



Comhairle Cathrach Chorcaí Cork City Council

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

Una O'Halloran,
c/o Alice Bowler,
On behalf of Tom Hegarty Architects,
6 North Mall,
Cork T23 ERD6.

04/07/2023

**RE: Section 5 Declaration R787/23 87 Curragh Woods, Frankfield,
Cork T12 H9KA.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 16th June 2023, I wish to advise as follows:

In view of the above and having regard to:

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

The Planning Authority considers that –

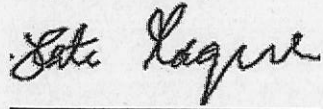
the minor changes to the internal layout, additional sliding door to be located at the side of the dwelling, relocation of walled pipe, rear facing ground floor fenestration changes and relocation and replacement of side fencing at 87 Curragh Woods, Frankfield, Cork **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**

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, 04th July 2023.



We are Cork.

Is mise le meas,



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

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R787.23

- Description:**
- Removal of the internal wall dividing the existing kitchen and dining room to create an open plan kitchen/dining space, with a new closet for washer drier.
 - Create a new opening on the side elevation for a sliding door into the kitchen/dining.
 - The existing cill is to be lowered on the rear elevation of the existing kitchen to allow for a new large window.
 - The patio door in the existing kitchen is to be replaced with a new patio door.
 - The existing garden fence and gate are to be removed. A new garden fence and gate to match existing are to be installed 3.6m from existing location, at the edge of the existing block boundary wall, as the higher rear garden wall heights continues to this point on the boundary. (See image 1 and 2 attached)
 - The vent pipe on the external side elevation is to be moved to allow for the proposed sliding door ope, with existing pipes extended and reconnected.

Applicant: Una O’Halloran

Location: 87 Curragh Woods, Frankfield, Cork, T12H9KA

1. Purpose of Report

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

2. Site Location

The site is a semi-detached two storey dwelling located on a corner site at 87 Curragh Woods, Frankfield, Cork.

3. The Question before the Planning Authority

Are the following works development, and if so, are they exempted development.

- Removal of the internal wall dividing the existing kitchen and dining room to create an open plan kitchen/dining space, with a new closet for washer drier.
- Create a new opening on the side elevation for a sliding door into the kitchen/dining.
- The existing cill is to be lowered on the rear elevation of the existing kitchen to allow for a new large window.

- The patio door in the existing kitchen is to be replaced with a new patio door.
- The existing garden fence and gate are to be removed. A new garden fence and gate to match existing are to be installed 3.6m from existing location, at the edge of the existing block boundary wall, as the higher rear garden wall heights continues to this point on the boundary. (See image 1 and 2 attached)
- The vent pipe on the external side elevation is to be moved to allow for the proposed sliding door opening, with existing pipes extended and reconnected.

Scaled drawings/floor plans were not submitted showing the works and proposed use.

4. Planning History

No planning history on site.

5. Planning Legislation

5.1 Planning and Development Act, 2000 as amended

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 5(1),

(See section 1 of this report)

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 Planning and Development Regulations, 2001 as amended

PART 1 EXEMPTED DEVELOPMENT

Class 5 Interpretation for this Part

In this Part—

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

- 1. The height of any such structure shall not exceed 2 meters or, in the case of a wall or fence within or bounding any garden or space in front of a house, 1.2m.*
- 2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space shall be rendered or plastered.*
- 3. No such structure shall be a metal palisade or any other security fencing.*

Article 6(1) Exempted development

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 Restrictions on exemption

This sets out restrictions on exemptions specified under article 6. Article 9(1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development, including (a) if the carrying out of such development would:-

- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (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,*

6 Development Plan

The development plan is the Cork City Development Plan 2022.

Under this plan, the subject site, and surrounding area are zoned for sustainable residential use, ZO 01. The objective is *to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.*

The site is not affected by any recorded monuments or protected structures.

The site is not within a designated Architectural Conservation Area.

7 Assessment

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 follows.

'Development' as defined in the Act comprises two chief components: 'works', and '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 3(1) of the Act as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

The proposal involves (i) removal of the internal wall dividing the existing kitchen and dining room to create an open plan kitchen/dining space, (ii) create a new opening on the side elevation for a sliding door into the kitchen/dining, (iii) the existing cill lowered on the rear elevation of the existing kitchen to allow for a new large window, (iv) the patio door in the existing kitchen is to be replaced with a new patio door, (v) removal of existing garden fence and gate, with new garden fence and gate to match existing to be installed 3.6m from existing location, (vi) vent pipe on the external side elevation to be moved to allow for the proposed sliding door open, with existing pipes extended and reconnected.

It is considered that the proposed alterations would come within the definition of 'works' set out in the Act. Therefore, it is most likely that the proposed changes constitute 'development'.

CONCLUSION — is development

7.2 Exempted Development

The next issue for consideration is whether the proposed change of use is or is not exempted development.

The 'works' (i.e. development) to be carried out include internal alterations, fenestration rearrangement including an additional sliding door to side (south), relocating of external walled pipe to facilitate same, rear facing ground floor window to replace existing with increase in size, the replacing and relocation of side wood panel fencing 3.6m southeast with similar (approx. 1.7m height) remaining to the side of the dwelling.

The internal works are a modest rearrangement of the internal first floor layout. The additional sliding door located to the side of the dwelling with relocated walled pipe, the replacement of existing rear ground floor window and increase in the size of the window do not render the dwelling inconsistent with neighbouring properties. The replacement wood panel fencing located to the side of the dwelling is 1.7m height, below the 2m limit of the exemption.

The dwelling is not an unauthorised dwelling nor is its use. The alterations do not contravene a condition of planning. The dwelling is not a protected structure and is not located in an architectural conservation zone.

Based on the above and the information at hand it would appear that the works described would come under the scope of section 4(1)(h) of the Act and would therefore constitute exempted development.

CONCLUSION — is exempted development.

7.3 Environmental 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.

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.

8 Recommendation

In view of the above and having regard to –

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

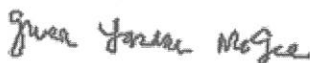
It is considered that the minor changes to the internal layout, additional sliding door to be located at the side of the dwelling, relocation of walled pipe, rear facing ground floor fenestration changes and relocation and replacement of side fencing at 87 Curragh Woods, Frankfield, Cork, IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.

