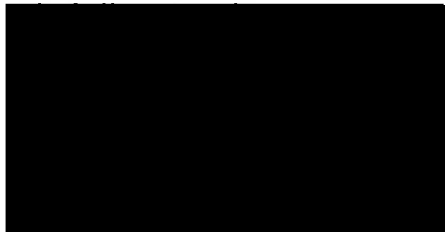


Comhairle Cathrach Chorcaí

Cork City Council

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

Deka Immobilien Investment GmbH,



09/07/2026

RE: Section 5 Declaration: R1051/26 Units 30 & 31, Upper Floor, Mahon Point Shopping Centre, Mahon, Cork. T12 NX39.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 11th of June, 2026.

The Question before the Planning Authority was "*Whether the amalgamation Units 30 and 31 at upper floor level within Mahon Point Shopping Centre, Mahon, Cork T12NX39, into one unit constitutes development*" and "*if the proposal constitutes development, whether it can be considered exempted development*".

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 2018

the planning authority considers that —

the amalgamation of 2 no. retail units into a single retail unit at Unit 30 & 31, Upper Floor, Mahon Point Shopping Centre, Mahon, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Is mise le meas,

Anthony Angelini

Anthony Angelini
Assistant Staff Officer
Planning & Integrated Development
Cork City Council



We are Cork.

PLANNER'S REPORT
Ref. R 1051/26

Cork City
Council
Development Management
Community, Culture &
Placemaking Directorate

Application type	SECTION 5 DECLARATION
Question	<i>Whether the amalgamation of 2 no. retail units into a single retail unit constitutes development and, if so, is it exempted development?</i>
Location	Unit 30 & 31, Upper Floor, Mahon Point Shopping Centre, Mahon, Cork.
Applicant	Deka Immobilien Investment Gmbh
Date	07/08/2026
Recommendation	Is development and is 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. The applicant states in the request, "*Whether the amalgamation Units 30 and 31 at upper floor level within Mahon Point Shopping Centre, Mahon, Cork T12NX39, into one unit constitutes development*" and "*if the proposal constitutes development, whether it can be considered exempted development*".

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

Whether the amalgamation of 2 no. retail units into a single retail unit constitutes development and, if so, is it exempted development?

3. SITE DESCRIPTION

The subject property is located within the Mahon Point Shopping Centre in Mahon, Cork.

4. DESCRIPTION OF THE DEVELOPMENT

The proposed development proposes the amalgamation of 2 no. retail units into a single retail unit within the existing Shopping Centre.

5. RELEVANT PLANNING HISTORY

The shopping centre itself has an extensive planning history however the following are of note:

TP 25/44008, Permission GRANTED for a 10-year Planning Permission at Mahon Point Shopping Centre, Mahon, Cork for a mixed-use development comprising residential, retail, retail services, retail warehouse, office, commercial, restaurant/café use, a creche and a leisure/gym facility and all associated works. The proposed development comprises 77,767 sqm (gross internal floor area). Blocks A,B, C and D comprise 251 no. residential units incorporating 92 no. one bedroom apartments, 99 no. two bedroom apartments, 46 no. three bedroom apartments, and 14 no four bedroom apartments, associated communal, public and private open space and recreational amenities and play space; a creche comprising 64 no. child spaces, 1 no. commercial unit, a management suite and 2 no. restaurant/café units. Enhanced pedestrian and cycle access to surrounding developments to the north and west, all associated service, plant and circulation space. Blocks A and B have a height of 5 to 6 storeys and Blocks C, and D have a height of 4 to 6 storeys. Block E contains 6,434sqm (gross internal floor area) office floorspace and has a height of 5 storeys with associated servicing, cycle parking, staff welfare facilities and all associated site works. A basement car park, with access ramp at Block A containing 124 no car parking spaces is proposed to serve Blocks A, B, C, D, and the offices at Blocks E. Blocks G comprises additional retail floorspace as follows: new foodstore of 2,040sqm (gross internal floor area), retail warehouse unit of 3,420sqm (gross internal floor area), restaurant/café floor space 456sqm (gross internal floor area); leisure/gym of 537 sqm (gross internal floor area); back of house retail storage and servicing associated with existing retail provision on site, and associated service yards and plant. The proposed car parking for the Shopping Centre extension and development comprises a total of 125 no. additional spaces as a result of loss of existing spaces to accommodate this extension and development. The proposed multistorey car park is accessed from a ramp to the north of Block G and includes the provision of cycle parking, storage and cycle servicing station within a designated mobility hub also within Block G. Block H is an extension to the existing shopping centre which comprises 10,974sqm (gross internal floor area) comparison retail space, 259 sqm (gross internal floor area) of restaurant/café floor space, 178sqm (gross internal floor area) of retail services and associated service yards and plant at Mahon Point Shopping Centre, Mahon, Cork

TP 16/37147 Permission GRANTED for the reconfiguration and amalgamation of units 33-36 including the provision of a mezzanine level, Mahon Point Shopping Centre.

TP 99/23033 / PL 28.124788, “parent permission” for shopping centre.

R 725/22, section 5 declaration issued in relation to units 17 and 18 Mahon Point Shopping Centre stating that the amalgamation of two units to form one unit is exempted development.

R 480/18, section 5 declaration issued in relation to units 33-36 Mahon Point Shopping Centre stating that the subdivision of three units to form five units is exempted development.

R 414/16, section 5 declaration issued in relation to H&M, Unit 7, Opera Lane, Cork stating inter alia that the amalgamation of units through the removal of internal walls (etc) is exempted development.

The following An Bord Pleanála precedent cases are also noted:

RL.3578

RL.3420

RL.3056

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 2018 as amended

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (a) (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

Article 10 (1)

Development which consists of a change of use within any one of the classes of use as specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not –

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

(Article 6) Schedule 2, Part 2, Class 1

Classes 1-18 relate to advertisements and Class 1 relates to advertisements “*exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises*”.

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 comprising two chief components: ‘*works*’ and / or ‘*any material change in the use of any structures or other land*’.

‘*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*’. In relation to the proposed amalgamation of 2 no. units into a single unit, the proposed element is for alterations to the existing units which comprises ‘*works*’. As the proposal comprises ‘*works*’, 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 (1) of section 4, i.e. the Regulations, and not subsection (2).

Section 4(1)

It is considered that this proposal comes within the scope of section 4(1), particularly subsection (h), as the works relate to internal alterations works. The substantive issues of the case are set out below.

The proposed works comprise the following:

Existing unit 30: Currently in use as a retail unit with a floor area of 76.65sqm (with a store area of 20.34sqm)

Existing unit 31: Currently in use as a retail unit with a floor area of 98.98sqm.

Proposed unit 30/31: Proposed to be used as a single retail unit with a floor area of 198.34m².

Essentially this proposal involves the amalgamation of units 30 and 31 into one larger unit. It is noted that the new, larger unit will result in an overall increase in floor area of approximately 2sqm within the current envelope of units 30/31 as a result of the removal of the internal wall, however this is considered to be *de minimis*.

The relevant An Bord Pleanála precedent cases presented above are noted, including where in the context of the definition of the term “structure” and its use in section 4(1)(h) of the Act the “structure” is considered to be the ‘planning unit’ of an individual shop unit within a shopping centre.

The existing “external” dimensions of the units (i.e. facing the internal circulation mall within the shopping centre) are to remain, with the works being carried out within the envelopes of these dimensions.

The existing and proposed uses are noted and it is not considered that any material change of use arises.

The nature and scale of the existing units, the proposed units and the overall shopping centre itself are noted, and it is not considered that in this case any material or new planning impacts would arise.

Essentially this issue involves the internal amalgamation of units 30 and 31 into one larger unit. Having regard to the interpretations and decisions, including those of An Bord Pleanála, set out in the precedent cases above, it is considered that the proposed works as set out in the question accompanying documentation submitted, is exempted development under section 4(1)(h) of the Act.

Restrictions on exemption

It is not considered that any apply in this instance.

CONCLUSION

Is 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 2018

the planning authority considers that —

the amalgamation of 2 no. retail units into a single retail unit at Unit 30 & 31, Upper Floor, Mahon Point Shopping Centre, Mahon, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT.**



Eoin Cullinane
A/Senior Executive Planner
09/07/2026

CSR Ref: 26266

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

Date: 11th June 2026

SUBMITTED BY HAND

RE: REQUEST FOR SECTION 5 DECLARATION UNDER SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED, IN RESPECT OF THE PROPOSED AMALGAMATION OF UNITS 30 AND 31, UPPER FLOOR, MAHON POINT SHOPPING CENTRE, MAHON, CORK, T12 NX39

APPLICATION ON BEHALF OF DEKA IMMOBILIEN INVESTMENT GMBH

Dear Sir / Madam,

We, Cunnane Stratton Reynolds Ltd., act on behalf of Deka Immobilien Investment GmbH in relation to this request for a declaration under Section 5 of the Planning and Development Act 2000, as amended.

This request relates to the proposed amalgamation of Units 30 and 31 at upper floor level within Mahon Point Shopping Centre, Mahon, Cork, T12 NX39. The subject units form part of the established internal retail mall environment of Mahon Point Shopping Centre and comprise existing retail / shop floorspace.

The proposal seeks to amalgamate Units 30 and 31 within the red line Section 5 application boundary identified on the accompanying drawings. The works associated with the proposal are internal to the existing shopping centre mall environment and relate to the amalgamation of two existing retail / shop units to form one larger retail / shop unit.

No external works to Mahon Point Shopping Centre are proposed. The proposal will not involve any extension to the building, will not alter the external elevations, façade or envelope of the shopping centre, and will not result in any change from the established retail / shop use.

This request is submitted to Cork City Council by hand and is accompanied by the following documentation:

- Completed Cork City Council Section 5 Declaration Application Form;
- This cover letter and supporting planning assessment prepared by Cunnane Stratton Reynolds Ltd.;

- Drawing No. 26226-01-001, Site Location Map;
- Drawing No. 26226-01-101, Existing Floor Plan;
- Drawing No. 26226-01-102, Proposed Floor Plan; and
- The requisite Section 5 application fee (€80 cheque).

