

Comhairle Contae Chorcaí Cork County Council

Radwan Bazama,
Nua Healthcare Services,
The Atrium,
John's Lane,
Naas,
Co. Kildare.
W91 WC78.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891 • Faics: (021) 4276321
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891 • Fax (021) 4276321
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



31st July 2023

REF: D/257/23
LOCATION: Ballinla, Freemount, Co. Cork, P56 PX37.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir,

On the basis of the information submitted by you on 5th July 2023 the Planning Authority, having considered the question whether or not the conversion of a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness, and persons providing care to such persons at **Ballinla, Freemount, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development.**


Reason for Decision

The Planning Authority in considering this referral had particular regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 6, 9 and 10 of the Planning and Development Regulations 2001 (as amended), and
- Schedule 2: Part 1: Exempted Development: Class 14 (e) of the Planning and Development Regulations 2001 (as amended), and
- The particulars received by the Planning Authority on 7th June 2023

And Whereas Cork County Council has concluded that –

The change of use from a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness, and persons providing care to such persons at **Ballinla, Freemount, Co. Cork is development and is exempted development.**

 *This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.*


Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,



**KEVIN O' REGAN,
SENIOR EXECUTIVE OFFICER,
PLANNING DEPARTMENT.**

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

PLANNER'S REPORT Ref. D/257/23			Cork County Council Development Management, Planning & Development Directorate,
Application type	Section 5 Declaration		
Description	<i>'Is the change-of-use from a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness and providing care to such persons b exempted development'.</i>		
Location	Ballinla, Freemount, Co Cork.		
Applicant	Nua Healthcare Services, The Atrium, John's Lane, Naas, Co. Kildare.		
Date	28/7/2023		
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 Q3 of the application form:

'Is the change-of-use from a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness and providing care to such persons b exempted development'.

3. Site Description

The property consists of a substantial 2-storey detached dwelling in Ballinla, Freemount, Co. Cork.

Fig. 1: Site inspection photograph

The property is generally well screened on all boundaries with mature vegetation, with some roadside vegetation and trees on the front sod and stone ditch. It is served by a vehicular entrance onto the public road, with a set of double gates in place, at the busy regional road R578 Newmarket-Charleville Road.



4. Planning History

Reg. 22/5773

William & Mary O'Brien

The development consists of (A) retention permission for existing attic layout including 1 no. dormer and 2 no. roof lights to rear elevation (north) of existing dwelling, (B) retention permission for existing ground floor external doors to side elevation (east) of existing dwelling, (C) planning permission for a new ground floor, single storey rear extension (circa 12.5 sqm) to existing dwelling and new waste water treatment system and surface water drainage, and (D) retention permission for site boundaries and landscaping (change from that permitted by PL.ref 00/1102), and all site works associated with the above mentioned development. - **Granted**

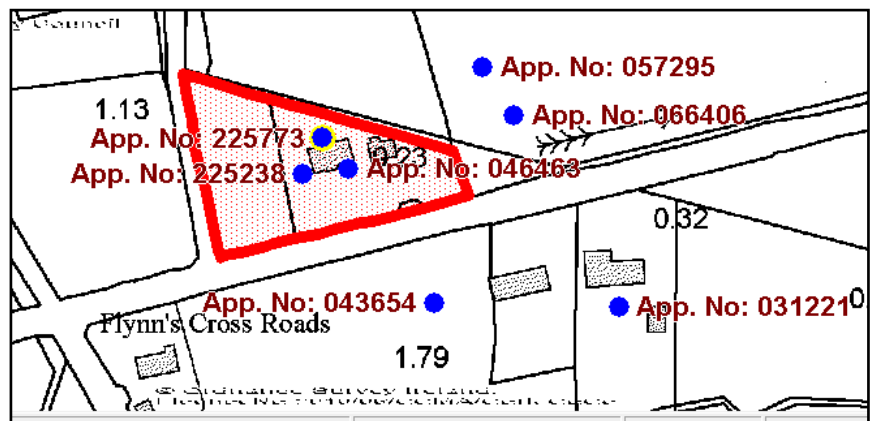
Reg. 04/6463

William O'Brien

Retention permission granted for the completion of domestic garage, entrance walls and piers.

Reg. 00/1102

Permission granted for a dwelling.



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)(h),

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

Section 4(2),

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.

Section 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.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act-
(a) (i) *if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
(a) (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,*

Article 10 (1)

Development which consists of a change of use within any one of the classes of use as 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 -

- (c) be inconsistent with any use specified or included in such a permission, or*
- (d) be development where the existing use is an unauthorised, save where the change of use consists of resumption of a use which is not unauthorised and which has not been abandoned*

6. Assessment

6.1 Development

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

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

I consider that the proposed change of use from a dwelling to a community use constitutes a material change of use and therefore is "Development".

6.2 Exempted development

The application relates to a dwelling unit, whereby it is proposed to convert this to a Community use for persons with intellectual or physical disabilities or mental illness.

The dwelling unit is not in an ACA and no works are proposed to the outside, and would generally otherwise comply with **Article 9** of the Planning and Development Regulations 2001 (as amended).

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

Article 10 relates to changes-of-use, and development which consists of a change-of-use within any of the Classes specified in part 4 of Schedule 2 shall be exempted development for the purposes of the Act, with the following caveats:

- a) Involve the carrying out of any works other than the 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 permission,
- d) Be a development where the existing use is an unauthorised use save where such a change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

The following is the relevant Class under **Schedule 2: Part 1: Exempted Development**:

Column 1 Description of Development	Column 2 Conditions and Limitations
Class 14 (e) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons	The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2

The application states that *'The building will accommodate up to a maximum of 5 resident users...with a maximum of 2 staff members...the carers are not permanent residents but will work on a shift...'* and therefore it is within the limitation.