Signature



Alan Swanwick
Assistant Planner
Community, Culture & Placemaking

03/07/2023.



Gwen Jordan McGee
Senior Executive Planner, Development Management Section,
Community, Culture & Placemaking,

Tom Hegarty Architects

Architecture
Urban Design
Project Management

13th June 2023

6 North Mall
Cork

t: + 353 (0)21 4932845
e: info@hega.ie
w: www.hega.ie

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

Re: Section 5 Declaration Application request for Una O'Halloran at 87 Curragh Woods, Frankfield, County Cork.

Dear Sir/Madam,

On behalf of Una O'Halloran, we wish to apply for a Section 5 declaration of exemption concerning 87 Curragh Woods, Frankfield, Co. Cork.

In support of our application please find attached two copies of the following documents:

1. Completed Application Form for Section 5 Declaration of Exemption
2. Description of the Proposal
3. 129_OS Map 1:1000
4. 129_OS Map 1:10,560
5. 129_EX-01_rev A Existing Site Plan
6. 129_EX-02_rev A Existing Building Survey
7. 129_A-01_rev A Proposed Site Plan
8. 129_A-02_rev A Proposed Plan, Elevation and Section
9. 129_A-03_rev A Proposed Garden Fence Elevation

In relation to the application fees payable, a payment was made by EFT. Details attached. Should you wish to contact me my phone number is below.

We look forward to hearing from you.

Yours faithfully



Alice Bowler
On behalf of Tom Hegarty Architects
021 4932845



COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

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

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

Fón/Tel: 021-4924709

Líonra/Web: www.corkcity.ie

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

1. NAME OF PERSON MAKING THE REQUEST

UNA O'HALLORAN

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

87 CURRAGH WOODS, FRANKFIELD, CORK, T12 H9KA

3. 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.

ARE THE ALTERATIONS ON THE ATTACHED DRAWINGS EXEMPTED DEVELOPMENT?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

PLEASE SEE ATTACHED SUPPORTING INFORMATION – DETAILED DESCRIPTION OF THE PROPOSAL AND THE ATTACHED DRAWINGS FOR MORE INFORMATION.

CORK CITY COUNCIL
16 JUN 2023
CCP
DEVELOPMENT MANAGEMENT

4. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

_____ NO _____

5. Is this a Protected Structure or within the curtilage of a Protected Structure? NO

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?

6. Was there previous relevant planning application/s on this site?

If so please supply details:

No (excluding the original planning application for the estate)

7. 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	93.5 sq.m. existing
(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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) _____ N/A _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) N/A	Proposed/existing use (please circle) N/A

7. LEGAL INTEREST

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 in question		
If you are not the legal owner, please state the name of the owner if available		

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

Signature: _____ *[Handwritten Signature]* _____

Date: _____ *13/06/2023* _____

ADVISORY NOTES:

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

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

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

The application should be sent to the following address:

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

- The Planning Authority may 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.

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We request that you read these as they contain important information about how we process personal data.

87 Curragh Woods - Application for Section 5 Exemption Declaration.

Supporting Information – Description of the proposal

13.06.2023

Proposed Changes

The current owner, who is the current applicant for this section 5 declaration of exemption request, seeks to make renovations to their family home. The changes are within the existing footprint of the building, and mostly internal works with some rearranging of the existing garden layout and relocating a vent pipe.

The proposed changes are as follows:

- Removal of the internal wall dividing the existing kitchen and dining room to create an open plan kitchen/dining space, with a new closet for washer/drier.
- Create a new opening on side elevation for a sliding door into the kitchen/dining.
- The existing cill is to be lowered on the rear elevation of the existing kitchen to allow for a new large window.
- The patio door in the existing kitchen is to be replaced with a new patio door.
- The existing garden fence and gate are to be removed. A new garden fence and gate to match existing are to be installed 3.6m from existing location, at the edge of the existing block boundary wall, as the higher rear garden wall height continues to this point on the boundary. [see images 1. and 2. attached]
- The vent pipe on the external side elevation is to be moved to allow for the proposed sliding door ope, with existing pipes extended and reconnected.

All of the above proposed changes are shown in red on the drawings submitted with this application and are listed on the application letter.

Location of proposed fence and gate shown in red.



1.



2.

Site Location Map



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**CENTRE
COORDINATES:**
ITM 567541,568224

PUBLISHED: 12/06/2023
ORDER NO.: 50339733_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK074
6 Inch Raster CK086

COMPILED AND PUBLISHED BY:
National Mapping Division of
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Phoenix Park,
Dublin 8,
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D08F6E4

