



**Section 57 Declaration**

<b>Question</b>	Whether the carrying out of repair and refurbishment works to Adare Railway Bridge comprise a material change of character to a protected structure
<b>Location</b>	Adare Railway Bridge, Adare, County Limerick
<b>Declaration</b>	
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	DR13/2023
Applicant for Declaration	CIÉ / Iarnród Éireann
Planning Authority Decision	Works require planning permission
<b>Referral</b>	
<b>Referred by</b>	CIÉ / Iarnród Éireann
<b>Owner/ Occupier</b>	CIÉ / Iarnród Éireann
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> August 2024
<b>Inspector</b>	Gary Farrelly

## 1.0 Introduction

This is a referral under Section 57(2) & (8) of the Planning and Development Act 2000, as amended, in respect of works which An Bord Pleanála considers would or would not materially affect the character of the structure or of any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

## 2.0 Site Location and Description

- 2.1. The subject structure is a protected structure under the Limerick Development Plan 2022-2028 (RPS ref. 872) and is located approximately 500 metres northwest of the village centre of Adare, County Limerick. The structure is located above the River Mague, which forms part of the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165).
- 2.2. The National Inventory of Architectural Heritage (NIAH) describes the structure (ref. 21824001) as a triple-span railway bridge built in 1856 and which is now disused. The bridge has a regional rating and is categorised of architectural and technical special interest. It forms a group with the nearby railway station and goods shed (RPS 871) which make a notable contribution to the landscape. The bridge comprises of coursed cut limestone piers with those on the central span having limestone caps and v-cutwaters, supporting a metal span which carries the railway with lattice work parapets to the central span. The full description and appraisal is outlined under section 7.4 of this report.

## 3.0 The Question

- 3.1. On 24<sup>th</sup> August 2023, Iarnród Éireann (IÉ) submitted a declaration form to the Planning Authority (PA) seeking a declaration on the type of works which the PA considered would or would not materially affect the character of the structure or any element of the structure. The application was accompanied by a letter dated 24<sup>th</sup> August 2023, particulars for a section 57 declaration request (Annex A), a photograph of the bridge during a tidal flood event (Annex B) and a drawing showing the existing layout and defects identified (Annex C).

3.2. The question is set out in the final paragraph of the letter to the PA dated 24<sup>th</sup> August 2023 and is as follows:

**“Iarnród Éireann seek a declaration of exempted development from Limerick City and County Council under Section 57 of the Planning and Development Act 2001 (As amended) as to the type of works which it considers would or would not materially affect the character of the structure or any element of the structure. Please see Annex A of this letter for particulars of this request.”**

3.3. The works subject to the declaration are outlined within row 11, column 2 of submitted Annex A and are as follows:

- (a) Replacement of corroded steel sections like for like.
- (b) Replacement of corroded fasteners.
- (c) Reestablish drainage holes to prevent water ponding on structure.
- (d) Strengthening of heavily corroded sections by over plating/additional steelwork to reinstate load carrying capacity.
- (e) Reinstatement of rails and way beam.

3.4. The submitted letter also stated that the painting would match existing and that it was proposed to temporarily remove the bridge spans for refurbishment offsite for a period of 5 months before the bridge will then be reinstated on completion of the rehabilitation works. It was also stated that once the bridge was removed a detailed examination and assessment of repair and strengthening requirements would be carried out in consultation with a conservation specialist and if it was determined that necessary structural interventions are required to strengthen the bridge and which could materially alter the character of the structure, a method statement would be submitted to the PA by a suitably experienced conservation professional.

3.5. Additionally, on 8<sup>th</sup> September 2023, IÉ submitted an AA screening report (dated 31<sup>st</sup> August 2023).

## 4.0 **Legislative Context**

### **Planning and Development Act 2000, as amended**

#### **Section 2(1)**

“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);

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

### **Section 57**

(1) 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.

(2) An owner or occupier of a protected structure may make a written request to the planning authority, within whose functional area that structure is situated, 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, referred to in subsection (1)(b), of that structure.

(4) Before issuing a declaration under this section, a planning authority or the Board shall have regard to—

(a) any guidelines issued under section 52, and

(b) any recommendations made to the authority under section 53

(8) Any person to whom a declaration under subsection (3), or a declaration reviewed under subsection (7) has been issued, may, on payment to the Board of such fee as may be prescribed, refer the declaration for review by the Board within 4 weeks from the date of the issuing of the declaration, or the declaration as reviewed, as the case may be.

