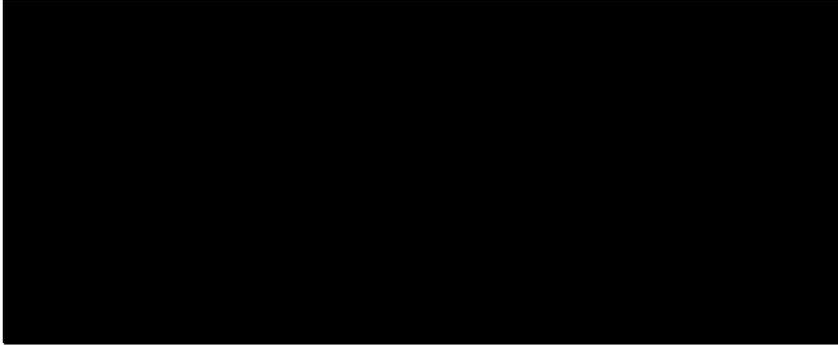




Comhairle Cathrach Chorcaí Cork City Council

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



25/02/2026

RE: Section 5 Declaration: R1021/26. Presentation Brothers College, Mardyke Walk, Mardyke, Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 28th of January 2026.

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

“Presentation Brothers College are replacing their windows. The new windows will have a similar geometry. The school wishes to change the colour of the windows to either black, brown, cream or navy. The windows are currently green. Is this exempted development?”
In setting out additional details regarding question/ works/ development, the applicant states:
“Current windows are ‘tilt & turn’ style. New windows will be casement style with restrictors for improved ventilation. The OPE sizes will not change. All framing and mullions will be similar to existing”.



We are Cork.



Comhairle Cathrach Chorcaí Cork City Council

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

Having regard to —

The planning history of the site, and
Sections 2, 3, 4 and 82 of the Planning and Development Act 2000 (as amended), and
Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),

It is considered that the replacing of windows, and window colour, at the Presentation
Brother's College building, Mardyke Walk, 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. R1021/26		Cork City Council Planning and Integrated Development
Application type	Section 5 Declaration	
Description	<p><i>Presentation Brothers College are replacing their windows. The new windows will have a similar geometry. The school wishes to change the colour of the windows to either black, brown, cream or navy. The windows are currently green. Is this exempted development?</i></p> <p><u>Additional Details Regarding Question</u></p> <p><i>Current windows are 'tilt & turn' style. New windows will be casement style with restrictors for improved ventilation. The ope sizes will not change. All framing and mullions will be similar to existing.</i></p>	
Location	Presentation Brothers College, Mardyke Walk, Cork	
Applicant	Catherine Clarke	
Date	25/02/2026	
Recommendation	<i>Replacing the windows and changing the frame colour Is Development and Is Exempted Development.</i>	

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

1. REQUIREMENTS FOR A SECTION 5 DECLARATION

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

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

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

2. THE QUESTION BEFORE THE PLANNING AUTHORITY

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

"Presentation Brothers College are replacing their windows. The new windows will have a similar geometry. The school wishes to change the colour of the windows to either black, brown, cream or navy. The windows are currently green. Is this exempted development?"

In setting out additional details regarding question/ works/ development, the applicant states:

"Current windows are 'tilt & turn' style. New windows will be casement style with restrictors for improved ventilation. The ope sizes will not change. All framing and mullions will be similar to existing".

The applicant has provided several photographs of the subject building and location maps.

3. SITE DESCRIPTION

The subject site comprises the Presentation Brother’s College campus which is located on the northern side of Dyke Parade, west of the city centre. The sprawling, red-brick building is primarily three-storey although there are two-storey elements to it. Surface car parking is located to the side (west) and the front (south) of the building, which itself extends from the boundary with Dyke Parade to the banks of the River Lee on the northern side of the site. The site is located within the Mardyke Architectural Conservation Area (ACA).