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

The site is not located in a screening assessment zone associated with a Natura 2000 site. On the basis of the site's location relative to Natura 2000 sites, and having regard to the nature and scale of the proposed development, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development.

8. Conclusion & Recommendation:

The question asks:

'Is the change-of-use from a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness and providing care to such persons is exempted development'.

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 10 of the Planning and Development Regulations 2001 (as amended),
- *Schedule 2: Part 1: Exempted Development: Class 14 (e) of the Planning and Development Regulations 2001 (as amended),*

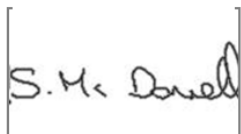
It is considered that the proposed Change-Of-Use from a dwelling to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons, at the subject dwelling at Ballinla, Freemount, Co. Cork:

Is Development and Is Exempted Development.



Helen O' Sullivan
Area Planner

I concur with the recommendation above



Sharon McDonnell 28/07/23

SITE LOCATION AND DESCRIPTION

The subject site is located in Ballinla, Freemount, Co Cork P56 PX37

The property site is located in the rural area of Ballinla in County Cork and includes a 2 storey dwelling back from the rural regional road. The grounds are landscaped with local and indigenous trees to all boundaries except where an entrance was formed to access the site. Access to the property is from a minor regional road.

The house is solid masonry construction and the external walls are rendered & painted. A single storey projection to the left-hand side accommodates a conservatory.

The existing dwelling is to provide residential care services for people, both male and female, with intellectual disabilities, mental health issues and other disabilities. The house will function as close as possible to a traditional family home.

The building will accommodate up to a maximum of 5 resident service users in the 5 no. bedrooms a large kitchen and dining area and communal living area.

Typically a care home of this size will be staffed by approximately two to four full-time-day-care staff who typically work 12-14 hour shifts in addition to a team leader who manages the house Monday to Friday 9-5. Note that only a maximum of 2 staff members will stay in the house overnight. The carers are not permanent residents but will work on a shift basis during the day and at night.

Aerial view of site



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View of the front



View of the rear



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NUA HEALTHCARE SERVICES

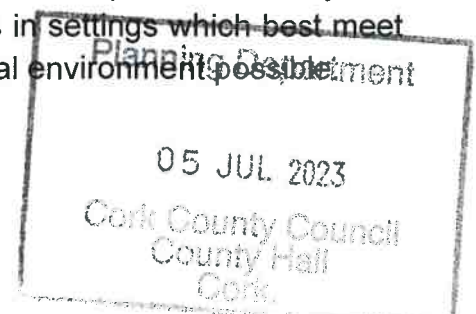
Nua Healthcare Services was founded in 2004 to support clients with a range of Intellectual Disabilities and Mental Health presentations including challenging behaviours. Since then, the company provides community outreach, day services and residential care for persons with Intellectual Disabilities, Autism, Brain Acquired Injuries and Mental Health difficulties. The social model of care is delivered in normal community settings and not in hospital or high-density units and is in line with national Standards for Residential Services for Children and Adults with Disabilities 2013.

As with all competent organisations, Nua Healthcare Services operates a care model through a strong frontline staff team, robust management and supervision system. From humble beginnings, the company now operates services nationally in partnership with the HSE and employ in excess of 800 locally based staff caring for circa 200 clients.

Uniquely, more than 80% of Nua Healthcare Services frontline staff are degree qualified and the remaining 20% are working towards same. The clinical team comprises of respected Neuro and Forensic Psychiatrists, Psychologists, Psychotherapists, Behavioural Specialists, Occupational Therapists and are further complimented by nursing staff and a varied panel of other clinical professionals. The senior management team comprises of experienced management professionals who are responsible for the overall quality and governance of our services.

Nua Healthcare Services is widely acknowledged within the healthcare sector as the expert / leading provider of residential care programs for individuals with autism, intellectual disabilities and behavioural difficulties in the Island of Ireland. Residential care for persons with intellectual disabilities, Autism and Brain Injuries is a highly regulated space in Ireland. Every residential care home is required to be registered with HIQA and is inspected regularly against the National Standards for Residential Services for Children and Adults with Disabilities 2013. These standards cover a vast array of areas including, risk management, good governance and suitability of facilities / environment. The state has shut a significant number of facilities that are considered institutional and moved all individuals into settings similar to those provided by Nua Healthcare Services. Nua Healthcare Services is registered for Intellectual Disability services with HIQA.

Nua Healthcare is a private entity and service provider to the Health Service Executive, TUSLA, Individuals and their families. The model of services provided by Nua Healthcare is not determined by buildings or locations. While day services are provided at a variety of locations, Nua Healthcare subscribes to the concept of 'services without walls'. This concept does not restrict service provision to any one location but rather, it allows for the provision of supports in settings which best meet the identified needs of the service user in the most natural environment possible.



The referral process for Residential Care clients is as follows:

1. Initial contact is made by an individual, a family member, HSE Representative or Clinician
2. A formal referral is then made by the HSE / Clinician
3. Nua Healthcare Services conducts a provisional assessment to assess suitability for residential assessment
4. If suitable, a proposal is submitted to stakeholders for provision of 12 week Residential Assessment
5. If the above proposal is accepted, the appropriate documentation is signed with the individual, their family member and the HSE and a discharge date is set 12 weeks from the point of admission

There is c.10,000 individuals in Ireland with intellectual disabilities that are in need of a normal community residential care placement. Individuals with intellectual disabilities and autism are typically more vulnerable and therefore, open to manipulation by unsavoury individuals in the general population. A common reason for referral to our residential services is that of an existing family arrangement that has broken down. This can be due to behavioural difficulties in the home or changing health needs of the individual or parents.

