County Council,*  
*West End, Newmarket,*  
*Co. Cork*

Direct line: 029 60018

# Comhairle Contae Chorcaí Cork County Council

Coillte,  
Dublin Road,  
Newtownmountkennedy,  
Co. Wicklow  
A63 DN25

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



12<sup>th</sup> February, 2025

Our Ref.: D/212/25

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

*Whether the proposed resurfacing/reinstatement of 670m of the existing river walk path at Island Wood, Newmarket, Co. Cork is or is not development or is or is not exempted development*

Dear Sir/Madam,

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 Newmarket Sports and Leisure Group with respect to whether the above description at Island Wood, Newmarket, Co. Cork constitutes development.

You are being notified as the applicant has indicated that Coillte are the legal owners of the land in question.

Yours faithfully,

  
\_\_\_\_\_  
Angela Carrigy,  
ASO, Planning Department

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We are Cork.



Recycled

## Tracy OCallaghan

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**From:** Tracy OCallaghan  
**Sent:** Tuesday 11 February 2025 16:34  
**To:** Denis Withers  
**Cc:** Angela Carrigy  
**Subject:** Section 5 Application Newmarket Sports & Leisure Group

Good Afternoon,

I refer to your Section 5 application on behalf of Newmarket Sports & Leisure Group, received by the Planning Authority yesterday. Please be advised that a fee of €80.00 is required to process this application. Whilst there are certain exemptions from planning fees, as outlined in Part 12, Section 157 of the Planning & Development Regulations 2001 (as amended), these apply to planning application fees only, and do not apply to fees for Section 5 applications. Please contact this office on the number below to arrange payment, so the application can be processed.

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  
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so, the Board shall notify the Health and Safety Authority;

- (2) A notice sent by the Board under sub-article (1) shall—
- (a) issue as soon as may be following receipt of the referral,
  - (b) include a copy of the relevant referral,
  - (c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Board's weekly list. 154.

In addition to the requirements of article 72(4), where a referral under section 5 of the Act relates to the provision of, or modifications to, an establishment, the list shall indicate that fact.

Public notice of referral. 155.

Where a notice is required under section 142(4) of the Act in respect of a referral under section 5 of the Act which relates to the provision of, or modifications to, an establishment, and which, in the opinion of the Board, could have significant repercussions on major accident hazards, the notice shall indicate that fact.

## PART 12

### FEEs

Fee for planning application. 156.

Subject to the provisions of this Part, a fee shall be paid to a planning authority by an applicant when making a planning application.

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.

(2) Where a planning application consists of or comprises the provision of houses, or development ancillary to such provision, which is proposed to be carried out by or on behalf of a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) and is not to be used mainly for profit or gain, a fee shall not be payable in respect of any such development.

Standard Fee.	158.	The amount of the fee payable in respect of a planning application shall, subject to articles 159, 160 and 161 and Section 3 of Schedule 9, be the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
Fee for planning applications relating to retention of unauthorised development.	159.	Subject to Section 3 of Schedule 9, the amount of the fee payable in respect of an application for permission for the retention of unauthorised development shall be the amount indicated in column 3 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
Application for outline permission fee.	160.	Subject to Section 3 of Schedule 9, the amount of the fee payable in respect of an application for outline permission shall be three quarters of the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
Reduced fee	161. (1)	Subject to sub-article (3) and Section 3 of Schedule 9, the amount of the fee payable in respect of an application mentioned in sub-article (2) shall be one quarter of the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.

## Angela Carrigy

---

**From:** Denis Withers  
**Sent:** Tuesday 11 February 2025 17:13  
**To:** Tracy OCallaghan  
**Cc:** Angela Carrigy  
**Subject:** Re: Section 5 Application Newmarket Sports & Leisure Group

External email >

First time sender >

Contains topics of a financial nature >

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thanks Tracy

My man who dropped it in yesterday had a cheque to pay for it but the desk personnel were unsure if a fee applied or not so he brought away the 80e cheque again

Will get it to you asap

thanks

Denis

On Tue 11 Feb 2025, 16:33 Tracy OCallaghan, <[Tracy.OCallaghan@corkcoco.ie](mailto:Tracy.OCallaghan@corkcoco.ie)> wrote:

Good Afternoon,

I refer to your Section 5 application on behalf of Newmarket Sports & Leisure Group, received by the Planning Authority yesterday. Please be advised that a fee of €80.00 is required to process this application. Whilst there are certain exemptions from planning fees, as outlined in Part 12, Section 157 of the Planning & Development Regulations 2001 (as amended), these apply to planning application fees only, and do not apply to fees for Section 5 applications. Please contact this office on the number below to arrange payment, so the application can be processed.

Kind Regards,

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

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



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

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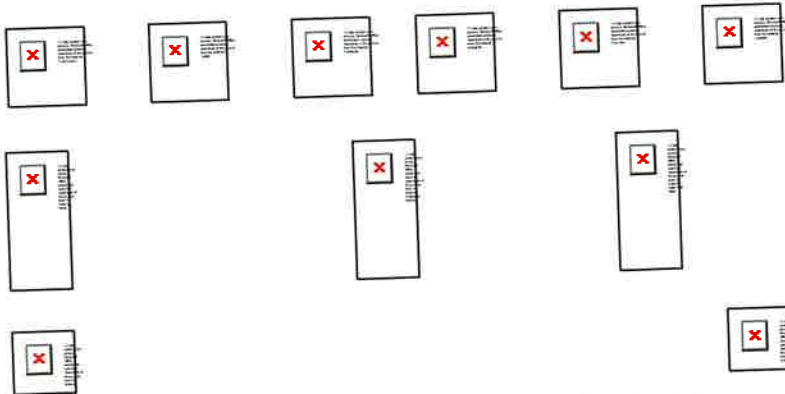
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Tá an t-eolas sa ríomhphost seo agus in aon chomhad a ghabhaon leis rúnda agus ceaptha i gcomhair úsáide don seolai amháin. Mura seolai tú, ní tu ordaraithe an ríomhphost nó aon cheangalóir a léamh, a choipeáil nó a úsáid. Mú bfuair tu an ríomhphost seo in eochtú, bí an ábairt leat é sin a chur in iúl don seoltóir trí ríomhphost ar ais agus ansin é a scrúdú.

This e-mail and any attachment contains information which is private and confidential and is intended for the addressee only. If you are not an addressee you are not authorised to read, copy or use the e-mail or any attachment. If you have received this e-mail in error, please notify the sender by return e-mail and then delete it.



# **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

<b>Receipt No.</b>	PL20002479
<b>Cash/Cheque/ Credit Card</b>	CARD
<b>Date</b>	12/2/25
<b>Declaration Ref. No.</b>	D/212/25

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 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.*

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

Newmarket Sports and Leisure Group Newmarket Co Cork. Site address is townland of Island Newmarket

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

Island Wood Island Newmarket Co Cork

**3. QUESTION/DECLARATION DETAILS:**

Please state the specific question for which a Declaration of Exemption is sought

Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Exemption is sought to resurface/reinstate approx 670m of the existing river walk path at the Island wood area In 2024 ,153m of the Island Wood river walk surface has already been reinstated thanks to Sean Symth Cork County Council and the ORIS grant 2024 Sean secured via Cork County Council.
This part of the work has been very well received locally and very welcomed and the remainder of the walk is to be completed now. The work allows all ages and abilities access to the wonderful river walk and especially those who found it very difficult to walk on the rough surface as it was.
Newmarket Sports and Leisure Group working with Coillte are anxious to progress the remaining 670m of pathway that needs to be reinstated as per the same as the above 153m section completed
Grant funding for this work has been approved by Cork Council Community fund and also under the Sports Capital scheme announced recently
Significant fundraising has also been undertaken by the Newmarket group locally in their community including sponsorship, church gate collection etc
The project is located in a Special Area of Conservation and consent has been granted by the National Parks and Wildlife Service (NPWS) and Inland Fisheries Ireland (IFI) for the works to take place. The land is owned by Coillte who have also consented to the works.
The work is reinstatement works of the existing walk path to make it easier and safer for all abilities to use, with a concrete surface and 1.5M wide with the top of the concrete surface flush with adjacent soil/surface to avoid flood damage

**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):	not applicable section
(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 not applicable _____ _____	Proposed use not applicable _____ _____
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

**5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:**

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	Coillte own the property and have agreed to work taking place	
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):	Coillte are the owners	

**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)	<i>Jon O'Rourke</i>
Date	<i>7/2/2025</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	
Date	

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.**



### 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	7/2/25



# PRESUBMISSION INFO

Denis Withers to PlanningInfo, Billy

3 Dec 2024,  
13:16

Tracy

Yes we do expect that the Council will be doing some more of the works via ORIS 25 funding.

