



# Comhairle Cathrach Chorcaí Cork City Council

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

08/12/2025

RE: **Section 5 Declaration: R1001/25 Quaker Meeting House,  
Summerhill South**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 17th of October 2025, I wish to advise as follows:

The Question before the Planning Authority was: is the proposal to install solar photovoltaic panels beside the north boundary wall of the Quaker burial ground, with the curtilage of a protected structure, development, and if so, is it exempted development?

## 1. Development

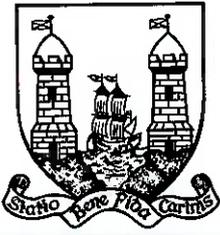
The first issue for consideration is whether or not the matter at hand is 'development'.

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

The details of this Section 5 application consist of the proposal to install solar photovoltaic panels beside the north boundary wall of the Quaker burial ground. This would constitute 'Development' as defined in Section 3(1) of the Act.



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## 2. Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

This Section 5 application has provided limited details regarding the solar array, the quantity, the location of ancillary equipment, level of ground works required to facilitate the array and as such cannot be assessed on this basis.

The subject site is located in a Zone of Archaeological Potential. The graveyard in which it is proposed to locate the solar array is included in the Record of Monuments and Places, Zone Identification (CO074-114), Entity Identification (CO10787). The burial grounds are included in the Record of Protected Structures (Ref: PS664) and is located within the South Parish Architectural Conservation Area. The subject site consists of a number of NIAH listed buildings / structures, reg no. (20,505,822, graveyard), reg no. (20,505,823, building), reg no. (20,505,82, gates/railing/wall).

Following correspondence with the Cork City Council Archaeological Department on the 1st December 2025, she has expressed serious concerns with regard to the principle of the proposed development given its location within the historic graveyard which is listed in the Record of Monuments and Places (CO074-114). I note, Cork City Development Plan 2022-2028, Objective 8.1 & 8.2 seeks to protect and preserve archaeology resources including archaeological monuments as listed in the Sites and Monuments Record (SMR).

Having regard to the foregoing it is considered the question before the planning authority exceeds the limitations of the exemption as provided in Article 9 (1) (vii) & viiA) of the Act outlined hereunder as it consists of the excavation, alteration of an archaeological monument included in the Record of Monuments and Places is also contrary to Cork City Development Plan Objective 8.1 & 8.2.

(vii) 'consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan',

(viiA) 'consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this



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provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended’.

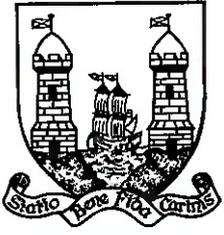
Following correspondence with the Cork City Council Conservation Department on the 1st of December 2025, the following comment was provided. ‘These burial grounds are included in the Record of Protected Structures (Ref: PS664). There are also two National Inventory of Architectural Heritage entries for this site, which includes: the burial grounds themselves and the associated headstones and boundary walls (Reg No. 20505822); and the former limestone arched gateway to the south (Reg No. 20505821). The protected status of the site covers all of these elements. As such, the proposals to erect solar panels would have both a physical and visual impact on the protected status of the site and would, therefore, require planning permission’. Having consideration for the foregoing it is considered the question before the planning authority would not meet the requirements of a section 57 declaration.

Having consideration for the foregoing, it is considered that the question before the Planning Authority, as provided in the Section 5 application, is development and is not exempted development.

It is considered that *the specific question for which a declaration is sought* **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.



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Should the applicant decide to further pursue the proposed development, given the sensitivity of the site, the planning authority advises a pre-planning consultation is undertaken. Pre-planning correspondence to be directed to the following link: [preplanning@corkcity.ie](mailto:preplanning@corkcity.ie)

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Coimisiún Pleanála within 4 weeks of the date it is issued, the 08th of December, 2025.

Is mise le meas,

*Anthony Angelini*

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



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<b>PLANNER'S REPORT</b> <b>Ref. R1001-25</b>		Cork City Council  Development Management  Strategic Planning and Economic Development
<b>Application type</b>	Section 5 Declaration	
<b>Description</b>	<p><i>Is the proposal to install solar photovoltaic panels beside the north boundary wall of the Quaker burial ground, with the curtilage of a protected structure, development, and if so, is it exempted development.</i></p> <p><i>Additional details regarding the question:</i></p> <p><i>Under planning permission 16/37299 granted 20.03.2017, the works as proposed have been completed, effectively improving the BER of the Meeting House from F to A3. The Quaker Meeting would like now to achieve further improvement to A1, with the installation of solar pc panels. The meeting has considered several optional locations, including on the roof, at high level above the parking area alongside Summerhill South, and believes the optimum, with minimal visual impact is alongside the north boundary wall of the burial ground as illustrated on the accompanying plans and photomontages. The panels will be mounted in accordance with S.I. 83, 2007, less than 2m high, and less than the 1.7m height of the wall, but separated a distance of approximately 600mm from the wall (which is a protected structure) in order to preserve maintenance access to the wall, and being raised 600mm off the ground, maintain the biodiversity of the burial ground by permitting plants to continue to grow under the panels. The panels would be totally independent of the protected structure. Note: the applicant is a registered charity CHY 540, RCN 20000820, hence exempt from the fee for this application. A copy of their registration is appended.</i></p>	
<b>Location</b>	Quaker Meeting House, Summerhill South, Cork.	
<b>Applicant</b>	The Religious Society of Friends, (Quakers) in Cork.	
<b>Date on application</b>	18/11/25	
<b>Recommendation</b>	<i>Is Development and is Not Exempted Development</i>	

