



An  
Bord  
Pleanála

## Inspector's Report ABP-310279-21

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### Question

Whether the construction of crenellated parapets or battlements to the north west facing corner tower of Cloontykilla Castle, Protected Structure No 0006000283, is or is not development or is or is not exempted development.

### Location

Cloontykilla Castle, Rockingham Estate, Boyle, Co. Roscommon

### Declaration

Planning Authority

Roscommon County Council

Planning Authority Reg. Ref.

DED450

Applicant for Declaration

Eoin Brady

Planning Authority Decision

No declaration

### Referral

Referred by

Roscommon County Council

Owner/ Occupier

Colombia Ventures Corporation Limited.

**Observer(s)**

Eoin Brady

**Date of Site Inspection**

28<sup>th</sup> October 2022

**Inspector**

Bríd Maxwell

## 1.0 Introduction

- 1.1 A question has arisen pursuant to Section 5 of the Planning and Development Act as to whether or not the construction of crenellated parapet or battlements to the north west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, Co Roscommon is or is not development or is or is not exempted development. The referrer sought a declaration from Roscommon County Council. The Planning Authority failed to issue a declaration and under the provisions of Section 5(4) of the Act the Planning Authority has sought a declaration from An Bord Pleanála in relation to the same matter.

## 2.0 Site Location and Description

- 2.1. This referral relates to Cloontykilla Castle which is located within the Rockingham Estate, approximately 5.5km to the northwest of Boyle in Co Roscommon. (Protected Structure No 0006000283). The castle a folly was built 1839 as a hunting/fishing lodge on the eastern shore of Lough Key within a forest clearing. Access is via a forestry road off a local Road running west from the Regional Road R285. The structure consists of a large square battlemented walls with lightly battered square towers all of differing heights entered through a flat pointed central archway complete with porticullis style gate.
- 2.2. The building was in a significant state of ruin up to circa 2008 when works commenced to renovate and alter the structure following a grant of planning permission to restore the structure as a habitable dwelling 07/143. The works were not completed and the permission expired on 25/11/2012. The permission included a proposed recessed glazed curtain wall at first floor level to the southern elevation. This was constructed as a recessed masonry wall with battlements. A number of further deviations from the permission as granted were further referenced in post decision correspondence.
- 2.3. Cloontykilla Castle is listed on the NIAH (Ref No 31906039) as of regional significance and the description (compiled prior to works to the building) is as follows:

*“Detached square-plan sporting lodge, built 1839, with castellated towers to angles and inner courtyard. Coursed rubble walls with tooled limestone walls with tooled limestone quoins and castellations. Battered walls to towers and entrance bay. Two two-stage towers to front angles and two four-stage towers to rear angles. Tudor-arch entrance with wrought-iron grid-like gates on wheels that open back into cavity in wall. Chamfered tooled limestone surround with date "1839" to keystone gives access to inner courtyard. Pointed-arch blind windows to side elevations. Five-bay two-storey house within outer walls with castellated parapet and random coursed limestone walls with dressings. Square-headed window openings with block-and-start surrounds and limestone sills. Bull's eye window above doorway with block-and-start surround. Pointed-arch window openings to rear elevation with one surviving cast-iron lattice window. Stone spiral stairs to northwest tower. Set in Cloontykilla Woods on shores of Lough Key. Landing place to north of building.*

#### *Appraisal*

*Cloontykilla Castle is located on the shores of Lough Key in a remote part of Cloontykilla Woods. Although now derelict, the sporting lodge was once a fanciful retreat for its owners, its crenellated walls enclosing a courtyard and a deceptively small house. The crenellated walls, slender turrets and portcullis-like gates recall romantic medieval castles and are striking features of the structure.”*

### **3.0 The Question**

- 3.1. The question as referred is whether the construction of crenellated parapets or battlements to the north-west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle Co Roscommon (Protected Structure No 006000283) is or is not development and is or is not exempted development. I note that the question as posed refers to a specific time period of works “between the period 3/01/2021 and 17/03/2021”.