## 5.0 Planning Authority Declaration

### 5.1. Declaration

On 3<sup>rd</sup> October 2023, the PA sought further information from the applicant in relation to ownership of the structure and associated lands in the ownership or control of the applicant and any information regarding the history and development of the structure. IÉ issued a response on 10<sup>th</sup> November 2023 confirming IÉ as the owner and confirming no records on the type of structure constructed with limited records of the maintenance history of the structure. It was stated that spans 1 and 3 were renewed in 1928 and span 2 was renewed in 1907.

On 15<sup>th</sup> November 2023, the PA determined that the works required planning permission as an appropriate assessment was required because it would likely have a significant effect on the integrity of a European Site. The full reasoning is as follows:

*“Notwithstanding the materiality of the works to the character of the protected structure it cannot be ruled out that the works, will not have the potential to result in likely significant effects to a European Site and its qualifying features. This is based on the available information and the need for mitigation measures. As such a Natura Impact Report is required. In turn and as per Section 4(4) of the Planning and Development Act (as amended) - Notwithstanding paragraphs (a), (i), (ia) and (l) and subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required - and as per Article (9)(1)(vii) of the Planning and Development Regulations 2001, development to which article 6 relates shall not be exempted development for the purposes of the Act – if the carrying out of such*

*development would – “comprise development in relation to which the planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site. As a result the works require planning permission.”*

## 5.2. Planning Authority Reports

### Heritage Officer (email dated 14<sup>th</sup> November 2023)

This report noted that an AA screening accompanied the Section 57 application and considered the impact of the works on the European site. The report had a number of concerns with the works in this regard. The submitted screening report was considered too general in relation to the steel structure which dwells on the bridge raising and activities in the planning application boundary rather than on the refurbishment of the steel structures. Questions were raised regarding the two working sites and site compounds in close proximity to the SAC site. It was considered that there was insufficient detail in the screening report to effectively screen out the refurbishment of the steel structures of the bridge, making an NIS necessary for this work.

### Conservation Officer

- No report on file

## 6.0 Relevant Planning History

### PA ref. 23/201 / ABP ref. 318076-23

Iarnród Éireann are seeking permission for works to raise the height of the River Mague Railway bridge, the former Adare railway station platform with associated works and level crossing works. The PA issued a notification to grant permission subject to conditions and a stage 2 appropriate assessment was undertaken as part of this application.

This is currently on appeal with An Bord Pleanála and no decision has been made to date (24<sup>th</sup> September 2024).

## 7.0 Policy Context

### 7.1. Limerick Development Plan 2022-2028

#### Record of Protected Structures listed within Volume 3 of Plan

RPS Reg. No.	NIAH Reg. No.	Description
<i>Subject Structure</i>		
872	21824001	Railway infrastructure built 1856
<i>Other RPS' in close proximity to subject structure</i>		
873	None	Quay – infrastructure
871	21824002	Detached six-bay single and two-storey former railway station, built in 1856

#### Volume 1 - Objective EH 050 Work to Protected Structures

- a) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- b) Ensure that any development proposals to Protected Structures, their curtilage and setting, shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Arts, Heritage and the Gaeltacht.
- c) Ensure that all works are carried out under the supervision of a qualified professional with specialised conservation expertise.
- d) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/ or its setting, is sensitively sited and designed and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- e) Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any

complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected.

f) Respect the special interest of the interior, including its plan form, hierarchy of spaces, architectural detail, fixtures and fittings and materials.

g) Support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc.) previously existed.

h) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

i) Protect the curtilage of Protected Structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds, that would adversely impact on the special character of the Protected Structure.

j) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

k) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development.

## 7.2. **Adare Local Area Plan 2024-2030**

### Objective CH 13 Protected Structures

a) Protect structures entered onto the Record of Protected Structures, or listed to be entered onto the Record and encourage their appropriate re-use and restoration, where possible subject to screening and in line with appropriate bat, ecological and environmental/appropriate assessments to promote the restoration or protection from removal of buildings to prevent potential loss of roosts.

b) Resist the demolition of Protected Structures, in whole or in part, the removal or modification of features of architectural importance, and design element that would adversely affect the character or setting of a Protected Structure, unless exceptional circumstances can be clearly demonstrated by a suitably qualified professional.



### 7.3. Section 52 Guidelines

- Architectural Heritage Protection Guidelines for Planning Authorities, 2011

Chapter 4 deals with declarations under Section 57. Section 4.1.4 states that a declaration cannot exempt development that would not otherwise be exempt from a requirement of planning permission.