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

#### 1. Requirements for a Section 5 Declaration

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

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

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

## 2. The Question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q3 of the application form:

*'Is the proposal to install solar photovoltaic panels beside the north boundary wall of the Quaker burial ground, with the curtilage of a protected structure, development, and if so, is it exempted development?'*

## 3. Site Description

The site is located in the graveyard area of the Old Quaker House site at Summerhill South. The graveyard consists of gravestones, grass lawn and intermittent trees. The is enclosed by an existing stonewall that bounds the site. The Quaker house is located to the east of the site.

## 4. CORK CITY DEVELOPMENT PLAN 2022-2028

### Land-Use Zoning

The site is situated in an area zoned ZO 01 Sustainable Residential Neighbourhoods with the objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

Paragraph ZO 1.1 of the plan states that the provision and protection of residential uses and residential amenity is a central objective of this zoning and that the vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services and community facilities are available within easy reach of residents.

Paragraph ZO 1.2 of the plan states that development in this zone should generally respect the character and scale of the neighbourhood in which it is situated.

Paragraph ZO 1.3 of the plan states that “the primary uses in this zone include residential uses, crèches, schools, home-based economic activity, open space and places of public worship”.

Paragraph ZO 1.7 of the plan states that “many green areas of open space in residential estates in Cork City are included in this zone. There will be a presumption against development on all open space in residential estates including any green area or public amenity area that formed part of an executed planning permission for development and was identified for the purposes of recreation or amenity open space, including land which has been habitually used as public open space. Such lands shall be protected for recreation, open space and amenity purposes”.

### **Strategic Objective 7**

#### **Heritage, Arts & Culture**

*To protect and reinforce the unique character and built fabric of the city, towns, villages, suburbs, neighbourhoods and places that make up the fabric of Cork City, both the character derived from the natural environment and the man-made character created by the built form. This will be achieved by*

*protecting Protected Structures, archaeological monuments, and archaeological heritage and Architectural Conservation Areas, while providing opportunities for new development that respects the rich, historic built heritage of the city.*

*To identify, protect, enhance and promote Cork's unique cultural heritage and expression in an authentic and meaningful way...*

*...Proposals for new development must have regard to the historic built heritage of the city, particularly Protected Structures, archaeological monuments and archaeological heritage and Architectural Conservation Areas, and any development that has a detrimental impact on these assets will not normally be acceptable.*

#### **Objective 8.17 Conservation of the City's Built Heritage**

- a. To seek to ensure the conservation of Cork City's built heritage.*
- b. To ensure that Cork's Built Heritage contributes fully to the social and economic life of the city and to pursue actions that ensure Cork's built heritage will benefit from good custodianship and building occupation.*

#### **Objective 8.19 Record of Protected Structures**

*To maintain a Record of Protected Structures (RPS) which shall include structures or parts of structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and which it is an objective to protect.*

- a. Any changes or alterations to the character of a Protected Structure which would in the opinion of Cork City Council, have a material effect on the character of the structure, will require planning permission;*
- b. Cork City Council will have regard to the relevant statutory guidance issued by the central government department responsible for the built heritage, including the Architectural Heritage Protection Guidelines for Planning Authorities;*
- c. Proposals for demolition of a Protected Structure shall not be permitted except in exceptional circumstances and where it can be shown that a greater public interest will be served which outweighs the loss to the architectural heritage;*
- d. Any alteration or demolition of a Protected Structure shall require the preparation of a full drawn and photographic record to Best Conservation Practice;*
- e. A broad range of uses will be considered for the regeneration / reuse of protected structures that are derelict / underutilised;*
- f. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building will be made and sent to the Cork City & County Archives and the Irish Architectural Archive for record purposes;*
- g. Where a planning application is being granted for development within the curtilage of a Protected Structure, the conservation of the protected structure will be prioritised as the first phase of the development to prevent endangerment, abandonment and dereliction.*

#### **Objective 8.22 National Inventory of Architectural Heritage (NIAH)**

*Cork City Council will have regard to Ministerial recommendations to the City Council to consider the designation of the buildings and gardens listed in the National Inventory of Architectural Heritage as Protected Structures. Cork City Council will consider the structures listed in the NIAH for protection, by designation of Protected Structures; by the adoption of Architectural Conservation Areas to protect groups of buildings; or by whatever other means the Council considers will most effectively protect the architectural heritage of the city. These Ministerial Recommendations will be taken into account when the Cork City Council is considering proposals for development that would affect the historic or architectural interest of these structures. Cork City Council will seek to engage with key stakeholder groups, including public representatives, building owners and the public to develop the most appropriate response for the protection of specific buildings, groups of buildings and historic areas.*

