

Observer's details

1. Observer's details (person making the observation)

If you are making the observation, write your full name and address.

If you are an agent completing the observation for someone else, write the observer's details:

(a) Observer's name

Denis Harley

(b) Observer's postal address

Bridge House Carhoo Cork T23 E893

Agent's details

2. Agent's details (if applicable)

If you are an agent and are acting for someone else **on this observation**, please **also** write your details below.

If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Click or tap here to enter text.

(b) Agent's postal address

Click or tap here to enter text.

Postal address for letters

3. During the process to decide the application, we will post information and items to you **or** to your agent. For this **current application**, who should we write to? (Please tick ✓ one box only)

You (the observer) at the postal address in Part 1

The agent at the postal address in Part 2

Details about the proposed development

4. Please provide details about the **current application** you wish to make an observation on.

- (a) **An Bord Pleanála case number for the current application (if available)**
(for example: 300000)

311924

- (b) **Name or description of proposed development**

311924: Cork GAA Lands, Old Whitechurch Road, Kilbarry, Cork City.

- (c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Abhaile)

Old Whitechurch Road, Kilbarry, Cork City.

Observation details

5. Grounds

Please describe the grounds of your observation (planning reasons and arguments). You can type or write them in the space below. There is **no word** limit as the box expands to fit what you write. You can also insert photographs or images in this box. (See part 6 – Supporting materials for more information.)

311924: Cork GAA Lands, Old Whitechurch Road, Kilbarry, Cork City.

Objections

We the under signed wish to make a submission on behalf of the community groups we represent with some observations on the proposed development APB – 311924-21 and 313994

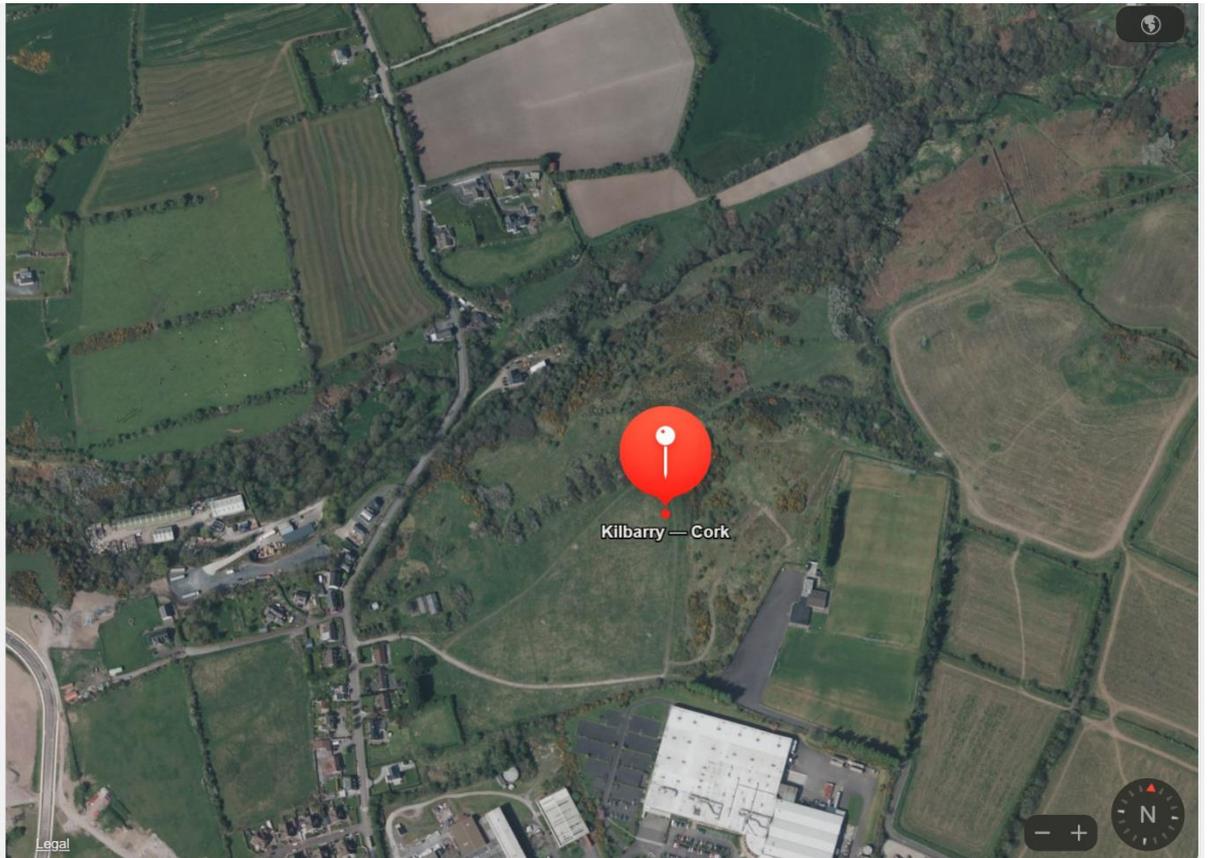
The address of the proposed development is Cork GAA lands, Old Whitechurch Road, Kilbarry, Cork City.