Chapter 14.2 provides detailed guidance notes with respect to works to bridges.

### 7.4. National Inventory of Architectural Heritage (NIAH)

<b>Reg No</b>	21824001
<b>Rating</b>	Regional
<b>Categories of Special Interest</b>	Architectural, Technical
<b>Description</b>	<p>Triple-span railway bridge, built in 1856, over the River Maigne. Now disused. Coursed cut limestone piers, those to central span having cut limestone caps and V-cutwaters, supporting metal span, carrying railway and having lattice work parapets to central span.</p>
<b>Appraisal</b>	<p>A large number of functional structures were built in the mid to late nineteenth century to provide services for the railway networks in Ireland, of which this bridge is a notable example. It forms a group with the nearby railway station and goods shed, which although no longer in use, make a notable contribution to the landscape. The contrast of materials adds textural interest and is characteristic of industrial heritage of this period. The lattice work and cut limestone caps add a measure of decorative interest to this utilitarian structure. Retaining much of its original materials, this is a handsome representative of mid nineteenth-century railway architecture.</p>

<b>Reg No</b>	21824002
<b>Rating</b>	Regional

<b>Categories of Special Interest</b>	Architectural, Artistic, Social
<b>Description</b>	
<p>Detached six-bay single- and two-storey former railway station, built in 1856, comprising two-bay two-storey gabled block with two-bay single-storey block to north-east, in turn having two-bay single-storey recessed block with single-bay gablet to north-east. Two-bay single-storey shed block attached to south-west. Now disused. Lean-to timber canopy to rear (north-west) supported by timber posts with timber bench within. Pitched slate roofs with, overhanging eaves, timber bargeboards, dressed limestone eaves course and cut limestone chimneystacks with carved copings. Cut limestone walls with cut plinth course, tooled quoins and cast-iron vents. Camber-arched openings with cut limestone voussoirs and sills and block-and-start surrounds, now infilled with metal. Detached gable-fronted former goods shed to south-west, with pitched roof, rubble limestone walls, lunette opening with cut voussoirs and remains of fixed timber window and square-headed opening with timber battened double-leaf doors. Railway track to north-west with metal and timber track with cut limestone copings to platform.</p>	
<b>Appraisal</b>	
<p>This former railway station, which was closed in 1963, forms an interesting group of railway structures with the former railway goods shed and remains of the platform to the north-west. The station is solidly constructed and its gabled form and limestone construction are characteristic of many railways stations of the time. It was built using high quality materials with considerable skill. The tooled limestone quoins and voussoirs, as well as the tall limestone chimneystacks, serve as a reminder of the quality of craftsmanship and stone masonry available right up to the end of the nineteenth century. Although no longer in use, the building is a reminder of the great railway era in Ireland.</p>	

## 8.0 The Referral

### 8.1. Referrer's Case

On 12<sup>th</sup> December 2023, Iarnród Éireann (IÉ) sought a review of the decision of the PA. The grounds are summarised as follows:

- The works proposed involve certain repair works to the abutments of the bridge, but which do not involve any alteration to the structure involved. The works are minor in nature and extremely limited in their scope as the condition of these abutments are structurally sound and only the most minor repairs are required in this area which might involve the taking down of weeds and very limited repointing if necessary.
- The most significant works are to the steel components which comprise the deck of the bridge. These will be required to be disassembled from the bridge, taken down and repaired and refurbished off site.
- Where any particular element of the structure of the bridge is not capable of being repaired they will be replaced with similar if not identical fitting or fixture.
- The deck of the bridge together with the parapet will then be reassembled so that it in its finished appearance it will be similar if not identical to the design of the bridge as existed prior to the carrying out of the works.
- While the sentences within the PA's declaration are not clear, it appears that they have formed the view that the works proposed to the protected structure will not materially affect the character of the structure and therefore, a section 57 should have been issued. The provisions of section 57 are limited to a determination as to whether any works proposed are capable of affecting the character of a protected structure.
- It is submitted that if the Council considered that such works affect the character of the protected structure, then the determination is in error both as a matter of law and fact.
- It appears from the exchanges within the PA that no such issue was raised and the only issue was in relation to AA which is not a matter that is relevant for the purposes of answering the question under Section 57(2).