The purpose of this request is to seek a declaration from Cork City Council as to whether the proposed amalgamation of Units 30 and 31 constitutes development and, if so, whether it constitutes exempted development.

For the reasons set out in this submission, it is submitted that the proposal constitutes development having regard to the internal alteration works proposed, but that it constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

1. The Proposed Works

The subject proposal relates to Units 30 and 31 at upper floor level within Mahon Point Shopping Centre, Mahon, Cork. Both units form part of the established internal retail mall environment of the shopping centre and are currently laid out as two separate retail / shop units.

As shown on the accompanying Existing Floor Plan, an extract of which is included at **Figure 1** below, Unit 30 comprises an existing retail area of approximately 76.65 sqm gross internal area (GIA), together with the associated store area identified on the drawing as Store 9, which comprises approximately 20.34 sqm GIA. Unit 31 comprises an existing retail unit of approximately 98.98 sqm GIA and is currently vacant.

The combined identified existing gross internal area of Unit 30, including Store 9, and Unit 31 is therefore approximately 195.97 sqm GIA. The red line Section 5 application boundary includes Units 30 and 31, including Store 9 associated with Unit 30, and is identified on the Existing Floor Plan and Proposed Floor Plan as approximately 201 sqm.

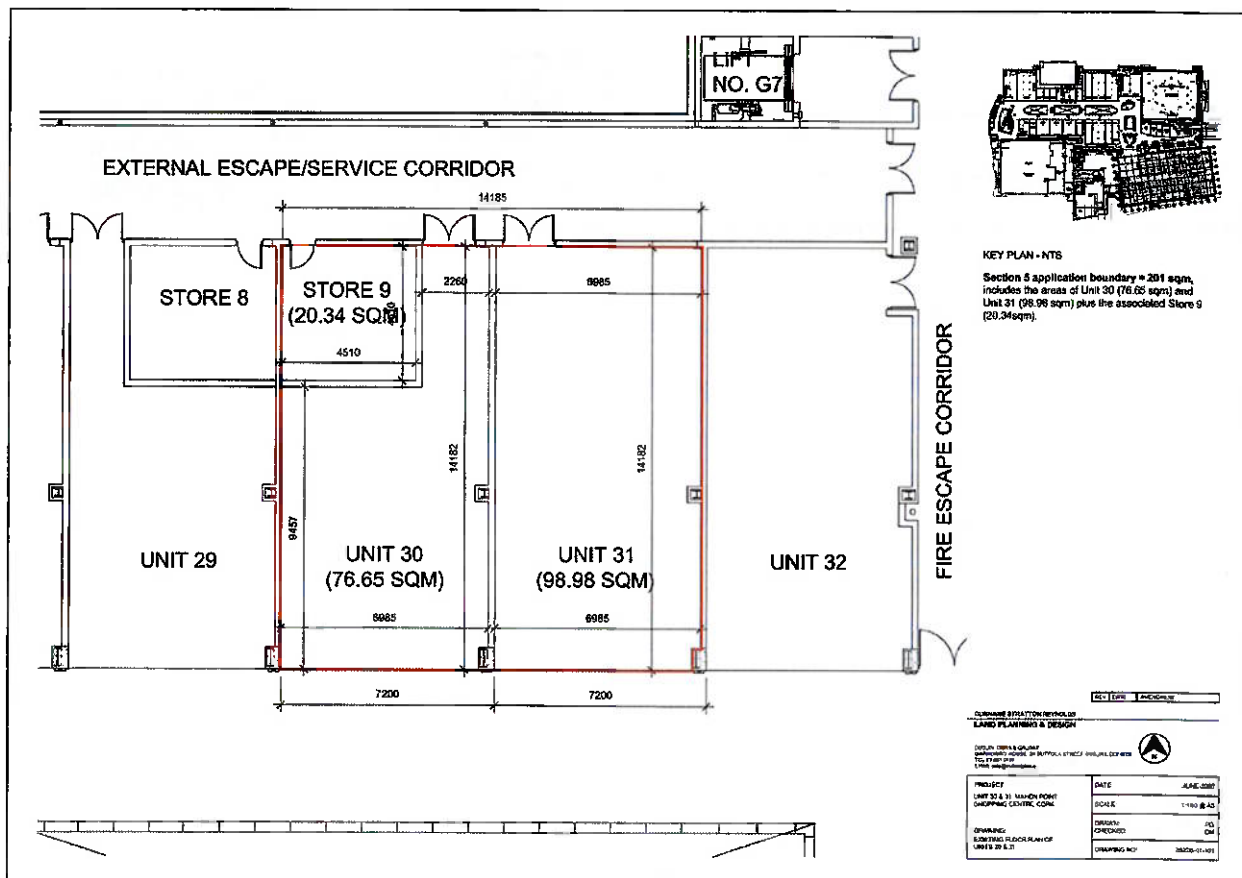


Figure 1: Extract from CSR Drawing No. 26226-01-101 – Existing Floor Plan, Units 30 and 31, Mahon Point Shopping Centre.

The proposal seeks to amalgamate Units 30 and 31 to form one larger retail unit within the upper mall level of Mahon Point Shopping Centre. As shown on the accompanying Proposed Floor Plan, an extract of which is included at **Figure 2** below, the proposed amalgamated Unit 30 / 31 is located within the same red line Section 5 application boundary of approximately 201 sqm.

The Proposed Floor Plan identifies the proposed amalgamated Unit 30 / 31 retail area as approximately 178 sqm GIA, together with the associated Store 9 area of approximately 20.34 sqm GIA. This results in a combined identified proposed gross internal area of approximately 198.34 sqm GIA within the overall red line Section 5 application boundary.

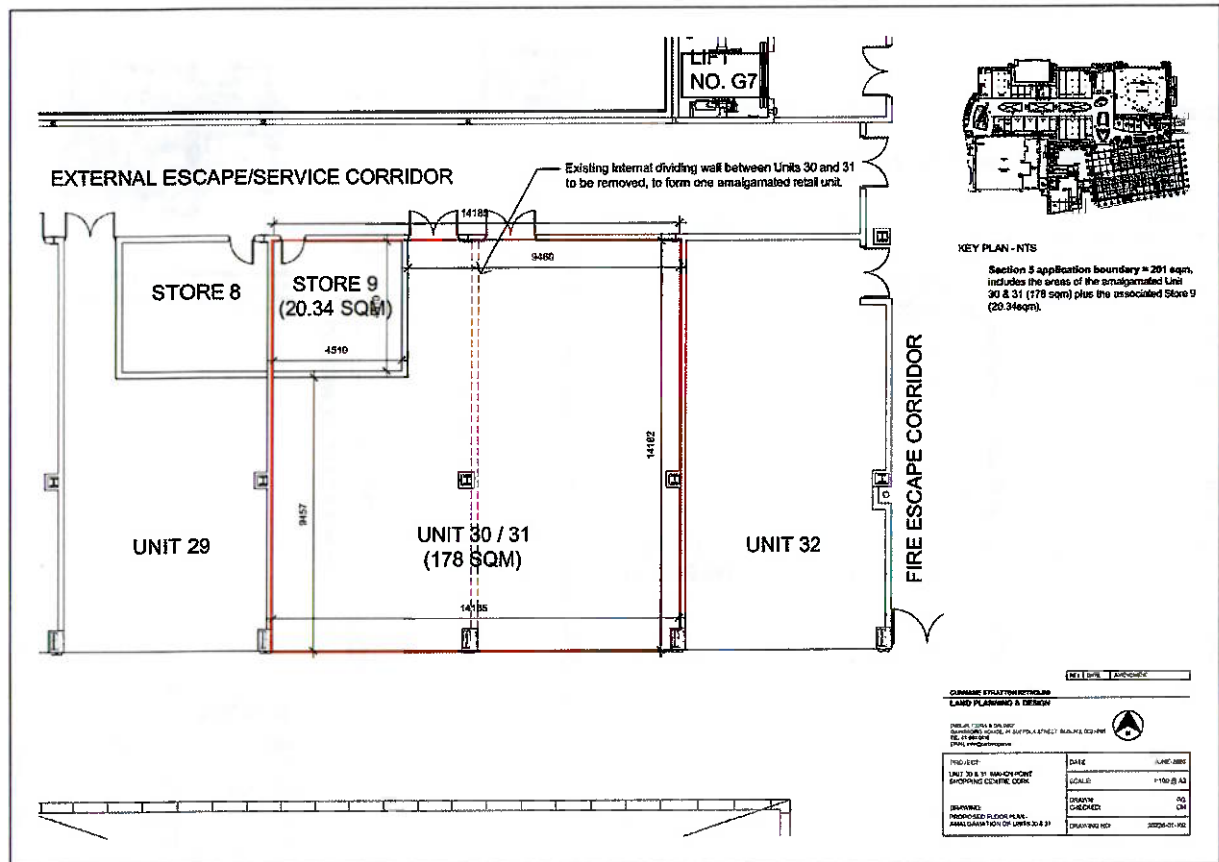


Figure 2: Extract from CSR Drawing No. 26226-01-102 – Proposed Floor Plan, Proposed Amalgamation of Units 30 and 31, Mahon Point Shopping Centre.

The works associated with the proposed amalgamation comprise:

- The removal of the internal dividing wall between Units 30 and 31;
- The removal of the existing internal mall shopfronts serving the two separate units; and
- The provision of one new internal mall shopfront to serve the amalgamated retail unit.

The proposed works are internal to the existing shopping centre mall environment. No external works to Mahon Point Shopping Centre are proposed, and the internal mall shopfront works do not comprise works to any external elevation or façade of the shopping centre.

The proposal will not involve any extension to the building, will not create any additional floorspace outside the existing unit envelope, and will not result in any change from the established retail / shop use.