The proposed development

This is an area of 14.84 ha, located at Kilbarry off the Old Whitechurch Road on the northern edge of Cork City, approx. 1.2km north of Blackpool suburbia. The main part of these irregularly shaped lands (8.68ha) are relatively elevated and under grass, having been previously in use as a playing pitch and recreational area for decades.

Kilbarry Cork.

5. Grounds



This area was and is a recreational area used extensively by the local population.

Prior to 2004 this area was part of and actively used by Delaney's hurling and football club. The members of our organisations both played on those fields, use the area for recreation and were active in the social life of Delaney's hurling and football club. In particular those who lived within the Mallow Road area, Blackpool, Farranree, and Parklands were active users of the area.

Observations

1. The requirement for SHD is:

5. Grounds

“The development of 100 or more houses on land which is zoned in the local development plan for residential use. Land may also be zoned for a mixture of residential and other uses.”

This requirement has not been met because the zoning that applies to this development at this time is the County Development Plan. This development area is zoned High Value Landscape and is not zoned for housing or mixed use. See county planning map below.

2. The development will be built on existing public rights of way. Restricting or removing public access to public rights of way should lead to rejection of the planning application.
3. 350,000 tonnes of noxious waste needs to be removed from the site before planning application is approved.
4. Part of the proposed development will remove land from current public use.
5. Part of the proposed development will remove recreational playing fields from public use.
6. The proposed development is being built in a high value landscape area as designated by the Cork County Council development plan.
7. Remove Waste dumped on site as instructed by EU Commission.
8. Impact on river valley area of outstanding beauty and wildlife refuge.

5. Grounds

9. Impact on buildings of historical importance and archaeological sites.
10. Protection of wildlife (Annex 4 species) under the Birds and Habitat Directive.
11. Deeds for land transfer restrict use to sports
12. Lighting of the buildings and infrastructure will cause serious impact to the wildlife residing in Murphy's Rock.
13. High Rise Buildings (5 Stories) will remove privacy now enjoyed by local residents.
14. High Rise Buildings (5 Stories) will remove access to satellite communications to certain local residents. The satellites used are low to the horizon.
15. Impact on Glennamought river has not been accessed.
16. Planned Roads have not been considered in the development plans
17. Birds Protective Sites SPA European Union Directive has not been addressed in the application.
18. Habitats Directive European Union: new guidance on protected species has not been ad-dressed in the application
19. Surface water and Sewage system has not been addressed in relation to Habitats Directive Eu-ropean Union

5. Grounds

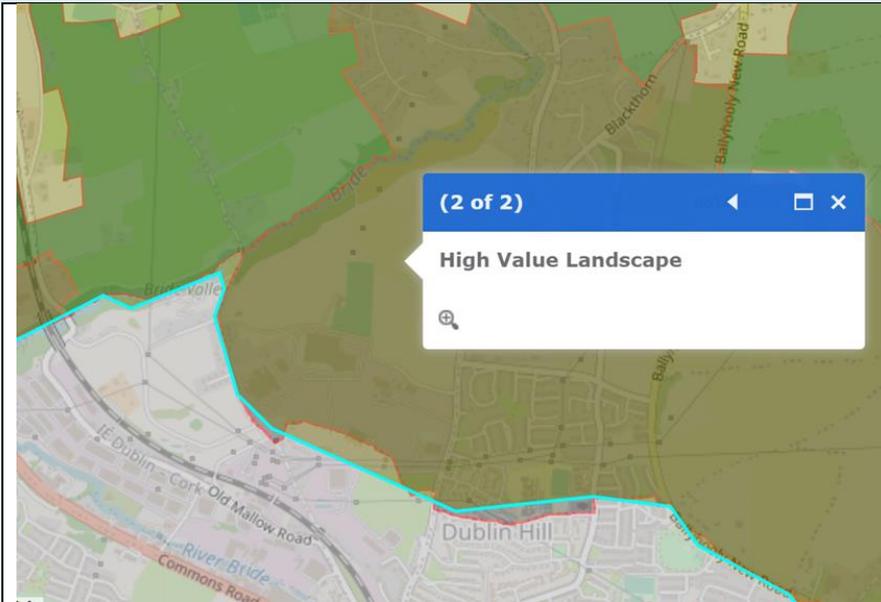
20. This is an area which is a Natural History Educational Centre. The development should be re-jected for any incursion however small on this Murphy's Rock Nature reserve.

