



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

David Egar
Spelga
Norwood Court
Rochestown
T12HTD5

03/12/2024

**RE: Section 5 Declaration R872/24 Sunday's Well R.F.C., Virgin
Media Park, Tramore Road, Cork, T12HY96**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 16th September 2024, I wish to advise as follows:

The Planning Authority in view of the above and having regard to –

- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 as amended

It is considered that *the specific question for which a declaration is sought* **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT** at Sunday's Well R.F.C., Virgin Media Park, Tramore Road, Cork, T12HY96

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 03RD December, 2024.

Is mise le meas,


David Foley

Development Management Section
Planning & Development



We are Cork.

Cork City Council

PLANNER'S REPORT Ref. R872/24		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Our club is planning to paint a section of the clubhouse roof in the colours / design / logo of a club sponsor. Is this action exempt from planning.</i>	
Location	Virgin Media Park, Tramore Road, T12 HY96, Cork.	
Applicant	David Egar	
Date of app	16/09/2024	
Recommendation	<i>Is Development and Is Not Exempted Development.</i>	

This report should be read in conjunction with the previous report on the file dated 09/10/2024.

1. FURTHER INFORMATION REQUESTED

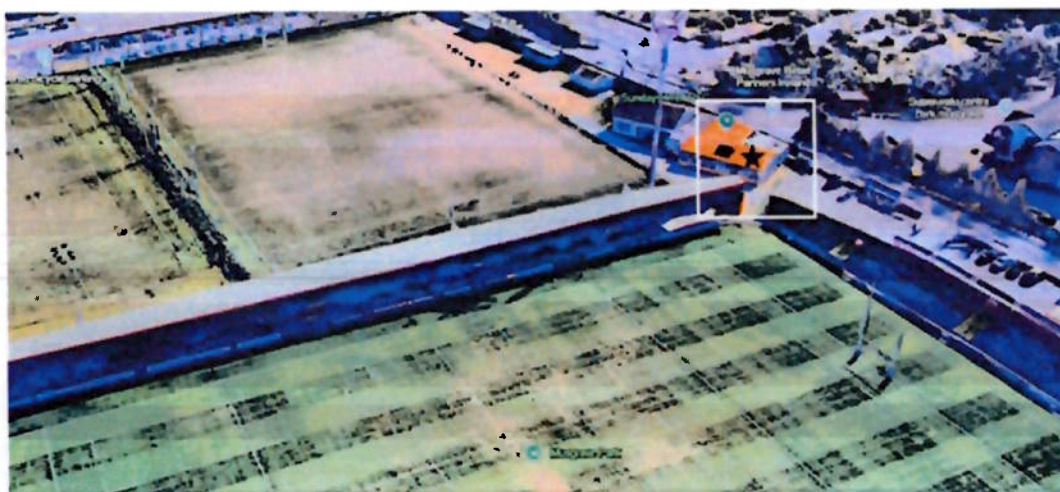
- The applicant is requested to submit scaled drawings of the proposed logo shown on the proposed rooftop. This should include design details, dimensions and the proposed colour scheme.

2. FURTHER INFORMATION PROVIDED AND ASSESSMENT

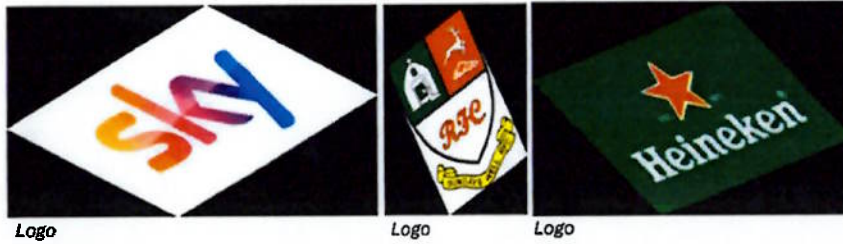
A response to the further information request was received on 13/11/2024.

The applicant has submitted scaled drawings of the proposed logo(s) displayed on the proposed rooftop. Three separated logos are proposed. One of the club emblem and 2 additional logos from third-party affiliates. The logos vary in size covering approximately between 11sqm and 15.7sqm of roof space. The logos are intended to be painted onto the rooftop. The applicant has confirmed in writing on 28/11/2024 that, 'as part of the updated submission, we were requested to share a number of potential logos, hence the multiple images shared. It is intended to only use one logo per season'.

