

An
Bord
Pleanála

Board Direction
BD-019256-25
ABP-321334-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/03/2025.

WHEREAS a question has arisen as to the type of works which may or may not be permitted in the structure at Riverstown House, Riverstown Lane, Rathfeigh, Tara, County Meath:

WHEREAS Ralph and Jenny Day care of CWPA Planning and Architecture of 10 North Street Business Park, North Street, Swords, County Dublin requested a declaration under the provisions of Section 57 declaration of the Planning and Development Act 2000, as amended, on this question from Meath County Council and the Council issued a declaration on the 30th day of October 2024 setting out in Part A of the Declaration - Works which would materially affect the character of the protected structure and as a result require planning permission, and in Part B of the Declaration - Works which would not materially affect the character of the protected structure and which included a 'Special Remark' that the property should not be delisted from the Record of Protected Structures.

AND WHEREAS Ralph and Jenny Day referred this section 57 declaration for review to An Bord Pleanála on the 26th day of November 2024:

AND WHEREAS An Bord Pleanála, in considering this section 57 referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000 as amended,
- (b) Section 57(1), (2) and (8) of the Planning and Development Act 2000, as amended,
- (c) The declaration issued by Meath County Council under Section 57(3) of the Planning and Development Act 2000, as amended,
- (d) Section 57(4) of the Planning and Development Act 2000, as amended,
- (e) The Architectural Heritage Protection Guidelines for Planning Authorities, 2011, issued under Section 52 of the Planning and Development Act 2000, as amended,
- (f) The record of protected structures of the Meath County Development Plan 2021-2027, Appendix A.06 and specifically RPS register reference number 91174,
- (g) The policies and objectives of the Meath County Development Plan 2021-2027 with regards to protected structures,
- (h) The submissions of the parties of the referral,
- (i) The nature of intended works identified by the referrer, and
- (j) The report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) Matters listed in Part A of the Section 57 Declaration that being works which would materially affect the character of the protected structure and as a result require planning permission are considered to represent a reasonable and balanced approach to the conservation and protection of the protected structure and its attendant grounds and reflect consistency with the

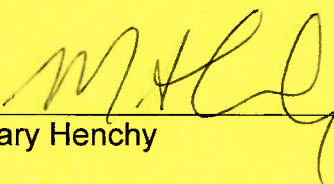
Architectural Heritage Protection Guidelines, 2011 and the policies and objectives of the Meath County Development Plan 2021-2027,

- (b) Matters listed in Part B of the Section 57 Declaration that being works which would not materially affect the character of the protected structure are considered to adequately represent the nature and extent of works that would not materially affect the character of the protected structure (RPS register reference number 91174) or any element of its special interest,
- (c) The removal/delisting of Riverstown House from the Record of Protected Structures (RPS) is a reserved function and outside of the remit of An Bord Pleanála, and
- (d) Having regard to the scope of works identified by the referrers and the limited detail available, it cannot be determined whether the works would not materially affect the character of the protected structure (RPS register reference number 91774) and its attendant grounds, and whether, as a result, require planning permission.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 57(8) of the Planning and Development Act 2000, as amended hereby confirm the determination of the Local Authority.

Note, the Board noted the Inspector referenced the 2024 Planning and Development Act in their report, for the purpose of a Section 57 Declaration the Board noted that it is definitions in the Planning and Development Act 2000, as amended that is the relevant legislation. The Board took this into consideration when making its decision.

Board Member


Mary Henchy

Date: 21/03/2025