21. We need to develop playing areas recreational areas. Areas of natural beauty should be pre-served.

Observation 1

An Bord Pleanála should reject this application because it is being built in an area indicated as an area of high value landscape in the current development plan.

5. Grounds



Observation 2

The development will be built on existing public rights of way. Restricting or removing public access to rights of way should lead to rejection of the planning application.

This is an area that is currently used extensively by the local population as a walking area and recreational area.

The area has been used for generations by the residents of the north side of cork city.

The playing fields area has been used by the clubs and residents of the area up until the dumping of noxious waste onto the grounds.

The area is the subject of publications commissioned by the local Blackpool Historical Society. The area is also the subject of film production commissioned by departments of the government. These films and publications are available for viewing.

Observation 3

5. Grounds

350,000 tonnes of noxious waste needs to be removed from the site before planning application is approved.

Remediation of the waste dumpsite

A new road the N20, was being built in the late 1980s and early 1990s from Mallow into Cork City ending at Christy Ring Bridge. The construction works of the road generated huge volumes of spoil and waste. Particularly obnoxious waste was removed from the river bed area around Watercourse Rd and Christy Ring Bridge, which included the demolition of flats in the City. During that period up to 350,000 tonnes of waste was dumped onto this area. The dumping was declared illegal, as it was in breach of nine EU environmental laws, by the European Commission in 2004 (see extract from the Irish examiner 16th July 2004, Appendix I).

Cork City Council were the responsible authority for ensuring that the works were completed in accordance with all relevant statute requirements including the plans for removal and disposal of waste materials.

Cork County Council are the relevant authority for protection of the environment and providing enforcement of breach of environmental laws and regulations around the area of Murphy's Rock and the Glennamought Tributary.

The National Roads Authority were the authority that was tasked with building of the roads. Their duties included compliance with the relevant laws and regulations to ensure proper disposal of the excavated material that arose from the construction works.

The Cork GAA as owners of the land had a responsibility to ensure that their land was not used for the illegal dumping of any waste material. They hold the responsibility to ensure that all relevant laws and regulations are complied with when in any activity that occurs on their lands.

5. Grounds

This mixed obnoxious waste has never been removed despite the requests of local residents and the European Commission ruling.

Observation 4 and 5

Part of the proposed development will remove recreational playing fields from public use.

Part of the proposed development will remove land from current public use

This area was and is a playing field / recreational area for the local population. Prior to 2004 this area was part of and actively used by Delaney's hurling and football club. The members of our organisations both played on those fields, use the area for recreation and were active in the social life of Delaney's hurling and football club. In particular those who lived within the Mallow Road area, Blackpool, Farranree, and Parklands were active users of the area.

We earnestly request that before any planning approvals are considered by An Bord Pleanála for the development of this site, that the site should be restored to sport and recreational lands as they existed prior to the illegal dumping by the current playing fields.

Under the Freedom of Information Act we have requested the files on the waste management case from the EU and files relating to the management of waste during the building of the Mallow Road from the NRA.

It is our firm belief that these lands should be retained as community recreational and playing fields. The area has already lost substantial green space and community

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accessible space to accelerated construction of housing in the last 5 years, where there is already insufficient infrastructure for the burgeoning population in the immediate area.

No recreational or playing fields are envisaged to be constructed in the vicinity in the most recent development plans for Cork City. It is vitally important for the sustainable well-being of our City and our people that adequate recreational and playing areas be established with inclusive reasonable access for all the citizens of the City.

