Comhairle Cathrach Chorcaí
Cork City Council

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

O'Brien O'Flynn Construction Unlimited,
Doughcloyne House,
Vicars Road,
Togher,
Cork T12 WY89

22/04/2022

**RE: Section 5 Declaration R705/22 Sarsfield Heights, Doughcloyne, Sarsfield Road, Cork**

A Chara,

***Please see below response in relation to a Section 5 application which was submitted on a land/structure in which you are the legal owner:***

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise as follows:

In view of the above and having regard particularly to —

(a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
(b) the planning history of the site
(c) Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing and Circular Letter NRUP 03/2021

The Planning Authority has concluded that –

(a) the permitted use of the development (permitted under planning register reference number, 174877 ABP 249194, 185275 and 2140139) is residential
(b) the proposed use of the dwelling units may be by an approved housing body, which is not considered to come within the scope of a commercial institutional investment in housing
(c) the proposed use which may be by an approved housing body would remain in residential use and this would not be material in planning terms and, therefore, is not development
(d) there is no evidence that the development will be used predominately/exclusively Part V, PDA housing.

Is mise le meas,

**Kate Magner**
**Development Management Section**
**Community, Culture and Placemaking Directorate**
**Cork City Council**

Comhairle Cathrach Chorcaí
Cork City Council

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

The Treasurer,
Eagle Valley Residents Association,
c/o William O'Brien,
113 Eagle Valley,
Sarsfield Road,
Wilton,
Cork T12 D90W

22/04/2022

**RE: Section 5 Declaration R705/22 Sarsfield Heights, Doughcloyne, Sarsfield Road, Cork**

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise as follows:

In view of the above and having regard particularly to —

(a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
(b) the planning history of the site
(c) Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing and Circular Letter NRUP 03/2021

The Planning Authority has concluded that –

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(d) there is no evidence that the development will be used predominately/exclusively Part V, PDA housing.

Is mise le meas,

Kate Magner

**Kate Magner**
**Development Management Section**
**Community, Culture and Placemaking Directorate**
**Cork City Council**

## Yvonne Hogan

**From:** Yvonne Hogan
**Sent:** Thursday 21 April 2022 14:21
**To:** Valerie Kavanagh
**Cc:** Fiona Redmond
**Subject:** FW: R705.22 Sarsfield Heights, Doughcloyne
**Attachments:** R705.22 Sarsfield Heights Doughcloyne Sarsfield Road, Cork.docx

Val

Here's my report for this Section 5 Referral.

The referral should also be sent to the developer O'Brien O'Flynn under Section 5(2)(a).....*Subject to F43 [ paragraphs (b) and (ba) ] , 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, within 4 weeks of the receipt of the request.*

I've the file. The contact details are on the last page of the report.

Yvonne

| SECTION 5 DECLARATION – PLANNER'S REPORT | |
|---|---|
| **File Reference:** | R705.22 |
| **Description:** | Whether the use of the development 'Sarsfield Heights' for institutional purposes and as predominately/exclusively Part V PDA housing is or is not development or is or is not exempted development. |
| **Applicant:** | Eagle Valley Residents Association |
| **Location:** | Sarsfield Heights, Doughcloyne, Sarsfield Road, Cork |

## 1. Purpose of Report

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

## 2. Site Location

The site the subject of this referral is located approximately 4km to the south west of Cork City, in the townland of Doughcloyne, Wilton. The site has frontage onto Sarsfield Road to the east and the Eagle Hall Road, to the south of the site. Eagle Hall Road provides access to the wider Eagle Valley and Garrane Darra residential estates. The area has a mix of uses, including the Doughcloyne Industrial estate to the north and residential to the west. Immediately to the west, there is an industrial unit with a church and funeral home to the south, across the Eagle Hall road. The site has a stated area of 2.5ha and there is a housing estate under construction.

## 3. The Question before the Planning Authority

Whether the use of the development 'Sarsfield Heights' for institutional purposes and as predominately/exclusively Part V housing is or is not development or is or is not exempted development.