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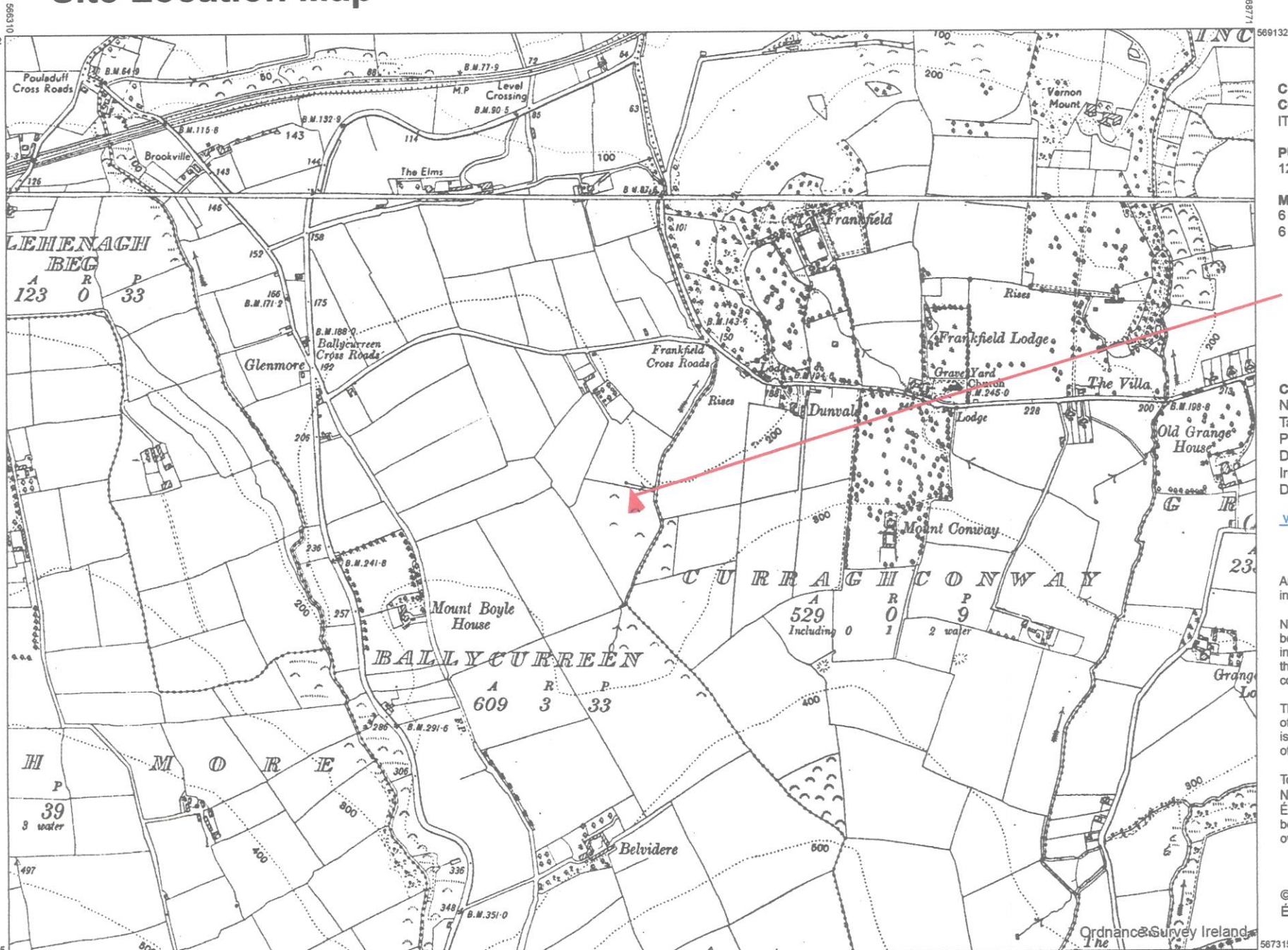
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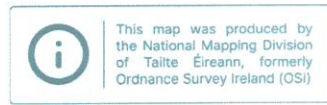
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LEGEND:
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Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 567541,568224