It is noted that the existing and proposed internal area figures differ marginally. The Existing Floor Plan identifies a combined existing gross internal area of approximately 195.97 sqm GIA, while the Proposed Floor Plan identifies a combined proposed gross internal area of approximately 198.34 sqm GIA.

This represents a marginal difference of approximately 2.37 sqm arising from the amalgamation of the units, the removal of the internal dividing wall and the measurement of the proposed amalgamated unit arrangement.

This marginal difference is de minimis and does not represent an extension to the building or the creation of additional floorspace outside the existing unit envelope. The proposal remains contained within the red line Section 5 application boundary of approximately 201 sqm, as shown on Figures 1 and 2 and the accompanying drawings.

The proposed works therefore comprise a modest internal amalgamation of existing retail / shop floorspace within an established shopping centre.

2. The Section 5 Questions

Having regard to the nature of the proposed works described above, this request seeks a declaration from Cork City Council under Section 5 of the Planning and Development Act 2000, as amended, in respect of the following questions.

The first question for which a declaration is sought is as follows:

“Whether the amalgamation of Units 30 and 31 at upper floor level within Mahon Point Shopping Centre, Mahon, Cork, T12 NX39, into one retail unit constitutes development.”

The second question arising from the first, should the proposal constitute development in the first instance, is as follows:

“If the proposal constitutes development, whether it can be considered exempted development.”

For clarity, the subject proposal relates to Units 30 and 31 as identified within the red line Section 5 application boundary on the accompanying drawings. The works associated with the proposed amalgamation include the removal of the internal dividing wall between the units, the removal of the existing internal mall shopfronts serving the two separate units, and the provision of one new internal mall shopfront to serve the amalgamated unit.

The works are internal to the existing shopping centre mall environment. No external works, extension to the building, alteration to the external elevations, façade or envelope of the shopping centre, or change from the established retail / shop use is proposed.

It is submitted that the proposal constitutes development having regard to the internal alteration works proposed, but that it constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

3. Site Location and Context

Mahon Point Shopping Centre is an established shopping centre located at Mahon, Cork, T12 NX39. The centre forms part of Mahon District Centre and provides a range of retail, retail service, food and beverage, leisure and associated commercial uses serving both the local Mahon area and a wider catchment.

The subject units are located at upper floor level within the existing internal mall environment of Mahon Point Shopping Centre. The proposal relates specifically to Units 30 and 31, as identified within the red line Section 5 application boundary on the accompanying drawings.

The Site Location Map submitted with this request identifies the location of the subject units within the wider shopping centre building. An extract from the Site Location Map is included at **Figure 3** below.

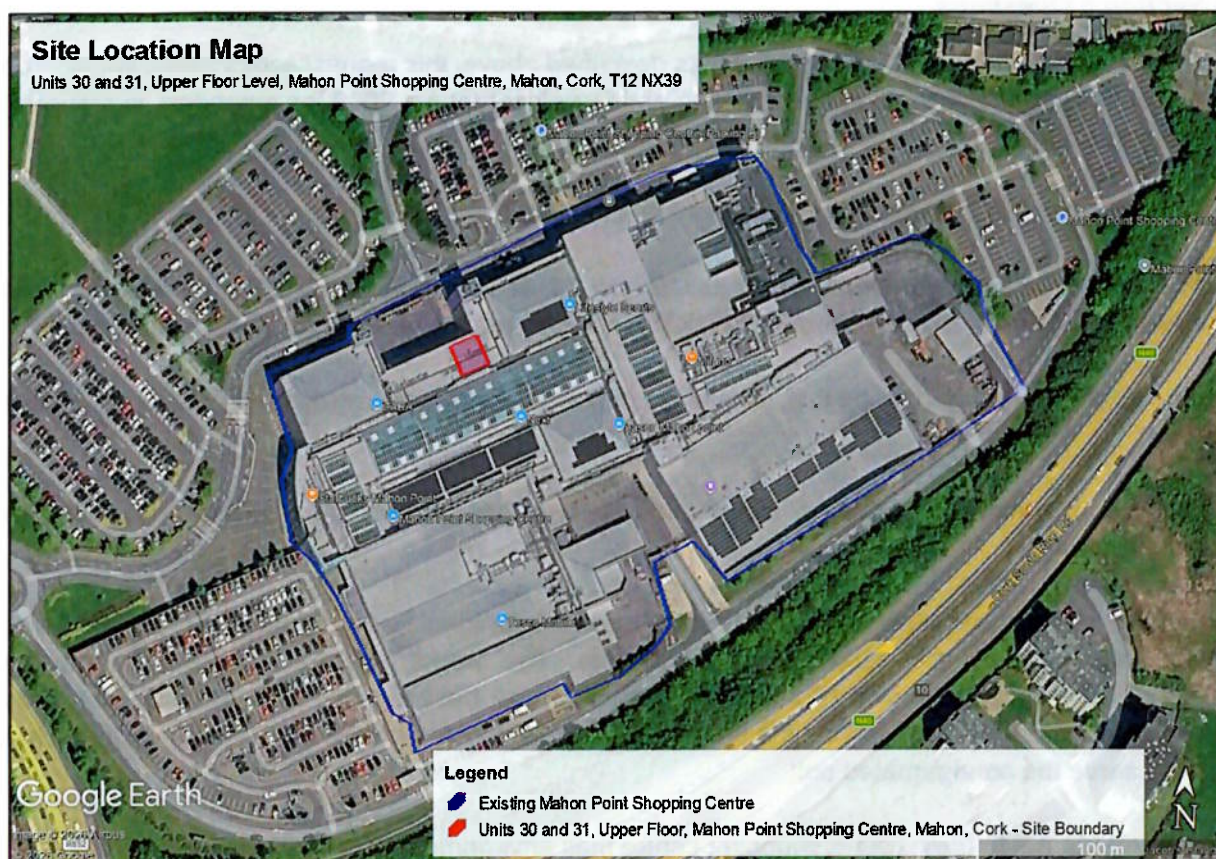


Figure 3: Site Location Map, Units 30 and 31, Mahon Point Shopping Centre.

As shown on the accompanying floor plans, Units 30 and 31 are situated within the established upper mall level, between Unit 29 and Unit 32. The units form part of the existing retail / shop floorspace of Mahon Point Shopping Centre and are contained within the established built envelope of the shopping centre.

The Section 5 application boundary is confined to Units 30 and 31, as identified in red on the accompanying drawings. The wider shopping centre is not subject to any external works as part of this request.

No new vehicular, pedestrian, cycle or servicing access is proposed, and the proposal will not alter the existing access, parking, servicing, circulation or delivery arrangements serving Mahon Point Shopping Centre.

4. Relevant Planning History and Section 5 Precedent

The relevant planning history and Section 5 declaration precedents for Mahon Point Shopping Centre are summarised at **Appendix A** of this letter. Table 1 provides a summary of relevant planning permissions at Mahon Point Shopping Centre, while Table 2 provides a summary of relevant Section 5 declaration precedents.

The planning history confirms that Mahon Point Shopping Centre is an established retail and commercial destination, with a long history of permitted retail, commercial, access, servicing, signage, mezzanine and associated shopping centre works. The subject units form part of this established shopping centre environment and comprise existing retail / shop floorspace at upper mall level.

Of particular relevance to the subject request is Cork City Council Section 5 Declaration Ref. R725/22, which related to the amalgamation of Units 17 and 18 within Mahon Point Shopping Centre into one retail unit. In that case, Cork City Council determined that the amalgamation of two existing retail units into one retail unit constituted development and was exempted development.

The current proposal is directly comparable in planning terms to Ref. R725/22. It similarly relates to the amalgamation of two existing retail / shop units within Mahon Point Shopping Centre into one larger retail / shop unit. The works are internal to the existing shopping centre mall environment, the established retail / shop use will continue, and no external works, extension to the shopping centre or material planning impacts arise.

Cork City Council has also previously considered comparable internal retail unit works within Mahon Point Shopping Centre under Section 5, including Ref. R622/20 relating to the former Debenhams / anchor unit and Ref. R480/18 relating to Units 33–36. Reference is also made to Cork City Council Section 5 Declaration Ref. R893/24 at Douglas Court Shopping Centre, Douglas, Cork, where internal subdivision and amalgamation works within an established shopping centre context were considered.

Having regard to the above, it is submitted that the current proposal is consistent with the established approach taken by Cork City Council in respect of internal retail unit works within existing shopping centre environments. In particular, the proposal is directly comparable to Section 5 Declaration Ref. R725/22 at Mahon Point Shopping Centre, where the amalgamation of two existing retail units into one retail unit was determined to constitute development and exempted development.

5. Planning Policy Context

The subject proposal should be considered having regard to the established role of Mahon Point Shopping Centre as a retail and commercial destination within Mahon District Centre. While this request is made under Section 5 of the Planning and Development Act 2000, as amended, and is concerned with whether the proposed works constitute development and exempted development, the planning policy context supports the continued retail / shop use and internal amalgamation of existing retail floorspace at this location.

The proposal does not involve the creation of a new retail destination, a new retail use, or any significant expansion of retail floorspace. Rather, it relates to the internal amalgamation of existing retail / shop floorspace within an established shopping centre and District Centre location.

5.1 Retail Planning Guidelines 2012

The Retail Planning Guidelines for Planning Authorities, 2012 recognise the role of established retail centres in providing for the shopping and service needs of their catchments and emphasise the importance of supporting the vitality and viability of existing centres.

The subject proposal is consistent with this approach. It relates to the internal amalgamation of two existing retail / shop units within Mahon Point Shopping Centre to provide a more appropriately sized retail unit within the existing upper mall environment. The proposal will support the continued occupation and effective use of existing retail floorspace within an established retail centre.

The proposal will not alter the established retail function of Mahon Point Shopping Centre, will not introduce a new use, and will not give rise to any material retail planning impact.

5.2 Cork City Development Plan 2022–2028

The Cork City Development Plan 2022–2028 identifies Mahon Point as an established District Centre within the Cork City retail hierarchy. District Centres perform an important role in providing retail, service, employment, community and other commercial functions for their surrounding catchments.

