John Cannon

From: Tom Halley <THalley@mhplanning.ie>
Sent: Monday 25 May 2026 20:13
To: Appeals2; Bord; s.mcdonnell@pleanala.ie
Subject: Section 5 Referral ACP Ref. 324243-26 (R1029/26): Garrenedarragh, Wilton, Cork.
Attachments: LTR_260521_GarranedarraghABPResponse_TH.pdf

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FAO: Sarah McDonnell, Administrative Assistant, An Coimisiun Pleanála, 64 Marlborough Street, Dublin 1.

Dear Ms McDonnell,
We, McCutcheon Halley Planning Consultants, of 6 Joyce House, Barrack's Square, Ballincollig, Co. Cork act on behalf of our client, Wilton United AFC with an address at Pat Bowdren Park, Lee Road, Cork and wish to submit the attached response to the Section 5 Referral material issued by An Coimisiun Pleanála (ACP) under ACP Ref. 324243-26 (R1029/26) in relation to Garrenedarragh, Wilton, Cork issued by ACP on April 29th last.
Please contact the undersigned if you require any further information.
Regards,

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Sarah McDonnell,
Administrative Assistant,
An Coimisiun Pleanála,
64 Marlborough Street,
Dublin 1.
D01 V902

21st May 2026

Re: Section 5 Referral ACP Ref. 324243-26 (R1029/26): Garrenedarragh, Wilton, Cork.

Dear Ms McDonnell,

We, McCutcheon Halley Planning Consultants, of 6 Joyce House, Barrack's Square, Ballincollig, Co. Cork act on behalf of our client, Wilton United AFC with an address at Pat Bowdren Park, Lee Road, Cork and refer to the Section 5 Referral material issued by An Coimisiun Pleanála under ACP Ref. 324243-26 (R1029/26) in relation to Garrenedarragh, Wilton, Cork issued by ACP on April 29th last.

Before we respond to the material referred to ACP, it is important to point out that Wilton United AFC have a long term lease on the sports facility in Garranedarragh from the owners of the property, O'Brien and O'Flynn Limited. When the club secured the lease in 2024, the sports facility in Garranedarragh was in a state of serious neglect which included the following:

- The soccer pitch was not maintained and became unplayable.
- The walkway around the pitch was not maintained and not safe.
- The clubhouse was damaged - all of the sinks, toilets, windows, doors and equipment was smashed and with graffiti internally and externally.
- Trees were growing through the surface of the tennis and basketball courts.
- The equipment and fencing around the tennis and basketball courts was damaged.
- There was extensive illegal dumping and fly tipping across the entire facility.

To date Wilton United AFC have invested approximately €200,000 to restore, repair and bring the facility back to a safe and useable state and will be maintaining the facility going forward in accordance with the conditions of the lease – Appendix 1 and 2 below show the condition of the facility before and after Wilton United AFC had secured the lease.

We note that a copy of the R955/25 declaration (issued on 25/08/2025) was given to ACP under the current referral, however neither Wilton United AFC nor O'Brien and O'Flynn were issued a copy of the R955/25 declaration at that time and did not therefore have the opportunity to refer the declaration to An Coimisiun

Pleanála.[1] Despite this, the club welcomes the opportunity to address the issues raised in the R955/25 declaration, and will do so in the order they are raised in the R955/25 declaration below.

(a) the permanent locking of gates and the consequent restriction of access to the pathways surrounding the playing fields and the restriction of access and use of the lands outside the playing fields by residents of Garrane Darra is development and is not exempted development.

The access gates and fencing at Garranedarragh were erected when the sports facility was first constructed in accordance with the 03/4050 permission granted by Cork County Council. The access gates and fencing was an important part of the permission in order to control access and provide security to the facility.

Wilton United initially locked the pedestrian gate on the western boundary for health and safety reasons, when remedial works began on the site i.e. while the pitch was being laid and seeded, fencing and footpaths were being repaired and the dressing rooms were undergoing necessary repair/refurbishment works etc. There will be further pitch maintenance works undertaken in the coming months.