In this context, Nua Healthcare Services seek out normal environments in excess of 2000 sq. ft. and within reasonable distance of local amenities, from a town or village. The following criterion is considered in determining suitable locations:

- Homely
- Secure / Private
- 4 to 6 Bedrooms
- Multiple living / common areas / social spaces
- 1 – 2 Acre sites
- Low arousal environment

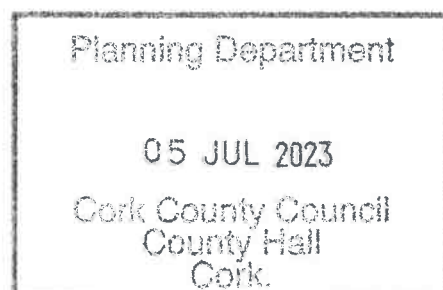
Individuals with learning disabilities and / or autism cannot always live completely independently and so, where they cannot, suitable environments are required to be provided by trusted organisations such as Nua Healthcare Services.

PLANNING HISTORY

The following planning permission applies to the property:

Planning Ref. No.: 00/1102

Planning Ref. No.: 04/6463



LEGISLATIVE PROVISION

Planning and Development Act 2000, as amended

Section 3 - Development

In the 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) (Exempted Development)

The following shall be exempted developments for the purposes of this Act –

(h) *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 the neighbouring structures.*

The works to the house, including changes to the internal layout and changes to the rear elevation are, in our opinion, within the definition of the above provisions and therefore exempted development.

Planning and Development Regulations 2000, as amended

Article 6 - Exempted Development

Subject to Article 9, development of a class specified in Column 1, 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.

In relation to the restrictions on exemption as set out in Article 9 of the Planning and Development Regulations 2001, as amended, it can be concluded that:

- The proposed change of use does not contravene a condition attached to any previous permission pertaining to the property;
- No works to the access to the public road are proposed;
- The change of use will not endanger public safety by reason of traffic hazard;
- The front of the building will not be brought forward;
- There are no works proposed under the public road;
- The proposed change of use would not interfere with a landscape of view of special character, as the dwelling is existing and is not located in an area which attracts a High Value Landscape designation;
- The proposed change of use would not involve any works to a feature of archaeological, geological, or historical, scientific or ecological interest;
- The dwelling the subject of this referral is not unauthorised;
- The dwelling is not restricted by an objective for the continuance of an existing use; The proposed change of use does not involve the fencing or enclosure on the boundaries of any land habitually open or used by the public;

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- The proposed change of use does not obstruct any public right of way;
- The dwelling is not located in an ACA and no works to the exterior are proposed; and
- No special amenity orders apply to the existing site.
- The dwelling is compliant with the planning permission granted in terms of layout, siting and overall heights
- The dwelling is compliant with the planning permission granted in terms of layout, siting and overall heights

Section b of this Article refers to areas where a special amenity order applies.

Article 10 relates to changes of use. 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, providing that the development if carried out would not

- a) Involve the carrying out of any works other than the 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 permission,
- d) Be a development where the existing use is an unauthorised use save where such a change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Schedule 2, Part 1 of Article 6 contains the following specific class of development under Class 14(f): -

Development consisting of changes of use from a house to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

The conditions and limitations in respect of this exemption include the following:

The number of persons with intellectual or physical disability or mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

The change of use of the house is, in our opinion, within the definition of the above provisions and therefore exempted development

PLANNING PRECEDENCE

Kildare County Council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Alberg House, Kinsfurze Ave., Naas (Ref: ED/00531), The Meadows, Oldgrange, Athy (ED/00553), The Willows, Clonegath Monasterevin (

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ED00521), Hillview, Lackagh Beag, Monasterevin (ED/00562), Feighcullen, Rathangan (ED/00541) is development and is exempted development

Tipperary County Council has determined that the use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Mountainview, Coumroe (Ref: S5/19/135).

An Bord Pleanála Reference 06D.RL.2616, in respect of the change of use from a dwelling unit at 59A Kerrymount Rise, Foxrock, Dublin 18 to a residential care unit for persons with intellectual, physical disability or mental illness and persons providing care, where the Bord determined that it is development which is exempted development. In determining the referral, the Board had particular regard to Class 14 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended.

An Bord Pleanála Reference Number; PL25.RL3406 in respect of whether the use of a house as a residence for persons with an intellectual or physical disability is or is not development or is or not exempted development at Gainevale House, Multyfarnham, Co. Westmeath, determined that:

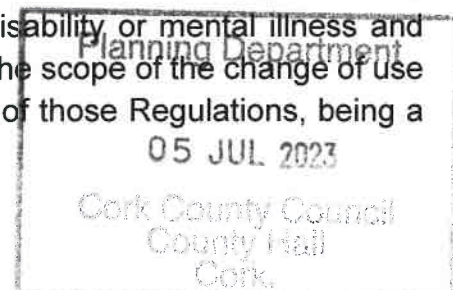
- a) The use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 to those Regulations, being a material change of use, which, therefore constitutes development, and
- b) Having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence, and in particular to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development, in the circumstances of this case.

And therefore, that the said use of a house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Gainevale House, Multyfarnham, Co. Westmeath is development and is exempted development.

