

An Bord Pleanála  
64 Marlborough Street  
Dublin 1  
D01 V902

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17 June 2021

**Case Number: ABP- 310279-21**

**Section 5 referral – Cloontykilla Castle, County Roscommon**

A Chara,

I refer to the above referral of a Section 5 application made to Roscommon County Council by me on 22 March 2021 of the following question:

*Whether the construction of parapets or battlements to the north west facing corner tower of Cloontykilla Castle, Rockingham Estate, Boyle, County Roscommon (Protected Structure No. 006000283) carried out between the period 03/01/2021 and 17/03/2021 is or is not development, and is or is not exempted development.*

I note that Roscommon County Council referred the Section 5 application to you on 18 May 2021. This submission is made in response to your request for a submission of 21 May 2021.

I enclose a tabulated Booklet of Exhibits for your consideration with this submission .

**Background to the Section 5 referral:**

At the outset it is important that the Board appreciate the wider context of this application for a Section 5 Declaration.

Cloontykilla Castle is a 19<sup>th</sup> Century hunting lodge built by the King-Harmon family of Rockingham House, situated outside Boyle, County Roscommon. Rockingham House was recognised as one of



the finest houses of the Anglo-Irish aristocracy, which sadly was burnt to the ground in the 1950's and demolished in 1970. The King-Harmon family build a number of 'follies' or garden buildings on their large estate, one of the finest examples of which is Cloontykilla Castle.

Irish follies and garden buildings represent a fascinating and diverse group of ornamental structures that add beauty and delight to the Irish countryside. Constructed during the eighteenth and nineteenth centuries, mainly within the landscaped demesnes of large country houses, these buildings are unique to Britain and Ireland, and are now recognised as a significant part of European cultural history. Of the many different types of ornamental garden structures, the "folly fort" is one of the most rare. While many country houses and gate lodges were constructed in the castle-style, the free-standing miniature fort such as that at Cloontykilla, sometimes referred to as a "sham castle", is much less common.

Follies range in sophistication from simple, unadorned eye-catchers, created with little design and constructed with basic local materials, to exquisite miniature works of architecture, with a level of detail and materiality found in our finest civic buildings.

Cloontykilla Castle falls into the second category, having clearly been designed by an accomplished architect with a level of detail and craftsmanship that would not be out of place in a country house or church of the first order. John Nash, the celebrated English architect who worked at Rockingham has often been credited with the design of Cloontykilla Castle, although this has not been definitively proven. If not Nash, the high quality of design and construction, would certainly suggest an architect of his stature. Like many follies, Cloontykilla Castle combined ornamentation with function, both as an attractive composition and destination set within a designed landscape, and as a pavilion for socialising. A hard-working building, the structure also included a prospect tower (located at the north western point of the Castle) that rose to over fifteen meters in height, from which to view the surrounding designed landscape with views out to the nearby lake. It is that prospect tower which is the subject of the within referral under Section 5 of the Act. Fireplaces and chimneys suggest that the range at the back end of the keep may also have been used as accommodation for staff, on the lower levels at least.

The building takes the form a square keep of some twenty metres, with four corner towers of varying heights and a Gothic gateway entrance, set within a breakfront. The tops of the towers and screen walls are crenellated and the bases battered to create an authentic sense of defence, while the cut limestone quoins, arches, window surrounds and loop holes are dressed to the highest quality. A date stone of 1839, carved into the keystone of the entrance archway, provides a reliable date for the completion of the building. This places it just after the Georgian period and well into the Gothic Revival, which dominated country house architecture of this period in Ireland. Testament to the



quality of workmanship was the excellent condition of the masonry after many decades of abandonment and neglect, prior to the current phase of reconstruction of the structure.

### **Cultural Significance**

Cultural Significance is a concept, which helps in estimating the value of places. The places that are likely to be of significance are those which help an understanding of the past; or enrich the present; or which will be of value to future generations. There are a variety of categories generally used to evaluate the level of cultural significance and of those – Historical, Architectural, Historic Landscape and Social Interest categories are relevant to an assessment of the cultural significance of Cloontykilla Castle.

As an important part of one of Ireland's most impressive country house demesnes, the historical significance is considerable, as is the high quality and rarity of the architecture together with the superb, natural-style designed landscape in which it stands. The extensive functional use of the building, most likely for both the gentry and their staff, adds an interesting social layer that provides insights to country living in Ireland during the first half of the nineteenth century. Considering all four of these different layers of interest, Cloontykilla Castle is, without question, a building of national cultural significance. While Cloontykilla Castle has been entered into the Record of Protected Structures as of Regional significance, I am advised by conservation professionals that it should in fact be recorded as of National significance given its rarity as an example of a complete 'folly fort'.

In that regard, please see attached at **TAB A** an extract from "*The Follies and Garden Buildings of Ireland*" by James Howley, FRIAI, Conservation Architect (Grade 1). This is recognised as the seminal architectural conservation work dealing with this type of building.

### **Planning History**

As is noted in the referral to you the planning history of the site includes a permission granted by Roscommon County Council on 27 November 2007 under Reg. Ref: 07/143 for the reconstruction of Cloontykilla Castle, exhibited at **TAB B**. Works proceeded on foot of this permission under a Commencement Notice of 6 March 2008.

The reconstruction of the Castle featured in episode 1, of Season 12 of the Channel 4 documentary "Grand Designs".

It is also noted that the developer submitted the extract at **TAB A** referred to above from the Howley book with the application for permission under Reg. Ref 07/143.

As was noted at the conclusion to the Grand Designs programme, the developer at that time Mr. Sean Simon ran into financial difficulty as a result of the financial crisis affecting the Irish banking



sector in the late 2000's with the result that his lender Ulster Bank refused to advance further monies towards the project, and the project became moribund in 2012 with the planning permission expiring in November 2012 with the development largely uncompleted at that time.

As is noted in the Channel 4 programme, the developer Mr. Simon began to undertake unauthorised development in relation to permission 07/143 in and around March 2010

This is demonstrated also by a review of a planning enforcement file of Roscommon County Council under reference UDR 1601 which is exhibited at **TAB C**.

As will be seen from same Warning Letters under Section 152 of the Planning and Development issued to the then developer on:

- 9 September 2010;
- 23 September 2010;
- 25 May 2011;

As can also be seen from the UDR file it is clear that in the period after expiry of the permission, that the development was moribund, as confirmed by a site inspection by the planning authority on 27 June 2014

As will be noted from the PRAI Folio, ownership of the Castle transferred from Mr. Simon to a US company Columbia Ventures Corporation on 4 April 2019.

### **Reconstruction works recommencing in 2020**

The reconstruction of Cloontykilla Castle itself began with clearance works to the curtilage of Cloontykilla Castle, including preparatory works for the construction of a private marina and boardwalk in Lough Key and cutting of trees in the vicinity of the protected structure in and around April 2020. The former was undertaken without any planning permission, and the latter in breach of Condition 10 of planning permission Reg. Ref 07/143 (even if same was in effect).

Full construction works to reconstruct Cloontykilla Castle resumed in and around August 2020. These include, as I understand it works to replace the roof to the structure, to remove one rooflight and to install a new rooflight in a different location. They also consisted of, it appears, the following:

1. Removal of two courses of concrete blockwork which had been laid on top of the ranges in 2011.
2. 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);



3. Formation of at least one new opening in the North Eastern tower;
4. Introduction of new highly visible lead flashings laid underneath all crenellations;
5. Reconstruction of the range crenellations using new limestone from an unknown quarry and unknown fixing methods;
6. 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;
7. Rebuilding the new 'fake' wall at first floor level using historic fabric;
8. Conjectural reconstruction of the crenellations on the North Western tower (the subject of this referral) (conjectural because unlike the 3 other towers, these merlons *had* indeed been lost, so their reconstruction was based on more limited evidence than available elsewhere).

It is important to remember that what is involved with the works at Cloontykilla Castle are not restoration works, but reconstruction works or adaptation works. The works permitted under Reg. Ref: 07/143 authorised the reconstruction of the ruined hunting lodge, including its adaptation into a private dwelling house with new construction for additional accommodation space.

Under the unauthorised development undertaken by Mr. Simon the said accommodation space was expanded from that permitted under Reg Ref: 07/143.

I enclose a copy of the Australian ICOMOS *Burra Charter* (2013) at **TAB D** which is the classification document most commonly referred to by conservation professionals, and which itself is referred to in the Irish *Architectural Heritage Protection Guidelines for Planning Authorities* issued under Sections 28 and 52 of the Act, which the Board will be familiar with.

The *Burra Charter* defines the following conservation terms:

*Article 1.7      Restoration means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.*

*Article 1.8      Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material.*

*Article 1.9      Adaptation means changing a place to suit the existing use or a proposed use.*



A reading of permission 07/143 clearly demonstrates that what was involved with the proposed development at Cloontykilla Castle involved significant works consisting of reconstruction and adaptation, which as demonstrated from the planning authority's Enforcement File remained incomplete as of the date of expiry of that permission, notwithstanding the unauthorised development which had been completed related to that permission up to the time of its expiry.

### **Further phase of Unauthorised Development**

The Board will note from the Enforcement file that a member of the public noticed a further phase of unauthorised development taking place to the Castle in September 2020 and followed this up with another complaint in November 2020. I was not aware of this separate complaint by a member of the public.

In August 2020, I made a request under the AIE Regulations to Roscommon County Council for information in relation to the planning status of the works which were taking place at that time. My request was refused by Roscommon County Council on the basis that it did not relate to environmental information. Subsequently, Roscommon County Council on internal review accepted that the information concerned did constitute environmental information, but refused it on the basis that they were still pursuing enforcement action against the original developer under the Act.

I pointed out to Roscommon County Council that their ability to enforce the conditions of permission 07/143 expired in November 2019, and there was no basis for them maintaining enforcement proceedings in the circumstances.

Subsequently, on 7<sup>th</sup> December 2020 the planning authority closed the UDR 1601 file and opened a new file UDR 2579 for the following:

*"alleged unauthorised development on site without the benefit of planning permission at Cloontykilla Castle, Rockingham Desmense, Boyle, Co. Roscommon".*

I did not visit Cloontykilla Castle from 12 August 2020 (when I noticed that access to the Castle was completely blocked to members of the public) until 3 January 2021. On that date, when I approached the Castle I was able to gain access to the public walkway as some of the security fencing was knocked down. I observed extensive works taking place, with numerous plant and machinery on site and various piles of construction material around the perimeter of the Protected Structure.

I lodged a complaint of Unauthorised Development with the planning authority on 6 January 2021, exhibited at **TAB E**.



I visited the Castle again on St. Patrick's Day 17<sup>th</sup> March, and 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.

I observed scaffolding over the north western tower, which as stated above is the highest tower of the Protected Structure. It was clear to me from my observations from the ground, including moving a distance away from the Castle for a better vantage, that the top of the tower was being reconstructed. When I looked back at the photos which I had taken on 3 January, I had one photo which (although the photo was not intended to observe the tower) showed the tower in the same condition as when Planning Permission 07/143 expired in November 2012, and which is also shown on the photographs taken by the planning authority's Inspector on 30 September 2020 at page 132 **TAB C**.

When I observed the artists impression of the planned completed reconstructed Castle it was clear to me that what was underway was the completion of the reconstruction of the Castle which had become moribund in 2012, including *inter alia* the conjectural reconstruction of the parapets and battlements to the north western tower.

Furthermore, I observed drone footage available on the internet at the following location, <https://www.youtube.com/watch?v=dNrt2dyTXQQ> which is stated as being from 27 February 2020, which clearly shows the tower in its condition prior to the works which I had observed as having taken place between the 3 January 2021 and 17 March 2021.

I lodged an application for a Declaration under Section 5 of the Act, in respect of these particular works as it seemed to me to be clear from any observation of the tower at its base below the scaffolding that there had been a significant **material** alteration to the towers occurring during that period.

Subsequently, on 15<sup>th</sup> April 2021 the planning authority issued Enforcement Notices under Section 154 of the Act to the occupier, the owner and a company formed to commercially operate the Castle on 19 August 2019. I exhibit same at **TAB F**

The Enforcement Notices were in the following terms:

*Development on site without the benefit of planning permission at Cloontykillia Caste, Rockingham Demesne, Boyle, Co. Roscommon.*

I was therefore surprised and disappointed at the failure of Roscommon County Council to decide this Section 5 application and to refer it to the Board. The apparent inability to determine the Section 5 application would appear to be logically inconsistent with the fact that they have issued an



Enforcement Notice in respect of the unauthorised development, of which the works referred to in my application under Section 5 form an integral part of.

Furthermore, planning officials from Roscommon County Council carried out at least one site inspection at the end of March 2021, which was confirmed to me in a letter from the Council of 24 March 2021 exhibited at **TAB G**, and presumably on foot of which the Enforcement Notices issued on 15 April 2021. Furthermore, as referred to above the planning authority had conducted a Site Inspection on 30 September 2020 which included a photograph of the relevant tower showing its condition prior to the works the subject of this referral under Section 5 of the Act.

In the letter by my solicitor to the Council of 28 April 2021, located at **TAB H**, she pointed out that the planning authority have full powers under Section 6 of the Act to inspect property for the purposes of carrying out its duties under the Act. If the relevant official from the planning authority could not observe the parapets and battlements from the ground, it was available to them to request access to the roof in order to do so. In fact, the tower in question has a staircase which allows access to the top of the tower, and it was also free to the planning authority official to request such access.

Indeed, as is clear from the planning enforcement file located at **TAB C**, the planning authority had already written confirmation from the developer that they were installing new crenellations to the parapets and battlements of the Protected Structure including photographic evidence of same.

Indeed furthermore, please see attached extract at **TAB I** from the website of the stone mason employed by the developer which confirms that they installed completely new stonework on the Protected Structure together with photographs of same.

In any event, I do not think it is seriously suggested by either the developer or Roscommon County Council that there has not been installation of new crenellations to the parapets and battlements of the north western facing tower of Cloontykilla Castle between the period of 3 January 2021 and 17 March 2021.

It is my assumption that the developer will argue that said works constitute "emergency works" in order to prevent water ingress at the tower, and that they may furnish a report of a firm of engineering consultants to that effect.

I would note that any report as to the engineering requirements which may or may not have necessitated the works cannot deal with the requirements of Part IV of the Act, and I will deal with same in further detail below.



I would say however, and I believe that same will be clear to the Board, should an Inspector from the Board conduct a site inspection, that the works which have taken place to the Protected Structure are essentially works to complete the development permitted under Reg. Ref. 07/143 (including the unauthorised development undertaken in respect of same) since permission expired on 26 November 2012. One can only speculate as to the reasons why it was considered appropriate not to apply for a new grant of planning permission to authorise the completion of the reconstruction of the Protected Structure.

However, it is clear to me that the works the subject of this application are development which is not exempted development, as will be outlined below.

### **Protected Structures & Exempted Development**

Pursuant to the Planning and Development Act 2000, as amended, ("Act") as you are aware, all development (including works or a change of use) requires planning permission unless there is a specific exempted development provision provided for in the Act or the Regulations. There is therefore a general presumption that planning permission is required unless specifically stated.

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.

Specifically, 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. (emphasis added).*

Section 2(1) of the Planning and Development 2000 Act, as amended, ("Act") 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);" (emphasis added)*

Therefore, the only circumstances whereby works to a protected structure can rely upon an 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' in question, Howley in his book states in relation to Cloontykilla Castle:

*"The structure consists of a large square battlemented wall, with lightly battered square towers or flankers, all of differing heights, on the four corners. It is entered through a false pointed central archway, complete with portcullis-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 MacDermott's Castle and back down into the Courtyard. The stonework 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.*

It is clear therefore on any objective basis that 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 and cultural interest.

Under Section 2 of the Act works is defined as including "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 form the surfaces of the interior or exterior of a structure".



As set out above in some detail, there have been 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. It is my understanding that the developers of Cloontykilla Castle have never sought a Declaration under Section 57 of the Act, despite, as is clear from the planning enforcement file, being recommended to apply for same by the Planning Authority.

It is important to note that 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".

While in my view, the nature of the works completed by Cloontykilla extend beyond what are being described as "emergency works" by the developers, I am advised by conservation professionals that in circumstances where "emergency works" are worked to a protected structure, temporary weathering protection can be implemented, pending the outcome of an application for planning permission without the need for significant works being carried out in the absence of planning permission.

Furthermore, as no doubt the Board are aware it is immaterial in the context of works to a Protected Structure whether any argument can be made that such works improve its appearance. In *Cairnduff v O'Connell* [1986] I.R. 73, the Supreme Court held that the test as to whether works materially affect the external appearance of the structure does not in any way depend on whether they affect that appearance for better or worse. I would also draw your attention to recent decisions of the Board on proposed works to protected structures including ABP decision 307426-20 and ABP decision 306105-19.

It is therefore of no consequence, whether the developer submits in this instance that the installation of new parapets and battlements have resulted in an improvement in the appearance of the Castle. For the purposes of the Act, the effects of work on the appearance of the structure is not a relevant consideration. The only relevant consideration in the context of the works in question is whether they 'materially affect' the external appearance of any element of the structure which contributes to the special interest which led to its inclusion in the Record of Protected Structure.

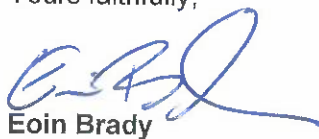


As is clear from the extract from Howley above, the parapets and battlements of Cloontykilla Castle are a significant element of the Protected Structure which contribute to its special architectural and cultural interest.

The works to construct and install new parapets and battlements on the north west facing (and highest) tower of the Castle are, in my submission, entirely material from a planning point of view. This is supported by numerous previous decisions of the Board in relation to the question of materiality as it applies to Protected Structures, including those of similar cultural and architectural significance such as Cloontykilla Castle.

I am confident therefore, that the Board will agree that the works in question are development, and are not exempted development.

Yours faithfully,

  
Eoin Brady

Encl.





**Exhibits to submission of Eoin Brady in relation to ABP- 310279-21**

**Section 5 referral – Cloontykilla Castle, County Roscommon**

**AN BORD PLEANÁLA**

17 JUN 2021

LTR DATED 17-06 FROM 3<sup>rd</sup> party Eoin Brady.

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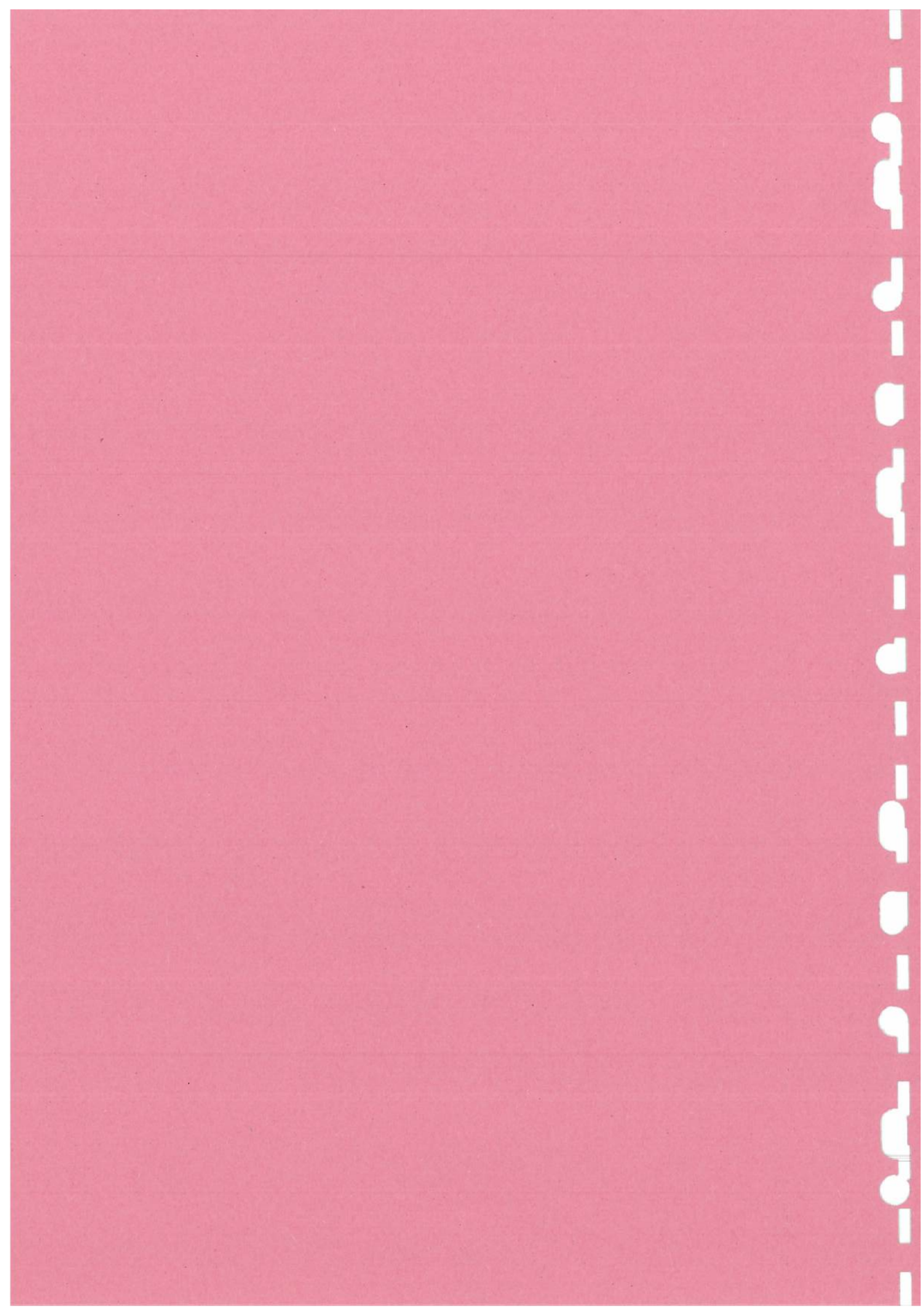


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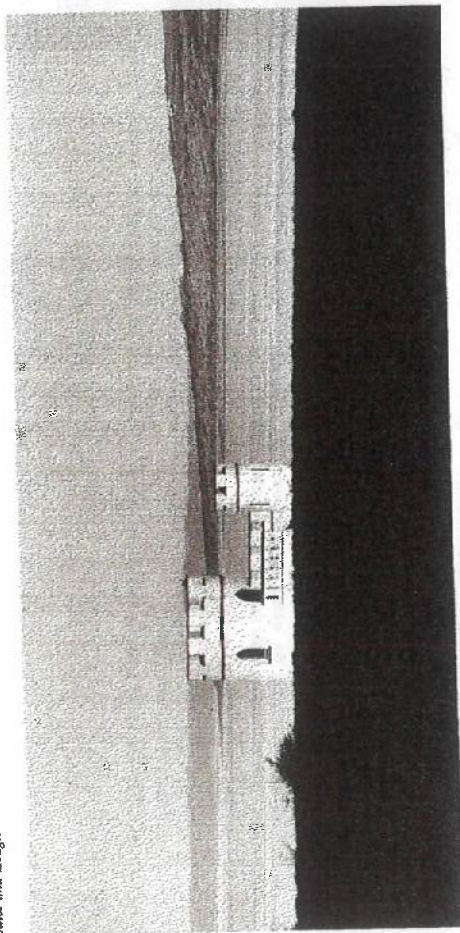
## CHAPTER 6

## Forts and Sham Castles

Along with all the other examples of ruins to be found in Ireland, there are a great many small castles and ring forts of ancient origin. The entire Book I of Thomas Wright's *Louthiana* consists of 'Views and Plans of the Most Remarkable Bodes, Forts and Mounts . . . with an account of their origin as attributed to Natives or Foreign Colonies'. These delightful drawings are mostly of ring forts or ruins dating from the early Christian period. Wright attributes their construction mostly to the Danes, apart from one, of which he claims, 'Tis said to have been the Station of a Colony of Scotchmen, or Albanians, from whence it has its Name.' Book II is on the subject of the 'Principal Castles, Keeps, and Towers', most of which are quite small and have an almost toy-like quality about them, very much in the manner of a folly.

It has already been noted that the castle style of house-building influenced the folly-builders, through a desire for things picturesque and the romantic notions of false antiquity. This influence is most obvious in castellated gate lodges and folly towers. The tower at Ballyfin is so large that it could almost be considered a mock castle, and the extensive gates and crenellated walls at Slane and Glenarm are equally sham in their castle-style conceit. In a later chapter we will

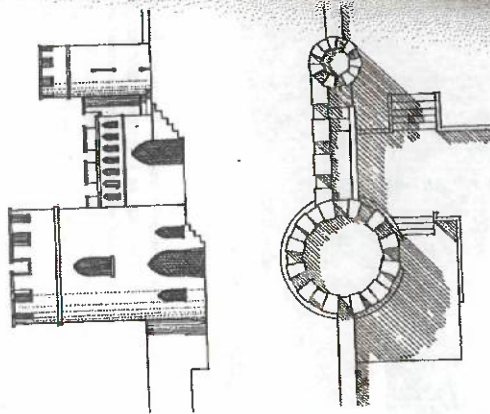
159. Glin bathing lodge in its present setting.



building. It is none the less a very fine little building, with projecting stepped buttresses topped with pinnacles above a deeply projecting cornice. Between the buttresses are pointed-arch and circular windows with elaborate glazing patterns, over which rise ogival pinnacles, pierced by trefoil openings.<sup>40</sup>

One final example of a pavilion lodge, built purely for pleasure, is also to be found at Glin. This tiny stuccoed and battlemented building stands across a wide field in front of the house on the edge of the estate (plate 159). It is separated only by a narrow road from the shore of the Shannon estuary, and is equally charming when viewed from either side. Although small, the lodge is cleverly designed (plate 160), with a series of changing levels, a false turret, and accessible battlements. These lead to the upper floor of the round two-storey tower which provides the accommodation. A doorway through the wall under the battlemented screen, which links tower to turret, leads to the shore and suggests that the lodge may have been used for bathing or boating activities. Internally there are fireplaces, which would have provided added comfort to the users, whether drying out after some water-associated activity or simply enjoying the view.