Any remaining work then will be done by a contractor appointed by Newmarket Sports and Leisure community group using sports capital funding and council community funding as well as local fundraising in Newmarket including church gate collections, draws etc.

This is a great example of Council Coillte and Newmarket Sports and Leisure working together to resurface the existing beautiful river walk and make accessible to senior, disabled and mothers with prams etc

It can't be used by most now because it's too rough  
many thanks  
Denis

---

On Tue 3 Dec 2024, 13:05 PlanningInfo, <[PlanningInfo@corkcoco.ie](mailto:PlanningInfo@corkcoco.ie)> wrote:

Hi Denis,

Will the council be carrying out the remaining works, or will it be managed privately?

Apologies, but I am not familiar with this project.

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.**

**From:** Denis Withers  
**Sent:** Tuesday, December 3, 2024 1:02 PM  
**To:** PlanningInfo <PlanningInfo@CorkCoCo.ie>  
**Cc:** Billy Dennehy  
**Subject:** Re: Island wood river walk reinstatement Newmarket

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Tracy  
Thanks for this  
Just to clarify the initial same works carried out by Cork Council did not require planning permission

This is just a continuation of the works already completed by Cork County Council in Sept 2024 under the ORIS scheme

Why does the same works require planning now.  
The only difference is the remaining works will be done by Newmarket Sports and Leisure and not Cork County Council

Many thanks  
Denis

On Tue 3 Dec 2024, 12:51 PlanningInfo, <PlanningInfo@corkcoco.ie> wrote:

Good Afternoon,

All development requires planning permission unless it is designated an exempted development. All exempted developments are listed in the Planning and Development Regulations 2001. Most of the exemptions contain certain conditions and limitations. If a development does not comply with the terms of conditions and limitations, it cannot be considered an exempted development. There are also further restrictions on development listed under Article 9 of the Regulations, please find attached. If you require written confirmation that the proposed works can be considered as exempted development, you will need to apply for a Section 5 Declaration.

In order to apply for a section 5, it is necessary to submit the following:

- An application form
- Fee of €80
- Location map
- Drawings of the proposed development in question
- Full details and description of the proposed development

The planning authority shall issue the declaration within four weeks of the receipt of the request. The planning authority may require further information to be submitted to enable the authority to issue the declaration. In this regard, a declaration shall issue within three weeks of the receipt of this further information. If the works are deemed not to be exempted development, then full planning permission would be required.

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)  
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**From:** Denis Withers  
**Sent:** Tuesday, December 3, 2024 12:26 PM  
**To:** PlanningInfo <[PlanningInfo@CorkCoCo.ie](mailto:PlanningInfo@CorkCoCo.ie)>  
**Cc:** Denis Withers Billy ; Dan O'Riordan ; Newmarket Sports ; Maurice Murphy ; Paul Murphy (Deputy Pr..)  
**Subject:** Island wood river walk reinstatement Newmarket

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Dear Sir/Madam

153m of the Island Wood river walk surface in Newmarket has now been reinstated thanks to Sean Symth Cork County Council and the ORIS grant 2024 Sean secured via Cork County Council.

Please see attached pics of work completed.

This is a prime example of Coillte ,Cork County Council and the Newmarket Sports and Leisure Group working together to improve amenities for their community in the Newmarket area.

This part of the work has been very well received locally and very welcomed and all are asking when can the remainder of the walk be completed.

The work allows all ages and abilities access to the wonderful river walk and especially those who found it very difficult to walk on the rough surface as it was.

Newmarket Sports and Leisure Group working with Coillte and Cork County Council are anxious to progress the remaining 670m of pathway that needs to be reinstated as per the above 153m complete

Grant funding has been approved by Cork Council Community fund and also under the Sports Capital scheme announced recently

Significant fundraising has also been undertaken by the Newmarket group locally in their community including sponsorship ,church gate collection etc

The project is located in a Special Area of Conservation and consent has been granted by the National Parks and Wildlife Service (NPWS) and Inland Fisheries Ireland (IFI) for the works to take place. The land is owned by Coillte who have also consented to the works.

We trust that, as this work is reinstatement works of the existing walk path to make it easier and safer for all abilities to use,that planning permission is not required

The walk section completed recently by Sean Symth Cork County Council did not require planning permission

Please review and revert and confirm planning permission is not required as we need to seek tenders and award contracts

Many thanks

Denis Withers

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

IRISH FISHERIES APPROVAL

----- Forwarded message -----

From: **Andrew Gillespie**

Date: Mon, Jul 11, 2022 at 11:10 AM

Subject: RE: The island wood, Newmarket

To: Newmarket Sports & Leisure

Liz O'Sullivan  
Secretary  
Newmarket Sports and Leisure

July 11<sup>th</sup>, 2022,

Dear Liz,

I was delighted to meet with both you and your colleagues in the Island Wood to discuss your groups proposal upgrade to the existing walkway adjacent to the Dalua river. Inland Fisheries Ireland (IFI) welcomes the sustainable development of infrastructure which allows safe to access riparian areas, then creating a greater general awareness and appreciation of our inland fisheries resource.

IFI has no objection to Newmarket Sports and Leisure with permission of Coillte to upgrade the existing river walks surface and make it more usable/safer for our elderly, families/mothers with prams and other users with disabilities/wheelchairs.

From our discussion IFI understands that the upgraded path network will follow the existing one and that no in-stream works will be necessary to complete same. While IFI does have not strict limitations on which calendar period is appropriate to complete such works as described in your proposal, it should be noted that the calendar period July-September inclusive is recommended for any form of in-stream works activity or those which via their proximity to waters may potentially impact upon aquatic habitat.

IFI also considers it appropriate for the preparation of a method statement with regards to the proposed works in order to identify and plan appropriate mitigations to avoid any such negative impacts on the surrounding environment, in particular noting any potential vectors to the main river such as stream or drain crossing points and any new features such as benches/interpretive panels.

IFI anticipates and welcomes your further communication on this matter as your project progresses and is available to discuss and clarify any further queries that your group or Coillte may have with respect to same.

Kind Regards

Andrew Gillespie

Senior Fisheries Environmental Officer

Inland Fisheries Ireland

NPWS / ARC  
info

**Sean Smyth**

17 May 2024,  
14:28

to Rosaleen, Darragh, David, me

Hi Rosaleen,

Yes this covers the entire project as the AA Screening & Determination carried out by our ecologist covered the full project.

Denis,

I have been speaking with our ecologist and as we are the consenting authority, we will need to review your contractor's method statements/risk assessments etc prior to your contractor commencing any work on site. Siltation is our ecologists primary concern, so it is key that that any works carried out avoid this.

Kind Regards,

Sean

**Sean MacGabhann** | Innealtóir Cunta | Oibríochtaí na gCeantar Bardasach & Forbairt Tuaithe  
Comhairle Contae Chorcaí | Eanách-bile|Mala|Co.Corcaigh|P51 Y6YT Éire

**Sean Smyth** | Assistant Engineer | Municipal Districts Operations & Rural Development |  
Cork County Council | Annabella | Mallow | Co.Cork|, P51 V189 Ireland |

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**From:** Rosaleen Ní Shúilleabháin  
**Sent:** Thursday, May 16, 2024 6:58 PM  
**To:** Denis Withers  
**Cc:** Darragh Mulcahy ; David Shanahan  
; Sean Smyth  
**Subject:** RE: Island Wood Newmarket

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Hi Denis and Sean,

Can you confirm please that this covers the entire project?

As per Claire's email below she states that Cork CoCo are considered the consent authority as per Section 27(1) of the S.I.No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011.