## 4. Planning history

174877 George Maloney Joint Statutory Receiver of O'Brien & O'Flynn Unlimited Company (in receivership and liquidation)

The construction of a residential development consisting of 73 no. residential units and all associated ancillary development works including access roads, parking, footpaths, landscaping, drainage and amenity areas. Access to the proposed development will be via the existing entrance and access on to the Eagle Valley Road
Sarsfield Road, Doughcloyne, Wilton

Outcome: Permission granted subject to conditions
First party appeal ref: 04.249194
Outcome: Split decision
Permission granted for 41 units subject to conditions – (Blocks 1, 2, 3, 4, 5, 9, 10, 16, 17)

*Condition no 2:* *This permission permits the development of 41 number units only. Blocks identified as numbers 8 and 15 shall be omitted. These blocks shall be replaced with blocks identical to blocks numbered 6 and 10.*
*Reason: In the interest of clarity.*
*Condition no 14:* *Part V*

Permission refused (Blocks 8, 11, 12, 13, 14 and 15)
*Having regard to the proximity of the proposed development to the commercial park to the north and to the non-compliance of the apartments and duplexes with Ministerial Guidelines, the Board considered that this element of the proposed development would seriously injure the residential amenities of future occupants of the development and would therefore, be contrary to the proper planning and sustainable development of the area.*

185275 George Maloney, Joint Statutory Receiver of O'Brien and O'Flynn Unlimited Company (In Receivership)
The construction of 27 no. residential units comprising 12 no. additional apartments, 12 no. additional duplex apartments and change of design to 3 no. previously permitted townhouses and all associated ancillary development works including access roads, parking, footpaths, landscaping, 2 no. bin stores, drainage and amenity areas. Access to the proposed development will be via the existing entrance and access on to the Eagle Valley Road. The proposed development will include modifications and partial change of layout to residential development permitted under An Bord Pleanála Reg. PL04.249194 and Cork County Council Reg. 17/4877
Sarsfield Road, Doughcloyne, Wilton

Outcome: Permission granted subject to conditions
*Condition no 36:* *Part V*

2140139 O'Brien and O'Flynn
Permission for the construction of 4 no. residential units at Doughcloyne, Sarsfield Road, Wilton, Cork. To comprising 2 no. additional apartments, 2 no. additional duplex apartments and all associated ancillary development works including access roads, parking, footpaths, landscaping, 1 no. bin stores relocation of ESB substation and all ancillary site works. Access to the proposed development will be via the existing entrance and access on to the Eagle Valley Road. The development will include modifications and partial change of layout to residential development permitted under An Bord Pleanala Reg. PL04.249194 and Cork County Council Reg. 18/05275
Sarsfield Road, Doughcloyne, Wilton

Outcome: Permission granted subject to conditions
*Condition no 9:* *Part V*

A total of 69 units have been granted permission on the site.

## 5. Planning legislation

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

*Section 2(1) of the Act defines:*
*"exempted development" has the meaning specified in section 4.*

*"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which*

*was designed for use as 2 or more dwellings, or a flat, an apartment, or other dwelling within such a building".*

*"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

*Section 3(1) of the Act defines:*
*"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(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, as amended.*

*Section 4(3)*

*A reference in this Act to exempted development shall be construed as a reference to development which is—*

*(a) any of the developments specified in subsection (1), or*

*(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.*

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

*Article 6(1)*

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempt development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

*Article 9(1)*

Development to which article 6 relates shall not be exempted development for the purposes of the Act – sets out a number of restrictions.

*Class 14 – Part 1 of Schedule 2*

This class sets out a number of change of use.

*Article 10 Changes of use*

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

(a) involve the carrying out of any works other than works which are exempted development,

(b) contravene a condition attached to a permission under the Act,

(c) be inconsistent with any use specified or included in such a permission, or

(d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

*Part 4 of Schedule 2*

Exempted development – Classes of Use

**5.3 Circular Letter NRUP 03/2021 (21.05.2021) & Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing**

*Circular Letter NRUP 03/2021 (21.05.2021)*

This circular letter gives an overview on the ministerial planning guidelines issued under Section 28 of the Planning Development Act 2000 (as amended), to address the regulation of commercial institutional investment in certain housing developments.

The purpose of the guidelines is to ensure that new 'own-door' houses and duplex units in housing developments are not bulk-purchased by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost-rental housing.

The guidelines set out two alternative planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development that includes 5 or more houses and/or duplex units.

The two planning conditions restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing. To achieve this, the two planning conditions also require the applicant to enter into an agreement with the planning authority, which may be terminated in certain circumstances.

The guidelines are applicable to all relevant decisions made to grant planning permission including decisions on Strategic Housing Development (SHD) applications to An Bord Pleanála, made after 19th May 2021, i.e. from 20th May 2021.

*Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing*

3.0 Current Planning Provisions for 'Build-to-Rent'

Rather than specify 'build-to-rent' for planning application purposes, most development proposals are subject to applications for, and permitted as, general housing development. This enables maximum flexibility and can facilitate 'build-to-sell' type development, but it also enables any permitted development to be acquired in full or in part, for private rented sector (PRS) commercial investment purposes, without any specific 'build-to-rent' planning status.