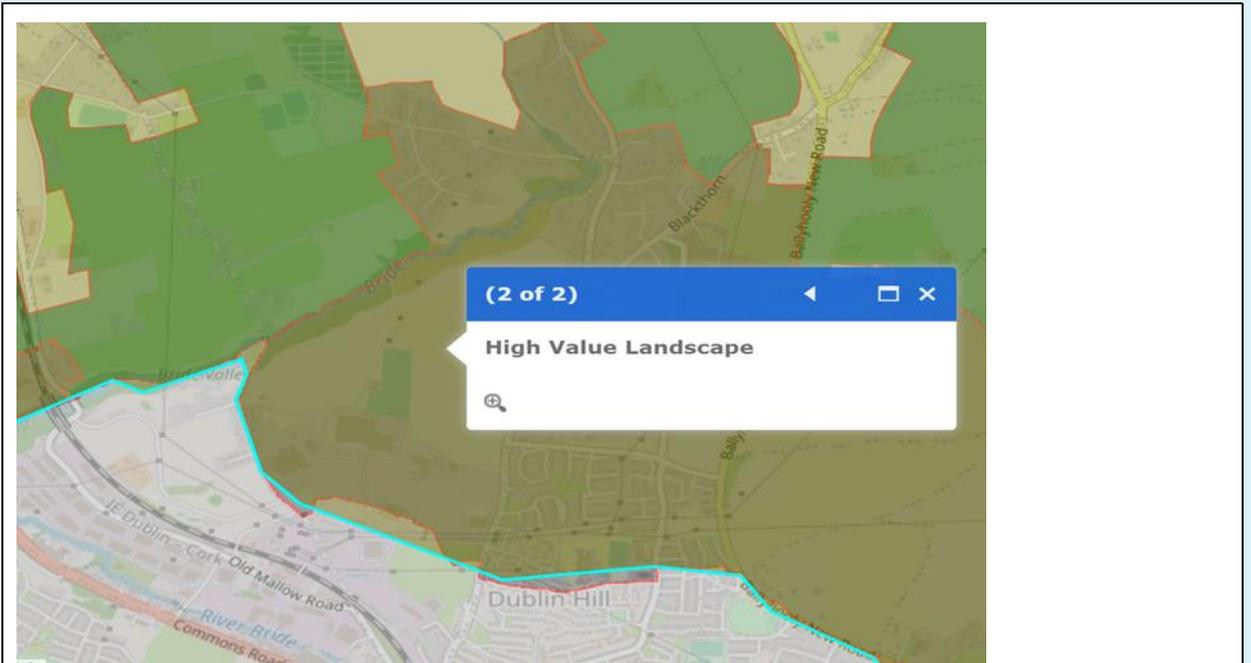
The proposed development takes over the land that is now and has been used for recreation for decades. The river side area of the site has been designated in the most recent Cork City development plan as an 'open space', with proposed plans for a 'Blue and Green Way' linking up with the lower Bride Valley "Blue and Green Way". While there are many such developments on the south side of the City, there is a significant dearth of such facilities on the North side of the City, which makes this particular site even more precious to the local population (Appendix II).

Observation 6

The land use has not been met because the zoning that applies to this development at this time is the County Development Plan.

Landscape Character Types which have a very high or high landscape value and high or very high land-scape sensitivity and are of county or national importance are considered to be our most valuable land-scapes and therefore it is proposed to designate them as High Value Landscapes (HVL)

5. Grounds



We ask An Bord Pleanála to maintain this area as High Value Landscape.

Observation 7

Remove Waste dumped on site as instructed by EU Commission.

A new road the N20, was being built in the late 1980s and early 1990s from Mallow into Cork City ending at Christy Ring Bridge. The construction works of the road generated huge volumes of spoil and waste. Particularly obnoxious waste was removed from the river bed area around Watercourse Rd and Christy Ring Bridge, which included the demolition of flats in the City. During that period up to 350,000 tonnes of waste was dumped onto this area. The dumping was declared illegal, as it was in breach of nine EU environmental laws, by the European Commission in 2004 (see extract from the Irish examiner 16th July 2004, Appendix I).

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The National Roads Authority where the authority that was tasked with building of the roads. Their duties included compliance with the relevant laws and regulations to ensure proper disposal of the excavated material that arose from the construction works.

The Cork GAA as owners of the land had a responsibility to ensure that their land was not used for the illegal dumping of any waste material. They hold the responsibility to ensure that all relevant laws and regulations are complied with when in any activity that occurs on their lands.

This obnoxious waste has never been removed despite the requests of local residents and the European Commission ruling and an agreement with the local council.

It was also agreed that waste would be removed from areas of public rights of way and the area of Murphy's Rock. Some waste was removed from this area but a lot remains in the Murphy's Rock Lands.

This area needs to be remediated and the site restored to sport and recreational lands as they existed prior to the illegal dumping.

Observation 8

Impact on river valley area of outstanding beauty and wildlife refuge.