Cork County Council has determined that the change of use of a house and ancillary garage to a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons at Curraghvoe Co. Cork, reference D/212/17, is development and is exempted development.

CONCLUSION

In conclusion and having regard to the above, we submit that the use of this house as a residence for persons with intellectual or physical disability or mental illness and persons providing care for such persons comes within the scope of the change of use provided for under Class 14(f) of Part 1 of Schedule 2 of those Regulations, being a



material change of use. This therefore constitutes development and, having regard to the number of persons with an intellectual or physical disability or a mental illness that would be living in this residence and to the number of resident carers, this development complies with the Conditions and Limitations set out for that class of development.

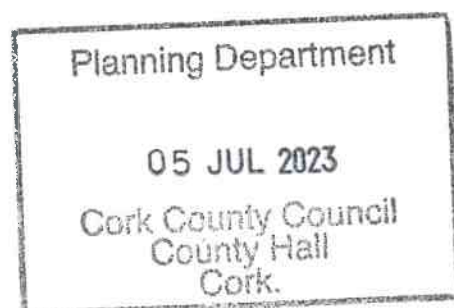
We therefore would ask that you consider our application carefully and, if you agree with our conclusions, confirm that the development is exempted development.

Yours faithfully



Radwan Bazama (Radwan.Bazama@nuahealthcare.ie)

Nua Healthcare Services





CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

✓
✓
✓
✓
✓
✓
✓

*Please call 086-1747411
for Payment.*

FOR OFFICE USE ONLY

Receipt No.	CAC0163305
Cash/Cheque/ Credit Card	CASH
Date	05/07/2023
Declaration Ref. No.	D/257/23

DATE STAMP HERE

Planning Department
05 JUL 2023
Cork County Council County Hall Cork.

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

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

Nua Healthcare Services

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

Ballinla, Freemount, Co Cork P56 PX37

3. QUESTION/DECLARATION DETAILS:

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

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

Coverision of a dwelling to a community residence for persons with intellectual or physical disabilities or mental illness and persons providing care to such persons is development and if so is it exempted development?

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4. **APPLICATION DETAILS:**

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/ proposed structure(s):	273m square
(b) If a domestic extension is proposed, 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable: 12msquare
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use <hr/> Dwelling	Proposed use <hr/> Community Dwelling
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

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

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

6. **PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:**

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA) as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. **APPROPRIATE ASSESSMENT:**

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

05 JUL 2023
Cork County Council
Planning Department

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	Radwan Bazama
Date	03/07/2023

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

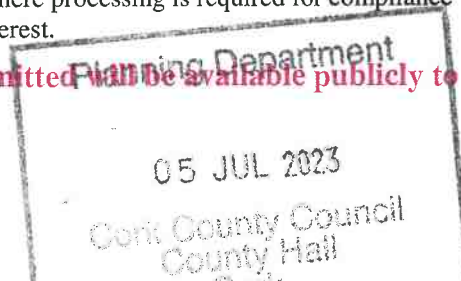
Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	
Date	03/07/2023

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.




ADVISORY NOTES:

The application must be accompanied by the required fee of €80
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
The application should be sent to the following address:
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	
Date	03/July/2023

Planning Department
05 JUL 2023
Cork County Council
County Hall
Cork.