## 4.0 Planning Authority Declaration

### 4.1. Declaration

The Planning Authority initially sought additional information from the referrer to specify comprehensive details of the works referred to. The Planning Authority subsequently decided to refer the question to An Bord Pleanála for determination.

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

The initial planner's reports sought additional information and the subsequent report asserted that following site visit scaffolding effectively concealing the north west facing corner tower prevented specific details of works completed during the period 3/1/2021 and 17/3/2021 being ascertained, therefore a conclusive determination of the referral could not be reached and it was recommended therefore that the matter be referred to An Bord Pleanála.

#### 4.2.2. Other Technical Reports

None

## 5.0 Planning History

**07/143** Permission granted on 26<sup>th</sup> November 2007 for extensive conservation works to the fabric of Cloontykilla Castle, Protected Structure by way of conservation and reinstatement of (1) the four towers (b) the castle entrance gateway (c) the entire external walls with adjustments and reinstatement of eight 'blind' windows, and (d) the conservation and extension of the former residence within the castle (existing floor area of 149sq.m) by way of the construction of new living areas (total new proposed floor area of 577 sq.m) bedroom, kitchen, sanitary facilities, basement with emergency exits and all associated ancillaries, complete with new roof, all reversible and all associated site works, including restored and improved sewage treatment plant with stone channels, with percolation area; car parking facilities for 6 cars, general conservation landscaping, miscellaneous gravel paving around the castle.

Bringing in all utilities including water supplies, electricity, and telecom cables. This permission expired on 25<sup>th</sup> November 2012.

**06/2405** Incomplete

**04/2376** Withdrawn

**Enforcement History** – I note that the planning authority did not provide any details of enforcement history on the site to the Board, however the third party observer who made the initial referral application to Roscommon County Council provided details including copies of Enforcement Notices issued with respect to the site as follows:

**UDR 1601** Warning Letter issued to the developer 9<sup>th</sup> September 2010. It referred to the height of the proposed structure exceeding that permitted (ie works being constructed inside original external walls) and deviation from originally proposed internal layout. Non compliance with condition 4 requiring construction progress reports was also referenced in the warning letter.

**UDR 2579**– Enforcement Notice issued 15<sup>th</sup> April 2021 by Roscommon County Council. Alleged unauthorised development on site without the benefit of planning permission at Cloontykillla Castle.

## 6.0 **Policy Context**

### 6.1. **Development Plan**

The Roscommon County Development Plan 2022-2028 refers.

### 6.2. **Natural Heritage Designations**

The site is not within a designated area, The nearest such site is Lough Arrow SAC and Lough Arrow SPA circa 6km to the northwest of the site.

## **7.0 The Referral**

### **7.1. Planning Authority Referral**

7.1.1 The case was referred by Roscommon County Council. The planner's report outlines that the works constitute works as defined in Section 3 of the Act. If the works pertain to the repair and maintenance of parapets or battlements to the west facing corner tower of Cloontykilla Castle they may come within the provisions of Section 4(1)(h) of the Act being development consisting of the carrying out of works for the maintenance improvement or other alteration of any structure being works which only affect 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. Specific details of what if any works occurred during the specified period 3/1/2021 and 17/1/2021 are not clear and the Planning Authority cannot reach a conclusive determination in the absence of detail.

### **7.2 Observer's Submission**

7.2.1 The Observer, Mr Eoin Brady who initially referred the question to the local authority outlined his case in the submissions to Roscommon County Council and in the response to the referral to the Board is summarised as follows:

- Cultural and historical significance of Cloontykilla Castle is notable. Whilst rating on Record of Protected Structures as of Regional Significance it should in fact be recorded as of National Significance given its rarity as an example of a complete folly fort. Extract from "The Follies and Garden Buildings of Ireland, by James Howley" provided to elucidate.
- History of unauthorised development in relation to Cloontykilla Castle. Deviations from the permission granted.
- Apparent transfer of ownership on 4 April 2019 is noted.
- Works for the construction of a private marina and boardwalk in Lough Key and cutting of trees in the vicinity of the protected structure were noted in April 2020.