4.0 New Planning Provision for Restrictions on Use of Houses and Duplex Units

In order to give effect to the policy requirement to regulate commercial institutional investment in granting planning permission for certain types of new residential development, these guidelines set out two alternative planning conditions, further to Sections 39(2) and 47 of the Planning and Development Act 2000 (as amended), to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development.

Section 39(2) of the Planning and Development Act 2000 (as amended) states that a grant of planning permission for a structure to be used a dwelling "...may also be granted subject to a condition specifying that the use as a dwelling shall be restricted to use by persons of a particular class or description and that provision to that effect shall be embodied in an agreement under section 47" of the Planning Act.

Section 47 of the Planning and Development Act 2000 states that "A planning authority may enter into an agreement with any person interested in land in their area, for the purpose of restricting or regulating the

development or use of the land, either permanently or during such period as may be specified by the agreement..."

Accordingly, a structure to be used as a dwelling to which these guidelines applies is:-
a) A house, defined as not including a building designed for use or used as two or more dwellings or a flat, an apartment or other dwelling within such a building,
and,
b) A duplex unit, defined as a dwelling within a building designed for use as two individual dwellings and/or on one shared plot, with separate entrances.

The persons of a particular class or description to which planning permission for new houses shall be restricted, by agreement are:-
a) individual purchasers, i.e. those not being a corporate entity,
and,
b) those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Further to the above, planning authorities and An Bord Pleanála shall, on granting planning permission for new residential development that is not specified as being for 'build-to-rent' purposes at planning application stage, have regard to the need to apply the following planning conditions, further to Sections 39(2) and 47 of the Planning and Development Act 2000 (as amended) in respect of all housing developments that include 5 or more houses and/or duplex units.

## 6. Assessment

This referral has been submitted by Eagle Valley Residents' Association. Eagle Valley residential estate adjoins the subject site.

### 6.1 Development

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

As noted above Section 3(1) of the Planning and Development Act states that: '*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.*

The referral has queried whether the use for '*institutional purposes*' and as '*predominately/exclusively Part V PDA Housing is or is not development*'. It is stated that the existing use is '*72 residential units including approximately 6 units under Part V obligations*'. The proposed use is '*65 or more units to be Part V units and under institutional ownership/tenure*'. It is outlined that the '*proposed institutional ownership*' is '*Respond Housing Association*'.

This proposed use has not been substantiated by the referring party/residents' association.

The subject matter of this Section 5 referral is the '*use*' of the development.

The permitted scheme is for a residential development, comprising of 69 units in total, with each residential units coming within the definition of '*house*' in Section 2 of the Act.

The question is whether is a material change of use of the residential units and/or land.

The site is located within the southern environs of Cork city. The site is zoned SE-R-12 which is a residential zoning. This zoning has the following specific development objectives: *Medium A density residential*

*development. Any proposals for this site will include a detailed traffic impact assessment and will address the need for road and junction improvements in the vicinity. The objective also notes that Airport Public Safety Zones and Obstacle Limitation Surfaces Objective applies.*

There have been a number of grants of planning permission on the site. A residential scheme is under construction, with some housing units and ground works at advanced stage of construction.

It was subject to a number of conditions, including a condition re Part V of the Planning and Development Act 2000 as amended.

It does not appear that any of the units are presently occupied. Accordingly, the use has not yet commenced.

I am of the opinion that this scheme was permitted as a *'general housing development'* (ref *'Ministerial Planning Guidelines Regulation of Commercial Institutional Investment in Housing'*). The authorised use is residential.

The grants of planning permission for this estate/site pre-date the Regulation of Commercial Institutional Investment in Housing brought in last year, in May 2021.

Other than Part V conditions which is for the provision of social housing support, there were no conditions were attached to the grants of planning permission restricting the use of the permitted units to persons of a particular class or description.

Respond Housing Association is an Approved Housing Body (AHB). An AHB is an independent, not-for-profit organisation and provides affordable rented housing for people who cannot afford to pay private sector rents or buy their own homes; or for particular groups, such as older people or homeless people. Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 enables housing authorities, among other things, to provide assistance to AHBs for the provision of housing.

Respond Housing Association would not come within the scope of a being a *'corporate entity'*. If Respond Housing Association are the owners, this would not be classified as being a *'commercial institutional investment'*.

The use of the development based on the information provided is not deemed to be an institutional use.