See building location and proposed logos below.



Building location



The proposed logos would fall under two categories Mural and Advertisements.

Part 1, Class 12 of the Act relates to murals:

Column 1 <i>Development within the curtilage of a house</i>	Column 2 Conditions and Limitations	Assessment of Compliance
Class 12 The painting of any external part of any building or other structure.	Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.	The proposed club emblem (mural) is proposed atop an existing structure which is not a hoarding or other temporary structure bounding lands on which development is or will be carried out and as such is not compliant with the limitations of Class 12.

Part 2, Class 1-18 relates to advertisements:

Of relevance is Class 1 and Class 3.

Column 1 Description of Development	Column 2 Conditions and Limitations	Assessment of Compliance
Class 1 Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises.	1. The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres. 2. The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face	Refer to Class 3 below.

	which are illuminated shall not exceed 0.3 square metres. 3. The total area of such advertisement which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres, of which not more than 1.5 square metres shall consist of advertisements which are illuminated. 4. (a) No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height. (b) No part of any such advertisement which is exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level. 5. Where any such advertisement projects more than 5 centimetres over any public road, the sign or other advertisement structure on which it is exhibited shall not be less than 2 metres above the level of such road and shall not project more than 1 metre over such road. 6. Where any such advertisement consists of a circular sign and projects more than 5 centimetres over any public road, the diameter of such sign shall not exceed 1 metre and no other such advertisement shall be exhibited on a sign or other advertisement structure projecting more than 5 centimetres over such road. 7. Where any one or more such advertisements are exhibited on a swinging or fixed sign or other advertisement structure (other than a circular sign) projecting more than 5 centimetres from any external face of a building, the total area of such advertisements shall not	
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	exceed 1.2 square metres and the area of any face of any such advertisement shall not exceed 0.4 square metres. 8. No such advertisement shall contain or consist of any symbol, emblem, model, logo or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height. 9. No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed.	
Class 3 Advertisements displayed within a business premises, and which are not visible from outside the premises.	None.	Assessment of Compliance Having consideration for the characteristics of the subject site, the location and scale of the proposed development and the orientation of the building, it is considered reasonable to consider that the proposed third-party affiliate logos / advertisement is not duly visible from outside the premises.

The proposed development constitutes two types of logos, a club emblem which is considered a mural and logos displaying third-party advertising which is considered advertisements. To consider the proposed development exempted development it must meet the limitations for both a mural and advertisements.

Having regard to the above it is considered that the proposed development is not in compliance with the limitations of Part 1, Class 12 of the Act.

In view of the above and the previous report on file dated 09/10/2024 and having regard to –

- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 as amended,

It is considered that the question before the Planning Authority and additional details submitted thereafter, /s/ **Development and Is Not Exempted Development.**



Alan Swanwick
Assistant Planner
03/12/2024

**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924564/4321

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

SUNDAY'S WELL R.F.C.
VIRGIN MEDIA PARK, TRAMORE ROAD, T12 HY96, CORK
51.880103, -8.470996

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Our club is planning to paint a section of the clubhouse roof in the colours/design/logo of a club sponsor. Is this action exempt from planning?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Specifically, the painting would be on the Northern facing, Western End of the existing 'old' clubhouse structure and not the 'new' structure referenced in the previously submitted planning application (1837790).

This feature is designed to be only visible/effective to television cameras mounted in the permanent seated stand of Musgrave/Virgin Media Park.

The general public outside the ground would be unable to view any part of the roof, as would most patrons visiting the ground as spectators.

Please note that the most recent OSI mapping does not reflect the current building structures referenced and as such was not included.