- It would appear to be the case that it is generally accepted that the works consisting of the repair and the refurbishment of the existing elements of the bridge so that its visual appearance, the nature of the materials and the manner in which it had been constructed reflect precisely the position that existed before the said works were carried out and accordingly, it cannot be concluded that there is any change amounting from these works to the character of the protected structure.
- Section 57(1) does not require that the character of the structure is identical so as to receive the appropriate declaration but that the works would not 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.
- The council asked themselves the wrong question and acted outside of their jurisdiction in dealing with the issue.
- Section 4(1)(h) relates to the issue of exempted development and is much more broad whilst Section 57 relates to a specific declaration as to whether the works in respect of a protected structure are consistent with the character. This explains the reference of 4(1)(h) within Section 57(1).
- The issue of appropriate assessment is not an issue that arises in respect of an application confined to Section 57. If a section 5 application had been made a stage 1 screening report would have been carried out.
- It is respectfully submitted that the Council were in error in the manner that it addressed the application under Section 57(2) and request the Board to declare that the works to the protected structure would not materially affect the character of the structure.

## 8.2. Planning Authority Response

A response was received from the architectural conservation officer (ACO), in a report dated 12<sup>th</sup> January 2024 and emails dated 22<sup>nd</sup> December 2023 and 25<sup>th</sup> January 2024. The submitted report outlines the background to the referral including its contents and confirmation that an AA screening report was submitted by the applicant

for consideration as part of the Section 57 process. Details of previous decisions affecting the site, previous correspondence, details of the owner and the PA's determination date were provided.

An email to the Board dated 22<sup>nd</sup> December 2023 outlined that no outside parties were involved with the matter and the ACO consulted with the Area Planner, Senior Planning Inspector in Enforcement Section, the Senior Planner in Development Control, the Senior Planner in Public Realm and Heritage and the Heritage Officer in Forward Planning.

In the email dated 25<sup>th</sup> January 2024, the ACO also confirmed that a planner's report was not prepared by the PA for the assessment of the Section 57 declaration. It is stated that the process is a report from the ACO, however, due to ecological concerns this stage was not reached and the Council's determinations were based on the Heritage Officer's conclusions.

## 9.0 **Assessment**

- 9.1. Notwithstanding the reference by IÉ to 'exempted development' within their question to the PA, the Board should note that this is a referral under Section 57(2) & (8) of the Planning and Development Act 2000, as amended. The purpose of a Section 57 referral is not to determine the acceptability or otherwise of the proposed works in respect of the proper planning and sustainable development of the area or to assess whether the works are exempted development under Section 5 of the Planning and Development Act 2000, as amended. The relevant issue is to establish the type of works that the Board considers would or would not materially affect the character of a protected structure or any element of its category of special interest. Therefore, having reviewed the grounds of the referral, I am in agreement with the referrer in that the PA acted outside of their jurisdiction in dealing with the issue.
- 9.2. All parties should note that Section 4.1.4 of the Section 52 Architectural Heritage Protection Guidelines for Planning Authorities (2011) states that "*a declaration cannot exempt development that would not otherwise be exempt from a requirement for planning permission*". The sample declaration forms within Tables IV, V, VI of the Section 52 Guidelines also state that "*nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission*".

Therefore, the Board should note that a declaration of no material impact does not render the development exempt in itself. It is an additional limit on exemptions that may otherwise apply.

- 9.3. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the referral, the reports of the planning authority and having inspected the site, and having regard to relevant local policies and national guidance, I consider that the substantive issue in this referral is whether the type of works described by IÉ would or would not materially affect the character of the protected structure or any element of its category of special interest.

### **Site Inspection**

- 9.4. Having inspected the site on 15<sup>th</sup> August 2024, I noted that the metal span and railway had been removed from the supporting piers. I did observe the coursed cut limestone piers, the limestone caps and v-cutwaters on the central span, which also form part of the character and special interest of the protected structure as outlined within the NIAH survey. I noted the proximity and grouping of the structure to the nearby railway station and goods shed (RPS reg. no. 871).
- 9.5. Notwithstanding the removal of the metal span, I am satisfied that there is enough information on file and within the NIAH for me to undertake an adequate assessment on the materiality of the proposed works. I have also examined the historic maps including the 6 inch 1829-1841 map, the 25 Inch 1897-1913 map and the 6 Inch last edition 1830s-1930s map. Furthermore, the Board should note that the matter of enforcement falls under the jurisdiction of the planning authority.