**Objective 8.23 Development in Architectural Conservation Areas**

*Development in Architectural Conservation Areas should have regard to the following:*

- a. Works that impact negatively upon features within the public realm, such as stone setts, cobbles or other historic paving, railings, street furniture, stone kerbing etc. shall not be generally permitted;*
- b. Design and detailing that responds respectfully to the historic environment in a way that contributes new values from our own time. This can be achieved by considering layout, scale, materials and finishes and patterns such as plot divisions in the surrounding area;*
- c. Historic materials and methods of construction should be retained and repaired where this is reasonable, e.g. historic windows and doors, original roof coverings, metal rainwater goods should be retained along with original forms and locations of openings etc;*
- d. Repairs or the addition of new materials should be appropriate and in keeping with the character of the original structures.*

**Objective 8.1 Strategic Archaeology Objective**

- a. To protect and preserve archaeological monuments as listed in the Sites and Monuments Record (SMR), Record of Monuments and Places (RMP) and the Wreck Inventory of Ireland Database (WIID). All sites can be accessed on the Historic Environment Viewer ([www.archaeology.ie](http://www.archaeology.ie)). The National Monuments Service will be informed of all development proposals which relate to Sites and Zones of Archaeological Interest.*
- b. Cork City Council will have regard to the relevant national statutory policies and guidelines, including Frameworks and Principles for the Protection of the Archaeological Heritage and to best practice guidance documents published by the Heritage Council and the Institute of Archaeologists of Ireland.*
- c. To preserve the character and setting of the medieval city wall and defences, which is a National Monument, according to the recommendations of the Cork City Walls Management Plan (2007) and the National Policy on Town Defences (2008).*
- d. To promote the retention, reuse, and enhancement of buildings and other elements of architectural, archaeological and other significance.*
- e. To ensure that development reflects and is sensitive to the historical importance and character of the city and its hinterland, in particular the street layout and pattern, plot sizes, building heights and scales.*
- f. To improve and encourage access to and understanding of the architectural and archaeological heritage of the city.*

## **Objective 8.2 Protection of the Archaeological Resource**

- a. Cork City Council will protect and enhance the archaeological value of the sites (and their settings) listed in the Record of Monuments and Places (RMP) and the Historic Environment Viewer.
- b. Cork City Council will ensure that development proposals will protect and preserve archaeological sites discovered since the publication of the Record of Monuments and Places (RMP).
- c. To ensure the preservation of archaeological remains in-situ, in accordance with national policy (and in the interests of sustainability), impacts on the buried archaeological environment should be avoided where possible.

## **5. Planning History**

TP 1637200 – Permission granted for a single storey extension to the Quaker meeting house, including a new roof over small rear basement boiler house area, with optional widening of road gates, optional replacement of pedestrian entrance gate and removal of temporary portable cabin; the curtilage of the site includes Protected Structure 664, burial ground and gates.

TP 2241585 – Permission granted for the retention of existing preschool and all ancillary works for a period of five years, which lies within a Protected Structure (PS664).

TP 1235380 – Permission granted for single storey extension over basement store and boiler room, to meeting house, including forming new pedestrian gateway in burial ground wall (Protected Structure 664), and removal of temporary portable cabin.

### Legislative Provisions

#### **5.1 The Act**

Section 2(1),

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

Section 3(1),

*In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or ‘the making of any material change in the use of any structures or other land’*

Section 4(1)(h),

*The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

Section 4(2),

*Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.*

Section 5(1),

*(See section 1 of this report)*

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

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

## **5.2 The Regulations**

Article 6 (1)

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

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,*

*(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,*

*(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

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*

***SI No. 75 of 2022 -Planning and Development Act (Exempted Development) Regulations 2022  
Amendment of Article 10 of Principal Regulations***

*3. The Principal Regulations are amended in article 10 (as amended by article 2 of the Planning and Development (Amendment) (No. 2) Regulations 2018 ( [S.I. No. 30 of 2018](#) )) by substituting for sub-article (6) the following:*

*“(6) (a) In this sub-article—*

*‘habitable room’ means a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres;*

*‘relevant period’ means the period from 8 February 2018 until 31 December 2025.*

- (a) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2.*

*(c) Notwithstanding sub-article (1), where in respect of a proposed development referred to in paragraph (b)—*

*(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,*

*(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3, 6 or 12, and*

*(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development,*

*then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).*

*(d) (i) The development is commenced and completed during the relevant period.*

*(ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with sub-paragraph (vii), shall -*

*(I) primarily affect the interior of the structure,*

*(II) retain 50 per cent or more of the existing external fabric of the building, and*

