



Comhairle Cathrach Chorcaí Cork City Council

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

Niche Health Project Cork CLG,
HSE Building,
Harbour View Road,
Knocknaheeny,
Cork T23 XY16.

10/11/2022

RE: **Section 5 Declaration R746/22 Hollyhill Community Garden,
Hollyhill Estate, Harbour View Road, Cork**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 18th October 2022, 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), and
- Articles 6, 9 and 80 of the Planning and Development Regulations 2001 (as amended),

It is considered that *the construction of a garden room located in the Hollyhill (Knockaheeny) Community Garden* **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**

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, 10th November 2022.

Is mise le meas,

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



We are Cork.

PLANNER'S REPORT Ref. R746/22		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Is the construction of a garden room in the Hollyhill (Knocknaheeny) Community Garden an exempted development as it is both a collaborative and partnership project under section 4 of the Planning and Development Act, 2000, section 4(f).</i>	
Location	Hollyhill Community Garden, Hollyhill, Estate, Harbour View Road, Cork	
Applicant	Niche Health Project Cork CLG	
Date	09/11/2022	
Recommendation	<i>Is Development and Is Exempted Development</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 Q2 of the application form:

Is the construction of a garden room in the Hollyhill (Knocknaheeny) Community Garden an exempted development as it is both a collaborative and partnership project under section 4 of the Planning and Development Act, 2000, section 4(f).

The project proposed and approved by Cork City Council, Healthy Ireland and the HSE is:

- *Funded under the Sláintecare Healthy Communities Programme.*

The Sláintecare Healthy Communities programme is part of Sláintecare Healthy Ireland in the Department of Health that is working with the HSE and local authorities and community agencies, to provide increased health and wellbeing services in 19 community areas across Ireland, of which Hollyhill and Knocknaheeny is a piloted area. The proposed garden studio is to create a wellbeing space in the community garden and is covered under a Service Level Agreement.

- *The proposed garden studio is also a funded project under SEEP (Social Economic and Environmental Plan) programme by the Department of Housing, Planning and Local Government of which Niche Health Project received funding for the garden studio development from Cork City Council.*

Additional Details Regarding Question/ Works/ Development

The applicant makes the following ‘points of note:

- *Cork City Council has provided approval to undertake works on their land.*
- *Niche Health Project has entered into an SLA for the completion of works with Cork City Council and Healthy Ireland (Department of Health).*
- *The studio forms part of a wider master plan to develop the community garden into a more functional space for the community.*
- *The cost of the studio (provided) is less than €100k and is a non-commercial facility.*
- *Many examples of collaboration between city council and Niche exist¹*

3. SITE DESCRIPTION

The site is in Hollyhill, Knocknaheeny to the north of an existing petrol station on Harbour View Road. The site consists of several structures and gardens.

4. PLANNING HISTORY

There is no recent planning history associated with the site.

A similar section 5 application was made earlier this year under ref. R735/22. The question asked in that instance was ‘*is the construction of a garden room as exempted development in a community garden space.*’ It was concluded that the proposal constituted development which is not exempted development.

5. LEGISLATIVE PROVISIONS

5.1 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)(f)

The following shall be exempted developments for the purposes of this Act-development carried out on behalf of, or jointly or in partnership with, a local authority, pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity.

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)

¹ Applicant provide two links to project examples.

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.

5.2 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 1.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act (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..., (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use..., (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

Part 8 - REQUIREMENTS IN RESPECT OF SPECIFIED DEVELOPMENT BY, ON BEHALF OF, OR IN PARTNERSHIP WITH LOCAL AUTHORITIES

Article 80. (1)

Subject to sub-article (2) and sub-section (6) of section 179 of the Act, the following classes of development, hereafter in this Part referred to as “proposed development”, are hereby prescribed for the purposes of section 179 of the Act —

(k) any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.

Article 80. (2)

(c) This Part shall also apply to development which is carried out within the functional area of a local authority that is a planning authority, on behalf of, or in partnership with the local authority, pursuant to a contract with the local authority.

6. ASSESSMENT

The purpose of this report is to assess whether or not the matter in question constitutes development and whether its fall within the scope of exempted development. Matters pertaining to the acceptability of the proposal in respect of the proper planning and sustainable development of the area is not a consideration under section 5.

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.

‘Works’ is defined in section 2(1) of the Act as ‘the carrying out of any works on, in, over, or under land’ including ‘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.’

I consider the construction of a garden room structure on the subject lands constitutes ‘works’ and accordingly constitutes ‘development’

CONCLUSION: Is development.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. Section 2(1) of the Act defines ‘exempted development’ as having ‘the meaning specified in section 4’ of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2).

Section 4(1)(f) of the *Planning and Development Act 2000* (as amended) states that development carried out in partnership with a local authority, pursuant to a contract entered into by the local authority concerned, shall be exempted development. Article 80 of the *Planning and Development Regulations 2001* (as amended) sets out requirements for such developments.

The site is in the ownership of Cork City Council and is subject to a lease for the operation of a Community Garden. The applicant is ‘Niche Health Project Cork CLG’. It is stated in the application form that the project is *‘approved by Cork City Council, Healthy Ireland and the HSE and is funded under the Sláintecare Healthy Communities Programme.’*

The following is noted from the HSE website:

In 2021, Sláintecare Healthy Ireland in the Department of Health, working with the HSE and local authorities and community agencies, launched the Sláintecare Healthy Communities Programme to provide increased health and wellbeing services in 19 community areas across Ireland.

An evidenced based process identified local areas in which health and wellbeing risk factors are particularly concentrated and where particular initiatives will be delivered to help promote and improve the overall health and wellbeing of people in those communities. These initiatives will be delivered through partnership working with a range of partners (HSE, local authorities and community groups) working together to provide dedicated services to build lasting improvements in health and wellbeing.’

The applicant has submitted a copy of the Service Level Agreement (SLA) Contract (unsigned) which indicates Cork City Council as a stakeholder/ partner. The role of the Council is stated as follows in the SLA: *‘Local Authority with responsibility for the delivery of the Sláintecare Healthy Communities programme in the defined area in the Northwest and Northeast of Cork City Centre and the administration, financial oversight and reporting responsibility for the Sláintecare Healthy Communities Enhancement Fund.’* The works are not being carried out by Cork City Council, but it is clear from the information submitted that Cork City Council is a stakeholder in the process. I am satisfied that the subject project is therefore being carried out in partnership with the local authority.

Article 80(1)(k) of the Planning and Development Regulations 2001, as amended, states that ‘any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.’ The applicant has submitted a quote for the proposed garden studio which falls below €126,000 limitation.

CONCLUSION: Is exempted development.

7. ENVIRONMENTAL ASSESSMENT

7.1 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.

7.2 Screening for Appropriate Assessment

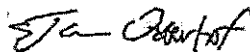
Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant 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.

8. RECOMMENDATION

It In view of the above and having regard to –

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 6, 9 and 80 of the Planning and Development Regulations 2001 (as amended)

The Planning Authority considers that the construction of a garden room located in the Hollyhill (Knocknaheeny) Community Garden **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.



Jan Oosterhof
Assistant Planner

09/11/2022

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
Lionra/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

Organisation	Land or Structure (No Postal Address)
C/O Niche Health Project Cork CLG HSE Building, Harbour View Road, Knocknaheeny, Cork. T23 XY16 Registered Charity Number (RCN): 20204483	Hollyhill (Knocknaheeny) Community Garden Hollyville Estate, Harbour View Road, 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

Is the construction of a garden room in the Hollyhill (Knocknaheeny) Community Garden an exempted development as it is both a collaborative and partnership project under section 4 Planning and Development Act, 2000, section 4 (F):

The project proposed and approved by Cork City Council, Healthy Ireland and the HSE is:

- Funded under the Sláintecare Healthy Communities Programme.

The Sláintecare Healthy Communities programme is part of Sláintecare Healthy Ireland in the Department of Health that is working with the HSE and local authorities and community agencies, to

provide increased health and wellbeing services in 19 community areas across Ireland, of which Hollyhill and Knocknaheeny is a piloted area. The proposed garden studio is to create a wellbeing space in the community garden and is covered under a Service Level Agreement.

- The proposed garden studio is also a funded project under SEEP (Social Economic and Environmental Plan) programme by the Department of Housing, Planning and Local Government of which Niche Health Project received funding for the garden studio development from Cork City Council.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT: (Use additional sheets if required).