### **Declaration of the PA**

- 9.6. The PA determined that a Section 57 declaration could not be issued on the grounds of environmental considerations and referenced Section 4(4) of the Planning and Development Act 2000, as amended, and Article 9(1)(vii) of the Planning and Development Regulations 2001, as amended, concluding that the works required planning permission (*vii appears to be an error and should state viiB*).
- 9.7. I note that there is no report on file from the PA's architectural conservation officer (ACO) and the determination was largely based on the report of the ecological officer.

9.8. With regards to Section 4(4) of the Act, the Board should note that this refers to development that would normally be considered exempt development but would lose such an exemption if the development required AA or EIA. Article 9(1)(viiB) is in relation to article 6 development where such development would comply with the conditions and limitations of the specific class (set out in Schedule 2) but would be de-exempted if an AA was required. The Board should note that this would normally be the criteria assessed under a Section 5 referral which considers whether a development is exempted development or not. However, the scope of a Section 57 referral is limited by the relevant section of the Act (i.e. Section 57).

### **Definition of Works**

9.9. The Board should note that I consider that the works described within the submitted documentation and within paragraphs 3.3 and 3.4 of this report represent “works” as defined under Section 2(1) of the Planning and Development Act 2000, as amended.

### **Scope and Materiality of the Works**

9.10. It should be noted that the referral was referred to the Heritage Council and to the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage for comment, however, no responses were received from either body.

9.11. The scope of works to which this referral relates to are the following:

- (a) The replacement of corroded steel sections like for like.
- (b) The replacement of corroded fasteners.
- (c) The reestablishment of drainage holes to prevent water ponding on the structure.
- (d) The strengthening of heavily corroded section by over plating / additional steelwork to reinstate the load carrying capacity.
- (e) Reinstatement of rails and waybeam.

9.12. Whilst I note that paragraph 14.2.5 of the Section 52 Guidelines states that proposals to reinforce, widen or infill sections of a protected bridge will require alterations to the character and quality of the structure, the Board should note that the relevant question is whether such works are “material” alterations. Notwithstanding this, it is my view

that the scope of works will serve to ensure the long-term retention of the structure and return it to use, as supported by objective CH 13(a) of the Adare Local Area Plan 2024-2030.

**(a) Replacement of corroded steel sections like for like**

- 9.13. The submitted declaration form states that these steel sections are corroded and are to be replaced like for like. The works will involve the temporary removal of the bridge spans for such refurbishment works. It is also stated within the submitted documentation that painting will match the existing. I note that the NIAH survey description notes that the supporting metal span and lattice parapet forms part of its architectural and technical special interest. Therefore, it is my view that these works could directly affect the character of the structure.
- 9.14. However, having regard to the nature and purpose of the works which will replace corroded steel sections like for like, to the works not involving reinforcement, widening or infilling, to the criteria outlined within section 14.2 of the Section 52 Guidelines and to the description and appraisal of the structure set out in the NIAH survey, it is my view that these works would not materially affect the character of the protected structure or its special architectural and technical interest.
- 9.15. Additionally, as described in the NIAH survey, the subject structure forms a group with the nearby railway station and goods shed (RPS ref. 871), which is located approximately 40 metres to the southwest of the bridge. I also note that there is a pier (RPS ref. 873) approximately 30 metres to the west of the bridge. Notwithstanding the proximity to RPS 871 and 873, having regard to paragraph 9.14 above, I consider that the works would not materially affect the character of these structures or any element of their special interest.

**(b) Replacement of corroded fasteners**

- 9.16. I note that the NIAH survey does not include for fasteners or bolts as part of the architectural and technical special interest description and appraisal.
- 9.17. Having regard to the nature of these works which are to replace corroded fasteners, to the minor scale associated with such works, to the statement within the submitted documentation that painting will match existing and to the description and appraisal of the structure set out in the NIAH survey, it is my view that these works would not



materially affect the character of the protected structure or its special architectural and technical interest.

- 9.18. Additionally, having regard to the above and proximity to RPS 871 and 873, I consider that the works would not materially affect the character of these structures or any element of their special interest.

**(c) Reestablishment of drainage holes to prevent water ponding on structure**

- 9.19. The submitted drawing (Annex C) indicates that there is insufficient drainage to the 'longitudinal girder bottom flange' due to water ponding and build-up of debris. Having regard to the nature and purpose of these works to 're-establish' drainage holes, to the works not representing a reinforcement, widening or infilling of the bridge and to the description and appraisal of the structure set out in the NIAH survey, it is my view that these works would not materially affect the character of the protected structure or its special architectural and technical interest.

