



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323422-25

<b>Question</b>	Whether the existing water tank within the disused handball alley at Gormanston Park is or is not development or is or is not exempted development.
<b>Location</b>	Gormanston Park, Gormanston, Co. Meath
<b>Declaration</b>	
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LS525074
Applicant for Declaration	IMAC Group
Planning Authority Decision	Is not exempted development
<b>Referral</b>	
<b>Referred by</b>	IMAC Group
<b>Owner/Occupier</b>	IMAC Group (Occupier) SF Trust (Owner)
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	12 <sup>th</sup> January 2026
<b>Inspector</b>	Stephen Ward

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## 1.0 Site Location and Description

- 1.1. The site is located within Gormanston Park, which is a Leisure / Education / Accommodation facility within the wider grounds of Gormanston College (Franciscan College Gormanston). It is within the administrative area of Meath County Council (MCC) but is in close proximity to the county Dublin border. The surrounding area is mainly rural in character, with the closest settlement being Stamullen (c. 1km to the west).
- 1.2. The site (as per the boundaries on map originally submitted to MCC) included a building mainly comprising 4 no. handball courts. The 2 courts on the western side of the building are indoor/enclosed (stated to be disused for c. 19 years), while the 2 courts on the eastern side are outdoor/open courts (also disused). An historic decommissioned water tank protrudes significantly above and between the courts. However, details submitted with this referral to the Commission have sought to clarify that the site boundaries apply only to the indoor courts. A revised site map has been included to omit the historic water tank and outdoor courts.
- 1.3. The wider grounds of the college include a range of historic and modern buildings and facilities, as well as significant tree groups. It includes CDP Protected Structures listed as follows:

RPS No.	Name	Description
91041	Gormanston College	Detached multiple-bay four-storey school, built c.1956, comprising of ranges set around two central courtyards. Two-storey projecting granite framed entrance. Hipped artificial slate roof with rooflights. Incl. Grounds, gym, handball alleys, chapel.
91040	Gormanston Castle	Detached nine-bay three-storey over basement, former castle, commenced c.1363, rebuilt, remodelled and extended c.1820. It is thought that Thomas Wogan Brown and Sir Richard Morrison were both involved in the design of the building at different times.

## 2.0 The Question

2.1. The Declaration Request posed the following question to MCC:

*'Whether the existing water tank within the disused handball alley at Gormanston Park constitutes exempted development?'*

2.2. It is stated that the water tank was erected between February and March of 2025 for the purpose of servicing Gormanston Park. This followed the decommissioning of the historic water tank that was previously in use on site. The applicant's description of the water tank can be summarised as follows:

- Located inside the disused handball courts, to the rear of the outdoor handball alleys.
- Assembled in sections within the court from flat pack.
- Two holes have been bored into the wall of the courts for pipework and connections.
- The tank has a height of 2.55m and a floor area of 50.2m<sup>2</sup>.

## 3.0 Planning Authority Declaration

### 3.1. Declaration

By Order dated 18<sup>th</sup> of July 2025, MCC made a Declaration that *'this development is not exempted development and therefore is DEVELOPMENT REQUIRING PLANNING PERMISSION'*.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The MCC report can be summarised as follows:

- The proposal falls within the statutory interpretation of 'works' and the definition of 'development' in section 3(1) of the Act.
- The handball courts are listed on the NIAH (No. 14322008).

- A Section 57 Declaration was completed by the Architectural Conservation Officer in May 2025. There is a Protected Structure in close proximity to the site (No. 91041). The water tower is a notable feature and is part of the attendant grounds that are protected by the same Protected Structure status. The lower level of the tank connects to a concrete wall that forms part of a partially unused two-storey building on one side and two disused handball courts on the other.
- Part A, Point 2, of the S. 47 Declaration states that '*Changes to internal layout which would affect the original or early surviving layout or section, such as – the removal of structural elements, breaking new openings alterations of floor levels, alteration to the layout or form of the stairwells*'. Point 3 states '*Changes to internal finishes, fixtures and fittings, that would involve loss or damage to original or early surviving material*'. It is stated clearly that these works would materially affect the character of the protected structure and as a result require planning permission.
- The proposal does not fall within any exempted development category as per the Planning and Development Regulations 2021-2025, Part 2 and Schedule 2.
- Appropriate Assessment or Environmental Impact Assessment is not required.
- Based on the foregoing, the report concludes that the proposal is development and is not exempted development. This forms the basis of the planning authority's declaration.