Points of Note:

- Cork City Council has provided approval to undertake works on their land.
- Niche Health Project has entered into an SLA for the completion of works with Cork City Council and Healthy Ireland (Department of Health)
- The studio forms part of a wider master plan to develop the community garden into a more functional space for the community.
- The cost of the studio (provided) is less than €100K and is a non-commercial facility
- Many examples of collaboration between city council and Niche exist with two of the most recent:

<https://www.corkcity.ie/en/council-services/news-room/latest-news/learn-how-to-grow-your-own-veg-with-niche-cork.html?searchTermId=202631>

<https://www.echolive.ie/corknews/arid-40967948.html>

1. 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	35 SQM
(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 X 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)
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2. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		Niche Health Project Cork CLG	
Applicants Address	HSE Building, Harbour View Road, Knocknaheeny, Cork. T23 XY16 Registered Charity Number (RCN): 20204483		
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? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

3. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	Tenant Lease with Cork City Council for the operation of a Community Garden	
If you are not the legal owner, please state the name and address of the owner if available	Cork City Council City Hall, Anglesea Street, Cork, T12 T997	

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

Signature: Seán Keogh

Date: 18/10/2022

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 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

Kate Magner

From: Brian Kelleher <[REDACTED]>
Sent: Tuesday 18 October 2022 20:08
To: preplanning
Cc: Kate Magner; Tanya O Sullivan; Stephen Murphy; Theresa Mccarthy (Community Worker)
Subject: Section 5 Declaration Niche Health Project
Attachments: Ultimate 28.5 Dusk 3.jpg; 1 Ultimate 25.jpg; 4 Ultimate 27.jpg; 33 Ultimate 28.5.jpg; 20211220_SLA_NICHE_Health_Project_Slaintecare.docx; Approval.pdf; CNWQR 2021 Approval Letter Niche.docx; Floor, Walls and Roof Specifications..pdf; IMG-20220602-WA0001.jpg; IMG-20220602-WA0002.jpg; IMG-20220602-WA0003.jpg; IMG-20220602-WA0004.jpg; IMG-20220602-WA0005.jpg; IMG-20220602-WA0006.jpg; IMG-20220602-WA0007.jpg; IMG-20220602-WA0008.jpg; IMG-20220602-WA00011.jpg; Knocknaheeny Hollyhill Community Garden Outline Plan.pptx; NICHE Health Project - Ultimate 35 - Floor Plan.pdf; NICHE Health Project Cork - Estimate CUBE 35.pdf; Section_5.pdf; Ultimate 28.5 Dusk 2.jpg

[EXTERNAL EMAIL] This email originated from outside Cork City Council. Do not follow guidance, click links or attachments unless you recognise the sender and know the content is safe.

Good Evening,

Please see attached a section 5 declaration form for Niche Health Project Cork CLG.

For additional information I have attached:

- Images of proposed design
- SLA Contract with Cork City Council under Slaintecare
- Letter of consent of works and area scale
- SEEP Funding approval from Cork City Council
- Floor, Walls and Roof Spec
- Site photos
- Master community garden outline plan
- Floor Plan
- Quotation

Should any further information be provided, I would greatly appreciate the opportunity to engage.

Kind Regards,
Brian

Brian Kelleher,
Manager,
NICHE Health Project (Cork) CLG
HSE Building, Harbour View Road, Knocknaheeny, Cork. T23 XY16
t. [REDACTED]
m. [REDACTED]
e-mail: [REDACTED]



PAGES OF THE
PROPOSED DESIGN.











Sláintecare.
**Healthy
Communities**



Cork City Council and NICHE Health Project (Cork) CLG

Service-Level Agreement in respect to Slaintecare Healthy Communities Enhancement fund 2021.

Key stakeholders

Healthy Ireland, A Framework for Improved Health and Wellbeing 2013-2025 is the national framework for action to improve the health and wellbeing of Ireland over the coming generation.

Sláintecare Healthy Communities Programme ("the Programme"). The purpose of the Programme is to reduce health inequalities by addressing the wider social determinants of health in communities experiencing high levels of deprivation. A nationally agreed structure has been agreed to action these initiatives from national to local level.

NICHE Health Project (Cork) CLG (The Organisation) is a community health initiative working within Knocknaheeny, Hollyhill and surrounding areas of Cork city to improve health, wellbeing and quality of life.

Niche Mission statement: To involve the local community in meaningful partnerships with NICHE and others to develop actions to improve and sustain health and well-being outcomes.

NICHE is a Company Limited by Guarantee it's board of management is made up of representatives of the local community, HSE, UCC and independent members.

Cork City Council (The Council) Local Authority with responsibility for the delivery of the Slaintecare Healthy Communities programme in the defined area in the Northwest and Northeast of Cork City Centre and the administration, financial oversight and reporting responsibility for the Slaintecare Healthy Communities Enhancement Fund.

The purpose of this SLA is to provide an agreement between **the Council** and **the Organisation** on the expenditure, administration and reporting of the Slaintecare Healthy Communities enhancement fund as out lined in table 1.1 below.

<p>Knocknaheeny Health Activity Hub Upgrade and redesign of indoor and outdoor space to enable provision of health activities.</p> <p>Lead organisation NICHE Health Project</p>	<p>Knocknaheeny/Hollyhill/Churchfield Timeline: Ready for immediate start- work should take approx. 18-24 months.</p>	<p>Slaintecare: €30,000 Total Cost: €40,000 (Slaintecare €30,000, SEEP €10,000). Breakdown:</p> <ol style="list-style-type: none"> 1. €30,000 - Installation of Studio Structure. This is a 25sqm structure which can be put in place without planning permission. Prices range from €21,000 to €40,000 depending on the provider. We have budgeted for 30,000 from Slaintecare and the NICHE project will fund any shortfall in costs. 2. €2,513 – EV Rad x 7 Rads in current structure. 3. €1,300 Installation X 2 days. 4. €4,000 Kitchen Workstations X 8 in current structure. 5. €2,187 Wheelchair raised beds and accessibility. 	<p>Social Economic Environmental Plan Funding through Regeneration Fund €10,000</p>
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The Duration of this Agreement.

This agreement shall be deemed to have commenced with effect on the date of signing by both parties and shall continue to operate up to and including to 31st December 31st 2024 (the duration of the Slaintecare Healthy Communities Programme This agreement will be in place from the date of commencement for the duration of the SLA) unless terminated earlier in accordance with this Agreement.

An Annual review will be conducted by the Council and the organisation in association with Slaintecare Section of Department of Health at a time and date convenient to all parties.

In the event of a need to terminate this agreement the **Organisation** shall give a minimum of one month notice in writing to **the Council** of its intention to terminate this Agreement. During this one month, the **Organisation** shall continue to operate the services which are provided for in this Agreement.

The Role, Responsibilities and Actions of the Parties

The Organisation agrees that they

1. Are responsible, along with partner organisations, for ensuring that the project and programme of work corresponds to the programme of work outlined in Table 1.1
2. That any change of activities of the project by **the Organisation** must be notified to **the Council** in advance in writing. Any such change will be subject to the agreement of the parties and Slaintecare Section of Department of Health.
3. Will have in place policies, systems and procedures that are complied with by the project staff and volunteers, and mirror best practice in the provision of Child Protection Policy, Health and Safety Policy, and a Code of Good Practice.
4. Will comply with all relevant statutory and legal obligations in respect of all matters relating to the project.
 - a. **The Organisation** is required to comply with the highest standard of transparency and accountability and adhere to the procurement laws and guidelines provisioned by Government of Ireland
<https://www.gov.ie/en/publication/c23f5-public-procurement-guidelines-for-goods-and-services/>
5. The Organisation agrees to reimburse any under spends of monies pertaining to the Slaintecare Healthy Communities Community Enhancement Fund following the final financial report or under spend found as the result of an audit.

Communication and reporting structures

1. **The organisation** will nominate a contact person to liaise in relation to all queries and questions pertaining to the Slaintecare healthy Communities Enhancement Fund by **the Council**.
2. The Organisation are required to provide photographic evidence of the progress of works undertaken with the Slaintecare Healthy Communities Enhancement fund 2021 and as outlined in Table 1.1.
3. **The organisation** will be asked to provide **the Council** with a brief progress update on a biannual basis including an outline of the progress of works and a financial update. The financial update will include expenditure to date and an indication of future works and timelines.

Audit

4. **The Council** and/or the Department of Health reserves the right to carry out an audit of expenditure at any time. Please also note that expenditure may be subject to audit by the appropriate statutory oversight body.
 5. **The Organisation** will be required to provide audited accounts for each year when available and clearly identify the Grant amount and / or the Enhancement Funding
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amount, where applicable, therein, either in the accounts themselves or via a letter from auditor/financial controller.

Dispute resolution

6. Any issues arising for **the Organisation** in respect of the Grant should be discussed, in the first instance with the Council's nominated officer: Rebecca Loughry. Any matters which are not resolved at that level should be the subject of a formal letter addressed to the Executive's nominee as listed in the Schedule (s) detail below:
7. The **Council** accepts that difficulties and disputes within the Organisation & or Partner Organisation are the responsibility of the Organisation and or Partner Organisation governing body. However, if such difficulties or disputes are likely to materially affect activities supported by the Grant, the Organisation and or Partner Organisation will notify the Executive and inform it of any corrective action being taken or to be taken by the Organisation.
8. The Cork City Council reserves the right to review the Grant and/ or the Agreement at any time in particular where the Executive is of opinion that any of the following apply:
 - a. The Organisation is failing to meet these terms and conditions;
 - b. The Organisation is failing to carry out the activities that the committed to in the Slaintecare Healthy Communities Community Enhancement Fund Application and as outlined in Table 1.1
 - c. The Organisation uses or used the Grant for a purpose that the Council has not agreed to;
 - d. The Organisation provided misleading or inaccurate information during the application process or the term of the Service Level Agreement;
 - e. Any member of the Organisation's governing body, staff or volunteers has acted or is acting dishonestly, inappropriately or negligently in relation to the Organisation during the term of the agreement; or
 - f. The Organisation is at risk of closing down, becoming insolvent, going into liquidation or becoming unable to pay debts as they fall due.