In the planning legislation the use of houses by an approved housing body is not specified as a separate class of use.

With regard to Part V of the Planning and Development Act 2000 as amended conditions were attached to the grants of planning permission under Section 96 of the Act. Section 96 relates to the provision of social and affordable housing. The Part V conditions continue a residential use and the occupancy of any the houses to comply with Part V requirements do not result in a change of use. The developer would need to comply with the conditions attached to the grant of planning permission. There is no evidence that the development would be predominately/exclusively for Part V.

It is considered that the proposed use of the development is residential, and the use would fall within the permitted use.

There would be no substantial change in the character in planning terms and there would be no material impacts on the proper planning and sustainable development of the area. This means that there would be

no change in the use of the development. The difference between the authorised use of this development, and the proposed use, is not deemed significant in planning terms, and is therefore not material.

It is considered that the subject matter of the referral does not result in a material change of use of the development as permitted.

### 6.3 Environmental Assessment & Restrictions on Exemption

A number of restrictions on exemption are set out in Section 4(4) of the Act and Article 9 of the Regulations.

This referral relates to the use of the development and dose not query any works.

Having regard to the contents of Article 103 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 environmental impact assessment is not required.

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 these European sites. Accordingly, it is considered that appropriate assessment is not required.

## 7. Conclusion & Recommendation

The Planning Authority in considering this referral, had regard particularly to –

(a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
(b) the planning history of the site
(c) Ministerial Planning Guidelines under Section 28 of the Planning and Development Act 2000 (as amended), Regulation of Commercial Institutional Investment in Housing and Circular Letter NRUP 03/2021

The Planning Authority has concluded that –

(a) the permitted use of the development (permitted under planning register reference number, 174877 ABP 249194, 185275 and 2140139) is residential
(b) the proposed use of the dwelling units may be by an approved housing body, which is not considered to come within the scope of a commercial institutional investment in housing
(c) the proposed use which may be by an approved housing body would remain in residential use and this would not be material in planning terms and, therefore, is not development
(d) there is no evidence that the development will be used predominately/exclusively Part V, PDA housing.

Yvonne Hogan
A/SEP, Planning Department
21.04.2022

*Contact details for Eagle Valley Residents Association:*
The Treasurer
Eagle Valley Residents Association
c/o William O'Brien
113 Eagle Valley
Sarsfield Road
Wilton
Cork
T12 D90W
association@eaglevalley.ie

*Contact details for O'Brien O'Flynn:*
O'Brien O'Flynn Construction Unlimited
Doughcloyne House
Vicars Road
Togher
Cork
T12 WY89

Eagle Valley Association of Residents & Home Owners
C/O Mr. William O'Brien, Treasurer,
113 Eagle Valley, Sarsfield Road,
Wilton, Cork T12 D90W

Community, Culture & Placemaking Directorate,
Cork City Council,
City Hall, Anglesea Street, Cork.

3rd April 2022

To Whom It May Concern,

I am writing further to our 14/02/2022 submission of the attached Section 5 Declaration Application Form re. the Sarsfield Heights development on Sarsfield Road.

We have heard nothing from Cork City Council and it is our understanding that we should have received a response within 4 weeks from 14/2/2022. We note that the cheque for the €80 fee cleared on 24/2/2022.

Would you please advise?

On behalf of the Members of Eagle Valley Association of Residents & Homeowners,

Sincerely,

Liam O Brien

William O'Brien
Treasurer
Eagle Valley Association Of Residents & Home Owners
Email: [redacted]
Phone: [redacted]

DEVELOPMENT MANAGEMENT
CCP
06 APR 2022
CORK CITY COUNCIL

**COMHAIRLE CATHRACH CHORCAÍ**
**CORK CITY COUNCIL**

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924762
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

"Sarsfield Heights", Doughcloyne, Sarsfield Road, Wilton, Cork

## 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.*

Whether the use of development "Sarsfield Heights", PA Ref 1704877/PL 04.249194, PA Ref 85275 & PA Ref 2140139/ABP-311519-21 for institutional purposes and as predominantly/exclusively Part 5, PDA, housing is or is not development or is or is not exempted development.