Objective 7.27 of the Development Plan supports the retail hierarchy and the role of retail centres within Cork City. Objective 7.29 seeks to support the vitality and viability of District Centres by ensuring that they provide an appropriate range of retail and non-retail functions.

The subject site is located within the ZO 07 District Centre zoning objective. The ZO 07 zoning objective supports the development and enhancement of District Centres as mixed-use centres and as important locations for retail, economic and related activity.

Objective 10.89 of the Development Plan also specifically supports the sustainable development of Mahon District Centre as a mixed-use centre, in accordance with the retail and other relevant objectives of the Development Plan.

The proposed works are consistent with this policy context. The proposal relates to the amalgamation of existing retail / shop floorspace within Mahon Point Shopping Centre and will continue to support retail / shop use within Mahon District Centre. It will not involve any change of use, external alteration to the shopping centre, extension to the building, or material retail, traffic, parking, servicing or other planning impact.

The proposal therefore supports the continued occupation, flexibility and effective management of existing retail floorspace within Mahon Point Shopping Centre, in a manner consistent with the role of Mahon as an established District Centre under the Cork City Development Plan 2022–2028.

5.3 Metropolitan Cork Joint Retail Strategy 2016

The Metropolitan Cork Joint Retail Strategy 2016 is of contextual relevance in confirming the established role of Mahon Point within the wider metropolitan retail hierarchy. While the Cork City Development Plan 2022–2028 provides the primary statutory planning policy context for the subject site, the Retail Strategy further demonstrates that Mahon Point has long been recognised as an important retail destination within Metropolitan Cork.

The current proposal is limited to the internal amalgamation of existing retail / shop floorspace within the established shopping centre. It does not comprise a significant retail expansion, does not introduce a new retail use, and does not alter the established role or function of Mahon Point Shopping Centre within the retail hierarchy.

5.4 Retail Flexibility and the Need to Respond to Changing Retail Requirements

The retail sector continues to evolve in response to changing consumer behaviour, retailer requirements and wider structural changes in the retail market. Established shopping centres such as Mahon Point must retain a degree of flexibility to ensure that existing retail floorspace remains attractive, adaptable and capable of ongoing occupation.

Within Mahon Point Shopping Centre, retail units have been extended, amalgamated and subdivided over time in response to changing tenant requirements and market demand. This reflects the normal management of an established shopping centre and supports occupancy, vitality and viability.

The subject proposal is consistent with this approach. It seeks to amalgamate two existing retail / shop units within the established upper mall level to provide a more appropriately sized retail unit capable of meeting current retailer requirements. The proposal is intended to support the continued occupation and effective use of existing retail floorspace.

The proposal does not involve the creation of a new retail destination, a new retail use, or an extension to Mahon Point Shopping Centre. It is limited to the internal amalgamation of existing retail / shop floorspace within the established shopping centre building.

Having regard to the above, the proposal is consistent with the relevant retail planning policy context. It represents a modest internal amalgamation of existing retail floorspace within an established District Centre and supports the ongoing vitality, viability and effective management of Mahon Point Shopping Centre.

6. Legislative Context

This request is made pursuant to Section 5 of the Planning and Development Act 2000, as amended, which provides that where a question arises as to whether, in any particular case, a proposal is or is not development, or is or is not exempted development, any person may request a declaration from the relevant planning authority on that question.

Section 2(1) of the Planning and Development Act 2000, as amended, defines “exempted development” as having the meaning specified in Section 4 of the Act.

Section 2(1) also defines “structure” as meaning:

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

Section 2(1) defines “works” as including:

“any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

Section 3(1) of the Act defines “development” as follows:

“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) of the Act provides that the following shall be exempted development for the purposes of the 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) of the Act provides for classes of development to be prescribed as exempted development by regulation. Section 4(3) provides that exempted development includes development specified under Section 4(1) of the Act or development which is exempted development by reference to regulations made under Section 4(2).

The Planning and Development Regulations 2001, as amended, are also relevant. Article 9 sets out restrictions on exempted development, including circumstances where development which would otherwise be exempted development would not benefit from exemption.

Article 10 of the Regulations is noted in respect of changes of use. Class 1 of Part 4 of Schedule 2 relates to use as a shop. In this instance, no material change of use is proposed, as Units 30 and 31 are established retail / shop units and the proposed amalgamated unit will continue to operate in retail / shop use.

The assessment below considers whether the proposed amalgamation of Units 30 and 31 constitutes development within the meaning of Section 3 of the Planning and Development Act 2000, as amended, and, if so, whether the proposed works constitute exempted development under Section 4(1)(h), having regard to the nature and extent of the works proposed and the relevant restrictions on exemption.

7. Assessment: Whether the Proposal Constitutes Development

The first matter for consideration is whether the proposed amalgamation of Units 30 and 31 constitutes “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

Section 3(1) of the Act defines “development” as 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.

The proposal comprises the amalgamation of Units 30 and 31 to form one larger retail / shop unit within the upper mall level of Mahon Point Shopping Centre. The works associated with the amalgamation include the removal of the internal dividing wall between the two existing units, the removal of the existing internal mall shopfronts serving the separate units, and the provision of one new internal mall shopfront to serve the amalgamated unit.

These works constitute alteration works to the existing units and therefore fall within the definition of “works” under Section 2(1) of the Planning and Development Act 2000, as amended.

Accordingly, it is accepted that the proposed amalgamation and associated internal alteration works constitute development within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

The proposal does not involve any material change in the use of the subject units. Units 30 and 31 form part of the established retail / shop floorspace within Mahon Point Shopping Centre, and the proposed amalgamated unit will continue to operate in retail / shop use.

The proposal therefore constitutes development by reason of the internal alteration works proposed, rather than by reason of any material change of use. The assessment below considers whether the proposed development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

8. Assessment: Whether the Proposal Constitutes Exempted Development

The next matter for consideration is whether the proposed development constitutes exempted development.

It is submitted that the proposed works come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, which provides an exemption for development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, where those works affect only the interior of the structure or do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

The proposed development relates to the amalgamation of Units 30 and 31 within the upper mall level of Mahon Point Shopping Centre. The works associated with the amalgamation include the removal of the internal dividing wall between the two existing retail / shop units, the removal of the existing internal mall shopfronts serving the separate units, and the provision of one new internal mall shopfront to serve the amalgamated unit.

The works will be carried out within the existing shopping centre building and within the established internal mall environment. No works are proposed to the external elevations, external façade or external envelope of Mahon Point Shopping Centre. The proposal will not involve any extension to the building, will not create any new external opening, access or entrance, and will not create any additional floorspace outside the existing unit envelope.

For clarity, the proposed shopfront works relate to the internal mall frontage only. They do not comprise external shopfront works and will not materially affect the external appearance of Mahon Point Shopping Centre.

The existing and proposed use of the subject units is retail / shop use. Units 30 and 31 form part of the established retail / shop floorspace of Mahon Point Shopping Centre, and the proposed amalgamated unit will continue to operate in retail / shop use. Accordingly, no material change of use arises.

The proposal remains contained within the red line Section 5 application boundary of approximately 201 sqm, as shown on the accompanying drawings. The Existing Floor Plan identifies a combined existing gross internal area of approximately 195.97 sqm GIA, while the Proposed Floor Plan identifies a combined proposed gross internal area of approximately 198.34 sqm GIA. This represents a marginal difference of approximately 2.37 sqm arising from the amalgamation of the units, the removal of the internal dividing wall and the measurement of the proposed amalgamated unit arrangement.

This marginal difference is de minimis and does not represent an extension to the building or the creation of additional floorspace outside the existing unit envelope.

Having regard to the internal nature of the works, the absence of any external alteration to the shopping centre, the continuation of the established retail / shop use, and the modest scale of the proposal, it is submitted that no material traffic, parking, servicing, retail impact or other planning impact would arise.

The proposal is directly comparable in planning terms to Cork City Council Section 5 Declaration Ref. R725/22, which related to the amalgamation of Units 17 and 18 within Mahon Point Shopping Centre into one retail unit. In that case, Cork City Council determined that the amalgamation of two existing retail units into one retail unit constituted development and was exempted development.

Having regard to the above, it is submitted that the proposed amalgamation of Units 30 and 31 constitutes development and is exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

9. Restrictions on Exemption

The Planning and Development Regulations 2001, as amended, set out restrictions on exempted development, including under Article 9. Having regard to the nature, scale and location of the proposed works, it is submitted that no relevant restriction on exemption arises in this instance.

The proposed works will not contravene any condition attached to a permission under the Planning and Development Acts and will not be inconsistent with any use specified in a permission under the Acts. Units 30 and 31 form part of the established permitted retail / shop floorspace within Mahon Point Shopping Centre, and the proposed amalgamated unit will continue to operate in retail / shop use.

The proposed works do not comprise the formation, laying out or material widening of a means of access to a public road. No new vehicular, pedestrian, cycle or servicing access is proposed, and the existing access, parking, servicing, circulation and delivery arrangements serving Mahon Point Shopping Centre will be unaffected.

The proposal will not endanger public safety by reason of traffic hazard or obstruction of road users. The works are internal to the existing shopping centre mall environment and no material traffic, parking, servicing or operational impact would arise.

The proposed works do not involve the alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use. The subject units are established retail / shop units within Mahon Point Shopping Centre.

Article 10 of the Planning and Development Regulations 2001, as amended, is noted in respect of changes of use. In this instance, no material change of use is proposed, as the existing units are retail / shop units and the proposed amalgamated unit will continue to operate in retail / shop use.

The subject proposal does not involve works to the exterior of a protected structure, does not affect any architectural conservation area, does not obstruct any public right of way, and does not affect any recorded monument or feature of archaeological, geological, historical, scientific or ecological interest.

The proposed works are internal to the existing shopping centre building and are confined to the red line Section 5 application boundary identified on the accompanying drawings. The proposal does not involve ground works, drainage works, external construction works, or any works which would give rise to an identified pathway for likely significant effects on any European site.

