

**Proposed Additions to and Deletions from the Record of
Protected Structures in the
Meath County Development Plan
2007-2013**

**Under Section 55 (3)
of the
Planning and Development Act, 2000**

Manager's Report to Members

Presented by the County Manager to the
Members of Meath County Council
at
Meath County Council
Meeting of 19th July 2010

Introduction

The purpose of this report is to inform the Members of the outcome of the statutory consultation process for the proposed addition and deletion of structures to the Record of Protected Structures attached to the County Development Plan, (as set out under Section 55 (1) and (2) of the Planning and Development Act, 2000) and to set out the Manager's Response and Recommendations to the issues raised in submissions received during the statutory public display period.

Content of Report

There are three sections to the report:

Section 1 provides an overview of the statutory process to date and sets out the legislative background for the addition and deletion of structures on the Record of Protected Structures under the Planning and Development Act, 2000.

Section 2 contains a full list of submissions received, a summary of the main issues raised in the each submission, together with the Manager's Response and Recommendation.

Section 3 contains a full list of persons/ bodies informed under the statutory process.

Section One Introduction and Background

The Meath County Development Plan 2007-2013 states that it is an objective to review the Record of Protected Structures on an on-going basis and to add structures of special interest as appropriate, including 20th century structures. HER Obj 14 (Chapter 8 Vol 1 P339), refers.

Each Development Plan must include policy objectives to protect structures of special interest within its functional area. The primary means of achieving this objective is for the planning authority to compile and maintain a record of protected structures in its development plan. The planning authority is obliged to include in the RPS every structures which in its opinion, of is special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. This responsibility involves the planning authority reviewing its RPS from time to time with a view to making additions or deletions.

In maintaining the RPS all reasonable research should take place to ensure that all structures included merit protection.

The superficial condition of a structure does not rule out its inclusion in the RPS. The eligibility of any structure may be reassessed at a later time if further relevant information becomes available.

The designation of a building as a Protected Structure seeks its conservation rather than preservation. Conservation is the process of caring for buildings and of managing changes to them in such a way as to retain their character and special interest. Good conservation practice allows a structure to evolve and adapt to meeting changing needs while retaining its particular significance. Additions and other interventions should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure either in the long or short term.

Details of the nature and extent of protection of each individual structure can be ascertained by issuing a declaration under Section 57 of the Planning Act.

The deletion of a structure will generally be proposed only if the structure has entirely lost its special interest value through major accident or where new information has come to light which proves that the special interest value was mistakenly attributed. Deletion may also come about where it has been decided that a more appropriate method of protecting a particular structure would be by including it within an ACA, or where the structure is a recorded monument with no visible remains above ground and which is already protected under the National Monuments Acts. (Architectural Heritage Guidelines for Planning Authorities, ch 2)

The planning authority may add or delete a structure from its RPS in a review or variation of its development plan under Section 12 of the Act, or at any other time by the procedure set out under Section 55.

The purpose of the Section 55 process being undertaken at this time is:

a) to propose structures which were recommended by the Minister for the Environment, Heritage and Local Government for addition to the RPS.

b) to propose the addition of structures of special interest which have come to the attention of the planning department during the research carried out for the suite of Local Area Plans prepared in 2009, the Architectural Conservation Area statements of character published in 2010, or which were brought to the Planning Department's attention by their owners.

c) to remove a number of structures from the RPS where it is considered that the protection of these structures under Part 4 of the Planning and Development Act 2000 is no longer warranted.

d) to rectify a small number of errors in the Record.

The proposal requires an amendment of text and mapping for the Record of Protected Structures, Appendix V of the CDP.

A copy of the Proposed Additions and Deletions is available on www.meath.ie.

Public Consultation

The proposed additions and deletions were available for inspection from Monday 24th May 2010 to Tuesday 6th July 2010, at the following locations:

- Planning Department, Abbey Mall, Abbey Road, Navan
- Meath County Council Area Offices & Branch Libraries.
- www.meath.ie.

Notification of Owners

Section 55(1)(a) requires the planning authority to notify each person who is the owner or occupier of the structure of its proposed addition or deletion from the RPS.

This notification process was carried out by registered post. A number of registered letters were returned undeliverable. Details of these are listed below. No decision can be made on these structures until such time as a notice can be served on the owners, and the proposed additions or deletions are deemed withdraw.