*(III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.*

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

(viii) **No development shall consist of or comprise the carrying out of works to a protected structure**, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to [section 76 of the Environmental Protection Agency Act 1992](#) relates and entitled Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

#### **Class 61**

The placing or erection on a roof, or within the curtilage, or on a roof of any ancillary buildings within the curtilage, of the following buildings or sites of a solar photo-voltaic and/or solar thermal collector installation:

*(i) an educational building,*

*(ii) health centre or hospital,*

*(iii) recreational or sports facility,*

*(iv) place of worship,*

*(v) community facility or centre,*

*(vi) library,*

*(vii) sites for the provision of gas, electricity, telecommunications services or water supplies or wastewater services operated by a statutory undertaker.*

*1. Where such development is located within a solar safeguarding zone, the total aperture area of any solar photo-voltaic and/or solar thermal collector panels, taken together with any other such panels previously placed on a roof, shall not exceed 300 square metres.*

*2. Where such development is located within a solar safeguarding zone, the planning authority for the area shall be notified in writing no later than 4 weeks after the commencement of such development and such notification shall include details regarding the location and scale of the development.*

*3. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 1.2 metres in the case of a flat roof or 15cm in any other case.*

*4. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 2 metres in the case of a flat roof or 50cm in any other case from the edge of the roof on which it is mounted.*

*5. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels shall not be placed or erected on a wall or any roof that is not a flat roof.*

*6. The height of any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall not exceed 1.6 metres above roof level.*

*7. Any ancillary equipment associated with solar photo-voltaic or solar thermal collector panels on a flat roof shall be a minimum of 2 metres from the edge of the roof on which it is mounted.*

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

*9. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 75 square metres.*

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

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

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

*13. No sign, advertisement or object not required for the functioning or safety of the solar photo-voltaic or solar thermal collector installation shall be attached to or exhibited on such installation.*

14. Development under this Class shall only be exempted development where the solar photo-voltaic or solar thermal collector installation is primarily used for the provision of electricity or heating for use within the curtilage of the building or site, and shall not be considered a change of use for the purposes of the Act.

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

## 6. ASSESSMENT

### 6.1 Development

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

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

The details of this Section 5 application consist of the proposal to install solar photovoltaic panels beside the north boundary wall of the Quaker burial ground. This would constitute 'Development' as defined in Section 3(1) of the Act.

### 6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

This Section 5 application has provided limited details regarding the solar array, the quantity, the location of ancillary equipment, level of ground works required to facilitate the array and as such cannot be assessed on this basis.

The subject site is located in a Zone of Archaeological Potential. The graveyard in which it is proposed to locate the solar array is included in the Record of Monuments and Places, Zone Identification (CO074-114), Entity Identification (CO10787). The burial grounds are included in the Record of Protected Structures (Ref: PS664) and is located within the South Parish Architectural Conservation Area. The subject site consists of a number of NIAH listed buildings / structures, reg no. (20,505,822, graveyard), reg no. (20,505,823, building), reg no. (20,505,82, gates/railing/wall).

Following correspondence with the Cork City Council Archaeological Department on the 1<sup>st</sup> December 2025, she has expressed serious concerns with regard to the principle of the proposed development given its location within the historic graveyard which is listed in the Record of Monuments and Places (CO074-114). I note, Cork City Development Plan 2022-2028, Objective 8.1 & 8.2 seeks to protect and preserve archaeology resources including archaeological monuments as listed in the Sites and Monuments Record (SMR).

Having regard to the foregoing it is considered the question before the planning authority exceeds the limitations of the exemption as provided in Article 9 (1) (vii) & viiA) of the Act outlined hereunder as it

consists of the excavation, alteration of an archaeological monument included in the Record of Monuments and Places is also contrary to Cork City Development Plan Objective 8.1 & 8.2.

*(vii) 'consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan';*

*(viiA) 'consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended'.*

Following correspondence with the Cork City Council Conservation Department on the 1<sup>st</sup> of December 2025, the following comment was provided. *'These burial grounds are included in the Record of Protected Structures (Ref: PS664). There are also two National Inventory of Architectural Heritage entries for this site, which includes: the burial grounds themselves and the associated headstones and boundary walls (Reg No. 20505822); and the former limestone arched gateway to the south (Reg No. 20505821). The protected status of the site covers all of these elements. As such, the proposals to erect solar panels would have both a physical and visual impact on the protected status of the site and would, therefore, require planning permission'.* Having consideration for the foregoing it is considered the question before the planning authority would not meet the requirements of a section 57 declaration.

Having consideration for the foregoing, it is considered that the question before the Planning Authority, as provided in the Section 5 application, is development and is not exempted development.