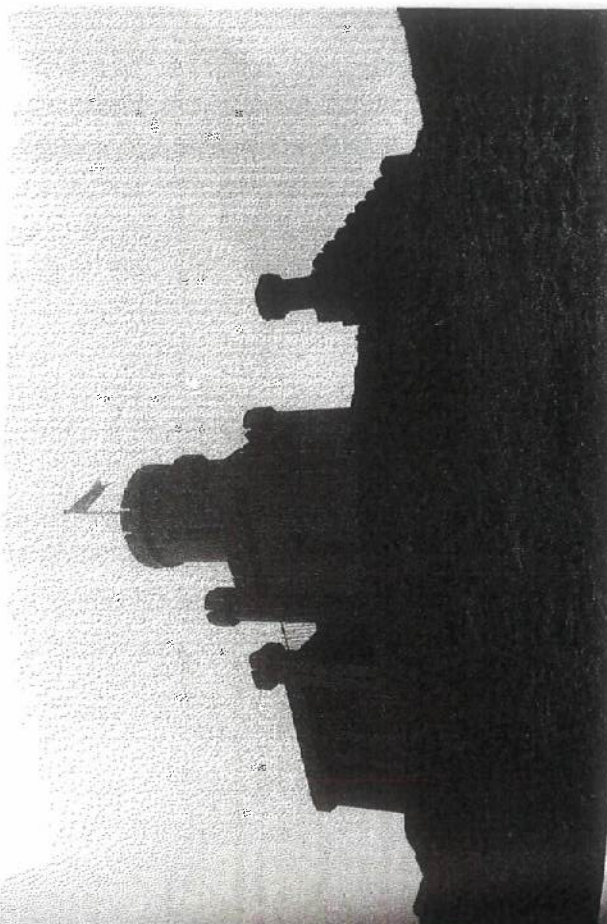
Of all the lodges at Glin, this final and smallest example is the finest, not only for its siting but also for its amusing composition, which gives it the impression of being more extensive than it actually is. As it most closely resembles the spirit of the parent house it therefore best serves it, although only intended as a private gateway for pleasure-seekers. The Glin lodge also provides us with a final reminder that buildings erected to mark entry come in varying styles and forms, which were very often seized on and used in the

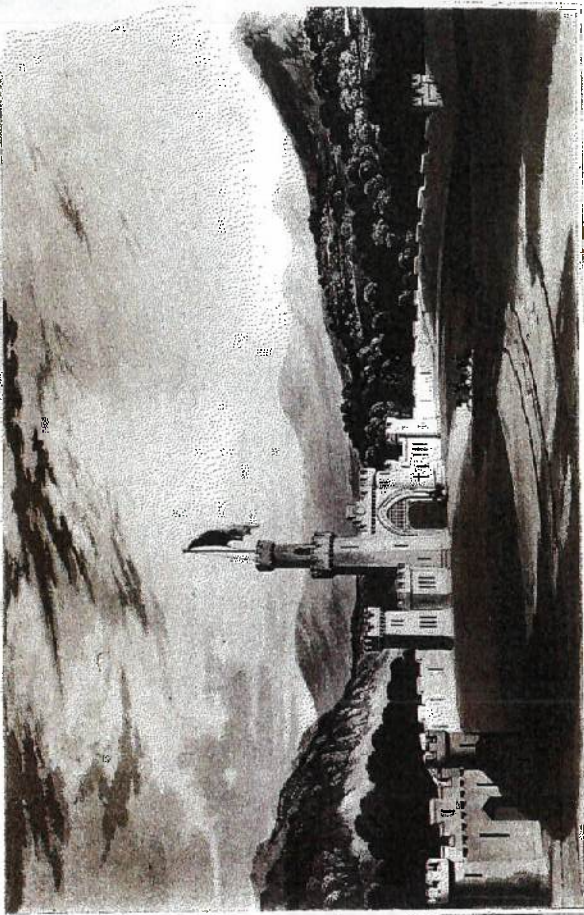


160. Glin bathing lodge: elevation and roof plan.

laying-out or improving of an estate. They are the most accessible of all the different categories of follies and garden buildings, generally sited on the more public fringes of the demesne. As follies they are also often unique in being specifically designed for habitation, even if this consideration proved to be secondary to the pursuit of an Arcadian or picturesque effect.

161. Sham castle, Donaghadee, from the base of the moat. (Photograph by Roberto D'Ussy.)



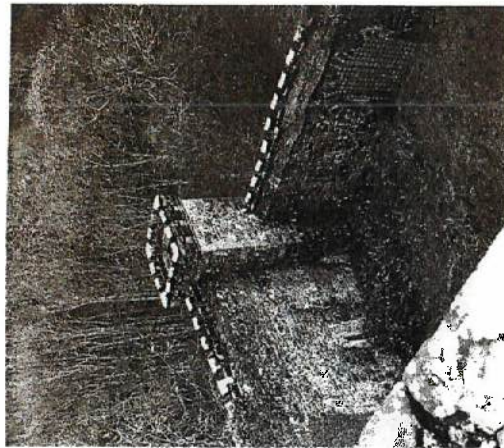


162. Markree Castle entrance gates: a drawing by Francis Goodwin from his book *Rural Architecture*. (Courtesy of the Irish Architectural Archive.)

also encounter a large folly bridge adorned with small castles at either end. Of all the castellated entrance gateways in Ireland, the most extensive and castle-like must surely be the one at Markree Castle, Collooney, Co. Sligo. Built in the early 1830s to the design of the English architect, Francis Goodwin, it extends some 300 feet in length and is illustrated in Goodwin's *Rural Architecture*,<sup>2</sup> which was published in 1835 (plate 162). It has rightly been described as 'one of the most spectacular Gothic entrances in Ireland'.<sup>3</sup> Markree is associated with the hymn-writer, Mrs Cecil Frances Alexander, who is known to have stayed there; and it is thought that the castle and its impressive gateway were the inspiration for her best-known hymn, 'All Things Bright and Beautiful'. The fourth verse refers to a purple-headed mountain and a river running by, which is an accurate description of Markree's setting; while the third verse reads:

The rich man in his castle,  
The poor man at his gate,  
God made them, high or lowly,  
And order'd their estate.

Written in 1848, this smug apology now seems rather



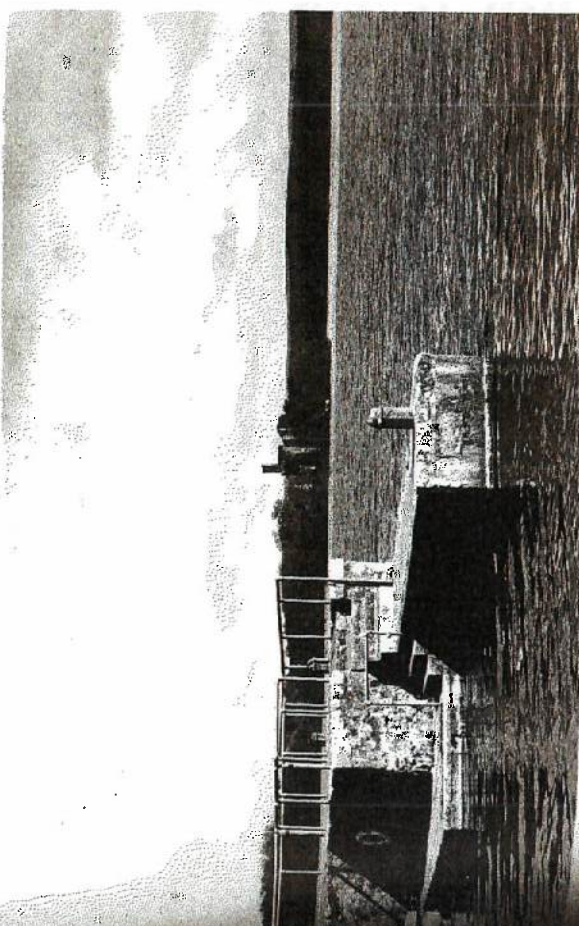
164. Cloontyella Castle courtyard: detail from the prospect tower.

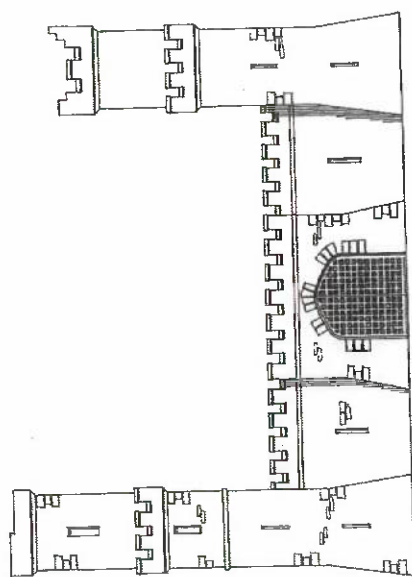
towers reflected on the water (plate 163). One narrow square turret rises above all the others and the building, now neglected, is overgrown with a picturesque if destructive layer of ivy.

The castle was used for dances and parties, and local legend claims there was once a tunnel linking the island to the shore. Such a feat of engineering would have presented an almost impossible challenge in rural Ireland during the nineteenth century. It is more likely that the rumours were stimulated by the surviving extensive network of tunnels and storage chambers built near to the house. These accommodated the delivery and storage of fuel and provisions, all discreetly hidden to avoid despoiling the fine views from the house. Local stories also claim that MacDermot's Castle was at one time used as a home for the parson and that it was in fact occupied until the late 1940s.

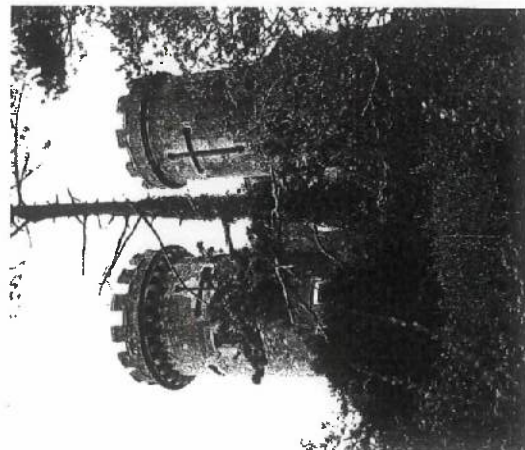
Cloontyella Castle is a pure folly, set in a clearing amid tall spindly trees and a thick sea of moss. It takes a substantial trek to find it and, as it is outside the complex of official forestry walks, it is rarely visited. This all helps to create an impressive gloom-laden atmosphere, which can be improved upon only by a steady, windless shower of Irish rain. It is remarkably similar in both plan and size to an early seventeenth-century castle known as Tully Castle, built on

163. MacDermot's Castle, Rockingham, viewed from across Lough Key.





165. Cloonykilla Castle, Rockingham: elevation and plan.



166. Sham castle at Fota Island.

the west shore of Lower Lough Erne.<sup>5</sup> The structure consists of a large square battlemented wall, with highly battered square towers or flankers, all of differing heights, on the four corners (plate 165). It is entered through a flat pointed central archway, complete with portcullis-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 round 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 MacDermot's Castle and back down into the courtyard (plate 164). The stonework 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. Cloonykilla Castle was used as a hunting lodge and, with its large banqueting room, no doubt it also accommodated the post-hunt junketing. A description from the 1970s claims that the castle was lived in until the 1960s,<sup>6</sup> which, if true, makes its present state of dereliction an even sadder testimony to neglect.

At one end of Fota Island in Cork stands a small early nineteenth-century folly castle, designed by John Hargrave

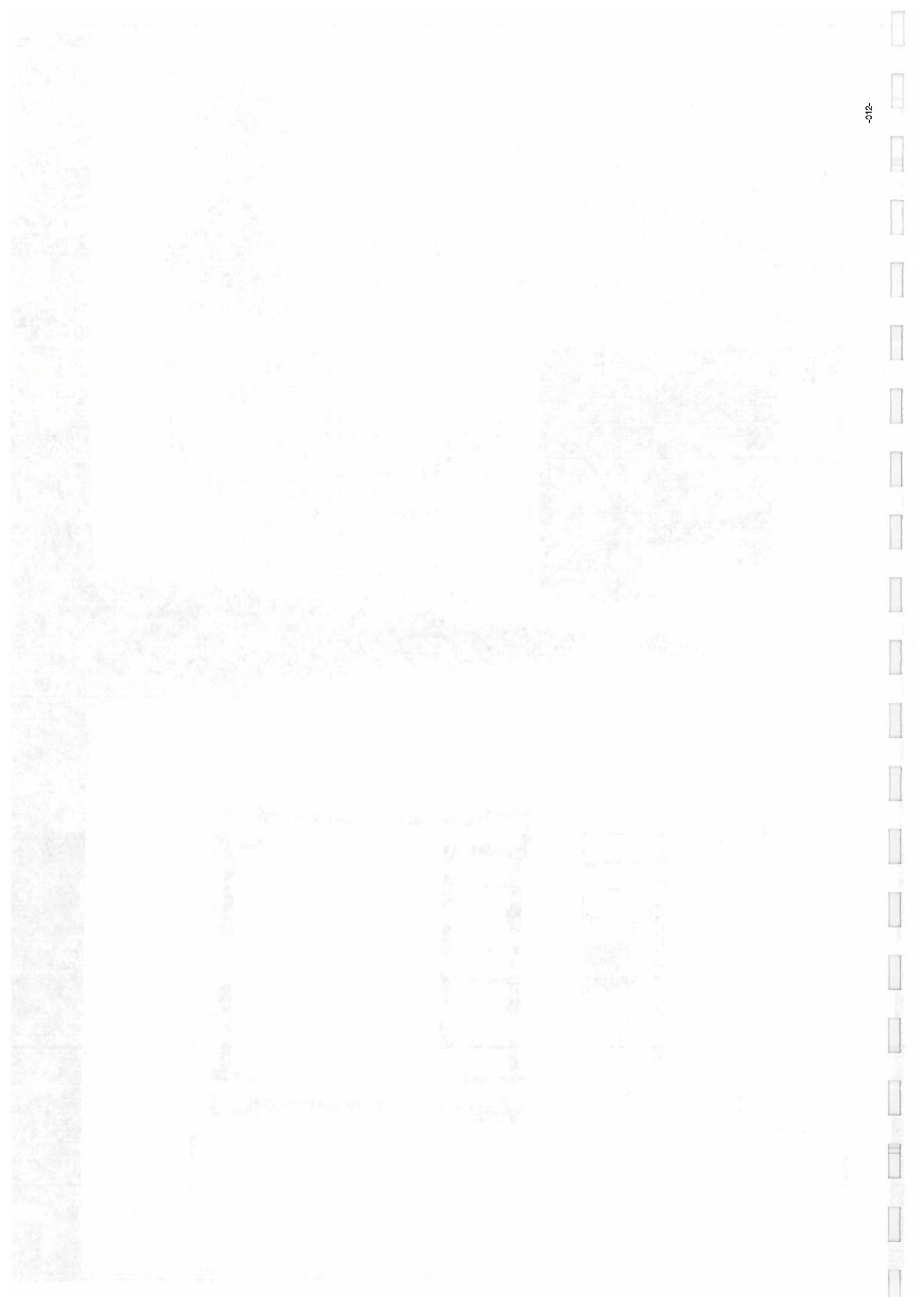
of Cork for the demesne which covers the island. This is a crisp two-storey stone-built structure with two round towers rising above the main rather square mass of the building. An equally box-like projection to the entrance front contains a porte-cochère. The decorative castellations are quite fine and the building becomes more interesting when viewed from the river towards the two towers (plate 166). In a very similar style, but much more interesting, is Blackrock Castle, situated further along the estuary of the Lee towards Cork city. This was an early nineteenth-century conversion of an older castle and stands on a rocky promontory which projects into the river. It is a fine baronial-style composition with a large round tower, complete with multi-stepped corbels and a taller stair tower.

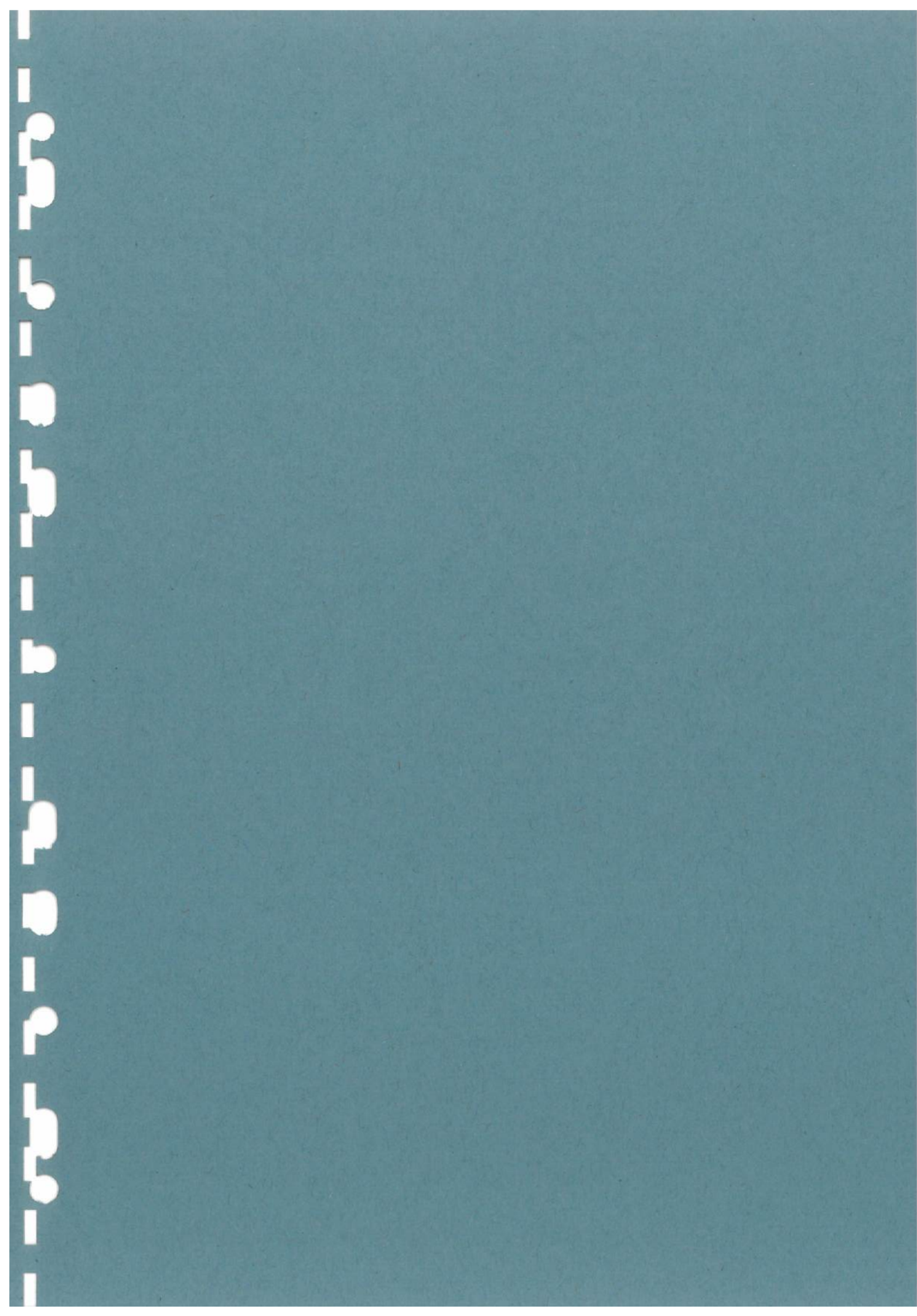
One final interesting example of a sham castle is found at Heywood House, Co. Leth. This stands adjacent to the excellent and equally sham ruins which stand halfway along the drive, overlooking a deep valley which once contained a series of artificial lakes. The castle is a fairly plain structure, decorated only with simple battlements, arrow-slits, and Gothic windows. Internally there is a more elaborate plan arrangement, consisting of four round towers on the corners of a square central space. The tower or castle was designed to be read in conjunction with the more decorative ruined screen which stands in front of it and would have provided a sheltered vantage point from which to survey the landscaped valley, either through the Gothic tracery of the screen or over the top of it from the roof (plate 167).

In Donaghadee, north Co. Down, there is an early nineteenth-century sham castle which was built for a functional and very practical reason. Before Belfast grew to prominence Donaghadee had been the major port of the north of Ireland, linking with Port Patrick in Scotland; and it was still important enough to build an impressive new harbour in the early nineteenth century. Around 1821 the small sham castle was constructed on the edge of the town to store gunpowder used in the blasting operations required by the works. It stands on a Norman motte built by William de Copeland in the late twelfth to early thirteenth century.

167. Sham castle, Heywood: view across the rooftop.









**ROSCOMMON COUNTY COUNCIL**

**LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 – 2006**

**COUNTY MANAGER'S ORDER DECIDING TO GRANT PERMISSION**

**Manager's Order No:** PL 2116/07

**Reference Number:** 07/143

**Name and Address of Applicant:** Sean Simon, No. 2 Boderg Shannoncourt,  
Carrick-on-Shannon, Co. Leitrim.

**AGENT** O'Carroll Associates, Eagle Lodge, Convent  
Road, Roscommon.

**Nature of Application:**

PERMISSION for extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at

**Location of Development:** Rockingham Demesne Townland, (Lough Key Forest Park),  
Boyle, Co. Rosecommon.

**ORDER:**

By virtue of the powers vested in me by the Local Government Acts, 1925 – 2003, and the Local Government (Planning & Development) Acts 1963 – 2006 and having considered the various submissions and reports in connection with the application described above it is hereby Ordered that the decision of Roscommon County Council on the application is to **Grant PERMISSION** for the development of the land which is the subject matter of the Planning Application subject to the conditions (if any) listed in the Schedule hereto.

**IT IS FURTHER ORDERED** that PERMISSION be granted in accordance with the said Decision unless an Appeal against the Decision which is not subsequently withdrawn is lodged with An Bord Pleanála.

Signed: \_\_\_\_\_

**COUNTY MANAGER / DIRECTOR OF SERVICES**

**DATE** 22/10/2007

**ROSCOMMON COUNTY COUNCIL**  
**LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 - 2006**  
**NOTIFICATION OF DECISION TO GRANT PERMISSION**  
**(SUBJECT TO CONDITIONS) UNDER SECTION 34 OF THE ACT**

TO: Sean Simon,  
No. 2 Boderg Shannoncourt,  
Carrick-on-Shannon,  
Co. Leitrim.

**Planning Register Number:**

PD/07/143

**Application Received:**

31/01/2007

In pursuance of the powers conferred upon them by the above-mentioned Acts and having considered the various submissions and reports in connection with the application described below, Roscommon County Council (being the Planning Authority for the whole of the County of Roscommon) have by Order dated 22/10/2007 decided to Grant PERMISSION for the development of land, namely:-

For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at Rockingham Demesne Townland, (Lough Key Forest Park), Boyle, Co. Roscommon, in accordance with the plans submitted with the application.

Subject to the 15 conditions set out in the attached schedule.

The PERMISSION referred to in this Notice shall be issued by way of a Final Grant as soon as may be but not earlier than 3 working days after the expiration of the period for the making of an Appeal to An Bord Pleanála if there is no appeal before An Bord Pleanála on the expiration of the said period.  
(No development shall commence until Final Grant has been issued)

Signed on behalf of the said Council

\_\_\_\_\_  
ADMINISTRATIVE OFFICER.

Date 22/10/2007

Cc. O'Carroll Associates,  
Eagle Lodge,  
Convent Road,  
Roscommon.

**See below for Appeals Procedure and attached for Schedule of Fees payable to An Bord Pleanala.**

**NOTE 1:** An appeal against the above Decision may be made to An Bord Pleanala, 64, Marlborough Street, Dublin 1.

**NOTE 2:** The date of Decision was 22/10/2007

**NOTE 3:** The Appeal shall:

- (a) Be made in writing
- (b) State the Name and address of the Appellant
- (c) State the subject matter of the Appeal.
- (d) State, in full, the grounds of Appeal and the reasons, considerations and arguments on which they are based.
- (e) Be accompanied by the appropriate fee as required by the Local Government (Planning & Development) Regulations 1994.
- (f) In the case of an appeal by a person who made submissions or observations in accordance with the permission regulations, be accompanied by an acknowledgment by the planning authority of receipt of the submissions or observations.
- (g) The Appeal must be received by An Bord Pleanala
  - 1. Within 4 weeks beginning on the date of the making of the decision by the Planning Authority for any other Application
  - 2. Within ONE MONTH beginning on the date of the making of the decision by the Planning Authority if either
    - The Application was lodged prior to 11<sup>th</sup> March 2002
    - The application is for approval consequent on an outline permission in respect of which a valid application for Outline Permission was lodged prior to 11<sup>th</sup> March 2002

**An appeal which does not comply with the above requirements shall be invalid.**

**The Reference No. PD/07/143 should be quoted in the Appeal document.**

**SCHEDULE OF CONDITIONS IMPOSED BY THE PLANNING AUTHORITY**

**P & D Ref. No:** PD/07/143  
**Applicant:** Sean Simon  
**Development:** Permission for extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' – by way of conservation and reinstatement of (a) 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 149 sq.m) by way of 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, completed 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 at Cloontykilla Castle, Rockingham Demesne, (Lough Key Forest Park), Boyle, Co. Roscommon.