Míle buíochas,

Rosaleen

**Rosaleen Ní Shúilleabháin**

**Recreation Manager | Coillte Forest | Coillte  
Hartnetts Cross, Macroom, Co Cork, Ireland**

[www.coillte.ie](http://www.coillte.ie)

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*on how we protect and use personal data. For further information please access the policy here <https://scanner.topsec.com/?d=965&r=show&u=https%3A%2F%2Fwww.coillte.ie%2Fprivacy%E2%80%91policy%2F&t=e259bec5757c5e83152e355ca-d9763b38cf14902>*

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Tá an t-aolas sa ríomhphost seo (agus in aon choimhad a ghabhann leis) rúnda agus coaptha i gcomhair

úsáide don seotar amháin. Mura seolai tú, níl tu údaráithe an ríomhphost nó aon cheangallán a léamh a chloipeáil nó a úsáid. Má bhfuair tú an ríomhphost seo líri bhotún, ar mí-áite leat é sin a chur in iúl don seoltóir in r-phost é, aís agus ansin é a scoisadh.

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**Clare Heardman (NPWS)**

15 May 2024,

17:41

to Declan, me, Sean, Dan, Paul, Maurice, Newmarket

Hi Denis,

Thank you for the update. As Cork County Council have completed a Screening Report and Determination for this project, they are considered the consent authority as per Section 27(1) of the S.I. No. 477/2011 - European Communities (Birds and Natural Habitats) Regulations 2011. Therefore you do not require to submit an Activity Requiring Consent (ARC) application to ourselves.

I am changing roles within NPWS and will no longer be covering the Cork Region as a District Conservation Officer, so I have cc'd the NPWS Regional Manager Declan O'Donnell. If you have any further queries in relation to the construction of the trail, can you direct them to him.

All the best,

Clare

Coillte Offices,  
Islandpoint,  
Moanmore,  
Tralee Road,  
Castleisland,  
Co. Kerry.

Date: 06/02/2025

Re: Newmarket Sports and Leisure – Landowner Letter of Consent

To whom it may concern,

I wish to confirm that Coillte, the owners of the land upon which the River Walk Trail upgrade is proposed, give permission to Newmarket Sports and Leisure to undertake the resurfacing works.

Please don't hesitate to contact me if you require further information.

Yours sincerely



David Shanahan BEng CEng MIEI  
Estates Manager  
Coillte South West Region

Coillte, Dublin Road, Newtownmountkennedy, Co. Wicklow, A63 DN25, Ireland.  
T 0818 367 378 E [info@coillte.ie](mailto:info@coillte.ie) W [www.coillte.ie](http://www.coillte.ie)

**Proposed Re-surfacing of the River Walkway at Island Wood**

**Appropriate Assessment Screening Report and Determination**



**Cork County Council**  
**Comhairle Contae Chorcaí**

**Completed by Tony Nagle**  
**Capital Projects Implementation Unit**  
**Cork County Council**

**Date: 31/01/2024**

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## Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination by Cork County Council of the proposed re-surfacing of the existing river walkway at Island Wood, Newmarket, County Cork. The assessment is based on project drawings and details prepared on behalf of Cork County Council, a site visit on January 8<sup>th</sup>, 2024 and referral to published sources.

Part XAB of the Planning and Development Act as amended, provides for the implementation of the EU Habitats Directive, and Section 177 of the Act, requires Planning Authorities to assess the impacts of land use plans and proposed developments on sites that are designated for the protection of Natura 2000 (European Sites<sup>1</sup>) prior to giving consent for the development of such projects. This process is undertaken to determine whether a proposed development could have negative consequences for the habitats, or plant and animal species for which these sites are designated. This assessment process is called a **Habitats Directive Assessment (HDA)**. The requirements originate from Article 6(3) of the Habitats Directive which states:

*Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*

EU and National Guidance set out two main stages to the assessment process which are as follows:

### **Stage One: Screening**

The process which identifies what might be likely impacts arising from a project or a plan on a Natura 2000 site, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant. No further assessment is required if no significant impacts on Natura 2000 sites are identified to be likely to arise, during the screening stage. The findings of the screening assessment are normally contained in a **Habitats Directive Screening Report**.

### **Stage Two: Appropriate Assessment**

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an Appropriate Assessment, and is completed by the Competent Authority, (the authority designated to give consent to the project). It involves the compilation of a **Natura Impact Statement** by the project proponent, which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used by the Competent Authority to identify and classify any implications of the project for these sites in view of their conservation objectives. The Appropriate Assessment must include a determination as to whether the project would adversely affect the integrity of any European site or sites. The project may only be consented if adverse effects on the integrity of European sites can be ruled out during the Appropriate Assessment process. The project may not be consented on foot of an Appropriate Assessment, if it is found that it will give rise to adverse impacts on one



or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites.

The directive provides for a **derogation procedure** which can allow a plan or project to proceed despite a finding that the plan or project could / would give rise to adverse effects on the overall integrity of one or more Natura 2000 sites. Derogation procedures can only be progressed in very limited circumstances which are set out in Article 6(4) of the Directive (see below).

**Habitats Directive Article 6(4)**

*If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

EU and National Guidance identifies the procedures which must be followed in circumstances where a derogation from the Habitats Directive is sought to allow a project or a plan to proceed, despite a finding that it will give rise to adverse effects on the integrity of one or more Natura 2000 sites. These procedures can only be invoked where it has been shown that there are no alternative ways to implement the plan/project which avoid adverse effects on the integrity of one or more European sites, where it has been demonstrated that there are imperative reasons of overriding public interest for which the plan/project must proceed and where measures have been developed and provided to compensate for any losses to be incurred. These further stages are described below.

**Stage Three: Assessment of alternative solutions**

In circumstances where the potential for a plan or project to give rise to adverse effects on the integrity of a European site or sites has not been ruled out during the appropriate assessment process, it can only be considered for authorisation where it is demonstrated that there are no alternative solutions and that there are Imperative Reasons of Overriding Public Interest (IROPI) which can allow the plan or project to proceed. Stage three of a Habitats Directive Assessment involves the assessment of alternative solutions.

**Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain**

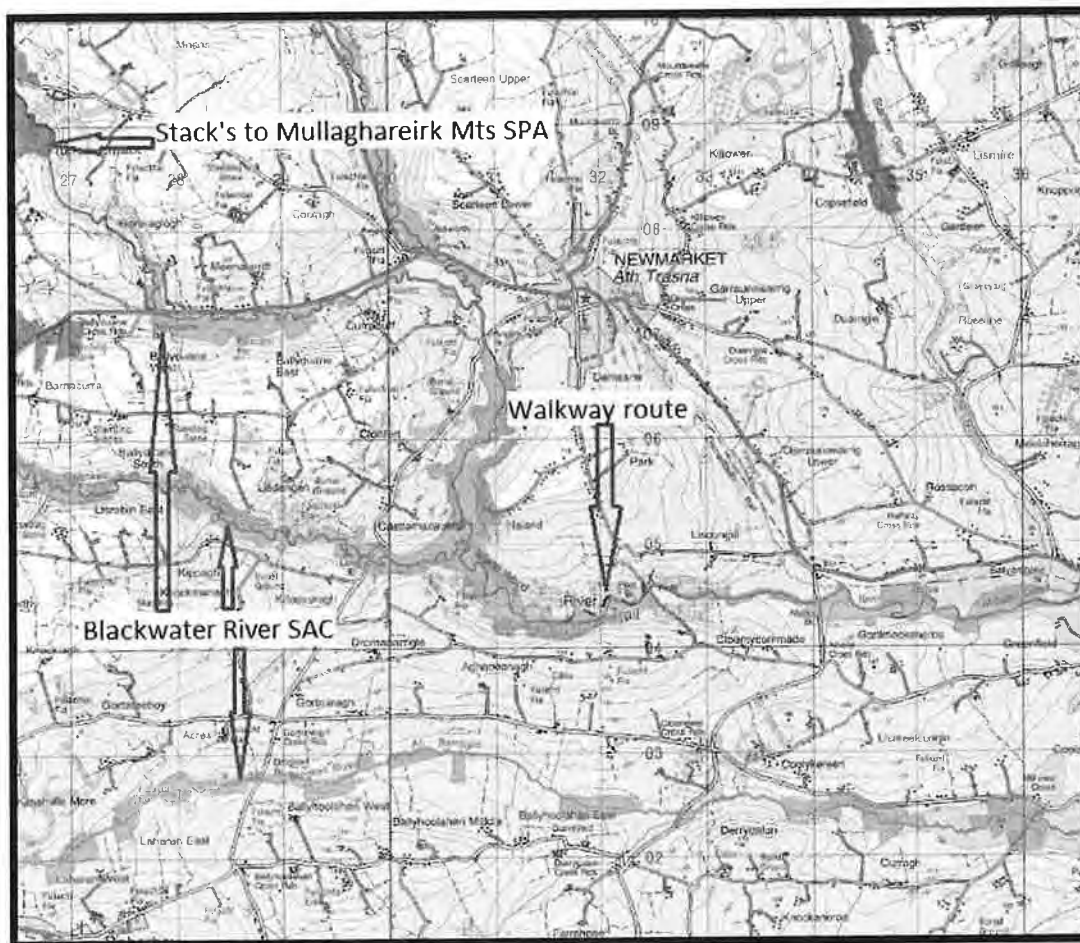
The fourth stage of the Habitats Directive Assessment process involves demonstrating that Imperative Reasons of Overriding Public Interest exist and includes the assessment of the compensatory measures which are proposed to be implemented. In every case in which a local authority envisages approving or proceeding with a plan or project on grounds of IROPI, the Minister for Housing, Local Government and Heritage must be consulted.