Having regard to the above, it is submitted that no restriction on exemption arises and that the proposed amalgamation of Units 30 and 31 may be considered exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

10. Environmental Assessment and Appropriate Assessment

Section 4(4) of the Planning and Development Act 2000, as amended, provides that development shall not be exempted development if an Environmental Impact Assessment or an Appropriate Assessment of the development is required.

Having regard to the nature, scale and location of the proposed works, it is considered that the proposal would not be likely to have significant effects on the environment.

The proposed works are limited to the internal amalgamation of two existing retail / shop units within the upper mall level of Mahon Point Shopping Centre. The works will be carried out entirely within the existing shopping centre building and within the red line Section 5 application boundary identified on the accompanying drawings.

The proposal does not involve any external works, extension to the building, ground works, excavation works, drainage works, new access arrangements, or change from the established retail / shop use. The proposal will not alter the external envelope of Mahon Point Shopping Centre and will not give rise to any material traffic, parking, servicing, construction, operational or environmental impact.

Accordingly, having regard to the limited and internal nature of the proposed works, it is considered that Environmental Impact Assessment is not required.

In respect of Appropriate Assessment, the subject units are located within the existing built envelope of Mahon Point Shopping Centre. The closest European sites include Cork Harbour SPA and Great Island Channel SAC. Having regard to the nature and scale of the proposal, its location within the existing shopping centre building, and the absence of any external works, ground works, drainage works or change of use, there is no identified pathway for likely significant effects on any European site.

Having regard to Section 177U(9) of the Planning and Development Act 2000, as amended, it is considered that the proposal would not be likely to have a significant effect on any European site, either individually or in combination with any other plans or projects.

Accordingly, it is submitted that Appropriate Assessment is not required.

11. Summary

Having regard to the foregoing, it is submitted that the proposed amalgamation of Units 30 and 31 at upper floor level within Mahon Point Shopping Centre constitutes development within the meaning of Section 3 of the Planning and Development Act 2000, as amended, on the basis that the proposal involves internal alteration works to the existing retail / shop units.

It is further submitted that the proposed development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended. The works are internal to the existing shopping centre mall environment, will not materially affect the external appearance of Mahon Point Shopping Centre, will not involve any extension to the building, will not create any additional floorspace outside the existing unit envelope, and will not result in any material change of use.

The proposal is modest in nature and relates to the internal amalgamation of existing retail / shop floorspace within an established shopping centre and District Centre location. No material traffic, parking, servicing, retail, environmental or other planning impact is considered to arise, and no relevant restriction on exemption is considered to arise under the Planning and Development Regulations 2001, as amended.

The proposal is also consistent with Cork City Council's previous approach to comparable internal retail unit works within Mahon Point Shopping Centre, including Section 5 Declaration Ref. R725/22, where the amalgamation of two existing retail units into one retail unit was determined to constitute development and exempted development.

It is therefore respectfully requested that Cork City Council issue a declaration confirming that the proposed amalgamation of Units 30 and 31 into one retail unit constitutes development and is exempted development.

We trust that the enclosed is in order and sufficient to enable Cork City Council to issue a declaration in respect of the questions raised. Should the Planning Authority require any further clarification, please do not hesitate to contact the undersigned.

Yours sincerely,

CMorris

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APPENDIX A – Relevant Planning History

Mahon Point Shopping Centre, Mahon, Cork, T12 NX39

The following tables provide a summary of the planning history and Section 5 declaration precedents considered relevant to the subject Section 5 request.

Table 1 provides a summary of relevant planning permissions at Mahon Point Shopping Centre. This planning history demonstrates that Mahon Point Shopping Centre is an established retail and commercial destination with a history of permitted development, including retail development, internal retail works, changes of use, mezzanine floorspace, kiosk development, signage, access, servicing and associated shopping centre works.

Table 2 provides a summary of relevant Section 5 declaration precedents, including previous Cork City Council declarations relating to internal retail unit works, subdivision and amalgamation within Mahon Point Shopping Centre and other established shopping centre environments.

Table 1: Summary of Relevant Planning History at Mahon Point Shopping Centre.

Planning Reference	Description	Decision
Cork City Council Ref No. 25/44008	10-year Planning Permission at Mahon Point Shopping Centre, Mahon, Cork for a mixed-use development comprising residential, retail, retail services, retail warehouse, office, commercial, restaurant/café use, a creche and a leisure/gym facility and all associated works. The proposed development comprises 77,767 sqm (gross internal floor area). Blocks A,B, C and D comprise 251 no. residential units incorporating 92 no. one bedroom apartments, 99 no. two bedroom apartments, 46 no. three bedroom apartments, and 14 no four bedroom apartments, associated communal, public and private open space and recreational amenities and play space; a creche comprising 64 no. child spaces, 1 no. commercial unit, a management suite and 2 no. restaurant/café units. Enhanced pedestrian and cycle access to surrounding developments to the north and west, all associated service, plant and circulation space. Blocks A and B have a height of 5 to 6 storeys and Blocks C, and D have a height of 4 to 6 storeys. Se planning file for full development description Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 22/05/2026

Cork City Council Ref No. 22/41543	Permission and Permission for Retention is sought for development consisting of Permission for Retention of a dedicated Click and Collect parking area (2 no. spaces) associated signage and pedestrian crossing; and Permission for the following (I) A new entrance lobby to Tesco store (74sqm); (II) The reconfiguration of the existing entrance lobby (66sqm) to provide a Click and Collect storage area including internal chiller room, and provision of window display vinyl graphic to same; (III) Amendments to parking area to the east of the Tesco store to provide a van parking area (7 spaces); (IV) Provision of a van parking area (5 spaces) at the service yard entrance and (V) All other associated site services and site development works. Location: Tesco Store, Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 13/04/2023
Cork City Council Ref No. 22/41520	The installation of a fourth phase of Solar Photovoltaic (PV) Panels on the roof of the existing Mahon Point Shopping Centre. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 13/02/2023
Cork City Council Ref No. 22/41385	Permission for the installation of solar photovoltaic (PV) panels on the roof of the existing Mahon Point Shopping Centre. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 14/12/2022
Cork City Council Ref No. 21/40752	Permission for development at this site Mahon Point Shopping Centre, Mahon, Cork, for: the erection of new external, anchor retailer signage (with illumination), for Frasers and SportsDirect, which replaces the former Debenhams signage. The signage is located at the northeast and north elevations of the centre as well as the southwest elevation. All works to facilitate the development. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 05/04/2022

Cork City Council Ref No. 21/40622	Permission for the installation of solar photovoltaic (PV) panels on the roof of the existing Mahon Point Shopping Centre. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 17/02/2022
Cork City Council Ref No. 21/40146	Permission for the development of a lengthened vehicle queueing lane and ancillary pedestrian/cycle infrastructure at Mahon Point Shopping Centre, Mahon Link Road, Cork. The proposed development includes a new section of pedestrian and cycle path, amendments to existing pedestrian crossings including the relocation of one no. existing pedestrian crossing, provision of two no. additional uncontrolled pedestrian crossings, additional road markings/signage, relocation of lighting and all associated and ancillary site development works. Location: Mahon Point Shopping Centre, Mahon Link Road, Cork.	Granted by Cork City Council 24/11/2021
Cork City Council Ref No. 18/38014	Permission for the installation of solar photovoltaic (PV) panels on the roof of the existing Omniplex building. Location: Omniplex Building, Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 13/11/2018
Cork City Council Ref No. 16/37147	The reconfiguration and amalgamation of units 33-36 and the provision of mezzanine level floorspace. Location: Units 33-36, Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 15/02/2017
Cork City Council Ref No. 16/36898	Full planning permission for development, will consist of the temporary use of part of an overflow car park for an area to accommodate the erection of a temporary tent / marquee for seasonal leisure activities (winter sports) and associated ancillary services. The temporary use and provision of tent / marquee on site will be in place and operational from November to end of January and permission is sought for a period of three years. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 18/08/2016

Cork City Council Ref No. 13/35722	The development will consist of the temporary use of temporary overflow car park for a temporary ice rink and ancillary development. The development will consist of 1 no stand-alone marquee structure 30m x 50m. The temporary use will be in place and operational from mid-November to end of January. The temporary permission for the Ice Rink over this November to January period is sought for three years. Location: Mahon Point Shopping Centre, Mahon, Co Cork.	Granted by Cork City Council 30/10/2013
Cork City Council Ref No. 13/35567	Full planning permission for development of lands at the Mahon Point Shopping Centre, Mahon, Cork for the use of the overflow car park for a temporary children's activity centre and ancillary development in 1 no. stand-alone marquee structure 30m x 50m. The temporary use will operate over a 9-week period from June to August. Location: Mahon Point shopping Centre, Mahon, Co Cork.	Granted by Cork City Council 18/06/2013
Cork City Council Ref No. 13/35530	The change of use of 33 sqm of bulk storage area to retail sales area (non-food) at the existing Tesco Supermarket at the Mahon Point Shopping Centre, Mahon, Cork. Location: Tesco Ireland Supermarket, Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 14/05/2013
Cork City Council Ref No. 12/35451	Permission is sought for the provision of a bored well with submersible pump and water treatment unit. Location: Mahon Point shopping Centre, Mahon, Co Cork.	Granted by Cork City Council 05/03/2013
Cork City Council Ref No. 12/35313	The change of use of 43.3 sqm of bulk storage area to retail sales area (non-food) at the existing Tesco Supermarket. Location: Tesco Ireland Supermarket, Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 20/09/2012