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**

*(Use additional sheets if required).*

3. **Are you aware of any enforcement proceedings connected to this site?** **No**
   ***If so please supply details:***

4. **Is this a Protected Structure or within the curtilage of a Protected Structure?** [X]

   **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?** [ ]

5. **Was there previous relevant planning application/s on this site?** [ ]
   *If so please supply details:*
   Cork County Council PA Ref 1704877/PL 04.249194, PA Ref 85275,
   and Cork City Council PA Ref2140139/ABP-311519-21

6. **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 | |
| (b) If a domestic extension, have any previous extensions/structures been erected at this location after 1st October, 1964, (including those for which planning permission has been obtained)? | Yes [ ] No [ ]<br>If yes, please provide floor areas. (sq m)<br>_____ |
| (c) If concerning a change of use of land and / or building(s), please state the following: | |
| Existing/ previous use (please circle)<br>**Existing use:** 72 residential units including approximately 6 units under Part V obligations, | Proposed/existing use (please circle)<br>**Proposed Use:** 65 or more units to be Part V units and under institutional ownership/tenure |

**8. LEGAL INTEREST**

| | | |
|---|---|---|
| Please tick appropriate box to show applicant's legal interest in the land or structure | **A.** Owner | **B.** Other [X] |
| Where legal interest is **'Other'**, please state your interest in the land/structure in question | Association of Neighbouring Home Owners & Residents | |
| **If you are not the legal owner**, please state the name and address of the owner if available | Current Owner: O'Brien & O'Flynn Construction Unlimited CRO#: IE113117,<br>Doughcloyne House, Vicars Rd, Togher, Cork, T12 WY89 | |

Proposed Institutional Ownership: Respond Housing Association, 5th Floor Saint Francis Gardens, Thomas Davis Street, Blackpool, Cork

**9. I / We confirm that the information contained in the application is true and accurate:**

**Signature:** _____ **Role:** _____

**On behalf of Eagle Valley Association of Residents & Home Owners**

**Date:** _____

# CONTACT DETAILS

**10. Applicant:**

| | |
|---|---|
| ***Name(s)*** | Eagle Valley Association of Residents & Home Owners |
| ***Address*** | C/O Mr. William O'Brien, Treasurer,<br>113 Eagle Valley, Sarsfield Road, Wilton, Cork T12 D90W<br><br>Email: [redacted]<br>Phone: [redacted] |

**11. Person/Agent acting on behalf of the Applicant (if any):**

| | |
|---|---|
| ***Name(s):*** | Mr. William O'Brien, Treasurer |
| ***Address:*** | 113 Eagle Valley, Sarsfield Road, Wilton, Cork T12 D90W |
| ***Telephone:*** | [redacted] |
| ***E-mail address:*** | [redacted] |
| **Should all correspondence be sent to the above address?**<br>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address) | Yes [X] No [ ] |

**12. ADDITIONAL CONTACT DETAILS**

**The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.**

**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.

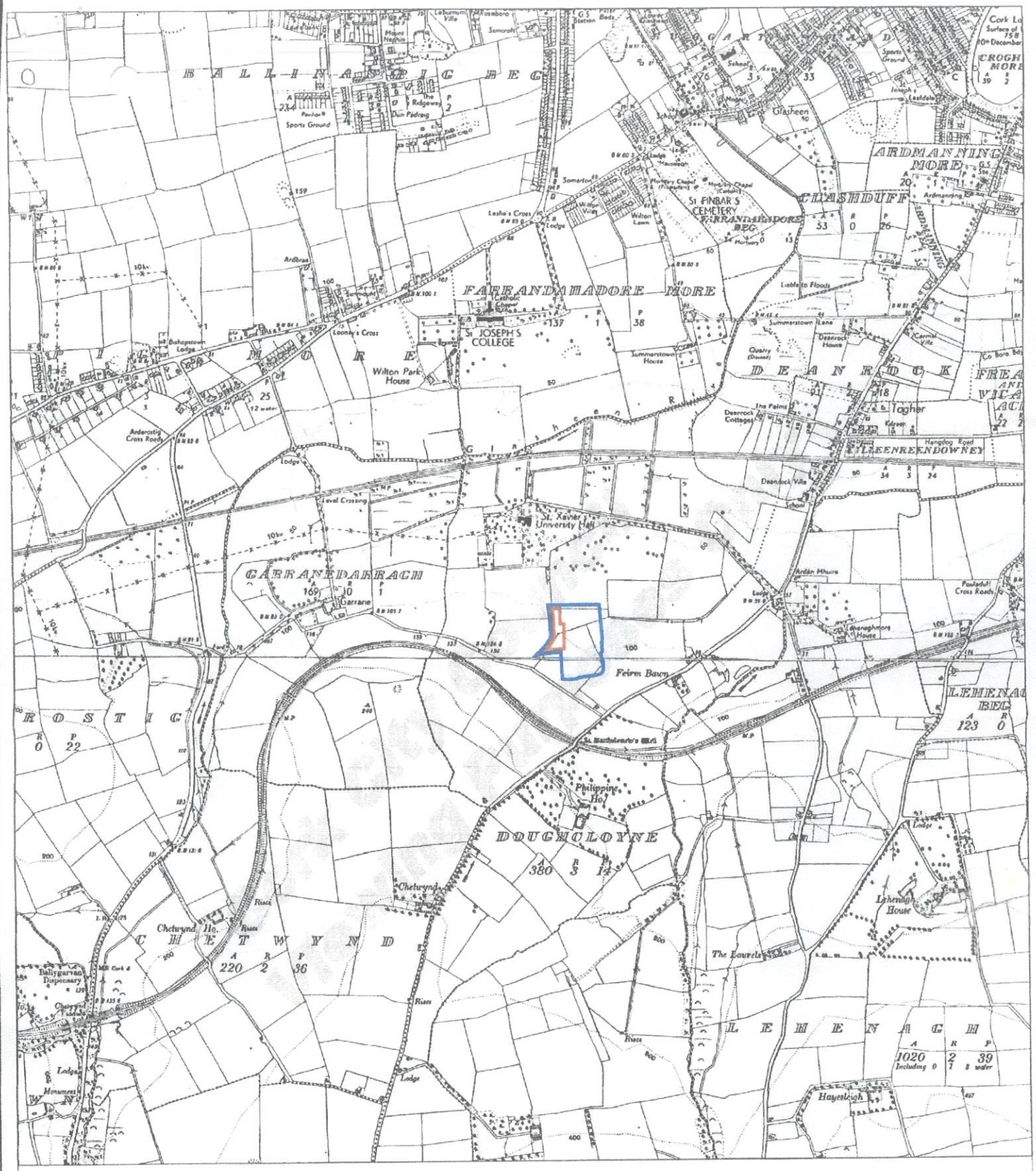
*The application should be sent to the following address:*