## 7. ENVIRONMENTAL ASSESSMENT

### **7.1 Screening for Environmental Impact Assessment**

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

### **7.2 Screening for Appropriate Assessment**

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

## **8. Conclusion**

The question has been asked:

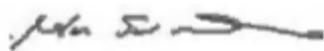
*'Is the proposal to install solar photovoltaic panels beside the north boundary wall of the Quaker burial ground, with the curtilage of a protected structure, development, and if so, is it exempted development?'*

## 9. RECOMMENDATION

In view of the above and having regard to —

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1), Article 9(1), Article (10)(1) of the Planning and Development Regulations, 2001, as amended,

It is considered that *the proposal to install solar photovoltaic panels beside the north boundary wall of the Quaker burial ground*, given the protected structure status of the site, its archaeological status and the inclusion of the site in the Record of Monuments and Places, IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.

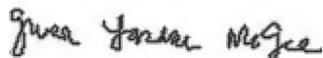


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Alan Swanwick

Assistant Planner

04/12/2025



---

Gwen Jordan McGee

Senior Executive Planner

04/12/2025

# AKIBOYE CONOLLY ARCHITECTS

7 ALEXANDRA PLACE ST LUKES CORK IRELAND T23 W7C9  
Tel +353 21 450 9565 Fax +353 21 450 9578  
email info@akiboyeconollyarch.com web www.akiboyeconollyarch.com

Planning Department  
Cork City Council

18.11.25

Dear Cork City Planners

## SECTION 5 DECLARATION, FRIENDS' MEETING HOUSE, SUMMERHILL SOUTH

We enclose a request on behalf of our client the Religious Society of Friends (Quakers) Cork for a Section 5 Declaration for the installation of solar p.v. panels in the burial ground of the Quaker Meeting House on Summerhill South.

Although the location forms part of the curtilage of a protected structure - the burial ground walls - we have not requested a Section 57 Declaration as the proposals are quite specific and of very limited scope. They will not touch the burial ground walls, and will leave clear access for any future maintenance of these walls, as well as being mounted clear of the ground in order to preserve plant growth and maintain associated biodiversity.

The objectives are in line with the ethics of the Society of Friends to minimise their impact environmentally, as well as continuing the upgrading of the energy performance of the building, which has been improved from a BER rating of F to A3 under the planning permission 16/37200 granted on 20.03.2017, with the aim of achieving an A1 rating.

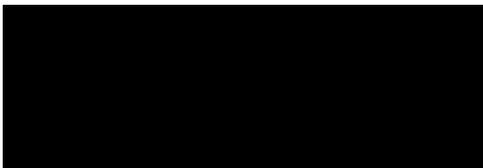
We enclose the Section 5 application form, a site location plan at 1:1000 marking the proposed location of the panels, an aerial photo similarly marked, a simple photo montage in the burial ground showing the south elevation of the panels, and a detail section 1:5 showing the relationship with the burial ground north wall. Details of the supporting structure will depend on the chosen installation contractor and will be lightweight galvanized steel/aluminium frames with minimal foundations (preferably galvanized steel anchors), so that the entire installation can be removed in the future without any impact on the site or the protected structure.

The visual impact will be minimal, as the panels will be below the height of the burial ground wall, and adjoining properties to the north are at a considerably lower ground level (approximately 8m).

The Society is a registered charity, and we understand they are exempt from the relevant fee for this Declaration; we enclose their charity registration details.

Please let us know if you require any further information.

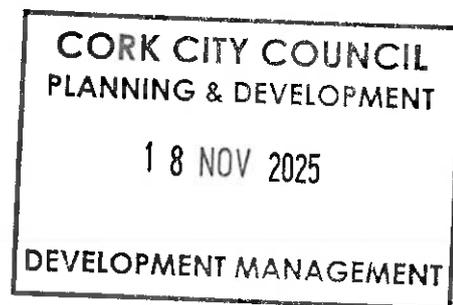
Yours sincerely



Simon Conolly

Schedule of enclosed documents:

- site location plan 1:1000
- aerial photo 1:500
- simple photo montage elevation
- detail section 1:5
- view from Douglas Street
- Charity registration



## 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](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924029

Líonra/Web: [www.corkcity.ie](http://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

The Religious Society of Friends, (Quakers) in Cork

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

Quaker Meeting House, Summerhill South, Cork

#### 3. QUESTION/ DECLARATION DETAILS

##### PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

*Note: only works listed and described under this section will be assessed under the section 5 declaration.*

Is the proposal to instal solar photovoltaic panels beside the north boundary wall of the Quaker burial ground , within the curtilage of a protected structure, development, and if so, is it exempted development?

##### ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

*(Use additional sheets if required).*

Under planning permission 16/37200 granted on 20.03.2017, the works as proposed have been completed, effectively improving the BER of the Meeting House from F to A3. The Quaker Meeting would like now to achieve further improvement to A1, with the installation of solar pv panels. The Meeting has considered several optional locations, including on the roof, at high level above the parking area alongside Summerhill South, and believes the optimum, with minimal visual impact is alongside the north boundary wall of the burial ground as illustrated on the accompanying plans and photomontage. The panels will be mounted in accordance with S.I. 83, 2007, less than 2m high, and less than the 1.7m height of the wall, but separated a distance of approximately 600mm from the wall (which is a protected structure) in order to preserve maintenance access to the wall, and being raised 600mm off the ground, maintain the biodiversity of the burial ground by permitting plants to continue to grow under the panels. The panels would be totally independent of the protected structure  
Note: the applicant is a registered charity CHY 540, RCN 20000820, hence exempt from the fee for this application. A copy of their registration is appended.