The assessment may cease at any of the above stages if significant impacts on Natura 2000 sites can be ruled out.

Regulation 250 of the Planning and Development Regulations requires the Local Authority to complete Habitats Directive Screening in respect of development it proposes to progress.

This document presents the outcomes of the screening assessment of Cork County Council in respect of the proposed re-surfacing of the existing river walkway at Island Wood, Newmarket, County Cork. All European sites within or close to the proposed works site, or that might have an ecological linkage to the proposed development have been identified and screened to determine whether there is potential for this project to give rise to significant impacts on the qualifying features of these sites.

Map showing the Location of the Proposed Development Site and Natura 2000 Sites



**Figure 1.** A map showing the location of the proposed work site at Island Wood in relation to the nearest Natura 2000 sites.

Description of the project and local site characteristics

<b>STEP 1. Description of the project/proposal and local site characteristics</b>	
(a) Site Name/Reference Number:	Upgrade of the Island Wood riverside walk.
(b) Brief description of the project or plan:	<p>The proposal consists of the upgrading of an 850 metre pathway alongside the River Dalua. The project will be completed over a number of phases as project funding becomes available. The initial phase consists of re-surfacing a 210 metre section of the pathway with concrete. The existing pathway was constructed using a loose concrete mix over most of the route as well as stronger concrete finishes along two stretches of the route. Significant erosion caused by flooding of the loose mix sections has occurred since construction. Three sections of the proposed pathway will consist of bridge structures over low-lying areas that are more prone to flooding and these prefabricated structures will significantly reduce the need for excavation. The bridges will be prefabricated and transported to the work site in 3m sections. No bridges will be installed in the initial phase.</p> <p>The new pathway has been designed to make the route accessible to elderly people and wheelchair users.</p> <p><u>Phasing &amp; Timeframe for Works</u></p> <p>The length of pathway encompassed in Phase 1 of these works is approximately 210m. Further phases will be required to complete the full entirety of the works with the total number of phases dependent on the levels of future funding secured by either the Council or the local community group. At present no future funding has been secured so a timeframe for the remaining phases is currently unknown. It is envisaged the initial phase will take approximately 6 weeks to complete on site with the remaining phases estimated to take between 8 – 12 weeks.</p> <p><u>Concrete Footpaths</u></p> <p>The concrete sections of footpath will comprise of 150mm of thick slab concrete. The path will be constructed using concrete with A393 fibre mesh equivalent laid with a slight fall towards the river. The path surface will be brush finished throughout with nosed edging. Joints at 6m intervals will be filled with fast-drying compressible filler and surface joint sealant to allow for expansion and contraction . Concrete will be transported to the required location using a mini dumper. Some excavation will be required to prepare the ground prior to laying of concrete and this will be achieved by the use of a small excavator (mini-digger). No work will take place during wet weather and the concrete mix will be a fast-drying variety, as is standard practice</p>

	<p>when working near waterways. The proposed works will include the installation of a number of 450mm diameter drains to facilitate water flow during flood events.</p> <p><u>Wooden Bridges</u></p> <p>Note: The three bridges will be installed in later phases. The bridges will comprise of the following:</p> <ul style="list-style-type: none"> <li>• Steel beams will be installed at 3m intervals supporting the bridge deck.</li> <li>• Anti-slip timber decking.</li> <li>• Screw piles or 300mm pipe/mini-pile insert with concrete infill/surround.</li> <li>• Treated timber railing with vertical anti-climb members at 80mm intervals.</li> </ul> <p>The use of screw piles or 300mm pipe/mini-pile insert with concrete infill/surround will mean little or no disturbance to existing ground area. Bridge sections will be prefabricated off site to minimize on site work.</p> <p><u>Plant/Machinery Requirements</u></p> <p>Likely plant/machinery required will be as follows:</p> <ul style="list-style-type: none"> <li>• 1 Mini Digger</li> <li>• 1 500kg – 1T Mini Dumper</li> <li>• 1 Mini screw-pile rig</li> </ul>
<p>(c) Brief description of site characteristics:</p>	<p>Island Wood is located 2 km south and southwest of Newmarket. The wood is owned by Coillte and it has a mixed species composition with a substantial element of native Irish species including Oak, Grey Willow, Alder, Ash, Hazel, Holly, Downy Birch, Hawthorn and Guelder Rose. Non-native Beech and Sycamore also occur and Beech regeneration is widespread. Non-native Norway Spruce is the most abundant conifer species but Scots Pine has been planted in some areas in recent years. The wood is situated on both banks of the River Dalua valley. The River Dalua is a tributary of the River Blackwater. The River Dalua is included in the Blackwater River Special Area of Conservation (SAC). The SAC includes all of the woodland south of the River Dalua and a slim section of the north bank is also included within the SAC (including most of the riverside walk). To the west, most of the woodland east and west of the Dalua north of the confluence with the Owenkeal River is also included in the Blackwater SAC.</p>
<p>(d) Relevant prescribed bodies consulted:</p>	<p>National Parks and Wildlife Service</p>

<p>(e) Response to consultation:</p>	<p>National Parks and Wildlife Service requested a copy of this AA Screening Report to ensure that the works are carried out in such a way as to ensure there is no significant impact on the Qualifying Interests of the SAC.</p>
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**Figure 2.** A section of the existing path.



**Figure 3.** Another section of the existing path showing erosion of concrete.

Appropriate Assessment Screening & Determination of Re-surfacing of the Walkway at Island Wood