Proposed Deletions :

MH006-111 – Woodtown Lower Pale Ditch – notice returned marked ‘unknown at this address’

MH009-226 – McEnteggarts, Oldcastle – notice returned marked ‘gone away’

MH037-103 – Scurlockstown Castle Site – notice returned marked ‘unknown at this address ‘

Proposed Additions:

MH011-110 –Newtown House Gates – notice returned marked ‘unknown at this address’

MH011-109 –Newtown House Bridge – notice returned marked ‘unknown at this address’

MH019-116 – Knowth Parnellite Cottage – notice returned marked ‘gone away’

Submissions Received

17 submissions/observations were received within the consultation period.

Managers Report

The addition or deletion of structures by a Section 55 process does not require the preparation of a manager’s report. However, the planning authority are required under Section 55 (3) (a) to -

- consider any written submissions or observations received under subsection (2)(b)
- have regard to any observations received from the Minister concerning those submissions or observation, within 4 weeks after the receipt by that Minister of a copy of the submissions or observations.

There has been no response in writing from the DoEHLG on the proposed amendments to the RPS. A verbal response from the Architectural Heritage Advisory Service of the DOHELG has informed the Planning Department that they have no objection to the proposed additions or deletions.

The submissions received on structures which were recommended by the Minister have been sent to the Department of Environment, Heritage and Local Government.

In the event that a response to these submissions is made by the Minister, the Members will be advised at the Council meeting of 6th Sept. 2010.

This report has been prepared to summarise the issues raised in the submissions and during the consultations, and where appropriate give the opinion and recommendations of the Manager on the issues raised. In this regard the Manager's opinion must take into account (a) the proper planning and sustainable development of the area, (b) the statutory obligations of any local authority in the area, and (c) any relevant policies or objectives of the Government or of any Minister of the Government.

Section 55(4) of the Planning and Development Act 2000 states that within 12 weeks after the end of the period allowed under subsection (2)(a) for inspection, the planning authority shall decide whether or not the proposed addition or deletion should be made.

Throughout the process the members are restricted to consideration of the proper planning and sustainable development of the area, the statutory obligations of any Local Authority in the area, and any relevant policies or objectives of the Government or of any Minister of the Government.

The Architectural Heritage Guidelines for Planning Authorities are available to view in hard copy in the planning office, or on-line at www.viron.ie, or www.meath.ie.

Section Two

Submissions Received

Submission Number	Name and Address
1	Mr Thomas Canty, Shanlothe, Trim – re: MH036-137, 7 arch bridge, Knightsbrook

Summary: The owner of the structure is not Mr Canty but Mr Pat Conlon of Brownstown, Trim

Response & Recommendation: Mr Conlon has received a separate notification. No change required

Submission Number	Name and Address
2	National Roads Authority

Summary: The NRA have no comments.

Response & Recommendation: No change required.

Submission Number	Name and Address
3	Linda Clare, Culcommon, Batterstown, Dunboyne Re: MH006-111, Woodtown Lower Pale Ditch, MH006-115, Syddan and Polecastle enclosure.

Summary: This submission argues strongly for the retention of both the Pale Ditch and the Gun Hill enclosure on the RPS and provides information on the archaeological and historical interest of both sites.

Response & Recommendation:

MH-006-111 – the owners of this structure have not received their notification, and the proposal for the deletion of this structure is deemed withdrawn.

MH006-115 - The Architectural Heritage Protection Guidelines of the Department of the Environment, Heritage and Local Government advise that it is normally only appropriate to give protection on the RPS to recorded monument sites which are protected under the National Monument Acts, where these are also part of the architectural heritage, such as buildings, standing walls, etc. which may be subject to re-use.

No change recommended

Submission Number	Name and Address
4	Philip Smith (philipsmith007@hotmail.com) Re: MH011-117 Four bay house, Carlanstown

Summary: The house belongs to Mr Michael Smith.

Response & Recommendation: No change required.

Submission Number	Name and Address
5	Tony Kearney, Principal, Scoil Mhuire, Carlanstown Re: MH011-122, National School

Summary: The Board of Management of Carlanstown National School are opposed to the proposed addition of the school to the RPS based on the belief that it would hinder the future development of the school.

Response & Recommendation: The addition of a structure to the RPS does not prevent the appropriate adaptation, extension, or re-use of that structure, but merely requires that any development should be managed in a manner which retains and is sympathetic to the character of the structure.