3. 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 meters (sq. M)

(a) Floor area of existing/proposed structure/s	20 sq. m.
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes ☐ No ☐ If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) _____ _____ _____	Proposed/existing use (please circle) _____ _____ _____

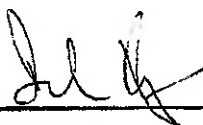
4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		DAVID EGAR	
Applicants Address	SPELGA NORWOOD CT. ROCHESTOWN XXXXXX XXXXXXXXXXXX		
Person/Agent acting on behalf of the Applicant (if any):	Name:		
	Address:		
	Telephone:		
	Fax:		
	E-mail address:		
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)		Yes ☒	No ☐

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other ☒
Where legal interest is 'Other', please state your interest in the land/structure in question	CHAIRPERSON	
If you are not the legal owner, please state the name and address of the owner if available	TRUSTEES AND MEMBERS OF SUNDAYS WELL R.F.C	

6.1 / We confirm that the information contained in the application is true and accurate:

Signature:  (DAVID EDGAR)

Date: 12/9/2024

.....

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should 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 Development Management Section, Strategic Planning & Economic Development
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- 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 is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration 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 was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration 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.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

David Egar
Spelga
Norwood Court
Rochestown
T12HTD5

10/10/2024

**RE: Section 5 Declaration R872/24 Sunday's Well R.F.C., Virgin
Media Park, Tramore Road, T12HY96**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, I wish to advise under the provisions of section 5(2)(b) of the Planning and Development Act 2000, as amended, that the following further information is required in order to properly assess this application:

1. The applicant is requested to submit scaled drawings of the proposed logo shown on the proposed rooftop. This should include design details, dimensions and the proposed colour scheme.

Is mise le meas,



David Foley
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

PLANNER'S REPORT Ref. R872/24	Cork City Council Development Management Strategic Planning and Economic Development
Section 5 Declaration	
<i>Our club is planning to paint a section of the clubhouse roof in the colours / design / logo of a club sponsor. Is this action exempt from planning.</i>	
Virgin Media Park, Tramore Road, T12 HY96, Cork.	
David Egar	
16/09/2024	
<i>Request Further Information</i>	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states,

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

The requirements for making a section 5 declaration are set out in the Act.

2. The Question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q3 of the application form:

'Our club is planning to paint a section of the clubhouse roof in the colours / design / logo of a club sponsor. Is this action exempt from planning'.

3. Site Description

The property in question is a sports grounds / stadium 'Virgin Media Park' located in the Ballyphehane area of the city in the outer suburbs. There are existing two-storey dwellings located to the north and west, along Pearse Road and Kent Road. The former Vita Cortex site is located east of the of the subject site.

4. Planning History

TP 23/41944 – Grant of permission for the construction of an indoor training facility development which will contain a synthetic all-weather surface, gymnasium, changing rooms, treatment rooms, storage, office / administrative space, staff welfare areas and new signage. Permission is also sought for a new pedestrian access from Pearce Road, and shared car parking area on Pearce Road, new car parking area within the site and all other ancillary site works including a ticketing booth and bicycle parking. The proposed development is a change of plan from that previously permitted by Cork City Council planning reference 18/38083.

TP 22/41208 – Grant for the proposed green energy initiative development consisting of the installation of Photovoltaic panels on the existing roof structure together with all associated site works.

TP 18/38083 – Grant for the construction of an indoor training facility, a single storey ticketing booth and all other ancillary site works including associated car/coach parking and servicing upgrades. The proposed indoor training facility will contain a synthetic all-weather playing surface, gymnasium, dressing rooms, treatment rooms, kitchen, public toilets and storage space. The proposed development will be accessed via 2 no. existing entrances from Pearse Road.

TP 13/35682 – Grant for the upgrade of spectator, player and match day facilities. The proposed upgrades include the erection of a new covered, seated western stand to replace the existing western stand and the covering of the existing eastern terrace. The proposed new western stand is 12 metres in height, has a capacity of 3,556 with a gross floor area of 1,078 m² over 2 levels. The proposed western stand will accommodate 2 no. shops, toilets, changing rooms, medical facilities, function room and all ancillary plant and storage requirements at lower level and team management, broadcasting and security facilities on the upper level. The proposal to cover the existing eastern terrace will involve the erection of a structure 6.3 metres high over the existing terrace. The proposed development will include ancillary works consisting of new fencing to the perimeter of the existing pitch, the relocation of existing floodlight control boxes, resurfacing, landscaping and all site development works.

TP 13/35661 – Grant for the retention and continued use of the roofed 11.38m high temporary seated stand for a period of 24 months.

