

Comhairle Cathrach Chorcaí Cork City Council

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

Catherine Leahy,
7 Seminary Villas,
Seminary Road,
Cork T23H5R7.

08/02/2024

RE: Section 5 Declaration R820/24 7 Seminary Villas, Seminary Road, Cork T23 H5R7

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 09th January 2024, 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), and
- Articles 6, and 9 of the Planning and Development Regulations 2001 (as amended), and
- Schedule 2, Part 1, Class 2 of the Planning and Development Regulations 2001 (as amended)

The Planning Authority considers that –


the installation of solar panels on the roof at 7 Seminary Villas, Seminary Road, Cork T23 H5R7 as per the plans and particulars submitted with the Section 5 declaration application to the Planning Authority **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, 08th February 2024.

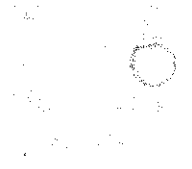


We are Cork.

Is mise le meas,



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



PLANNER'S REPORT Ref. R820/24		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Is the installation of solar panels on 7 seminary villas development? If so, is it exempted development?</i>	
Location	7 Seminary Villas, Seminary Road, Cork T23 H5R7	
Applicant	Catherine Leahy	
Date	08/02/2024	
Recommendation	<i>Is Development and Is Exempted Development</i>	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. REQUIREMENTS FOR A SECTION 5 DECLARATION

Section 5(1) of the Planning and Development Act 2000 as amended states,

~~5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.~~

The requirements for making a section 5 declaration are set out in the Act.

2. THE QUESTION BEFORE THE PLANNING AUTHORITY

In framing the question to the planning authority, the applicant states in Q2 of the application form:

Is the installation of solar panels on 7 seminary villas development? If so, is it exempted development?

Additional Details Regarding Question/ Works/ Development

This house is in the Blackpool Architectural Conservation Area. All works will meet the conditions laid out, with reference to #8 "not materially affect the character of the area". My home would not be the first to have solar panels installed.

3. SITE DESCRIPTION

The subject site is located off Seminary Road and comprises a two-storey dwelling that forms part of a terrace of buildings known as Seminary Villas.

The site is located within the Blackpool Architectural Conservation Area.

4. PLANNING HISTORY

Subject Site

None.

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 5(1),

(See section 1 of this report)

Section 82(1)

Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

Section 177U (9) (screening for appropriate assessment)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

5.2 The Regulations

Article 6(1)

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

Article 9

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

Exemptions for Solar Panels on dwellings are set out in Class 2 of Part 1 of Schedule 2.

Schedule 2, Part 1, Class 2

Exempted Development – General

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><i>CLASS 2 (c)</i> <i>The placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation.</i></p>	<ol style="list-style-type: none"> 1. <i>The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.</i> 2. <i>The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.</i> 3. <i>Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the house.</i> 4. <i>The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 25 square metres.</i>
	<ol style="list-style-type: none"> 5. <i>The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation shall not reduce the remaining area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.</i> 6. <i>The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.</i> 7. <i>The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.</i> 8. <i>The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.</i> 9. <i>Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.</i>

6. ASSESSMENT

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

6.1 Development

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

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

‘Works’ is defined in section 2(1) of the Act as ‘the carrying out of any works on, in, over, or under land’ including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal, and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.’

The provision of solar panels on a roof results in alterations to the façade and falls within the definition of ‘works’. Therefore, the proposal constitutes development within the meaning of the Act.

CONCLUSION: Is development

6.2 Exempted development

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

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

I consider that the proposal comes within subsection (2) of section 4, i.e. the Regulations, and not subsection (1).

I consider that Class 2 of Part 1 of Schedule 2 of the Regulations applies, as the proposal relates to the provision of solar panels on a dwelling.

The proposal is against Class (c) and its conditions/ limitations below.

Condition/ Limitation 1

The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.

Assessment

The distance between the plane of the roof and the proposed solar panels does not exceed 15cm.

Condition/ Limitation 2

The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.

Assessment

The proposed solar panels are greater than 50cm from the edge of the roof.

Condition/ Limitation 3

Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the house.