**The Development Management Section, Community, Culture & Placemaking 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.




Description:
Historic 6" Latest Edition

Publisher / Source:
Ordnance Survey Ireland (OSI)

Data Source / Reference:
CK073
Revision Date =
Survey Date = 31-Dec-1934
Levelled Date = 31-Dec-1939

CK074
Revision Date =
Survey Date = 31-Dec-1989
Levelled Date = 31-Dec-1956

CK085
Revision Date =
Survey Date = 31-Dec-1934
Levelled Date = 31-Dec-1940

CK086
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1938

File Format:
Tagged Image File Format (TIFF)

File Name:
P_50103450_1.tif

Clip Extent / Area of Interest (AOI):
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LRX,LRY= 567743.0,565366.0
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Projection / Spatial Reference:
IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
X,Y = 565146.0,569871.0

Date Extraction Date:
07-Apr-2021

Product Version:
1.3

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PLANNING DIRECTORATE
28 APR 2021
21/40139

Ordnance Survery Ireland Licence No. EN 0043020
O'SHEA LEADER CONSULTING ENGINEERS

RED LINE INDICATED OUTLINE OF PROPOSED SITE FOR PLANNING BY O'BRIEN & O'FLYNN

BLUE LINE INDICATES EXTENT OF LAND OWNED BY O'BRIEN & O'FLYNN

# O.S. MAP 1:10560

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924762
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

"Sarsfield Heights", Doughcloyne, Sarsfield Road, Wilton, Cork

## 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.*

U/5275

Whether the use of development "Sarsfield Heights", PA Ref 1704877/PL 04.249194, PA Ref 85275 & PA Ref 2140139/ABP-311519-21 for institutional purposes and as predominantly/exclusively Part 5, PDA, housing is or is not development or is or is not exempted development.

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**

*(Use additional sheets if required).*

DEVELOPMENT MANAGEMENT
CCP
17 FEB 2022
CORK CITY COUNCIL

3. **Are you aware of any enforcement proceedings connected to this site?** No
*If so please supply details:*

4. **Is this a Protected Structure or within the curtilage of a Protected Structure?** [X]

**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?** [ ]

5. **Was there previous relevant planning application/s on this site?** [ ]
*If so please supply details:*
Cork County Council PA Ref 1704877/PL 04.249194, PA Ref/85275,
and Cork City Council PA Ref2140139/ABP-311519-21