4. PLANNING HISTORY

Subject Site

23/41881: Planning permission was GRANTED by the Planning Authority, subject to conditions, for material alterations to existing auditorium which forms part of the larger existing school complex, including changes to internal layout, minor elevational changes and all ancillary works.

16/37047: Planning permission was GRANTED by the Planning Authority, subject to conditions, for a change of plans of a first-floor extension previously permitted under T.P. 16/36799. The proposed change of plans will consist of the relocation of the escape staircase and pedestrian entrance with an increase in floor area of 42 sq.m, minor elevational modifications and associated site works.

16/36799: Planning permission was GRANTED by the Planning Authority, subject to conditions, to construct a first-floor classroom extension with ancillary storage and carry out alterations to the existing ground and first floor layouts (permitted under T.P. 14/36072) including an escape staircase.

14/36072: Planning permission was GRANTED by the Planning Authority, subject to conditions, to remove an existing pre-fabricated building and to construct a single storey locker room/entrance extension to the west of the existing gym and a single storey canteen extension to the east of the existing canteen, together with minor alterations to the existing pedestrian entrance including all associated site works.

09/33676: Planning permission was GRANTED by the Planning Authority, subject to conditions, for the construction of a 3 storey extension (floor area 947 s.m.) to the existing Presentation Brothers College consisting of a new entrance, lobby, locker room, classroom/store and plant room at ground floor level and 3 no classrooms with associated link corridors to existing floors at both first and second floor levels, together with associated escape stair and site works.

5. LEGISLATIVE PROVISIONS

5.1 The Act

Section 2(1),

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

Section 3(1),

In this Act, except where the context otherwise requires, “development” means, -

- a) The carrying out of any works in, on, over or under land or the making of any material change in the use of any land or structures situated on land, or*
- b) Development within the meaning of Part XXI.*

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)(a),

The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- i) By reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- ii) The development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4(2)(b)

Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

Section 4(2)(c)

Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Section 5(1),

(See section 1 of this report)

Section 82 (1) (development in architectural conservation areas)

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

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

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

5.2 The Regulations

Article 6(1)

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

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,*

- (a) (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,

6. ASSESSMENT

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

As per the submitted Section 5 declaration application form, it is intended to replace all windows throughout the Presentation Brother’s College building. It is stated that there will be no modifications made to the window openings, with the ‘geometry’, framing and mullions of all proposed windows similar to the existing. The new windows are in a ‘Casement’ style, with the existing windows in a ‘tilt and turn’ style. The existing windows are a green colour, while it is proposed to change the colour of the new windows to one of ‘either black, brown, cream or navy’.

6.1 Development

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

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

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

The proposal includes acts of ‘alteration, repair or renewal’ and therefore falls within the definition of ‘works’. Therefore, the proposal constitutes development within the meaning of the Act and I consider the stated works as constituting development.

6.2 Exempted development

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

The following is given consideration in the assessment of the exempted nature of the proposal:

Section 4(1)(h) states:

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 82 (1) (development in architectural conservation areas) states:

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

Article 9 (1) of the Regulations state:

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

(a) (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,

The subject site is located within the Mardyke Architectural Conservation Area, as such, I consider Section 4(1)(h), Section 82(1) of the Act and Article 9 (1)(a)(xii) of the Regulations as relevant. The building subject to the proposed works is a large redbrick structure, opened in the 1980s. The building is neither a Protected Structure nor listed in the National Inventory of Architectural Heritage (NIAH). The existing windows are primarily an open pane with no decorative strips or grilles and their frames are a dark green colour. It is proposed to replace the windows with ‘Casement’ style windows. The Casement style refers to the opening mechanism and, as such, there would be no material change to the external visuals as a result of the change in opening mechanism. Similarly, it is stated that the geometry, framing and mullions will all remain similar to the existing windows. Therefore, the only obvious change will be to the colour of the window frames.