Assessment

No free-standing solar panels are proposed.

Condition/ Limitation 4

The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 25 square metres.

Assessment

No free-standing solar panels are proposed.

Condition/ Limitation 5

The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation shall not reduce the remaining area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.

Assessment

No free-standing solar panels are proposed.

Condition/ Limitation 6

The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.

Assessment

No free-standing solar panels are proposed.

Condition/ Limitation 7

The placing or erection of a solar photo-voltaic or solar thermal collector installation on any wall shall not be exempted development.

Assessment

No wall mounted solar panels are proposed.

Condition/ Limitation 8

The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.

Assessment

No wall mounted solar panels are proposed.

Condition/ Limitation 9

~~Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.~~

Assessment

Noted.

Having regard to Section 82(1) of the Act which states:

‘the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.’

it is considered that the provision of solar panels would not materially affect the character of the area.

CONCLUSION: Request further information.

7. ENVIRONMENTAL ASSESSMENT

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

7.2 Screening for Appropriate Assessment

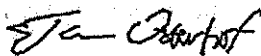
Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

8. RECOMMENDATION

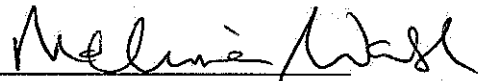
In view of the above and having regard to –

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

It is considered that the *installation of solar panels on the roof* at 7 Seminary Villas, Seminary Road, Cork T23 H5R7 as per the plans and particulars submitted with the Section 5 declaration application to the Planning Authority **Is Development and Is Exempted Development.**



Jan Oosterhof
A/ Executive Planner
08/02/2024



Melissa Walsh
Senior Executive Planner
08/02/2024

Kate Magner

From: Catherine Leahy [REDACTED]
Sent: Friday 2 February 2024 12:19
To: Kate Magner
Subject: R820\24
Attachments: dji_fly_20231207_093958_52_1701967313606_photo_optimized.JPG; dji_fly_20231207_094010_53_1701967312759_photo_optimized.JPG; dji_fly_20231207_093944_51_1701967314596_photo_optimized.JPG

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Hi Kate,

I have attached a few photos of my property. In two you will clearly see the roof. In the third you will see a row of houses to the back of my home one of which has solar panels, far right in photo, approx three houses away from my home. Should my application be successful I would not be the first house in the area to have them fitted.

If there's anything else you need please let me know.

Kind regards,
Catherine Leahy.

www.jinkosolar.com

Jinko Solar
Building Your Trust in Solar

Tiger Neo N-type 54HL4R-B 420-440 Watt ALL-BLACK MODULE

N-Type

Positive power tolerance of 0~+3%

IEC61215(2016), IEC61730(2016)

ISO9001:2015: Quality Management System

ISO14001:2015: Environment Management System

ISO45001:2018

Occupational health and safety management systems



Key Features



SMBB Technology

Better light trapping and current collection to improve module power output and reliability.



Hot 2.0 Technology

The N-type module with Hot 2.0 technology has better reliability and lower LD/LETID.



PID Resistance

Excellent Anti-PID performance guarantee via optimized mass-production process and materials control.



Enhanced Mechanical Load

Certified to withstand wind load (4000 Pascal) and snow load (6000 Pascal).



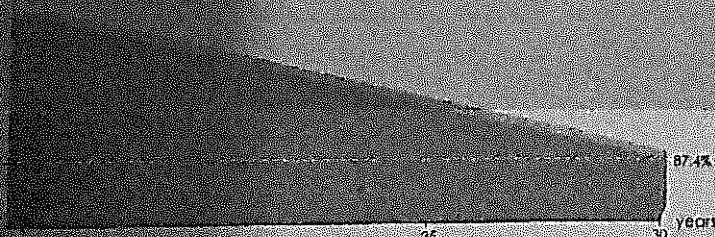
Durability Against Extreme Environmental Conditions

High salt mist and ammonia resistance.