- Construction works at Cloontykilla Castle resumed in and around August 2020.

These included:

- Works to replace the roof of the structure, to remove one rooflight and to install a new rooflight in a different location.
  - The removal of two courses of concrete blockwork which has been laid on top of the ranges in 2011.
  - Dismantling of some of the stone cladding to the 2012 fake screen wall at first floor level along the south façade (which itself was an unauthorised development)
  - Formation of at least one new opening in the north-eastern tower
  - Introduction of new highly visible lead flashings underneath all crenellations
  - Reconstruction of the range crenellations using new limestone from an unknown quarry and unknown fixing methods
  - Reconstruction of crenellations with what appears to be original stone on the north east, south east and south western towers and on the south entrance façade,
  - Rebuilding the new fake wall at first floor level using historic fabric.
  - Conjectural reconstruction of the crenellations on the North Western tower. (Subject of the referral) Conjectural because unlike the 3 other towers, these merlons had been lost so their reconstruction was based on more limited evidence than available elsewhere.
- Works at Cloontykilla Castle are not restoration works but reconstruction or adaption works. Following a report by a member of the public of a further phase of unauthorised development taking place at the Castle in September 2020, enforcement file UDR 2579 was opened by Roscommon County Council on 7<sup>th</sup> December 2020.
  - In January 2021 works were observed taking place with numerous plant and machinery on the site and various piles of construction materials. Site was visited on 17<sup>th</sup> March and it was observed that significant works had taken place to the parapets and battlements of the Castle including the installation of new crenellations



along the northern, eastern and southern elevations. Scaffolding was in place over the north-eastern tower and it was evidence that the tower was being reconstructed.

Photographic evidence take by the Planning Authority's officer on 30<sup>th</sup> September 2020 included in Planning Enforcement report (Tab C of enclosures) Page 132 shows the tower in the same condition as when Permission 07/143 expired in November 2012.

- From footage available on the internet (<https://www.youtube.com/watch?v=dNrt2dyTXQQ>) stated to be from 27<sup>th</sup> February 2020 shows the tower in its condition prior to the works which the were observed as having taken place between 3 January 2021 and 17 March 2021.
- Application for declaration was lodged as it was clear from observation that there had been a significant material alteration to the towers occurring during that period.
- On 15<sup>th</sup> April 2021 the Planning Authority issued an enforcement notice under Section 154 of the Act to the occupier, the owner and a company formed to commercially operate the Castle on 19 August 2019. (Tab F Observer's submission to the Board 17 June 2021) The enforcement notice referred to "Development on site without the benefit of planning permission."
- Failure of Roscommon County Council to decide this Section 5 application and to refer it to the board on 18<sup>th</sup> May 2021 is inconsistent with the fact that they issued an enforcement notice 15 April 2021 in respect of the unauthorised development of which the works referred to in the application under Section 5 is an integral part. There is clear evidence from planning enforcement file that the planning authority had written confirmation from the developer that they were installing new crenellations to the parapets and battlements of the protected structure.
- Tab I (Observer's submission to the Board 17 June 2021) from the website of the stonemason employed to install new stonework to north-western tower with photographs of same.
- Assuming that the developer argues that the said works constitute emergency works in order to prevent water ingress at the tower these cannot deal with the requirements of Part IV of the Act.

- Works which have taken place to the protected structure are essentially works to complete the development as permitted under Reg ref 07/143 (including the unauthorised development undertaken in respect of same (since permission expired in November 2012.)
- Part IV of the Act details specific statutory provisions or additional statutory protections related to protected structures given their significance, whether architectural, historical or cultural significance. Section 57(1) of the Act, seeks to limit the application of the general exempted development provisions that apply under the Act stating “Notwithstanding section 4(1) (a), (h), (i) (ia) (j) (k) or (l) and any regulations made under Section 4(2), 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.
- Section 2(1) of the Planning and Development Act 2000, as amended states
 

“Structure means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and -

  - (a) where the context so admits, includes the land on, in or under which the structure is situate, and
  - (b) in relation to a protected structure or proposed protected structure, includes—
    - (i) the interior of the structure,
    - (ii) the land lying within the curtilage of the structure,
    - (iii) any other structures lying within that curtilage and their interiors, and
    - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;
- The only circumstance whereby works to a protected structure can rely upon exempted development provision is in circumstances where it would not materially affect the character of the structure or any element of the structure which contributes to its special architectural historical archaeological interest.