4. Are you aware of any enforcement proceedings connected to this site?  
 If so please supply details:

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

6. Was there previous relevant planning application/s on this site?   
 If so please supply details:

16/37200 granted on 20.03.2017

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**7. APPLICATION DETAILS**

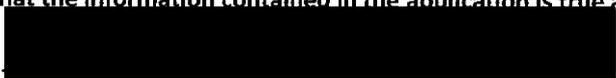
Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

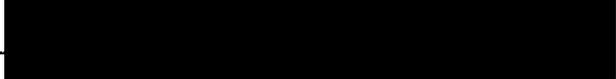
(a) Floor area of existing/proposed structure/s	N.A.
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) N.A.
(c) If concerning a change of use of land and / or building(s), please state the following: N.A.	
Existing/ previous use (please circle)	Proposed/existing use (please circle)

**7. LEGAL INTEREST**

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name of the owner if available		

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

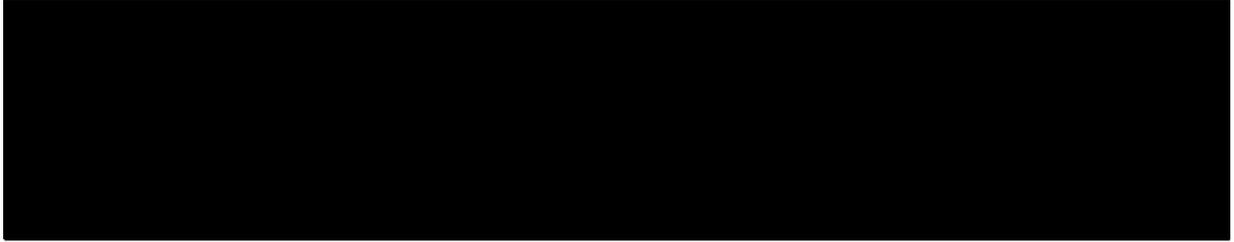
Signature: 

Date: 

**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):**



<b>Should all correspondence be sent to the above address?</b> (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
--	---	-----------------------------

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

<i>Name(s)</i>	N.A.
<i>Address</i>	

**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. \_\_\_\_\_

Mobile No. \_\_\_\_\_

Email Address: \_\_\_\_\_

For Office Use Only: File Ref. No. _____
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# The Religious Society of Friends (Quakers) in Cork

Registered Charity Number (RCN): 20000820

Status: Registered

Annual Report:  Filed on Time[← Back to Search Results](#)[Overview](#)[Finance & Activities](#)[Documents](#)[People](#)

Annual Reports must be filed with the Charities Regulator within 10 months of the organisation's financial year-end.

Quaker Meeting House  
Summerhill South  
Cork  
Republic of Ireland.

Annual Report -  
Period  
Ending

31  
Dec  
2024

31  
Dec  
2023

31  
Dec  
2022

Type of  
Organisation

Other

Annual  
Report  
Status

[Print Page](#)[New Search](#)

Total

72,957

81,267

65,303

## Income

Total Expenditure	82,579	67,799	65,950
Number of employees			
Number of full-time employees	0	0	0
Number of part-time employees	0	0	0
Average number of volunteers	20-49	20-49	20-49

Annual Report filed 
  Annual Report filed late 
  Annual Report not filed

### Annual Report - Period Ending

31 Dec 2024 Information based on data supplied in the Annual Report Period:  
 1 Jan 2024 to 31 Dec 2024

31 Dec 2023

#### Sources of Income

<input checked="" type="checkbox"/> 31 Dec 2022	From donations	€ 19,204
<input checked="" type="checkbox"/> 31 Dec 2021	From trading and commercial activities	€ 41,992
<input checked="" type="checkbox"/> 31 Dec 2020	From other sources	€ 11,761
<input checked="" type="checkbox"/> 31 Dec 2019	<b>Total Income</b>	<b>€ 72,957</b>
<input checked="" type="checkbox"/> 31 Dec 2018	<b>Total Expenditure</b>	<b>€ 82,579</b>

31 Dec 2018 **Surplus/(Deficit) for the period** € (9,622)

31 Dec 2017 **Assets and Liabilities**

<input checked="" type="checkbox"/> 31 Dec 2016	Cash at hand and in bank	€ 60,092
<input checked="" type="checkbox"/> 31 Dec 2015	Other assets	€ 1,100,000
<input checked="" type="checkbox"/> 31 Dec 2014	<b>Total Assets</b>	<b>€ 1,160,092</b>
<input checked="" type="checkbox"/> 31 Dec 2014	<b>Total Liabilities</b>	<b>€ 60,000</b>



NOTE: This view is diagrammatic; panels are viewed in "flat" elevation, not perspective