Publicity & Logos

The organisation must;

Publicly and correctly acknowledge the support of the Slaintecare Healthy Communities Programme in all advertisements, press, publicity and marketing materials with appropriate use of the Slaintecare Healthy Communities Programme / Healthy Ireland branding/promotional material as provided. Such recognition must match that given to

corporate or other sponsors or donors for similar support. Compliance with this condition will be monitored and non-compliance will be regarded as a breach of this SLA. The **Council** reserves the right to request copies of all such promotional material publicising work outlined in table 1.1 and work related to Slaintecare

Miscellaneous

2. Documentation will not be shared with any third party without the expressed permission of Cork City Council.
3. The contractual obligation imposed on the parties to this agreement shall not be delegated to another party without the written consent of all the parties to this agreement.
4. The Organisation agrees to fully engage with any evaluation and or Audit ordered by Cork City Council or Pobal on behalf of the Dept. Of Health.

Declaration

I have read and fully understand the conditions contained in this Agreement. I further confirm that all conditions are fully acceptable to me and will be complied with fully.

Date:

Signed on behalf of

Cork City Council

Date:

Signed on Behalf of NICHE Health Project (Cork) CLG



Comhairle Cathrach Chorcaí
Cork City Council

Corporate Affairs and International Relations Directorate

Brian Kelleher,
Manager,
NICHE Health Project (Cork) CLG
HSE Building,
Harbourview Road,
Knocknaheeny,
Cork.
T23 XY16

4 July 2022

OUR REF: EO6612

Dear Brian,

RE: PROPOSED WORKS TO NICHE COMMUNITY GARDEN

I can confirm that Cork City Council consents to the proposed works to be undertaken to the Community Garden facility (currently leased to NICHE) and funded through the SEEP funding and Slaintecare Healthy Communities initiative, specifically: -

- Installation of a new garden studio measuring approx. 25 sqm to 35 sqm
- Improvements and refurbishments to the existing building, including the removal of an internal wall and the replacement with bi-fold doors.

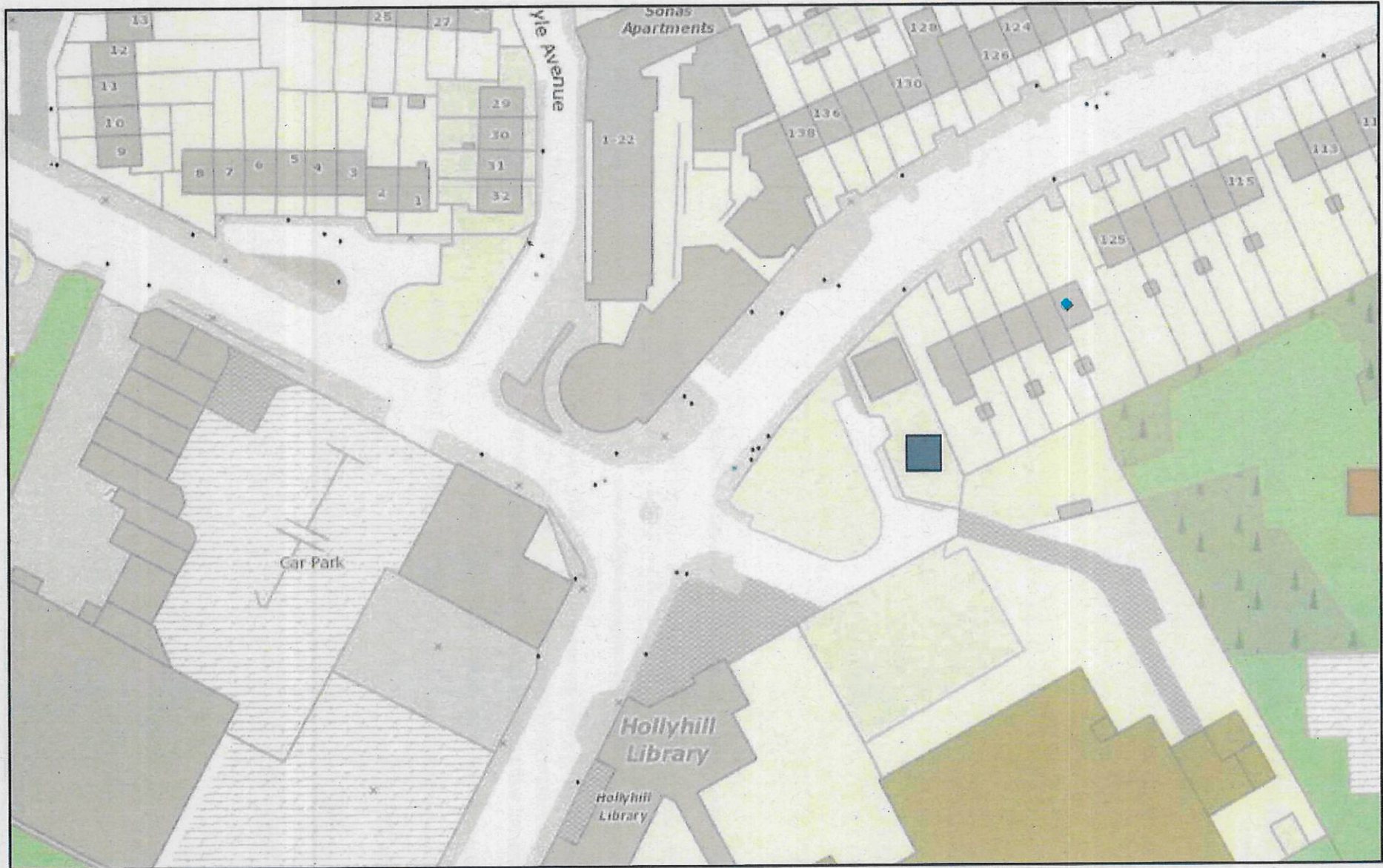
All as per specification submitted to Cork City Council.

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



Yours sincerely,

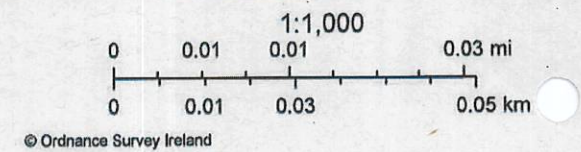

Nuala Stewart
Administrative Officer

ArcGIS Web Map



01/07/2022, 14:19:34

-  Section 5
-  Cork City Boundary





Comhairle Cathrach Chorcaí Cork City Council

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

Brian Kelleher,
Niche health Project
Cork CLG
Cork
4th May 2022

RE: CNWQR SEEP Programme 2021 Funding

Dear Brian,

Thank you for your submission for funding under the SEEP programme.

I am pleased to inform you that an allocation of €20,000 has been granted from the 2021 SEEP programme for a Knocknaheeny health activity hub. A BAS payment will be issued to you in due course in that amount. However, we may contact you again to request Bank Details if we do not have them.

Please note that the approval is subject to the following conditions.

1. The funding must be applied to the project as specified in your submission and for no other purpose.
2. You should retain copied of receipts as these will be requested.
3. You must provide 2 reports showing how the project was delivered, what the outcomes were and expenditure details.

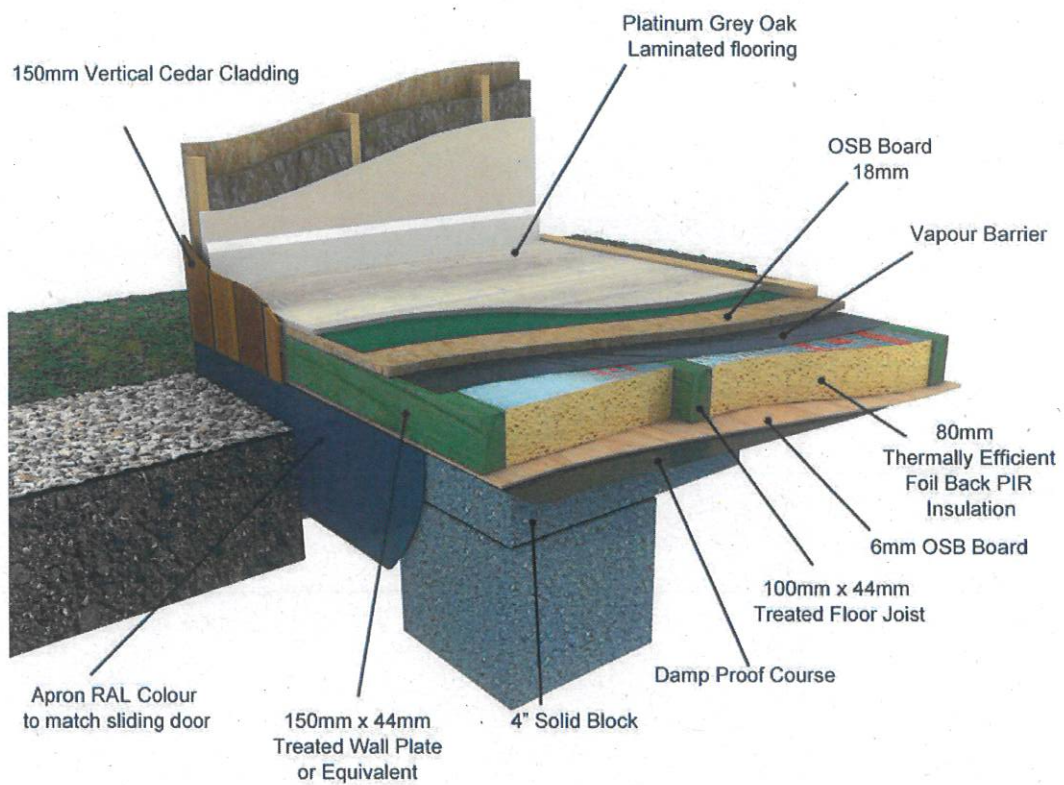
Best of luck with the project and please do not hesitate to contact me if you have any further queries.