POSITIVE QUALITY™

LINEAR PERFORMANCE WARRANTY



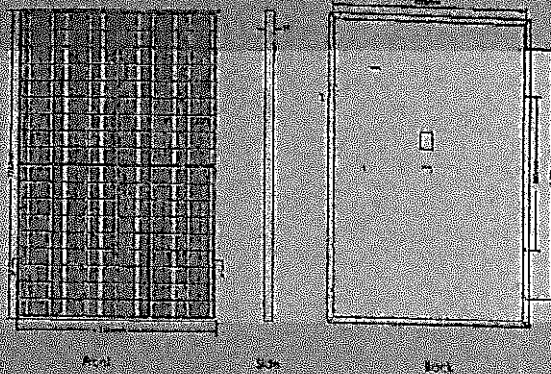
25 Year Product Warranty

30 Year Linear Power Warranty

0.40% Annual Degradation Over 30 years

Source: IEC 61215 (2016)

Engineering Drawings



Front

Side

Back



Length: 127mm
Width: 27mm
Height: 31mm
Row Pitch: 22mm

±0.1mm tolerance range applies only to the four-angle distance of the module as indicated above.

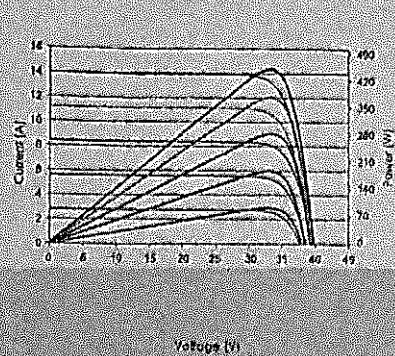
Packaging Configuration

(Two panels = One stack)

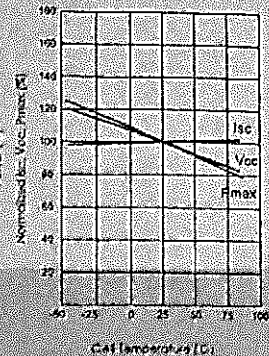
30pcs/panels, 72pcs/stack, 436pcs/40HQ Container

Electrical Performance & Temperature Dependence

Current-Voltage & Power Voltage Curve (430W)



Temperature Dependence of I_{sc}, V_{oc}, P_{max}



Mechanical Characteristics

Cell Type	N-type Mono-crystalline
No. of Cells	108 (6×18)
Dimensions	1742×1134×30mm (67.36×44.65×1.18 inch)
Weight	22 kg (48.50 lbs)
Front Glass	3.2mm Anti-Reflection Coating, High Transmission, Low Iron, Tempered Glass
Frame	Anodized Aluminium-Alloy
Junction Box	IP68 Rated
Output Cables	7mm ² 1×4-0mm ² (P) 400mm, (N) 200mm or Customized Length

SPECIFICATIONS

Module Type	JKM420N-54HL4R-B		JKM425N-54HL4R-B		JKM430N-54HL4R-B		JKM435N-54HL4R-B		JKM440N-54HL4R-B	
	STC	NOCT	STC	NOCT	STC	NOCT	STC	NOCT	STC	NOCT
Maximum Power (P _{max})	420Wp	316Wp	425Wp	320Wp	430Wp	323Wp	435Wp	327Wp	440Wp	331Wp
Maximum Power Voltage (V _{mp})	32.16V	29.95V	32.37V	30.19V	32.58V	30.30V	32.78V	30.50V	32.99V	30.73V
Maximum Power Current (I _{mp})	13.06A	10.55A	13.13A	10.60A	13.20A	10.66A	13.27V	10.72A	13.34A	10.77A
Open-circuit Voltage (V _{oc})	38.74V	36.80V	38.95V	37.00V	39.16V	37.20V	39.36V	37.39V	39.57V	37.58V
Short-circuit Current (I _{sc})	13.51A	10.91A	13.58A	10.96A	13.65A	11.02A	13.72A	11.08A	13.80A	11.14A
Module Efficiency STC (%)	21.02%		21.27%		21.52%		21.77%		22.02%	
Operating Temperature (°C)	-40°C~+85°C									
Maximum System Voltage	1000VDC (IEC)									
Maximum series fuse rating	25A									
Power Factor	0~1%									
Temperature Coefficient of P _{max}	-0.29%/°C									
Temperature Coefficient of V _{oc}	-0.73%/°C									
Temperature Coefficient of I _{sc}	0.045%/°C									
Minimum operating cell temperature (T _{cell})	-45°C									