PUBLISHED: 12/06/2023 **ORDER NO.:** 50339733_1

MAP SERIES: 1:2,500 **MAP SHEETS:** 6427-D

SITE APPLICATION BOUNDARY

OWNERSHIP BOUNDARY

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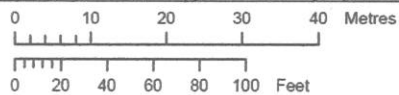
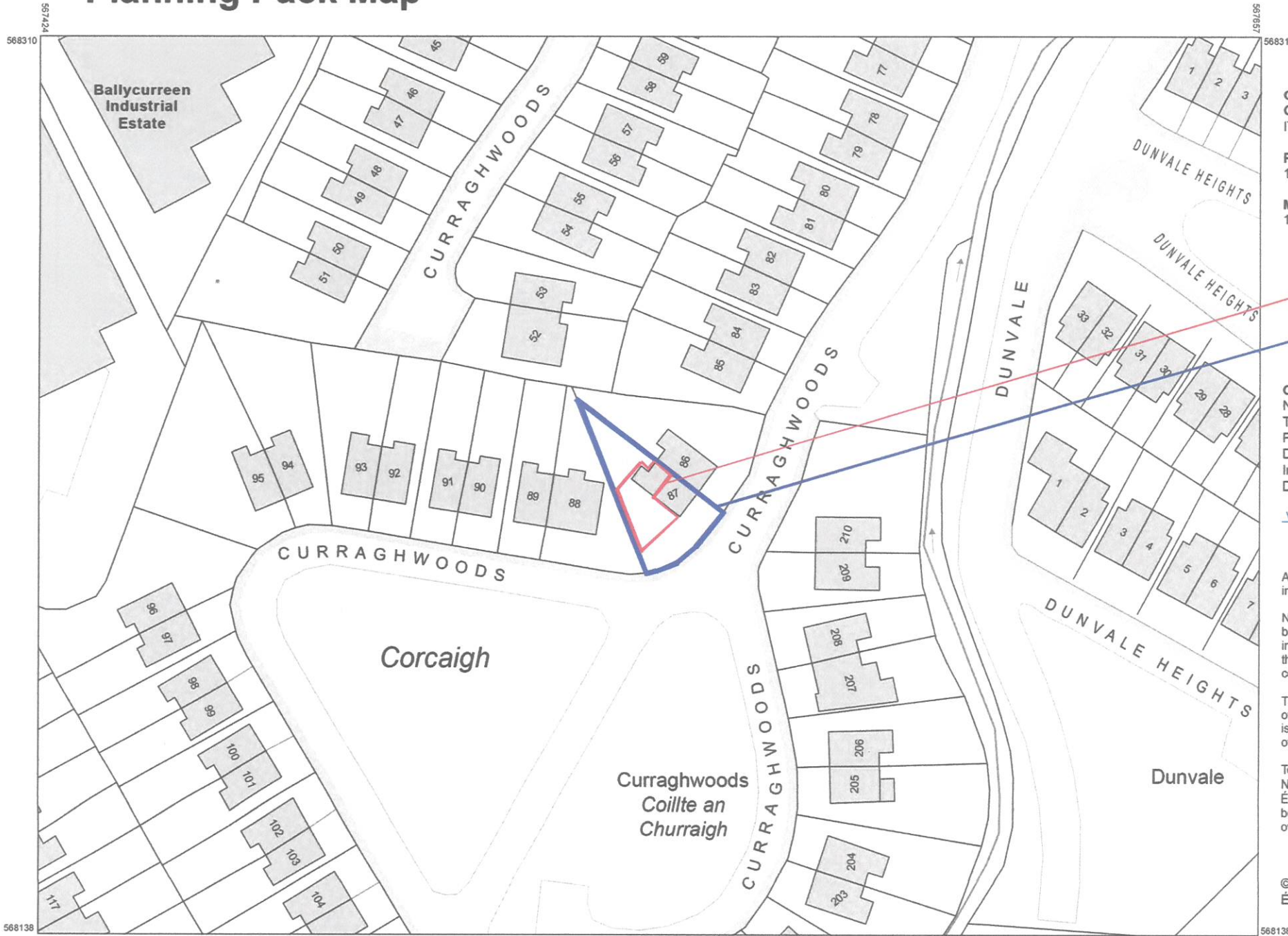
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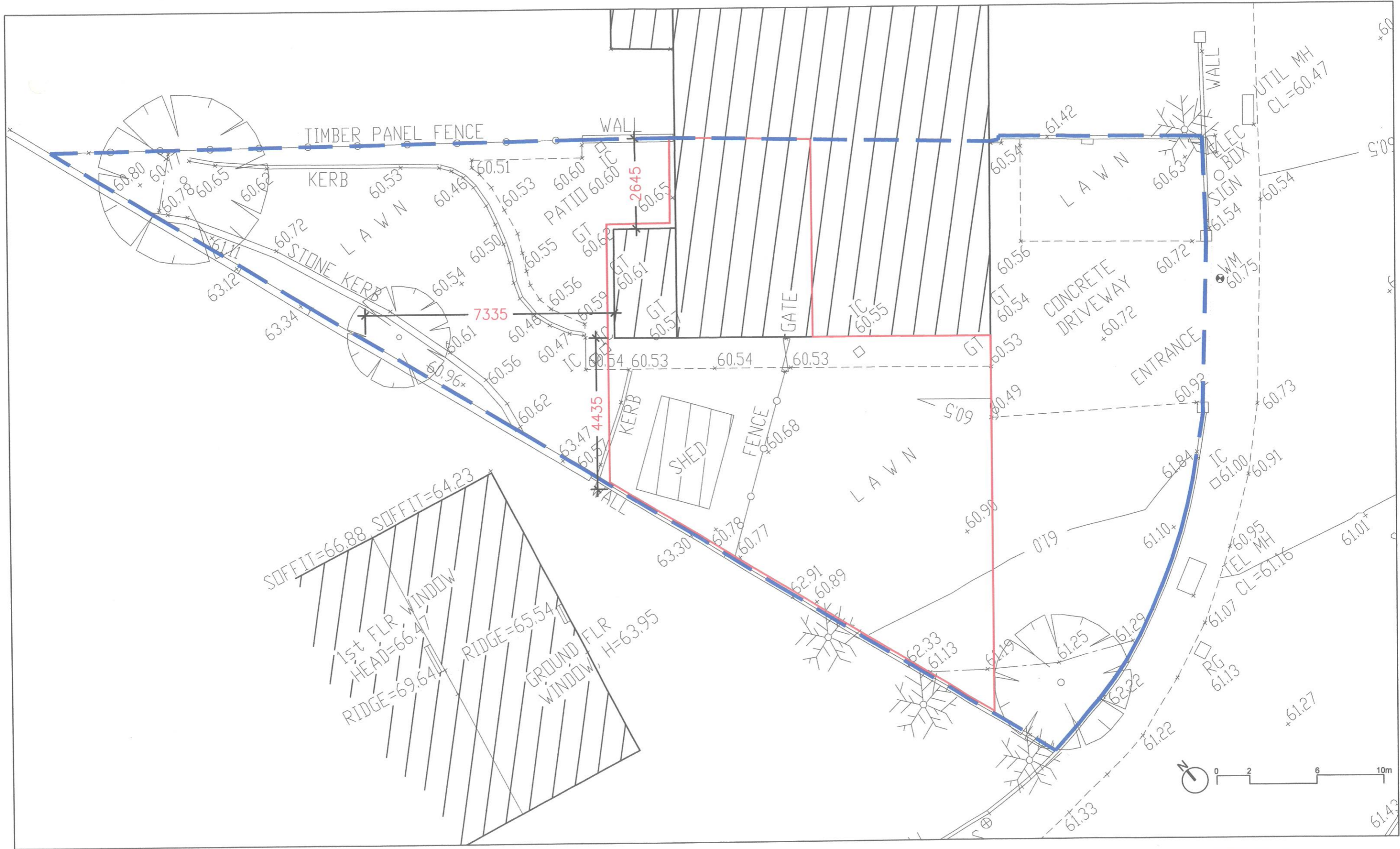
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REV	DATE	DRN	NOTES
A	13-06-23	AB	ISSUED FOR SECTION 5 DECLARATION OF EXEMPTION