Yours sincerely,

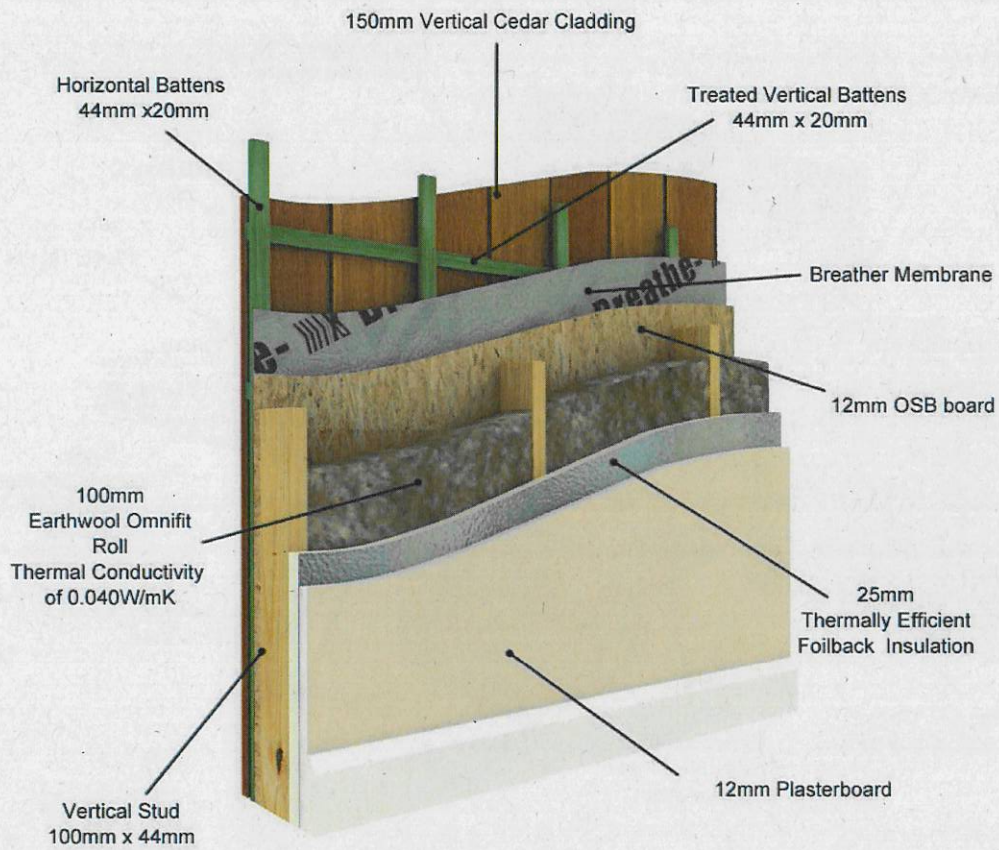
Sandra Cogan Williamson

Sandra Cogan Williamson
SEEP Manger
City North Regeneration Quarter

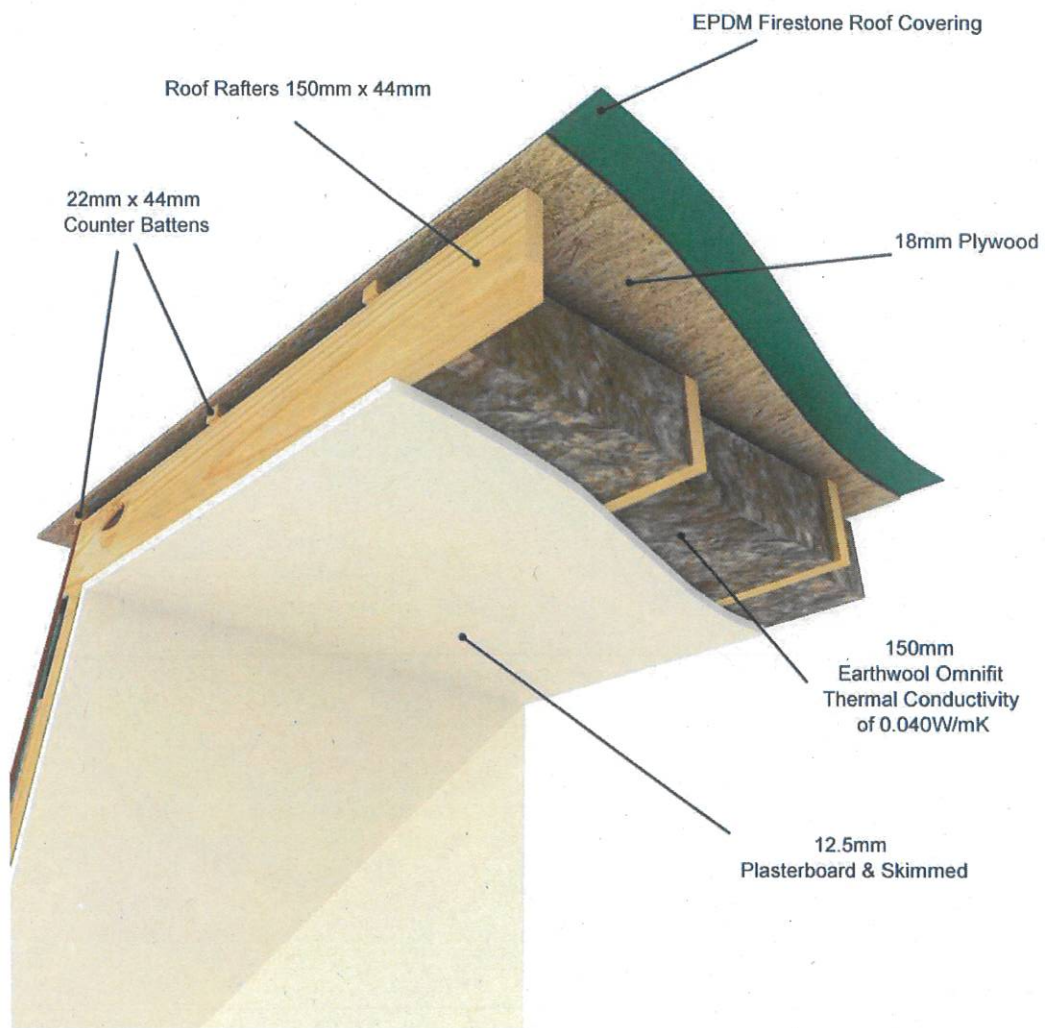
Floor Build-Up



Wall Build-Up



Roof Build-Up





SITE PHOTOS







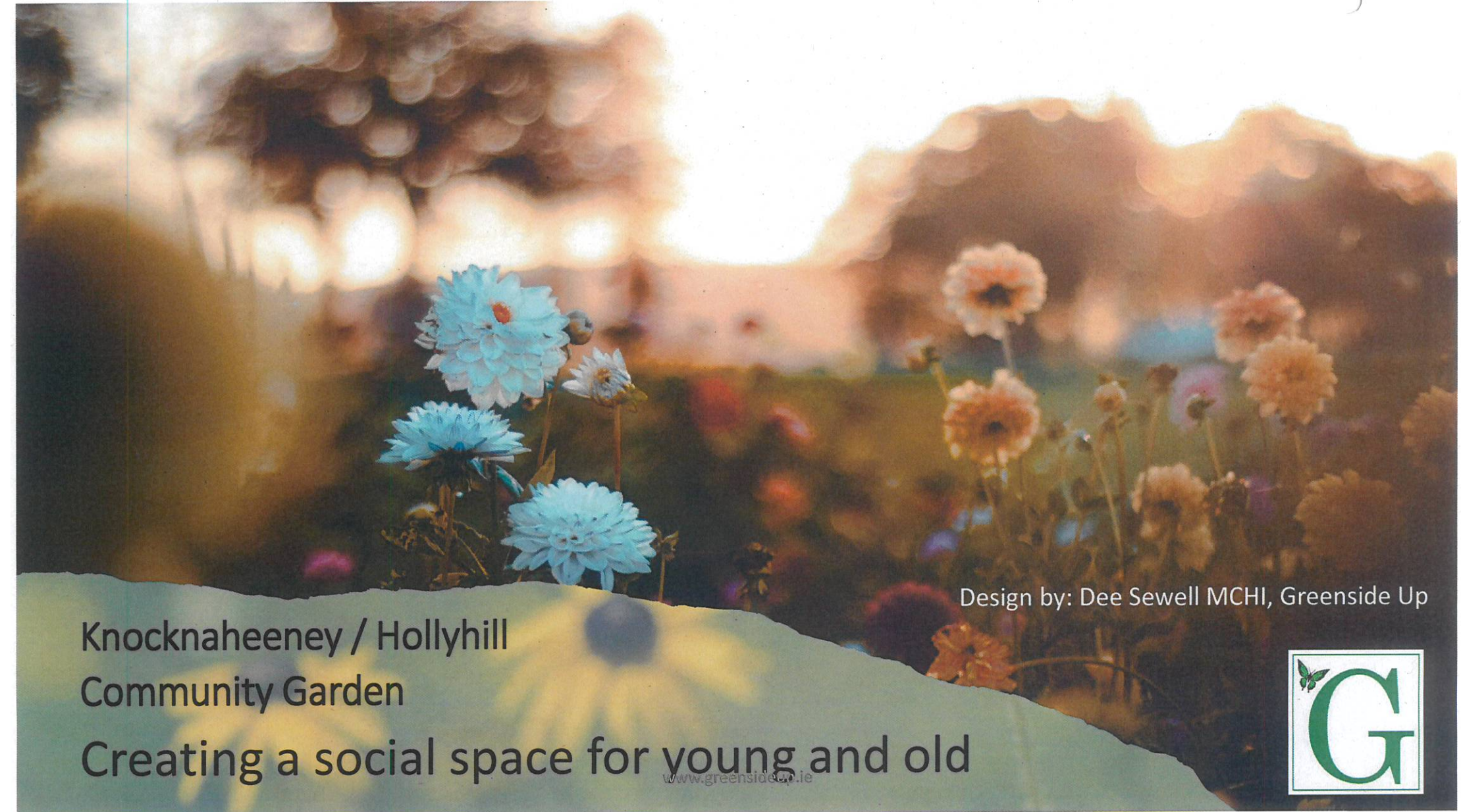












Knocknaheeney / Hollyhill
Community Garden

Creating a social space for young and old

www.greensideup.ie

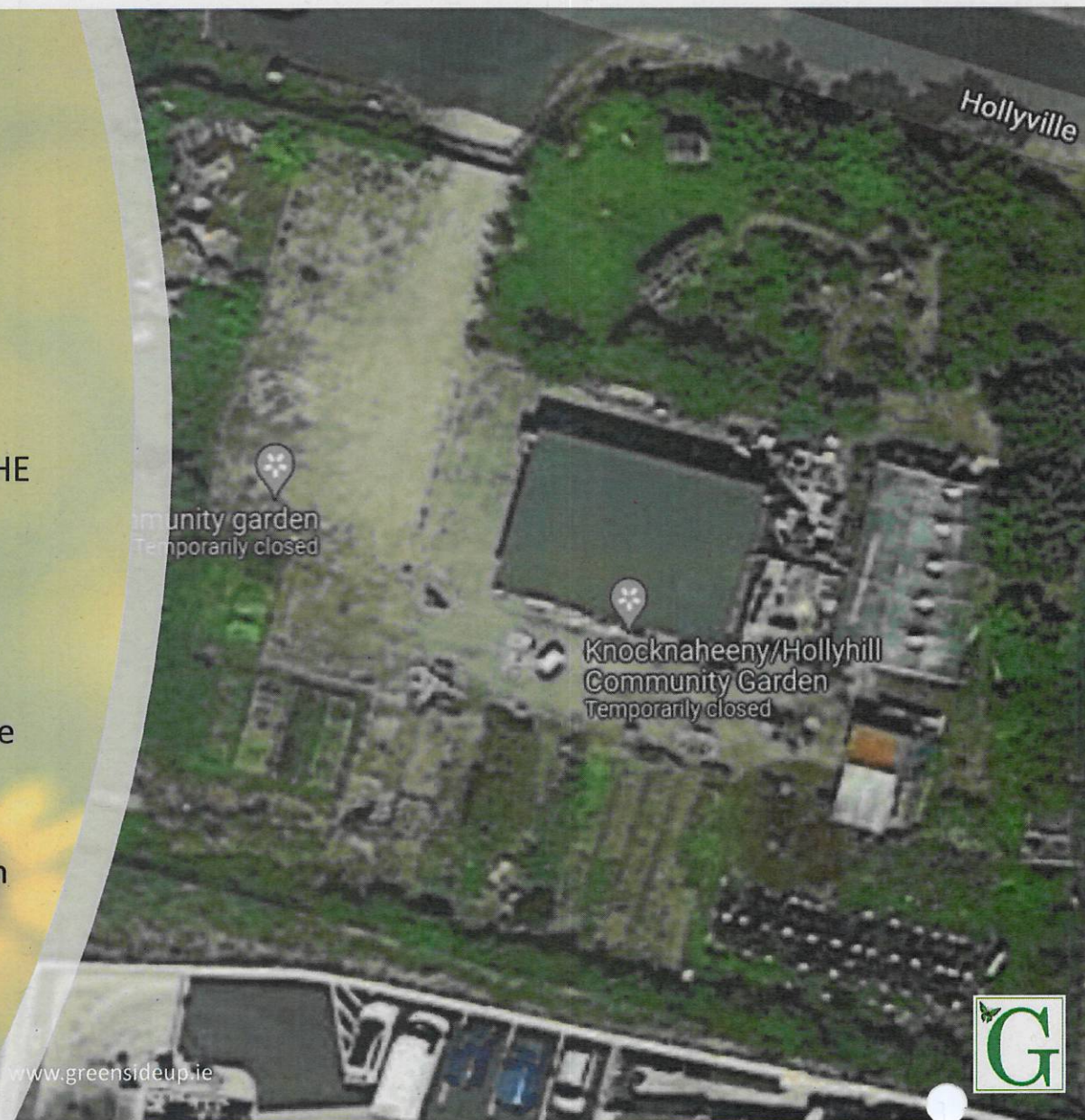
Design by: Dee Sewell MCHI, Greenside Up



Knocknaheeny/Hollyhill Community Garden

- Knocknaheeny is a townland located on the northside hill of Cork. The community garden, located in Hollyhill, was once a derelict site that was handed over by Cork City Council to the NICHE community health project in 2011.