### 3.2.2. Other Technical Reports

None.

## 4.0 Planning History

**P.A. Reg. Ref. 2561181:** On 12<sup>th</sup> February 2026 permission was granted for the demolition and removal of the existing reinforced concrete water tower structure (including the water tank and its supporting r.c. column down to roof level of the hand ball alley building beneath the tower), together with all associated site works.

**P.A. Reg. Ref. S57/2503:** On 29<sup>th</sup> May 2025, MCC issued a Section 57 Declaration in relation to the historic water tower outlining what works would, or would not, in the

opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and as a result require planning permission.

## 5.0 Policy Context

### 5.1. Development Plan

The operative Development Plan for the site is the Meath County Development Plan 2021-2027. Section 8.7 deals with 'Architectural Heritage' and relevant policies/objectives include the following (as summarised):

HER POL 14 - To protect and conserve the architectural heritage of the County and seek to prevent the demolition or inappropriate alteration of Protected Structures.

HER POL 15 - To encourage the conservation of Protected Structures, and where appropriate, the adaptive re-use of existing buildings and sites in a manner compatible with their character and significance.

HER POL 16 - To protect the setting of Protected Structures from development which would adversely impact on the character and special interest of the structure.

HER POL 21 - To encourage the retention, sympathetic maintenance and sustainable re-use of historic buildings.

HER POL 26 - To encourage the protection and enhancement of heritage gardens and demesne landscapes.

HER OBJ 28 - To discourage development that would adversely affect the character, the principal components of, or the setting of historic parks, gardens and demesnes of heritage significance.

Volume 2 of the CDP outlines the Written Statement and Maps for Settlements. In accordance with the Gormanston Land Use Zoning map, the site is part of a large area covering Gormanston Park which is zoned 'G1 – Community Infrastructure. The objective for this zone is 'To *provide for necessary community, social, and educational facilities*'.

## 5.2. National Policy / Guidelines

The Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht) outline guidelines in relation to protected structures and architectural conservation areas in accordance with legislative requirements.

## 5.3. Natural Heritage Designations

The closest designated site is the North-West Irish Sea SPA, distanced c. 1.4km to the east of the site.

## 6.0 The Referral

### 6.1. Referrer's Case

The case has been referred by IMAC Group acting on behalf of Gormanston Park. The main points outlined in the referrer's case can be summarised under the headings below.

#### Lack of Engagement with Question Asked

- The MCC report incorrectly represents the question as including whether the issue 'constitutes an existing dwelling'.
- The initial submission to MCC and the referral to the Commission (as revised) make it clear that the outdoor handball alleys and the decommissioned water tank do not form part of the declaration requested.

#### Incorrect application of legislation

- The question comes under the definition of 'development' as per s. 3(1) of the Act of 2000 as it involves 'works' as defined in the Act.
- The 'development' constitutes 'exempted development' in accordance with s. 4(1)(h) of the Act based on the following:
  - The tank has been installed without altering the existing structure; without any external visual impact; without materially affecting the external

appearance of the building; without altering the character of the building or any neighbouring structures; and without impact on any protected structures.

- The handball courts have been vacant for a significant period of time, and the installation of the water tank does not constitute material change of use by reason of conflicting/intensified use or otherwise.
- The MCC report incorrectly references s. 4(1)(j) of the Act, which is irrelevant as it relates to land within the curtilage of a house.
- The MCC report did not consider s. 4(1)(h) at all.

#### Inaccurate Assessment

- The MCC report incorrectly states that the handball courts are listed on the NIAH (14322008). The indoor courts are not listed on this NIAH entry. It refers to a 'pair' of concrete ball alleys, not 'four' handball alleys. The NIAH appraisal also refers to an innovative grouping of ball alleys, plant rooms, and water tank, which distinguishes/separates the indoor courts.
- MCC has inaccurately based much of the assessment on the findings of a S. 57 Declaration. This relates only to the decommissioned water tower which is irrelevant to the current question.
- The MCC S. 57 Declaration report does not state specifically that the indoor courts are protected, but a protected status appears to have been assumed by MCC in this case. The s. 57 declaration relates only to the decommissioned water tower, which does not form part of this application.
- The indoor courts are not subjected to a protected status as they are not listed as part of the CDP description for RPS No. 91041 (Gormanston College). They may have once been part of the overall handball alley structure, but they have been substantially modified and are now distinct, separate structures. Even if they were considered part of RPS No. 91041, they would be exempted development as per the provisions of the MCC S. 57 Declaration as follows:
  - As per section A(2) of the Declaration, the erection of the water tank does not involve any changes to the internal layout that would affect the original or early surviving layout or section, such as – the removal of structural

elements, breaking new openings, alteration of floor levels, alteration to the layout or form of the stairwells. Similarly, any pipe work is concealed within the interior.