When these remedial works were completed, the gates were opened on a daily basis, however during this time there was expensive and considerable damage done to the facility. CCTV cameras were smashed, the newly laid pitch had extensive bike tracks, there was graffiti on the clubhouse and there was persistent litter and dog fouling on the playing pitch. Dealing with this level of damage and anti-social behaviour on a regular basis is clearly not sustainable.

The facility at Garranedarragh also serves a full range of club members (who are all members of the local community) including the clubs academy and youth teams. The club is obliged to comply with child protection, insurance, and welfare obligations and as the grounds accommodates players as young as five, the club cannot permit uncontrolled access to the facility.

These issues were raised with the solicitor acting on behalf of Garrane Darra Management Company CLG, but the clubs concerns around public liability, child safety, rubbish, dog fouling etc were not addressed. These are core issues for the club to protect its members and to protect the significant investment in the facility.

Maintenance/access was also dealt with under the planning conditions for the facility. Under Cork County Council Ref. 00/3131 / Appeal ref. 04.130788, condition no. 4 of the Board's permission required a *"grant of planning permission for the sports and recreational facility for the eastern section of the site."* Permission was subsequently granted under Cork County Council Ref. 03/4050 for the construction of a sports, recreational development to include 1 no. soccer pitch, 2 no. tennis courts, basketball area, carparking and ancillary works at Garranedarragh, Cork.

Condition no. 11 of the 03/4050 permission, states that where the sports facility is leased to a sporting club, the **responsibility for maintenance and management of these facilities lies with theclub** .The maintenance and management of the sports facility at Garranedarragh by Wilton United AFC, is not only compliant with the conditions of the 03/4050 permission including condition 11, it is essential if these facilities are to be maintained and managed in

[1] Under section 5(2)(a) of the Planning and Development Act (as amended) a planning authority 'shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under subsection (1), and, **where appropriate**, the owner and occupier of the land in question'.

accordance with the conditions of the 00/3131 (Appeal ref. 04.130788) and 03/4050 permissions.

Condition 12 of the 03/4050 permission states that control of "*access to the recreational facilities and surrounding open space shall be to the satisfaction of the Planning Authority*" which is now Cork City Council.

The club is happy to engage further with the Council on this issue, however It is clear from the evidence provided in Appendices 1 and 2, that open, uncontrolled access to this facility is not in the public interest and most importantly is not a requirement of the 03/4050 permission.

(b) the restriction of access to the N40 walkway is not development.

Agreed.

(c) the erection of Signs 1-4 and is development and is not exempted development and the erection of Sign 5 is development and is exempted development.

Signs 1-3 have been removed. Sign 4 is not within the area leased by Wilton United AFC and will be removed as part of the approved Cork City to Viaduct Greenway Phase 1.

(d) the erection of security camera facing Garrane Darra Estate is development and is exempted development.

Agreed.

(e) the removal of the hard surface of the tennis courts and the removal and failure to appropriately reinstate pathways is development and is not exempted development and

The hard surface of the former tennis courts and the pathways have been repaired and reinstated. These works are considered exempted development in accordance with Section 4(1)(h) of the 2000 Planning and Development Act, as amended (PDA), whereby "*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*".

(f) the erection of fencing/gate edging the parking area and a public road is development and is not exempted development.

The erection of fencing/gate edging the parking area between the former basketball and tennis court areas, on the eastern part of the facility replaced a pre-existing chain link fence at this location, which had fallen into disrepair (see Appendix 1). It was considered that this is exempted development in accordance with Class 11 of Schedule 2 of Part 1 of the Exempted Development – General Regulations whereby the construction, erection, lowering, repair or replacement, of any fence (not being a hoarding or sheet metal fence), is exempted development as long as the replacement fencing does not exceed 2 metres. The replacement fence does not exceed 2 metres and was therefore considered to be in accordance with Class 11 of Schedule 2 of Part 1 of the Exempted Development Regulations, however this fencing will likely need to be removed/modified as part of future plans and the club is happy to address the fencing as part of that planning application process. This should not affect the

There are therefore no outstanding issues associated with Garranedarragh that would affect ACP's referral decision and it is submitted that the replacement of an existing natural grass soccer pitch with an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development, on the basis that:

> **Class 33(c)** ***"development consisting of the laying out and use of land for athletic 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."***

There are no conditions and limitations relating to this class of development (i.e. in Column 2) and as no charge is made for admission of the public to the land at Wilton United Park, it is submitted that the works fall within the scope of Class 33(c) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

In addition to the above, the proposed all-weather (astro) soccer pitch also complies with the provisions of Article 9(1)(a) of the Planning Regulations in that it:

- will not contravene a condition attached to a permission (condition no. 11 of the 03/4050 permission, states that where the sports facility at Garranedarragh is leased to a sporting club, the responsibility for maintenance and management of these facilities lies with the club i.e. Wilton United AFC).
- will not consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway.
- will not endanger public safety by reason of traffic hazard or obstruction of road users.
- will not comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building.
- will not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation.
- will not have any effect on the integrity of a European site or natural heritage area.
- will not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure (the grass pitch is authorised under the 03/4050 permission).
- will not preclude or restrict the continuance of the existing use (the proposed all-weather pitch will ensure the continuation of the existing, pitch use).
- will not obstruct any public right of way (there are no public rights of way through the property).
- will not comprise works to a protected structure or the carrying out of material works to the exterior of a structure within an architectural conservation area.
- does not consist of or comprise the carrying out of works of any structure which conflicts with any objective of the relevant local authority development plan or local area plan.

It is therefore submitted that the provision of an all-weather (astro) soccer pitch at Wilton United Park, Garranedarragh, Cork is exempted development on the basis that the works fall within the scope of Class 33(c) of Part 1 of Schedule 2 of the Planning Regulations, being development

consisting of the laying out and use of land for athletics or sports, where no charge is made for admission of the public to the land.

Please do not hesitate to contact us should you require any further information.

Tom Halley

McCutcheon Halley

Appendix 1: Condition of Garranedarragh Sports Grounds - Photos taken 2023 to 2024 (before remedial works by Wilton United AFC)









