



Declaration

In accordance with Part IV, Section 57 (2) of the Local Government (Planning and Development) Act, 2000 (as amended).

Louth County Council:

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

This Declaration may be referred to An Bord Pleanála for review within 4 weeks of its issue, upon payment of the requisite fee in accordance with Part IV, Section 57 (8) of the Planning & Development Act 2000 as amended.

Applicant Name:	St Malachy's Infant School		
Status (i.e. Owner or Occupier):	Owner		
Date of Request for Declaration:	21 st January 2025	Date of Inspection:	29th January 2025
Date of Issue of Declaration:		Previous Declarations:	N/A

Address:		Location:	
Name of Building:	St Malachy Infant School	National Grid co-ordinates:	E N
Address 1:	Anne Street	O.S. Map Type:	
Address 2:	Dundalk	Map Sheet:	
Address 3:	Co. Louth	Site Number:	
Eircode:	A91 9286		

Protection Status:	Y / N		Details:
<small>Under the Planning and development Act 2000 (as amended)</small> Record of Protected Structures:	Y x	N	D001
Architectural Conservation Area:	Y	N x	
<small>Under the Planning and development Act 2000 (as amended)</small> Record of Monuments and Places:	Y	N x	
Zone of Archaeological potential:	Y x	N	
Preservation Order or Temporary P.O.:	Y	N x	

NIAH Registration No. (if applicable):

13707076

Introduction:

The referrer has sought a Section 57 Declaration as per the Planning and Development Act 2000 (as amended) in respect of works to a protected structure at St Malachy's Infant School, Anne Street, Dundalk, Co. Louth.



Protection Status:

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures (RPS) is set out in the Louth County Development Plan 2021-2027 as varied.

- Detached thirteen-bay single-storey red brick school, by George Ashlin, dated 1900.

Planning History:

Planning history on the subject site:

02520006- Erection of two prefabricated classrooms with sanitary classrooms.

05520244- Erection of 3 No. temporary classrooms together with associated site development works.

05520027- Removal of 2 No. prefabricated classrooms and replacing them with single storey extension to side of existing school building containing 5 No. classrooms with ancillary accommodation and all associated sites works.

07520112-Permission to erect two prefabricated classrooms with toilet facilities and associated site works at the rear of St Malachy's school which is a protected structure.

Enforcement:

None

Description of the Structure:

The NIAH description of this regionally important property (NIAH Ref: 13707076– is as follows:

Detached thirteen-bay single-storey school, dated 1900. Projecting pedimented former porch to north, lean-to porches to south, extensions to east, flat-roofed extensions to north. Pitched slate roofs, terracotta ridge cresting, red brick shouldered corbelled chimneystacks with decorative panelling and limestone coping, cupola with copper cap and cast-iron finial to ridge, rooflights, tooled limestone verge coping, moulded cast-iron gutters on red brick corbelled eaves course supported on corbels, square-profile downpipes, some with decorative lugs.

Red brick walling laid in English garden wall bond, plinth with moulded coping, moulded string course, black brick banding, sandstone plaque to north porch "ST MALACHY'S NATIONAL SCHOOLS AD 1900". Square-headed window openings, tooled granite lintels and flush sills, painted timber casement windows; elliptical-headed window openings to projecting blocks, red brick archivolt, tooled granite flush sills, painted timber casement windows. Pointed arch door opening to north now blocked with window; square-headed door openings to porches, painted diagonally-sheeted timber doors. Set in yard to north of Saint Malachy's Church, bounded from church by random coursed stone wall; wrought-iron railings on tooled limestone plinth to north, east and west, wrought-iron gates.

The **NIAH** appraisal of this properties includes –

Designed by George Ashlin, Saint Malachy's National Schools is an elegant, highly attractive building. Its Tudoresque design is skillfully executed, while the cupola adds an interesting touch and is an unusual feature on a school building. With Saint Malachy's Church and Monastery to the south, the school is part of an important social group within Dundalk

Referral Question:

Would works materially affect the character of the protected structure and as a result, require planning permission?

This request, as detailed in Section 10 of the S57 request form, pertains to:

- 14 solar panels to be placed on the roof of the school facing the back of the Friary Church.