TP 12/35145 – Grant permission for 1) the demolition of part of the existing southern boundary wall and its replacement with a new low wall and railing; 2) the provision of a new splayed vehicular access in lieu of the existing access which will be replaced with a new low wall and railing; 3) the construction of a new single storey office building, and all associated car parking, for use by the IRFU Munster Branch; 4) the carrying out of all landscaping and site development works.

TP 11/34782 – Grant for demolition of the existing western stand, the construction of a partially roofed 11.38m high temporary stand for a period of 24 months and all associated site development works. The temporary stand will have a capacity of Musgrave Park to 10,000 spectators.

TP 06/31401 – Grant a) construction of a new two-storey Western Stand of 12.2m in height, with seating capacity for 6573 spectators and 50 media personnel. The proposed ground floor of 1,666sqm will accommodate ancillary dressing rooms, offices medical rooms, general purpose and storerooms, retail units, and toilets. The proposed first floor of 938sqm will accommodate administration offices, gymnasium, pressroom and toilets. (b) 165 no. car and 4 no. coach parking spaces at grade for match day parking. 113 no. separate daily car parking spaces. (c) Demolition of existing turnstiles and cashier points at Pearse Road and Tramore Road and construction of 10 no. cashier points and 10 no. turnstiles at Tramore Road. (d) Provision of new ablution blocks north and south of existing northern and southern standing terraces, 2 equipment rooms north of the northern standing Terraces and a new scoreboard and television camera housing east of the existing eastern standing terrace. (e) Site development works, including the

demolition of the remainder of the existing western stand and toilet block; relocation of western floodlights to the north and south; demolition of existing wall, construction of new entrance, widening of existing footpath and construction of new boundary fence and realignment of existing pitches at Tramore Road. Ancillary to these works will be the construction of:- (a) 42 no. apartments and 10 no. townhouses in blocks ranging from 3 to 5 storeys with balconies on the south and west elevations, decking on first floor level and roof gardens. (b) 1 no. 272sqm retail unit and 2 no. local services offices comprising 95m at ground level. (c) 89 no. car parking spaces at ground floor level and; (d) Site development works including new entrance. The site is located within an area to which the European Communities (control of major hazards involving dangerous substances) regs, 2001 apply.

TP 01/25536 – Grant of permission for retention of installation of a telecommunication base station comprising dish, antennae, equipment cab & ass.

Legislative Provisions

4.1 The Act

Section 2(1),

“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),

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

Section 4(1)(h),

The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(2),

Section 4(2) provides that the Minister may, 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 2001-2013.

Section 5(1),

(See section 1 of this report)

Section 177U (9) (screening for appropriate assessment)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

4.2 The Regulations

Article 6 (1)

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.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

(a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

5. ASSESSMENT

6.1 Development

The first issue for consideration is whether or not the matter at hand is 'development'.

'Development' as defined in the Act (3)(1) comprises two possible chief components: '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'. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

The details of this Section 5 application consist of the painting of a section of the clubhouse roof in the colours / design / logo of a club sponsor. This would constitute 'Development' as defined in Section 3(1) of the Act.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

The building subject to this Section 5 declaration serves as a clubhouse for Sunday's Well R.F.C and is located within the curtilage of Virgin Media Park sports grounds.

The structure is not a protected structure, is not a NIAH listed building and is not located in an architectural conservation zone.

Notwithstanding this, I note Section 4(1)(h),

The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Insufficient details have been provided to make a recommendation on the proposed development. The applicant is requested to submit details to address this matter as set out below in this report.

6. ENVIRONMENTAL ASSESSMENT

6.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations

2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

6.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

7. Conclusion

The question has been asked:

'Our club is planning to paint a section of the clubhouse roof in the colours / design / logo of a club sponsor. Is this action exempt from planning'.

8. RECOMMENDATION

In view of the above and having regard to —

- Sections 4 (1) (h) of the Planning and Development Act 2000 (as amended),

It is recommended that the following further information be sought:

1. The applicant is requested to submit scaled drawings of the proposed logo shown on the proposed rooftop. This should include design details, dimensions and the proposed colour scheme.



