

Comhairle Cathrach Chorcaí Cork City Council

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

Lyonshall Limited
c/o Harry Walsh
HW Planning
5 Joyce House
Barrack Square
Ballincollig
Cork

06/12/2024

RE: **Section 5 Declaration R889/24 Former Ursuline Sisters
Convent, Convent Road, Blackrock, Cork**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 08th November 2024, I wish to advise as follows:

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

- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and 10 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2023

It is considered that *the specific question for which a declaration is sought* **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT** at Former Ursuline Sisters Convent, Convent Road, Blackrock, Cork

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, 06th December, 2024.

Is mise le meas,



We are Cork.

David Foley

David Foley

Planning & Integrated Development

Cork City Council

PLANNER'S REPORT
Ref. R 889/24

Cork City
Council
Development Management
Planning & Development

Application type	SECTION 5 DECLARATION
Question	<i>Is the temporary change of use of the former Ursuline Sisters Convent to residential accommodation for International Protection Applicants development and, if so, is it exempted development?</i>
Location	Former Ursuline Sisters Convent, Convent Road, Blackrock, Cork
Applicant	Lyonshall Limited (owners)
Date	12/06/2025
Recommendation	Is development and is not exempted development

INTERPRETATION

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 APPLICATION

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

The question to the planning authority is framed using the phrasing of section 5.

In my opinion the intention of the request is clear, and that it is entirely reasonable to consider the question before the planning authority as being:

Is the temporary change of use of the former Ursuline Sisters Convent to residential accommodation for International Protection Applicants development and, if so, is it exempted development?

3. SITE DESCRIPTION

The subject property is a part single/part two-storey detached Convent building in the Sustainable Residential Neighbourhoods zoning area. The area is predominantly residential in nature.

4. DESCRIPTION OF THE DEVELOPMENT

The proposed development proposes the temporary change of use of the former Ursuline Sisters Convent to residential accommodation for International Protection Applicants. No physical works to the structure are stated as being proposed.

5. RELEVANT PLANNING HISTORY

TP 00/24356 Permission GRANTED for a new one/two storey convent building including chapel and heritage centre at Convent Road, Blackrock, Cork.

6. LEGISLATIVE PROVISIONS

6.1 Planning and Development Act, 2000 as amended

Section 2(1)

“exempted development” has the meaning specified in section 4.

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and*
- (b) in relation to a protected structure or proposed protected structure, includes—*
 - (i) the interior of the structure,*
 - (ii) the land lying within the curtilage of the structure,*
 - (iii) any other structures lying within that curtilage and their interiors, and*
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii).*

“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)

4.(1) 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 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, as amended.

Section 4(3)

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

- (a) any of the developments specified in subsection (1), or
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

Section 5(1)

See section 1 of this report.

6.2 Planning and Development Regulations 2001 to 2023 as amended**Article 5(2)**

In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose "ground level" means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

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

Article 9 sets out restrictions on exemptions specified under article 6.

S.I. No. 605 of 2022 Amendment of Part 1 of Schedule 2 to Planning and Development Regulations 2001

2. Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by inserting the following class after Class 20E:

Column 1 Description of Development	Column 2 Conditions and Limitations
CLASS 20F Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office,	1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection. 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022 ¹ comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001 ² .

<i>Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.</i>	3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31 December 2028.
	4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.
	5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.
	6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.
	7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the <u>International Protection Act 2015</u> (No. 66 of 2015).
	8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001."

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,*

7. ASSESSMENT

It should be stated at the outset that the purpose of this report is not to determine the acceptability or otherwise of the proposal at this location in respect to the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

7.1 Development

The first issue for consideration is whether or not the matter at hand is ‘*development*’, which is defined in the Act as comprising two chief components: ‘*works*’ and / or ‘*any material change in the use of any structures or other land*’.

‘*Works*’ is defined in section 3(1) of the Act as including ‘*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*’.