NOTES

- EXISTING CONTOURS -0.0-
- EXISTING LEVELS 0.00
- +
- — — — — SITE OWNERSHIP BOUNDARY
- — — — — APPLICATION BOUNDARY

JOB
87 CURRAGH WOODS

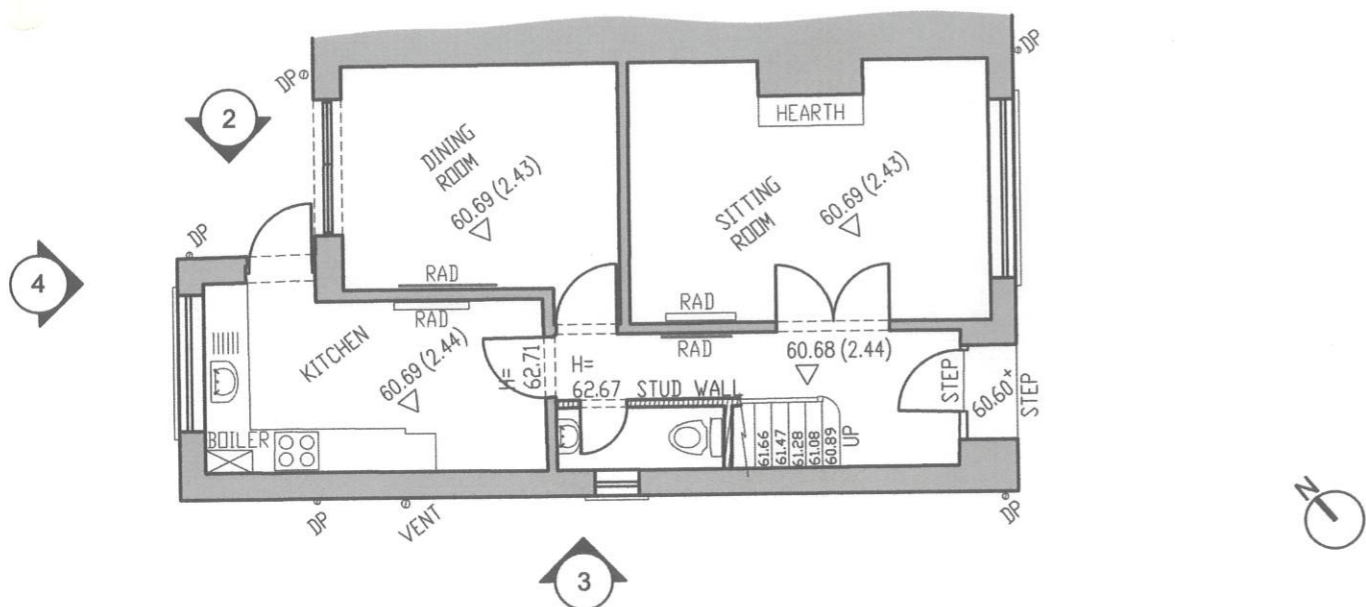
CLIENT
UNA O'HALLORAN

DRAWING
EXISTING SITE PLAN

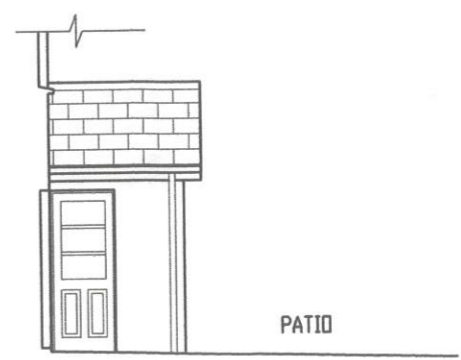
DATE 28/02/2023	SCALE 1/100
DRN AB	CHECKED TH
JOB NUMBER 129	DWG NUMBER EX-01
REVISION A	

TOM HEGARTY ARCHITECTS

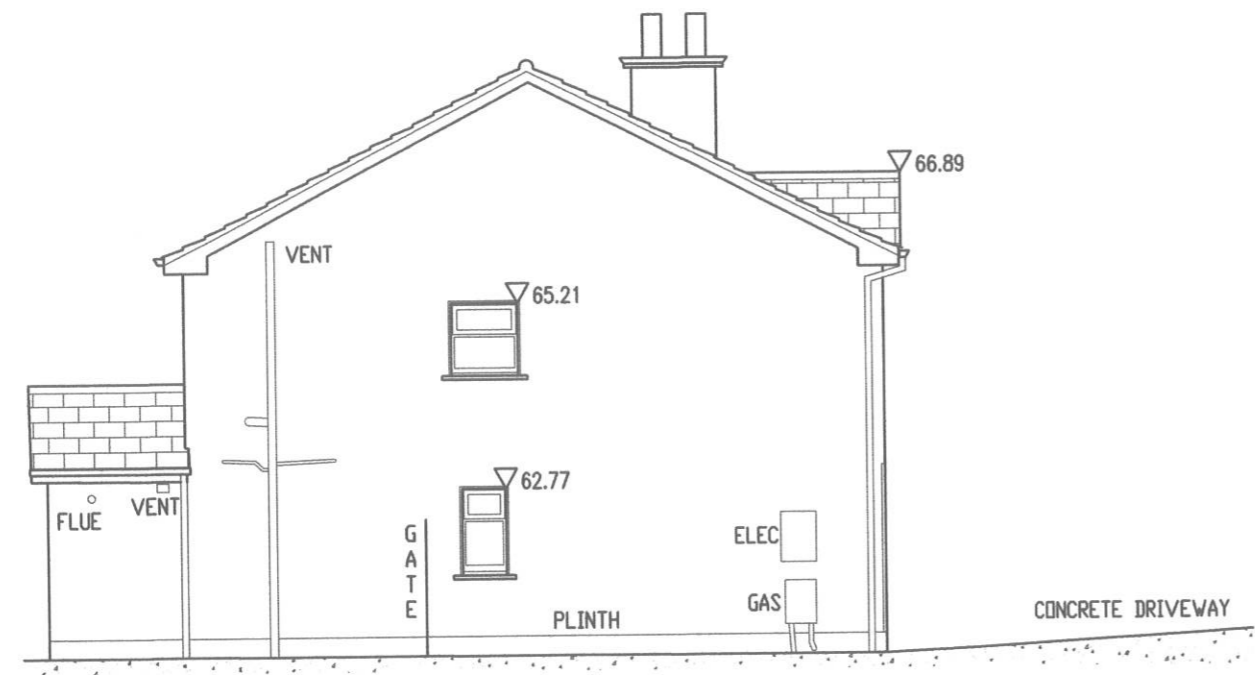
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Cork
T: + 353 (0)21 4932845
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W: www.hega.ie