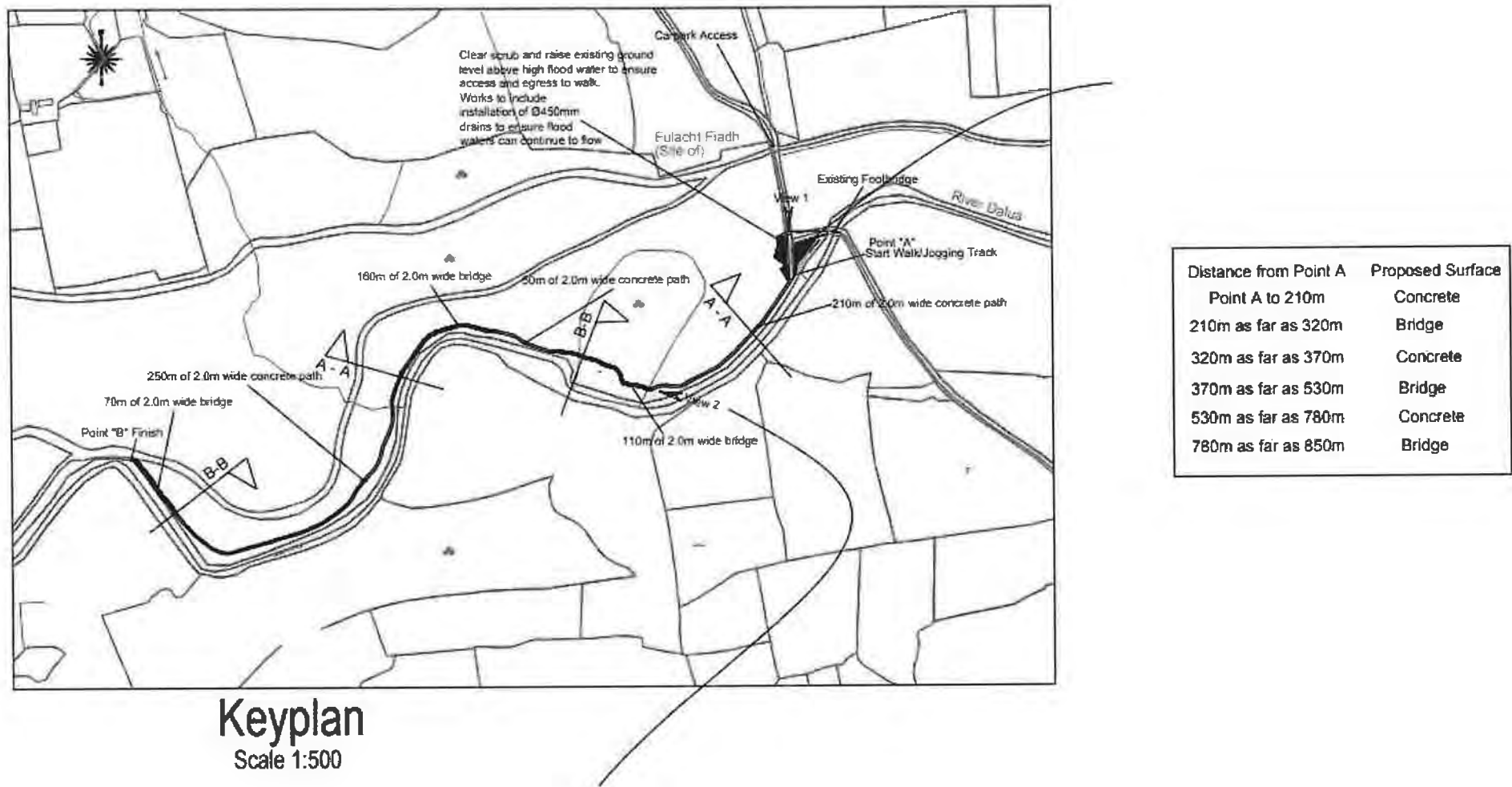


Figure 4. Map showing the path and the proposed re-surfacing and bridge locations.

Identification of relevant Natura 2000 sites and Qualifying Interests

<b>STEP2. Identification of relevant Natura 2000 sites using the Source-Pathway-Receptor and compilation of information on Qualifying Interests and conservation objectives:</b>				
European Site (code)	List of Qualifying Interest/Special Conservation Interest [Species/Habitat code]	Distance from proposed development (km)	Connections (Source- Pathway-Receptor)	Considered further in screening Y/N
Blackwater River SAC (2170)	Estuaries [1130]	90 km downstream (approximately)	No effective pathway exists (given the distance involved).	No
	Mudflats and sandflats not covered by seawater at low tide [1140]	90 km downstream (approximately)	No effective pathway exists (given the distance involved).	No
	Perennial vegetation of stony banks [1220]	90 km downstream (approximately)	No effective pathway exists (given the distance involved).	No
	Salicornia and other annuals colonising mud and sand [1310]	Over 90 km downstream.	No effective pathway exists (given the distance involved).	No
	Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Over 90 km downstream.	No effective pathway exists (given the distance involved).	No

Appropriate Assessment Screening & Determination of Re-surfacing of the Walkway at Island Wood

	Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	Over 90 km downstream.	No effective pathway exists (given the distance involved).	No
	Water courses of plain to montane levels with the <i>Ranuncion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]	Adjacent (within 5 metres)	Yes. A pathway exists given the close proximity of the River Dalua. It is possible that effluent from the concrete mix might have a negative impact on this habitat.	Yes
	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	Several examples of this woodland type occur on steep river valleys in the SAC, including Aghaneenagh, approximately 200 metres southwest of the proposed work site.	No effective pathway exists as this is a terrestrial habitat.	No
	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]	The closest example of this woodland occurs approximately 15 km southeast of the site near Banteer.	No effective pathway exists (given the distance involved) and this habitat is largely terrestrial.	No
	<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]	A population exists approximately 14 km downstream in the River Blackwater. A large population occurs in the	No effective pathway exists (given the distance involved).	No



Appropriate Assessment Screening & Determination of Re-surfacing of the Walkway at Island Wood

	<p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p>	<p>nearby River Allow upstream of the confluence with the River Dalua.</p> <p>Approximately 53 km downstream in the River Blackwater.</p>	<p>No effective pathway exists (given the distance involved).</p>	<p>No</p>
	<p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p>	<p>Sea Lamprey may occur in the River Dalua but they were not recorded at two sample sites fished by Inland Fisheries Ireland (IFI) in 2003.</p>	<p>Yes. A pathway exists given the close proximity of the River Dalua to the pathway. It is possible that effluent from the concrete mix used in the works may have a negative impact on this species.</p>	<p>Yes</p>
	<p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p>	<p>Brook/River Lamprey (difficult to distinguish when juveniles) were recorded at both sites sampled by IFI in 2003. A further survey in 2013 confirmed presence at Island Wood.</p>	<p>Yes. A pathway exists given the close proximity of the River Dalua to the pathway. It is possible that effluent from the concrete mix used in the works may have a negative impact on this species.</p>	<p>Yes</p>
	<p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p>	<p>Brook/River Lamprey (difficult to distinguish when juveniles) were recorded at both sites sampled by IFI in 2003. A</p>	<p>Yes. A pathway exists given the close proximity of the River Dalua to the pathway. It is possible that effluent from the concrete mix used in the works may have a negative impact on this species.</p>	<p>Yes</p>

Appropriate Assessment Screening & Determination of Re-surfacing of the Walkway at Island Wood

	Alosa fallax (Twaité Shad) [1103]	further survey in 2013 confirmed presence at Island Wood.  90 km downstream (approximately).	No effective pathway exists between the proposed path and the known locations where this rare species has been recorded.	No
	Salmo salar (Salmon) [1106]	Juvenile Salmon were the most commonly occurring fish in an electric-fishing survey undertaken in the River Dalua in 2013 by Inland Fisheries Ireland.	Hydro-carbon, and concrete spillage could have an impact on the local Salmon population. Siltation as a result of excavation could potentially damage spawning beds.	Yes
	Lutra lutra (Otter) [1355]	Otters are common in the Blackwater Catchment. No signs of Otter were detected on the riverside of the path during the site visit.	Yes. Otters undoubtedly occur in the River Dalua and the proposed work could cause disturbance during construction.	Yes
	Trichomanes speciosum (Killarney Fern) [1421]	This rare plant occurs at one or two sites in the east of the SAC. It is a terrestrial species that will not be impacted by the proposed walkway.	No effective pathway exists as this is a terrestrial habitat.	No
Stack's to Mullaghareirk Mountains, West	Circus Cyaneus (Hen Harrier) [A082]	This large SPA is approximately 6 km northwest of the proposed walkway. There is no	No pathway exists	No

Appropriate Assessment Screening & Determination of Re-surfacing of the Walkway at Island Wood

Limerick Hills and Mount Eagle SPA (4161)		suitable breeding or roosting habitat in the vicinity of the site so the proposed development will not pose any risk to this species.		
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## Assessment of Likely Significant Effects

<b>STEP 3. Assessment of Likely Significant Effects</b>	
<p>(a) Identify all potential direct and indirect impacts that may result in significant effects on the conservation objectives of the Blackwater River SAC and the following Qualifying Interests in particular:</p> <ul style="list-style-type: none"> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation.</li> <li>• Sea Lamprey</li> <li>• River Lamprey</li> <li>• Brook Lamprey</li> <li>• Salmon</li> <li>• Otter</li> </ul> <p>taking into consideration the size and scale of the project under the following headings:</p> <ul style="list-style-type: none"> <li>• Construction phase</li> <li>• Operational phase</li> </ul>	
<b>Construction phase:</b>	
<b>Impacts</b>	<b>Significance of Impacts (duration/magnitude etc.)</b>
<ol style="list-style-type: none"> <li>1. Vegetation clearance</li> <li>2. Demolition</li> <li>3. Surface water runoff from soil excavation/infill/landscaping</li> <li>4. Contaminants or pollution</li> <li>5. Dust, noise, vibration</li> <li>6. Lighting disturbance</li> <li>7. Impact on groundwater/dewatering</li> <li>8. Storage of excavated construction materials</li> <li>9. Access to site</li> <li>10. Invasive species</li> </ol>	<ol style="list-style-type: none"> <li>1. Vegetation clearance will be minimal and limited to growth encroaching on the immediate footprint of the pathway (primarily grasses and forbs).</li> <li>2. The existing concreted sections will be excavated and removed to a licensed waste facility.</li> <li>3. Surface water runoff is anticipated to be very light as much of the substrate is stony in nature and is unlikely to contain high levels of silt. Work will not be undertaken during heavy rainfall (in keeping with best practice construction close to waterways). No significant impact is anticipated on any of the Qualifying Interests of the SAC.</li> <li>4. The only potential contaminants in use are likely to be hydrocarbons (fuel oil and lubricants used in machinery) and residue from the concrete mix. Machinery in use will be small due to the space restrictions of the site and consequently hydrocarbon volumes will be very low. All re-fuelling will occur off site (in keeping with best practice construction close to waterways). The concrete mix in use, will of necessity (proximity to a waterway) be of a fast-drying variety and as such, runoff from residue will not be of significance or in volumes that would be deleterious to aquatic habitats and designated fish species. No significant impact is anticipated on any of the Qualifying Interests of the SAC.</li> </ol>