I do not consider a change in the colour of the window frames, particularly to any of the four suggested colours, as materially affecting the character of the surrounding Architectural Conservation Area. Accordingly, I consider the proposed works as development and as exempt 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. RECOMMENDATION

In view of the above and having regard to —

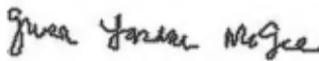
- The planning history of the site, and
- Sections 2, 3, 4 and 82 of the Planning and Development Act 2000 (as amended), and

- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),

It is considered that the replacing of windows, and window colour, at the Presentation Brother’s College building, Mardyke Walk, Cork, **Is Development** and **Is Exempted Development**.



Robert Farrell
Executive Planner
25/02/2026



Gwen Jordan McGee
Senior Executive Planner

**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: 021-4924029

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

CATHERINE CLARKE

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

PRESENTATION BROTHERS COLLEGE
MARLYKE NAH
MARLYKE
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.

PRES. BROS. COLLEGE ARE REPLACING THEIR WINDOWS.
THE NEW WINDOWS WILL HAVE A SIMILAR GEOMETRY.
THE SCHOOL WISHES TO CHANGE THE COLOUR OF THE
WINDOW TO EITHER BLACK, BROWN, CREAM OR NAVY.
THE WINDOWS ARE CURRENTLY GREEN.
IS THIS EXEMPTED DEVELOPMENT?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

CURRENT WINDOWS ARE 'TILT & TURN' STYLE.
NEW WINDOWS WILL BE CASEMENT STYLE WITH RESTRICTORS
FOR IMPROVED VENTILATION.
THE OPE SIZES WILL NOT CHANGE.
ALL FRAMING AND MULLIONS WILL BE SIMILAR TO EXISTING.

**CORK CITY COUNCIL
PLANNING & DEVELOPMENT**

29 JAN 2026

DEVELOPMENT MANAGEMENT

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

If so please supply details:

NO.

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

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

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

If so please supply details: 1637047 - Extension to existing school.

0833145 - Sports Centre

0833144 - ALL WEATHER PLAYING PITCH

7. APPLICATION DETAILS

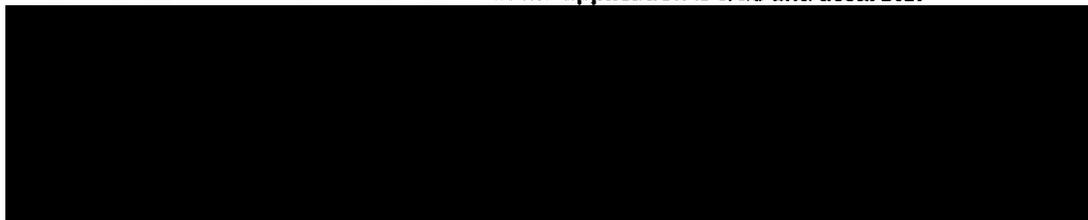
Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	<u>6,650m²</u>
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) <u>NA</u>
(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)
<u>NA</u>	<u>NA</u>

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input type="checkbox"/>	B. Other <input checked="" 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	<u>DEPARTMENT OF EDUCATION / REPRESENTATIONAL BROTHERS.</u>	

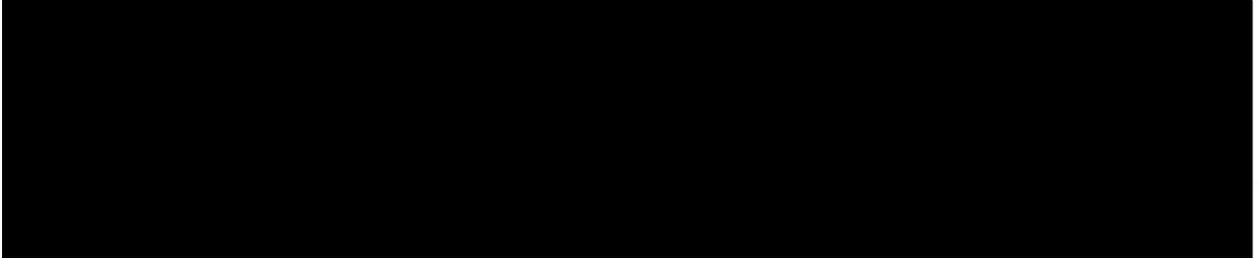
8.1 / We confirm that the information contained in the application is true and accurate:



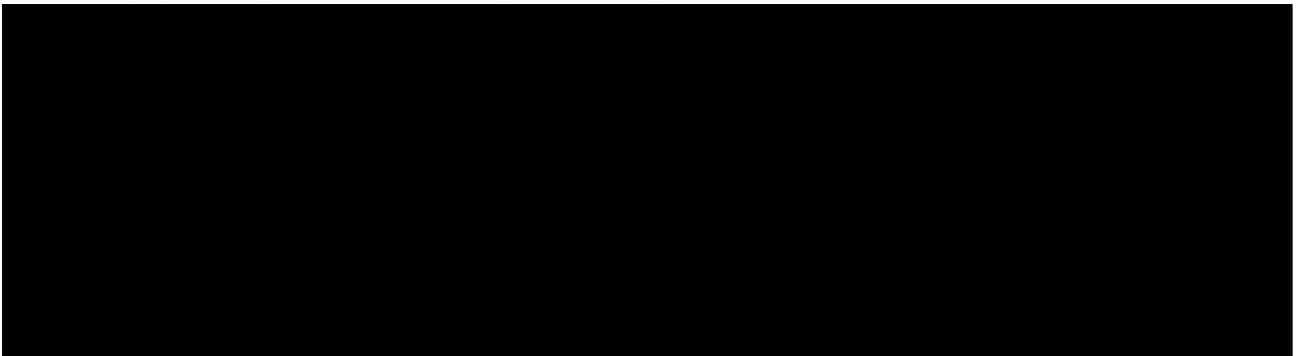
CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

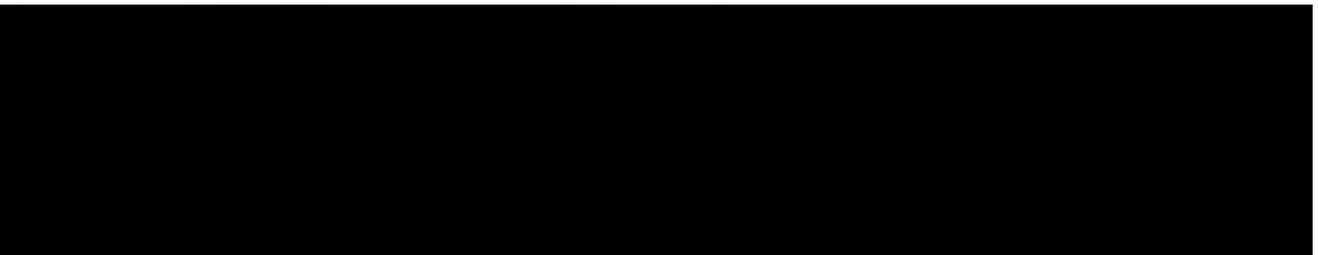


10. Person/Agent acting on behalf of the Applicant (if any):



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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
---	---

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



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. _____

ADVISORY NOTES:

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

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.**

Please email planning@corkcity.ie with any queries.

- 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/adopt/>.