No change required.

Submission Number	Name and Address
6	Sara Nicholson, Firmount, Stackallan, Sane Re: MH018-120, Fimount House

Summary: The submission provides additional information on the house, and suggests the inclusion of the entrance gateway.

Response & Recommendation: The protection of a structure applies to the lands and other structures within its curtilage.

No change required.

Submission Number	Name and Address
7	Paddy Meegan, Howthstown, Drunconrath Re: MH006-111, Woodtown Lower Pale Ditch And MH006-115 – Syddan and Polcastle Enclosure site.

Summary: This submission is in favour of the retention of these structures on the RPS on the grounds that if their protection is reduced, they would be at risk of deterioration.

Response & Recommendation: MH-006-111 – the owners of this structure have not received their notification, and the proposal for the deletion of this structure is deemed withdrawn.

MH006-115 - The Architectural Heritage Protection Guidelines of the Department of the Environment, Heritage and Local Government advise that it is normally only appropriate to give protection on the RPS to recorded monument sites which are protected under the National Monument Acts, where these are also part of the architectural heritage, such as buildings, standing walls, etc. which may be subject to re-use.

No change recommended

Submission Number	Name and Address
8	John Kiernan, Carlanstown, Kells Re: MH011-121, Kiernan's Pub

Summary: The owner asks that the building should not be added to the RPS on the ground that it would interfere with any development of the property should they wish to do so in the future.

Response & Recommendation: The addition of a structure to the RPS does not prevent the appropriate adaptation, extension, or re-use of that structure, but merely requires that any development should be managed in a manner which retains and is sympathetic to the character of the structure.

No change recommended.

Submission Number	Name and Address
9	Erica O'Driscoll (eodriscoll@nra.ie

Summary: the NRA has no specific comments to make.

Response & Recommendation: No change required.

Submission Number	Name and Address
10	Catherine J. Cooney Re: MH011-118, House with bay windows, Carlanstown

Summary: the submission confirms that they house was built in the 1920's

Response & Recommendation: No change required.

Submission Number	Name and Address
11	Dr. Caroline Mhic Daeid, Avondale, Moynalty, Kells Re: MH011-229, Avondale, Moynalty

Summary: This submission advises the Planning Authority that the owner of the property is Dr. Caroline McDaid, not Martin McDaid to whom the notification was addressed. Dr McDaid has provided a land registry map showing the extent of the property which she asserts is incorrectly shown on sheet 11 of the Meath Development Plan mapping.

The site is zoned as A3, to be developed as phase 1 – 2010- 2013. Two planning applications have been made by a prospective developer, one unsuccessful, one withdrawn pending the provision of the new waste water project for Moynalty.

Necessary repairs to the house and particularly the outbuildings are dependant on the funding from this development. The roads department has an issue with disposal of surface water from the road and proposes a drain via the lands at Avondale. Dr McDaid is concerned that the proposed addition of the house to the RPS has been made without consultation between the different branches of the Planning Department.

Detailed information has been provided on the history, architecture and works carried out to the house from 1700 to the present day, including survey drawings from 1984. The submission states that the proposal lists only features visible from the outside and describes some interior features which are of note. Parts of the building have needed periodic replacement over time, and an embargo on the replacement of some existing materials by more modern equivalents seems too rigid an approach.

Dr McDaid believes that the house should be conserved rather than preserved, and suggests that only the surviving original features – the general layout and structure, original stonework, main staircase and landing, wooden windows and remaining old doors and fireplaces should be added to the RPS.

Response & Recommendation: The name of the owner has been amended on the database. The RPS mapping does not show the extent of the lands attached to any protected structure, but identifies the position of the primary structure on the site.

The forward planning section is aware of the development status of these lands, and of the previous planning applications, and is of the view that an appropriate development can be accommodated on the zoned lands without undue impact on the proposed protected structure. The A3 zoning of the northern part of the site is “ to conserve and protect the character and setting of institutional complexes and heritage buildings in residential redevelopment and infill proposals in accordance with action area plan approaches “ the southern portion of the site is zoned F1 – to provide for and improve open spaces for active and passive recreational amenities. These zonings are consistent with the designation of the house as a protected structure.

The planning department acknowledges and thanks the owner for her contribution to their records on the building.

The protection of a structure does not prevent change, but requires that all changes should be handled in a manner which is sympathetic to the character of the structure.