5. Grounds

The proposed development plan and its incursion onto a valued natural amenity is contrary to the targeted actions plans and policies of the NPWS as set out in their most recent plans. In the forward, the then Minister for Culture, Heritage and the Gaeltacht, Heather Humphreys T.D. states “It is in the interests of every citizen to be aware of the centrality of biodiversity in our everyday lives and the range of benefits we obtain not only from ecosystem services but from the intrinsic good of our environment and its amenities. It is our responsibility to be aware of biodiversity and to take whatever steps we can to help protect and conserve it for the generations that follow.”

- The NPWS plan’s objectives lay out a clear framework for Ireland’s national approach to biodiversity, ensuring that efforts and achievements of the past are built upon, ensuring conservation of biodiversity in the wider countryside;
- expanding and improving on the management of protected areas and protected species;”

(i) Public health concerns—

- The removal of public access to a vital green space for walking and benefiting mental health. A public right of way along the banks of the Glennamought tributary has been established over decades and was formerly acknowledged by the City and County Councils in the early 1990’s (Appendix III). It continues to be used as a place to walk by the local community. This has not been referenced in the proposed plans. Visual information from drones and archival film footage support this claim. From the available information it appeared that the established public right of way would be blocked.

5. Grounds

<https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/how-trees-fight-climate-change/>

<https://www.echolive.ie/corknews/arid-40905401.html>

We want this area to be maintained as a nature reserve for the benefit of the entire community (which includes people, wild animals, plants, fungi and lichens) that currently call this place home. Looking to the future we need this amenity for the holistic development of our young people, for their education and mental well-being and as a space with facilities for sport activity or just walking through this wonderful area. Do not allow this area to be destroyed.

Birds

The CJEU in c-473/19 in respect of the protections afforded all wild birds provided clarification in this regard and needs to be reflected in the approach when considering this application.

Protection of Wildlife

Otters are present in this area and we would expect given the wetland nature of the site and its seclusion it may well be used as a natal holt. Otters breed all year round and a female can establish a natal holt up to a 1km away from a water body to keep cubs safe. Otters are subject to strict protection under Art 12-16 of the Habitats Directive.

Bats also an Annex IV species under the Habitats Directive.

With regard to protections under both Directives the ecological surveys are not adequate.

5. Grounds

A reminder of what is planned and what the community stand to lose if the development as planned goes ahead. Land will be excluded from public usage and existing walkways will no longer be accessible. The riparian zones will be done away with and many breeding areas for native species will disappear for ever.

The maps below show the impact of the development on Murphy's Rock area of outstanding beauty and wildlife refuge



5. Grounds



Observation 9

Impact on buildings of historical importance and archaeological sites.

archaeological sites

There are a number of historical buildings which are of interests too archaeologists historians and preservationists. Some shown on the national inventory of architectural heritage

1. 6 Houses at entrance to site from Old Whitechurch Road

5. Grounds

2. Millpond, mill race, sluices, waterways and mill house.
3. Glennamought Bridge
4. Ancient well just below the entrance to the site an old white church Rd.

Observation 10

Protection of wildlife (Annex 4 species) under the Birds and Habitat Directive.

The proposed development will encroach upon and destroy the six identified specific habitats for native mammals, especially the otters, bird, fish, river invertebrates, insects such as bees and other pollinators, wildflowers, shrubs, and native trees. The impact of the proposed development will contribute to an irreparable and irredeemable biodiversity loss. Cork will lose another bionetwork that has established itself over decades creating a peaceful haven, in a beautiful wilderness that has provided a recreational and walking area forever in living memory. This amenity has been available and used by the local population since the very beginning of Cork City and up to the present day, as evidenced by the multiple pathways through the area on satellite images.

Plans that the area will become a fenced enclosure with laid out paths, cut and finely trimmed grassland which will be devoid of nature's bountiful biodiversity and a place for people to encounter, learn and value the open space which is now finally getting the recognition it deserves as a significant contributor to sustainability and community well-being. the proposed development on this particular site goes against all the Government's and Cork City Council's stated commitments to the UN

5. Grounds

Sustainable Development Goals for the future and action plans for the mitigation of climate change.

We want this area to be maintained as a nature reserve for the benefit of the entire community (which includes people, wild animals, plants, fungi and lichens) that currently call this place home. Looking to the future we need this amenity for the holistic development of our young people, for their education and mental well-being and as a space with facilities for sport activity or just walking through this wonderful area. Do not allow this area to be destroyed.