1. The development shall be carried out strictly in accordance with plans and documents submitted on 31/01/2007, and as amended by the details submitted on 25/09/2007, except where conditions hereunder specify otherwise.

**Reason:** In the interests of proper planning and development.

2. Prior to commencement of development the developer shall submit to the Planning Authority calculations and specifications showing compliance with Part L of the Building Regulations with regard to conservation of fuel and energy for the residential unit granted in the development.

**Reason:** In the interests of proper planning and development.

3. Access to the proposed development shall be obtained from the local road as opposed to the Regional Route (R 285).

**Reason:** In the interests of traffic safety.

4. Developer shall take adequate measures to ensure that the access road to the proposed development is surfaced satisfactorily to accommodate motor vehicles. Such works shall be undertaken in such a fashion so as not to be detrimental to the local flora and fauna of the afforested area.

**Reason:** In the interests of traffic safety and orderly development.

**SCHEDULE OF CONDITIONS IMPOSED BY THE PLANNING AUTHORITY**

**P & D Ref. No:** PD/07/143  
**Applicant:** Sean Simon  
**Development:** Permission for extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' – by way of conservation and reinstatement of (a) 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 149 sq.m) by way of 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, completed 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 at Cloontykilla Castle, Rockingham Demesne, (Lough Key Forest Park), Boyle, Co. Roscommon.

5. Developer shall prepare a progress report during the various stages of the proposed construction works indicating compliance with the methodology for such works as proposed in submissions lodged.

**Reason:** To ensure satisfactory completion of works to a protected structure and in the interests of the proper planning and sustainable development of the area.

6. Effluent disposal from the proposed development, shall be by means of a proprietary treatment system together with percolation areas, installed to the manufacturers instructions and in compliance with the EPA Wastewater Treatment Manual: Treatment System for Single House, as recommended by the Department of the Environment

Developer shall liaise with the Local Authority (Environment section) to allow inspection of installation and construction of percolation areas at construction stage.

A certificate of installation, from the manufacturers of the system shall be submitted to Roscommon County Council on completion of the works.

**Reason:** In the interests of public health and preserving an amenity waterway, Lough Key.

7. Prior to occupation of the dwelling the developer shall submit to the Planning Authority a copy of a 10 year maintenance agreement with the manufacturers of the effluent treatment system.

**Reason:** In the interests of public health.

**SCHEDULE OF CONDITIONS IMPOSED BY THE PLANNING AUTHORITY**

**P & D Ref. No:** PD/07/143  
**Applicant:** Sean Simon  
**Development:** Permission for extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' – by way of conservation and reinstatement of (a) 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 149 sq.m) by way of 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, completed 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 at Cloontykilla Castle, Rockingham Demesne, (Lough Key Forest Park), Boyle, Co. Roscommon.

8. Existing road drainage shall not be impaired by the proposed development and all roadside works shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off.

**Reason:** To prevent damage to the public road in the interests of traffic safety.

9. All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to soakpits/drains/adjacent water courses. In particular, no such water run-off shall be allowed to flow onto the public road or adjoining properties.

**Reason:** In the interests of public health and orderly development.

10. The developer shall not remove or cause to be removed from the lands now proposed for development any existing trees or hedgerows save with the written consent of the Planning Authority.

**Reason:** In the interests of visual amenity.

11. In the first planting season following occupation of the development the developer shall implement a planting Scheme to reinstate any trees displaced by the construction process.

**Reason:** To screen the development and improve the appearance of the lands, in the interests of visual amenity.

12. The proposed development shall be serviced with piped water and piped sewerage facilities to the satisfaction of the Planning Authority.

**Reason:** In the interests of public health

**SCHEDULE OF CONDITIONS IMPOSED BY THE PLANNING AUTHORITY**

**P & D Ref. No:** PD/07/143  
**Applicant:** Sean Simon  
**Development:** Permission for extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' – by way of conservation and reinstatement of (a) 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 149 sq.m) by way of 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, completed 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 at Cloontykilla Castle, Rockingham Demesne, (Lough Key Forest Park), Boyle, Co. Roscommon.

13. Adequate off-carriageway parking facilities shall be provided within the development site to accommodate traffic which will be generated by the development.

**Reason:** In the interests of traffic safety

14. Prior to the commencement of the development, the developer shall pay the sum of €1,117.50 updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office to Roscommon County Council as a contribution towards the expenditure that was incurred or is proposed by the Planning Authority in respect of providing public infrastructure and services.

Payment of this contribution is subject to the provisions of the adopted Development Contribution Scheme.

**Reason:** It is considered reasonable that the developer should contribute towards the expenditure that is proposed to be incurred by the Council in respect of the provision of public infrastructure and services.

15. The developer shall give the Planning Authority two weeks notice in writing of his intention to commence development on the site.

**Reason:** In the interests of orderly development

**Note:** The developer's attention is hereby directed to the additional requirements of the

Fire Authority as set out in the attached Fire Protection Schedule dated July 1998.

## ROSCOMMON COUNTY COUNCIL

### **FIRE PRECAUTIONS RECOMMENDATIONS FOR SINGLE OCCUPANCY DWELLING HOUSES**

All building should comply with the 1997 Building Regulations. In particular all buildings of the type defined above should comply with Part B of the Second Schedule to the Building Regulations 1997. The following points incorporate some of the more important requirements of these regulations for this Purpose Group. Reference is made to Technical Guidance Document "B".

- 1 Sides of the buildings are to comply with Part B of the Second Schedule to the Building Regulations 1997 requirements with regard to limiting of distance of unprotected areas from relevant boundaries.  
  
External walls are to have not less than ½ hour fire resistance. Combustible claddings on external walls, where allowed, are to comply with Building Regulations requirements with regard to limiting of distance of unprotected areas from relevant boundaries.
- 2 Separating walls between occupancies are to be imperforate and shall form complete vertical separation between any buildings separated. Separating walls are to have minimum fire resistance of 1 hour to B.S. 476 Part 21 and/or 22.
- 3 No combustible material shall be built into or carried through, into or across the ends of any compartment wall or compartment floor or over the top of any compartment wall of such a type or such a manner as to render ineffective the fire resistance of such wall or floor.
- 4 Internal floors, partitions, and walls shall possess the fire resistance requirements as required by the 1991 Building Regulations for Single Occupancy dwellings.  
  
Floors are to have a minimum fire resistance of ½ hour to B.S.S. 476 Parts 21 and/or 22.
- 5 Hearth, flue and chimney construction shall comply with Part J of the Second Schedule of Building Requirements 1997.
- 6 For the purpose of the restriction of the spread of flame over the surface of walls and ceilings lining materials shall comply with the designations for Surface Spread of Flame ratings according to B.S., 476, Part 7, 1971 in the following classifications:  
  
Class 0 Surfaces : Linings of walls and ceilings in escape routes.  
Class 1 Surfaces : Linings of walls and ceilings in rooms.  
  
Otherwise linings of walls and ceilings are to be incombustible throughout.  
  
Relaxation's of the requirement can be considered in certain circumstances upon consultation with the Fire Officer.
- 7 Roof coverings shall have not less than "Fore Exposure Rating" designation AA to B.S.S. 476, Part 3, 1958

Any other roof which is so designated as to have a Fire Exposure Rating less than AA shall be not less than the distance specified by part B of the First Schedule of the Building Regulations 1991 from any other part of the roof, or from any point on a boundary.

- 8 Oil fired boiler and oil tank shall be located and installed in accordance with the relevant sections of B.S. 5410, Part 1, 1977 and B.S. 5410, Part 2, 1978. Fixed foam inlets shall be provided where access to oil burning equipment or storage is not direct from open air. This installation is to be in accordance with the Roscommon County Council's requirements for Foam Inlets and B.S. 5306, Part 1, 1983.
- 9 Electric wiring installations shall comply with the National Rules for Electrical Installations produced by the Electro-Technical Council of Ireland.
- 10 Gas fired air central heating systems are to comply with Roscommon County Council requirements for such installations.
- 11 Doors communicating internally from a dwelling to a garage are to be fire resisting and self-closing F.D. 30 S doors to B.S. 476, Part 22.

Garage is to be separated horizontally and vertically from the remainder of the premises in ½ hour fire resisting construction when tested in accordance with B.S. 476, Part 21 and/or 22. Any opening in a wall between dwelling and garage shall be, at its lowest point, not less than 100mm above the level of the garage floor. Reference is made to Section B3 of Technical Guidance Document B.

- 12 With regard to means of escape Dwellinghouse shall comply with the requirements of the relevant paragraphs of Sub-section 1.5 of Section B1 of Technical Guidance Document B.
- 13 Windows for fire escape or rescue shall be provided with an opening section at cill level of minimum dimensions 850mm X 500mm wide with the cill not more than 1,100mm over internal floor level. These openings should always be maintained so as to be operable as a means of escape in case of emergencies.
- 14 No habitable room shall be an inner room unless it is provided with a window as described at No. 13 above.
- 15 Fire Detection and Alarm Systems shall be provided in accordance with B.S. 5839, Part 6, 1995. It shall be of the appropriate grade and type for the Dwelling but shall be a minimum of Grade E or preferably Grade D and be at least a type LD3 system.
- 16 Stairways shall comply with Technical Guidance Document K and be a protected stairway. Enclosures to stairways shall have a minimum fire resistance of 30 minutes if tested in accordance with B.S. 476, Parts 20-24 as appropriate. Stairways shall discharge directly to open air through a final exit. In certain circumstances a relaxation of the above is allowed as detailed by Sub-section 1.5 Section B of Technical Guidance Document "B".

Chief Fire Officer,  
July, 1998.

22/10/2007  
PD/07/143

**REGISTERED POST**

**CLEAN**

**C/O Christine Raab-Heine, Director,  
Greagh House,  
Kilmora, Dowra,  
Co. Leitrim.**

**Re: Local Government (Planning and Development) Acts, 1963 to 2006.  
Development: For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at Rockingham Demesne Townland, (Lough Key Forest Park), Boyle, Co. Roscommon.  
Applicant: Sean Simon, No. 2 Boderg Shannoncourt, Carrick-on-Shannon, Co. Leitrim.**

**Dear Sir/Madam**

**I refer to submission/observation received from you in connection with an application for PERMISSION under the above heading. The Planning Authority have now made a Decision to Grant PERMISSION. The Date of the Decision is the 22/10/2007.**

**A copy of the Notification of the Decision issued to the applicant and the conditions attached thereto are enclosed for your information**

**An Appeal against the Decision of the Planning Authority can be made to An Bord Pleanala, 64, Marlborough Street, Dublin 1. Requirements for the making of an Appeal are as follows**

**An Appeal shall:**

- (a) Be made in writing
- (b) State the name and address of the appellant.
- (c) State the subject matter of the Appeal
- (d) State, in full, the grounds of Appeal and the reasons, considerations and arguments on which they are based.
- (e) Be accompanied by the appropriate fee as required by the Local Government (Planning & Development) Regulations 1994.

See attached Schedule entitled "Schedule of Fees payable to an Bord Pleanála".

- (f) In the case of an appeal by a person who made submissions or observations in accordance with the permission regulations, be accompanied by an acknowledgment by the planning authority of receipt of the submissions or observations.
- (g) The Appeal must be received by An Bord Pleanála

1) Within 4 weeks beginning on the date of the making of the decision by the Planning Authority for any other Application

2) Within ONE MONTH beginning on the date of the making of the decision by the Planning Authority if either

- The Application was lodged prior to 11<sup>th</sup> March 2002
- The application is for approval consequent on an outline permission in respect of which a valid application for Outline Permission was lodged prior to 11<sup>th</sup> March 2002

An Appeal which is not made in the prescribed manner will be deemed to be invalid.

Yours faithfully,

\_\_\_\_\_  
Administrative Officer.

**REF.NO:07/143**  
**22/10/2007**

**TO: Development Application Sections (a),  
Dept of Enviro, Heritage & LG,  
Floor 4,  
Dun Scerine,  
Harcourt Lane,  
Dublin 2.**

**Re:Local Government (Planning and Development) Acts, 1963 to 2006**  
For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at Rockingham Demesne Townland, (Lough Key Forest Park), Boyle, Co. Roscommon.  
Applicant: Sean Simon, No. 2 Boderg Shannoncourt, Carrick-on-Shannon, Co. Leitrim.

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Yours faithfully,

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Administrative Officer.

**REF.NO:07/143**  
**22/10/2007**

**TO: National Heritage Council,  
Kilkenny,  
Ireland.**

**Re:Local Government (Planning and Development) Acts, 1963 to 2006**  
**For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at Rockingham Demesne Townland, (Lough Key Forest Park), Boyle, Co. Roscommon.**  
**Applicant: Sean Simon, No. 2 Boderg Shannoncourt, Carrick-on-Shannon, Co. Leitrim.**

**Dear Sir/Madam**

**I refer to previous correspondence in connection with an application for PERMISSION under the above heading. The Planning Authority have now made a Decision to Grant PERMISSION. The Date of the Decision is the 22/10/2007.**

**A copy of the Notification of the Decision issued to the applicant and the conditions attached thereto are enclosed for your information**

**An Appeal against the Decision of the Planning Authority can be made to An Bord Pleanala, 64, Marlborough Street, Dublin 1. Requirements for the making of an Appeal are as follows**

**An Appeal shall:**

- (a) Be made in writing
- (b) State the name and address of the appellant.
- (c) State the subject matter of the Appeal
- (d) State, in full, the grounds of Appeal and the reasons, considerations and arguments on which they are based.
- (e) Be accompanied by the appropriate fee as required by the Local Government (Planning & Development) Regulations 1994.

See attached Schedule entitled "Schedule of Fees payable to an Bord Pleanála".

- (f) In the case of an appeal by a person who made submissions or observations in accordance with the permission regulations, be accompanied by an acknowledgment by the planning authority of receipt of the submissions or observations.

- (g) The Appeal must be received by An Bord Pleanála

1) Within 4 weeks beginning on the date of the making of the decision by the Planning Authority for any other Application

2) Within ONE MONTH beginning on the date of the making of the decision by the Planning Authority if either

- The Application was lodged prior to 11<sup>th</sup> March 2002
- The application is for approval consequent on an outline permission in respect of which a valid application for Outline Permission was lodged prior to 11<sup>th</sup> March 2002

An Appeal which is not made in the prescribed manner will be deemed to be invalid.

Yours faithfully,

\_\_\_\_\_  
Administrative Officer.

**REF.NO:07/143**  
**22/10/2007**

**TO: DoE, HLG, National Parks & Wildlife Service, (2)**  
**Ballinacfad,**  
**Co Sligo.**

**Re: Local Government (Planning and Development) Acts, 1963 to 2006**  
**For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at Rockingham Demesne Townland, (Lough Key Forest Park), Boyle, Co. Roscommon.**  
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An Appeal which is not made in the prescribed manner will be deemed to be invalid.

Yours faithfully,

---

Administrative Officer.

**REF.NO:07/143**  
**22/10/2007**

**TO: An Taisce,  
Tailors Hall,  
Backlane,  
Dublin 8.**

**Re:Local Government (Planning and Development) Acts, 1963 to 2006**  
**For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at Rockingham Demesne Townland, (Lough Key Forest Park), Boyle, Co. Roscommon.**  
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Yours faithfully,

---

Administrative Officer.

**REF.NO:07/143**  
**22/10/2007**

**TO: Failte Ireland,  
Environment Unit,  
Baggot Street Bridge,  
Dublin 2.**

**Re:Local Government (Planning and Development) Acts, 1963 to 2006**  
**For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at Rockingham Demesne Townland, (Lough Key Forest Park), Boyle, Co. Roscommon.**  
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Yours faithfully,

\_\_\_\_\_  
Administrative Officer.

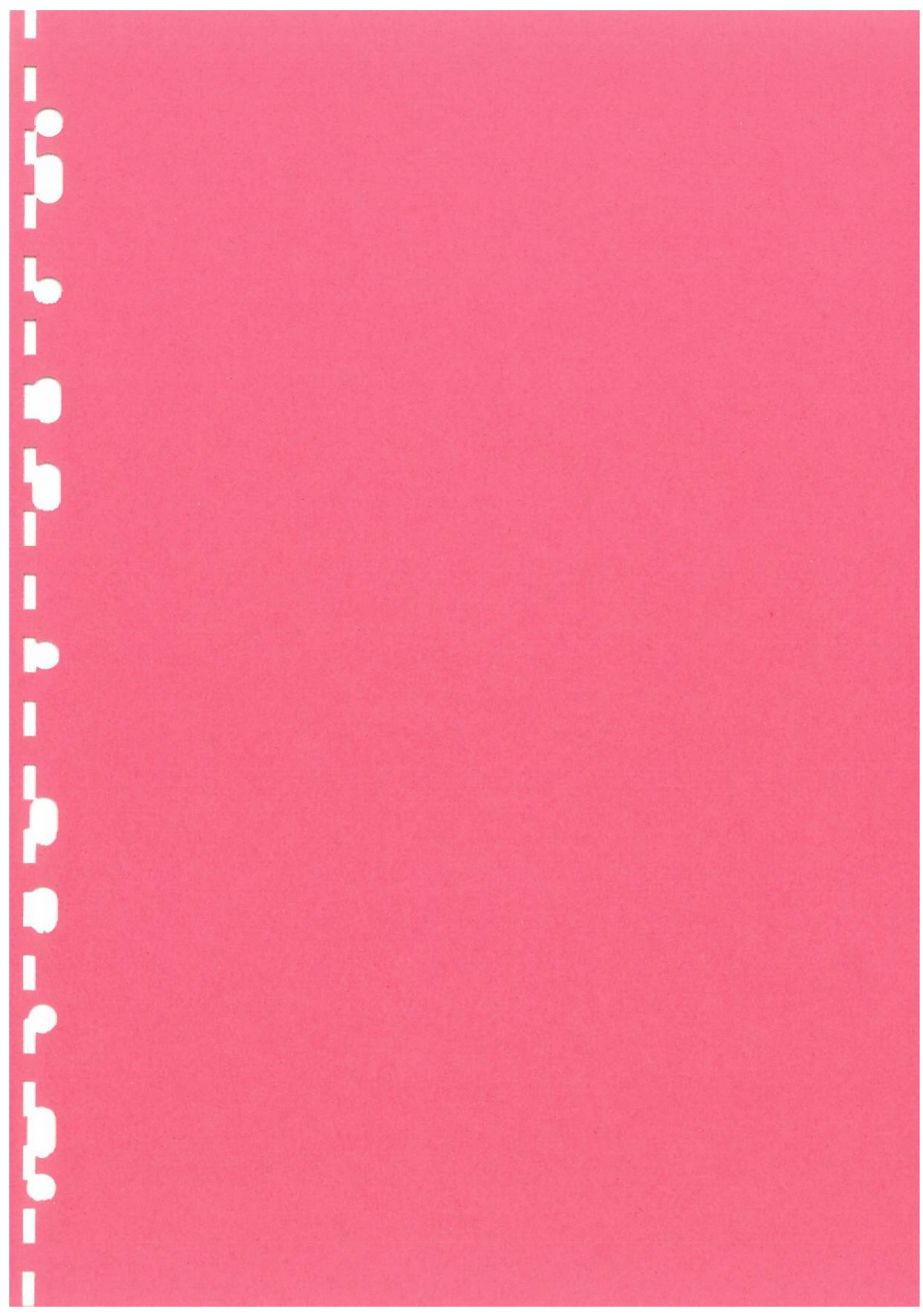
**CHECK LIST BEFORE DECISION ISSUES**  
**LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS**  
**1963-2002**

Ref No. 07/143

- 1 Date of Validation/Receipt of Application 31/1/07
- 2 Date of Extension of Appropriate Period —
- 3 Significant Further Information yes
- 4 Has Further Information been advertised? yes
- 5 Are the Prescribed Bodies Involved & Notification of Decision yes *Friends Inland  
An Taisce  
DOE  
Heritage Co.*
- 6 Are there OBJECTORS – How many yes ①
- 7 Does the Notification show correct date of the County Managers Decision yes
- 8 Is there a Development Charge, if so How Much yes €4470
- 9 Is there a Section 47/38 Agreement —
- 10 Is there an EIS Submission —
- 11 Is there a Part V Condition. —
- 12 If so, has Notice been published of Receipt of EIS Planning List —
- 13 Has Notice of Decision been published in Newspaper Circulating in the area within 7 days of Decision —

Signed: P. Conry

Date: 24/10/07





## Planning Enforcement Report

#16

UDR 1601

### **Planning History:**

Planning permission was granted on site for the following development: -

Planning Reference No. - 07-143

<b>Applicant Name:</b>	Sean Simon,
<b>Applicant Address:</b>	[REDACTED]
<b>Development Description:</b>	For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle at
<b>Development Address:</b>	Rockingham Demesne,, (Lough Key Forest Park),, Boyle,, Co. Roscommon.

### **Site Location:**

The site is accessed via a forest road/track of a local road on the outskirts of the village of Knockvicar  
The site is in close proximity to the eastern shores of Lough Key.

### **Description of Site and Structure:**

The site was inspected on 27<sup>th</sup> June 2014. The site is completely screened from view from the public road network and is also well-screened from Lough Key due to mature vegetation. Works had commenced but it appears that no works have taken place for a considerable period of time. See file for photographs.

The structure on site dwelling on site appears to be built in general compliance with the particulars of the application granted under PD-07-143, however it is noted that there are what I consider to be relatively minor constructional deviations, which do not give rise to a significant impact upon the character of the protected structure nor do they give rise to any significant visual impact.

### **Assessment:**

The applicant Sean Simon sought to reinstate elements of a protected structure and renovate the structure for habitable use. He was granted permission to undertake this project and during the

course of construction works deviated from the conditions attached under the grant of permission ref: PD-07-143.

---

The elements of non-compliance relate to Conditions No's 1 and 5.

In relation to Condition No.5 I note that there is a progress report on file and this provides clear detail along with photographic evidence of the works undertaken at that stage. The wording of Condition 5, is in my opinion, open to legitimate legal scrutiny and as such I would not consider that non-compliance with this condition should be brought as far potential legal proceedings.

In any case having inspected the site it is clear that the applicant/developer has no progress to report upon as it is clear that works have not taken place for a considerable period of time.

I recommend that no further action be taken in relation to Condition No. 5 at this stage.

In relation to Condition No. 1 it appears that the initial elements of non-compliance observed by the Area Planner at the time (Michael Burke) relate to internal deviations from the terms of the grant issued. The concern expressed relates to an impact upon the character of the protected structure which would not be deemed exempted development. Further observations expressed by Michael Burke, relate to the construction of a stone element to upper portion of the southern elevation, as opposed to a glazed finish.

Whilst this represents a deviation I regard it as a welcome deviation as this represents a much better development than that of the glazed finish. Photomontage information of the planning file highlights the potential negative visual impact a glazed finish would have had. Nonetheless even though the stone represents a significantly better development, it remains an unauthorised element of the construction and is not compliance with Condition No. 1.

---

Again the merits of taking legal action on this are questionable, as in the event the deviations referred to above were submitted for retention, I fail to see how the Planning Authority could refuse the application by reason of an unacceptable impact upon the character of the protected structure.

A Section 57 Declaration may be a route to resolve this matter.

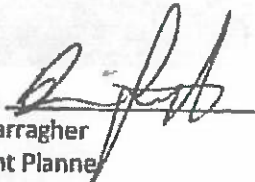
I consider that Mr. Simon's intentions at restoring a structure which was in an advanced state of dereliction and in all likelihood would become a ruin should be commended. It is duly noted that the structure is protected; however it appears there was no intervention from any other body to protect, enhance or restore this structure other than Mr. Simon. The deviations from the grant of permission do constitute unauthorised developments but they are deviations which do not undermine the character of the structure.

**Action:**

In light of the information on the planning file and UDR file to date, the situation on site and the questionable merits of taking this particular Enforcement matter further to potential legal proceedings, the feasibility of resolving the outstanding issues and closing this file is unlikely.

I recommend that a stay be placed on further Enforcement proceedings until such a time as meaningful engagement with the applicant/developer takes place. At that stage the merits of resolving the planning issues regarding the deviations from the original grant may be addressed.