Cork City Council Ref No. 12/35186	Modifications to the permitted Tesco service yard area consisting of the provision of a home shopping delivery service area of 183 sqm with an overhead canopy of 122 sqm, the proposal also includes for 3 no. loading bays and associated site development works. Location: Tesco Ireland Supermarket, Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 23/05/2012
Cork City Council Ref No. 11/35129	A dry cleaner's kiosk adjacent to the main mall entrance to Tesco at the upper floor. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 21/03/2012
Cork City Council Ref No. 10/34627	Development consisting of the change of use of the existing 145 sqm unit from financial services to retail (comparison) use. Location: Unit 2 Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 26/01/2011
Cork City Council Ref No. 10/34566	Development consisting of the temporary use of temporary overflow car park at Mahon Point Shopping Centre, Mahon, Cork for temporary ice rink and ancillary development. The development will consist of 1 no stand-alone marquee structure 35m x 45m. The temporary use will be operational from mid-November to end of January. The temporary permission for the Ice Rink over this November to January period is sought for three years. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 19/11/2010
Cork City Council Ref No. 10/34428	For development at this site at Mahon Point Shopping Centre, Mahon, Cork. The development will consist of the provision of a food kiosk/servery and associated offices/staff facilities over two floor levels, located in the existing food court on the upper ground floor and mezzanine level. The Kiosk will measure 180sqm. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 20/08/2010

Cork City Council Ref No. 10/34311	Development will consist of provision of a Barber Shop Kiosk and Nail Bar located on mezzazine level above the information desk in the Mahon Point Shopping Centre. The kiosk will measure approximately 32.7 sqm. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 01/06/2010
Cork City Council Ref No. 08/33303	For 3 no. advertising signs. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 22/10/2008
Cork City Council Ref No. 08/33051	Development will consist of 3 no stand-alone kiosks (2 at ground floor level and 1 at first floor level) within the mall area of the Mahon Point Shopping Centre. The kiosks will have a total floor area of approximately 15 sq.m each. Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 19/11/2008
Cork City Council Ref No. 07/31754	The planning application includes modifications as reflected in T.P 03/27336, T.P 03/27622, T.P 03/27623, & 03/27838. This planning application comprise of modifications to retail unit 36 on the upper floor. The work consists of the following: Construction of a new internal stairs, and the construction of new mezzanine storage area above retail unit 36 of 114sqm. The total additional floor area including the stairs is 124.8 sqm. Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Granted by Cork City Council 05/06/2007
Cork City Council Ref No. 06/31140	For Dual Use of 11 no. car parking spaces (142 sqm) for commercial car wash & valeting services, associated signage and associated site works. The car wash & valeting service will be carried out in existing car parking spaces and will not affect the capacity of the car park on the ground level of: Location: Mahon Point Shopping Centre Car Park, Ballinure, Cork.	Granted by Cork City Council 06/11/2006

Cork City Council Ref No. 06/31035	This planning application includes modifications as reflected in T.P. 03/27336, T.P. 03/27622, T.P. 03/27623 & T.P. 03/27838. Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Refused by Cork City Council 05/09/2006
Cork City Council Ref No. 06/30970	The construction of an extension to Tesco Ireland supermarket, allowing for a comparison goods sales extension to the supermarket of 1,796 sq. m. (Nett Sales Area 1,034 sq. m.). Location: Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 26/01/2007
Cork City Council Ref No. 06/30940	Replacement of an existing unauthorised Tesco sign at the entrance to supermarket at Mahon Point Shopping Centre with a sign of 14.5 sqm. Location: Tesco Ireland, Mahon Point Shopping Centre, Mahon, Cork.	Granted by Cork City Council 30/11/2006
Cork City Council Ref No. 06/30875	This planning application includes modifications as reflected in TP 03/27336, 03/27622, 03/27623 AND 03/27838. This is a new application to include, change of use of unit 20 (149 sqm) from retail services to comparison retail on the lower ground floor in Mahon Point Shopping Centre. Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Granted by Cork City Council 21/08/2006
Cork City Council Ref No. 06/30873	This planning application includes modifications as reflected in TP 03/27336, TP 03/27622, TP 03/27623 and TP 03/27838. This is a new application to include change of use of unit F11c (221sq. m) from food & seating & food storage to comparison retail, unit B1 (208sq. m) from banking to comparison retail, service area (35sq. m) to comparison retail, and 14sq. m of communal area to banking, giving total change of use of 478sq. m. Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Granted by Cork City Council 22/08/2006

Cork City Council Ref No. 05/30269	An entrance lobby to the front of the existing (Tesco). Location: Tesco Supermarket, Mahon Point, Mahon, Cork.	Granted by Cork City Council 20/02/2006
Cork City Council Ref No. 05/29750	A development which will consist of placement of the ominplex logo signage to the existing south elevation. The approximate dimensions of the sign will be 2160mm high by 9860mm long and be placed 9650mm from ground level. The sign itself will consist of individual solid faced aluminium rear lit letters with selected blue colour to front and edge and back lit with white halo light, fixed 60mm off facade surface cladding. Location: Ominplex Cinema, Mahon Point, Mahon Link Road, Cork.	Granted by Cork City Council 06/09/2005
Cork City Council Ref No. 05/29615	Construction of a 37.17sqm mezzanine within Unit B3 banking at Mahon Point Shopping Centre, Ballinure, Mahon. The proposed mezzanine accommodation is to consist of 11sqm staff room, 16.39sqm storage room and 2.70sqm cleaner's store. Location: Unit B3 Mahon Point, Shopping Centre, Ballinure, Mahon.	Granted by Cork City Council 26/07/2005
Cork City Council Ref No. 05/29475	Retention of a development at Unit 4 Mahon Point retail Park which consists of 1 number new internally illuminated fascia sign to the side elevation. Location: Unit 4, Mahon Retail Park, Ballinure Mahon, Cork.	Refused by Cork City Council 16/05/2005
Cork City Council Ref No. 04/29046	This planning application includes modifications as reflected in T.P. 03/27336, T.P. 03/27622, T.P. 03/27623 & T.P.03/27838. This planning application comprises of modification to retail units on upper – and lower floors. The works consist of the following: New retail area in 6 additional kiosks. In total = 90.30sqm additional area consisting of 22.50sqm – convenience area, 33.90sqm – comparison area 33.90sqm – retail services area. Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Refused by Cork City Council 02/03/2005

Cork City Council Ref No. 04/29044	This planning application includes modifications as reflected in T.P. 03/27336, T.P. 03/27622, T.P. 03/27623 & T.P.03/27838. This is a new application for a change of use from previously approved storage area to mezzanine 2 to additional seating area to food court mezzanine 2 of 109.94sqm. Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Granted by Cork City Council 02/03/2005
Cork City Council Ref No. 04/29038	Modifications to the existing Zara retail unit - Lower Ground Floor - unit 1b & 1c and ground floor unit 26b & 26c. The works consist of the following: the construction of a new mezzanine storage area above existing retail unit 26b & 26c of 363.73 sqm to be used for storage by the Zara Store. Location: Zara Retail Unit, Mahon Point Shop Centre, Mahon Point, Cork.	Granted by Cork City Council 28/02/2005
Cork City Council Ref No. 04/29035	The development of Tesco signage at the future Tesco supermarket including one 5.5-metre-high totem sign adjoining the internal car park to the west of the future Tesco supermarket, an illuminated 9.4m x 2.5m Tesco sign centred over the permitted supermarket entrance on the western elevation of the development and a 14m x 4m Tesco vinyl sign on the southern elevation of the permitted development. Location: Mahon Point Shop Centre, Mahon Point, Cork.	Granted by Cork City Council 25/02/2005
Cork City Council Ref No. 04/28998	Construction of a messanine within Unit 42, which is located on the upper ground floor. Location: Unit 42, Mahon Point Shop Centre, Mahon, Cork.	Granted by Cork City Council 15/02/2005
Cork City Council Ref No. 04/28980	The construction of a mezzanine floor for storage. Location: Unit 34 & 35, Mahon Point Shop Centre, Mahon, Cork.	Granted by Cork City Council 15/03/2005

Cork City Council Ref No. 04/28894	A mezzanine floor area of 274m2 retail space. Location: Unit 39/40, Mahon Point Shop Centre, Mahon, Cork.	Granted by Cork City Council 11/01/2005
Cork City Council Ref No. 04/28892	Placement of the Omniplex Logo Signage to the Shopping Centre External Facade North Elevation (measure 2160 x 9860 approx.) Both signs will consist of individually internally illuminated letters with blue front colour and back lit with white halo light, fixed 60mm off facade surface. Location: Mahon Point Shop. Centre, Mahon Link Road, Cork.	Granted by Cork City Council 11/01/2005
Cork City Council Ref No. 04/28765	New mezzanine storey, floor area 583m2 and ancillary works. Location: Units 1A & 26, Mahon Point Retail Centre, Mahon Point, Cork.	Granted by Cork City Council 17/01/2005
Cork City Council Ref No. 04/28652	This planning application comprises of alterations to previously approved car park layout to include integration of additional lands and shall include the provision of new access walkway to Inchera Close, associated lighting and landscaping, both hard and soft. This application provides for 1600 car parking spaces, per condition 9b of ABP PL 28.124788 / TP 23033/99. Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Granted by Cork City Council 21/10/2004
Cork City Council Ref No. 04/28301	Modifications to the external signage on the facades around the shopping centre. This consists of the following: 2 new Debenhams internally illuminated signs (outside the Debenhams demise signs at the Western entrance), alteration to previous approved signage tower on top of Western entrance including 2 x Mahon Point name signs on the side of signage tower, 4 x Mahon Point logo illuminated signs around the building. Location: Mahon Point, Ballinure, Mahon, Cork.	Granted by Cork City Council 16/09/2004

Cork City Council Ref No. 04/28228	External modifications to the cinema box, to provide new external escape doors and 1 new window to staff room on mezzanine level 2, on west elevation of the cinema box. Exclusion of previous approved signage tower on top south-eastern corner of cinema box and window on east elevation. Modifications to the external cladding features, occur from previous approved planning application. Location: Mahon Point, South Link Road, Cork.	Granted by Cork City Council 22/06/2004
Cork City Council Ref No. 04/28187	3 no. new external Debenhams signs (internally illuminated individual letters) fixed to north and east elevations of existing Debenhams commercial building. Location: Debenhams, Mahon Point Shopping Centre, Ballinure, Cork.	Granted by Cork City Council 25/08/2004
Cork City Council Ref No. 04/28082	Modifications to the food court to provide new storage area on mezzanine 2, above the upper ground floor of 811.33m² and enlargement of boiler room to 67.42m² on roof level. Total additional area = 878.5m². Location: Mahon, South Link Road, Cork.	Granted by Cork City Council 27/05/2004
Cork City Council Ref No. 03/27623	External modification relating to anchor 1 and part of 2 storey retail centre. The previous planning application 02/26704 appeal was granted for the whole retail development. This planning application includes changes as reflected in 03/27336 with modifications to food store. The planning application comprises of exterior modifications to anchor 1. The works consist of two new 3 x 3m windows in the upper ground level to the northern elevations. Location: Mahon Point, South Link Road, Cork.	Granted by Cork City Council 08/12/2003