In relation to the proposed change of use of the former Ursuline Sisters Convent to residential accommodation for International Protection Applicants, it is clear that “*any material change in the use of any structures or other land*” comprises ‘*development*’. It is clearly therefore ‘*development*’ within the meaning of the Act.

CONCLUSION **Is development**

7.2 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).

It is considered that the proposal comes within **subsection (2) of section 4**, i.e. the Regulations, and not subsection (1).

Section 4(1)

It is not considered that the proposal comes within the scope of section 4(1) of the Act.

Section 4(2)

It is therefore necessary to consider whether the proposed rear extension comes under the scope of section 4(2) (i.e. exemptions specified in the Regulations), having regard to the use of the word ‘*or*’ in section 4(3).

It is considered that article 6 and **Class 20F** applies, as the development is for the temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection.

Having assessed the proposed development against Class 20F and its conditions and limitations, the following is considered:

Class 20F states a specific list of uses for which any structure, or part of a structure, may be changed to a temporary use to accommodate or support displaced persons or persons seeking international protection

The list of uses is as follows:

- school,
- college,
- university,
- training centre,
- social centre,
- community centre,
- non-residential club,
- art gallery,
- museum,
- library,
- reading room,
- sports club or stadium,
- gymnasium,
- hotel,
- convention centre,
- conference centre,
- shop,
- office,
- Defence Forces barracks,
- light industrial building,
- airport operational building,
- wholesale warehouse or repository,
- local authority administrative office,
- play centre,
- medical and other health and social care accommodation,
- event and exhibition space,
- any structure or part of structure normally used for public worship or religious instruction

This list of uses does not include the use of a structure as a Convent.

Given that the existing permitted use of the structure is of that of a Convent, in accordance with TP 00/24356, the proposed change of use of the structure is not considered to satisfy the requirements of Class 20F. The subject site is gated with 'Private Property' signs at the access points and so therefore is not accessible to members of the public as an event or exhibition space, or as a structure normally used for public worship. The existing permitted development was for a one/two storey convent building including chapel and heritage centre. Considering the above, it is considered that the chapel/heritage centre elements were ancillary to the Convent use. It is considered that the change of use of a convent to a residential accommodation for International Protection Applicants does not come within the scope of Class 20F.

In this regard the proposed change of use is not considered to be exempt.

Restrictions on exemption

It is not considered that any apply in this instance.

CONCLUSION

Is not exempted development

8. ENVIRONMENTAL ASSESSMENT

The provisions of sections 4(4), 4(4A) and 177U(9) of the Act are noted which state,

Section 4(4),

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 4(4A)

Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

Section 177U(9)

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.

8.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that **environmental impact assessment is not required.**

8.2 Screening for Appropriate Assessment

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required.**

9. RECOMMENDATION

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 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2023

the planning authority considers that —

the temporary change of use of the former Ursuline Sisters Convent to residential accommodation for International Protection Applicants at Former Ursuline Sisters Convent, Convent Road, Blackrock, Cork **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.



Eoin Cullinane
Executive Planner
29/11/2024

The Development Management Section
Community, Culture & Placemaking Directorate
Cork City Council
City Hall
Anglesea Street
Cork
T12 T997

8 November 2024

HW Planning

5 Joyce House,
Barrack Square,
Ballincobrig,
Cork
P31 KP84

www.hwplanning.ie
info@hwplanning.ie
+353 (0)21 487 3250

Directors:

Harold Walsh
Conor Friel

Company Reg. No.
495211

Accreditations

ISO 9001:2015
ISO 14001:2015
ISO 45001:2018

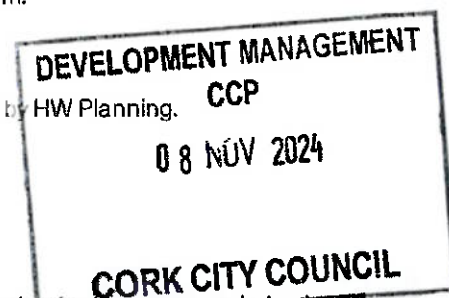
Re: Request for Declaration under Section 5 of the Planning and Development Act 2000 on whether the temporary change of use of the former Ursuline Sisters Convent, Blackrock, Cork, to residential accommodation for International Protection Applicants is or is not exempted development.