Planning Pack Map

CENTRE COORDINATES:
ITM 542149,616447

PUBLISHED: 27/04/2022
ORDER NO.: 50264620_1

MAP SERIES: 1:5,000
MAP SHEETS: 5536

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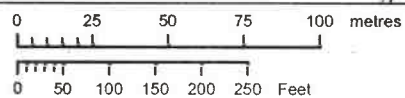
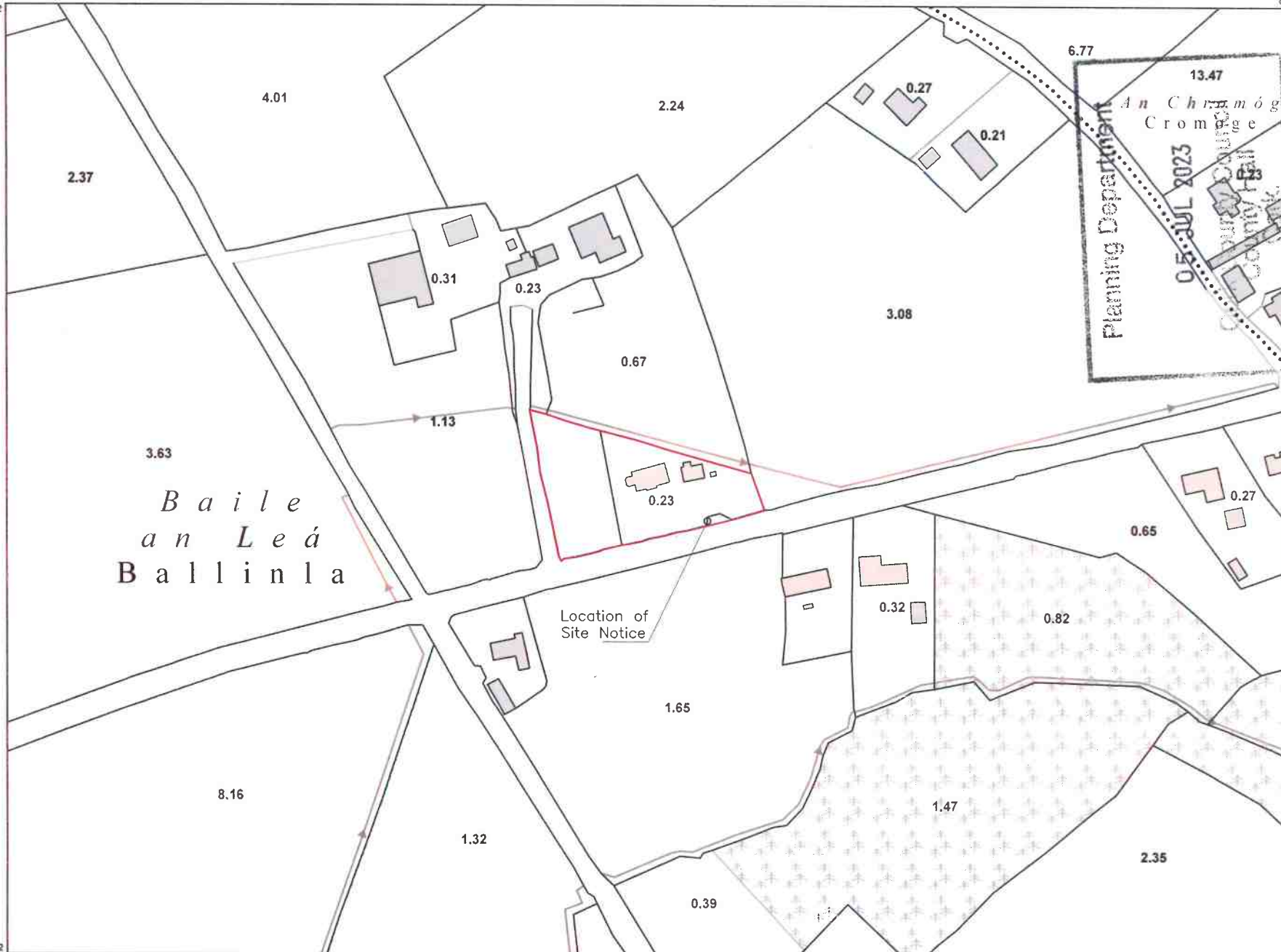
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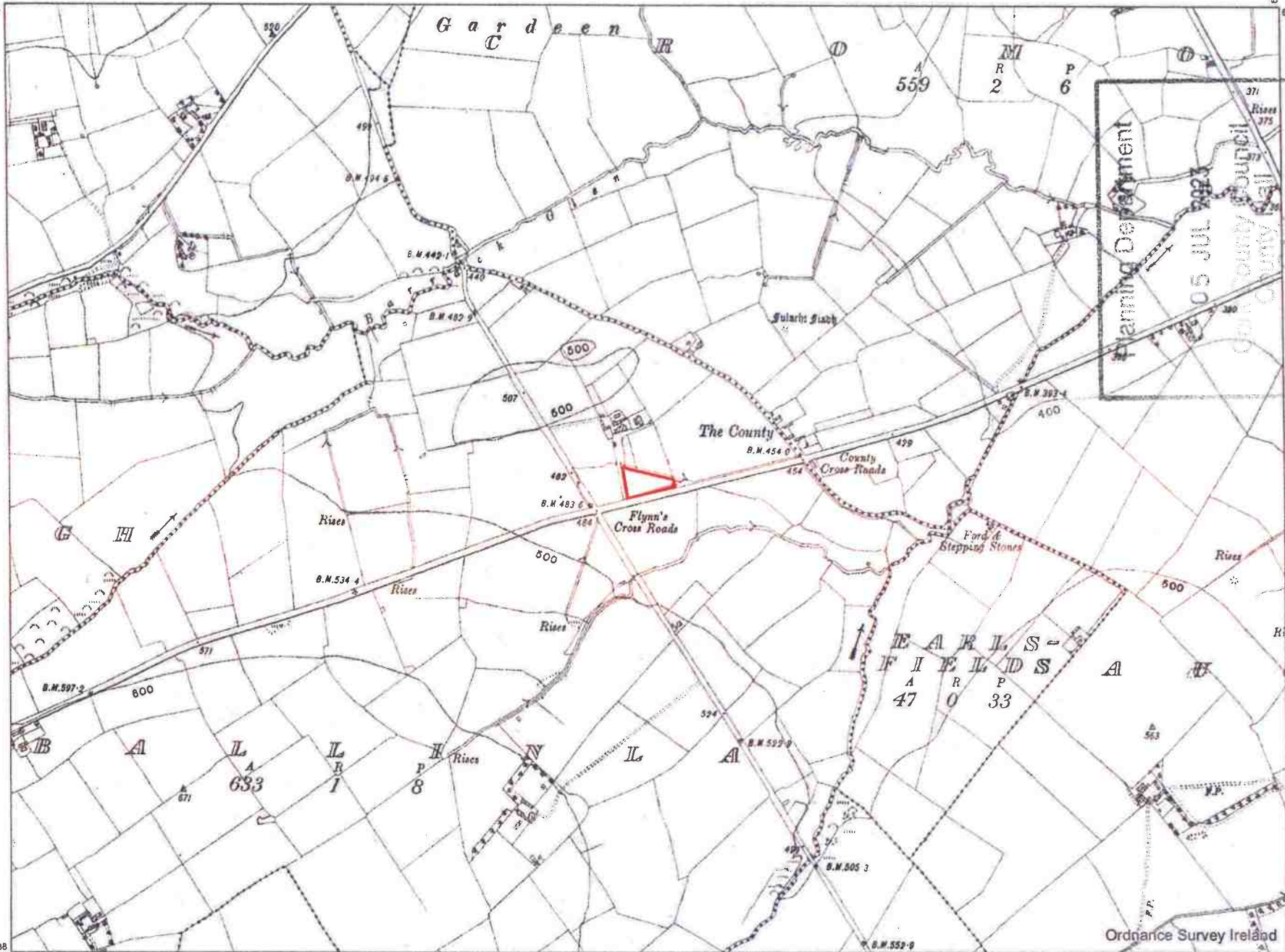