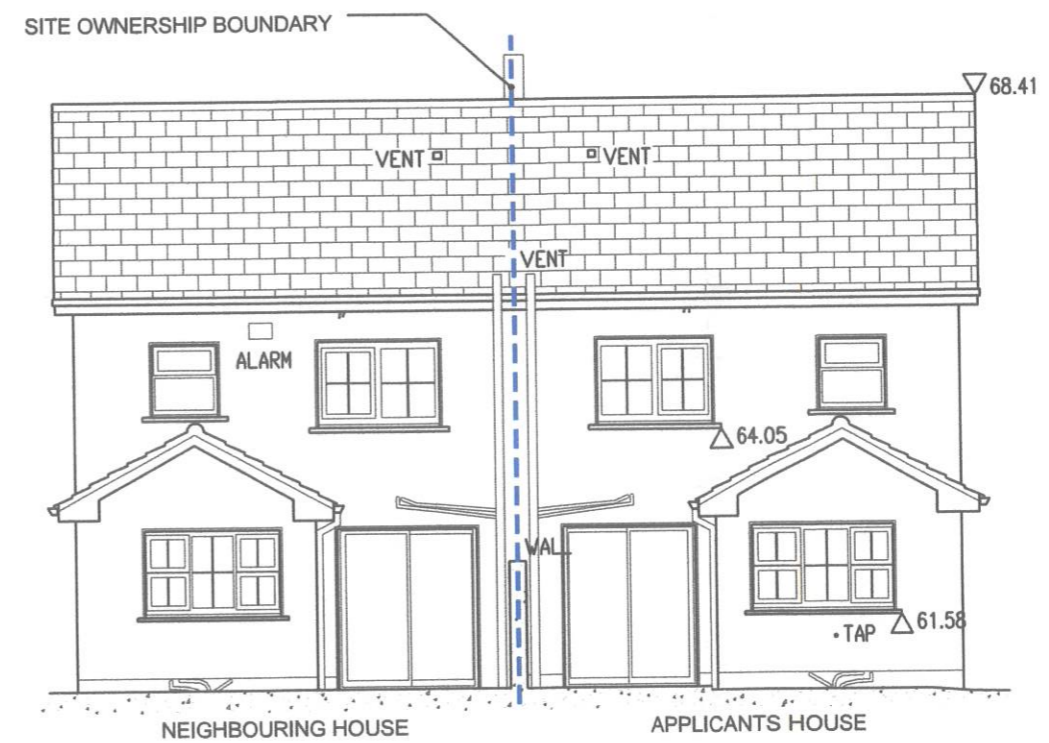
1 EXISTING GROUND FLOOR PLAN
SCALE 1:100



2 EXISTING PART ELEVATION
SCALE 1:100



3 EXISTING SIDE ELEVATION
SCALE 1:100



4 EXISTING REAR ELEVATION
SCALE 1:100

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REV	DATE	DRN	NOTES
A	13-06-23	AB	ISSUED FOR SECTION 5 DECLARATION OF EXEMPTION

NOTES
 SITE OWNERSHIP BOUNDARY

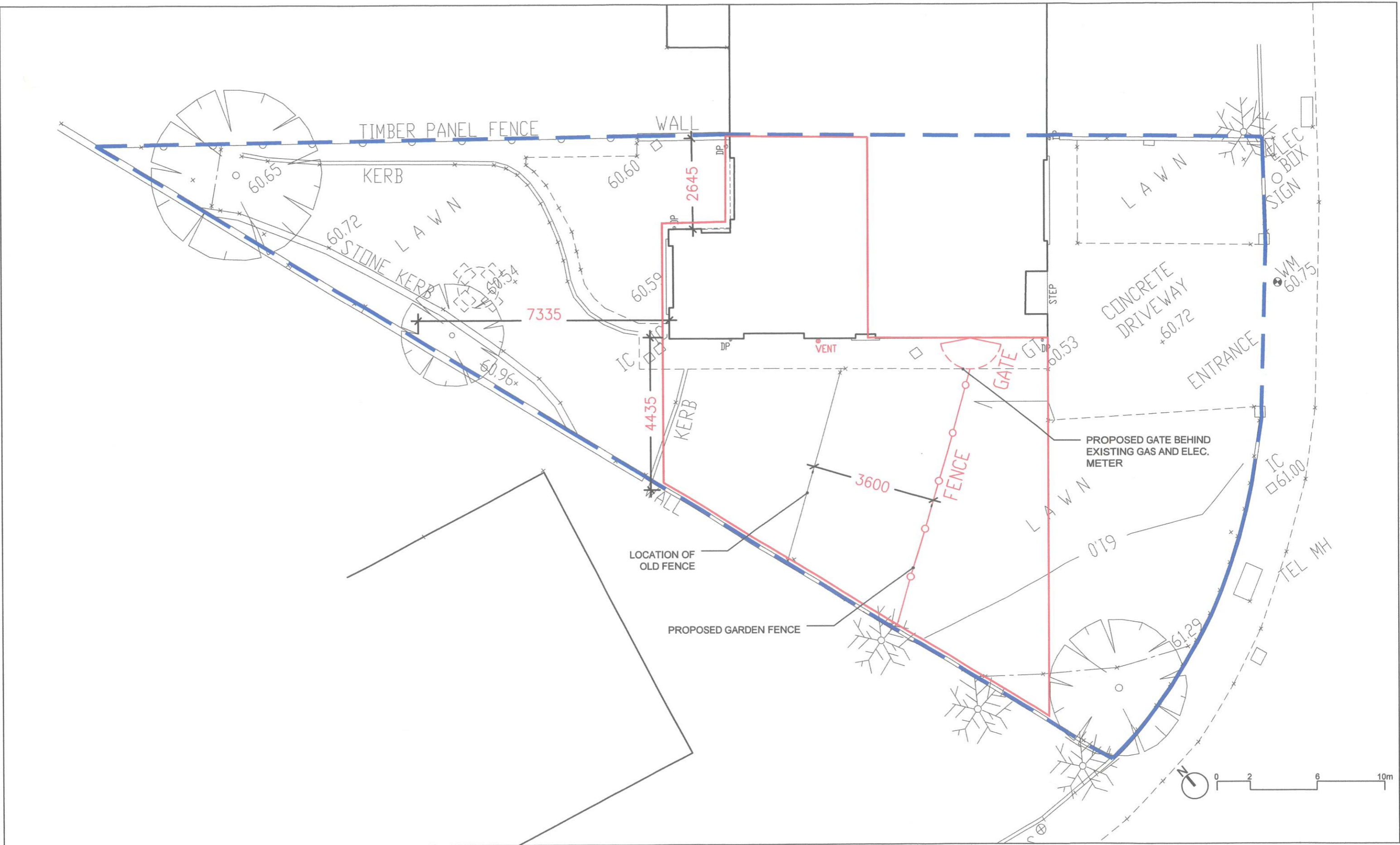
JOB
87 CURRAGH WOODS

CLIENT
UNA O'HALLORAN

DRAWING
EXISTING BUILDING SURVEY

DATE 27/02/2023	SCALE 1:100 @ A3
DRN AB	CHECKED TH
JOB NUMBER 129	DWG NUMBER EX-02
	REVISION A

TOM HEGARTY ARCHITECTS
 6 North Mall
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REV	DATE	DRN	NOTES
A	13-06-23	AB	ISSUED FOR SECTION 5 DECLARATION OF EXEMPTION