6. **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 | |
| (b) If a domestic extension, have any previous extensions/structures been erected at this location after 1st October, 1964, (including those for which planning permission has been obtained)? | Yes [ ] No [ ]<br>If yes, please provide floor areas. (sq m)<br>_____ |
| (c) If concerning a change of use of land and / or building(s), please state the following: | |
| Existing/ previous use (please circle)<br>**Existing use:** 72 residential units including approximately 6 units under Part V obligations, | Proposed/existing use (please circle)<br>**Proposed Use:** 65 or more units to be Part V units and under institutional ownership/tenure |

**8. LEGAL INTEREST**

| | | |
|---|---|---|
| Please tick appropriate box to show applicant's legal interest in the land or structure | **A.** Owner | **B.** Other [X] |
| Where legal interest is **'Other'**, please state your interest in the land/structure in question | Association of Neighbouring Home Owners & Residents | |
| **If you are not the legal owner**, please state the name and address of the owner if available | Current Owner: O'Brien & O'Flynn Construction Unlimited CRO#: IE113117,<br>Doughcloyne House, Vicars Rd, Togher, Cork, T12 WY89 | |

Proposed Institutional Ownership: Respond Housing Association, 5th Floor Saint Francis Gardens, Thomas Davis Street, Blackpool, Cork

**9. I / We confirm that the information contained in the application is true and accurate:**

**Signature** William O Brien **Role:** TREASURER EAGLE VALLEY RESIDENTS ASSOCIATION

**On behalf of Eagle Valley Association of Residents & Home Owners**

**Date:** 14-2-2022

# CONTACT DETAILS

**10. Applicant:**

| | |
|---|---|
| ***Name(s)*** | Eagle Valley Association of Residents & Home Owners |
| ***Address*** | C/O Mr. William O'Brien, Treasurer,<br>113 Eagle Valley, Sarsfield Road, Wilton, Cork T12 D90W<br><br>Email: [redacted]<br>Phone: [redacted] |

**11. Person/Agent acting on behalf of the Applicant (if any):**

| | |
|---|---|
| ***Name(s):*** | Mr. William O'Brien, Treasurer |
| ***Address:*** | 113 Eagle Valley, Sarsfield Road, Wilton, Cork T12 D90W |
| ***Telephone:*** | [redacted] |
| ***E-mail address:*** | [redacted] |
| **Should all correspondence be sent to the above address?**<br>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address) | Yes [X] No [ ] |

**12. ADDITIONAL CONTACT DETAILS**

**The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.**

**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, Community, Culture & Placemaking 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.

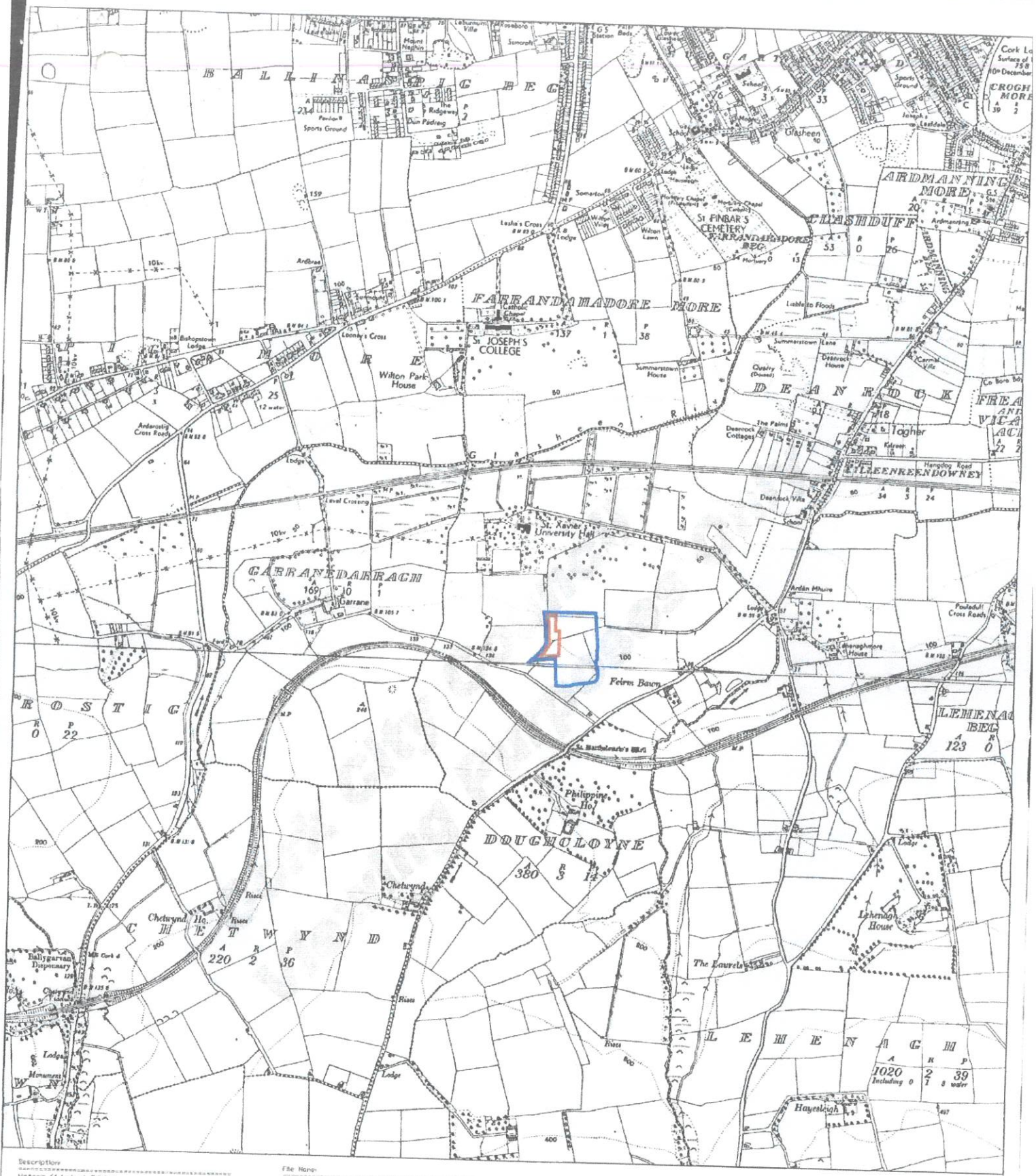
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.

