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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: DR13/2023**

**WHEREAS** a question has arisen as to whether the works including

- the replacement of corroded steel sections like for like,
- the replacement of corroded fasteners,
- the reestablishment of drainage holes to prevent water ponding on structure,
- the strengthening of heavily corroded sections by over plating/additional steelwork to reinstate load carrying capacity, and
- the reinstatement of rails and a waybeam at UBF(LB) 18 River Maigue Bridge, Adare, County Limerick,

comprises works which would or would not materially affect the character of the Protected Structure or of any element of the structure which contributes to its special interest, at Adare Railway Bridge, Adare, County Limerick:

**AND WHEREAS:** Iarnród Éireann of Inchicore, Dublin requested a declaration under the provisions of Section 57(2) of the Planning and Development Act 2000, as amended, on this question from Limerick City and County Council and the Council issued a declaration on the 15<sup>th</sup> day of November 2023 stating that the works shall not be exempted development due to environmental considerations:

**AND WHEREAS** Iarnród Eireann referred this Section 57 declaration for review to An Bord Pleanála on the 12<sup>th</sup> day of December 2023:

**AND WHEREAS** An Bord Pleanála, in considering this 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 Limerick City and 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 under Volume 3c of the Limerick Development Plan 2022-2028, and specifically Recorded Protected Structure register number 872 and also Recorded Protected Structure register numbers 871 and 873,
- (g) the policies and objectives of the Limerick Development Plan 2022-2028 and the Adare Local Area Plan 2024-2030 with regard to Protected Structures,
- (h) the National Inventory of Architectural Heritage (NIAH) survey and the description and appraisal of register numbers 21824001 and 21824002,

- (i) the submissions of the parties of the referral,
- (j) the nature of the works described, and
- (k) the report and recommendation of the Planning Inspector.

**AND WHEREAS** An Bord Pleanála has concluded that -

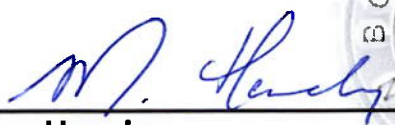
- (a) The replacement of corroded steel sections like for like represent works that would not materially affect the character of the protected structure (Recorded Protected Structure register number 872) or any element of its architectural and technical category of special interest and would not materially affect the character of Recorded Protected Structure register numbers 871 and 873 or any element of their architectural, historical, artistic or social category of special interest.
- (b) The replacement of corroded fasteners represent works that would not materially affect the character of the protected structure (Recorded Protected Structure register number 872) or any element of its architectural and technical category of special interest and would not materially affect the character of Recorded Protected Structure register numbers 871 and 873 or any element of their architectural, historical, artistic or social category of special interest.
- (c) The reestablishment of drainage holes to prevent water ponding on the structure represent works that would not materially affect the character of the protected structure (Recorded Protected Structure register number 872) or any element of its architectural and technical category of special interest and would not materially affect the character of Recorded Protected Structure register numbers 871 and 873 or any element of architectural, historical, artistic or social category of special interest.

- (d) The reinstatement of the rails and waybeam represent works that would not materially affect the character of the Protected Structure (Recorded Protected Structure register number 872) or any element of its architectural and technical category of special interest and would not materially affect the character of Recorded Protected Structure register numbers 871 and 873 or any element of their architectural, historical, artistic or social category of special interest.

**FURTHERMORE**, An Bord Pleanála has concluded that -

- (e) Having regard to the detail available it cannot be determined whether the strengthening of the heavily corroded section by over plating/additional steelwork for the reinstatement of load carrying capacity are works that would not materially affect the character of the protected structure (Recorded Protected Structure register number 872), and 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 decides to issue a declaration for the proposed works, as set out above.



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**Mary Henchy**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *15<sup>th</sup>* day of *November* 2024.