OUTPUT SCALE: 1:2,500

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Site Location Map



CENTRE COORDINATES:
ITM 542149,616447

PUBLISHED: 27/04/2022
ORDER NO.: 50264620_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK006 LK054+054A

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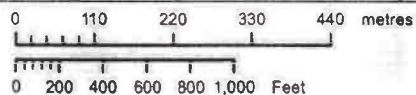
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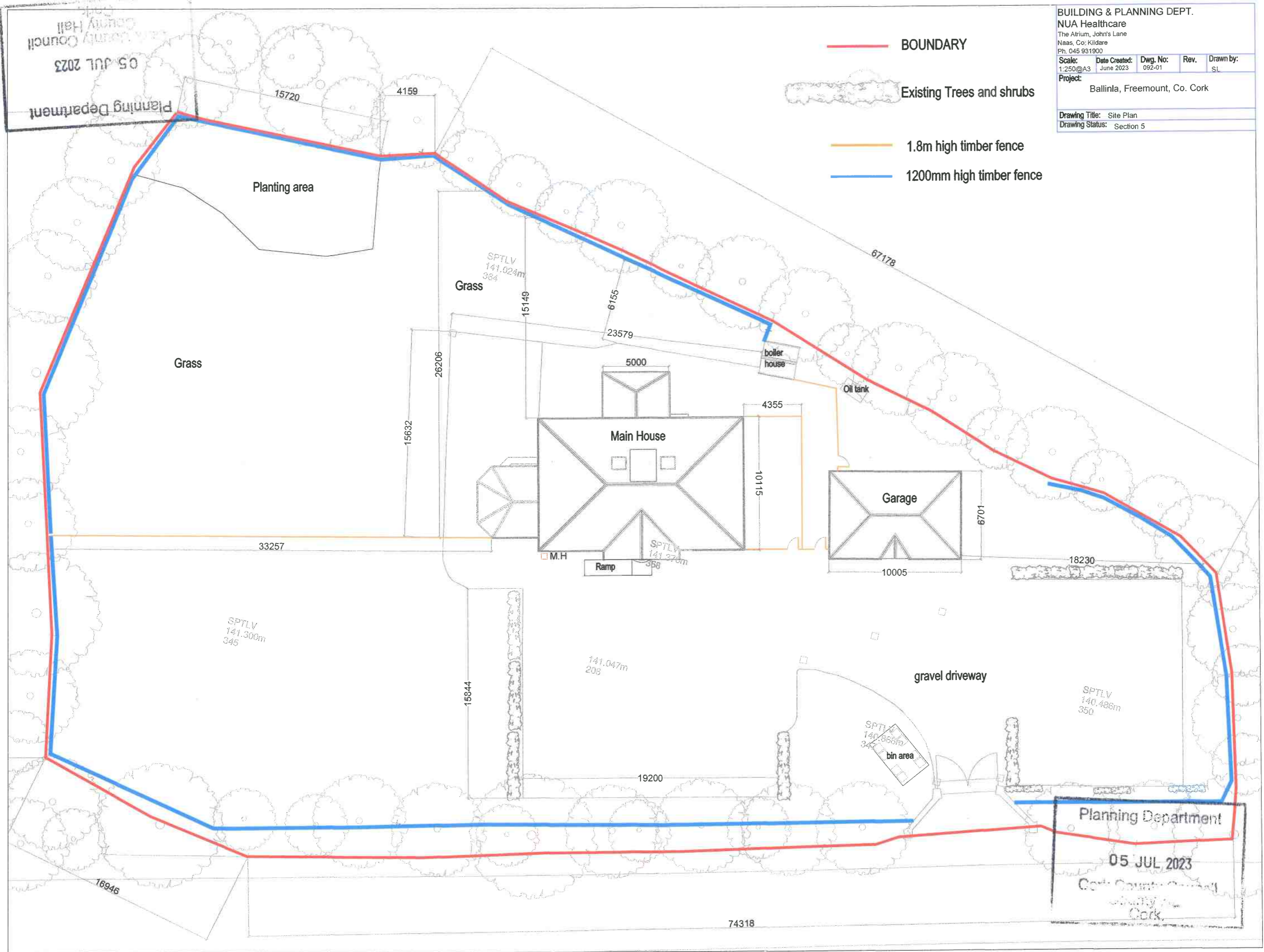
BUILDING & PLANNING DEPT.				
NUA Healthcare				
The Atrium, John's Lane				
Naas, Co: Kildare				
Ph. 045 931900				
Scale:	Date Created:	Dwg. No:	Rev.	Drawn by:
1:250@A3	June 2023	092-01		SL
Project:				
Ballinla, Freemount, Co. Cork				
Drawing Title: Site Plan				
Drawing Status: Section 5				