	<p>5. There will be some dust caused by the excavation and construction processes but amounts are anticipated to be low given the small size of the machinery, the stony nature of the substrate and the generally damp conditions of the site and the moist local climate. No significant impact is anticipated on any of the Qualifying Interests of the SAC.</p> <p>6. All of the construction work will take place during daylight hours in the summer lighting disturbance will not be an issue.</p> <p>7. No impacts on groundwater are anticipated given the small scale and low impact of the proposed construction methods. There will be no dewatering.</p> <p>8. Excavated materials may be stored for short periods (and in some cases they may be re-used in the construction phase). All unused material will be taken to a licensed facility for disposal.</p> <p>9. Access to and through the site by Qualifying Interests may be subject to slight disturbance during the construction phase especially for Otter. Otter activity is probably already curtailed to some degree at the site given its popularity with the public. Otters are well adapted to nocturnal conditions and their activities will be unimpeded (by the construction process) during the evening, at night time and at weekends. Lampreys and Salmon may experience some slight extra disturbance in the immediate vicinity of the site during the construction period, but this disturbance will be short-term and restricted to daylight hours.</p> <p>10. The only invasive species noted during the site visit were Beech and Sycamore. Both of these species (especially Beech) are established in the wood and the proposed re-surfacing of the pathway is not likely to contribute to their spread in any way.</p>
<b>Operational phase:</b>	
<b>Impacts</b>	<b>Significance of Impacts</b> (duration/magnitude etc.)
<ol style="list-style-type: none"> <li>1. Direct emission to air and water</li> <li>2. Surface water runoff containing contaminant or sediment</li> <li>3. Lighting disturbance</li> <li>4. Noise/vibration</li> <li>5. Changes to water/groundwater due to drainage or abstraction</li> <li>6. Presence of people, vehicles and activities</li> </ol>	<ol style="list-style-type: none"> <li>1. There will be no significant emissions to air and water during the operational phase of the proposed re-surfaced pathway.</li> <li>2. There will be no significant surface water runoff containing contaminant or sediment during the operational phase. Once the concrete has hardened (within a few hours of laying) the runoff potential will be insignificant and any runoff is likely to be intercepted in the acidic soil between the path and the river.</li> <li>3. No lighting will be installed for the operational phase of the re-surfaced pathway.</li> <li>4. There will be no significant increase in noise or vibration during the operational phase of the re-surfaced path.</li> </ol>

<p>7. Physical presence of structures (e.g. collision risks)</p> <p>8. Potential for accidents or incidents</p>	<p>5. There will be no significant changes to water or groundwater during the operational phase of the re-surfaced path.</p> <p>6. The new pathway may lead to an increase in the numbers of people visiting the site as improving accessibility for elderly and handicapped people is the main reason behind the proposed works, but the increase is expected to be moderate and not likely to result in a significant increase in disturbance to Qualifying Interests.</p> <p>7. The proposed re-surfaced pathway will not be restrictive to the movement of any of the Qualifying Interests and will not be a collision risk.</p> <p>8. The proposed re-surfaced pathway will not increase the potential for accidents or incidents that are likely to significantly impact any of the Qualifying Interests.</p>
<p>(b) Describe any likely changes to the Blackwater River SAC and its Qualifying Interests:</p>	
<p><b>In combination/other:</b> Cork County Council’s Planning Enquiry System was consulted to assess the number of additional developments that may be underway in the area. A single planning application for 22 dwelling houses (11 pairs of semi-detached units) was the only notified development over the past 12 months. This application refers to a site approximately 2 km north of the proposed pathway and no decision will be made until June 2024.</p>	
<p><b>Impacts</b></p>	<p><b>Significance of Impacts</b> (duration/magnitude etc.)</p>
<p>Types of changes to consider include:</p> <ol style="list-style-type: none"> <li>1. Reduction or fragmentation of habitat area</li> <li>2. Disturbance to QI species</li> <li>3. Habitat or species fragmentation</li> <li>4. Reduction or fragmentation in species density</li> <li>5. Changes in key indicators of conservation status value (water quality etc.)</li> <li>6. Changes to areas of sensitivity or threats to QI</li> <li>7. Interference with the key relationships that define the structure or ecological function of the site</li> <li>8. Climate change</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposed development, alone and in combination, will not result in any reduction or fragmentation of habitat within the Blackwater River SAC.</li> <li>2. The proposed development, alone and in combination, is not anticipated to result in any significant disturbance to the Qualifying Interests of the SAC.</li> <li>3. The proposed new development, alone and in combination, will not result in any habitat or species fragmentation within the Blackwater River SAC.</li> <li>4. The proposed new development, alone and in combination, will not result in any reduction or fragmentation in species density within the Blackwater River SAC.</li> <li>5. The proposed new development, alone and in combination, will not result in any changes to water quality or air quality in the SAC.</li> <li>6. The proposed re-surfacing of the pathway, alone and in combination, will not result in any changes to areas of sensitivity in the SAC or threats to any of the Qualifying Interests.</li> </ol>
<p>(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p>	
<p>Yes <input type="checkbox"/>                      No <input checked="" type="checkbox"/></p>	<p>While best practice methods are referenced, these are not required to avoid or reduce any effects on a European site. These measures are not relied on to reach a conclusion of no likely significant effects on any European site.</p>

## Screening Determination Statement

<b>STEP 4. Screening Determination Statement</b>		
<b>Describe how the proposed development (alone or in-combination) is/is not likely to have significant effect on European site(s) in view of its conservation objectives.</b>		
<p>On the basis of the information on file, which is considered adequate to undertake a screening determination, and having regard to:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the development,</li> <li>• The length of bridge lengths used in the development,</li> <li>• The phased construction process used to complete the development,</li> </ul> <p>it is concluded that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on the conservation interests of the Blackwater River SAC or any other European site. An Appropriate Assessment is therefore not required.</p>		
<b>Conclusion:</b>		
	Tick as appropriate	Recommendation
(1) It is clear that <b>no likelihood</b> of significant effects arises.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment is not required.
(2) It is <b>uncertain</b> if the proposed development will have a significant effect on a European site.	<input type="checkbox"/>	Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission <input type="checkbox"/>
(3) <b>Significant effects</b> are likely.	<input type="checkbox"/>	Request NIS <input type="checkbox"/> Refuse planning permission <input type="checkbox"/>
Signature and date of Recommending Officer:		 Tony Nagle Cork County Council Ecologist  31/01/2024

## References

Information relating to individual Natura 2000 sites including Article 17 Conservation Assessment Reports for Habitats and Species in Ireland (2019), individual site synopses, Natura 2000 data forms, and information relating to the qualifying features and conservation objectives of individual sites was sourced from the NPWS database ([www.NPWS.ie](http://www.NPWS.ie)).

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Office of the Planning Regulator. Appropriate Assessment Screening for Development Management, 2021.