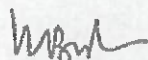
**Action**

**Signed:**   
Brian Farragher  
Assistant Planner  
Boyle Municipal Area

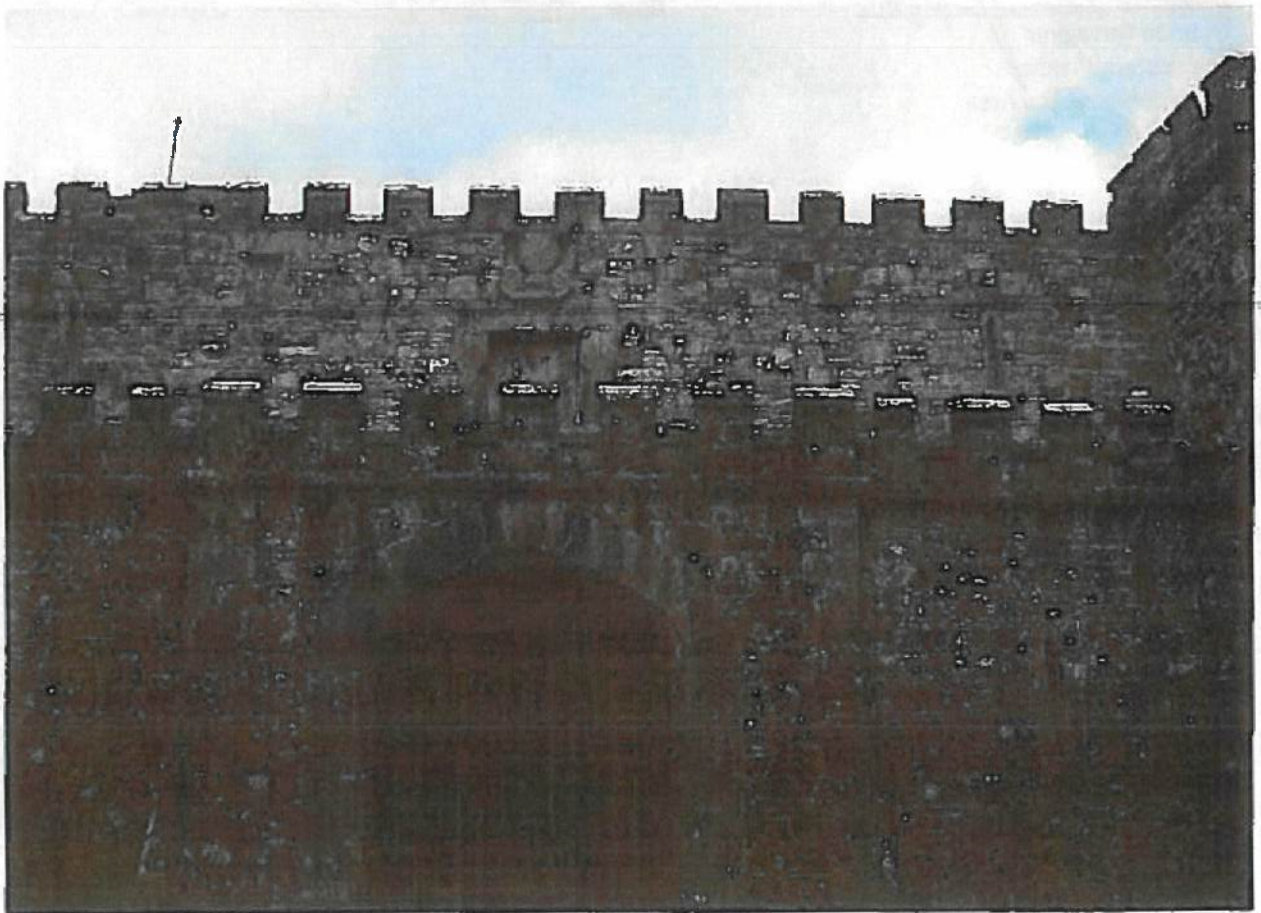
**Date:** 2/7/2014

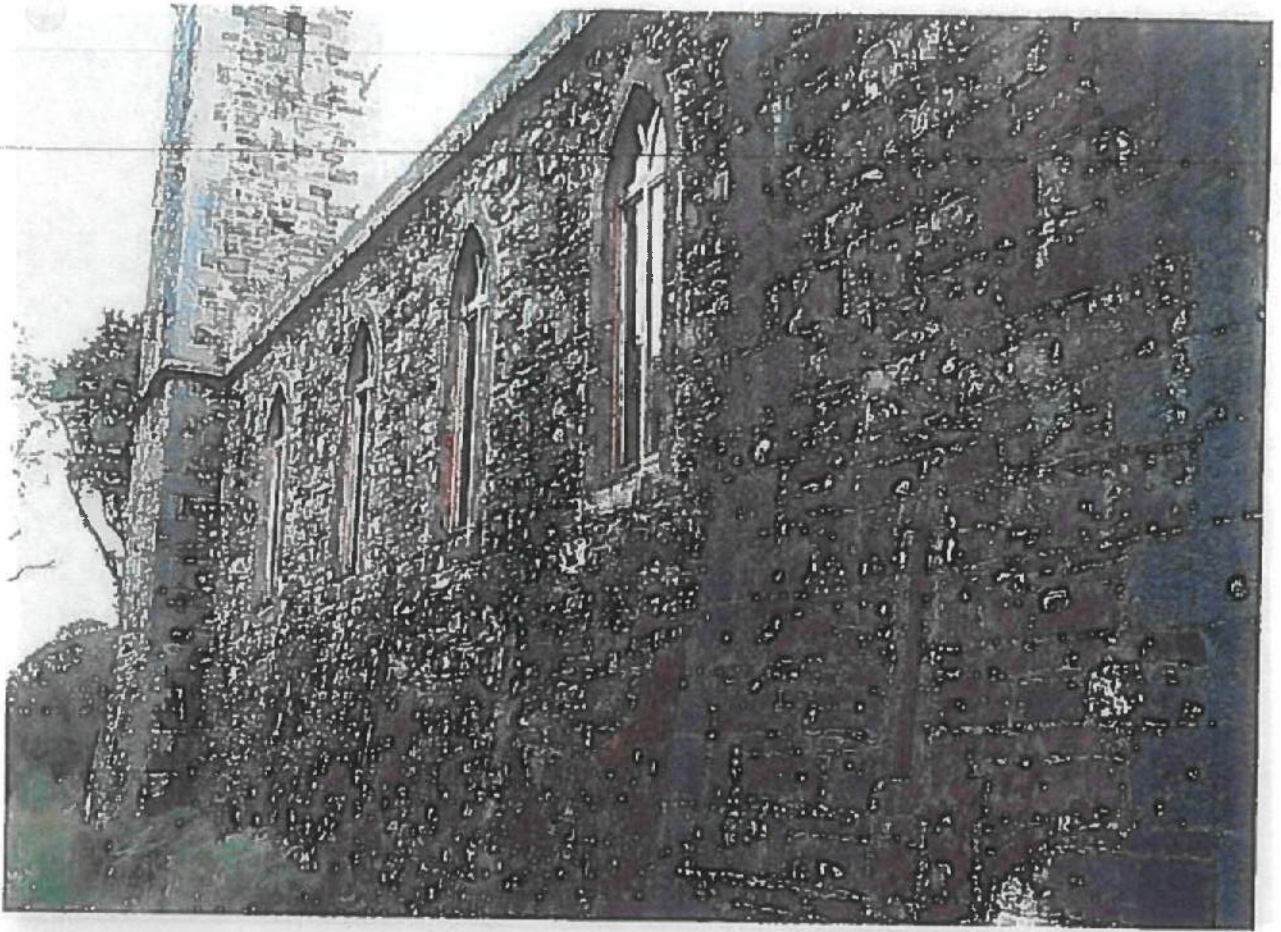
It would be beneficial to write to the applicant/developer and inform him of the irregularities in the "as constructed" form of the structures and its non compliance with the terms of planning permission.

Applicant should be given a one month time frame to indicate his intention in relation to this matter. At that stage, it can be decided what further action (if any) would be taken.

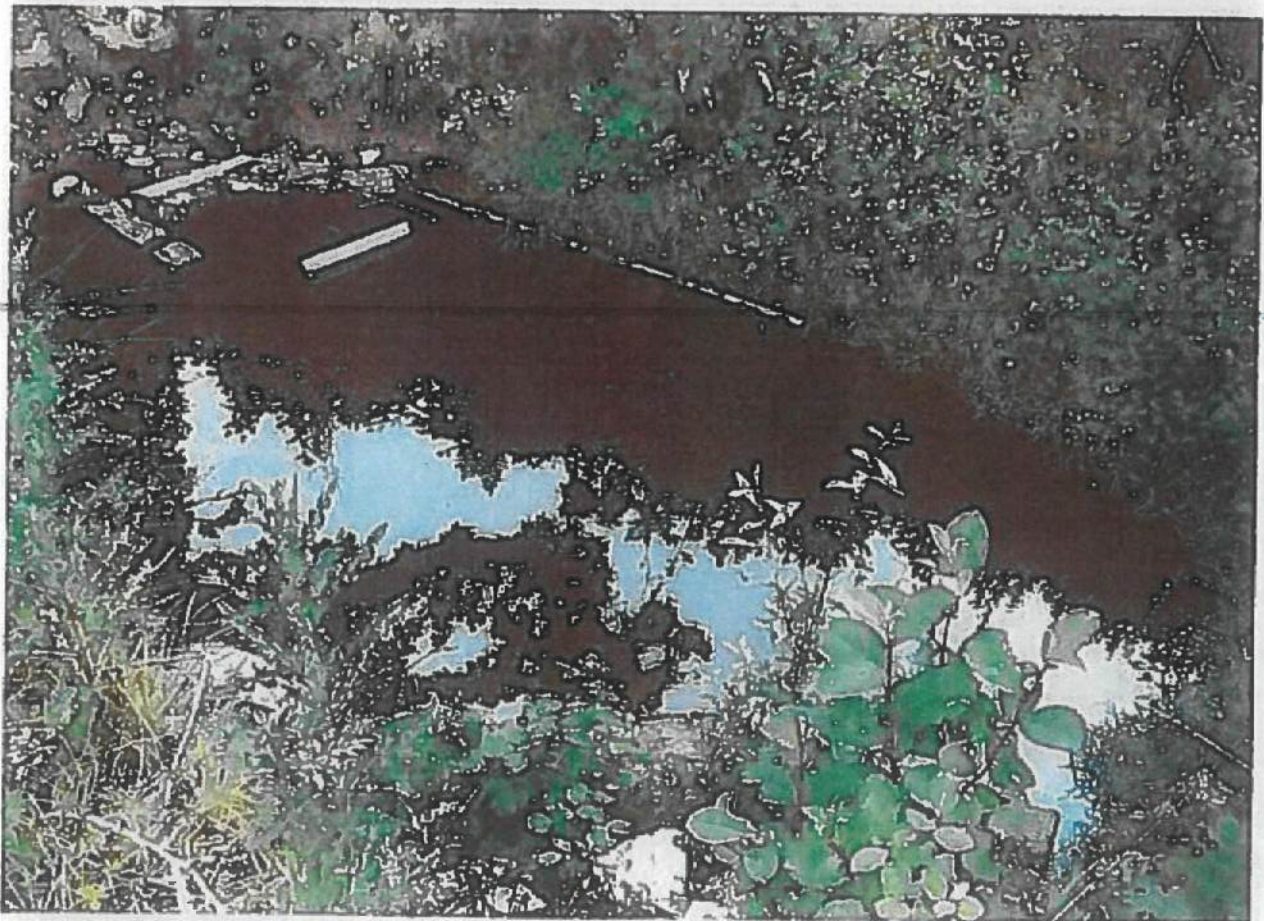
  
\_\_\_\_\_

B. RL 27/11/2010

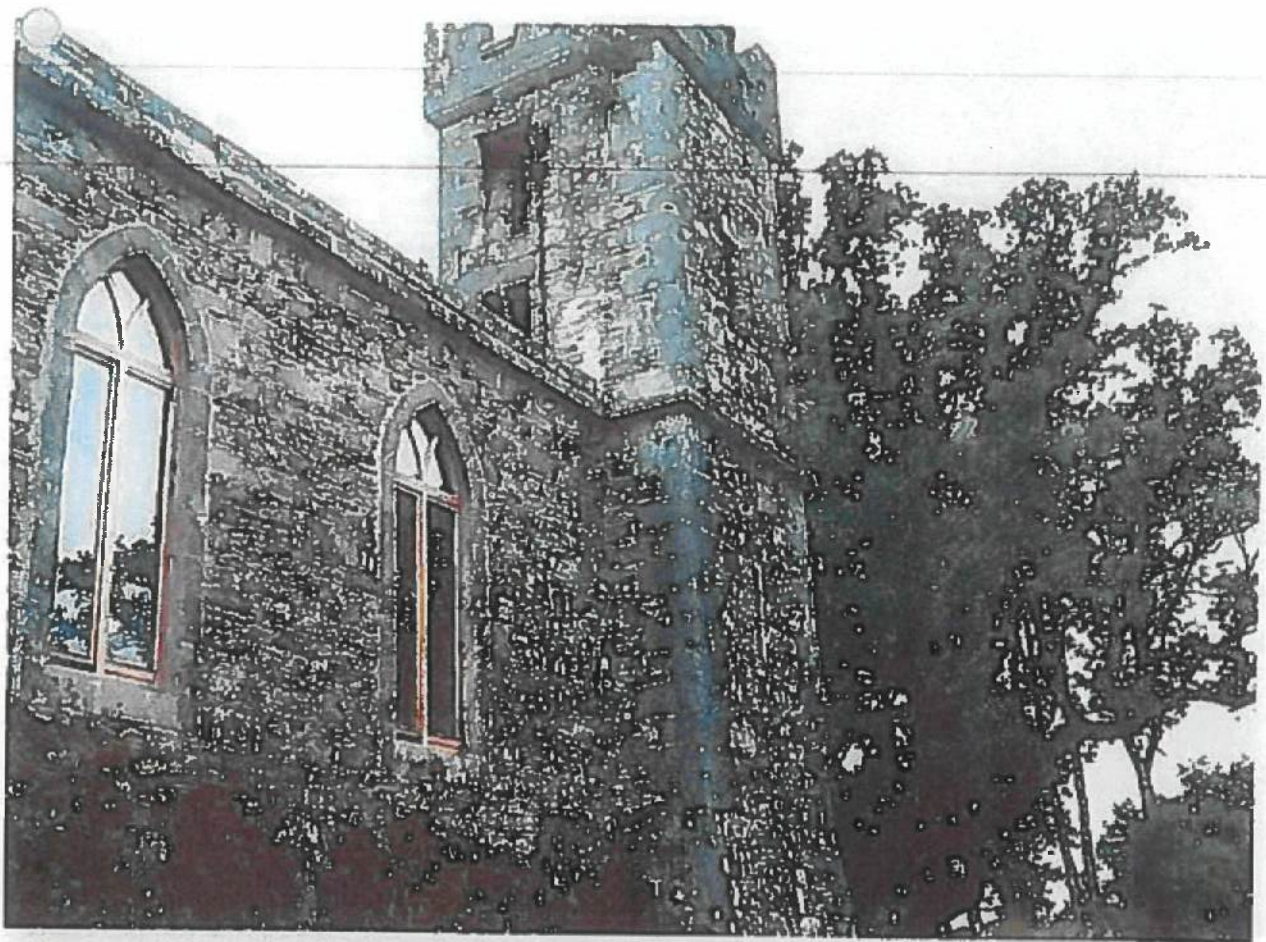














# MEMORANDUM

#17

**TO:** Brian Farragher,  
Assistant Planner,  
Planning.

**FROM:** Caroline Mockler,  
Staff Officer,  
Planning.

**DATE:** 10<sup>th</sup> June, 2014

**RE:** Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.

**REF:** UDR/1601/MKEA

I refer to the above development at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.

Please examine up to date situation and if conditions attached to PD/07/143 are complied with in full and let me have your report and comments on same by 24<sup>th</sup> June, 2014.

Caroline Mockler  
Caroline Mockler,  
Staff Officer,  
Planning.

**File Update 8/11/10**

---

Most recent inspection of this development, on 5/11/10, has revealed that building works are still in progress and have advanced since initial inspection of 1/6/10. The internal partitioning of the building is now almost complete and I would state that it varies significantly from that permitted in the first instance. This is of concern in this instance given that this is a protected structure and internal works that may detract from its character are not considered to be exempted development, as referred to in 57(1) (b) of the Planning Act.

I have taken floor to ceiling measurements of the structure and these appear to be substantially in compliance with documents lodged. However it is difficult to make a definitive statement on these elements as the development is still under construction. I would state at this stage that further evaluation of the construction elements of this development should be undertaken by a Conservation Architect and I would recommend that the PA request the applicant to submit such a report prior to issuing Enforcement Proceedings.

**Recommended Action**

1. Advise applicant that the internal layout as constructed does not accord with the permitted layout. Given that this building is a protected structure, such works can not likely be considered as exempted development. Request developer to submit a report, from a registered conservation architect, detailing the development as constructed and analysing the impacts of the variations to internal layout, and any other deviation from permitted documents, on the Protected structure. Advise developer that the PA will evaluate submissions and advise developer further as appropriate.
2. It would be worthwhile to inform the developer of his obligations in relation to condition 5, referred to in PD 07 143, which requires construction progress reports.

I would consider one month as a reasonable timeframe to submit the above required documentation.

Sincerely

Michael Burke E.P. Planning.....

---

**File update 10/8/11**

#19

Submissions have been received from a conservation architect in relation to the development in question. The submission follows a meeting held in the planning office with the developer where he was requested to provide detailed drawings indicating the up to date constructional status of the development. The developer was also requested to contrast the as constructed development with that permitted and submit same in the form of architectural drawings. This request has been complied with.

The submission indicates that changes have been made to the permitted development during the course of construction. In particular the ground and first floor internal compartment arrangements have been altered. The glazing

arrangements to the roof also differ. Basement compartments appear smaller than permitted. The most notable change to the external permitted development is the construction of a wall at first floor level to the front (Southern elevation.) This wall is of a high quality of construction in that it replicates as faithfully as possible the existing stone work style and materials of the castle. Nevertheless, it is a departure from the permitted development.

There may be a case to be made for the exemption of internal works under the remit of "exempted development" as referred to in 4 (1) (h) of the Planning Act. This refers to "any structure", presumably without exception. However works that materially affect the character of a protected structure are not considered as being exempt as referred to in 57(1) of the Act. I would be of the opinion that the deviations (effected from the permitted works) are intrinsically linked to the redevelopment of the protected structure as initially presented and publicly exhibited under the planning process.

Considering the above, I would consider that there are issues of regularisation to be considered here that would require planning retention.

#### Recommendation

I would consider that Condition 5 of PD 07 143, requiring a constructional progress report has been adhered to by means of most recent submission. However, further reports are necessary as the development progresses. Applicant should be informed of this.

Applicant should also be informed that the issue of regularisation of the unauthorised works should be addressed by means of planning application. Applicant should be given a time frame of one month to indicate his intentions in this regard. The PA would expect a submission to regularise the development, without prejudice, within two months. Otherwise Enforcement proceedings should be activated.

Sincerely

Michael Burke E.P. Planning *mburke* 10/8/11

*[Signature]*  
11/8/11

Hold off on  
letter for 4-5  
weeks.

*KMadden* 12/8/11

Noted & agreed,

*KMadden* A.D.O.S.

11/8/11

Ref. No.: 1<sup>st</sup> March, 2011  
UDR/1601/SK

Sean Simon,  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Re: Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.**

A Chara,

I refer to the above development and to previous correspondence in relation to same.

I wish to advise that following a recent site inspection it is noted that the internal layout as constructed does not accord with the permitted layout. As this building is a protected structure, these works can not be considered to be exempt development. Please arrange to submit a report from a registered conservation architect, detailing the development as constructed and analyzing the impacts of the variations to internal layout and any other deviations from permitted documents on the protected structure. Roscommon County Council will evaluate the submissions and advise you further as appropriate.

It is also noted that Conditions No. 5 remains outstanding which requires that the ~~developer shall prepare a progress report during the various stages of the~~ proposed construction works indicating compliance with the methodology for such works as proposed in submissions lodged.

I await hearing from you within 6 weeks of the date of this letter i.e. on or before 12<sup>th</sup> April, 2011.

Mise le meas,

**Enda Cannon,  
Administrative Officer,  
Planning Enforcement.**

MICHAEL BURKE  
ROSCOMMON CO CO  
COURTHOUSE  
ROSCOMMON


21 5 2011

SEAN SINON  


RE. CLOONTYKILLA CASTLE  
ROCKINGHAM DEMENSE  
BOYLE  
CO ROSCOMMON

DEAR MICHAEL

A SURVEY OF CLOONTYKILLA HAS BEEN COMPLETED AND A FULL REPORT IS NOW  
BEING PREPARED FOR YOU, SORRY FOR DELAY ,  
IT WILL BE READY IN TWO WEEKS TIME.

 I AM DETERMINED TO FINISH THE JOB  
WHEN I BOUGHT IT A LONG TIME AGO THERE WERE TREES GROWING UP THROUGH IT  
THREATENING TO BRING IT DOWN AND I PROMISED I WOULD LEAVE IT BEHIND ME  
SECURE FOR FUTURE GENERATIONS AND I WILL

SINCE YOU LAST IT I HAVE INSTALLED SOLID OAK WINDOWS COPYING THE OLD  
FRAMES.

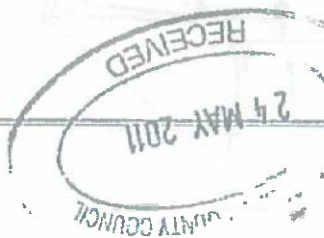
SEALING THE BUILDING HAS BEEN DIFFICULT WITH THE QUIRLY SHAPES TOWERS ECT  
BUT WE ARE NEARLY THERE.

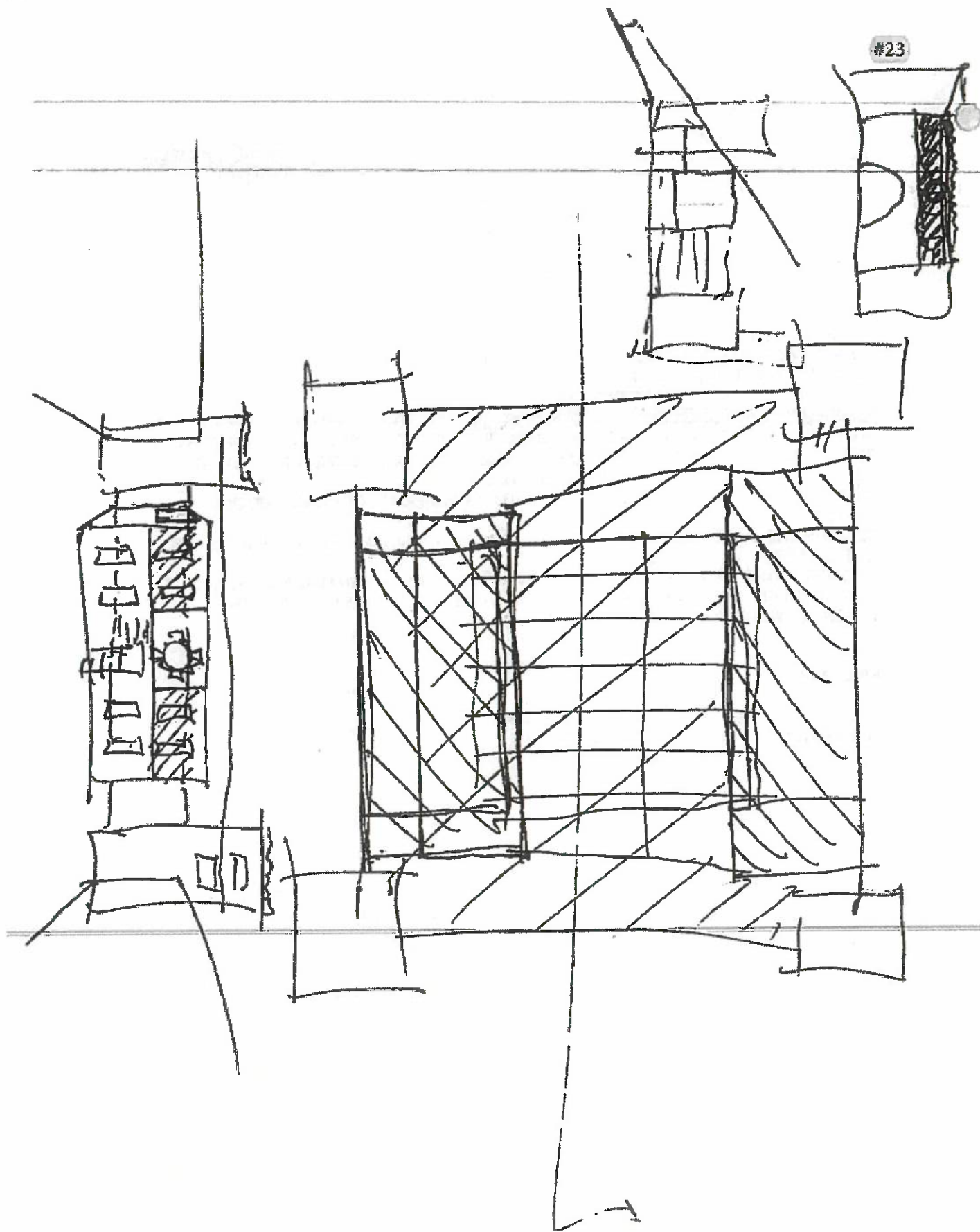
THE NICE THING WITH THIS PLAN IS THAT IT RETAINS THE ORIGINAL BUILDING AND  
WORKS WITHIN THE ENVELOPE AND IS REVERSIBLE FOR FUTURE GENERATIONS..

I LOOK FORWARD TO MEETING YOU AGAIN AND YOUR INPUT .