NOTES:

- SITE OWNERSHIP BOUNDARY
- APPLICATION BOUNDARY
- PROPOSED WORKS SHOWN IN RED ON PLANS, ELEVATIONS AND SECTIONS

JOB
87 CURRAGH WOODS

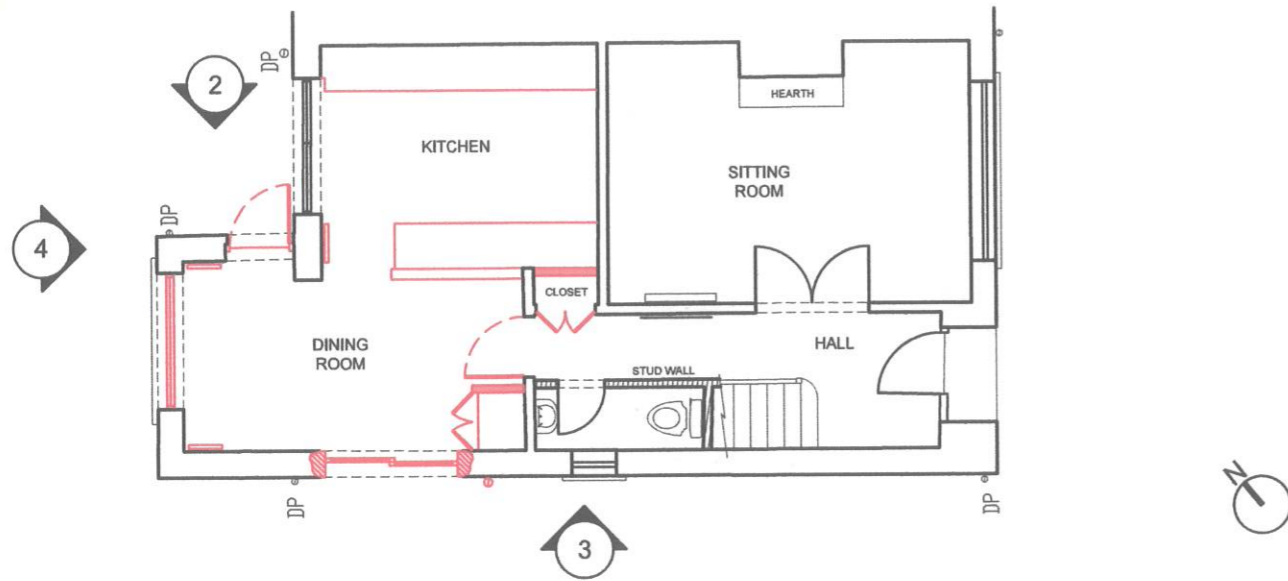
CLIENT
UNA O'HALLORAN

DRAWING
PROPOSED SITE PLAN

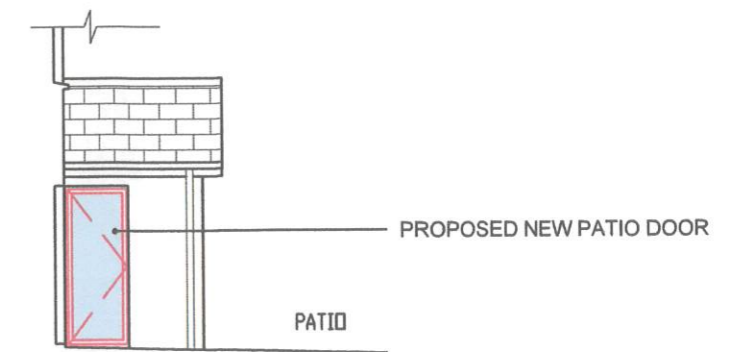
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JOB NUMBER 129	DWG NUMBER A-01
REVISION A	