RIC SECTION  
OF PATCH  
COMPLETED BY  
GORK CC IN  
2024





PIC OF SECTION  
PATH COMPLETED IN  
2024 BY COOK  
CC



# Planning Pack Map



**Tailte Éireann**

Site Location/  
Site Layout

CENTRE  
COORDINATES:  
ITM 532024,604414

PUBLISHED:  
26/01/2025

ORDER NO.:  
50445024\_1

MAP SERIES:  
1:5,000  
1:5,000

MAP SHEETS:  
5812  
5813

Scale 1:2500  
Townland Island

COMPILED AND PUBLISHED BY:  
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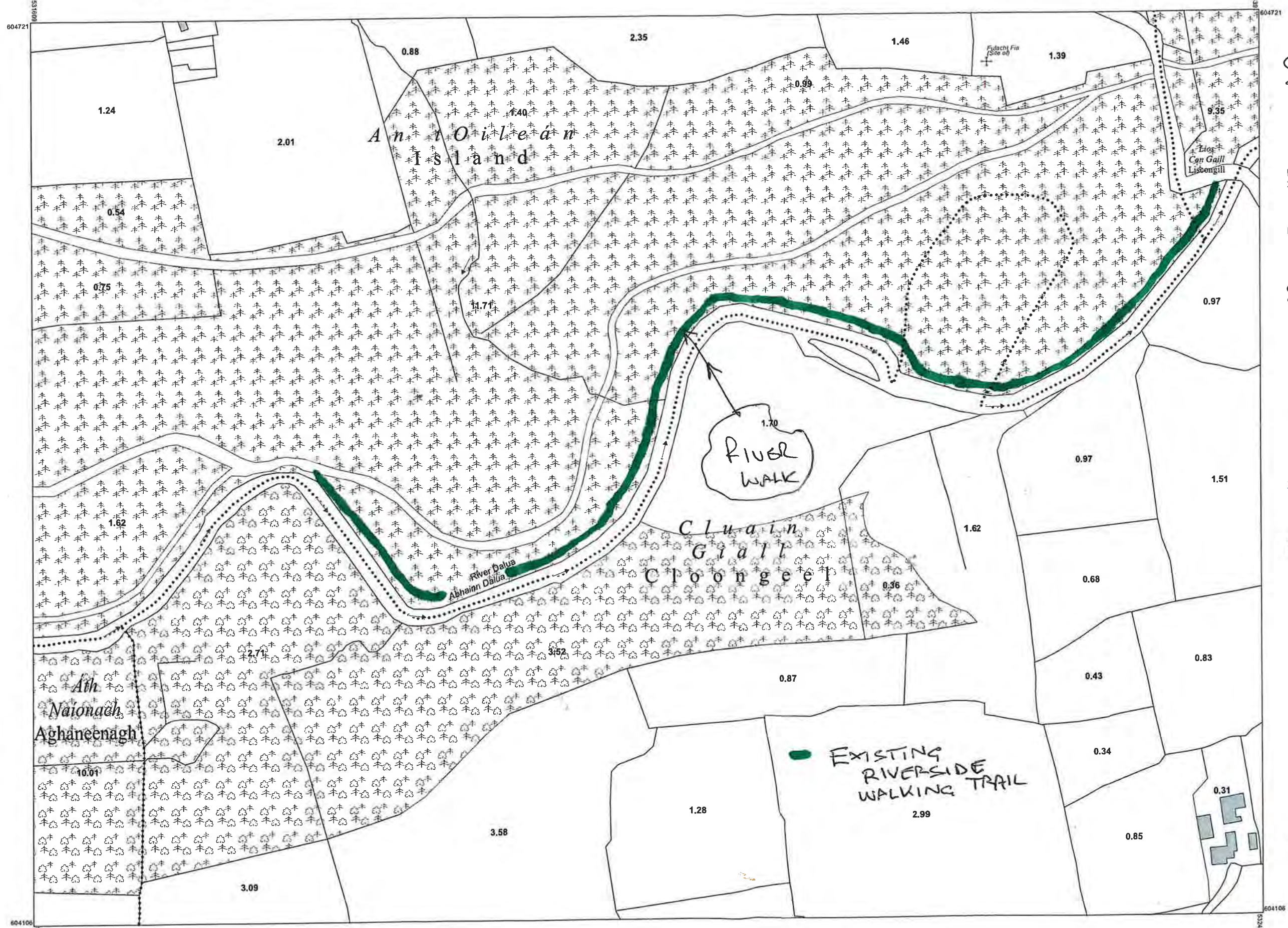
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Dermot Wilton  
Dec Emg  
4/2/25



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'Large Scale Legend'





# Site Location Map



**Tailte Éireann**

**CENTRE COORDINATES:**  
ITM 532024,604414

**PUBLISHED:**  
26/01/2025

**ORDER NO.:**  
50445024\_1

**MAP SERIES:**  
6 Inch Raster

**MAP SHEETS:**  
CK022

*SCALE 6" = 1 MILE*  
*TOWNLAND ISLAND*

**COMPILED AND PUBLISHED BY:**  
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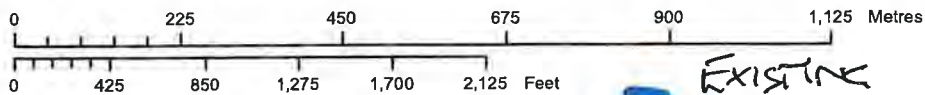
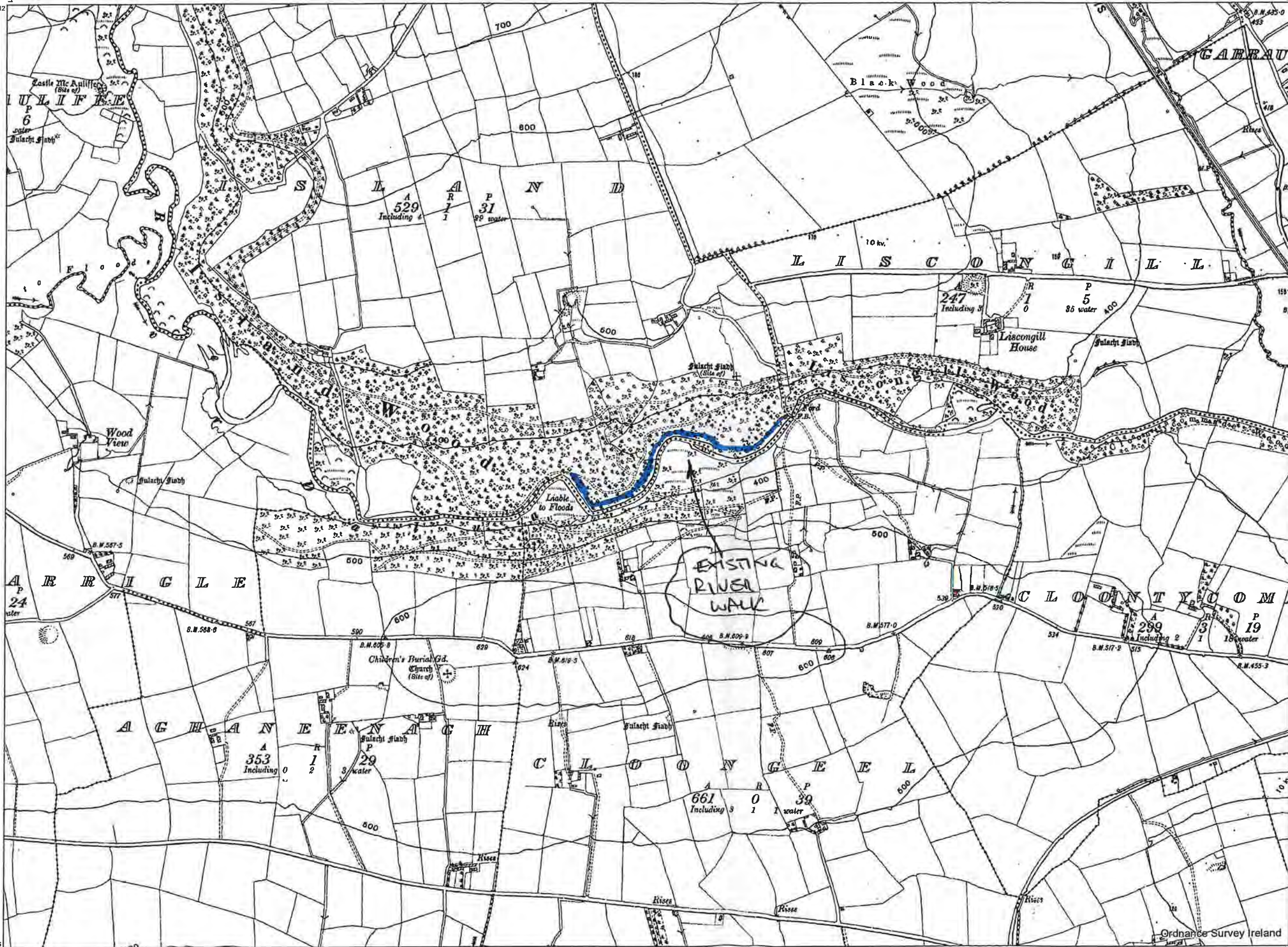
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*JAMES WINTER*  
*B.Sc (Eng)*  
*4/2/25*