Legislative Provision:

Section 57(1) of the Planning and Development Act 2000 (as amended) states 'that notwithstanding Sections 4(1)(h) and any regulations made under Section 4(2), the carrying out of works to a protected structure, or proposed protected structure shall be exempted development only if those works would not materially affect the character of:

- a) the structure; or
- b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 68 of the Act stipulates that the carrying out of any works specified in a notice under section 59 (1) or 60 (2) shall be exempted development.

Assessment:

I have reviewed the RPS and NIAH in respect of this property. I have also inspected the property. The applicant has submitted a google image showing the position of the solar panels on the roof on the school building. The solar panels are to be located on the roof of the school building facing Friary Church. Having regard to profile and nature of solar panels in general I consider that these would materially affect the external appearance of the structure.



Image of roof where 14 solar panels to be erected.

Any further documentation attached (maps, photographs, sketches, notes etc.)?

- Declaration form.
- Google Image submitted

Conclusion:

WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration would or would not materially affect the character of protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at St Malachys Infant School, Anne Street, Dundalk.

AND WHEREAS St Malachy Infant School requested a declaration on the question from Louth County Council on the 21st of January 2025

AND WHEREAS Louth County Council in considering this referral, had regard particularly to –

- Section 2 of the Planning and Development Act 2000, as amended,
 - Section 3 of the Planning and Development Act 2000, as amended,
 - Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
 - Section 57 of the Planning and Development Act, 2000 as amended,
 - The Architectural Heritage Protection Guidelines for Planning Authorities,
 - The special interest pertaining to the protected structure in question and
- The nature and extent of works set out in the referral question which seeks whether 14 solar panels to be placed on roof of the school facing the back of the Friary Church would materially affect the character of the protected structure and require planning permission

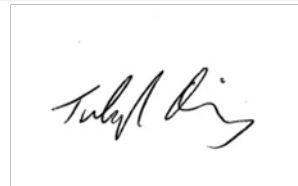
AND WHEREAS Louth County Council has concluded that –

- (i) the stated works to the protected structure comprise of works and are, therefore, development, and
- (ii) the stated works would materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,
- (iii) the stated works would consist of the carrying out of works for the maintenance, improvement and alteration of this structure which would 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.

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works to St Malachys Infant School, Anne Street, Dundalk Co. Louth as detailed above, **constitutes development that is not exempted development.**

Signed by Inspector

Signed by Planning Authority Officer



Conor Campfield, Senior Executive Planner

Turlough King, A/ Senior Planner

Date

Date

11th March 2025

11th March 2025

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 57 Declaration – Works to a Protected Structure

Chief Executive's Order No: 183/2025

Reference No: S57 D25-01

Date Application Received: 21st January 2025

Description: 14 solar panels to be placed on the roof of the school facing the back of the Friary Church.

Name of Applicant: St. Malachy's Infant School

Location of Development St. Malachy's Infant School, Anne Street, Dundalk, Co. Louth A91 9286

WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration would or would not materially affect the character of protected structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at St Malachys Infant School, Anne Street, Dundalk.

AND WHEREAS St Malachy Infant School requested a declaration on the question from Louth County Council on the 21st of January 2025

AND WHEREAS Louth County Council in considering this referral, had regard particularly to –

- a) Section 2 of the Planning and Development Act 2000, as amended,
- b) Section 3 of the Planning and Development Act 2000, as amended,
- c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- d) Section 57 of the Planning and Development Act, 2000 as amended,

- e) The Architectural Heritage Protection Guidelines for Planning Authorities,
- f) The special interest pertaining to the protected structure in question and
 - The nature and extent of works set out in the referral question which seeks whether 14 solar panels to be placed on roof of the school facing the back of the Friary Church would materially affect the character of the protected structure and require planning permission

AND WHEREAS Louth County Council has concluded that –

- (i) the stated works to the protected structure comprise of works and are, therefore, development, and
- (ii) the stated works would materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,
- (iii) the stated works would consist of the carrying out of works for the maintenance, improvement and alteration of this structure which would 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.

NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works to St Malachys Infant School, Anne Street, Dundalk Co. Louth as detailed above, **constitutes development that is not exempted development.**

SIGNED:


Turlough King
Senior Executive Planner

Dated: 14th March 2025

ORDER:

In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Section 57 Declaration of Exemption be not granted** for the works, as described above.