STC: 1000W/m² irradiance, 25°C

Cell Temperature 25°C

AM=1.5

NOCT: 800W/m² irradiance, 20°C

Ambient Temperature 20°C

AM=1.5

Wind Speed 1m/s

Site Location Map



SITE LOCATION PLAN

PROPOSED SOLAR PANELS AT NO. 7
SEMINARY VILLA, BLACKPOOL CORK
FOR CATHERINE LEAHY

Scale: 1:10,000 Date: 1/2024
Rev. A - Issue for part 4 application

Survey: 1:10,000 Scale: 1:10,000
Map: 1:10,000 Scale: 1:10,000



CENTRE COORDINATES:
ITM: 567226, 573133

PUBLISHED: 29/03/2024
ORDER NO.: 50380609_1

MAP SERIES: 5 Inch Raster
MAP SHEETS: GK074

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland:
D08F6E4

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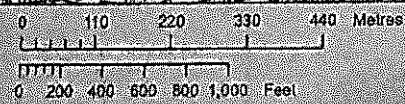
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LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



Planning Pack Map



Tailte Éireann

SITE LOCATION PLAN

Site No. A - Issue For Planning

PROPOSED SOLAR PANELS AT NO. 7 SEMINARY VILLA, BLACKPOOL, CORK FOR CATHERINE LEAHY

Date: January 2024 Scale: 1/2500 Map No. 3
 Rev. A - Issue for part 5 application

Drawn: Tully Shanon Civil Eng. Ltd.
 Approved: West, Blackpool, Co. Cork

SITE



CENTRE COORDINATES:
 ITM 567226,573133

PUBLISHED: 29/01/2024
ORDER NO.: 50380009_1

MAP SERIES:
 1:1,000 6337-24
 1:1,000 6337-25
 1:1,000 6382-04
 1:1,000 6382-05

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LEGEND:

To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



SITE

Glen View House

HATTONS ALLEY LN

LOVER'S WALK

SEMINARY COURT

BROADLANE

13-28

MAHONY'S SQ

SEMINARY RD

THE LAWN

SEMINARY VIL

RY BUILDINGS

66

81

MAD

9

20

1

4

6

4

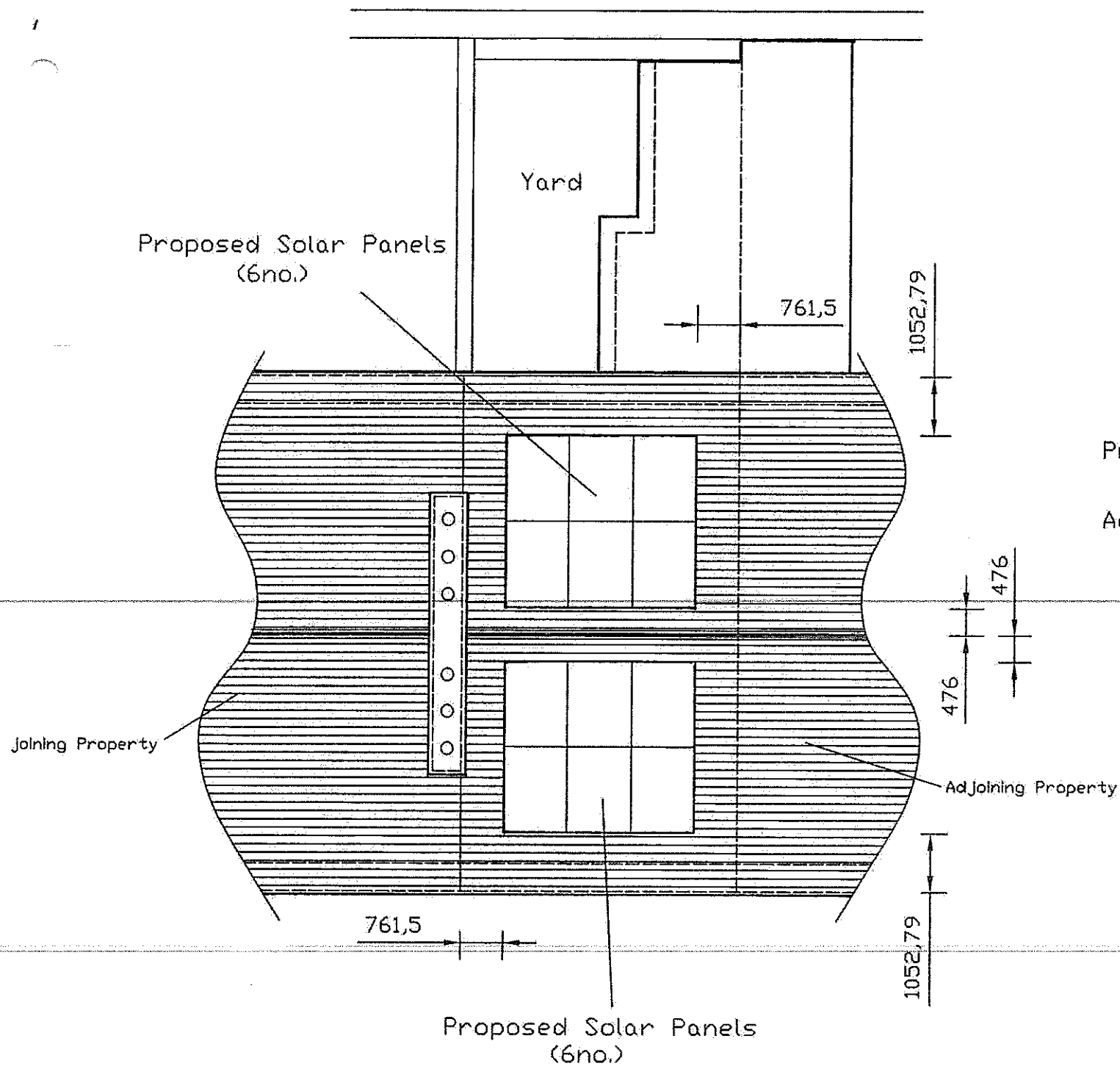
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2

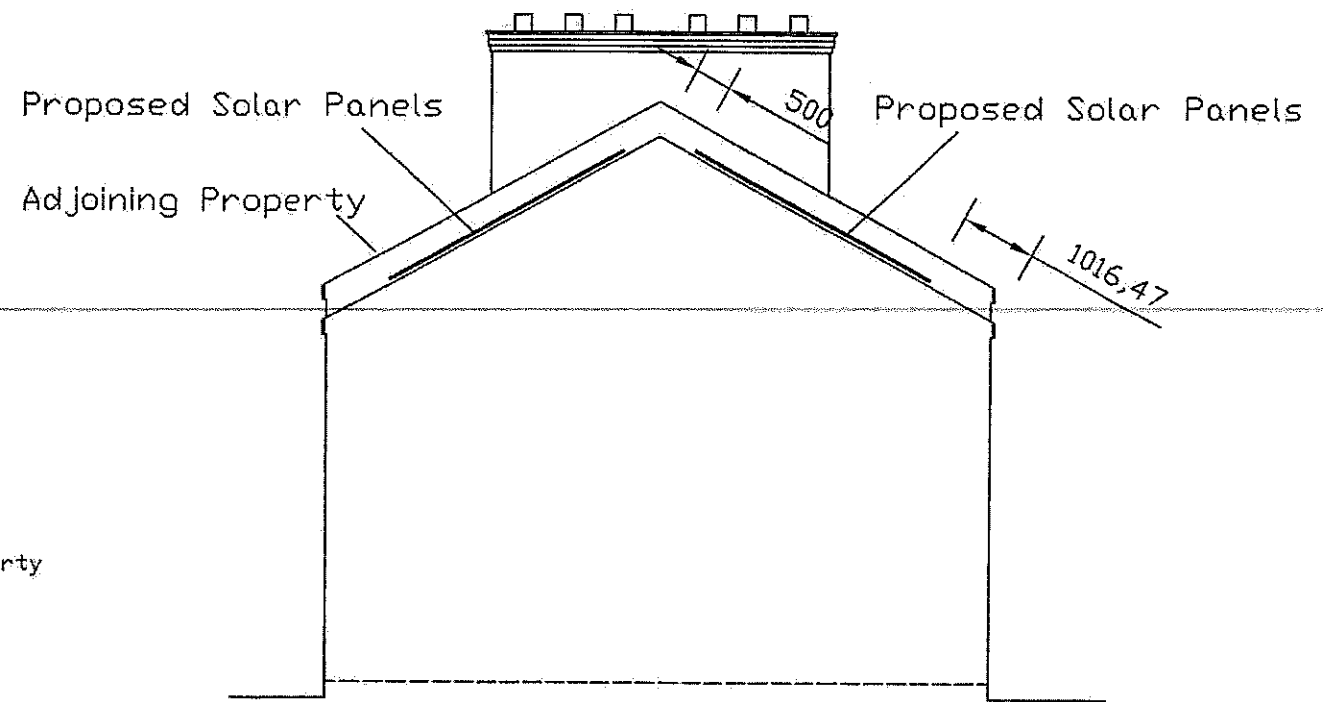
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89