- 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.




Description:
Historic 6" Latest Edition

Publisher / Source:
Ordnance Survey Ireland (OSI)

Data Source / Reference:
CK073
Revision Date =
Survey Date = 31-Dec-1934
Levelled Date = 31-Dec-1939

CK074
Revision Date =
Survey Date = 31-Dec-1929
Levelled Date = 31-Dec-1956

CK085
Revision Date =
Survey Date = 31-Dec-1934
Levelled Date = 31-Dec-1940

CK086
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1938

File Format:
Tagged Image File Format (TIFF)

File Name:
P_50183458_1.tif

Clip Extent / Area of Interest (AOI):
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LRX,LRY= 567743.0,565366.0
ULX,ULY= 562549.0,572376.0
URX,URY= 567743.0,572376.0

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O'SHEA LEADER CONSULTING ENGINEERS

RED LINE INDICATED OUTLINE OF PROPOSED SITE FOR PLANNING BY O'BRIEN & O'FLYNN

BLUE LINE INDICATES EXTENT OF LAND OWNED BY O'BRIEN & O'FLYNN

O.S. MAP 1:10560

CORK CITY COUNCIL
CITY HALL
CORK

18/02/2022 12:16:29

Receipt No. : PLAN3/0/7823821
***** REPRINT *****

R705 22
Eagle Valley

EXEMPTION CERTS - FEES 58800 80.00
GOODS 80.00
VAT Exempt/Non-vatable
R705 22

Total : 80.00 EUR

Tendered :
Cheque 80.00
000057

Change : 0.00

Issued By : Eoghan Fahy
From : Planning Dept. 3
Vat reg No.0005426M

CORK CITY COUNCIL
CITY HALL
CORK

18/02/2022 12:16:29

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# PLANNING DEVELOPMENT MANAGEMENT

## CASHDESK RECEIPT CHECKLIST

**Name:** William O' Brien

**Amount:** 80.00 **TP No.:** R705/22.

**Description/ Address:** Eagle Valley Residents & Home Owners

| Business Unit | Description |
|---|---|
| I4110 | Copies of Planning Permission<br>• Copies of Planning Decisions<br>• Copies of Final Grant<br>• General copying<br>• Archive Retrieval<br>• Microfiche |
| I4114 | • Application Fees |
| I4116 | • Section 5 applications (Exemption Certs)<br>• Extension of Duration Applications<br>• Planning Searches |
| I4117 | • Submissions/Objections on Planning Applications |
| I4118 | • Recouped Enforcement Expenses |
| I4121 | • Section 254 Licence fees (Fingerpost signs) |
| I4122 | • SHD Fees (Strategic Housing Developments) |
| I4124 | • Planning Bond Letters |
| I4100 | • Outdoor Event Licences |

**Planning Contributions**

TP No. : R705/22 JDE Account No.: _____

Amount: €80.00

**Signed:** K Begin **Date:** _____