- As per section A(3) of the Declaration, the erection of the water tank does not involve any changes to internal finishes, surfaces, fixtures and fittings that would involve loss or damage to original or early surviving material. The internal changes were minor and were made to a heavily modified structure and its interior.
- The development does not fall under any other of the works described as requiring planning permission under Section A of the S. 57 Declaration.

## 6.2. Planning Authority Response

None.

## 7.0 Statutory Provisions

### 7.1. Planning and Development Act, 2000

**Section 2(1)** of the Act states the following:

- *“attendant grounds”, in relation to a structure, includes land lying outside the curtilage of the structure.*
- ‘development’ has the meaning assigned to it by Section 3;
- ‘exempted development’ has the meaning specified in section 4;
- *“protected structure” means—*
  - (a) a structure, or*
  - (b) a specified part of a structure,**which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition.*

- *“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 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 land or structures situated on land’.*

**Section 4(1)** of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including:

- *Section 4(1)(h) providing for ‘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’.*

**Section 4(2)** of the Act provides that *‘the Minister may, by regulations, provide for any class of development to be exempted development’*. The main regulations made under this provision are the Planning and Development Regulations 2001, as amended.

**Section 4(4)** outlines that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required, unless otherwise outlined in regulations under section 4A.

**Section 57** outlines that:

*(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.*

## **7.2. Planning and Development Regulations, 2001**

Article 6 (1) states:

*Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

Article 9 outlines a range of 'Restrictions on exemption'.

## 8.0 Assessment

### 8.1. Is or is not a Protected Structure

- 8.1.1. At the outset I consider it appropriate to consider that status of the subject structure with regard to the MCC Record of Protected Structures (RPS).
- 8.1.2. I note that RPS No. 91041 relates primarily to the main Gormanston College building itself. However, it also specifically states that it includes 'handball alleys' and, as per the definition of 'protected structure' in section 2(1) of the Act, I consider that the 'handball alleys' are therefore 'protected structures'.
- 8.1.3. This raises the pertinent question as to what exactly are the 'handball alleys'. The referrer's case concentrates much on a perceived distinction between the outdoor 'handball alleys' and the indoor 'handball courts'. However, the referrer does accept that the indoor courts may have once been part of the overall handball alley structure, and I would acknowledge that such former outdoor alleys were commonly covered in more recent times to provide indoor facilities. Notwithstanding any such cover, I would submit that even indoor facilities are commonly still referred to as 'alleys' as well as 'courts'. For these reasons, I do not consider that the RPS reference to 'handball alleys' can be assumed to exclude the indoor courts/alleys.
- 8.1.4. I note the referrer's reference to the NIAH description and appraisal of No. 14322008, which refers to a 'pair of concrete ball alleys', the water tower, and plant room to the north-west. The referrer concludes that the 'plant room' reference is limited to a small structure to the west of the outdoor alleys (southwest of indoor courts/alleys) and does not include the indoor courts/alleys. However, it is my opinion that the NIAH may indeed refer to the indoor courts/alleys as the 'plant room to the north-west' and that, therefore, the entire arrangement of adjoining structures may be included in the NIAH entry. In any case however, I do not consider that the NIAH description is a determining factor in this case as it is the RPS entry which applies.
- 8.1.5. Even in the event that it was only the outdoor alleys that were protected, I would submit that this extends to include the adjoining indoor alleys/courts as being structures within the curtilage of the protected structure in accordance with the definition of 'structure' in section 2(1) of the Act.

8.1.6. Having regard to the foregoing, it is my opinion that the subject structure is a Protected Structure in accordance with the Meath CDP. Accordingly, the relevant legislative provisions will be applied in this case.

## 8.2. **Is or is not development**

8.2.1. Both the planning authority and the referrer agree that the question constitutes 'development' having regard to the carrying out of 'works'. I would concur with this position having regard to the definitions of 'works' and 'development' as outlined in sections 2(1) and 3(1) of the Act respectively.