- The community garden was once a thriving site with classes from local primary and secondary schools attending, as well as FETAC horticulture students, groups from the local Cope foundation and a food club. Regular events and festivals were held, including at Halloween and at Christmas.
- In recent years, and in particular following the pandemic, the garden has lost its way. There is an engaged core group primarily made up from the local Men's Shed Group, as well as volunteers.
- The garden and project are supported by paid staff.

www.greensideup.ie



The Future

NICHE would like to re-engage the community, with the overall aim of creating a safe space to enjoy the garden socially for young and old.

Garden to include:

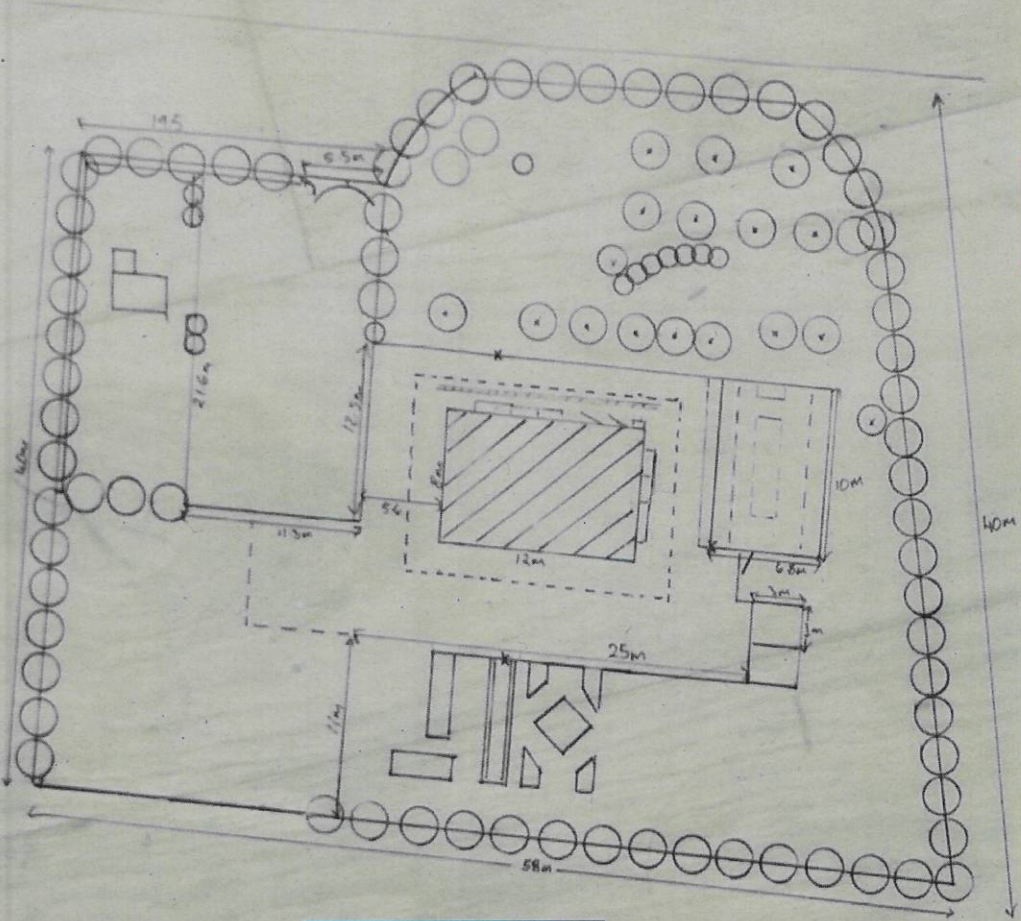
- Men's Shed, creche, schools
- Dementia cafe
- Perennial fruit and flower beds
- Seating
- Natural designated children's area
- Winter studio
- Nature trail
- Pizza oven and entertainment
- Community beds
- Accessible and safe paths