83



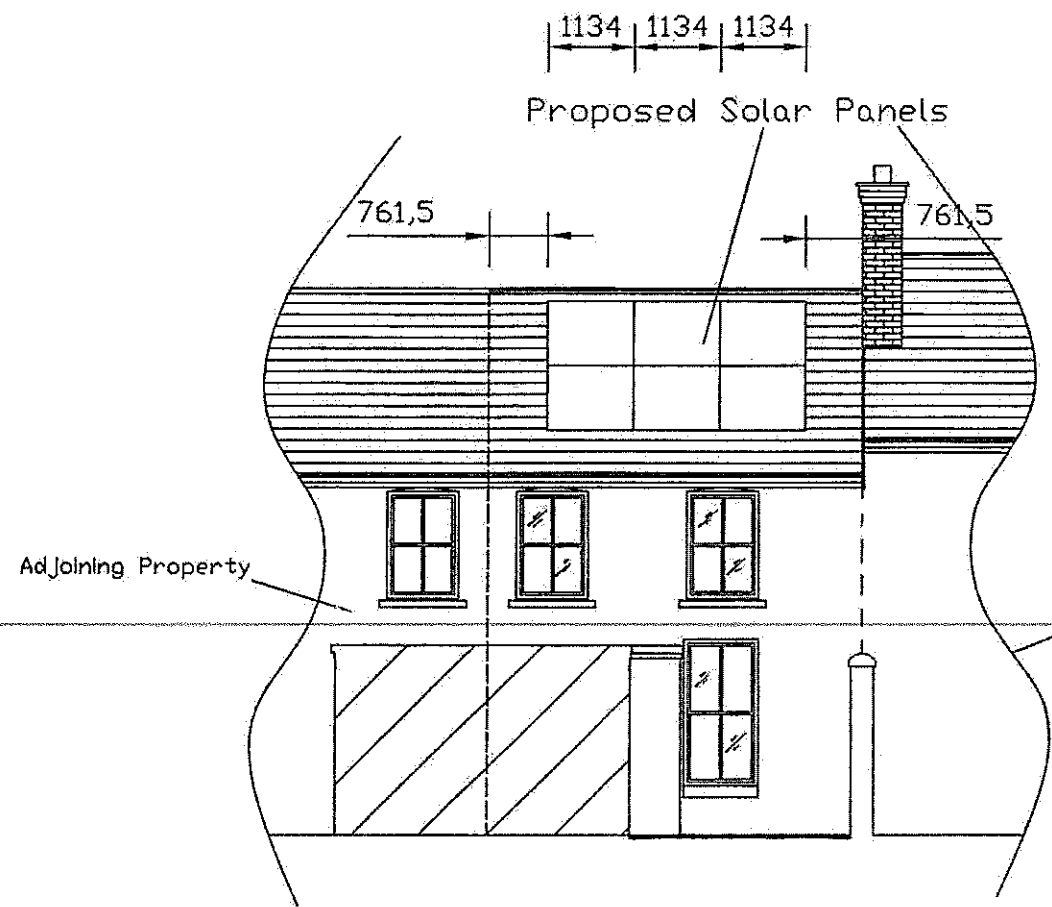
ROOF PLAN



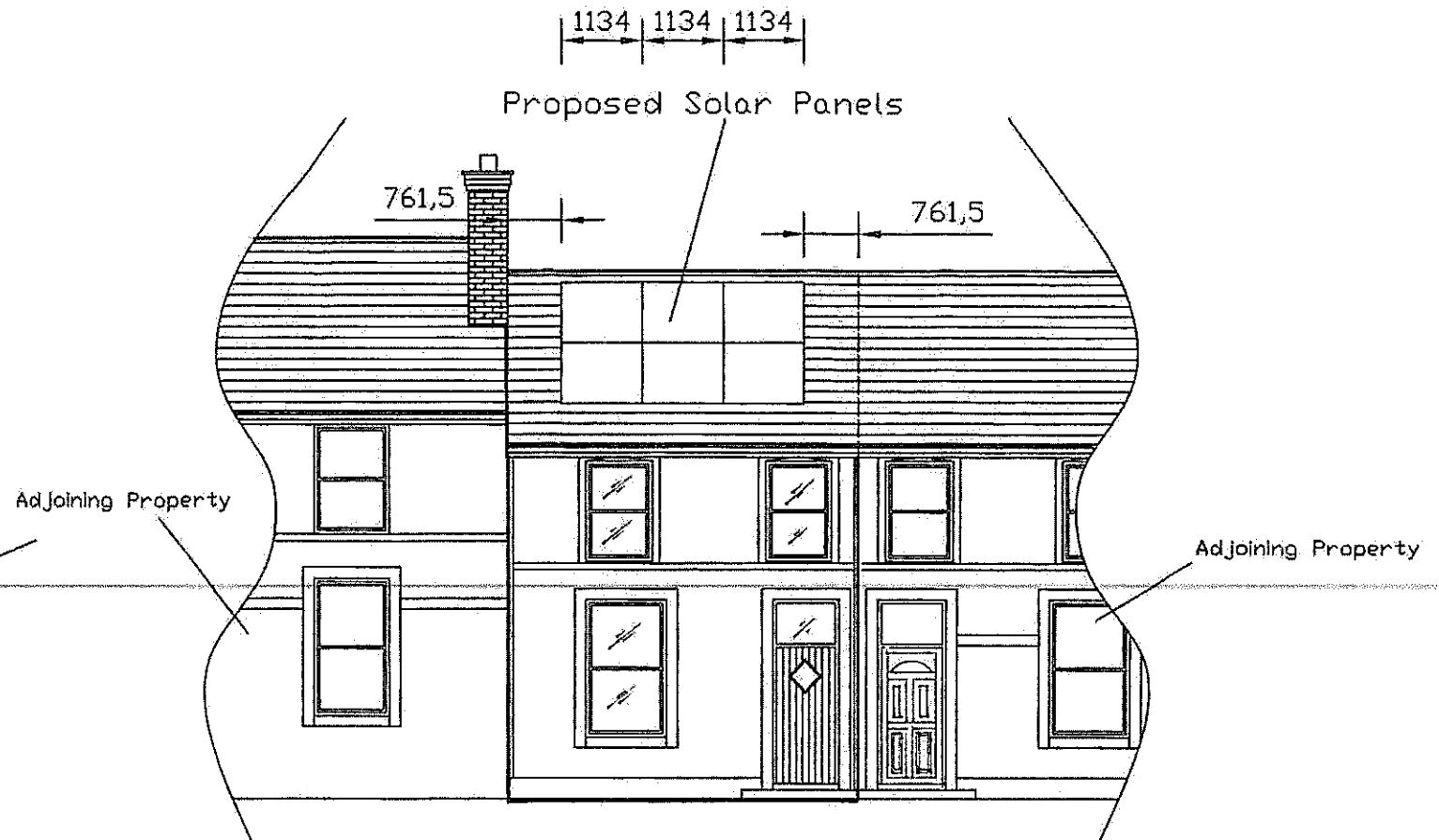
SIDE VIEW/SECTION

PROPOSED SOLAR PANELS AT NO. 7 SEMINARY VILLAS, BLACKPOOL, CORK FOR CATHERINE LEAHY

DATE: January 2024 SCALE: 1/100, Dwg. No. 1 Rev. A - Issue for Part 5
DRAWN: Tadg Sheehan Civil Eng. Dip., Sleeveen West, Macroom, Co. Cork



REAR ELEVATION



FRONT ELEVATION

PROPOSED SOLAR PANELS AT NO. 7 SEMINARY VILLAS, BLACKPOOL, CORK
 FOR CATHERINE LEAHY

DATE: January 2024 SCALE: 1/100, Dwg. No. 2 Rev. A - Issue for Part 5

DRAWN: Tadg Sheehan Civil Eng. Dip., Sleaveen West, Macroom, Co. Cork

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

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

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

Fón/Tel: 021-4924709

Llónra/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**

Catherine Leahy

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

7. Seminary Villas, Seminary Road,
T23H5R7 Cork

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.

Is the installation of Solar Panels on 7 Seminary Villas - T23H5R7 development? If so is it exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required)