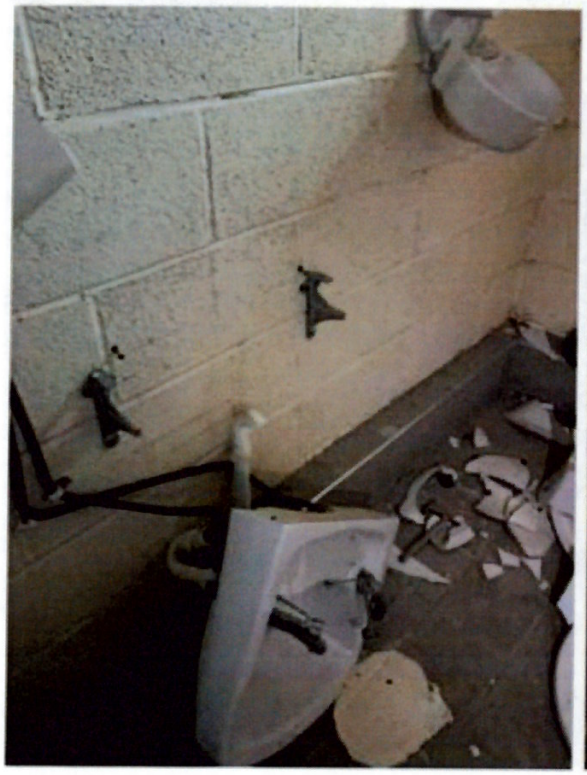


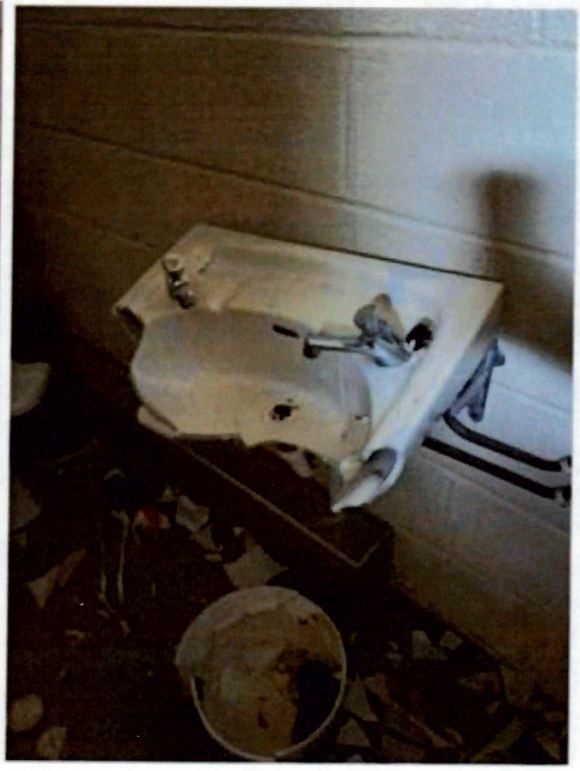


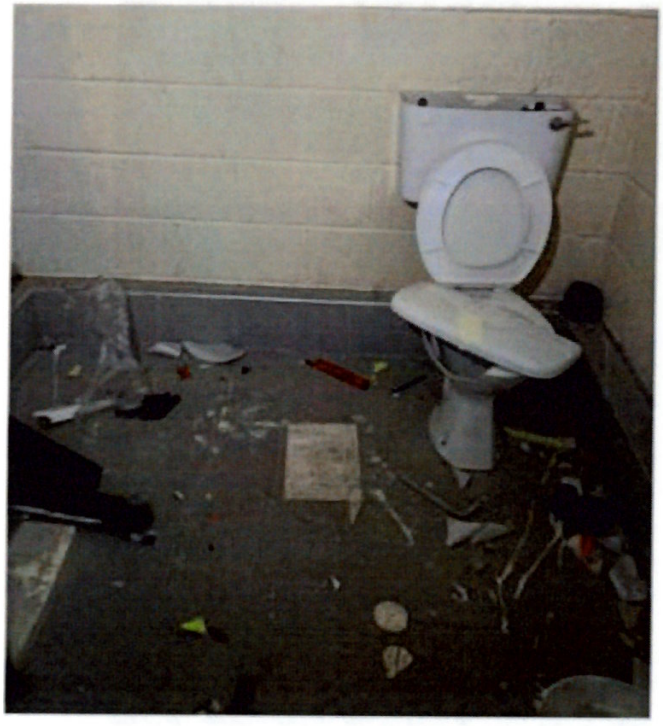


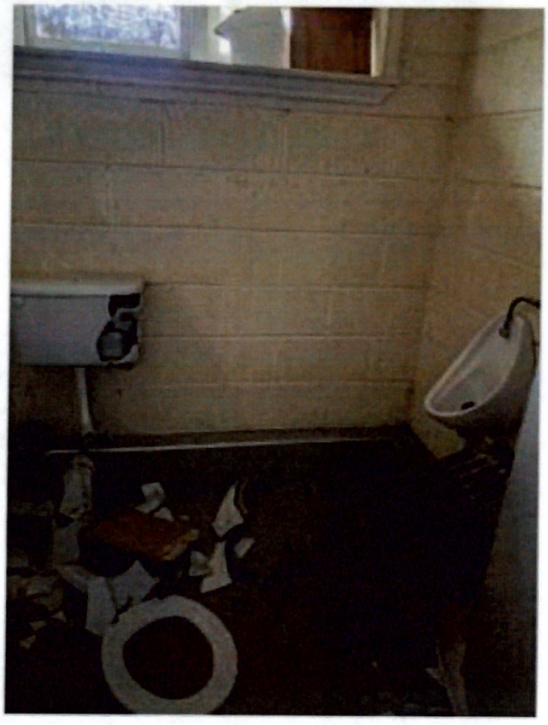


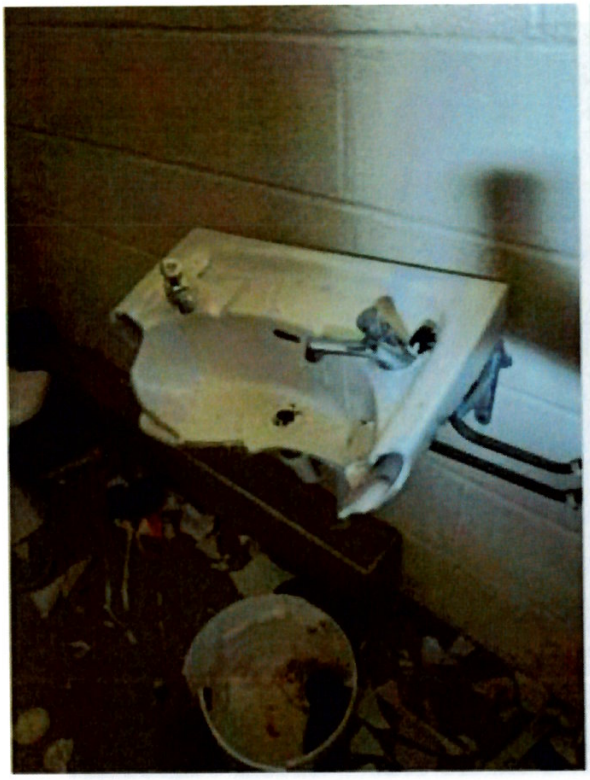


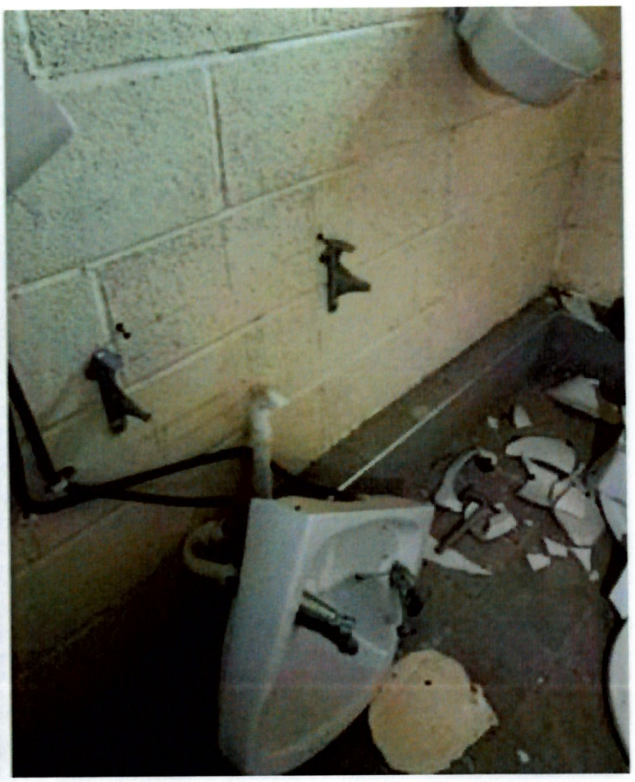