Cork City Council Ref No. 03/27336	This planning application comprises of modifications to the food store including revision to canopy at relocated main entrance on western elevation, removal of one fire escape from southern elevations and relocating fire door in western elevation, revision to roof plan, revision to roof plant area, removal of the loading bay canopy in parking area to southern side of anchor 3 and relocating this over an enlargement of unloading platform in service yard no 3, reduction in width and height of fire escape staircase in service yard 3 from lower ground floor, removal of entire mezzanine (497.6 sq.m. gross area) consisting of anchor 3 tenant offices and relocating these on ground floor addition of 3 smoke ventilation openings in car park in front of Anchor 3, redistribution of car parking to area in front of southern elevation to food store with associated disabled parking, parent and child spaces and trolley bays (with total of parking for entire development – 1600 spaces), reduction of entire supermarket gross floor area from 5197 sqm. to 4828 sqm. with nett retail area at 2780 sqm. Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Granted by Cork City Council 17/09/2003
Cork City Council Ref No. 02/26704	Permission for development at site of 10.5 hectares on lands at Ballinure, Mahon bounded on the South and East by New Southern Link Road, on the North by Mahon Village, Inchera Close and Mahon Industrial Estate, on the West by Manon Link Road, Ballinure Road and travellers halting site. The development will consist of the construction of a 2 storey retail centre of 44,846 sq.m. gross area. The modifications include revised North East, West elevations, widening of first floor internal mall, reconfiguration of retail units, relocation of manager's offices with provision of additional 500 sq.m. above the North entrance. Deletion of mezzanine food court and relocation at first floor level. Minor modifications to cinema location, internal layout and access. Reconfiguration of restaurant units. Reduction in area of services yards 1, 2, 4 and 5, redistribution of car parking to provide 1600 car spaces Location: Lands at Ballinure, Mahon, Inchera Close, Southern Link Road, Cork.	Granted by Cork City Council 15/04/2003

Cork City Council Ref No. 99/23033 ABP Ref No. 28/124788	Permission for development works submitted by O'Callaghan Properties Ltd. c/o Project Architects, Fleming Court, Fleming's Place, Dublin 4 (Ref. No. T.P. 23033/99) on a site of approximaely 35.98 hectares on lands at Ballinure, /Mahon, bounded on the south by Lough Mahon and the Douglas River, on the north by Mahon Village, Inchera Close and Mahon Industrial Estate, on the west by disused Rochestown railway line, on the south-west by RTE transmitter site and on the east by the site of a concomitant planning application by McCarthy Developments (Cork) Ltd. (Ref. No. T.P. 23032/99) for residential development (referred to as Zone A). Location: Mahon Point, Ringmahon Road, Mahon.	Granted by Cork City Council 15/07/2002 Modified by ABP 12/07/2002
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Table 2: Relevant Section 5 Declaration Precedents

Section 5 Reference	Description	Declaration
Cork City Council Section 5 Ref. R725/22	Section 5 declaration in respect of the amalgamation of Units 17 and 18 within Mahon Point Shopping Centre into a single retail unit. Location: Mahon Point Shopping Centre, Mahon, Cork.	2022: Determined to be development and exempted development.
Cork City Council Section 5 Ref. R622/20	Section 5 declaration in respect of internal subdivision works associated with the former Debenhams / anchor unit at Mahon Point Shopping Centre. Location: Mahon Point Shopping Centre, Mahon, Cork.	2021: Determined to be development and exempted development.
Cork City Council Section 5 Ref. R480/18	Section 5 declaration in respect of internal reconfiguration / subdivision works relating to Units 33–36 at Mahon Point Shopping Centre. Location: Mahon Point Shopping Centre, Mahon, Cork.	2018: Determined to be development and exempted development.
Cork City Council Section 5 Ref. R893/24	Section 5 declaration relating to internal subdivision and amalgamation works within Douglas Court Shopping Centre, Douglas, Cork. While not located at Mahon Point, this is a recent Cork City Council declaration concerning internal reconfiguration within an established shopping centre context. Location: Douglas Court Shopping Centre, Douglas, Cork.	2024: Determined to be development and exempted development.

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

Deka Immobilien Investment GmbH

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

Units 30 and 31, Upper Floor, Mahon Point Shopping Centre, Mahon, Cork, T12 NX39.

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.

The first question for which a declaration from Cork City Council is required is as follows:

"Whether the amalgamation of Units 30 and 31 at upper floor level within Mahon Point Shopping Centre, Mahon, Cork, T12 NX39, into one retail unit constitutes development."

The second question arising from the first, should the proposal constitute development in the first instance, is as follows:

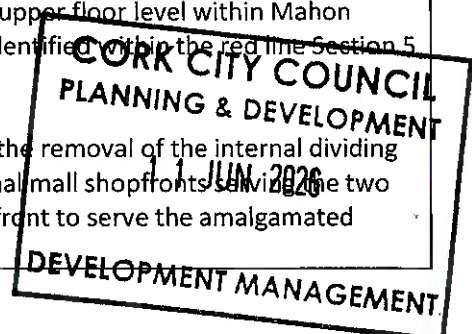
"If the proposal constitutes development, whether it can be considered exempted development."

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

The proposal relates to the amalgamation of Units 30 and 31 at upper floor level within Mahon Point Shopping Centre to form one larger retail / shop unit, as identified within the red line Section 5 application boundary on the accompanying drawings.

The works associated with the proposed amalgamation include the removal of the internal dividing wall between Units 30 and 31, the removal of the existing internal mall shopfronts serving the two separate units, and the provision of one new internal mall shopfront to serve the amalgamated retail unit.



The works are internal to the existing shopping centre mall environment. No external works to Mahon Point Shopping Centre are proposed, and the proposal will not involve any extension to the building, alteration to the external elevations, façade or envelope of the shopping centre, or change from the established retail / shop use.

Please refer to the accompanying cover letter and supporting planning assessment prepared by Cunnane Stratton Reynolds Ltd., together with the accompanying drawings.

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

No.

If so please supply details:

We are not aware of any enforcement proceedings connected to this site.

5. Is this a Protected Structure or within the curtilage of a Protected Structure? ☒

Not a Protected Structure

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? ☒

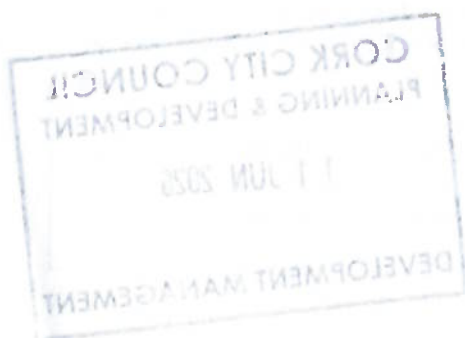
N/A

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

Yes.

If so please supply details:

Please refer to the accompanying Section 5 cover letter and supporting planning assessment, including Appendix A, which provides a summary of relevant planning history and Section 5 declaration precedents at Mahon Point Shopping Centre.



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	Existing internal areas: - Unit 30 retail area: approximately 76.65 sqm; - Store 9, associated with Unit 30: approximately 20.34 sqm; - Total existing Unit 30 area, including Store 9: approximately 96.99 sqm; - Unit 31: approximately 98.98 sqm. The combined identified existing internal area of Unit 30, including Store 9, and Unit 31 is approximately 195.97 sqm. Proposed internal areas: - Proposed amalgamated Unit 30 / 31 retail area: approximately 178 sqm; - Store 9, associated with the proposed amalgamated unit: approximately 20.34 sqm. The combined identified proposed internal area is approximately 198.34 sqm. The red line Section 5 application boundary includes the full extent of Unit 30 and Unit 31 and is identified on the accompanying Existing Floor Plan and Proposed Floor Plan as approximately 201 sqm. Please refer to the accompanying cover letter and supporting planning assessment for further details.
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1st October, 1964, (including those for which planning permission has been obtained)?	Yes ☐ No ☒ 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)	Proposed/existing use (please circle)
N/A	N/A

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other
	X	
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 of the owner if available	N/A	

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

Signature:



Callum Morris, Executive Planner, Cunnane Stratton Reynolds, Clarkes Bridge House, Hanover Street, Cork, T12 P9RY.