No change recommended.

Submission Number	Name and Address
12	Patrick Lynch, Newtown, Carlanstown, Kells Re: MH011-113, Plubber Corn Mill, and MH011-14, Three-bay house

Summary: This submission is a request for clarification regarding the extent to which these buildings are to be protected and the specifications to be adhered to.

Response & Recommendation: The Conservation Officer has met the owners and advised on the area and buildings covered under the designation, on the type of works which might require planning permission and on appropriate methods and materials to be used. The owners do not object to the proposed addition.

No change required.

Submission Number	Name and Address
13	Catherine Fleming, Wilmount, Kells Re: MH011-106, Wilmount.

Summary: This submission objects to the proposed addition of the property. While the house may merit inclusion, the lodge and other out-buildings are in an advanced stage of dereliction, and should not be included. The protection of curtilage buildings would extend to the agricultural outbuildings near the house, which the owner feels do not merit protection and would object to having to obtain planning permission for some modest farm building. The owner requests that as a minimum, the curtilage buildings should be excluded.

Response & Recommendation: The Conservation Officer has met the owner on the site and viewed the outbuildings. They are an important element in the complex of a country house with stableyard and walled garden and it is considered that while some elements are in very poor condition, the main range are not so bad as to warrant their omission from the description. If these buildings are included, grant assistance could be provided in the future for their repair. The hay barn and slatted shed do not merit protection. A more detailed inspection can be carried out at a later date with a view to providing a Section 57 Declaration regarding exempted development on the full property.

Maps attached.

Recommendation: omit the gate lodge from the description on the RPS.

Submission Number	Name and Address
14	Co-ordination Unit, Dept. Communications, Energy & Natural Resources,

Summary: The Department of Communications, Energy and Natural Resources have no comments/observations to make on these proposed amendments. This is without prejudice to any comments/observations the Eastern Regional Fisheries Board may have in this regard.

Response & Recommendation: No change required.

Submission Number	Name and Address
15	Frank Keohane, Paul Arnold Associates, Architects for the Columban Fathers Re: MH-038-111, Dowdstown House

Summary: the submission notes that Meath Co. Council have not prepared a map indicating the extent of the curtilage associated with the building. The Architects for the Columban Fathers have submitted a map, outlining what in their view would be a reasonable curtilage to the proposed protected structures taking account of the surviving buildings historically associated with Dowdstown House.

Response & Recommendation: The Planning Department agrees that the extent of the land proposed by the architects to be the curtilage of the protected structure is broadly in agreement with their view of the matter, insofar as it was not intended to include the monastery buildings or wider grounds, but recommends that the inclusion of the area of lawn to the south of the principle structure as far as the access roadway, the area of lawn to the front of the house, and the outbuilding and group of trees to the north, would provide a more appropriate setting for the named structure based on the historic mapping and current development patterns on the site. The extent of the curtilage can be agreed with the owners subsequent to a decision by means of a Section 57 Declaration.

No change required.

Submission Number	Name and Address
16	County Louth Archaeological & Historical Society Re: MH006-111, Woodtown Lower pale ditch, and MH006-115, Syddan and Polecastle, enclosure site,

Summary: These structures are approximately some 600 and 2000 years old respectively and are integral part to the Heritage of Co Meath and beyond. The accompanying article entitled 'The Pale Ditch in County Louth' from 1941 by H.G. Tempest provides the detailed context why these structures should be retained on the list of protected structures

Response & Recommendation: The Architectural Heritage Protection Guidelines of the Department of the Environment, Heritage and Local Government advise that it is normally only appropriate to give protection on the RPS to recorded monument sites which are protected under the National Monument Acts, where these are also part of the architectural heritage, such as buildings, standing walls, etc. which may be subject to re-use.

No change recommended

Submission Number	Name and Address
17	Forward Planning Section of the Department of Education & Skills Re: MH011-122, Carlanstown National School

Summary: This submission objects to the proposed addition on the following grounds:

1. This Boyd-Barrett designed school building is a standard design, widely used in Ireland from the 1950's, it is unclear as to why Meath County Council is proposing to add this one in particular to its RPS.
2. This building type has widespread representation and is not at risk of extinction. Therefore it is submitted that it is not in specific need of protection.
3. There would be an adverse effect of the Department of Education & Skills' (DES) School Building and Modernisation Capital Programme.
4. the DES takes a reasonable approach, preserves these buildings where possible, and attempts to reinvest, recycle and reformat these buildings, thereby preserving them as ongoing and viable schools.
5. The school has an application with the DES for Capital funding. The DES is concerned that by adding this building to the list of Protected Structures that it may impact negatively on the ability to, and the cost of, providing any additional accommodation that may be required at the school into the future.