Site Survey

Play & Entertainment Area

Edible Forest & Mindfulness Walk



Sensory Area

Productive Area

Play & Entertainment Area



Mud Kitchen



Garden Room



Recycled Garden Furniture



Currach Sand Pit



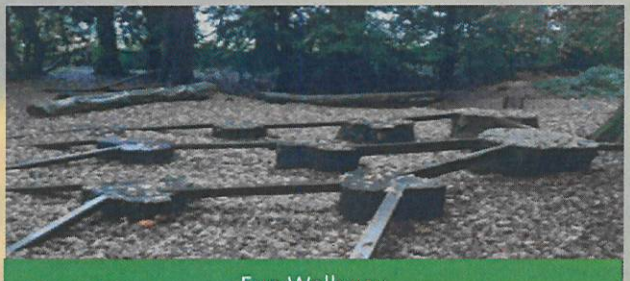
Covered Entertainment Area



Safe & Accessible Seating



Child Friendly Seating

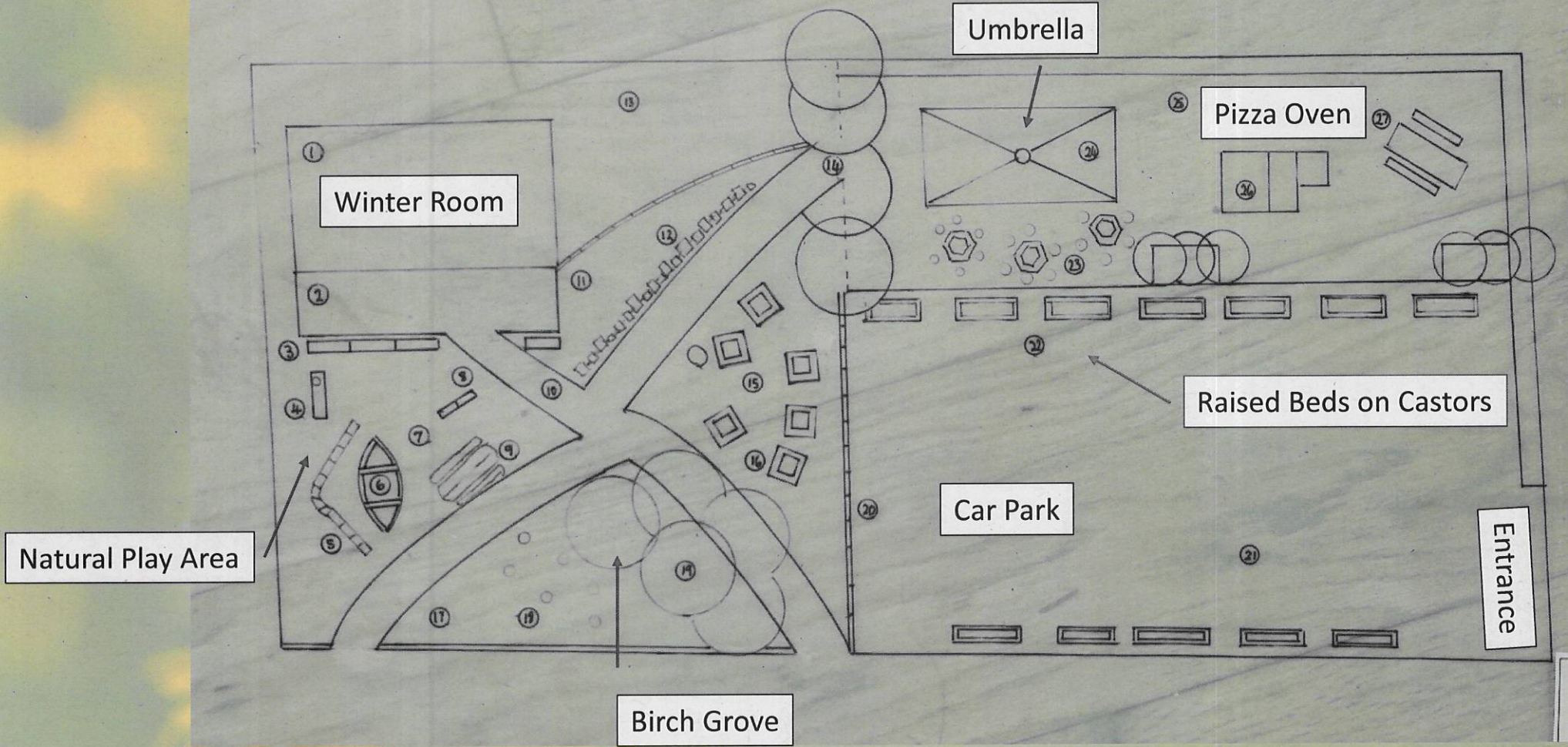


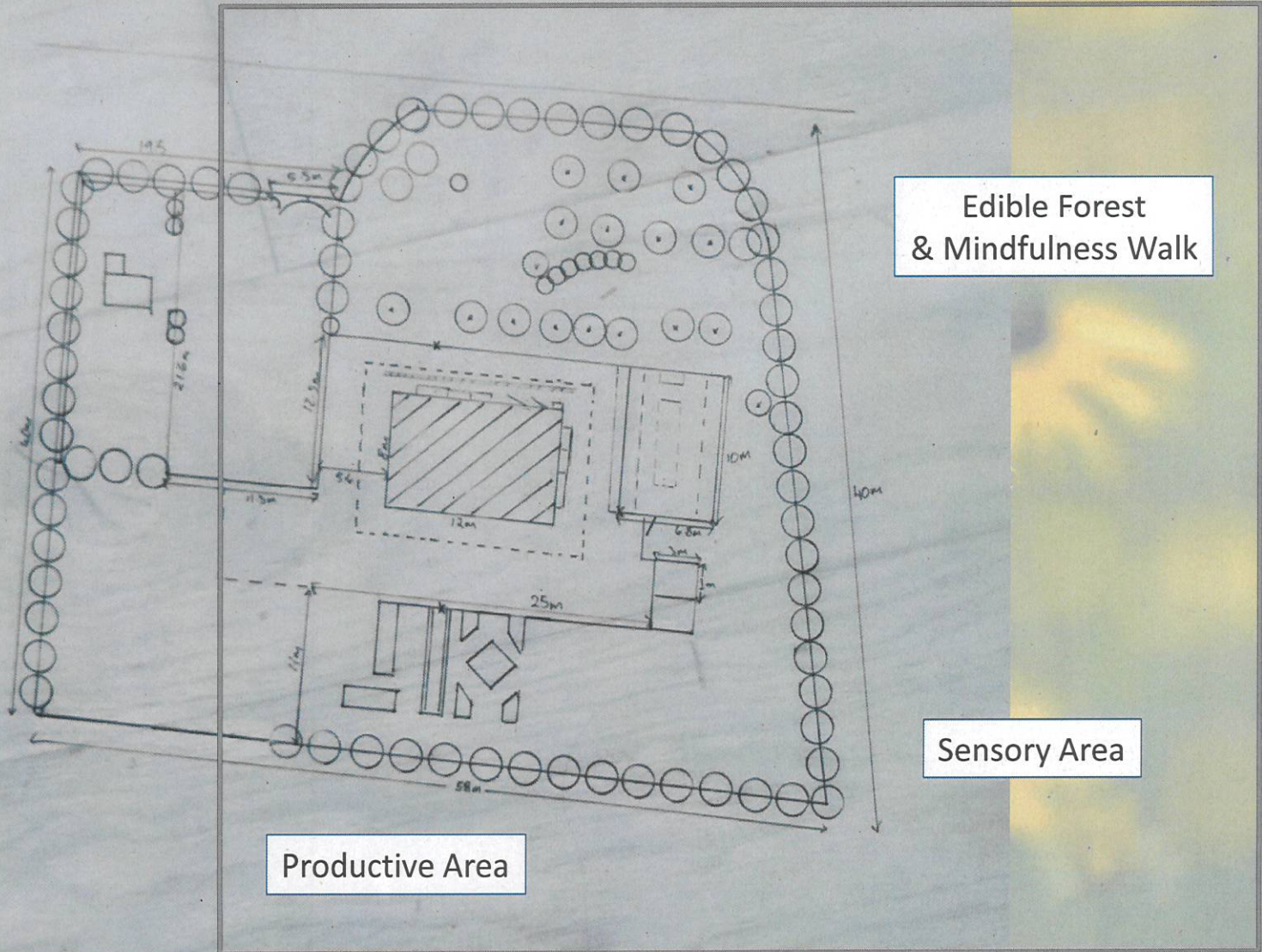
Fun Walkway



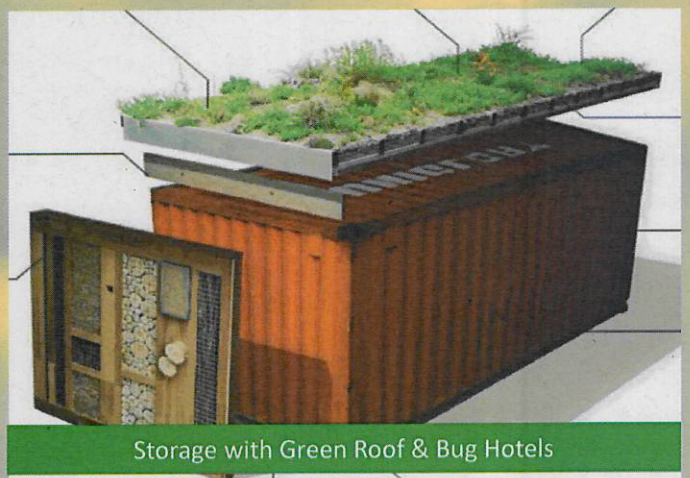
Raised Beds on Castors

Play & Entertainment Area

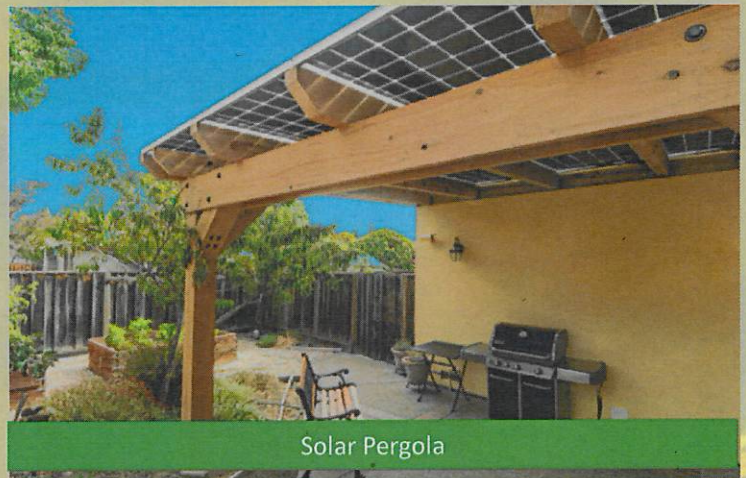




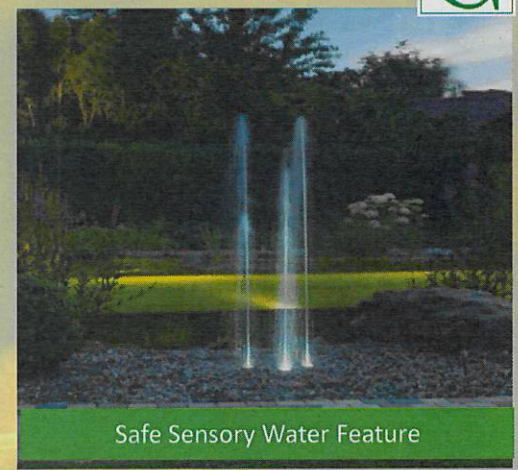
Production, Entertainment & Sensory Areas