SINCERELY

SEAN SIMON





Ref. No.: 25<sup>th</sup> May, 2011  
UDR/1601/SK

Sean Simon,  


**Re: Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.**

---

A Chara,

I refer to the above development and to your letter of 21<sup>st</sup> May 2011.

I note that it is your intention to submit a report within two weeks and although it was requested by no later than 12<sup>th</sup> April 2011, I nevertheless look forward to receiving it.

Notwithstanding the contents of the report, Roscommon County Council is concerned that the development under construction has varied to such an extent from the planning permission granted, that it cannot be considered to be in compliance with or constructed under the said permission.

I would therefore request you as a matter of urgency to cease any further works on the development and to contact Sarah Kennedy at 090 66 32514 in order to arrange a meeting with Michael Burke, Nollaig Feeney and myself, to discuss how you intend to resolve this matter.

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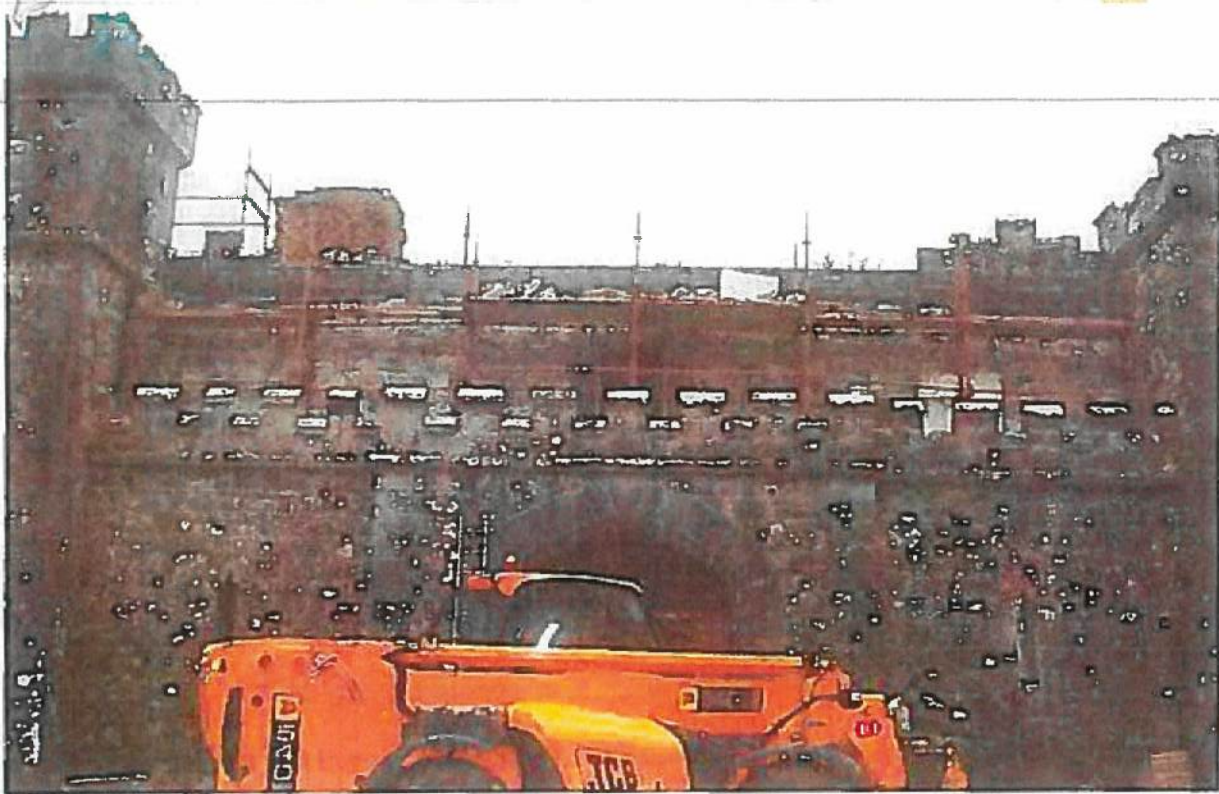
For the avoidance of doubt I wish to put you on notice that should you fail to engage with Roscommon County Council in relation to this matter, the Council will reluctantly be obliged to initiate enforcement action.

I await hearing from you.

Is mise, le meas,

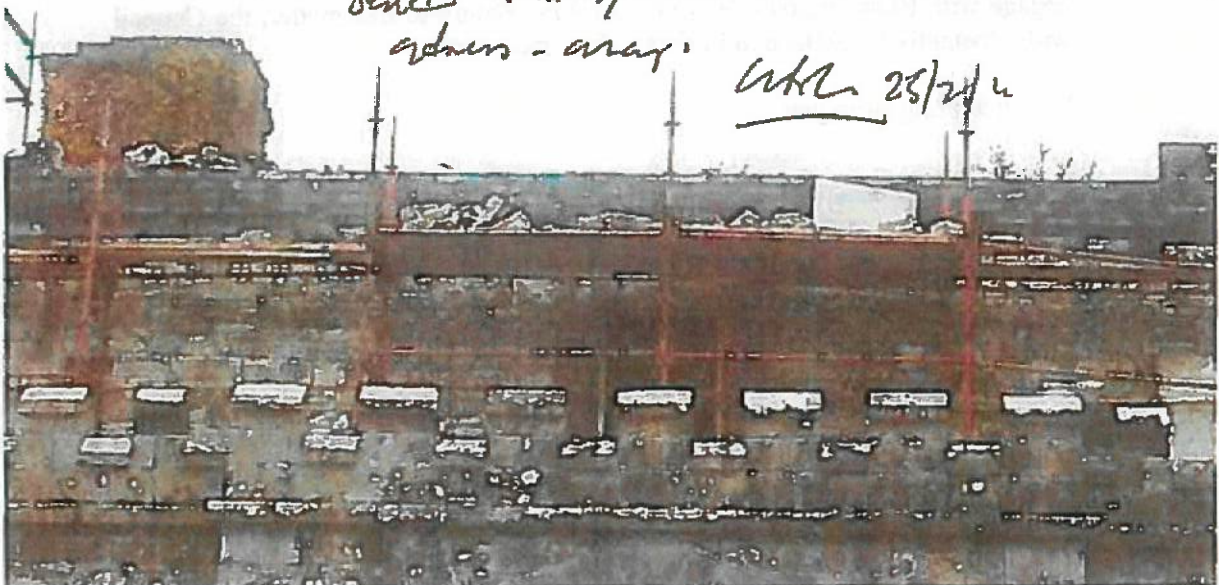
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Enda Cannon,  
Administrative Officer,  
Planning Enforcement.



Met Gen Simon on mto on 24.2.11 Wkln 24/2/11  
 Informed him that Working Letter was returned from postal  
 destination.  
 He indicated that his current address is [REDACTED]

Send Working Letter to above  
 address - asap. Wkln 25/2/11





# MEMORANDUM

#26

**TO:** Frank Flanagan,  
A/Senior Planner.

**FROM:** Enda Cannon,  
Administrative Officer,  
Planning Enforcement.

*M. Burke  
Please examine & ascertain  
if further enforcement  
action is required in  
this matter.  
EJC  
18/2/10*


**DATE:** 10<sup>th</sup> February, 2011.

**RE:** Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.

**REF:** UDR/1601/SK

I refer to the above development and in particular to correspondence which issued to the developer Sean Simon, I have since been advised that Mr Simon no longer resides at the address given and at present we have no address for him.

Please let me have your report and recommendations on same at your earliest convenience.

  
Enda Cannon,  
Administrative Officer,  
Planning Enforcement.

**Sarah Kennedy**

#27

**From:** Sarah Kennedy  
**Sent:** 25 January 2011 09:44  
**To:** [REDACTED]  
**Subject:** FW: Planning Permission Reference No. PD/07/143

Dear Sean,

I refer to the above planning permission reference number, please advise of your current address in order for Roscommon County Council to issue correspondence to you.

Regards,

Sarah Kennedy,  
Planning Enforcement,  
Roscommon County Council.

Tel: 090 6632514

25/01/2011

 Sarah Kennedy

#28

**From:** Sarah Kennedy  
**Sent:** 01 December 2010 10:51  
**To:** [REDACTED]  
**Subject:** Planning Permission Reference No. PD/07/143

Dear Sean,

I refer to the above planning permission reference number, please advise of your current address in order for Roscommon County Council to issue correspondence to you.

Regards,

Sarah Kennedy,  
Planning Enforcement,  
Roscommon County Council.

Tel: 090 6632514

01/12/2010

**Re: Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.**

## A Chara,

I refer to the above development and to previous correspondence in relation to same.

I wish to advise that following a recent site inspection it is noted that the internal layout as constructed does not accord with the permitted layout. As this building is a protected structure, these works can not be considered to be exempt development. Please arrange to submit a report from a registered conservation architect, detailing the development as constructed and analyzing the impacts of the variations to internal layout and any other deviations from permitted documents on the protected structure. Roscommon County Council will evaluate the submissions and advise you further as appropriate.

It is also noted that Conditions No. 5 remains outstanding which requires that the developer shall prepare a progress report during the various stages of the proposed construction works indicating compliance with the methodology for such works as proposed in submissions lodged.

I await hearing from you within 6 weeks of the date of this letter i.e. on or before 7<sup>th</sup> January, 2011.

**Mise le meas,**

**Enda Cannon,  
Administrative Officer,  
Planning Enforcement.**

File Update 8/11/10

Most recent inspection of this development, on 5/11/10, has revealed that building works are still in progress and have advanced since initial inspection of 1/6/10. The internal partitioning of the building is now almost complete and I would state that it varies significantly from that permitted in the first instance. This is of concern in this instance given that this is a protected structure and internal works that may detract from its character are not considered to be exempted development, as referred to in 57(1) (b) of the Planning Act.

I have taken floor to ceiling measurements of the structure and these appear to be substantially in compliance with documents lodged. However it is difficult to make a definitive statement on these elements as the development is still under construction. I would state at this stage that further evaluation of the construction elements of this development should be undertaken by a Conservation Architect and I would recommend that the PA request the applicant to submit such a report prior to issuing Enforcement Proceedings.

#### Recommended Action

1. Advise applicant that the internal layout as constructed does not accord with the permitted layout. Given that this building is a protected structure, such works can not likely be considered as exempted development. Request developer to submit a report, from a registered conservation architect, detailing the development as constructed and analysing the impacts of the variations to internal layout, and any other deviation from permitted documents, on the Protected structure. Advise developer that the PA will evaluate submissions and advise developer further as appropriate.
2. It would be worthwhile to inform the developer of his obligations in relation to condition 5, referred to in PD 07 143, which requires construction progress reports.

I would consider one month as a reasonable timeframe to submit the above required documentation.

Sincerely

Michael Burke E.P. Planning..... 8/11/10.....



Agreed  
4 12/11/10



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 L 50

Sheet 1-h taken  
 on 5/11/10 LK.







3



4



## MEMORANDUM

TO: Frank Flanagan,  
A/Senior Planner.

FROM: Enda Cannon,  
Administrative Officer,  
Planning Enforcement.

DATE: 26<sup>th</sup> October, 2010.

RE: Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.


REF: UDR/1601/SK

*H. Burke  
please update  
2/11/10*

I refer to the above development and in particular to Warning Letter which issued to the developer Sean Simon.

The 4 week deadline expired on this Warning Letter on Thursday 21<sup>st</sup> October, 2010. To date no correspondence has been received by the Planning Authority in respect of the said Warning Letter.

Please arrange to have a site inspection carried out and let me have your report and recommendations on same at your earliest convenience.

  
Enda Cannon,  
Administrative Officer,  
Planning Enforcement.

# COMHAIRLE CONTAE ROS COMAIN

## Roscommon County Council

TEACH NA CÚIRTE  
ROS COMÁIN  
Tel: 090-6632500 Fax: 090-6637108

COURTHOUSE  
ROSCOMMON  
Tel: 090-6632500 Fax: 090-6637108

23rd September, 2010 #32  
Ref: UDR/1601/SK

Sean Simon,  
[REDACTED]  
[REDACTED]  
[REDACTED]

### WARNING LETTER

#### AS PRESCRIBED UNDER SECTION 152 OF THE PLANNING & DEVELOPMENT ACT, 2000.

**Development Description:** Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at

**Location:** Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.

**Planning Ref:** PD/07/143 & UDR/1601/SK.

A Chara,

It has come to the attention of Roscommon County Council, being the Planning Authority for the area in which the land concerned is situated and as set out above, that an unauthorised development as set out in the First Schedule, may have been, is being or may be carried out.

- (a) Please note that you may make submissions or observations in writing to the Planning Authority regarding the purported offence not later than (four weeks) from the date of the service of the Warning Letter.

**AND FURTHER NOTE** that when a Planning Authority considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice may be issued.

Officials of the Planning Authority may at all reasonable times enter on the land for the purposes of inspection.



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dhéanamh as Gaeilge



CERTIFIED A TRUE COPY

23 SEP 2010

SIGNATURE

**AND FURTHER TAKE NOTICE** that a person who is guilty of an offence under Section 151 and 154 shall be liable.

- (a) on conviction on indictment, to a fine not exceeding €12,697,380.00 or to imprisonment for a term not exceeding 2 years, or to both or
- (b) on summary conviction, to a fine not exceeding €1,905, or to imprisonment for a term not exceeding 6 months, or to both and costs with continuous penalties thereafter for so long as the offence continues.

Any costs reasonably incurred by the Planning Authority in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken.

This matter is currently being investigated by Roscommon County Council. If you wish to have your written submission considered by the Planning Authority, please do so within four weeks from the date of the service of this letter, i.e., 21<sup>st</sup> October, 2010.

### **FIRST SCHEDULE**

#### **Condition No. 1**

**"The development shall be carried out strictly in accordance with plans and documents submitted on 31/01/2007, and as amended by the details submitted on 25/09/2007, except where conditions hereunder specify otherwise."**

---

It is noted that the height of the structure exceed that of the structure permitted i.e. works are being constructed inside the original castle external walls and deviate from the originally proposed internal layout.

Mise, le meas,



**Enda Cannon,  
Administrative Officer,  
Planning Enforcement.**

CERTIFIED A TRUE COPY

23 SEP 2010



SIGNATURE



Tel: 090-6632500 Fax: 090-6637108

33

## Sean Simon,

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PLANNING DEPARTMENT  
22 SEP 2010  
REGIONAL

**AND FURTHER TAKE NOTICE** that a person who is guilty of an offence under Section 151 and 154 shall be liable.

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- (b) on summary conviction, to a fine not exceeding €1,905, or to imprisonment for a term not exceeding 6 months, or to both and costs with continuous penalties thereafter for so long as the offence continues.

Any costs reasonably incurred by the Planning Authority in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken.

This matter is currently being investigated by Roscommon County Council. If you wish to have your written submission considered by the Planning Authority, please do so within four weeks from the date of the service of this letter, i.e., 7<sup>th</sup> October, 2010.

### **FIRST SCHEDULE**

#### **Condition No. 1**

**"The development shall be carried out strictly in accordance with plans and documents submitted on 31/01/2007, and as amended by the details submitted on 25/09/2007, except where conditions hereunder specify otherwise."**

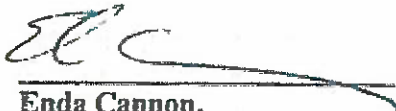
It is noted that the height of the structure exceed that of the structure permitted i.e. works are being constructed inside the original castle external walls and deviate from the originally proposed internal layout.



**Condition No. 5**

**"Developer shall prepare a progress report during the various stages of the proposed construction works indicating compliance with the methodology for such works as proposed in submissions lodged."**

**Mise, le meas,**

  
**Enda Cannon,  
Administrative Officer,  
Planning Enforcement.**



Roscommon  
Co. Co.

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Ras. Com. 10

**RLB - ROSCOMMON** **Case ID: 3**

Case ID: 3

**ROSCOMMON COUNTY COUNCIL**  
**Planning Department**  
**Courthouse**  
**Roscommon**  
**Co. Roscommon**

ROSCOMMON COUNTY COUNCIL  
21 SEP 2010  
RECEIVED

21 SEP 2010

RECEIVED

[illegible]

15/1/0

-071-

# COMHAIRLE CONTAIE ROS COMAIN

## Roscommon County Council

TEACH NA CÚIRTE  
ROS COMÁIN  
Tel: 090-6632500 Faics: 090-6637108

COURTHOUSE  
ROSCOMMON  
Tel: 090-6632500 Fax: 090-6637108

9<sup>th</sup> September, 2010  
Ref: UDR/1601/SK

### REGISTERED POST

Sean Simon,

## WARNING LETTER

### AS PRESCRIBED UNDER SECTION 152 OF THE PLANNING & DEVELOPMENT ACT, 2000.

**Development Description:** Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at

**Location:** Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.

**Planning Ref:** PD/07/143 & UDR/1601/SK.

A Chara,

It has come to the attention of Roscommon County Council, being the Planning Authority for the area in which the land concerned is situated and as set out above, that an unauthorised development as set out in the First Schedule, may have been, is being or may be carried out.

(a) Please note that you may make submissions or observations in writing to the Planning Authority regarding the purported offence not later than (four weeks) from the date of the service of the Warning Letter.

**AND FURTHER NOTE** that when a Planning Authority considers that unauthorised development has been, is being or may be carried out, an Enforcement Notice may be issued.

Officials of the Planning Authority may at all reasonable times enter on the land for the purposes of inspection.

Information 6637200  
Jail 6637200  
Library 6637270  
LIT-TEN 1850 5488 57  
Motor Tax 6637250  
Planning 6637175  
Regional Offices NIA 6627004  
Rates 6637210  
RCDB 6637325  
Reg. of Electors 6637147  
Roads 6637152  
Stores 6637225  
Water Services 6637165

Tá fáilte romhat gno a  
dhéanamh as Gaeilge





CERTIFIED A TRUE COPY

09 SEP 2010

*[Signature]*

SIGNATURE

**AND FURTHER TAKE NOTICE** that a person who is guilty of an offence under Section 151 and 154 shall be liable.

- (a) on conviction on indictment, to a fine not exceeding €12,697,380.00 or to imprisonment for a term not exceeding 2 years, or to both or
- (b) on summary conviction, to a fine not exceeding €1,905, or to imprisonment for a term not exceeding 6 months, or to both and costs with continuous penalties thereafter for so long as the offence continues.

Any costs reasonably incurred by the Planning Authority in relation to enforcement proceedings may be recovered from a person on whom an Enforcement Notice is served or where court action is taken.

This matter is currently being investigated by Roscommon County Council. If you wish to have your written submission considered by the Planning Authority, please do so within four weeks from the date of the service of this letter, i.e., 7<sup>th</sup> October, 2010.

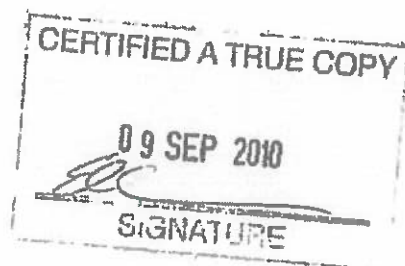
### **FIRST SCHEDULE**

#### **Condition No. 1**

**"The development shall be carried out strictly in accordance with plans and documents submitted on 31/01/2007, and as amended by the details submitted on 25/09/2007, except where conditions hereunder specify otherwise."**

---


It is noted that the height of the structure exceed that of the structure permitted i.e. works are being constructed inside the original castle external walls and deviate from the originally proposed internal layout.



**Condition No. 5**

**"Developer shall prepare a progress report during the various stages of the proposed construction works indicating compliance with the methodology for such works as proposed in submissions lodged."**

**Mise, le meas,**

  
**Enda Cannon,  
Administrative Officer,  
Planning Enforcement.**

CERTIFIED A TRUE COPY

09 SEP 2010

*EC*

SIGNATURE

## PLANNING ENFORCEMENT REPORT

**TO** : Mr. John Cunningham-Director of Services- Planning

**FROM** : Michael Burke T/SEP - Development Management

**RE** : Alleged Unauthorised development consisting of the non compliance with the terms of a grant of planning permission and construction of an unauthorised development at Rockingham Demense , Boyle, Co Roscommon.

**DATE:** 2/6/10

---

The above alleged unauthorised development first came to the attention of the Planning Authority on 1/6/10 following observation by the case officer .

Planning History for the site in question relates to planning file reference number P.D. 07 143 on behalf of Sean Simon for planning permission for Conservation works and conversion of Cloontykilla Castle , a protected structure , to residential use . This development is , from site inspection , substantially underway . Most recent site inspection has revealed that the basement structure , ground floor partitions and upper floor construction is partially complete .- see photos attached .

I would state that the roof over the first floor compartment is excessive in height and departs from permitted development . I consider that applicant should be issued with a warning letter in this regard . Internal partitioning of the proposal is not apparently in compliance with documents lodged . I would have further concerns that progress reports on the ongoing development , a protected structure , have not been submitted .

#### Recommendation

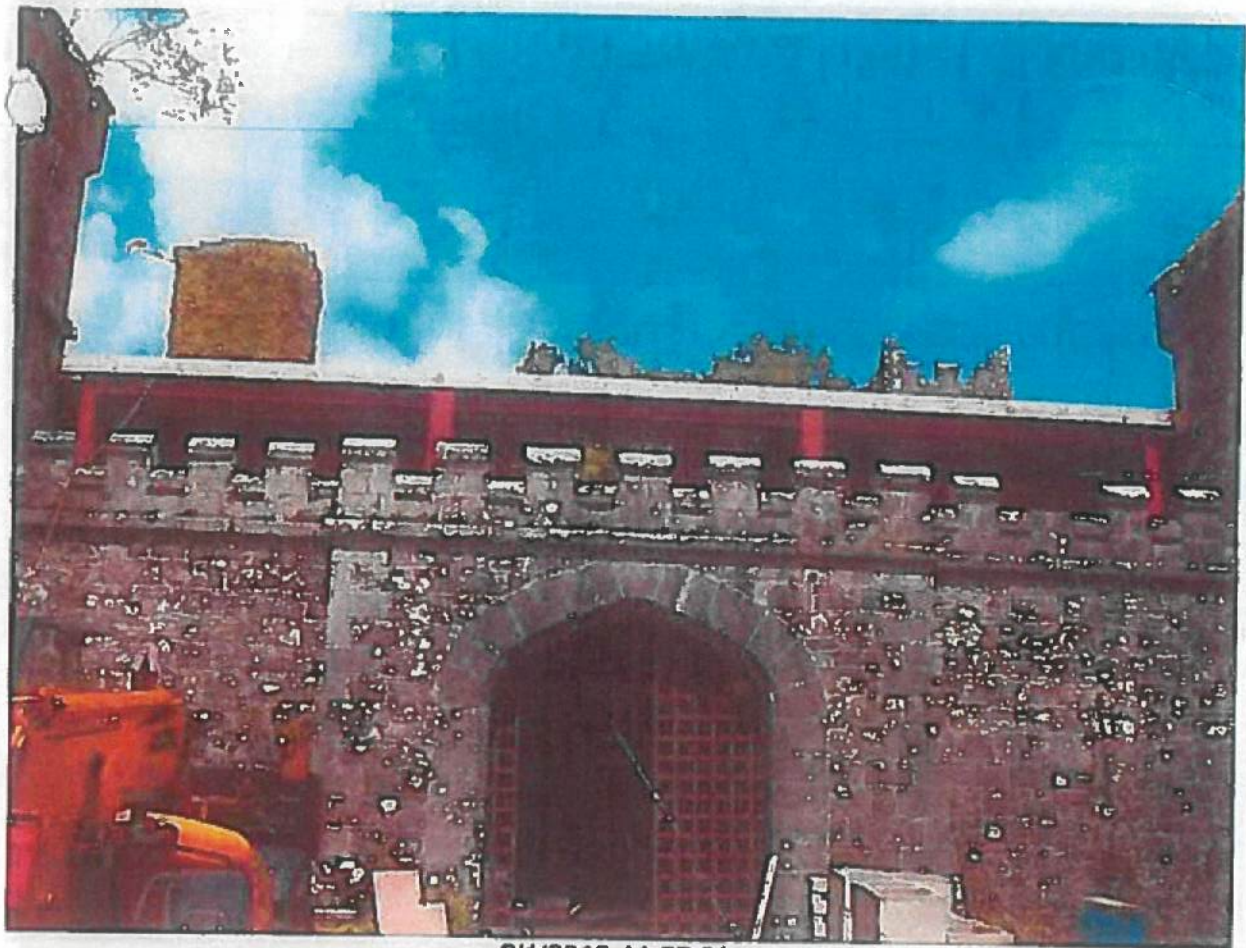
- 
1. Issue warning letter in relation to the consideration of the PA that the height of the proposed structure exceeds that permitted ( ie works being constructed inside original castle external walls ) and deviation from originally proposed internal layout . In general , compliance in this instance is tied into documents lodged , as referred to in C1 of grant of permission .
  2. The warning letter should also address the issue of compliance with condition 5 of PD 07 / 143 referring to construction progress reports

Sincerely

Michael Burke E.P. Planning .....