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









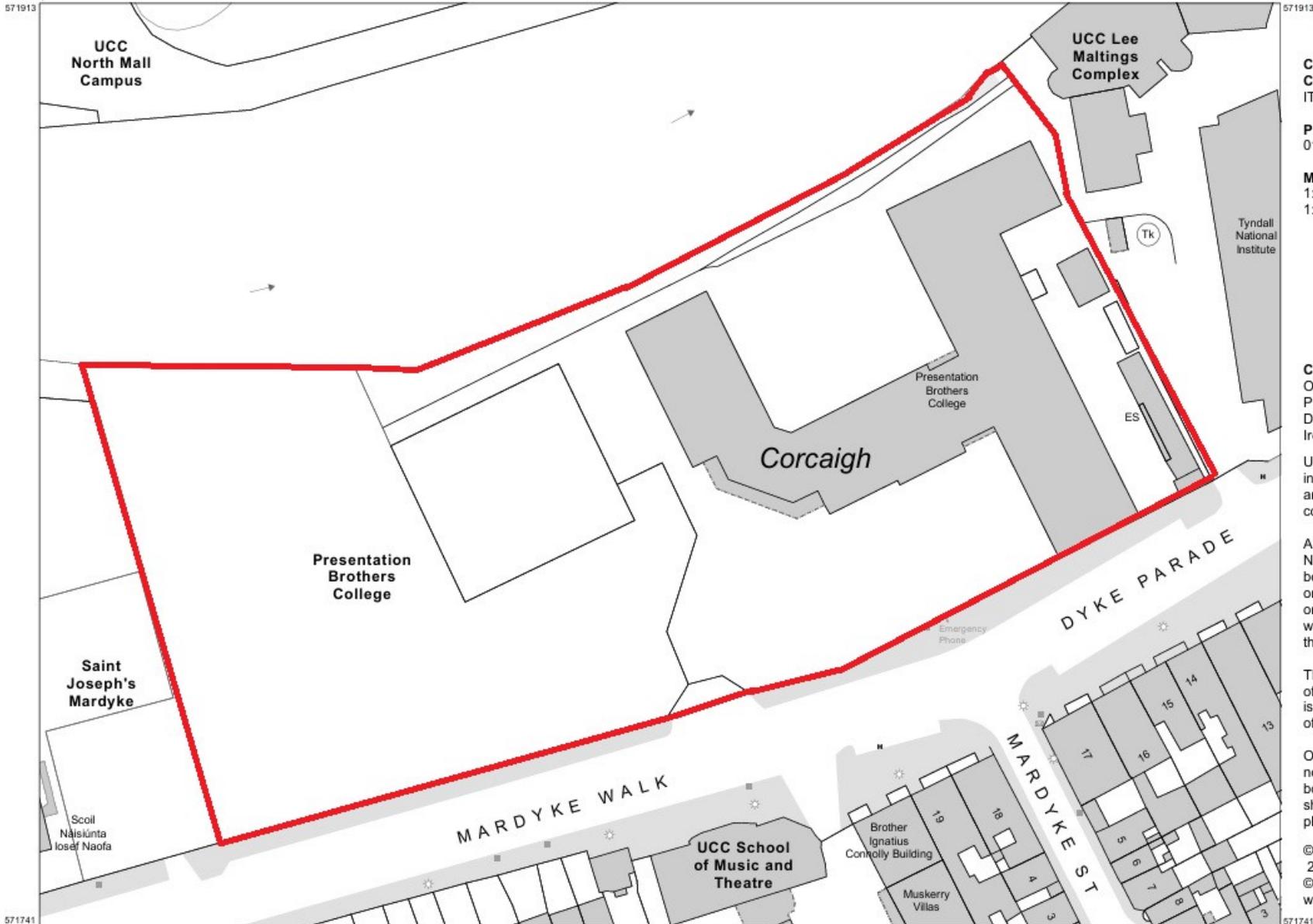








Planning Pack Map



CENTRE COORDINATES:
ITM 566592,571827

PUBLISHED: 01/03/2023
ORDER NO.: 50320580_1

MAP SERIES: 1:1,000
MAP SHEETS: 6382-09, 6382-14

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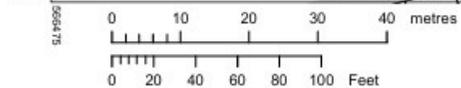
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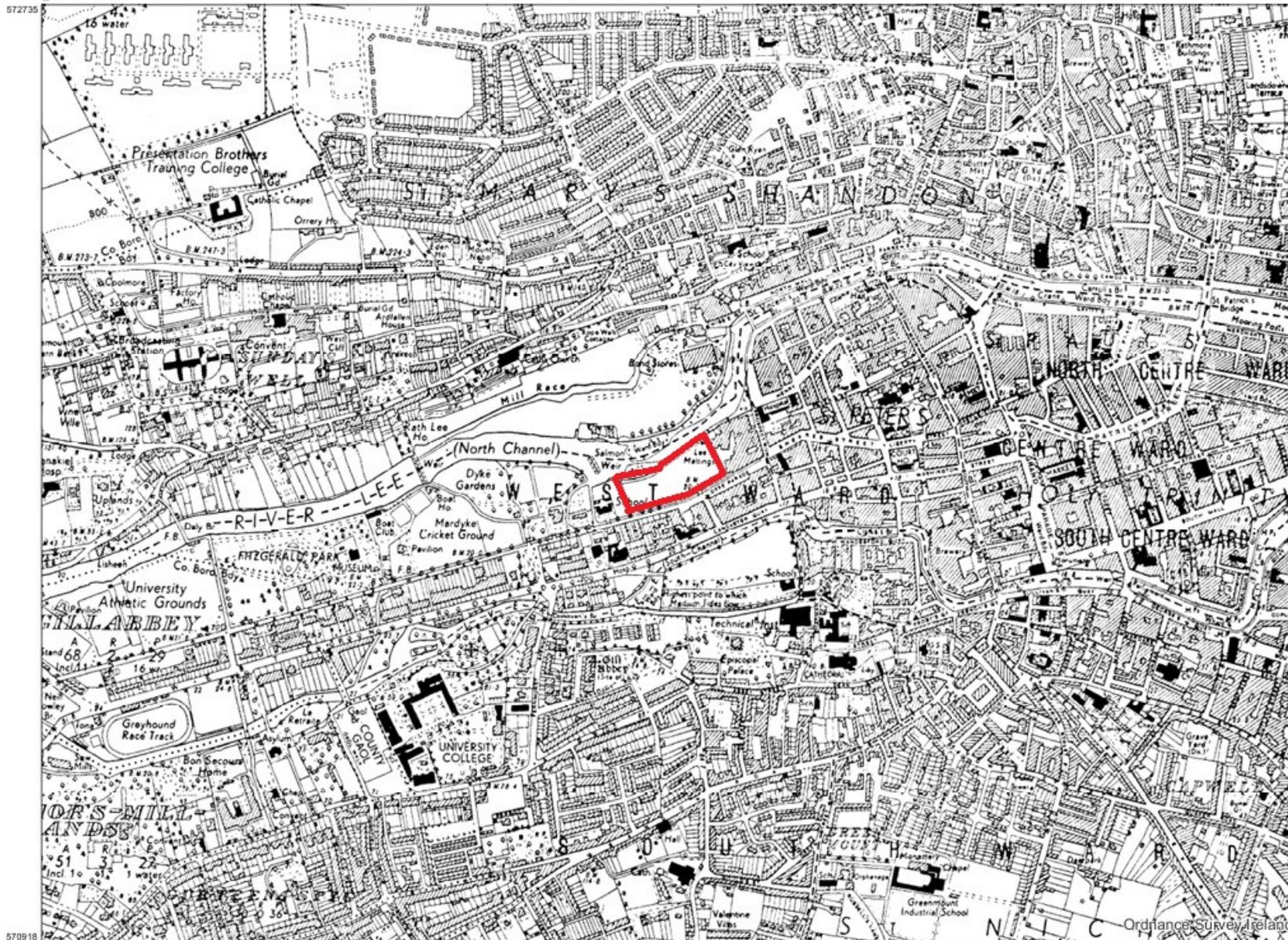


OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
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Site Location Map



CENTRE COORDINATES:
ITM 566592,571827

PUBLISHED: 01/03/2023
ORDER NO.: 50320580_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK074

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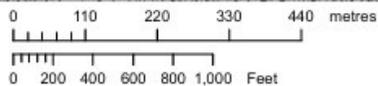
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