— BOUNDARY

Existing Trees and shrubs

— 1.8m high timber fence

— 1200mm high timber fence



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 County of Cork



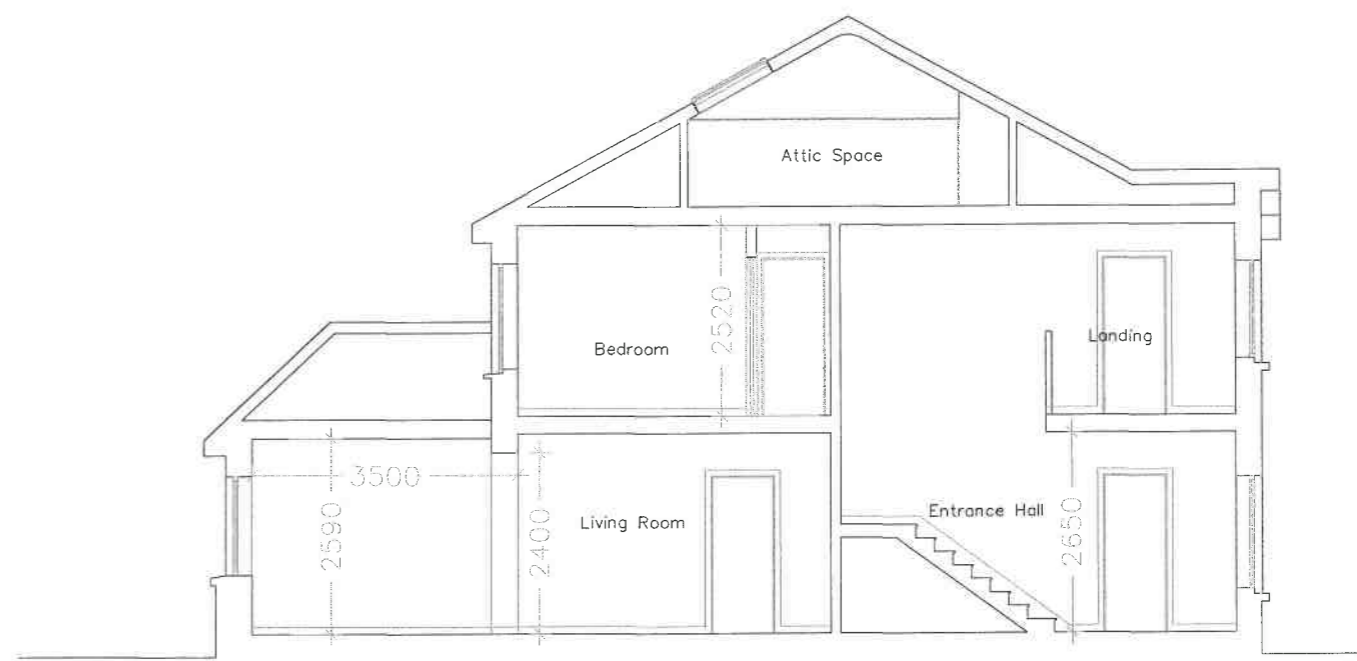
Front (South) Elevation



Side (East) Elevation



Side (West) Elevation

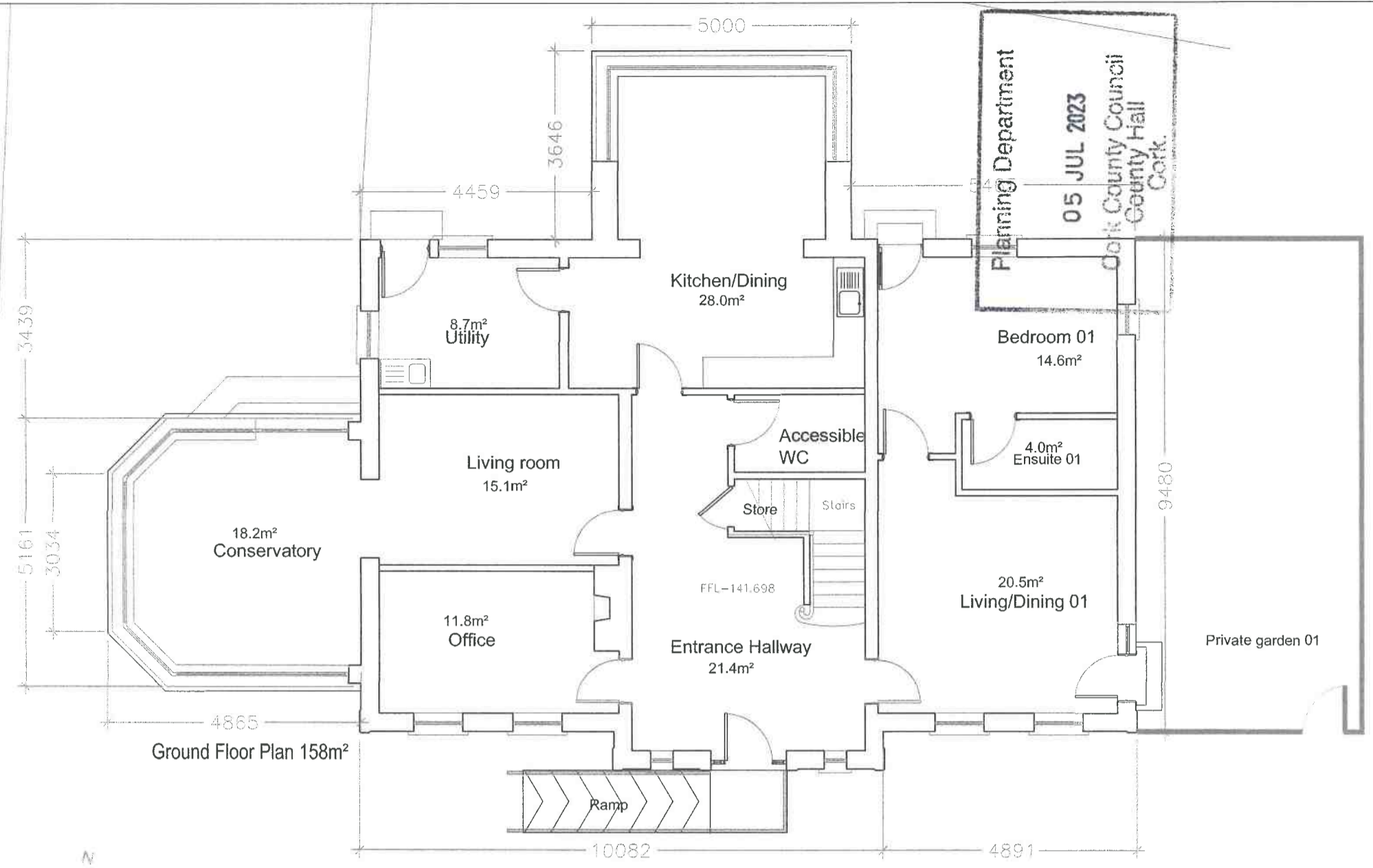


Rear (North) Elevation

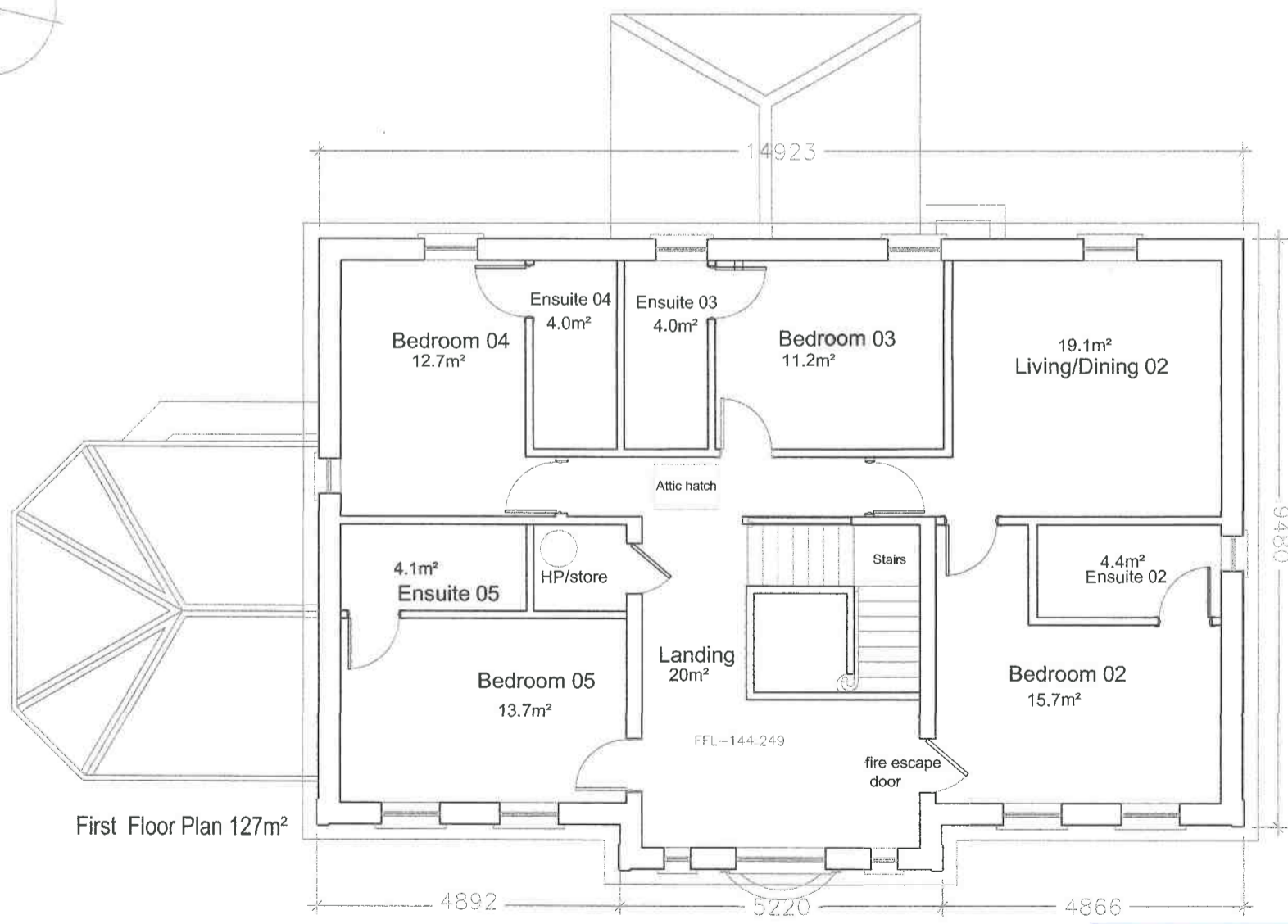
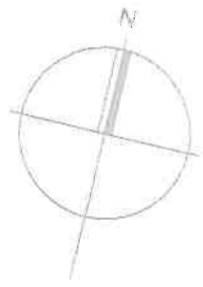
MAIN HOUSE ELEVATIONS & SECTION

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BUILDING & PLANNING DEPT.				
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Project:				
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Drawing Title: Elevations & Section				
Drawing Status: Section 5				



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1:100@A3	June 2023	092-03		SL
Project:				
Ballinla, Freemount, Co. Cork				
Drawing Title: Floor Plans (Main House)				
Drawing Status: Section 5				

Floor Plan (Main House)