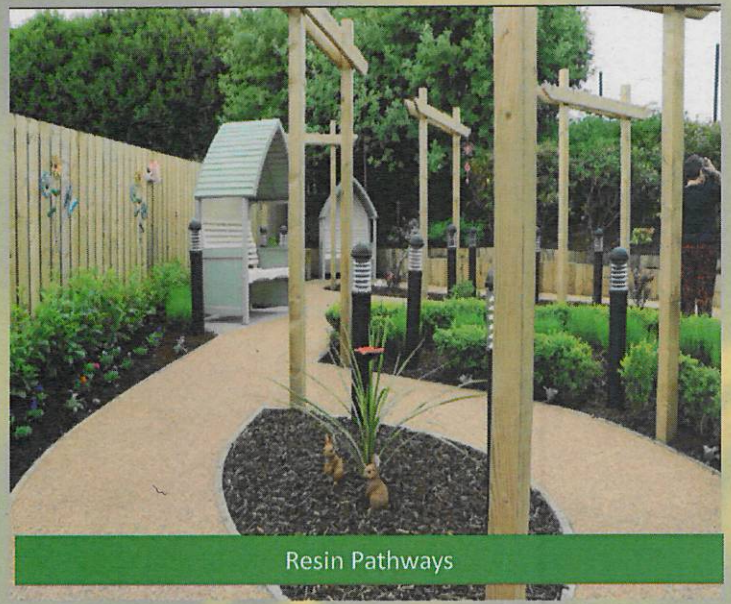
Storage with Green Roof & Bug Hotels



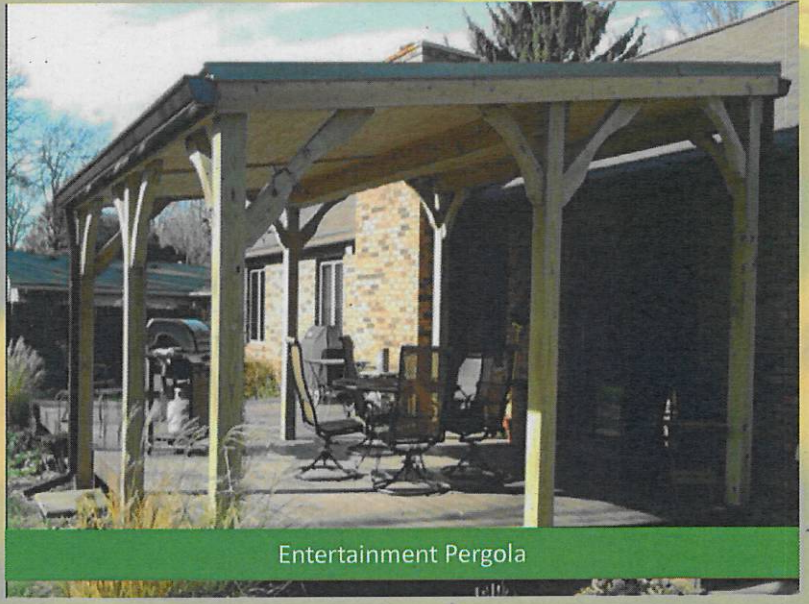
Solar Pergola



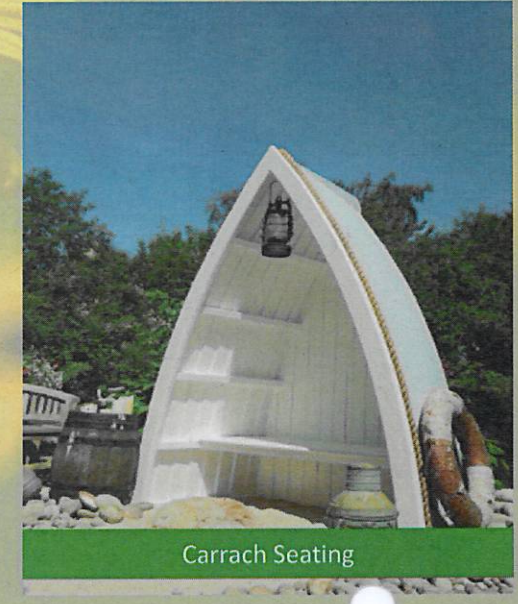
Safe Sensory Water Feature



Resin Pathways

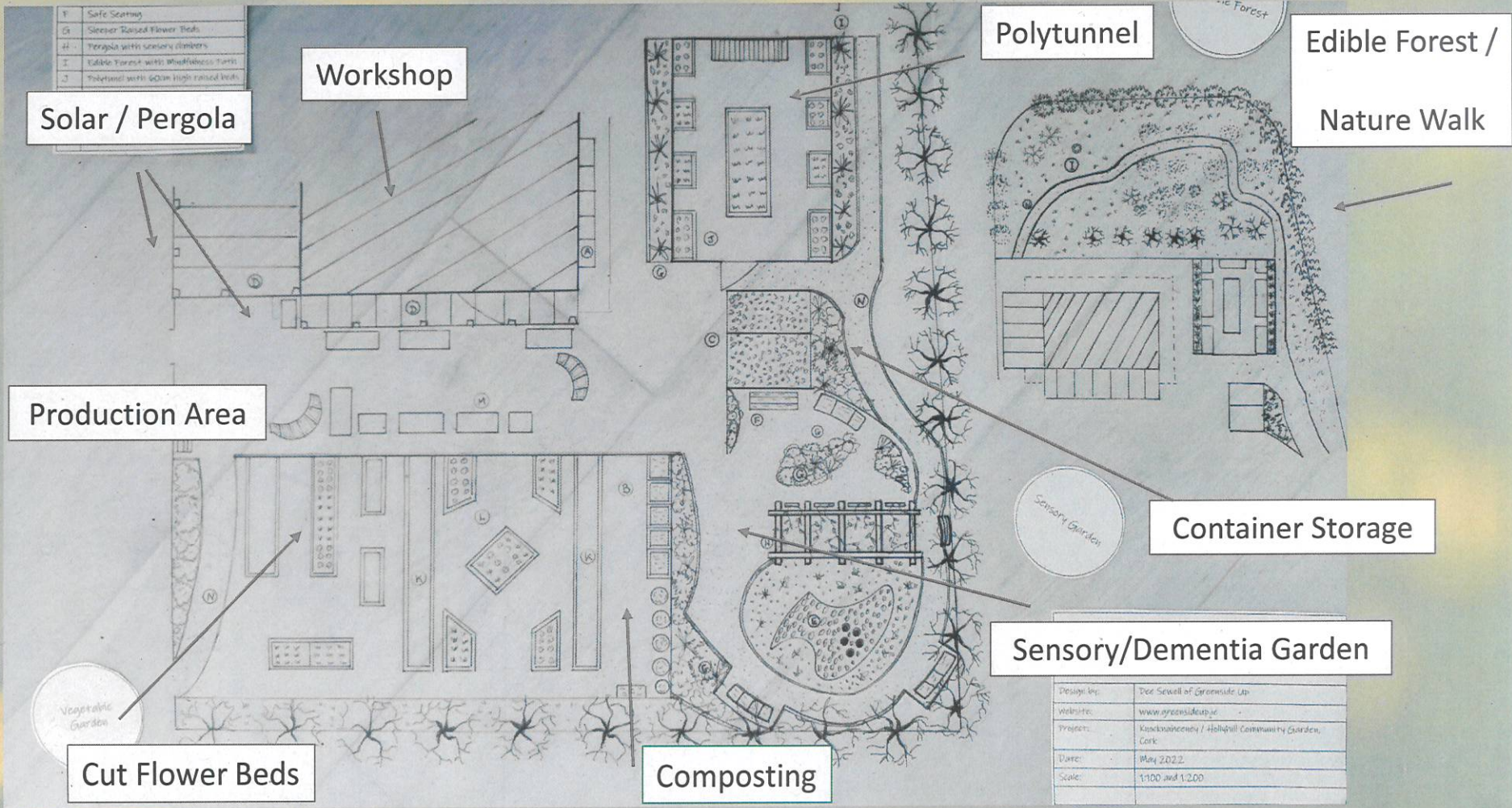


Entertainment Pergola



Carrach Seating

Production, Sensory & Mindfulness Areas





Elements

- Car park that can be sectioned off.
- Dining / Entertainment area with pizza oven, paved & safe seating.
- Safe, inclusive area for young people with natural play, raised beds & wheelchair accessible, wildflowers and magical tree grove, overlooked by winter room.
- Covered area from main workshop building for additional entertainment and/or men's shed work area.
- Polytunnel with raised beds.
- Solar panels for powering some of the workshop, along with rainwater harvesting.
- Moveable raised beds to change the 'rooms'.
- Seating for café.
- Productive area & perennial cut flower beds.
- Edible Forest & nature walk
- Sensory / dementia garden with nostalgic planting & safe water feature.



Links & Resources

[Engaging Dementia | Make Your Garden Dementia Friendly - Engaging Dementia](#)

<https://www.recycledplastic.ie/wp-content/uploads/2016/09/2021-Brochure.pdf>

<https://recycledplasticproducts.ie/product/three-seat-plus-support-garden-benches/>

<https://www.munsterresin.ie/>

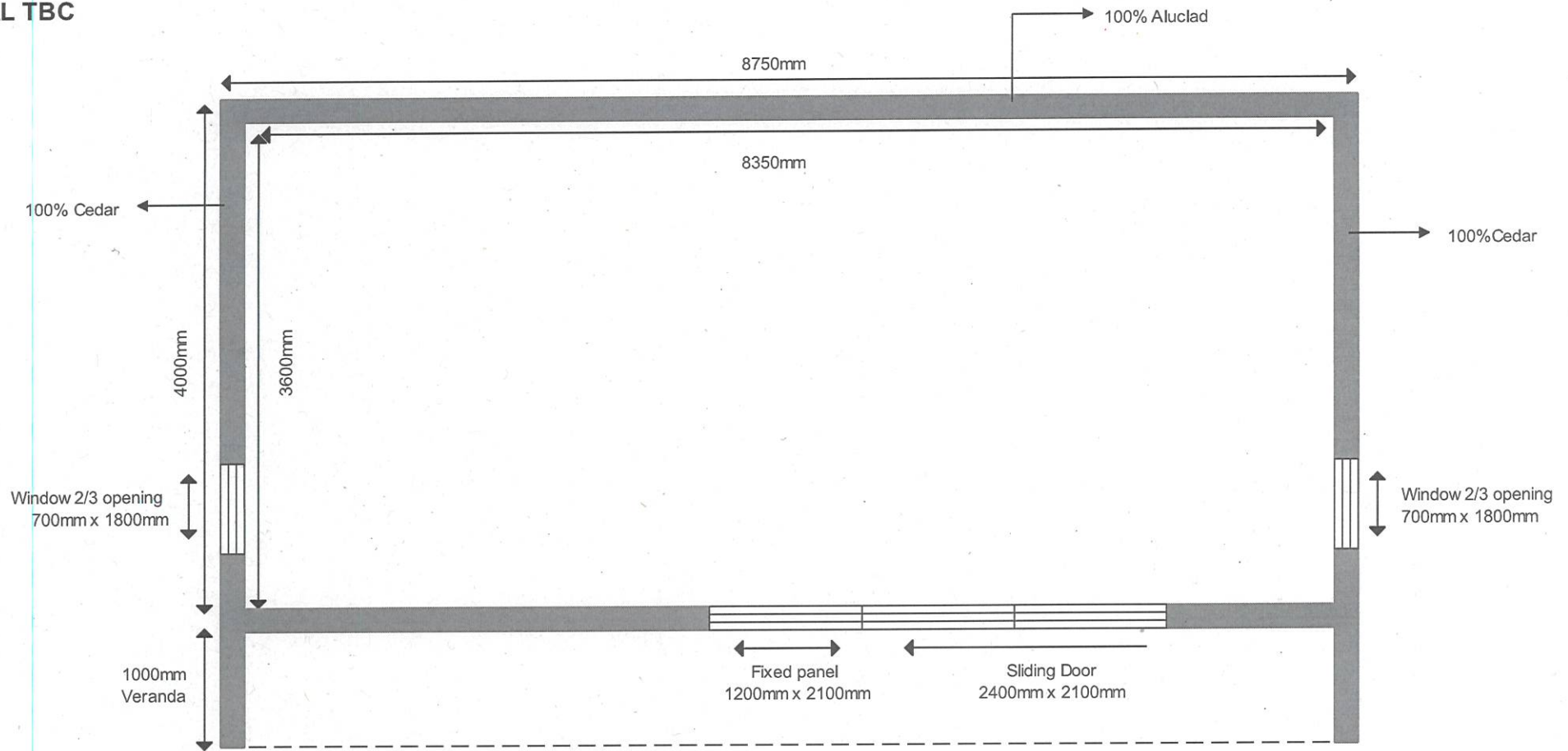
[Oase Water Jet Trio Fountain Display \(rockworld.ie\)](#)

[Gallery | Garden Rooms & Home Office Suppliers, Dublin](#)

[Home 2021 | Meitheal Mara - Community Boatyard Cork](#)

[What makes the perfect outdoor classroom? \(tts-group.co.uk\)](#)

NICHE Health Project
26 August 2022
Ultimate 35
RAL TBC



Wall thickness 200mm
Internal Height 2250mm
External height 3000mm





Brian Kelleher - NICHE Health Project Cork - Estimate CUBE 35

Brian Kelleher
brian@nicheonline.ie
0214300135

Reference: 20220610-113348438
Quote created: June 10, 2022
Quote expires: May 31, 2023
Quote created by: Stephanie O'Neill
stephanie@gardenrooms.ie

Comments from Stephanie O'Neill

This estimate is valid for 30 days.

Please note this quotation does not include the following:

1. Internal decorating
2. Site Clearance
3. Hard landscaping around the Garden Room

Additional Notes:

RAL 7016/7033 TBC

Possible Material Price Increase

In the event of significant delay or price increase of material occurring during the performance of the contract through no fault of the Contractor, the contract sum, time of performance, and contract requirements shall be equitably adjusted by change order. A change in price of an item of material shall be considered significant when the price of an item increases by greater than 10% percent between the date of this contract and the date of installation. All we can do is to ask you to work with us and hopefully the material prices begin to stabilize over the coming months. We are happy to talk you through any questions relating to this issue.