- In relation to the special interest of Clootkylla Castle the Board is referred to James Howley in his book *The Follies and Garden Buildings of Ireland* 1993 which states:

*“The structure consists of a large square battlemented wall, with lightly battered through a false pointed central archway square towers or flankers, all of differing heights, on the four corners. It is entered complete with porticullis-style gate, which leads into a large open courtyard. At the back of the courtyard is a two storey range of buildings of which only the walls survive. These have a rather Palladian appearance with a large rounded window above the centrally placed doorway. Internally, the ground floor seems to have contained a series of relatively small chambers, with larger rooms on the upper floor.*

*In one of the rear corners adjacent to the range of buildings, a stone spiral staircase rises up inside the tallest of the towers to a fine vantage point 50 feet high, with views out to Mac Dermott’s Castle and back down into the courtyard. The stoneworks of the castle is very fine, and there is a date stone with the inscription 1839. Externally the curtain wall is relieved by a series of small Gothic shaped slit openings and much larger blind Gothic reveals.”*

- The installation of new crenellations to the battlements or parapets to the tallest of the towers would materially affect an element of the structure which contributes to its special architectural or cultural interest.
- Extensive reconstruction works to the exterior of the building to both the parapets and battlements including by reconstruction works to the crenellations and the removal and inclusion of a new rooflight, all works which are integral to the design and features of the folly fort structure. Therefore, works which alter the character or appearance of a structure require planning permission.
- In accordance with Part IV of the Act, prior assessment to afford a planning authority the opportunity to assess proposed works is required, in the absence of a Section 57 Declaration, to determine whether any proposed works to a protected structure are sensitive to its significance and protected nature.
- The requirement to either obtain planning permission or a declaration under Section 57 of the Act includes works which might be categorised as “emergency works”.

- Where emergency works are carried out to a protected structure temporary weathering protection can be implemented pending the outcome of a planning application.
- It is immaterial in the context of works to a protected structure whether any argument can be made that such works improve its appearance. Cairnduff v O Connell '[1986] IR 73 the supreme court held that the test as to whether works material affect the external appearance of the structure does not in any way depend on whether the appearance is for better or worse.
- Note Board decisions 307426-20 and 306105-19
- The parapets and battlements of Cloontykilla Castle are a significant element of the protected structure which contribute to its special architectural and cultural interest. The works to construct and install new parapets and battlements on the northwest facing and highest tower of the castle area entirely material from a planning point of view.
- Works are development and are not exempted development.

### **7.3 Owner / occupier's response**

7.3.1 The response by Sean Simon Director Cloontykilla Castle Limited includes a report by Jennings O Donovan Consulting Engineers pertaining to the works at northwest corner of the castle, referred to as tower 2. The report was commissioned by the ownership to satisfy themselves that the nature of the works was critical to the integrity of the castle and required urgent completion.

Report by Jennings O Donovan Consulting Engineers is dated 30<sup>th</sup> April 2021 and refers to a recent site visit noting that

- The stonework to the top of the high tower appears to have been disturbed and has left this part of the structure exposed to the elements, Should the site remain closed for a protracted period of time, the tower would potentially be exposed to damaging water ingress, particularly at the joint between the inner and the outer stones. Ash tree should be removed as soon as possible as this is also causing damage to the

wall and may have loosened some of the stones. Photographs appended show tower with scaffolding in situ and prior to works.

- If these works are not carried out at the earliest possible date, it could impact negatively on this protected structure.
- It is in the best interest of all parties to progress with stonework to the high tower.