Date: 11th June 2026

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

10. Person/Agent acting on behalf of the Applicant (if any):

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



11. Owner Details (if the applicant above is not the legal owner):

Name(s)	N/A
Address	N/A

12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

Tel. No. N/A

Mobile No. N/A

Email Address: N/A

For Office Use Only:

File Ref. No. _____

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.**

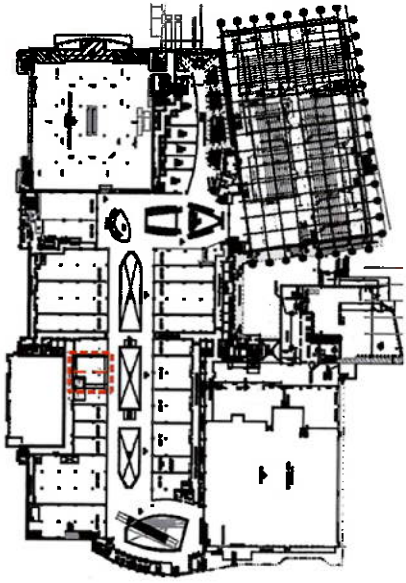
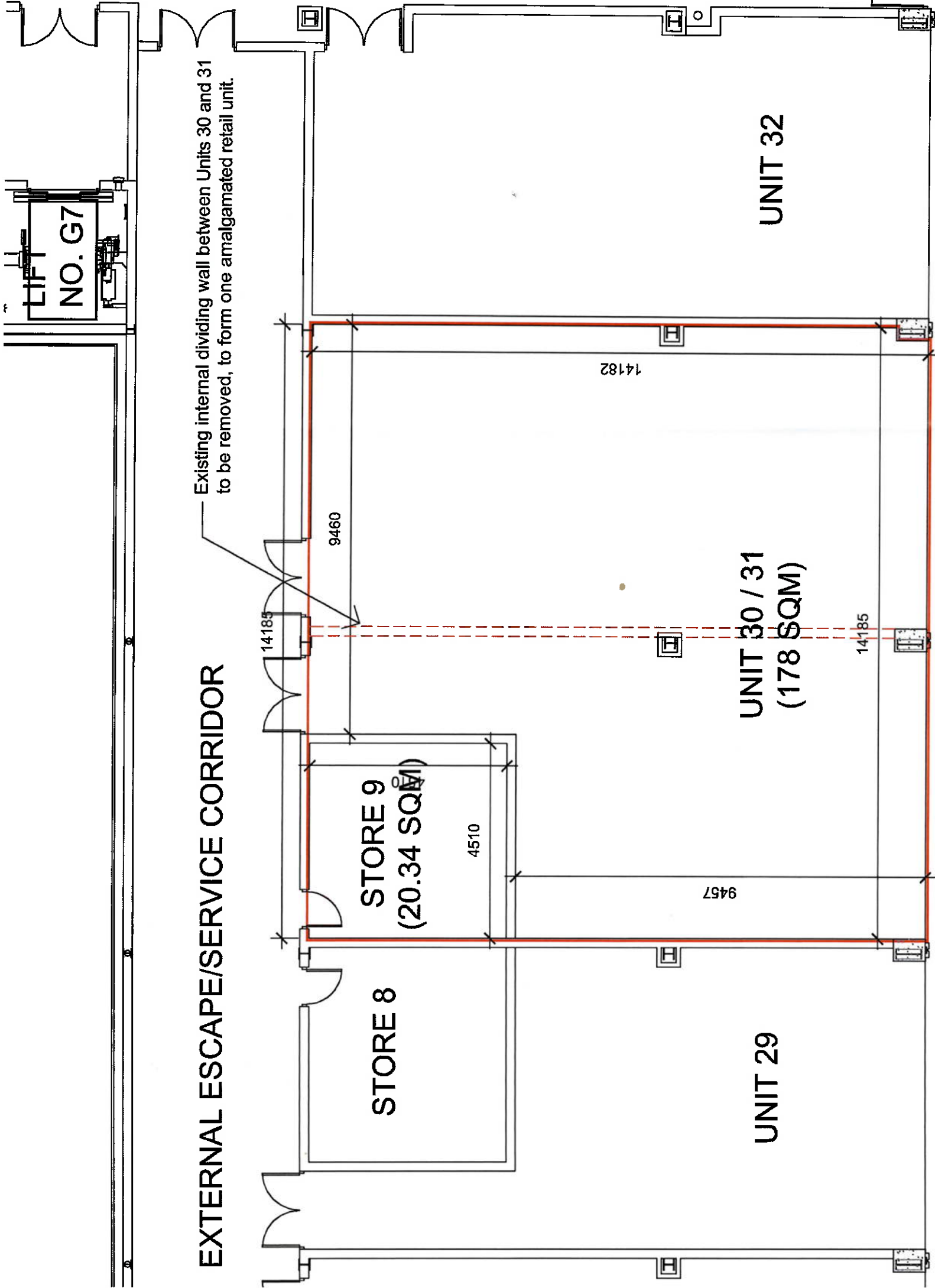
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks 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.

DATA PROTECTION

"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protection policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>

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



KEY PLAN - NTS



Section 5 Application Boundary = 201 sqm,
includes the Gross Internal Floor Area of the
amalgamated Unit 30 & 31 (178 sqm) plus the
associated Store 9 (20.34sqm).



Existing internal dividing wall between Units
30 and 31 to be removed, to form one
amalgamated retail unit.

FIRE ESCAPE CORRIDOR

EXTERNAL ESCAPE/SERVICE CORRIDOR

Existing internal dividing wall between Units 30 and 31
to be removed, to form one amalgamated retail unit.

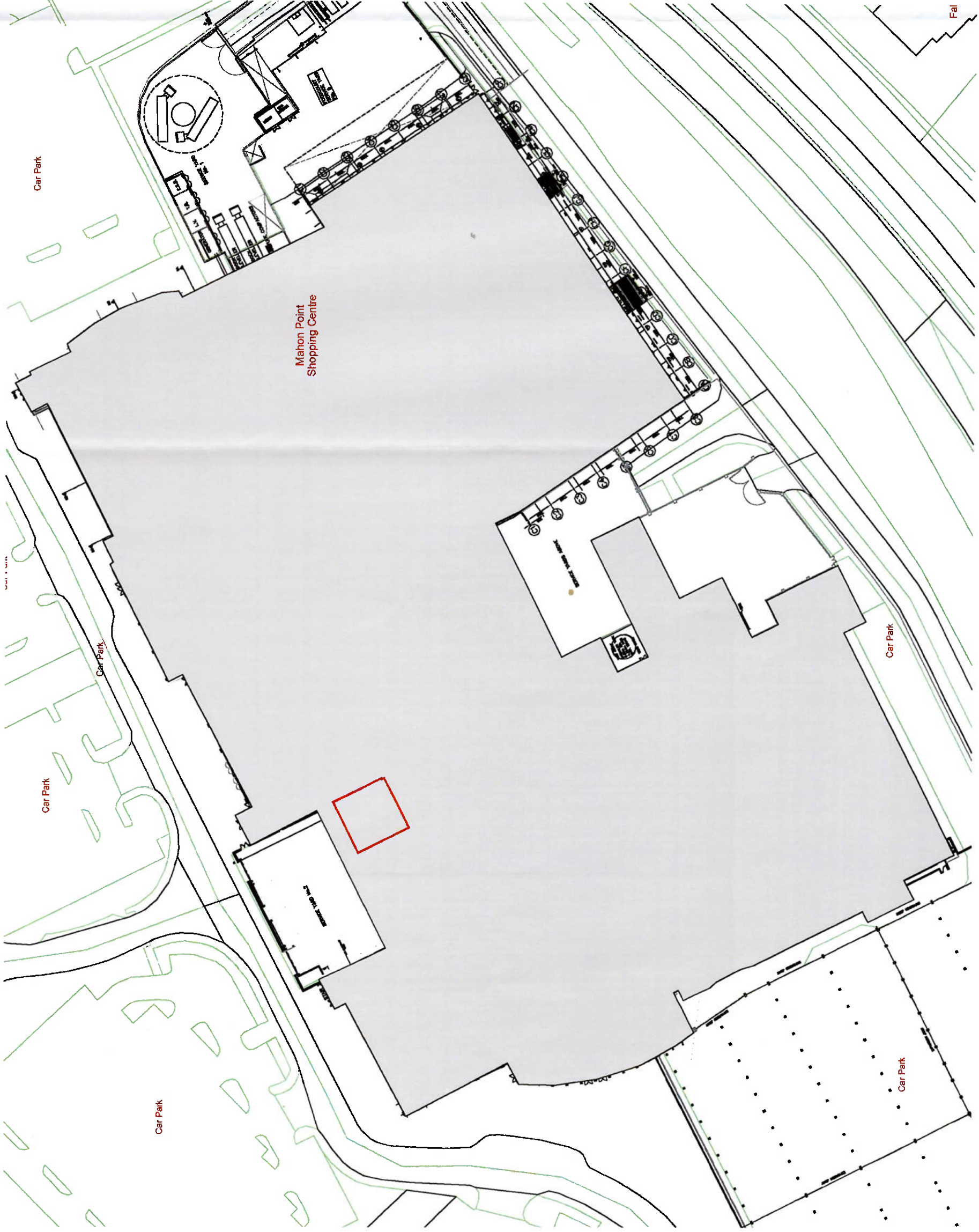
REV	DATE	AMENDMENT
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CUNNANE STRATTON REYNOLDS
LAND PLANNING & DESIGN



DUBLIN, CORK & GALWAY
GAINSBORO HOUSE, 24 SUFFOLK STREET, DUBLIN 2, D02 NF65
TEL: 01 661 0819
EMAIL: info@cstratton.ie

PROJECT:	DATE:	JUNE-2026
UNIT 30 & 31, MALDON POINT SHOPPING CENTRE, CORK	SCALE:	1:100 @ A3
DRAWING:	DRAWN:	PG
PROPOSED FLOOR PLAN - AMALGAMATION OF UNITS 30 & 31	CHECKED:	CM
	DRAWING NO:	26226-01-102



Projection = IRENET95_Irish_Transverse_Mercator
Centre Point Coordinates:
X, Y= 572780.6326, 570491.389
Map Series | Map Sheets
1:1,000 | 6384-21
1:1,000 | 6384-22
Scale
1:1000 @ A3

SECTION 5 APPLICATION BOUNDARY

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REV	DATE	AMENDMENT
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CUNNANE STRATTON REYNOLDS
LAND PLANNING & DESIGN



DUBLIN, CORK & GALWAY
GAINSBORO HOUSE, 24 SUFFOLK STREET, DUBLIN 2, D02 XF65
TEL: 01 661 0419
EMAIL: info@cunnane-stratton-reynolds.ie

PROJECT:	DATE:	JUNE-2026
UNIT 30 & 31, MAHON POINT SHOPPING CENTRE, CORK	SCALE:	1:1000 @ A3
DRAWING:	DRAWN:	PG
SITE LOCATION MAP	CHECKED:	CM
	DRAWING NO:	26226-01-001