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5. Grounds

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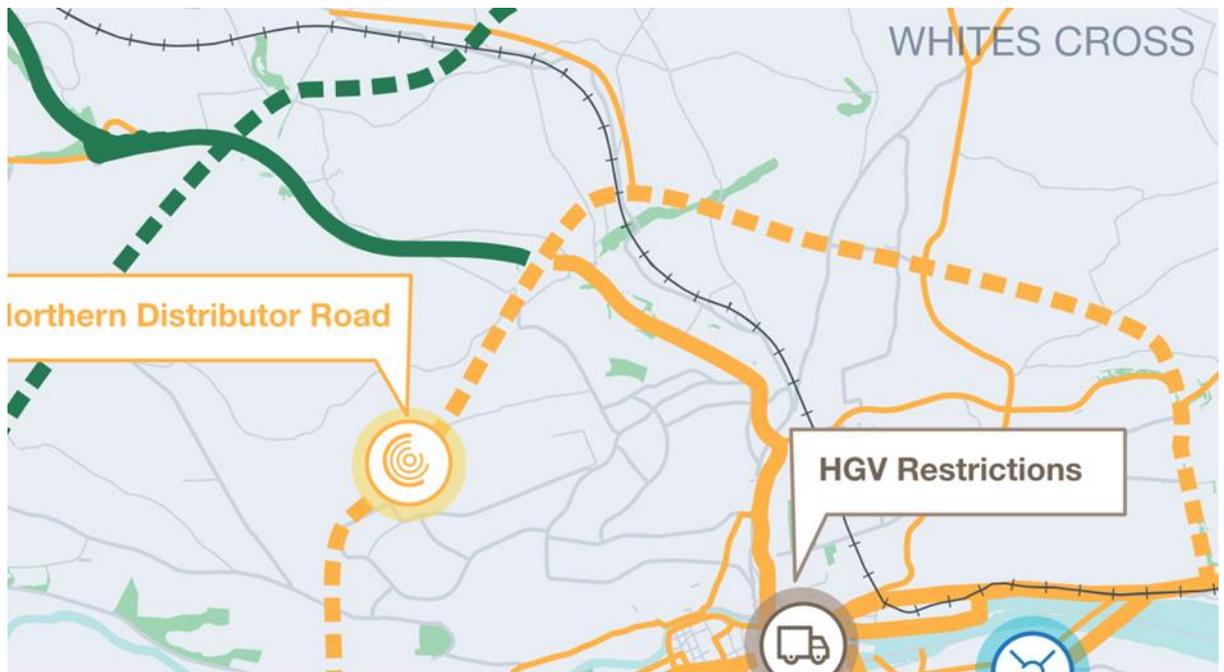
Observations 11 through 15 are self-explanatory. If additional information is required please contact us.

Observation 16

Planned Roads have not been considered in the development plans

The route of northern distributor Rd is planned for this site.

Proposed Road Network 2040



5. Grounds

Observations 17 through 19 are self-explanatory and need no further enlightenment.

Observation 20

This is an area which is a Natural History Educational Centre.

This is a report by Tony O' Mahony, Botanical recorder for Co. Cork

The development should be rejected for any incursion however small on this Murphy's Rock Nature reserve.

Glennamought Nature Reserve (AMENITY PARK): A Preliminary Botanical Report.

(Tony O' Mahony, Botanical recorder for Co. Cork).

Prologue

The proposed Nature reserve lies within the Glennamought River-valley (straddling the city/county boundary), roughly 2 ½ miles to the north of Cork city. This valley reserve is bounded to the north by the Glennamought river; to the south by the Kilbarry Industrial Estate and the G.A.A. grounds; to the west by Glennamought bridge, and to the east by Kilcully bridge.

Within this clearly defined area, one can enjoy spectacular views from the southern rim of the valley – particularly westwards to the majestic eight-arch railway viaduct at Kilnap.

From the Geological-Botanical standpoint, the valley bedrock is Old Red Sandstone, which usually gives rise to a species-poor, heath type vegetation, dominated by such characteristic plants as Bell Heather, Ling Heather, Gorse, Bracken-Fern and heath

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grasses. However the Glennamought reserve is exceptional, in that it encompasses six distinct types of habitat, which produces a correspondingly greater diversity of plant- and animal-life. As a consequence, the reserve has outstanding potential as a Natural History Educational Centre, while it is readily accessible to the large, school-going population of Cork city.

One could therefore envisage conducted school tours to the reserve throughout the year (weather permitting), where pupils would be introduced to the wildlife of their countryside. The benefits of such outings could be further enhanced, if a Field-Centre was installed, providing the necessary back-up information. For example, such a Centre would have a large display-map of the Reserve, showing the various Pedestrian Routes with their numbered stopping-points (as in Forestry Park), where items of interest could be seen. Perhaps a booklet providing information on the wildlife of the area could also be produced. The Field-Centre would also have wall-charts of the wild plants and animals of the Reserve.