Dear Sir/Madam,

We act on behalf of Lyonshall Limited who request a declaration from Cork City Council on whether the temporary change of use of the former Ursuline Sisters convent, chapel and heritage centre, to residential accommodation for International Protection Applicants is or is not exempted development.

The following plans and particulars accompany this request:

- 2 no. copies of completed application form.
- 2 no. copies of site location map.
- 2 no. copies of this cover letter prepared by HW Planning.
- Statutory fee of €80.



01 Development Context

International Protection Applicants are individuals who have come to Ireland to escape persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and cannot seek protection in their own country. Once International Protection Applicants arrive in Ireland they must be allowed to stay in Ireland while the International Protection Office (IPO) assesses their application for International Protection. Under EU and International Law, Ireland is obliged to examine the claim of any person who arrives into the country and claims International Protection.

The International Protection Accommodation Service (IPAS) is a division of the Department of Children, Equality, Disability, Integration and Youth who are responsible for the provision of accommodation and related services to people in the International Protection process. Properties identified as being suitable for the accommodation of International Protection Applicants enter

into tenancy agreements with the Department of Children, Equality, Disability, Integration and Youth (MCEDIY) to specifically accommodate International Protection Applicants while their applications are being processed. An individual's residence at an identified IPAS accommodation property is completely voluntary and residents may leave at any time and source their own accommodation.

The building was most recently in temporary use as accommodation for Displaced Persons from the Ukraine. As outlined in the explanatory notes of S.I. 306 of 2022, once the temporary use of the building is no longer required for such use, or the relevant exempted period ceases, then the use should be discontinued unless a grant of planning for the permanent use of the building for such purposes is obtained.

"The provisions of the Planning and Development Act 2000 shall not apply to the specified classes of temporary development in the Schedule only for so long as the regulations are in force. After this time the removal, demolition or alteration of any temporary structure and the discontinuance of any temporary use and, in so far as is practicable, the restoration of the land to its condition prior to the commencement of the development, shall be required, unless the development is permitted, exempted or otherwise regularised by a provision of the Planning and Development Act 2000, or the Regulations thereto."

We wish to highlight to the Council that the previous and permanent use if the building is as the Ursuline Sisters Nun 's 'convent, chapel and heritage centre' permitted in 2000 under Cork City Council Reg. Ref: 00/24356. The property has now been identified as being suitable by the MCEDIY to accommodate designated International Protection Applicants.

02 Legislative Context

Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states 'development' means:

"In this Act, except where the context otherwise requires, "development" means— (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021)"

Section 2 of the Planning and Development Act, 2000 defines 'works' as:

"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.

'Planning and Development (Exempted Development) (No. 4) Regulations 2022' (S.I. No. 605/2022)

On 29th November 2022 Minister Darragh O'Brien signed into effect the '*Planning and Development (Exempted Development) (No. 4) Regulations 2022*' (S.I. No. 605/2022) in response to the ongoing unprecedented demand for the accommodation of those seeking international protection. These Regulations amended Part 1 of Schedule 2, entitled '*Exempted Development - General*', to the Planning and Development Regulations 2001, as amended, to insert a new Class 20F exemption. This new Class 20F permitted the change of use of certain specified structures for the purpose of providing the necessary facilities and accommodation for International Protection Applicants. Those provisions were a temporary time-limited measure and were due to expire on 31st December 2024, with the use of the specified structures ceasing to apply on that date.