8.2.2. I note that the definition of 'development' may also relate to the 'making of any material change in the use' of a structure. However, it would appear that the subject structure has been effectively disused for a significant period of 19 years. And having regard to the limited scale / intensity and ancillary nature of the proposed use as a water tank, I do not consider that a material change of use would arise.

## 8.3. **Is or is not exempted development**

8.3.1. I note that much of the debate in this regard has concentrated on the MCC S. 57 Declaration. I would accept that this Declaration clearly states at the outset that it 'pertains to the Water Tower only'. However, it goes on to indicate in section A(5) that the '*Erection or demolition of Extensions or existing building (hand ball alleys)*' would materially affect the character of the protected structure and require planning permission. I do not consider that the subject works would come within the scope of those works stated in A(5) of the Declaration, but the reference does conflict with the stated scope of the declaration as being confined to the water tower only. In any case, I do not consider that the Commission should be restricted by the findings of the S. 57 Declaration in the determination of this standalone referral.

8.3.2. In my opinion, this question should be determined having regard to the provisions of Sections 4(1)(h) and 57(1) of the Act.

8.3.3. With regard to section 4(1)(h), I am satisfied that the works can be described as involving the 'improvement or other alteration' of the structure. They are works which affect only the interior of the structure and 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'. Accordingly, I am satisfied that it would constitute 'exempted development' under section 4(1)(h) of the Act.

- 8.3.4. Notwithstanding the above, I acknowledge that Section 57(1) must also be applied in the case of protected structures. In this regard, I would highlight that the works are of limited scale, require minimal intervention, and are confined to the interior of the structure. The tank is of minor scale compared to the overall interior space. It is free-standing and the works are easily reversible. Minor pipework is concealed within the interior. Accordingly, I consider that the original character and features of the handball alley/court will be adequately retained.
- 8.3.5. On this basis, I am satisfied 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. Accordingly, I am satisfied that it would constitute 'exempted development' under section 57(1) of the Act.

#### **8.4. Restrictions on exempted development**

- 8.4.1. In this case, I consider that restrictions on exempted development are limited to the provisions of s. 4(4) of the Act of 2000, which outlines that development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. As outlined in the following sections of my report, I do not consider that any of these restrictions would apply.

#### **8.5. Appropriate Assessment Screening**

- 8.5.1. I have considered case ABP 323422-25 in light of the requirements of S177U the Planning and Development Act 2000 (as amended). The subject development is located within an existing structure and comprises the installation of a water tank and associated pipework. The closest European Site, part of the Natura 2000 Network, is the North-West Irish Sea SPA, distanced c. 1.4km to the east of the site.
- 8.5.2. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

8.5.3. The reason for this conclusion is as follows:

- The small scale and ancillary nature of the development.
- The location of the development within an existing structure which is part of a larger built-up and serviced campus.
- The distance from European Sites, the nature of intervening habitats, and the absence of ecological pathways to any European Site.

8.5.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 8.6. Environmental Impact Assessment Screening

8.6.1. The subject development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## 9.0 Recommendation

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

**WHEREAS** a question has arisen as to whether the existing water tank within the disused handball alley at Gormanston Park is or is not development or is or is not exempted development:

**AND WHEREAS** IMAC Group requested a declaration on this question from Meath County Council and the Council issued a declaration on the 18<sup>th</sup> day of July 2025 stating that the matter was development and was not exempted development:

**AND WHEREAS** IMAC Group referred this declaration for review to An Coimisiún Pleanála on the 13th day of August, 2025:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 57(1) of the Planning and Development Act, 2000, as amended,
- (e) the planning history of the site,
- (f) the pattern of development in the area,
- (g) The report and recommendation of the Inspector:

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

- (a) The installation of the existing water tank within the disused handball alley constitutes works that come within the scope of section 2(1) of the Planning and Development Act, 2000, as amended.
- (b) The said works constitute development that comes within the scope of section 3(1) of the Planning and Development Act, 2000, as amended.
- (c) The said development is exempted development as it falls within the scope of Sections 4(1)(h) and 57(1) of the Planning and Development Act, 2000, as amended.

**NOW THEREFORE** An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the existing water tank within the disused handball alley at Gormanston Park is development and is exempted development.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Stephen Ward  
Senior Planning Inspector

20<sup>th</sup> of April 2026

## Appendix 1

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ACP-323422-25
<b>Proposed Development Summary</b>	Whether the existing water tank within the disused handball alley at Gormanston Park is or is not development or is or is not exempted development.
<b>Development Address</b>	Gormanston Park, Gormanston, Co. Meath
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_