Products & Services

Item & Description	Quantity	Unit Price	Total
CUBE 35 - 4m x 8.75m STANDARD SPECIFICATIONS Foundations: Post foundations in concrete. Double Glazing: Energy rated aluminium framed windows and doors. Insulation: Walls are specified with two layers of	1	€53,570.00	€53,570.00

thermally efficient insulation, the first layer is 25mm thermally efficient PIR while the second layer is 100mm high density and acoustically sound Earthwool Insulation. The floor has 80mm thermally efficient PIR Insulation and the ceiling has 150mm high thermal and acoustically effective Earthwool Insulation. This ensures our GARDEN ROOMS have a long term superior level of sustainability and warmth.

Floor: Platinum Oak laminated flooring.
 Ceiling and Walls: Plastered and skimmed.
 Note: Internal painting not included.
 Roof: Firestone EPDM 30 year weather security guaranteed.
 Gutter: 100mm half round gutter in black.
 External Cladding: Vertical cedar cladding.

Sliding Door 2400mm w x 2100mm h & return glass 1000mm w x 2100mm h
 Horizontal window 1500mm w x 600mm h

Up spec plasterboard to fire rated platerboard Plastered and skimmed	1	€840.00	€840.00
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Electrics - Not provided by Garden Rooms. 8 double sockets; brushed steel chrome finish Fuseboard Smoke Alarm 8 LED spotlights; brushed steel finish 3 Outside LED spotlights; brushed chrome finish 2 Up/Down lights ;brushed chrome finish 1 Ceramic Heater	1	€0.00	€0.00
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External Varnish CUBE 35 Materials/ Varnish only. Labour is not included in this quotation, Painter to be sourced locally	1	€420.00	€420.00
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Delivery, Travel & Accommodation	1	€1,850.00	€1,850.00
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Waste Removal - To clear project Provide skip & clear waste at the end of the project	1	€330.00	€330.00
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Subtotals

One-time subtotal			€57,010.00
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Other Fees

Electrics and electrician to be organised by client -€1,600.00

VAT €7,480.35

Total €62,890.35

Questions? Contact me



Stephanie O'Neill
stephanie@gardenrooms.ie

Garden Rooms
Beech Vista Garden Centre, Coldwinters, Ashbourne Road
Finglas
Dublin 11 Ireland D11HC7V