SIGNED:

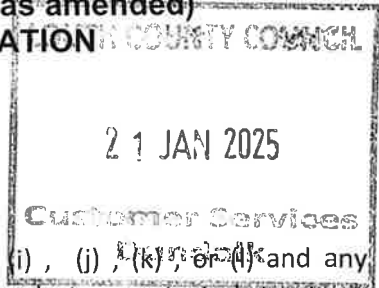

Joanna Kelly
Acting Director of Services

Dated: 14th March 2025

To whom this function has been delegated in accordance with the provision of Sections 154 of the Local Government Act 2001 by Order CE. S 85/25 dated 10th March 2025.



PLANNING AND DEVELOPMENT ACT 2000 (as amended)
REQUEST FOR SECTION 57 DECLARATION



The above Act provides that notwithstanding section 4(1)(a) , (h) , (i) , (j) , (k) or (l) and any regulations made under section 4(2) of the Act , the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

- (a) the structure, or
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest

As an owner or occupier of a protected structure you are entitled under the above Act to make a written request to the Planning Authority to issue a Declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element (as set out in Section 57(3) of the Planning and Development Act 2000 as amended) of that structure.

In order to allow for consideration of this request, please supply the following information:

- 1. Name of Applicant: *St. Malachy's Infant School.*
- 2. Address of Protected Structure: *Eircode:*

<i>Anne Street</i>	<i>A 91 9286</i>
<i>Dundalk</i>	

- 3. Correspondence of Protected Structure: (if different from 2 above)

4. NIAH Ref. No. <i>13707076</i>	Louth RPS Ref. No. <i>DO01</i>
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- 5. Is the structure owner occupied or rented? *Its a school*

6. If rented, state name and address of owner:

7. Use of structure (residential, commercial etc.) *School*

- 8. Has a Declaration been sought previously? *NO*

9. Are you aware of any (1) previous planning application/s or (2) enforcement proceedings pertaining to this site? (If so, please give details):

<i>We built an extension in 2006</i>
<i>5 new classrooms We got planning</i>
<i>permission</i>



**PLANNING AND DEVELOPMENT ACT 2000 (as amended)
REQUEST FOR SECTION 57 DECLARATION**

10 Please provide a brief description of the nature and scale of the development proposed (both internal and external) in particular the works that you are seeking a declaration for

14 Solar panels to be placed on the roof of the school facing the back of the Friary Church. Basically its the back of the school. 1.8 x 1.2 -

Please note that the accuracy and relevance of the Declaration made by the Planning Authority is informed by the information furnished by the applicant. Any deviation from the information provided may require the re-consideration of the declaration.

11 Please provide a Site Location Map to the scale of 1:1000 clearly identifying the structure and boundaries to which this application refers. The subject structure should be outlined in **red** and overall landholding to be outlined in **blue**

I wish to apply for a declaration from Louth County Council as to the type of works as outlined above, which may or may not require permission in the above named structure.

Signed: <i>Teresa Mc Carthy</i>	Date: <i>20.1.2025</i>
Daytime contact telephone number: <i>042 93 38130</i>	

It should be noted that the Council is normally obliged to issue this declaration within three months (12 weeks) of a request being made.

You will be contacted within this period to arrange an appointment for a suitably qualified person to carry out a detailed survey of the internal and external features of the structure.

Please Return Completed Form To:

Conservation, Planning Dept., Louth County Council,
Town Hall, Crowe Street, Dundalk, A91 W20C
Email: conservation@louthcoco.ie

Start Solar Tender

1 message

Darren Tumilty <darren@startsolar.ie>
To: "office@stmalachysinfants.ie" <office@stmalachysinfants.ie>



Home Projects Control

Project saved

Friary Infants, Designing Info Energy Design Payments Online Proposal PDF Pr

Thank you for your reply and for asking for a quote. I look forward to the opportunity to meet.

A little bit about us - Start Solar is an international renewable company with offices in Ireland, Australia, India and the UK.

Just so you are aware for each system we install in Ireland a small amount is donated to our charity partner, Jigsaw. We aim to broaden this to schools across the country, recognizing th

What we propose is the following - if Start Solar is chosen to install your FREE 6kw system, each family member connected to the school that receives a system from us, we will contrib better way to demonstrate this than by engaging with our local schools? We are open to discussing this further with you and also keen to offer information nights around Solar and its be

For more details, please feel free to reach out.

one of the tenders took
this photo of where
the panels are going.

Regards,

Darren Tumilty

Start Solar Ireland

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