**OUTPUT SCALE:** 1:10,560

*EXISTING RIVERSIDE WALKING TRAIL*

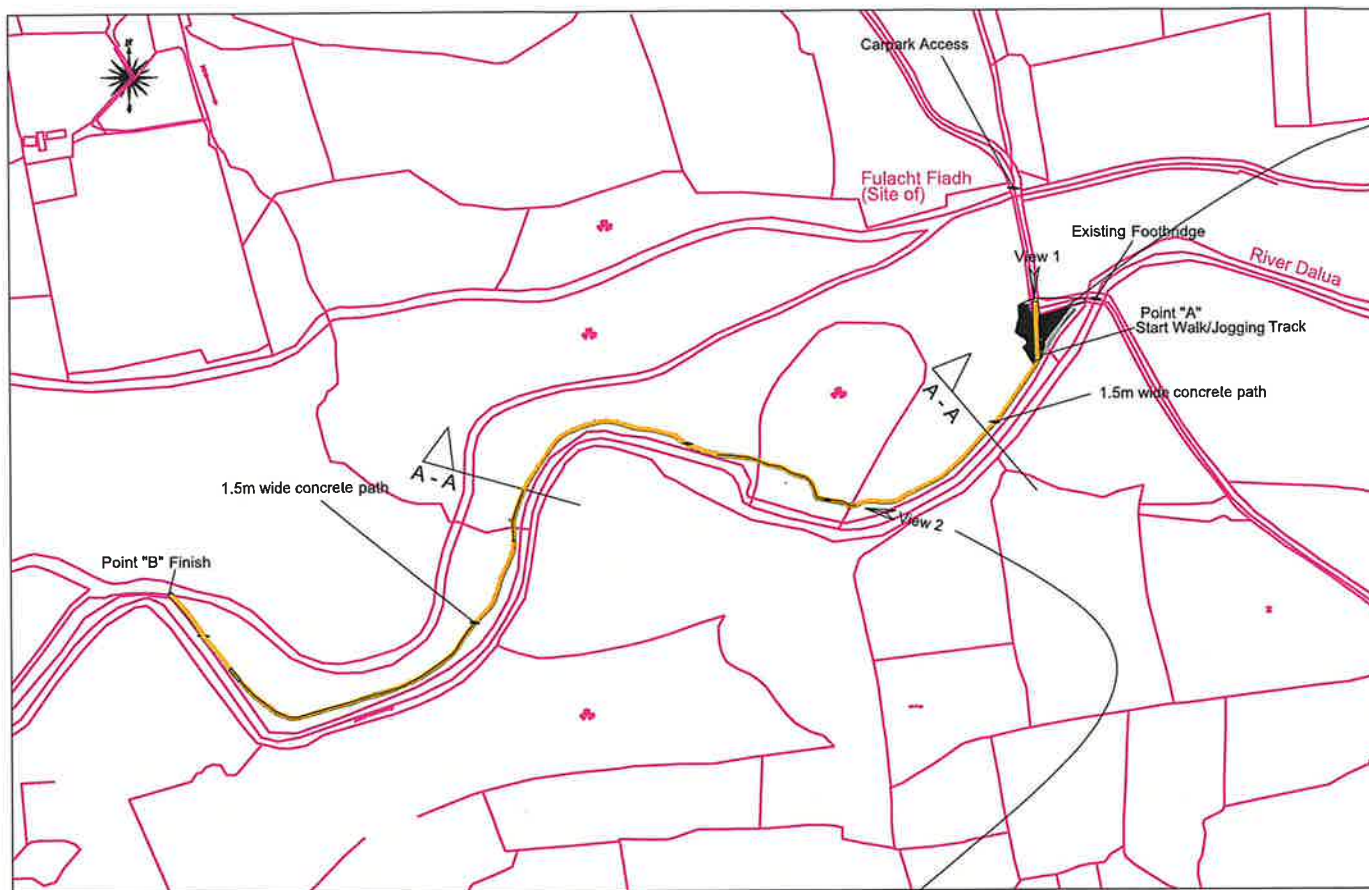
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Ordnance Survey Ireland





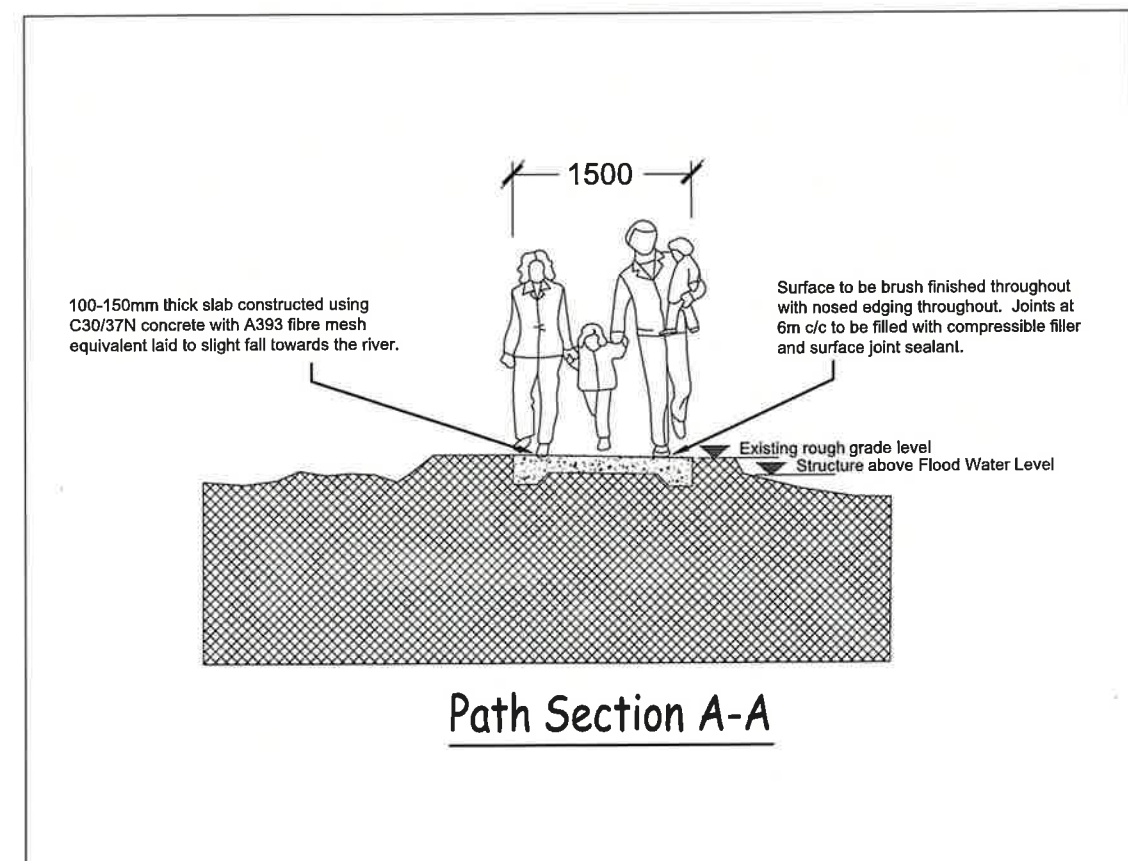
**Keyplan**  
Scale 1:500



**View 1**



**View 2**



			PROJECT Island Wood Walkway Proposal Newmarket, Co Cork	CLIENT Mark McKenna Templemore, Birr, Co Cork Mobile 087 6755916	
			LOCATION Island Wood		
			PROPOSAL Civil Works Proposal	DATE Feb '25	
			SCALE Design	AS SHOWN @ A1:500	
				241-102-100	