Response & Recommendation: This school is one of the few good surviving examples of its type, retaining many of the original features and materials which enhance the original architectural form. The planning department concurs with the recommendation of the Minister for Environment, Heritage and Local government for its addition to the RPS.

This will not prevent the appropriate adaptation, extension, or re-use of the structure, but requires that any development should be managed in a manner which retains and is sympathetic to the character of the structure.

No change recommended.

Submission Number	Name and Address
18	Mr Oliver Murphy Re: MH053-102, Moygaddy House

Summary: The submission states that the addition of Moygaddy House has not been recommended for addition by the Minister, nor in an Architectural Conservation Appraisal, the owner has not sought to be listed, and he was not consulted by Meath County Council regarding the inclusion of the house on the RPS.

An Architectural Heritage Impact Assessment for the house was prepared in 2007 and is enclosed with the submission. Moygaddy house is on lands zoned B6 – for a neighbourhood centre “ *locating a neighbourhood centre at the existing Moygaddy House and Stable complex to utilise the existing built heritage and create a pedestrian friendly village centre environment* “ the owner supports this zoning and the development of the LAP lands is proceeding with due regard for architectural and environmental considerations. A change in statutory policy might deter investment, job creation and the sustainable development of the lands.

The owner is committed to the maintenance and upkeep of Moygaddy House. Since the house was not included on the NIAH survey, and his architect who prepared the Architectural assessment did not recommend that it should be listed, he asks that it should not be designated a protected structure.

Response & Recommendation:

Unlike the survey of Navan, which records almost every structure within the central area of the town, the National Inventory of Architectural Heritage survey of the county area is an Interim County Survey which provides a representative sample only of the architectural heritage of the county. Many fine buildings were not visited by the NIAH –

for example, Kileen Castle, and Dowdstown House, which is also proposed for addition to the RPS at this time.

Some of the proposed additions to and deletions from the RPS have come to the attention of the Planning Department as a result of the research carried out for the suite of LAPs prepared in 2009. The Maynooth LAP shows Moygaddy House on Map 3 – built heritage constraints – as being a structure of heritage importance and objective BHAN 2 is - To require that development proposals in relation to the redevelopment of Moygaddy House, Stable Yard and Mill Race ensure their retention and adaptation.

Chapter 5.0 - Policies and Objectives to Implement Strategy contains the following objective - LAP 9 Protect the existing built heritage of Moygaddy Castle, Moygaddy House and stud.

Many protected structures are located in urban areas and zoned lands, and the addition of Moygaddy House to the RPS is consistent with the LAP policies and objectives.

No change recommended.

Late submissions:

Submission Number	Name and Address
19	Paul Kerr Re: Scurloguestown Castle Site. Received 12th July

Section 3 Persons/ Bodies who were informed of the publication of the Proposed Additions and Deletions under the statutory process.

- Spatial Policy Unit, Department of the Environment, Heritage & Local Government.
- Minister for Enterprise, Trade & Innovation
- Department of Communications, Energy & Natural Resources.
- Department of Education and Science
- Office of Public Works
- Central Fisheries Board
- ESB Head Office
- National Heritage Council
- National Roads Authority.
- Development Applications Unit, Department of the Environment, Heritage & Local Government
- National Parks and Wildlife Service, Department of Environment, Heritage & Local Government
- Health Service Executive
- Department of Arts, Sports & Tourism
- Bord Gais Eireann
- Environmental Protection Agency
- Bus Eireann
- Eastern Regional Fisheries Board
- National Transport Authority
- Bord Failte
- An Taisce
- Offaly County Council
- An Bord Pleanála
- Irish Rail
- Commissioners of Public Works
- Dublin Regional Authority
- Kildare County Council

- Fingal County Council
- Louth County Council
- Department of Finance
- Forfas
- Dublin Airport Authority
- Cavan County Council
- Border Regional Authority
- Westmeath County Council
- Udaras na Gaeltachta
- Eircom
- Eastern Region Fisheries Board