## 8.0 Statutory Provisions

### 8.1. Planning and Development Act, 2000

#### 8.1.1 Section 2 - Definitions

“Protected Structure” means

(a) a structure or

(b) a specified part of the structure, which is included in the Record of Protected Structures, and where that structure so indicates, includes a specified feature which is in the attendant grounds of the structure and would not be otherwise included in this definition.

“Structure” means any building, structure, excavation or other thing constructed or made on, in or under any land, part of any structure so defined and

(a) where the context so admits, includes the land on, in or under which the structure is situate and

(b) in relation to protected structures or proposed protected structures includes

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all works and features which form part of the interior or exterior of the structure or structures referred to in sub-paragraph (i) or (iii).

“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 any other material to or from the surfaces of the interior or exterior of the structure.

8.1.2 Section 3(1) In this Act, “development” means, except where the context otherwise requires, 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.

8.1.3 Section 4(1) The following shall be exempted developments for the purposes of this Act-

(h) 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.

8.1.4 Section 57 of the Act specifically relates to works affecting the character of a protected structure or proposed protected structures.

Section 57(1) 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.

8.1.5 An owner or occupier of a protected structure may make a written request to the planning authority, within whose functional area that the structure is situated, to issue a declaration as to what type of works it considers would or would not materially affect the character of the structure or any element, referred to in subsection 1(b).

## 9.0 Assessment

9.1 It should be noted that the Board's role in determining this referral is not to consider the merits, acceptability or otherwise of the works subject of the referral but whether the matter in question constitutes development and if so whether it comes within the scope of exempted development. I note also that while the submission of the third party observer Mr E Brady to the Board on 17<sup>th</sup> June 2021 refers to other works carried out to the structure and in the vicinity since August 2020 and also provided a copy of an Enforcement Notice issued by Roscommon County Council dated 15<sup>th</sup> April 2021 (Tab F of Exhibits to submission of Eoin Brady to received by the Board 17<sup>th</sup> June 2021), the Board has no role in terms of enforcement which is a matter for the local authority.

### 9.2 Is or is not development

9.2.1 The works referred relate to the construction of crenellated parapets or battlements to the north facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle Co Roscommon. I note that within the referral it is submitted that the works were carried out from 3 January 2021 to 17 March 2021. I cannot retrospectively confirm what extent of said works were completed during this specific time period however in any event I propose that the focus of the referral is on the works and the limitation to this time period is not pertinent.

9.2.2 The works carried out comprise the construction of crenellated parapet or battlements to the north-west facing corner tower of Cloontykilla Castle, Protected Structure No 006000283. Prior to these works the north-western tower having been heavily overgrown with ivy and had overtime lost its merlons and therefore its crenellated form. This crenellated parapet has now been reinstated as evidenced in site photographs.

9.2.3 Section 2(1) of the Planning and development Act 2000, as amended, includes within the definition of works "... includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 3(1) of the Act states that “development means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

9.2.4 The works clearly constitute development within the meaning of the act. Clearly the construction of parapets or battlements to the tower is works as it is “an act of construction, extension and alteration”. I am satisfied that the installation of new crenellations to the parapets and battlements of the high tower at Cloontakilla Castle is works, and such works were carried out on land therefore the subject matter of the referral constitutes “development” as per section 3(1) of the Planning and Development Act 2000, as amended.

### **9.3 Is or is not exempted development**

9.3.1 I note that the merits or otherwise of the parapets or battlements are not a matter for consideration in this referral rather the matter to be addressed is whether or not the works that have been carried out constitute permitted or exempted development under the provisions of the Act such as to render the parapets or battlements an authorised structure.