*in Bal*  
*Agreed*  
*31/8/10*

*[Signature]*  
 22/5/10



6/1/2010 11:55:31

ms

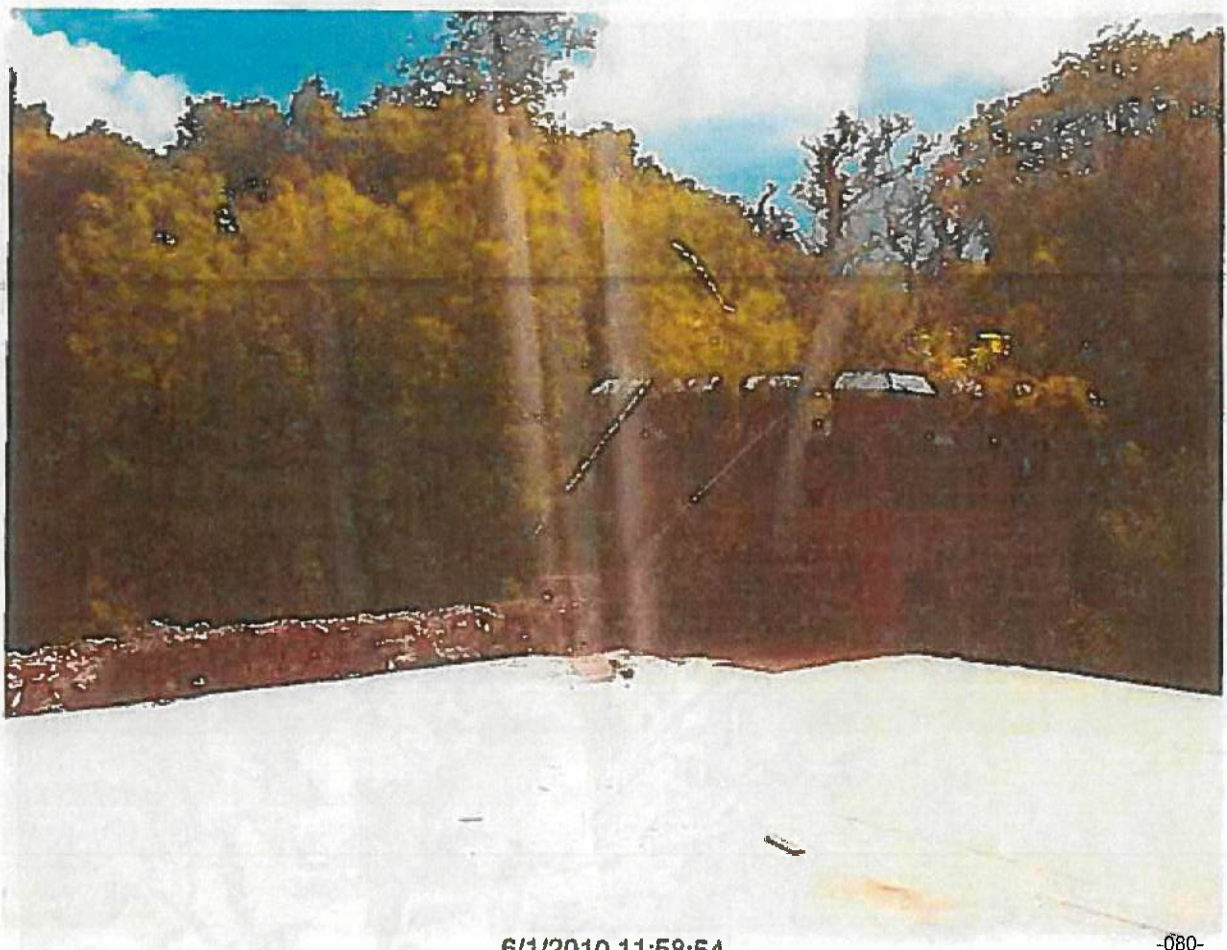


6/1/2010 11:56:08



6/1/2010 11:58:43

WP



6/1/2010 11:58:54

-080-

 <b>Rosecommon County Council Enforcements</b>	
<b>ENQUIRY MENU</b> <a href="#">View Enforcement Details</a> <a href="#">View Documents</a>	<b>ADD ENFORCEMENT</b> <a href="#">View List of Owners/Occupiers</a>
<b>UPDATE ENFORCEMENT</b> <a href="#">View List of Advisors</a>	<b>REPORTS</b> <a href="#">View Solicitor Details</a> <a href="#">Build Report</a> <a href="#">Edit Enforcement</a>

## Enforcement Detail.

Enforcement Id: UDR 1601

Urgent Action : No

## Unauthorised Development Type:

Unauthorised development

## Existing Planning Ref:

PD/07/143

## Solicitor Reference Number

NONE

## Final Outcome:

Current

## Status :

Case Closed

Sub Status None

## Status Date :

07/12/2020

## Last Reviewed:

07/12/2020

## Next Review Date:

NONE

## Final Outcome Date:

NONE

## Enforcement Officer:

Caroline Menton

## Date Received:

07/09/2010

## Warning Letter Deadline Date: (Y)

19/10/2010

## Enforcement Notice Deadline: (N)

16/12/2010

## Submission Deadline:

21/10/2010

## Description:

alleged unauthorised development consisting of non compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. Pd/07/143 at

## Location Address:

Geographical Area :

Rockingham Demesne  
 Lough Key Forest  
 Park, Boyle  
 Co Roscommon

## Comment:

alleged unauthorised development consisting of non compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. Pd/07/143 at

## Land Use Code :

Class None  
 Sub Class None





**Rosecommon County Council Enforcements**

ENQUIRY MENU	MAIN MENU	ADDED ENFORCEMENT	UPDATE ENFORCEMENT	ENQUIRY	REPORTS
View Enforcement Details	View Documents	View List of Owners, Occupiers	View List of Advisors	View GIS	Build Report
				Edit Enforcement	

## File Status History

Status Date	Status	Next Review Date	Responsible Officer	Comments	Last Reviewed	Extensions
02/Jun/2010	Under Review	NONE	Alan O'Connell	Report received from Case Officer	07/Sep/2010	0
09/Sep/2010	Warning Letter Served	07/Oct/2010	Caroline Menton	alleged unauthorised development consisting of non compliance with condition no.'s 1 & 5 of planning permission reference no pD/07/143 at	09/Sep/2010	0
23/Sep/2010	Warning Letter Served	21/Oct/2010	Alan O'Connell	alleged unauthorised development consisting of non compliance with Cond NO.'s 1 & 5 of planning permission reference no PD/07/143 (previous WL returned in post)	23/Sep/2010	0
26/Oct/2010	Referred for Follow Up Inspection	01/Dec/2010	Alan O'Connell	referred to michael burke	03/Nov/2010	0
08/Nov/2010	Under Review	15/Nov/2010	Alan O'Connell	Report from Planner	08/Nov/2010	0
23/Nov/2010	New Consultation (Awaiting Proposals)	07/Jan/2011	Alan O'Connell	Report sought from owner by 7/1/2011	23/Nov/2010	0
10/Feb/2011	Referred for Follow Up Inspection	10/Mar/2011	Alan O'Connell	referred to michael burke	10/Feb/2011	0
25/Feb/2011	Under Review	04/Mar/2011	Alan O'Connell	Report from Planner	25/Feb/2011	0
01/Mar/2011	New Consultation (Awaiting Proposals)	12/Apr/2011	Alan O'Connell	Report sought from owner by 12/4/2011	01/Mar/2011	0
24/May/2011	Under Review (Referred to Planner)	31/May/2011	Alan O'Connell	Response received	24/May/2011	0

25/May/2011	Developer Asked to stop	01/Jun/2011	Alan O'Connell	letter to owner requesting he cease work and arrange meeting on site	25/May/2011	0
11/Aug/2011	Under Review	05/Sep/2011	Alan O'Connell	Report received from Planner	08/Aug/2011	0
17/Aug/2011	Under Review	24/Aug/2011	Alan O'Connell	Response received from owner	17/Aug/2011	0
10/Jun/2014	Under Review	24/Jun/2014	Brian Farragher	Refer to Planner	10/Jun/2014	0
02/Jul/2014	Under Review	09/Jul/2014	Brian Farragher	Report received from Planner	02/Jul/2014	0
08/May/2015	Under Review (Referred to Planner)	15/May/2015	Brian Farragher	Report sought from Planner	08/May/2015	0
29/Jul/2015	Under Review	09/Nov/2015	Brian Farragher	Report from Planner	17/Aug/2015	0
08/Mar/2016	Referred for Follow Up Inspection	29/Mar/2016	Jenny Collins	Refer to Planner	08/Mar/2016	0
17/Sep/2019	Referred for Initial Inspection	24/Sep/2020	Martin Murray	Refer to Enforcement Inspector	17/Sep/2019	0
16/Sep/2020	Referred for Initial Inspection	23/Sep/2020	Martin Murray	Complainant received	16/Sep/2020	0
20/Oct/2020	Under Review	27/Oct/2020	Martin Murray	Report from Enforcement Inspector	20/Oct/2020	0
02/Nov/2020	Under Review (Awaiting Proposals)	20/Nov/2020	Tracy Davis	Letter to owner	02/Nov/2020	0
17/Nov/2020	Under Review	24/Nov/2020	Tracy Davis	Response received	17/Nov/2020	0
26/Nov/2020	Under Review	03/Dec/2020	Tracy Davis	Query from complainant	26/Nov/2020	0
30/Nov/2020	Under Review	08/Dec/2020	Tracy Davis	reply to complainant	30/Nov/2020	0
07/Dec/2020	Case Closed	NONE	Tracy Davis	Close file	07/Dec/2020	0





Planning Enforcement,  
Roscommon County Council,  
Courthouse,  
Roscommon.

Tel: 0906 637157

Email:

[planningenforcement@roscommoncoco.ie](mailto:planningenforcement@roscommoncoco.ie)

## Memorandum

**TO:** File

**REF:** UDR 1601

**DATE:** 7<sup>th</sup> of December, 2020

**Re:** Alleged Unauthorised Development consisting of non-compliance with conditions of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.

---

I undertook site inspection at Cloontykilla Castle on the 1<sup>st</sup> and 2<sup>nd</sup> of December, 2020, based on my finding I recommend that a new file be opened on same.

This file will be referred to as UDR 2579 - Alleged unauthorised development on site without the benefit of planning permission at Cloontykilla Castle, Rockingham Demesne, Boyle, Co. Roscommon

In light of same please close UDR 1601

*Tracy Davis*

---

• Tracy Davis  
Senior Executive Planner

## Therese O'Meara

---

**From:** Therese O'Meara  
**Sent:** Monday 30 November 2020 14:04  
**To:** [REDACTED]  
**Subject:** RE: Planning Violation

Dear [REDACTED]

Thank you for your email which was received into this office on the 26<sup>th</sup> of November, 2020.

I wish to advise you that UDR 1601 is an active file, into which investigations are ongoing. Consultation with the owner and his/her agents are also taking place.

Please note that a site inspection was carried out on foot of your initial email. A further site inspection is due to take place in the coming week.

You will be advised of the outcome in due course.

Mise, le meas

---

Therese O'Meara | Staff Officer | Planning Department | Roscommon County Council  
☎: Direct: (090) 6637157 | ✉: [tomeara@roscommoncoco.ie](mailto:tomeara@roscommoncoco.ie) | [www.roscommoncoco.ie](http://www.roscommoncoco.ie)  
Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 [MAP LOCATION](#)

**From:** [REDACTED]  
**Sent:** Thursday 26 November 2020 16:10  
**To:** Therese O'Meara <[tomeara@roscommoncoco.ie](mailto:tomeara@roscommoncoco.ie)>  
**Subject:** Re: Planning Violation

Dear Therese,

Can you please update me regarding the development at Cloontykilla. This development has no legal planning yet I have witnessed all four protected towers being removed in the last few weeks. I am appalled that the development is not being dealt with adequately and a building of such historical importance is at the mercy of a developer who clearly has zero regard for planning law, historical architecture or process. Do I honestly have to approach a higher authority to have this matter dealt with?

---

**From:** Therese O'Meara <[tomeara@roscommoncoco.ie](mailto:tomeara@roscommoncoco.ie)>  
**Sent:** Monday, September 28, 2020 1:52 PM  
**To:** [REDACTED]  
**Subject:** RE: Planning Violation

Dear Sir

**Therese O'Meara**

---

**From:** [REDACTED]  
**Sent:** Thursday 26 November 2020 16:10  
**To:** Therese O'Meara  
**Subject:** Re: Planning Violation

Dear Therese,

Can you please update me regarding the development at Cloontykilla. This development has no legal planning yet I have witnessed all four protected towers being removed in the last few weeks. I am appalled that the development is not being dealt with adequately and a building of such historical importance is at the mercy of a developer who clearly has zero regard for planning law, historical architecture or process. Do I honestly have to approach a higher authority to have this matter dealt with?

[REDACTED]

---

**From:** Therese O'Meara <tomeara@roscommoncoco.ie>  
**Sent:** Monday, September 28, 2020 1:52 PM  
**To:** [REDACTED]  
**Subject:** RE: Planning Violation

Dear Sir

Thank you for your email received into this office on the 16<sup>th</sup> of September, 2020.

I wish to advise you that I have referred this email to our enforcement inspector seeking a site inspection and report on same.

You will be informed of the decision/outcome in relation to this matter in due course.

Mise, le meas

---

Therese O'Meara | Planning Department  
Roscommon County Council, Áras an Chontae. Roscommon, F42 VR98  
Email [tomeara@roscommoncoco.ie](mailto:tomeara@roscommoncoco.ie) | Ph: 090 66 37157 Web [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

**From:** [REDACTED]  
**Sent:** Wednesday 16 September 2020 22:03  
**To:** PlanningEnforcement <planningenforcement@roscommoncoco.ie>  
**Subject:** Planning Violation

Dear Building Control Officer,

I am writing to you to inform you of a callous planning and building violation within the county of Roscommon. I regularly walk the grounds of Lough Key and have been following the development of

# MEMORANDUM

**To:** Tracy Davis,  
Senior Executive Planner  
Planning

**Ref.:** UDR 1601

**Date:** 17 November, 2020

**Re:** Alleged unauthorised development consisting of non-compliance with conditions of planning permission PD/07/143 at Cloontykilla Castle, Rockingham Demesne, (Lough Key Forest Park), Boyle, Co. Roscommon.

\*\*\*\*\*

I refer to the alleged unauthorised development outlined above and in particular to a response received on the 17<sup>th</sup> of November, 2020 from Ray Kelly, Drawbridge Hospitality T/a Drawbridge who has submitted a response on behalf of Sean Simon to a general letter which issued on the 2<sup>nd</sup> of November, 2020.

Please arrange to have a site inspection carried out and let me have your report on same at your earliest convenience.

---

**Therese O'Meara**  
**Planning Department**

2

Therese O'Meara

---

From: Tracy Davis  
Sent: Tuesday 17 November 2020 11:11  
To: Therese O'Meara  
Subject: FW: Planning Ref: UDR 1601

#2

Therese

Can you please save this information on file (digital and hard copy) and print it out and send to Martin/me for comment.

Thanks  
Tracy

From: Tracy Davis  
Sent: Tuesday 17 November 2020 11:09  
To: Ray <ray@drawbridgehospitality.ie>  
Subject: RE: Planning Ref: UDR 1601

Ray

Thank you for the information which you have submitted.

We will assess its contents and response accordingly in due course.

Kind regards  
Tracy

Tracy Davis  
Senior Executive Planner  
Roscommon County Council

E-mail: [tdavis@roscommoncoco.ie](mailto:tdavis@roscommoncoco.ie) / Web: [www.roscommoncoco.ie](http://www.roscommoncoco.ie)  
Tel: 00 353 90 6632557 / Address: Roscommon County Council, Áras an Chontae, Co. Roscommon, F42 VR98  
Please consider the Environment before printing this email.



From: Ray (<mailto:ray@drawbridgehospitality.ie>)  
Sent: Tuesday 17 November 2020 10:30  
To: Planning Department <[Planning@roscommoncoco.ie](mailto:Planning@roscommoncoco.ie)>  
Cc: Sean <[sean@drawbridgehospitality.ie](mailto:sean@drawbridgehospitality.ie)>  
Subject: Planning Ref: UDR 1601

2  
Dear Tracy,

I hope this email finds you well.

I am responding to your query (UDR 1601) on behalf of Mr. Sean Simon, [REDACTED]  
[REDACTED] I am his project manager to the works at Cloontykilla Castle.

Please find attached at your request;

- a/ photographic evidence of work being undertaken;
- b/ a letter outlining the works being undertaken and by whom;
- c/ a report from Mr. Brendan Maloney, project engineer of Jennings O' Donovan Engineers (Sligo);
- d/ a note from GDR Developments Limited, main contractors on site;

If I can be of any further assistance, please do not hesitate to ask. I would appreciate if you could confirm receipt of this correspondence at your earliest convenience.

Best Regards,

**Ray Kelly | Co-CEO**  
**Drawbridge Hospitality T/A Drawbridge**

- \* *Unique Destinations*
- \* *Events*

M| +353 89 4225395

E| [ray@drawbridgehospitality.ie](mailto:ray@drawbridgehospitality.ie)

W| [www.drawbridgehospitality.ie](http://www.drawbridgehospitality.ie)

VAT| IE3707330QH

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**Sent:** Tuesday 17 November 2020 11:11  
**To:** Therese O'Meara  
**Subject:** FW: Planning Ref: UDR 1601

Therese

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Thanks  
Tracy

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**Sent:** Tuesday 17 November 2020 11:09  
**To:** Ray <ray@drawbridgehospitality.ie>  
**Subject:** RE: Planning Ref: UDR 1601

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Kind regards  
Tracy

*Tracy Davis*  
Senior Executive Planner  
Roscommon County Council

*E-mail: [tdavis@roscommoncoco.ie](mailto:tdavis@roscommoncoco.ie) / Web: [www.roscommoncoco.ie](http://www.roscommoncoco.ie)*

*Tel: 00 353 90 6632557 / Address: Roscommon County Council, Aras an Chontae, Co. Roscommon, F42 VR98*

*Please consider the Environment before printing this email.*



**From:** Ray [<mailto:ray@drawbridgehospitality.ie>]  
**Sent:** Tuesday 17 November 2020 10:30  
**To:** Planning Department <[Planning@roscommoncoco.ie](mailto:Planning@roscommoncoco.ie)>  
**Cc:** Sean <[sean@drawbridgehospitality.ie](mailto:sean@drawbridgehospitality.ie)>  
**Subject:** Planning Ref: UDR 1601

Dear Tracy,

I hope this email finds you well.

I am responding to your query (UDR 1601) on behalf of Mr. Sean Simon, [REDACTED]  
[REDACTED] I am his project manager to the works at Cloontykilla Castle.

Please find attached at your request;

- a/ photographic evidence of work being undertaken;
- b/ a letter outlining the works being undertaken and by whom;
- c/ a report from Mr. Brendan Maloney, project engineer of Jennings O' Donovan Engineers (Sligo);
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Best Regards,

**Ray Kelly | Co-CEO**  
**Drawbridge Hospitality T/A Drawbridge**

- \* *Unique Destinations*
- \* *Events*

**M|** +353 89 4225395

**E|** [ray@drawbridgehospitality.ie](mailto:ray@drawbridgehospitality.ie)

**W|** [www.drawbridgehospitality.ie](http://www.drawbridgehospitality.ie)

**VAT|** IE3707330QH

**SEAN SIMON**

**CLOONTYKILLA CASTLE, ROCKINGHAM,  
BOYLE, CO. ROSCOMMON.**

**VISUAL SURVEY  
REPORT**

**OCTOBER 2020**

**Sean Simon,**



**Jennings O'Donovan & Partners Ltd.**

**Consulting Engineers,  
Finisklin Business Park,  
Sligo.**

**Tel.: 071 9161416**

**Fax: 071 9161080**

**email: [info@jodireland.com](mailto:info@jodireland.com)**



**JENNINGS O'DONOVAN & PARTNERS LIMITED.**  
 Project, Civil and Structural Consulting Engineers,  
 FINISKLIN BUSINESS PARK,  
 SLIGO,  
 IRELAND.

Telephone (071) 91 61416  
 Fax (071) 91 61080

Email [info@jodireland.com](mailto:info@jodireland.com)  
 Web Site [www.jodireland.com](http://www.jodireland.com)



## **DOCUMENT APPROVAL**

<b>PROJECT</b>	Survey of Property	
<b>CLIENT / JOB NO</b>	Sean Simon	6322
<b>DOCUMENT TITLE</b>	Visual Survey Report	

Document	Prepared by	Reviewed / Approved by
	Name	Name
Date	Signature	Signature

Document	Prepared by	Reviewed / Approved by
	Name	Name
Final	Brendan Maloney	John McElvaney
Date	Signature	Signature
09 <sup>th</sup> November 2020	<i>Brendan Maloney</i>	<i>J. McElvaney</i>

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- (b) By release of the report to the Third Party, that Third Party does not acquire any rights, contractual or otherwise, whatsoever against JENNINGS O'DONOVAN & PARTNERS LIMITED and JENNINGS O'DONOVAN & PARTNERS LIMITED, accordingly, assume no duties, liabilities or obligations to that Third Party, and
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Directors: D. Kiely, C. McCarthy  
 Regional Director: A. Phelan  
 Consultants: C. Birney, M. Gavin, R. Gillan

Senior Associates: R. Davis, S. Gilmartin, J. Healy, J. McElvaney, T. McGloin  
 Associates: L. Brennan, S. Lee, S. Maryn, L. McCormack, S. Molloy  
 Company Reg No. 149104 VAT Reg. No. IE6546504D



Client: Sean Simon  
Project: Visual Survey Report  
Title of Document: Survey Report  
Document Issue: 1

Date: Nov. 2020  
Project No.: 6322  
Page No.: 1

**SEAN SIMON**  
**CLOONTYKILLA CASTLE, ROCKINGHAM, BOYLE, CO. ROSCOMMON.**  
**VISUAL SURVEY**

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3. CONCLUSIONS / RECOMMENDATIONS .....	2

**APPENDICES**

Appendix 1 - Photographs



**SEAN SIMON**  
**CLOONTYKILLA CASTLE, ROCKINGHAM, BOYLE, CO. ROSCOMMON.**  
**VISUAL SURVEY**

**1. INTRODUCTION**

Jennings O'Donovan & Partners Limited were originally contacted by telephone, by Mr. Ray Kelly, in early September 2020.

Mr. Kelly confirmed that his client, Mr. Sean Simon, was carrying out essential works to his property in Rockingham, Co. Roscommon and wished to arrange a site inspection.

Jennings O'Donovan were further instructed on 16<sup>th</sup> September, following a visual inspection, to assist with the works.

It was evident that water had infiltrated the building from a leaking roof.

The initial inspection was visual only and photographs were taken as a record of the observations. Opening up works were not carried out. Weather conditions – generally dry.

This report has been prepared solely for our client and only for their information. It is not a structural report and should not be considered as such.

This report is based on a superficial inspection only and the surveyor cannot be aware of or responsible for any deficiencies which are covered up.

---

An independent survey was also commissioned to ascertain the condition of all structural timbers.

The inspection does not take into consideration the Planning status of the property/development. No search or examination was undertaken for Local Authority Planning, Building Bye Law, Building Regulation Files or documentation relevant to the property and the site (or site development where appropriate) to which it is part.



## **2. CONDITION OF PROPERTY**

### **2.1 Building Overview**

The property comprises a large detached stone built structure.

It has been indicated that the building had progressed to the stage of 'practical completion' however, water had infiltrated the building and essential works were being carried out to protect the structure.

### **2.2 Condition Exterior**

In general, the exterior stone walls of the building appear to be in reasonable condition.

Some essential repair works were being carried out on to the stonework around the roof areas and parapet walls. These works are necessary to avoid the building from becoming endangered.

### **2.3 Condition Interior**

As indicated above, the interior of the building has clear evidence of water ingress however, sensitive remedial works are being undertaken to restore the building back to its completed state.

---

Some structural timber require replacement / readjustment, in accordance with independent report from timber technologist.

## **3. CONCLUSIONS / RECOMMENDATIONS**

Whereas works are being carried out at the property, these works are essential to maintain the building.

The owner of the property is discharging his legal obligation to make sure that the structure does not become endangered through neglect, decay, damage or harm.



**Client:** Sean Simon  
**Project:** Visual Survey Report  
**Title of Document:** Survey Report  
**Document Issue:** 1

**Date:** Nov. 2020  
**Project No.:** 6322  
**Page No.:** Appendix

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## **APPENDIX 1**

## **PHOTOGRAPHS**



Client: Sean Simon  
Project: Visual Survey Report  
Title of Document: Survey Report  
Document Issue: 1

Date: Nov. 2020  
Project No.: 6322

Page No.: Appendix



**Photograph 1 & 2 Roof – Note essential works being carried out to parapet wall and roof.**





FRC, Kilmovee, Ballaghaderreen, Co. Mayo

Office: 094 9649720

Gerard Regan: 087 6815009, [gerardregan2016@gmail.com](mailto:gerardregan2016@gmail.com)

Myles Leonard: 086 2054726, [mylesgdrdevelopltd@gmail.com](mailto:mylesgdrdevelopltd@gmail.com)

V.A.T. No: IE64021311

## **Cloontykilla Castle**

**DATE:12/11/2020**

GDR Developments Ltd were asked to inspect leaks from the roof, at the existing dwelling, at Rockingham Demesne earlier this year.

On inspection it was discovered that there was significant water ingress at parapet walls.