Prologue. (continued)

Lastly, like all Natural History sites of importance, the Reserve needs to be managed sensitively, as over-exploitation of the area could quickly lead to a deterioration of the habitats, and thus of the educational value of the Reserve. Consequently, access routes need to be placed judiciously, so as to provide maximum access to the general public, while at the same time keeping disturbance of the

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habitat to a minimum. To this end, it is absolutely essential that all interested working-parties co-operate closely, to achieve this very desirable result.

THE FLORA.

To date, the total number of trees, shrubs and plants recorded from the Reserve is approximately ~

taxa.

The break-down for this figure is as follows:-

- | | |
|------------------------------------|--------|
| 1) Flowering Plants: | c. 165 |
| 2) Trees, Shrubs & Woody Climbers: | c. 26 |
| 3) Grasses: | c. 26 |
| 4) Sedges: | c. 12 |
| 5) Ferns: | c. 15 |
| 6) Horsetails: | c. 2 |

Provisional total: c. 246 taxa.

This figure accounts for roughly 95% of the Flora of the Reserve (excepting mosses and fungi, which have been omitted from the present survey). The primary aim of this present study is to provide base-line data for the Reserve, to which future new records can be added, and against which future changes can be compared. However, it is still necessary to plot the frequency and distribution of each plant and animal species within the Reserve, together with information on its haunts (habitat-type), in order to more fully understand the mosaic of plant-associations. which occur here.

5. Grounds

Within the Reserve, a number of plants occur which are local or absent elsewhere about Cork city.

These are listed below, while those plants whose presence here proved wholly unexpected, are

marked with a dagger (!)

- | | | |
|----|--|-------------------------|
| 1) | <i>Pimpinella saxifraga</i> ! | Common Burnet Saxifrage |
| 2) | <i>Epilobium ciliatum</i> ! | American Willowherb |
| 3) | <i>Juncus inflexus</i> ! | Hard Rush |
| 4) | <i>Potentilla reDtans</i> x <i>P. erecta</i> | Hybrid Potentilla |
| 5) | <i>Isolepis setacea</i> | Bristle Club-Bush |
| 6) | <i>Luzula Pilosa</i> | Hair Woodrush |
| 7) | <i>Stachys palustris</i> x <i>S. sylvatica</i> | Hybrid Woundwort |
| 8) | <i>Rosa sherardii</i> x <i>R. rubiginosa</i> | Hybrid Rose |
| 9) | <i>Viburnum opulus</i> | Guelder Rose |

Mosses, Algae, Fungi.

No attempt has been made to document the Mosses, Fungi or Algae present within the Reserve.

Hopefully this deficit will be made good at a later date, if the expertise becomes available. However a

few taxa have been collected and are of special interest, in that they appear to be rare over Ireland as a

whole. I provide some notes on these below:

Fungi:

Hymenochaete corrugate ('Hazel glue-fungus')

5. Grounds

Recorded in September 1986 from a humid, sheltered scrub-wood. This fungus acts much like a

'super-glue', in that it bonds inter-lacing twigs and branches of Hazel together. This "furry" fungus is

initially milk-white in colour, but turns pitch-black when old. It seems to be host-specific to Hazel (*Corylus avellana*).

Note:- In Co. Cork, also known from the Gearagh, near Macroom

'ton'

Most frequently found on Ivy (*Hedera*) leaves, where its minute (up to diameter) plate-like black discs appear as dirty black specks to the naked eye. It is an epiphyllous (that is to say it merely sits on the leaves of its hosts, and therefore can easily be peeled off without harming the host plant).

Note:- I have also recorded it from a few other damp, sheltered woodlands in Co. Cork since c. 1975.

Mosses, Algae, Fungi. (cont.)

Hycopelli arundinaceae:

This subaerial, epiphyllous was discovered for the first time in Europe in 1993, when it was found at

Castletownsend, West Cork by Miss Mura Scannel of the National Botanic Gardens, Glasnevin.

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This very distinctive algae is now known to be widespread and frequent throughout most of Ireland, in sheltered, humid habitats, such as shady hedgebanks. In general appearance it resembles 'Phycotis epvton' (and like it, it is most frequently found on Ivy leaves), but its much larger discs are ochre-coloured. It occurs commonly in Glennamought Amenity Park.

Note:- Other very interesting algae/fungi have been found by me within the Reserve since September 1981. Specimens of these have been sent to Miss Scannell at Glasnevin Herbarium, for her opinion as to their identities. However, she points out that their identification is extremely difficult, while the literature on the subject is vast. Consequently, they must remain unnamed for the present.