Alan Swarwick

Assistant Planner

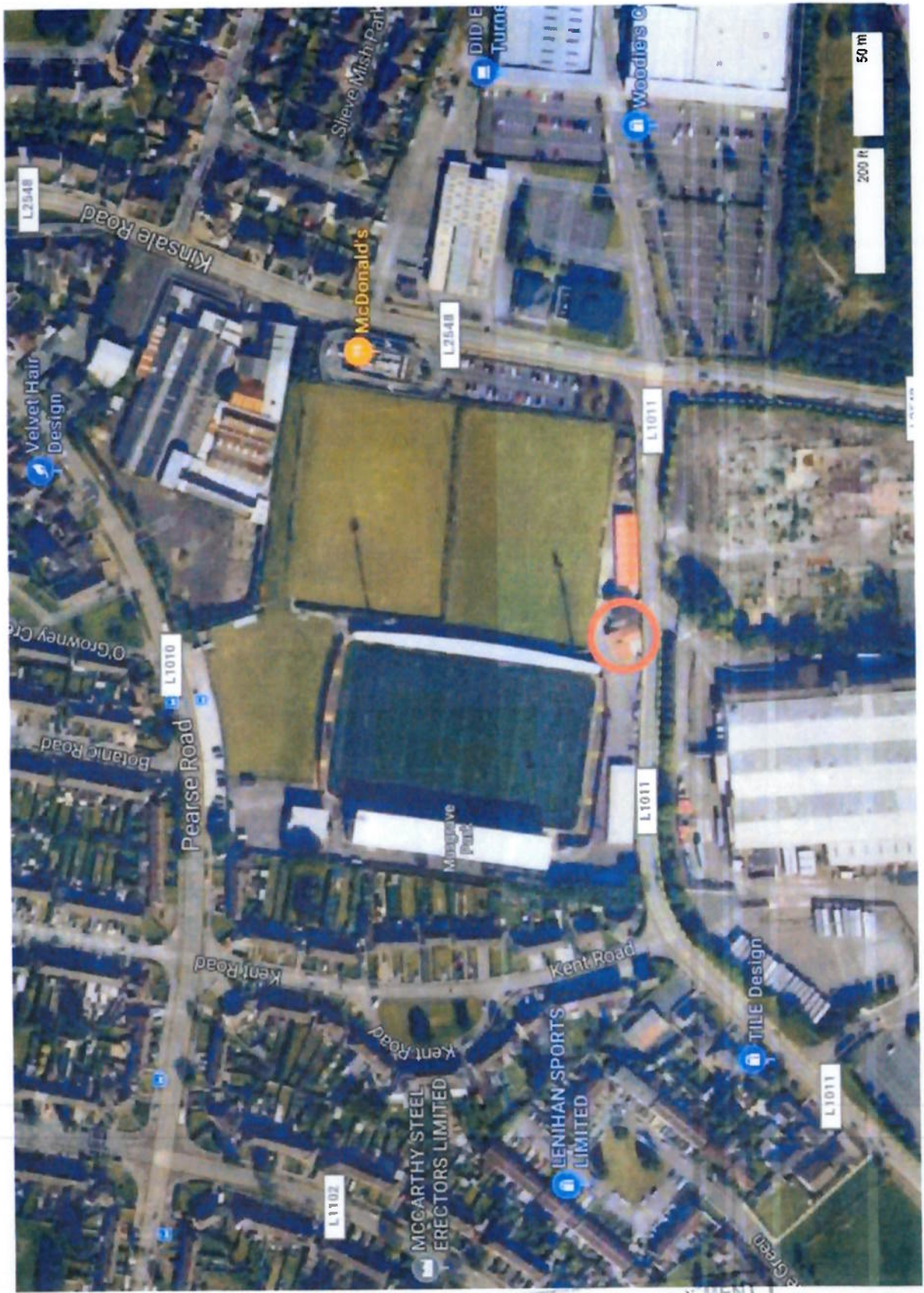
09/10/2024



DEVELOP

16 SEP 2024

COCK



DEVELOPMENT PLANNING

16 SEP 2024

CLIENT:

ARCHITECT:

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PROJECT:

DRAWING TITLE:

ROOF PLAN

INTERIOR DESIGNER:

CAD BY:

APPROVED BY:

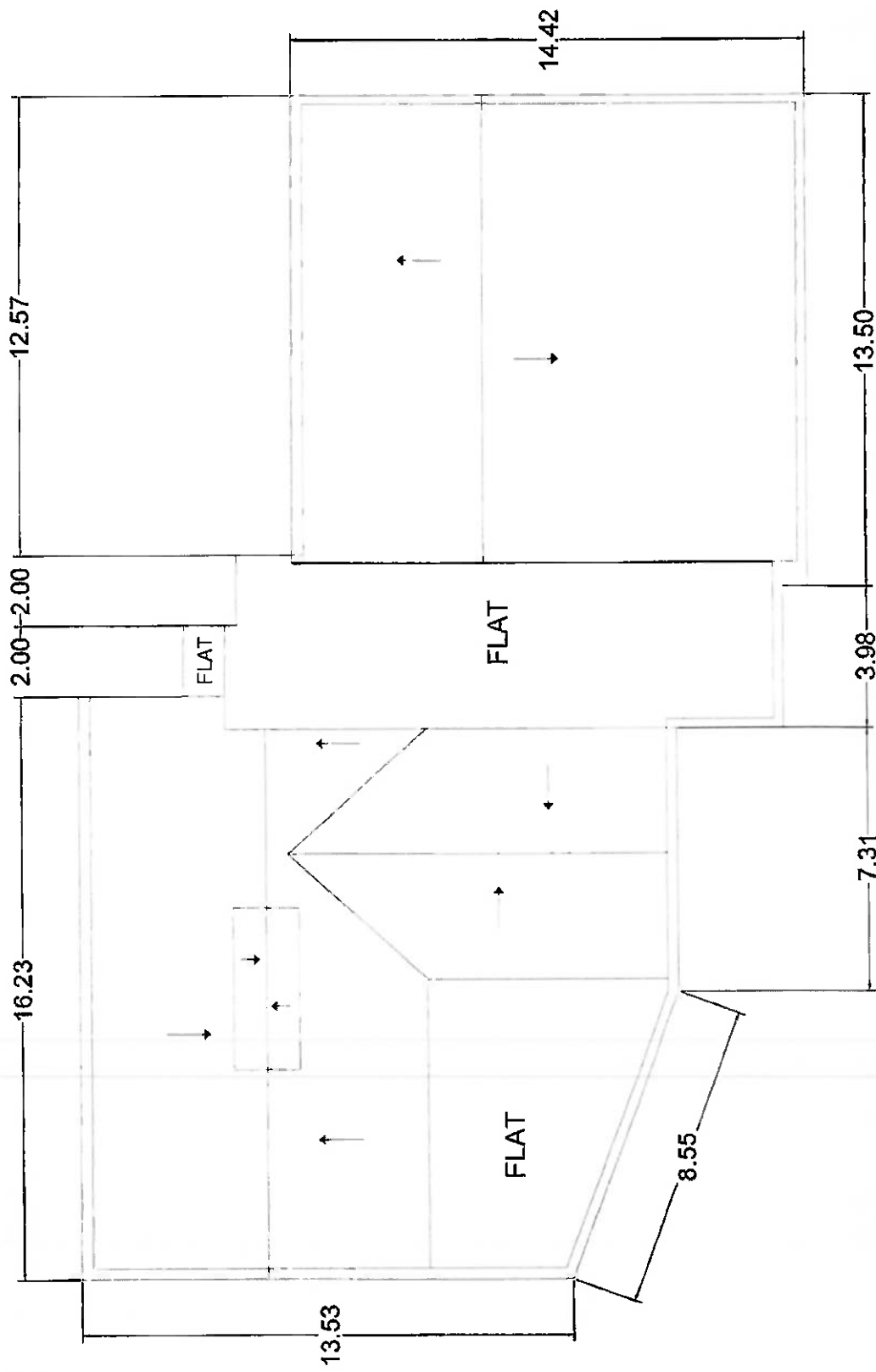
DATE:

SHEET:

A-3

SCALE:

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CLIENT

ABSTRACT

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DRAWING TITLE

ROOF PLAN

INTERIOR DESIGNER:

CAD BY:

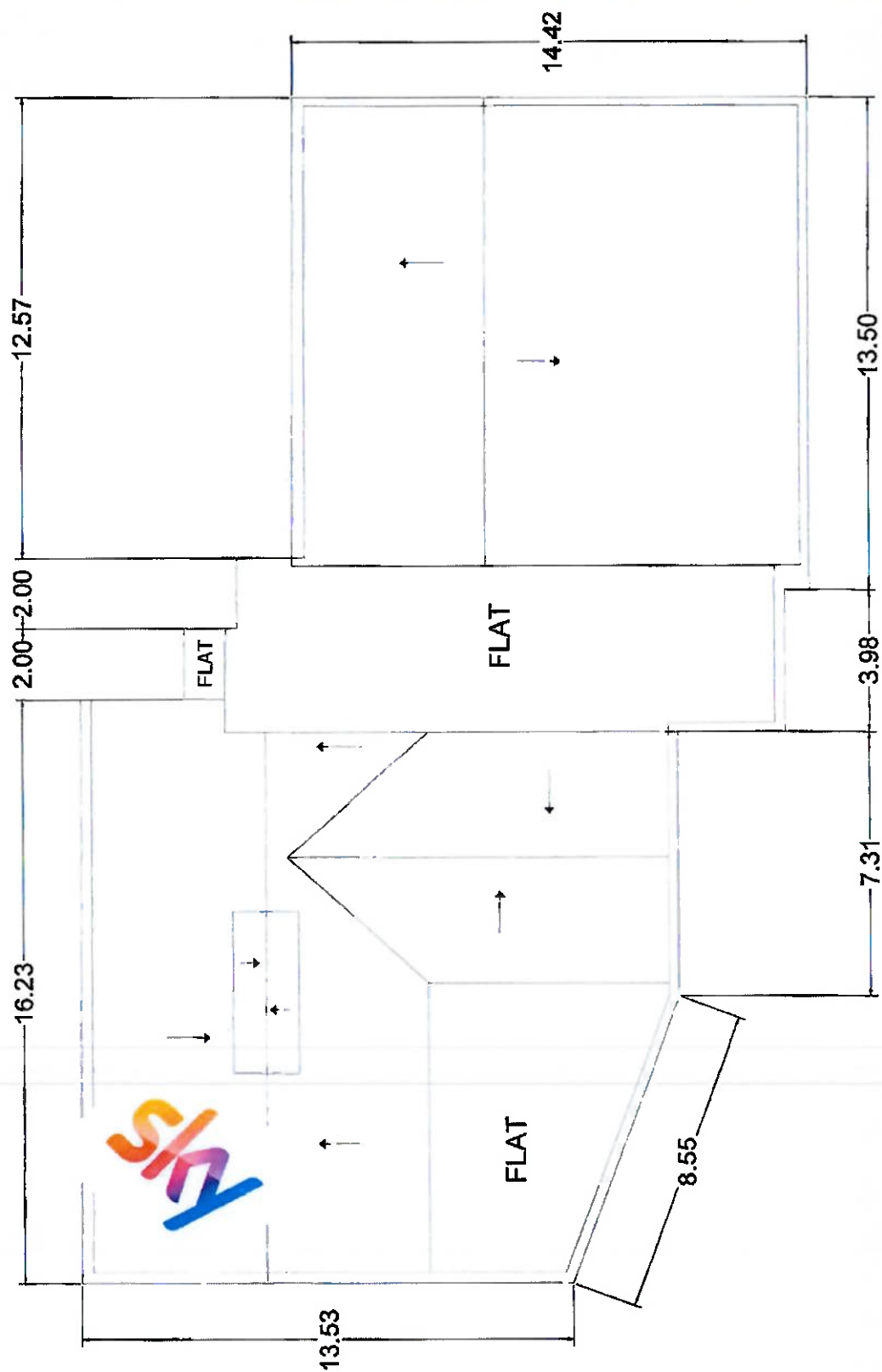
APPROVED BY.

DATE _____ ISSUE: _____

LEADS

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REV.	DESCRIPTION	BY	DATE

PROJECT:

DRAWING TITLE:

ROOF PLAN

INTERIOR DESIGNER:

CAD BY:

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