9.3.2 On the question of the previous permission which included the conservation and reinstatement of the tower PD07/143, this permission expired on 25<sup>th</sup> November 2012 and was not extended. Documentation provided by the observer provides evidence of enforcement action by the Planning Authority in respect of non-compliance with conditions 1 and 5 of this permission. The significant time lapse between this expiry date of the permission and commencement of construction work (work to the wider castle structure were in progress in August 2020 as reported in Planning Enforcement Report Roscommon County Council dated 21<sup>st</sup> October 2020 (provided by the observer Tab C submitted to the Board 17 June 2021) and the original submission of the observer in referral to the Council of photographs reportedly from January 2021 to March 2021. Photographs attached to the planning officer’s report (undated) also show work construction work in progress. I note that



on the date of my site visit 28<sup>th</sup> October 2022, all scaffolding was removed and there was no evidence of recent works on the site. It is evident from the foregoing that the works subject of the referral are not permitted development. I also note that there is no record of a Section 57 declaration having been made in respect of the site.

- 9.3.3 The Planning Authority asserted that if the works pertain to the repair and maintenance of parapets or battlements they may come within the provisions of Section 4(1)(h) of the Act being development consisting of the carrying out of works for the maintenance improvement or other alteration of any structure being works which only affect 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. However, the Planning Authority asserted that conclusive determination could not be reached in the absence of detail and therefore referred the matter to the Board for determination.
- 9.3.4 The submission of the owner occupier does not address the question of whether the works were exempted development merely setting out a justification for the works in terms of maintaining the integrity of the castle and for safety and security reasons.
- 9.3.5 I note that Section 4(1)(h) of the Act is qualified by Section 57 whereby the carrying out of works to a protected structure, or a proposed protected structure, shall be exempt 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 , social or technical interest.
- 9.3.6 Whilst it is reasonable to consider the alterations within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, insofar as they consist of the carrying out of works for the maintenance, improvement or other alteration of this structure, I consider that by reason of their nature and in combination with other works carried out to the structure, the alterations subject of this referral materially

affect the character of elements of the protected structure which contribute to its special architectural interest and have a material impact on the remaining historic fabric and architectural character of the protected structure, therefore the restriction on exemption provided for under Section 57 of the Planning and Development Act 2000, as amended, applies in this instance, and the subject works are, therefore, not exempted development.

9.3.7 On the basis of the foregoing it is clear that the construction of parapets or battlements to the north west facing corner tower of Cloontykilla Castle is development and is not exempted development.

9.3.8 Having regard to the nature of the development and its location there is no likelihood of significant effects on the environment and the need for Environmental impact assessment can therefore be excluded at preliminary examination.

9.3.9 Having regard to the nature and scale of the development, and nature of the receiving environment and distance from the nearest European Site it is concluded that no appropriate assessment issues arise and the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10 Recommendation

I recommend that the Board should decide this referral in accordance with the following draft order.

**WHEREAS** a question has arisen as to whether the construction of crenellated parapets or battlements to the north west facing corner tower of Cloontykilla Castle, is or is not development or is or is not exempted development:

**AND WHEREAS** Eoin Brady, requested a declaration on this question from Roscommon County Council on the 22 March 2021 and the Council did not issue a declaration

**AND WHEREAS** Roscommon County Council referred this question to An Bord Pleanála on the 19<sup>th</sup> May, 2021:

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

- (a) Section 2, 3, 4(1)(h) and 57(1) of the Planning and Development Act, 2000, as amended,
- (b) The fact that Cloontykilla Castle is a protected structure as set out in the Roscommon County Development Plan 2022-2028,
- (c) the planning history of the site,

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

- (a) The works that are subject matter of the referral constitute development within the meaning of Section 3 of the Planning and Development Act 2000, as amended;
- (b) The reconstruction of crenellated parapet or battlements to the north-western tower materially affects the character of elements of the protected structure which contribute to its special architectural interest, as it has a material impact on the historic fabric and architectural character of this protected structure, and therefore the restriction on exemption provided for under Section 57 of the Planning and Development Act, as amended, applies in this instance, and the subject works are therefore not exempted development.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(a) of the 2000 Act, hereby decides that the construction of crenellated parapets or battlements to the north-west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle Co Roscommon (Protected Structure No 006000283) is development and is not exempted development.

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Bríd Maxwell  
Planning Inspector

01 November 2022