It should be emphasised that the presence of these plants alone in the Reserve, makes the area of particular interest from a Botanical standpoint.

Area

For the sake of completeness a short list is appended of plant species which are absent from the Re-serve proper, but which occur in the surrounding area

1) Plants :

Cyarius

Mentha suaveolens*

5. Grounds

Petasites hybridus

Ranunculus ficaria ssp. Bulbifer

Veronica hederifolia (s.s.)

Broom

le Mint

Buterur

Bulbous Lesser Celendine

Ivy-Spedwell

Viola odorata*

Sweet Violet

Roadside hedgerows north of the Glennamought Valley:

Allium ursinum

arex divulsss. Iulsa

sp. Amprocarp

Geraniumucidum

Mentha suaveolens*

Rosa micrantha

Ramsons (Broad-leaved Garlic)

Gree

Ricklyedge

hiningCranebill

Rosa sherardi

Resin-Scented Rose

apple mint

mall-flowered Sweetbriar

allii*

aucasian Seedwell

5. Grounds

Veronica hederifolia s.s. Ivy-leaved Speedwell

Observation 21

We need to develop playing areas recreational areas. Areas of natural beauty should be preserved.

In this local area there are currently plans to build some 1000 new homes (excluding this Development). These are some

1. Whitechurch Road,
2. Sunbeam (Redforge Road and Old Mallow Road),
3. Rathpeacon,
4. Blackpool.

The people and children and students who live and work in these new homes will need areas for recreation and pleasure and education. This development takes away all of these things and they will not be easy to replace. There are areas which are ripe for development and one of them is Blackpool Village. All of the houses and apartments can be made available in the brownfield site of Blackpool we don't need to destroy any more habitats we don't need to remove playing fields from our children we don't need to destroy an area of natural beauty.

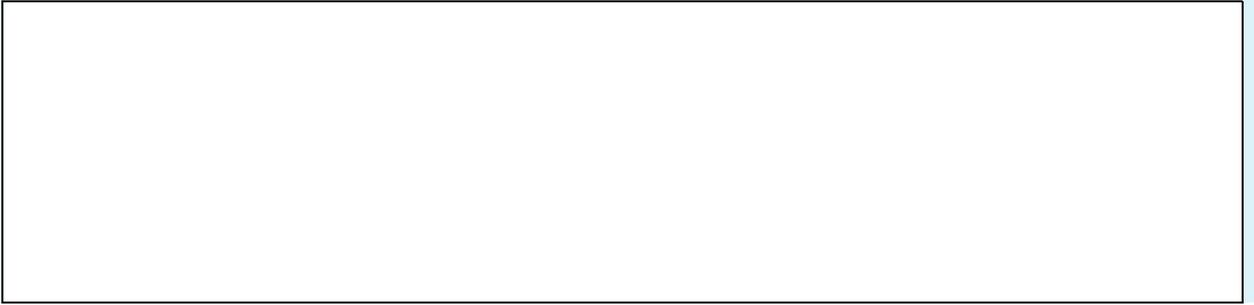
In the current cork development plan there is no proposals to provide additional recreational or sports areas.

We are requesting an oral hearing on this matter, as it will have such a long term significant negative impact on the Bride Valley, the community on the North side of the City as well as the immediate local community and its environs.

Denis Harley

0872313900

5. Grounds



Supporting materials

6. If you wish, you can include supporting materials with your observation.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

If your supporting materials are physical objects, **you must send** them together with your observation by post or deliver it in person to our office. You cannot use the online uploader facility.

Remember: You can insert photographs and similar items in part 5 of this form – Observation details

Fee

7. You **must** make sure that the correct fee is included with your observation.

Observers (except prescribed bodies)

- strategic housing observation **only** is €20.
- strategic housing observation **and** oral hearing request is €70

Oral hearing request

8. If you wish to [request the Board to hold an oral hearing](#), please tick the “Yes, I wish to request an oral hearing” box below.

Please note you will have to pay the correct **additional non-refundable fee** to request an oral hearing. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

No, I do not wish to request an oral hearing

Final steps before you send us your observation

9. If you are sending us your observation using the online uploader facility, remember to save this document as a Microsoft Word document or a PDF and title it with:

- the case number and your name, or
- the name and location of the development and your name.

If you are sending your observation to us by post or delivering in person, remember to print off all the pages of this document and send it to us.

The National Adult Literacy Agency (NALA) has awarded this document its Plain English Mark. Last updated: November 2020



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FEM – Received		SHU – Processed	
Initials		Initials	
Date		Date	

Notes