Following further investigation, it was established that this water ingress had caused significant damage to the existing plywood base to the underside of the single ply membrane and had become unstable. Immediate remedial action was required. Following discussion with our client, Sean Simon, on ways to address the issue, it was agreed that the best course of action would be that he move out of the dwelling, and the roof be stripped and re-sealed. On removal of the existing roof cover, there was more extensive damage than previously thought to the timberwork beneath the roof. Many of the joisting timbers needed to be replaced due to rot.

---

Currently, the re-sealing of the roof is approximately 75% complete. Our sub-contractor on site is JC Roofing Contractors Ltd (James Cooney – Cooneys)

While carrying out the roof repairs, the existing parapet stones need to be removed and existing lead flashing removed. Specialist stone restoration company, Stonecraft Restoration Ltd were employed to re set these stones and fit new lead underneath. While on site they are to clean the external walls of the dwelling and repoint using lime mortar as original.

Regards,

Myles Leonard  
Site Foreman  
GDR Developments Limited

18<sup>th</sup> November 2020

Planning Reference: UDR 1601      Planning Permission: PD/07/143

Dear Tracy,

As Project Manager for the necessary remedial works to Cloontykilla Castle, I am responding on behalf of Mr. Sean Simon at his request.

I attach our engineer's report by Brendan Maloney of Jennings O'Donovan, Silgo and Myles Leonard (Site Foreman) of GDR Developments Limited that outline the condition of Mr. Simons home due to the ingress of water over a sustained period of time.

GDR Developments Limited have been employed to oversee the execution of these works, by principal Gerry Regan. Stonecraft Restoration Limited have been employed to re-instate the parapet wall details, install a lead flashing detail and make repairs to external walls that had deteriorated lime pointing. Sean McKenna, Stonecraft's principal is personally overseeing the work. All work is commissioned on a like for like basis and full commitment to preferred conservation principals. Due to vandalism and theft of parapet and battlement stones from some of the towers and roof line, some of the parapet stones had to be re-commissioned and have been carefully crafted to match the original stones, by existing detail and historical photographic evidence.

The roof was originally completed in 2012, which is strongly documented by Grand Designs broadcast the same year. While practical completion has been achieved at the castle, It had not been formalised by Mr. Simon's then professional team to Roscommon Co Co.

[REDACTED] It should be noted that internal plaster boarded partitions, first and second fix services, sanitary services, water supply, off grid electric generator have all been in place since before the expiry of Mr. Simon's planning. It can also be confirmed that all planning conditions have been adhered to. [REDACTED]

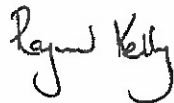
[REDACTED]

James Cooney of Cooney's Roofing is the nominated sub-contractor for the removal of the original Trocol roof that failed and is installing a three-ply layer hot melt roof that comes with a 50-year warranty certification.

Photographs outlining the condition of the roof, progress and detail photographs are also attached as requested.

I expect this to meet with your approval, and remain available to assist you further if required to satisfy the recent complaint made towards the necessary works being carried out at Cloontykilla Castle.

Yours Sincerely,



**Ray Kelly | Co-CEO**

**Drawbridge Hospitality T/A Drawbridge**

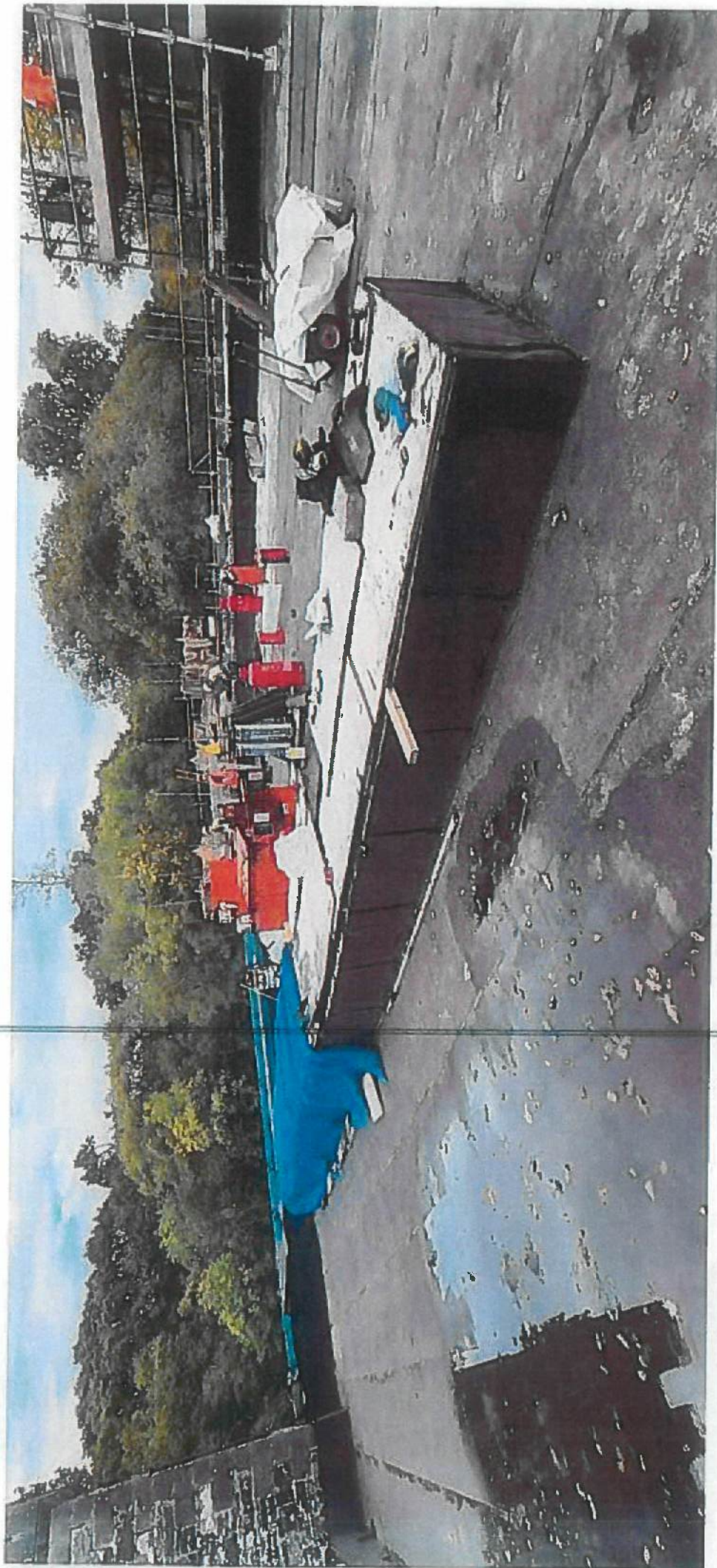
**M| +353 89 4225395**

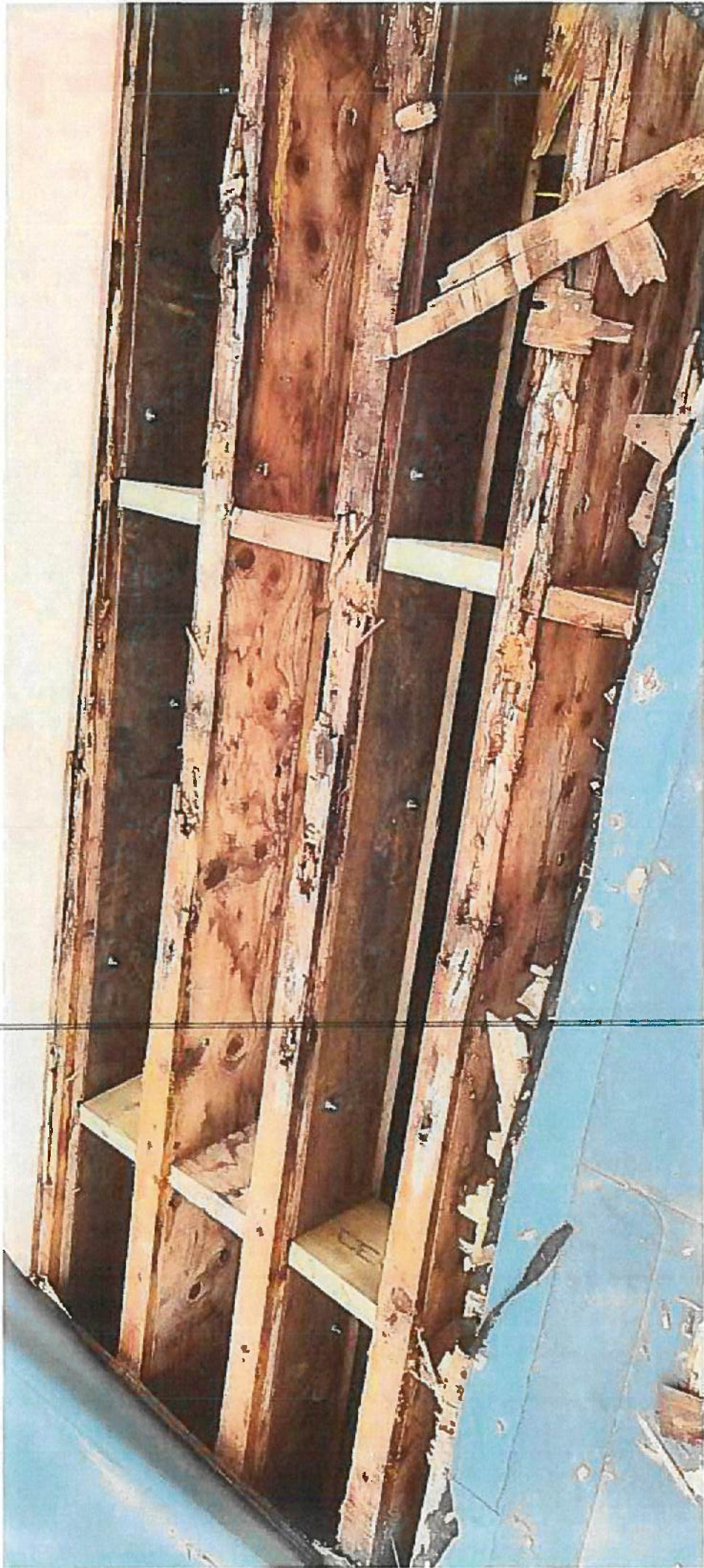
**E| ray@drawbridgehospitality.ie**

**W| www.drawbridgehospitality.ie**









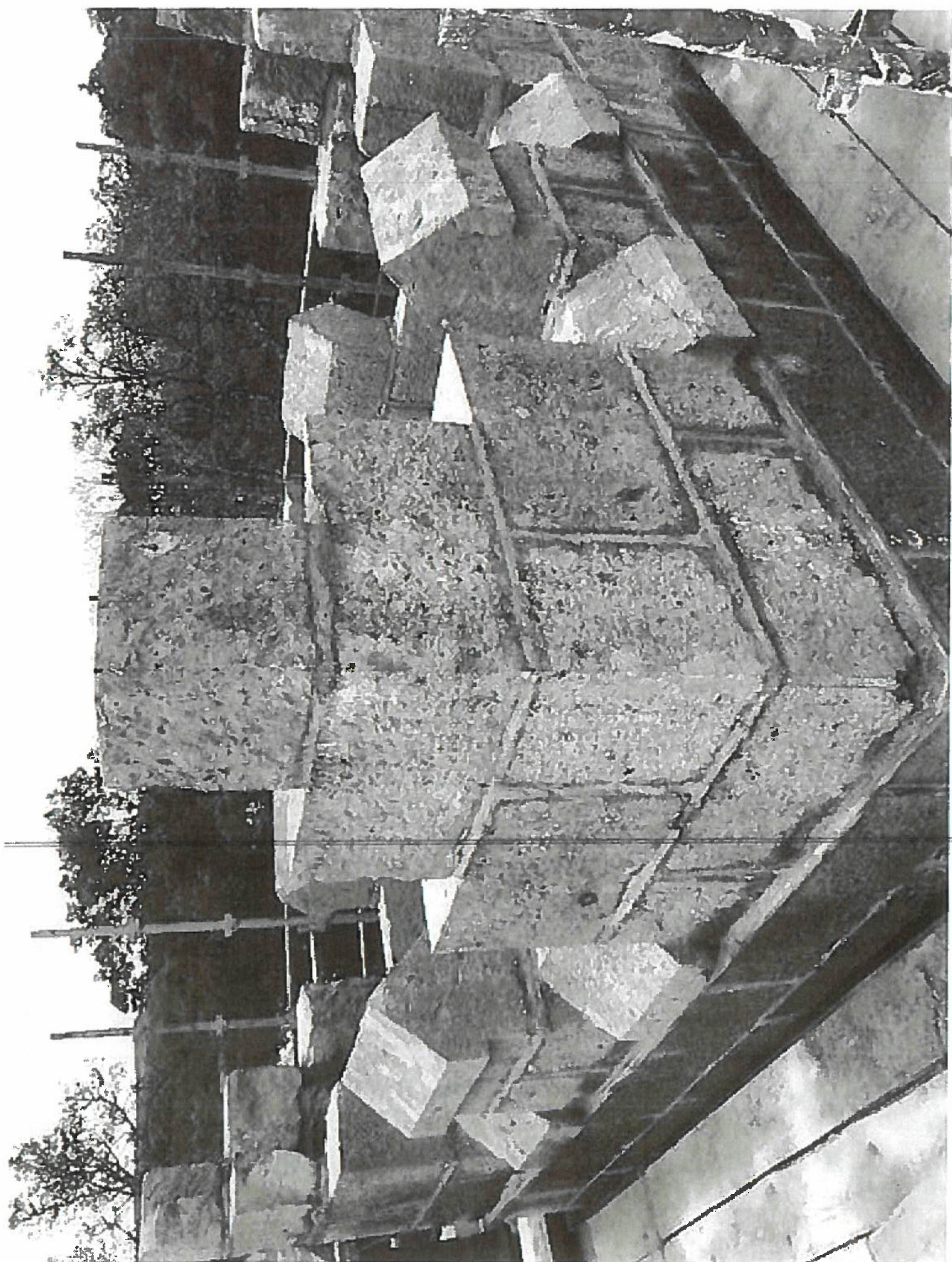






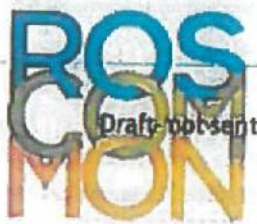












Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Sean Simon

#4

Planning Ref.: UDR 1601

Date: 2 November, 2020

Re: **Alleged unauthorised development consisting of non-compliance with conditions of planning permission PD/07/143 at Cloontykilla Castle, Rockingham Demesne, (Lough Key Forest Park), Boyle, Co. Roscommon.**

A Chara

I refer to the alleged unauthorised development consisting of non-compliance with conditions of planning permission PD/07/143 at Cloontykilla Castle, Rockingham Demesne, Lough Key Forest Park, Boyle, Co. Roscommon.

It has come to the attention of the Planning Authority that works are ongoing at Cloontykilla Castle in Rockingham Demesne in Lough Key Forest Park, Boyle, Co. Roscommon. It is noted that planning permission PD/07/243 has expired.

I would be obliged if you could forward a detailed description/report of recent works carried out to the Castle. This report should include;

- photographic evidence of works carried out
- ~~Name of persons employed on the site.~~
- Up to date progress report on the current condition of the castle.

Please submit this report in writing on or before the 20<sup>th</sup> of November, 2020. On receipt of same, the report will be assessed without prejudice and a course of action will be decided upon.

Failure to submit same will leave the Planning Authority with little option but to progress enforcement proceedings.

Mise, lea meas

*Tracy Davis*  
Tracy Davis, Senior Executive Planner  
Planning Department  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie).

Therese O'Meara

From: Tracy Davis  
 Sent: Sunday 1 November 2020 19:23  
 To: Therese O'Meara  
 Subject: FW: 1 UDR 1601 23-10-2020 GL

#5

Therese

Can you please prepare this for me to sign Monday

Thanks a million  
 Tracy

From: Martin Lydon  
 Sent: Monday 26 October 2020 14:14  
 To: Tracy Davis <TDavis@roscommoncoco.ie>  
 Subject: RE: 1-UDR 1601 23-10-2020 GL

The letter can be sent

Can you please let me know if the works are substantially complete, and if they are what the next steps would possibly be

Regards

From: Tracy Davis  
 Sent: Friday 23 October 2020 11:56  
 To: Martin Lydon <Martin.Lydon@roscommoncoco.ie>  
 Subject: 1-UDR 1601 23-10-2020 GL

Martin

Sean Simon indicated that you may have had consultations concerning this site before.

It has come to our attention that work is still being undertaken on site

We are in favour of the building being restored however are aware that the planning permission has expired and they do not have a Section 57 declaration in place for works to the protected structure.

We wish to issue the following letter but your consultation may have a bearing on what we send out.

Many thanks  
Tracy

Tracy Davis  
Senior Executive Planner  
Princess of Wales County Council

Please consider the Environment before printing this email



**From:** Tracy Davis  
**Sent:** Friday 23 October 2020 12:10  
**To:** Therese O'Meara  
**Cc:** Martin Murray  
**Subject:** RE: UDR 1601 Cloontykilla Castle

Therese

Martin Lydon has asked that we hold off on issuing anything at this time.

He will let us know when and if we can proceed.

Thanks  
Tracy

*Tracy Davis*  
Senior Executive Planner  
Forward Planning  
Roscommon County Council

*E-mail: [tdavis@roscommoncoco.ie](mailto:tdavis@roscommoncoco.ie) / Web: [www.roscommoncoco.ie](http://www.roscommoncoco.ie)*

*Tel: 00 353 90 6632557 / Address: Roscommon County Council, Áras an Chontae, Co. Roscommon, F42 VR98*

*⚠ Please consider the Environment before printing this email ⚠*



---

**From:** Therese O'Meara  
**Sent:** Friday 23 October 2020 10:57  
**To:** Tracy Davis <[TDavis@roscommoncoco.ie](mailto:TDavis@roscommoncoco.ie)>  
**Subject:** UDR 1601 Cloontykilla Castle

Hi

I attach draft general letter should you wish to issue same prior to going on leave

Thanks  
Therese

---

Therese O'Meara | Planning Department  
Roscommon County Council, Áras an Chontae, Roscommon, F42 VR98  
Email: [tomeara@roscommoncoco.ie](mailto:tomeara@roscommoncoco.ie) | Ph. 090 66 37157 Web: [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

Draft- not sent

#7

Sean Simon

Planning Ref.: UDR 1601  
Date: 23 October, 2020

Re: **Alleged unauthorised development consisting of non-compliance with conditions of planning permission PD/07/143 at Cloontykilla Castle, Rockingham Demesne, (Lough Key Forest Park), Boyle, Co. Roscommon.**

---

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- Name of persons employed on the site.
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Failure to submit same will leave the Planning Authority with little option but to progress enforcement proceedings.

Mise, lea meas

---

Tracy Davis, Senior Executive Planner  
Planning Department  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie).

8

Therese O'Meara

**From:** Therese O'Meara  
**Sent:** Tuesday 13 October 2020 08:48  
**To:** Pat Murtagh  
**Cc:** Tracy Davis; Mary Dolan  
**Subject:** FW: AIE 065 Decision to Refuse - Eoin Brady

#8

Hi Pat

From an enforcement point of view, UDR 1601 refers to Cloontykilla Castle  
This is an open file. A site inspection into same has been requested and I am awaiting a report on same

Thanks  
Therese

Therese O'Meara | Planning Department  
Roscommon County Council, Áras an Chontae, Roscommon, F42 VR98  
[tomeara@roscommoncoco.ie](mailto:tomeara@roscommoncoco.ie) 090 66 37157 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

**From:** Tracy Davis  
**Sent:** Monday 12 October 2020 17:32  
**To:** Therese O'Meara <[tomeara@roscommoncoco.ie](mailto:tomeara@roscommoncoco.ie)>; Mary Dolan <[marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)>  
**Subject:** FW: AIE 065 Decision to Refuse - Eoin Brady

Therese and Mary

Could you both please have a look at this and get the ref no's to Pat as a matter of urgency.

Many thanks  
Tracy

**From:** Pat Murtagh  
**Sent:** Monday 12 October 2020 16:53  
**To:** Tracy Davis <[TDavis@roscommoncoco.ie](mailto:TDavis@roscommoncoco.ie)>  
**Subject:** FW: AIE 065 Decision to Refuse - Eoin Brady

Tracy,

I had discussed the Access to Information on the Environment request that is detailed below with Mary some time ago and it was the contention of Roscommon County Council that the information sought was not within the definition of Environmental Information. The applicant has appealed the decision as outlined below and I have been nominated to handle the appeal. Can you arrange for someone in the Planning Section to let me know what files are in the system in relation to Cloontykilla Castle and what the status is of those files, in particular any enforcement files that may exist. I must respond to Mr Brady's appeal at the latest on 14<sup>th</sup> October

Apologies for the short notice

From: Eoin Brady [ ]  
Sent: Tuesday 15 September 2020 15:50  
To: Freedom of Info Officer < >  
Subject: Fwd: AIE 065 Decision to Refuse - Eoin Brady

Dear Brian,

Thank you for your letter enclosing the decision in this matter.

I have studied same and have concluded that it is incorrect. The information requested is clearly environmental information, and your interpretation of Article 3(1) of the Regulations is with respect erroneous.

If you look at the Aarhus Convention Implementation Guide, which all AIE decisions must be interpreted in accordance with, it is clear that planning permissions are set out as a measure having an effect on the elements of the environment.

If you look at the decisions of the Commissioner for Environmental Information, they clearly hold that the information which I have requested is environmental information. In that regard I refer you to Case No CEI/18/0019 <https://www.oci.ie/patrick-costello-the-depa/index.vml>

As you will see in that case the Commissioner found as follows:

*"It is clear to me that the Report before me now is concerned with planning matters and with specific planning decisions taken in Donegal. It contains information on planning and specific land use including planning reference numbers and site location. The Department in its submission argued that in order for information to be considered environmental information within the meaning of article 3(1)(c) of the AIE Regulations, it must be on a measure that is capable of affecting the elements and factors identified in paragraphs (a) and (b) or be a measure designed to protect those elements. I consider that the Report contains information on and is primarily concerned with information on specific planning applications that were approved and/or where construction was undertaken. Any development and construction of that kind will have some effect on the landscape.*

*I conclude that the Report as a whole constitutes environmental information within the meaning of part (c) of the definition in article 3(1), in that it is information on measures (i.e. planning permissions) affecting elements of the environment, such as land and landscape."*

Clearly the works at Cloontykilla Castle are to have an effect on the environment. Even if one were to accept your argument, which I believe is incorrect, that a structure listed as protected in the County Development Plan is not caught by subparagraph (a) of Article 3(1), the development in question involves extensive landscaping and removal of old growth broadleaf trees which also falls within paragraph (a). A cursory examination of the planning file indicates this to be the case. Submissions on the planning file were received from an environmental campaign group and An Taisce. These alone should alert someone to the fact that elements of the environment are or were affected by the development in question.

I have to say that I was taken aback by your interpretation of the Regulations. In my view there are probably few cases which come as directly within the meaning of 'environmental information' as this one.

Accordingly, I would like to request an internal review of this decision, and look forward to hearing from you in this regard.

Regards,

Eoin

On Mon, 14 Sep 2020, 3:08 pm Brian Duffy, <[BDuffy@roscommoncoco.ie](mailto:BDuffy@roscommoncoco.ie)> wrote:

A Chara

---

~~Please find attached decision made on today's date to refuse your recent request made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) for access to the following information held by Roscommon County Council for the period 26th November 2007 to date:~~

- *All information held by Roscommon County Council concerning proposed or completed development to Protected Structure No 006000283 and its associated curtilage at Cloontykilla Castle, Rockingham Demesne, Boyle, County Roscommon.*

- *All information held by Roscommon County Council in respect of Planning Permission Register Reference No PD/07/143, compliance with the conditions of said planning permission and any enforcement files in respect of same.*

- *All correspondence between Mr. Sean Simon and Roscommon County Council concerning proposed development at Cloontykilla Castle.*

Misc le Meas

Brian Duffy

AIE Officer

Corporate Services Department


Roscommon County Council

Ph: 090 6637122

E-mail: [bduffy@roscommoncoco.ie](mailto:bduffy@roscommoncoco.ie)

**This message is for the named person's use only. If you received this message in error, please immediately delete it and all copies and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. Any views expressed in this message are those of the individual sender and not of Roscommon County Council.**

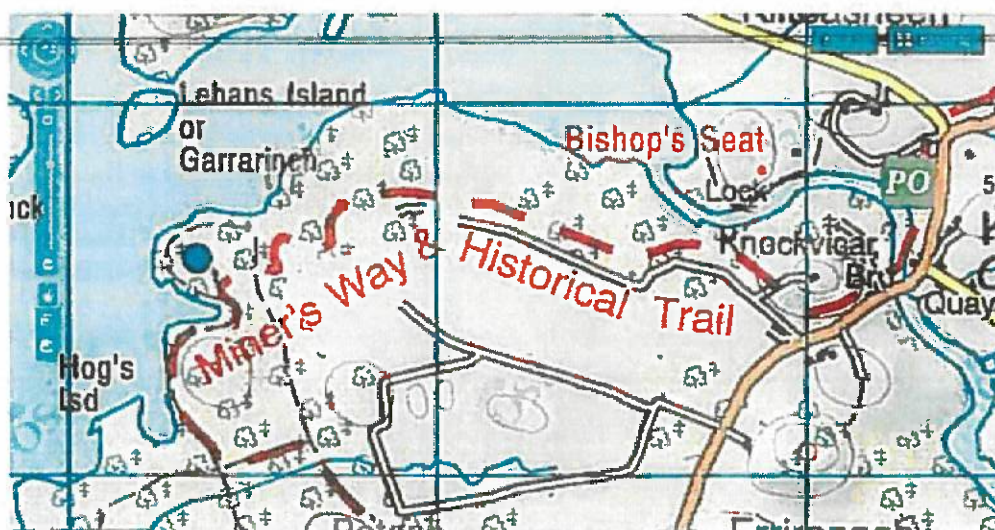
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	Planning Enforcement, Roscommon County Council, Courthouse, Roscommon.	<b>PLANNING ENFORCEMENT REPORT</b>
	Tel: 0906 637100 Fax: 0906 637183	

**TO:** Tracy Davis Senior Executive Planner – Planning  
**FROM:** Martin Murray Clerk of Works, - Planning  
**RE:** Alleged unauthorised development consisting of Alleged Unauthorised Development consisting of non-compliance with conditions of planning permission PD/07/143 at Rockingham Demesne (Lough Key Forest Park), Boyle, Co. Roscommon.  
**REF:** UDR 1601.  
**DATE:** 20<sup>th</sup> October 2020.