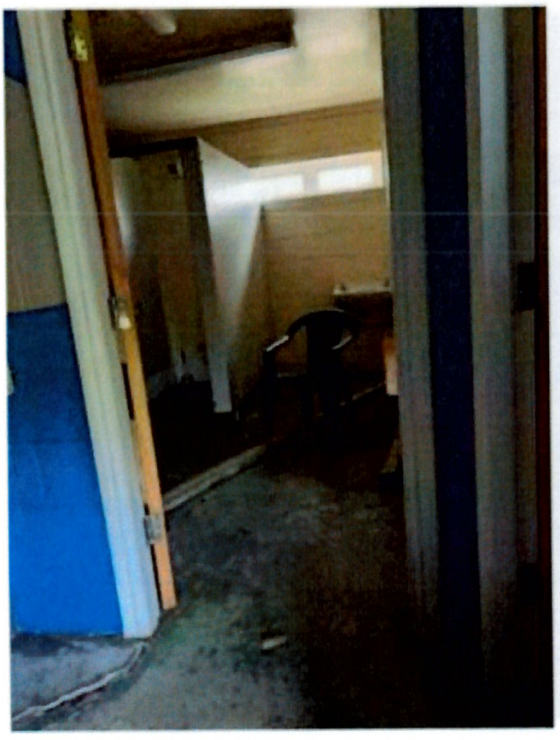









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Appendix 2: Sporting Facility at Garranedarragh in 2025/6 following remedial works by Wilton United AFC