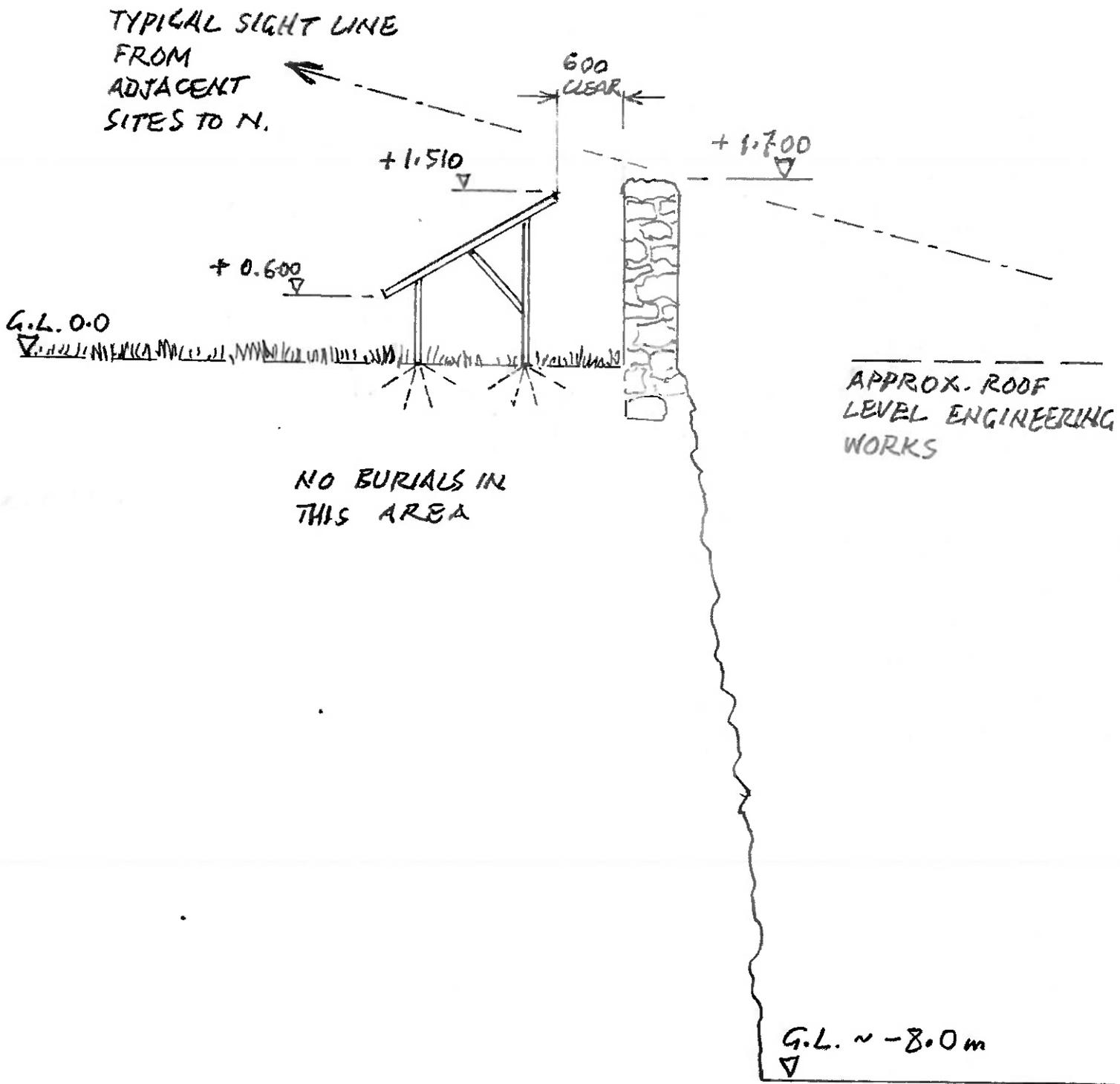
Akiboye Conolly Architects	Job: 264 Friends' Meeting House	Scale N.T.S.
7 Alexandra Place Cork T23W7C9	Drawing Photo view in burial ground, with pv panels seen in south elevation	Dwg No 264 South view A Ph 281025

Burial ground wall



View through engineering yard from north, Douglas Street, from Google Street View 2024

Akiboye Conolly Architects	View from north	Scale NTS
7 Alexandra Place Cork T23W7C9	Job: 264 Friends' Meeting House	Dwg No 264 Ph 141025



Akiboye Conolly Architects	Drawing Sketch section S - N of P.V. panels	Scale 1: 5 at A4
7 Alexandra Place Cork T23W7C9	Job: 264 Friends' Meeting House	Dwg No 264 SK111125 rev A



Akiboye Conolly Architects

Job: 264 Friends' Meeting House

Scale: Refer to 10m bar scale above approx 1:500

7 Alexandra Place Cork T23W7C9

Drawing Aerial view of site showing proposed p.v. panels (green)