Planning and Development (Exempted Development) (No. 4) Regulations 2023' (S.I. 376/2023)

The '*Planning and Development (Exempted Development) (No. 4) Regulations 2023*' (S.I. 376/2023) further amends the exemption provided by S.I. 605 of 2022, from 31st December 2024 to 31st December 2028 to allow the Department of Children, Equality, Disability, Integration and Youth greater flexibility in agreeing leases with potential accommodation providers for International Protection Applicants.

Class 20F of S.I. 376/2023 of the Planning and Development Regulations 2001 specifies that the following development for the accommodation of international protection applicants is exempted development.

Description of Development	Conditions and Limitations
<u>Class 20F</u> Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation,	1. The temporary use shall only be for the purposes of accommodating displaced persons or for the purposes of accommodating persons seeking international protection. 2. Subject to paragraph 4 of this class, the use for the purposes of accommodating displaced persons shall be discontinued when the temporary protection introduced by the Council Implementing Decision (EU) 2022/382 of 4 March 2022 comes to an end in accordance with Article 6 of the Council Directive 2001/55/EC of 20 July 2001. 3. The use for the purposes of accommodating persons seeking international protection shall be discontinued not later than 31st December 2028.

event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.

4. Where the obligation to provide temporary protection is discontinued in accordance with paragraph 2 of this class, on a date that is earlier than 31 December 2028, the temporary use of any structure which has been used for the accommodation of displaced persons shall continue for the purposes of accommodating persons seeking international protection in accordance with paragraph 3 of this class.

5. The relevant local authority must be notified of locations where change of use is taking place prior the commencement of development.

6. 'displaced persons', for the purpose of this class, means persons to whom temporary protection applies in accordance with Article 2 of Council Implementing Decision (EU) 2022/382 of 4 March 2022.

7. 'international protection', for the purpose of this class, has the meaning given to it in section 2(1) of the International Protection Act 2015 (No. 66 of 2015).

8. 'temporary protection', for the purpose of this class, has the meaning given to it in Article 2 of Council Directive 2001/55/EC of 20 July 2001.

As confirmed in Circular Letter PL 09/2023 dated 4th August 2023 regarding S.I. 376/2023.

'There is no change to the structures listed from that which was provided by SI 605 of 2022.'

Class 20F of S.I. 376/2023 of the Planning and Development Regulations 2001 specifies that the following development for the accommodation of international protection applicants is exempted development.

- Medical and other health and social care accommodation.
- Event and exhibition space
- Any structure or part of structure normally used for public worship or religious instruction

As referenced previously, the building was most recently in temporary use as accommodation for Displaced Persons from the Ukraine, with its previous and permanent use as the Ursuline Sisters Nun 's Convent, chapel and heritage centre permitted in 2000 (Cork City Council Reg. Ref: 00/24356). It is considered that this use is compatible with 'medical and other health and social care accommodation, event and exhibition space and any structure or part of structure normally used for public worship or religious instruction', uses as categorised in Class 20F of S.I. 376/2023,

and accordingly the use of the premises for the accommodation of International Protection Applicants is exempted development.

03 Precedent

Cork City Council Reference R830/24 – 11-15 Bridge Street Cork

On 24th April 2024, Cork City Council issued a Declaration under Section 5 of the Planning and Development Act 2000, specifying that:

'The change of use of the former bank premises at lower ground and ground floor levels (No's 11-13 Bridge Street) & ancillary offices at 1st, 2nd & 3rd floor levels (No's 11-12 Bridge Street) & ancillary offices at 1st, 2nd & 3rd floor levels of existing commercial building (12-15 Bridge Street) for use as temporary accommodation for displaced persons or persons seeking International Protection.'

constituted development and was exempted development for the relevant period. Cork City Council Reference R830/24 refers. In their reasoning of their decision the Planning Authority had particular regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and,
- Articles 6 and 9 and Class 20F as set out in Schedule 2, Part 1 of the Planning and Development Regulations 2001.