This house is in the Blackpool Architectural Conservation Area.

All works will meet the conditions laid out, with reference to #8 "not materially affect the character of the area" my home would not be the first to have solar panels installed.

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? ~~Yes~~ Yes
 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? Don't know

6. Was there previous relevant planning application/s on this site? Don't know
 If so please supply details:
Not since I bought it in 2009

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	
(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)
(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)

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		

8.1 / We confirm that the information contained in the application is true and accurate:

Signature: Catherine Leahy
 Date: 24.12.2023

Catherine Leahy 7 Seminary Villas, Blackpool, Co. Cork.

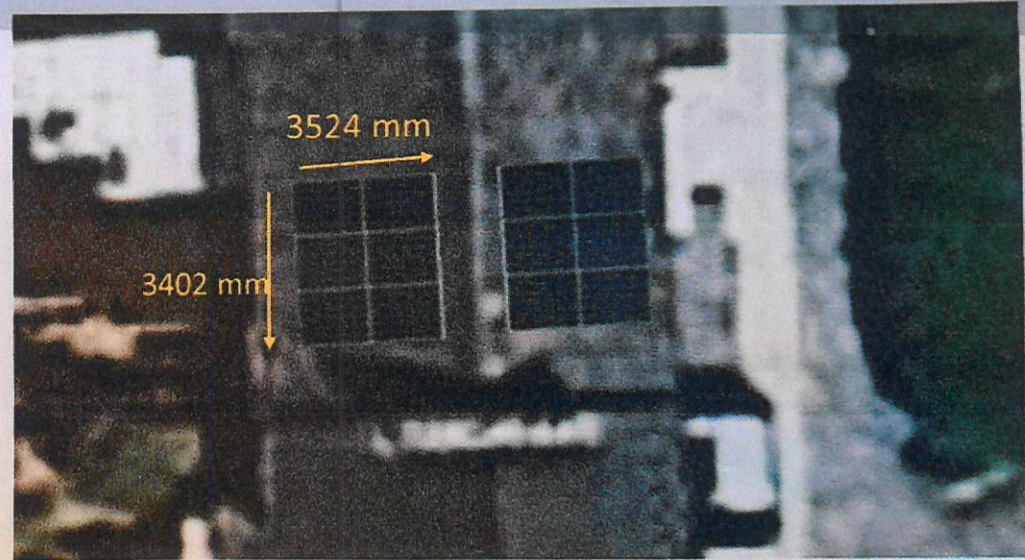
Total Panel dimensions:

3524mm x 3402mm

East and West panel arrangement are identical.

Jet black glass fronted panel with black fittings. No grid visible.

Jinko Solar
Raising Your Trust in Solar



Visual of actual panel,



SolarSmart Energy Ltd.