Dwg No 264 Site Aerial 500 A

Levelled 1973 571313 7915

**ITM CENTRE PT. COORDS.**  
567749,571190

**DESCRIPTION**

**MAP SHEETS**

1:1000  
6382-15 6382-20



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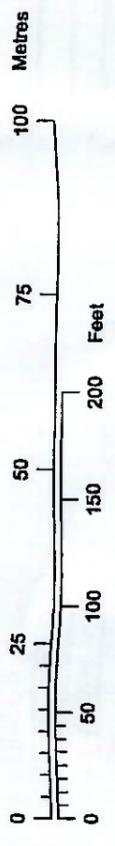
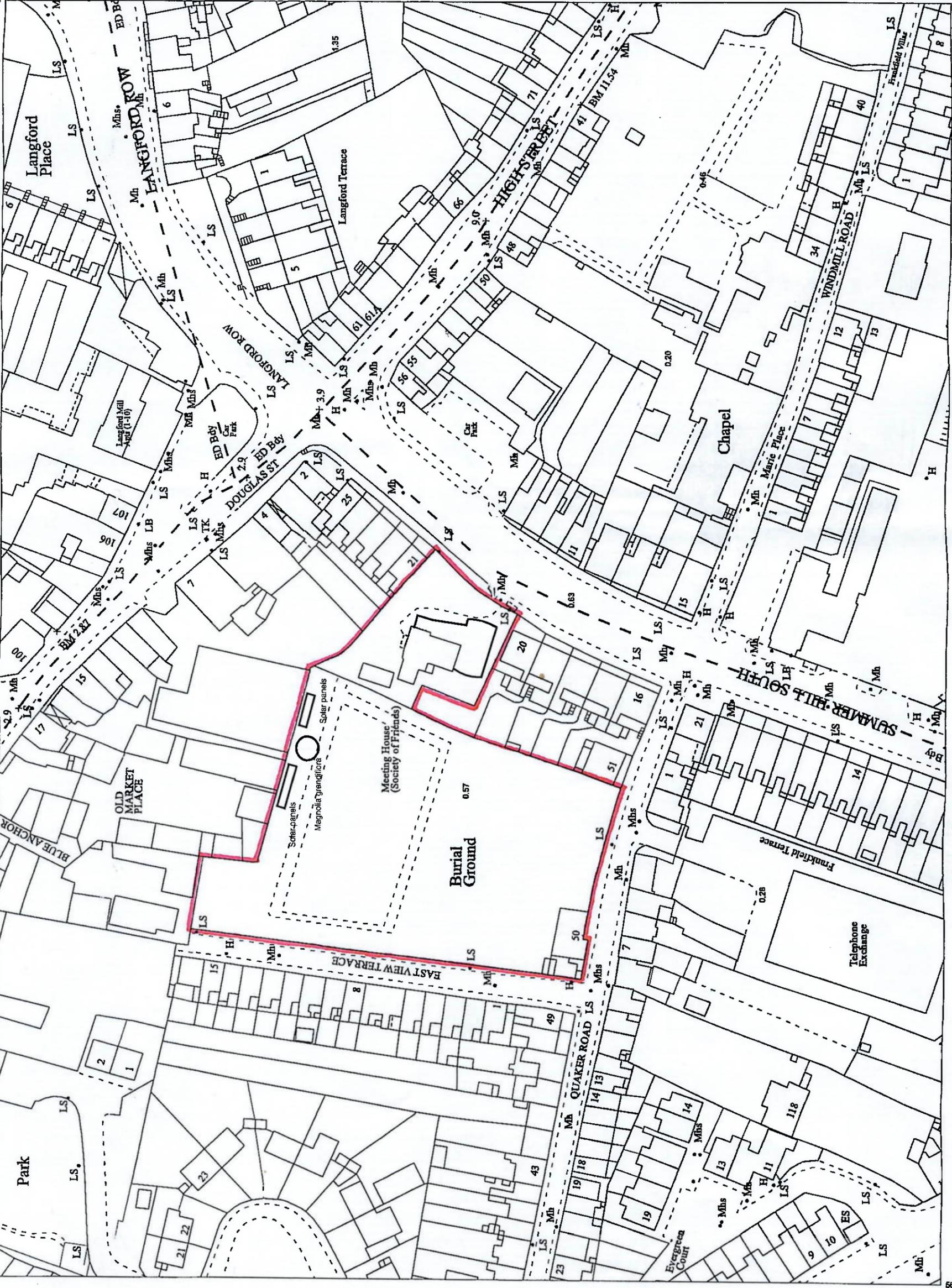
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© Ordnance Survey Ireland, 2012



Scale:- 1:1,000  
Scála:- 1:1,000

Plot Ref. No. 19623038\_1\_1  
Plot Date 03-JUL-2012

Akiboye Conolly Architects	Job: 264 Friends' Meeting House	Scale 1:1000 @ A3
7 Alexandra Place Cork T23W7C9	Drawing Site Plan - Proposed solar panels in burial ground	Dwg No 264 Site 1000 rev A