- 9.20. Furthermore, having regard to the above and proximity to RPS 871 and 873, I consider that these works would not materially affect the character of these structures or any element of their special interest.

**(d) Strengthening of heavily corroded section by over plating/additional steelwork to reinstate load carrying capacity**

- 9.21. As stated under paragraph 9.12 above, proposals to reinforce, widen or infill sections of a protected bridge will require alterations to the character and quality of the structure. I consider these works to represent reinforcement works and therefore could result in alterations to the character and quality of the structure.

- 9.22. I note that the applicant has not provided any drawings describing the proposed overplating and additional steelwork proposed and therefore, in the absence of this, it is difficult to establish whether such works would materially affect the character of the structure. The letter to the PA dated 24<sup>th</sup> August refers to a structural survey once the bridge is removed to determine the interventions required and for the submission of a method statement. The Board should note that the NIAH survey includes for the metal span and its parapet as part of its special interest, therefore, it is my view that it cannot be determined that any additional steelworks would not materially impact its character.

9.23. Therefore, in the absence of such detail, it is my view that the Board cannot consider that such works would not materially affect the character of the protected structure or its special architectural and technical interest.

**(e) Reinstatement of rails and waybeam**

9.24. The submitted drawings indicate that the timber decking, way beams and railway sleepers are in very poor condition and it is proposed to remove all timber elements and sleepers and dispose of offsite.

9.25. Having regard to the nature and purpose of these works to reinstate rails and way beams, to the description and appraisal of the structure set out in the NIAH survey, and to section 14.2 of the Section 52 Guidelines, I consider that these works would not materially affect the character of the protected structure or its special architectural and technical interest. Additionally, having regard to the above, I consider that the works would not materially affect the character of RPS 871 and 873 or any element of their special interest.

**Further structural interventions**

9.26. As stated under paragraph 9.22 above, the Board should note that the submitted letter states that after removal of the bridge spans for refurbishment, a detailed examination and assessment of repair and strengthening requirements will be carried out in consultation with a conservation specialist and if it is determined that structural interventions are necessary to strengthen the bridge which could materially alter the character of the structure, a method statement will be submitted to the local authority and the works will be overseen by a suitably experienced conservation professional in consultation with the council's conservation officer. However, the Board should note that if such works would materially alter the character of the structure, then planning permission would be required. Notwithstanding this, these works are not identified within the submitted declaration form within Annex A and therefore do not form part of this referral.

**10.0 Recommendation**

I recommend that the Board should decide this Section 57 referral in accordance with the following draft order.

**WHEREAS** a question has arisen as to whether the carrying out of repair and refurbishment works to Adare Railway Bridge 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:

**AND WHEREAS** Iarnród Éireann requested a Section 57 declaration 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 require planning permission due to environmental considerations:

**AND WHEREAS** Iarnród Éireann 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 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) & (8) of the Planning and Development Act 2000, as amended,
- (a) The declaration issued by Limerick City and County Council under Section 57(3) of the Planning and Development Act 2000, as amended,
- (b) Section 57(4) of the Planning and Development Act 2000, as amended,
- (c) The Architectural Heritage Protection Guidelines for Planning Authorities, 2011, issued under Section 52 of the Planning and Development Act 2000, as amended,

- (d) The record of protected structures under Volume 3c of the Limerick Development Plan 2022-2028, and specifically RPS reg. no. 872 and also RPS reg. nos. 871 and 873,
- (e) The policies and objectives of the Limerick Development Plan 2022-2028 and Adare Local Area Plan 2024-2030 with regards to protected structures,
- (f) The national inventory of architectural heritage (NIAH) survey and the description and appraisal of reg nos. 21824001 and 21824002,
- (g) The submissions of the parties of the referral,
- (h) The nature of the works described, and
- (i) The report of the 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 (RPS reg. no 872) or any element of its architectural and technical category of special interest, and would not materially affect the character of RPS reg. nos. 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 (RPS reg. no 872) or any element of its architectural and technical category of special interest, and would not materially affect the character of RPS reg. nos. 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 (RPS reg. no 872) or any element of its architectural and technical category of special interest, and would not materially affect the character of RPS reg. nos. 871 and

873 or any element of their 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 (RPS reg. no 872) or any element of its architectural and technical category of special interest, and would not materially affect the character of RPS reg. nos. 871 and 873 or any element of their architectural, historical, artistic or social category of special interest.

**AND WHEREAS** 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 (RPS reg. no. 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 above works.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Gary Farrelly  
Planning Inspector  
24<sup>th</sup> September 2024