04 Conclusion

In summary, the subject premises has been identified as being suitable for the temporary accommodation of designated International Protection Applicants. The building was most recently in the use as temporary accommodation for Displaced Persons from the Ukraine, with its previous and permanent use as the Ursuline Sisters Nun 's Convent, chapel and heritage centre permitted in 2000 (Cork City Council Reg. Ref: 00/24356), which is compatible with 'medical and other health and social care accommodation, event and exhibition space and any structure or part of structure normally used for public worship or religious instruction', uses as categorised in Class 20F of S.I. 376/2023.

Accordingly having regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and,
- Articles 6 and 9 and Class 20F as set out in Schedule 2, Part 1 of the Planning and Development Regulations 2001.

We consider that the change of use of the Ursuline Sisters convent, chapel and heritage centre at Convent Road, Blackrock, Cork, to temporary residential accommodation for International Protection Applicants is development and is exempted development.

Please do not hesitate to contact us if you have any queries.



hw planning

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Harry Walsh', with a stylized flourish at the end.

Harry Walsh
HW Planning

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

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

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

Fón/Tel: 021-4924564/4321

Líonra/Web: www.corkcity.ie

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

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

Former Ursuline Sisters Convent, Convent Road, Blackrock, 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.

Request for Declaration under Section 5 of the Planning and Development Act 2000 on whether the temporary change of use of the former Ursuline Sisters Convent, Blackrock, Cork, to residential accommodation for International Protection Applicants is or is not exempted development.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Please refer to the Cover Letter prepared by HW Planning.

DEVELOPMENT MANAGEMENT
08 NOV 2024

3. APPLICATION DETAILS

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

(a) Floor area of existing/proposed structure/s	824 sq.m
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes ☐ No ☒ If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle)	Proposed/existing use (please circle)
Please refer to the Cover Letter prepared by HW Planning.	Please refer to the Cover Letter prepared by HW Planning.

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		Lyonshall Limited
Applicants Address	Floor 3, Blackrock Hall, Blackrock Avenue, Skehard Road, Blackrock, Cork.	
Person/Agent acting on behalf of the Applicant (if any):	Name:	Harry Walsh - HW Planning
	Address:	5 Joyce House, Barrack Square, Ballincollig, Cork.
	Telephone:	021 - 487 3250
	Fax:	N/A
	E-mail address:	info@hwplanning.ie
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)		Yes ☒ No ☐

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner X	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question	N/A	
If you are not the legal owner, please state the name and address of the owner if available	N/A	

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



Signature: _____

Date: 6th of November 2024

.....

ADVISORY NOTES:

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

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

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

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

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

DATA PROTECTION

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



**Lyonshall LTD,
Ursuline Convent
Blackrock,
Co.Cork,
T12 X982.**

05th November 2024

RE: Application for Planning Exemption - Provision of Accommodation for International Protection Applicants at Ursuline Convent, Blackrock, Co.Cork, T12 X982.

To whom it may concern,

The Department is currently seeking offers of accommodation for properties which have a full grant of planning permission for use as International Protection accommodation or properties which may avail of the Class 14H or 20F exemptions as per the Planning and Development Regulations. The above property has been offered to the Department as temporary emergency accommodation for International Protection applicants subject to grant of a planning exemption. We would therefore request that this correspondence be taken as evidence of engagement with the Department regarding the proposed change of use of the property named above.

I can confirm that the Department is interested utilizing the above property for the accommodation of International Protection applicants subject to all planning, change of use, building control, Certificate of Compliance on Completion (CCC), fire and insurance certifications being in place and subject to contract/contract denied.

If you have any queries regarding the above, please contact me at ipps@equality.gov.ie.

Yours sincerely,

Seán Woods
Higher Executive Officer
International Protection Procurement Services

PROPERTY MANAGEMENT
08 NOV 2024