TOM HEGARTY ARCHITECTS

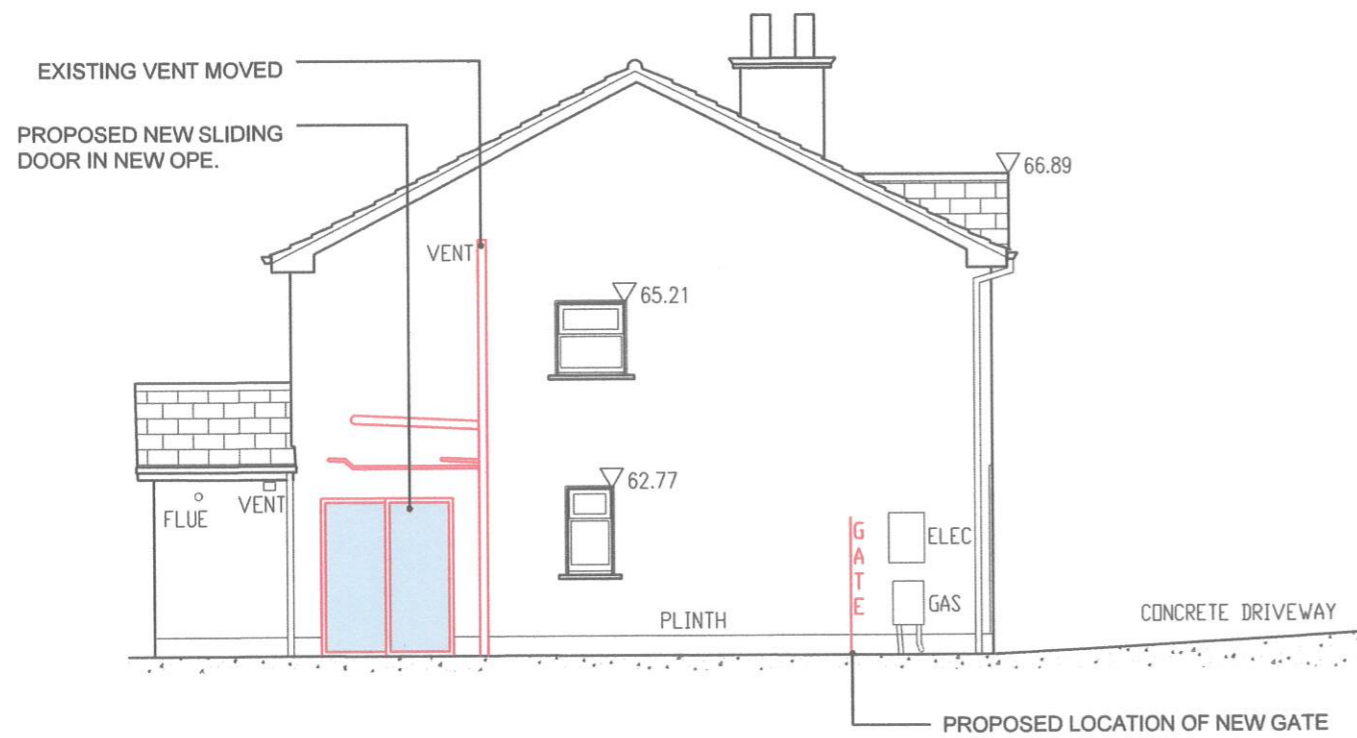
6 North Mall
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T: + 353 (0)21 4932845
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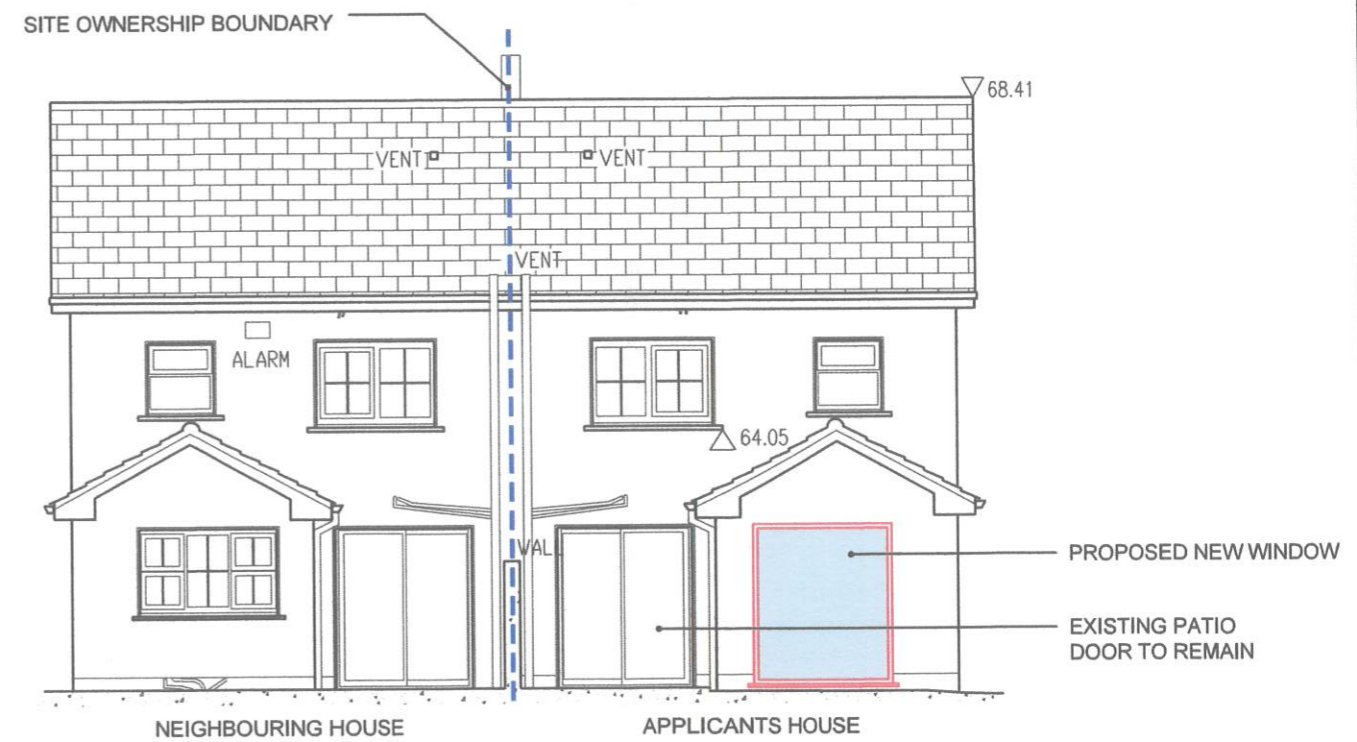
1 PROPOSED GROUND FLOOR PLAN
SCALE 1:100



2 PROPOSED PART ELEVATION
SCALE 1:100



3 PROPOSED SIDE ELEVATION
SCALE 1:100



4 PROPOSED REAR ELEVATION
SCALE 1:100

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REV	DATE	DRN	NOTES
A	13-06-23	AB	ISSUED FOR SECTION 5 DECLARATION OF EXEMPTION

NOTES

- SITE OWNERSHIP BOUNDARY
- PROPOSED WORKS SHOWN IN RED ON PLANS, ELEVATIONS AND SECTIONS

JOB
87 CURRAGH WOODS

CLIENT
UNA O'HALLORAN

DRAWING
PROPOSED PLAN, ELEVATIONS & SECTION

DATE 27/02/2023	SCALE 1/100
DRN AB	CHECKED TH
JOB NUMBER 129	DWG NUMBER A-02
	REVISION A

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1 PROPOSED GARDEN FENCE ELEVATION
SCALE 1:50

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REV	DATE	DRN	NOTES
A	13-06-23	AB	ISSUED FOR SECTION 5 DECLARATION OF EXEMPTION

NOTES

— — — — — SITE OWNERSHIP BOUNDARY

JOB
87 CURRAGH WOODS

CLIENT
UNA O'HALLORAN

DRAWING
PROPOSED GARDEN FENCE ELEVATION

DATE 27/02/2023	SCALE 1/50
DRN AB	CHECKED TH
JOB NUMBER 129	DWG NUMBER A-03
	REVISION A

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