### 1/ Site Description.

The site in question is accessed via a forest road/track off local road L1019 which is off the R285, 1.5 km South of Knockvicar Village and is in the townland of Rockingham Demesne. Cloontykilla castle is on the site overlooking the shore of Lough Key.



Site Location, (Blue dot)

## 2/ Relevant Planning History.

Planning No.	Description	Decision	File Inspected
PD/07/143	Permission sought for. For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure' - by way of conservation and reinstatement of (a) 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 149 sq.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 at Cloontykilla Castle	Granted 26/11/2007	Yes

## 3/ Site Visit & Assessment.

This file was referred to me by the Planning Enforcement Section, having received a complaint. The complaint relates to development work been carried out on the protected structure, Cloontykilla Castle. There is also an active enforcement file on this site, referring to the:

**Alleged unauthorised development consisting of Alleged Unauthorised Development consisting of non-compliance with conditions of planning permission PD/07/143 at Rockingham Demesne (Lough Key Forest Park), Boyle, Co. Roscommon.**

I inspected the site on Wednesday the 30<sup>th</sup> of September 2020, and I have attached photographic details of the site and what I observed on this date. There were three men on site removing scaffolding from the front of the castle. One of the men told me that they were removing scaffolding and were going to erect it to the rear of the castle. He explained to me that other trades were carrying out repairs to the roof and the stone work on the towers. I took some photos of the castle and to the towers attached to it, where I notice that the stone parapets had repairs done to them and these were covered with brown cloth covers. The towers to the rear of the castle have some cracks in them and there appears to be some loose stone on the top of them, these in my opinion would need repair work done to them. There is a sign advertising a building contractor on site, by the name of a Gerald Regan. I rang Mr Regan on Tuesday the 20<sup>th</sup> of October 2020, he told me that he was employed by the owner of the castle a Mr Sean Simon, to do essential repairs to sections of a roof that was leaking. This roof was put on the castle some ten years ago as part of the development under PD/07/143. Later that same day the owner of the castle, Mr Sean Simon phoned the planning office, he concurred with the building contractor, that these works which had occurred at the castle were essential repairs. He told me that

Gerald Regan was on site for roof repairs, but that he also was there to help stone masons. The masons are from Stone Craft Ireland, specialist on restoration projects to protected structures/buildings. Their work included repointing stones on the towers that were loose and carrying out repairs to the lead work (flashing), always using original materials in keeping with the castle's character. He told me that he had resided at the castle but due to these maintenance issues he had moved out. When these repairs were finished he would be moving back into the castle.

#### 4/ Recommendation.

In light of the above and after examining previous planner's reports attached to UDR 1601, I recommend that a General Letter, be sent to Mr Sean Simon, [REDACTED]

[REDACTED] This letter should refer to the planning enforcement officers recent site visit to Cloontykilla Castle to investigate:

**Alleged Unauthorised Development consisting of construction works to Cloontykilla Castle without the benefit of planning permission at Rockingham Demesne (Lough Key Forest Park), Boyle, Co. Roscommon.**

This letter should then ask the owner Mr Sean Simon to provide the planning authority with a detailed description/report of recent works carried out to the Castle. This report should include photographic evidence of works carried out, who was employed on site, along with an up to date progress report on the current condition of the castle. A time frame of four weeks should be given to Mr Sean Simon to reply to this letter.

The planning authority will assess the above reply without prejudice and decide on a course of action.

It should be advised that failure to comply with this request could lead the Planning Authority with little option but to pursue the above under the planning enforcement procedure.

Also this letter should inform Mr Simons that UDR 1601 is still an active enforcement file, which refers to:

**Alleged unauthorised development consisting of Alleged Unauthorised Development consisting of non-compliance with conditions of planning permission PD/07/143 at Rockingham Demesne (Lough Key Forest Park), Boyle, Co. Roscommon.**

Signed:

  
Martin Murray  
Clerk of Works/Planning

Date: 21-10-2020

Signed:

  
Tracy Davis  
Senior Executive Planner/Planning.

Date: 22/10/2020

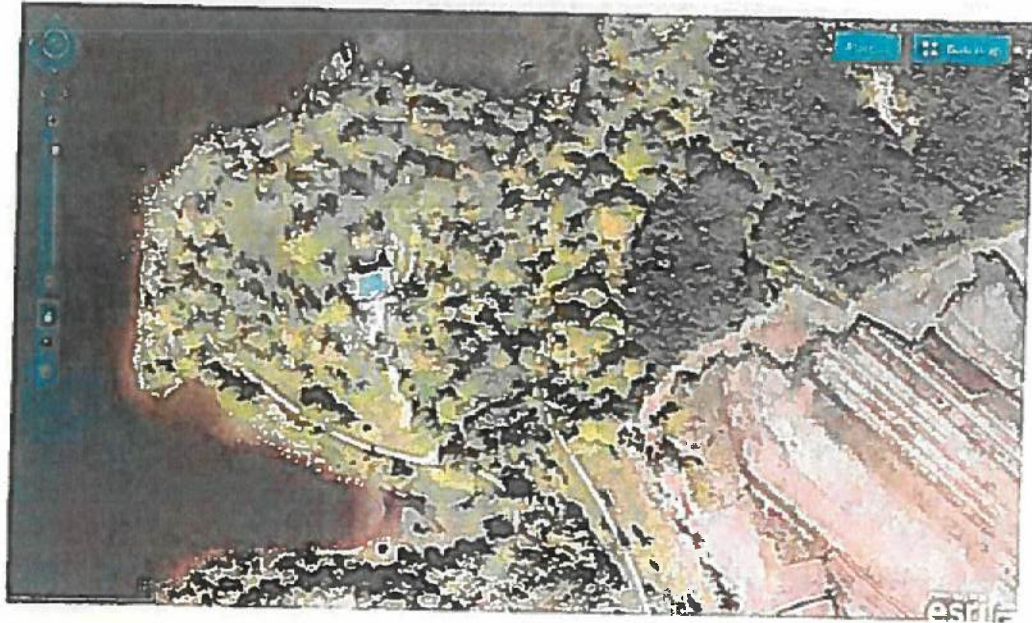
22/10/2020

Martin Lyden might  
have info on this.

It appears PP is  
different from other  
at some level.  
201

They should supply to  
SS2 declaration - 6  
any other new to  
SS2. It should be  
better understanding.

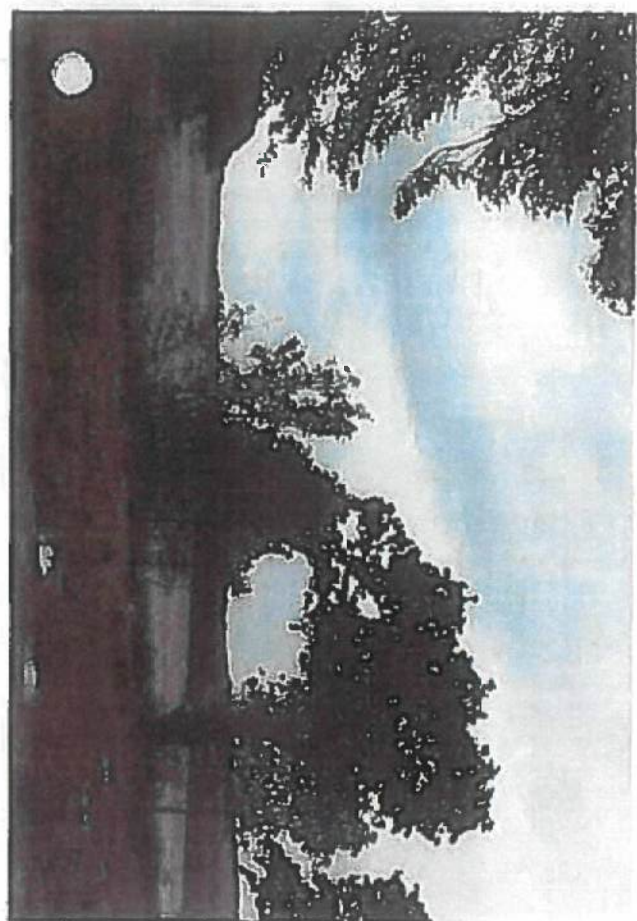
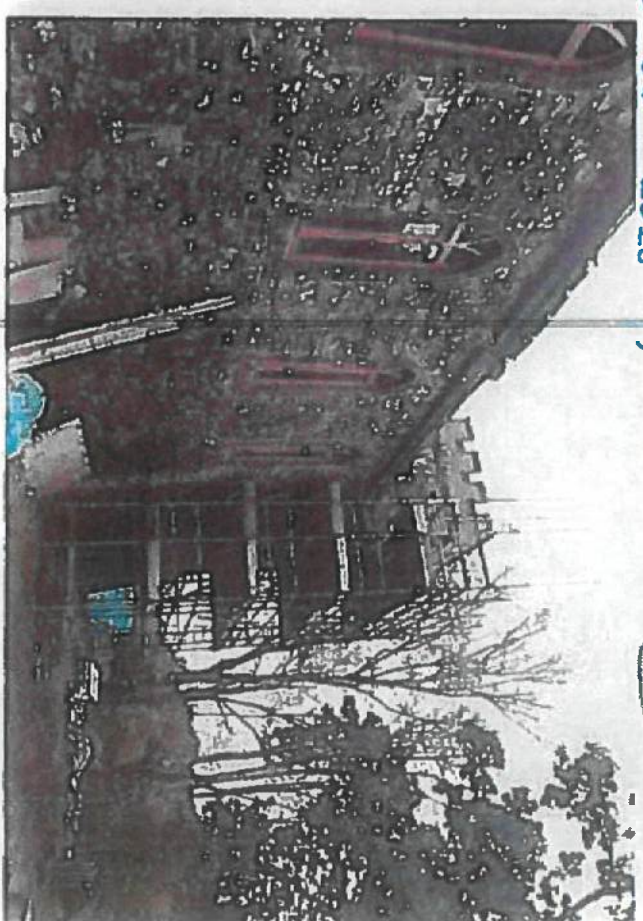
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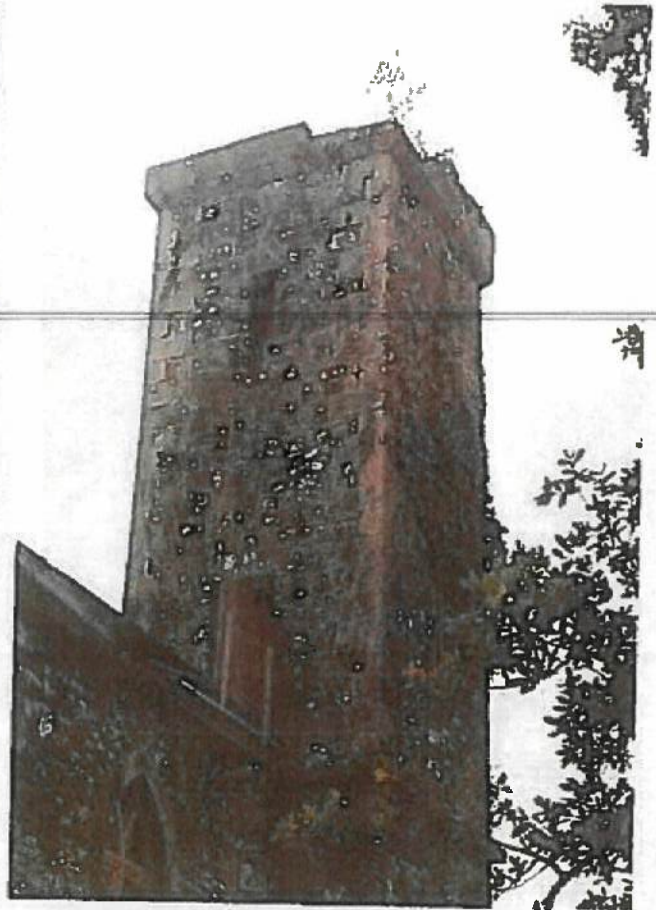


**Digital Globe 2011- 2013.**

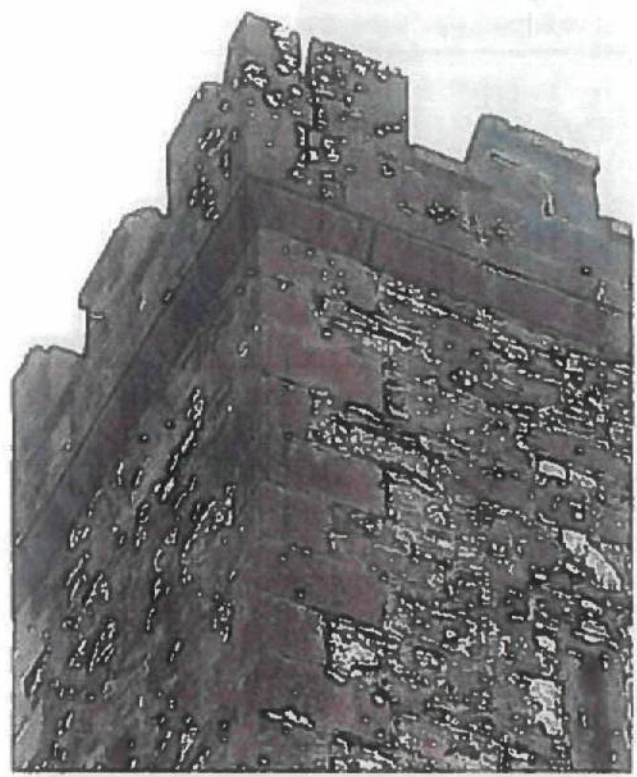
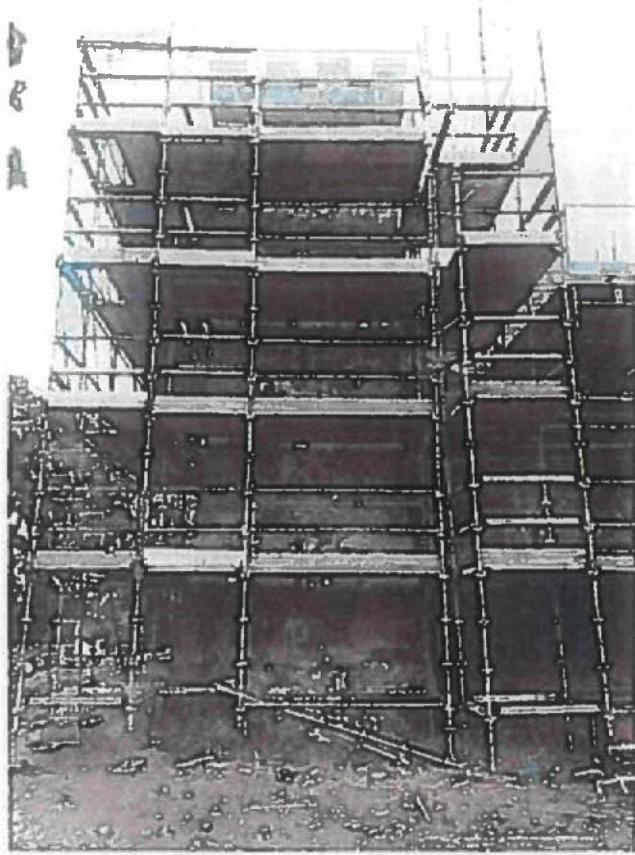
Photos Taken 30-09-2020 Printed 20-10-2020

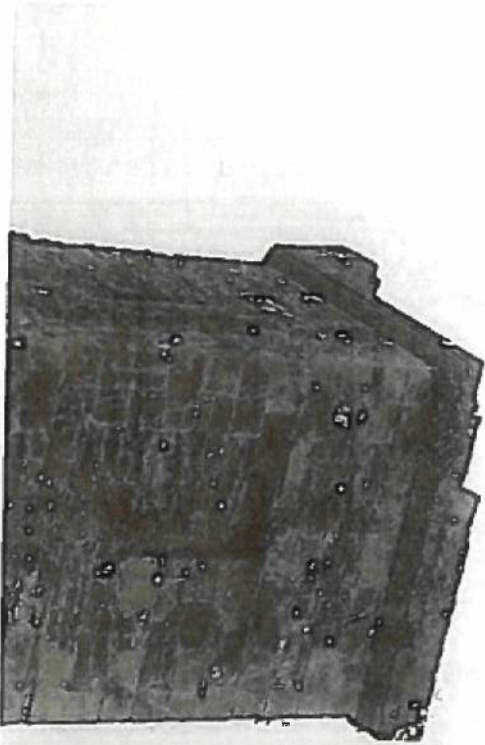
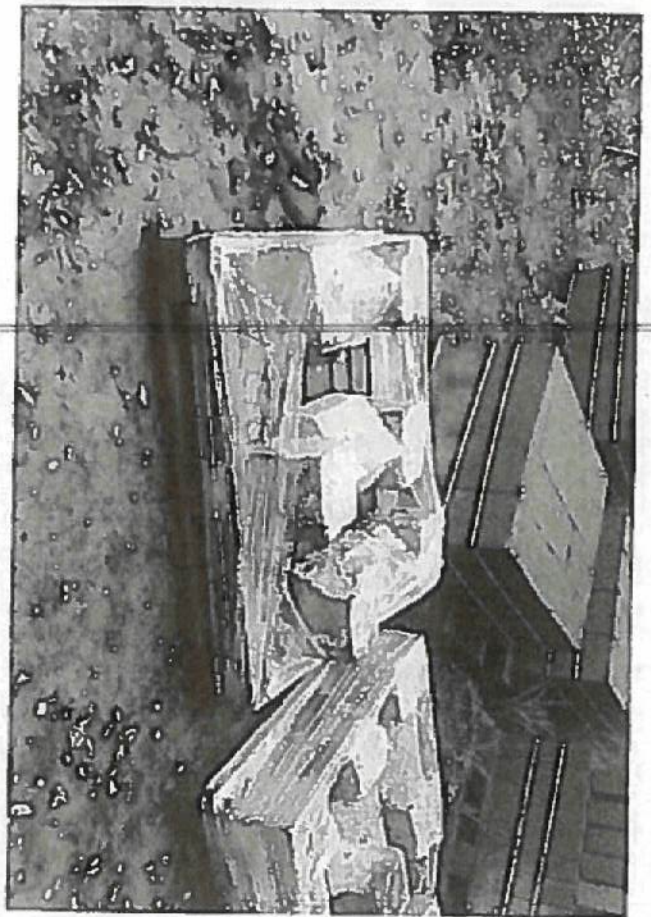
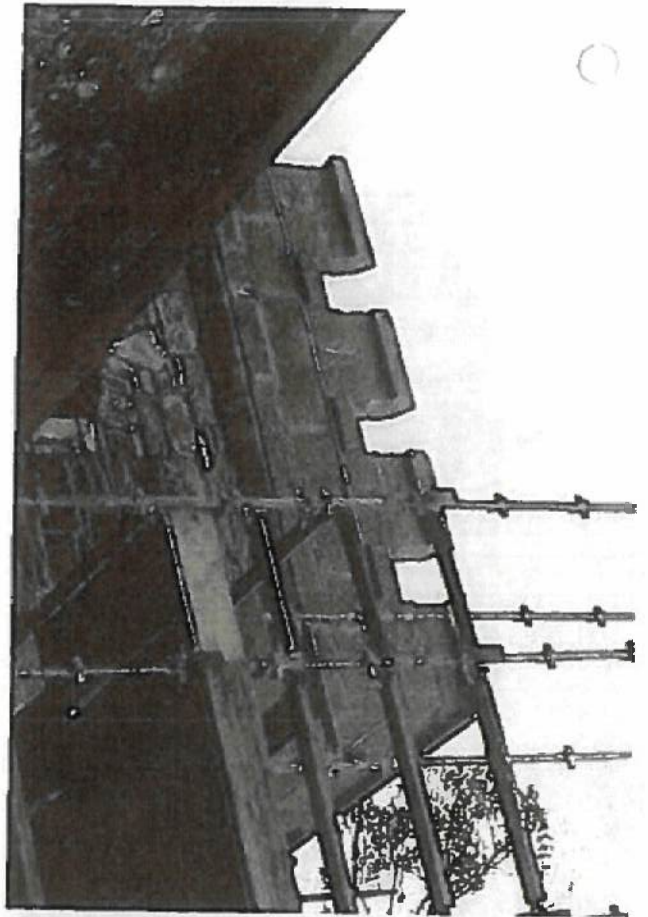
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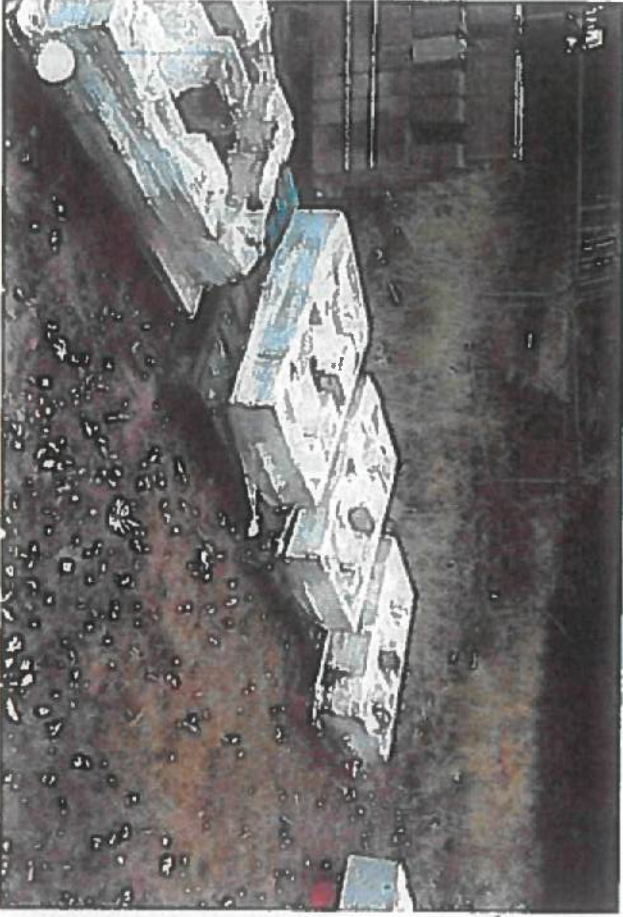
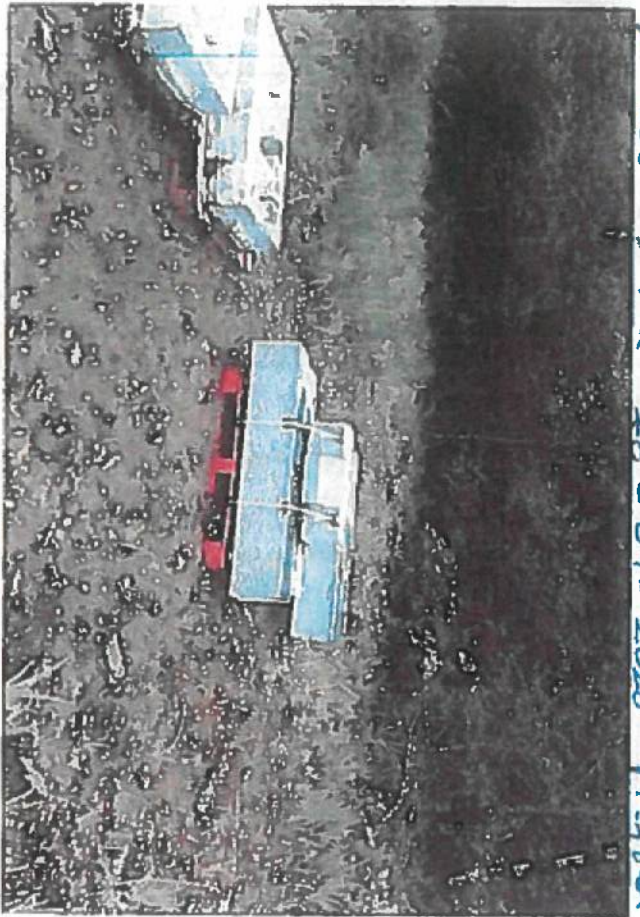
Photos taken 30-09-2020 Printed 20-10-2020 Mr. Mr.





Photos Taken 20-09-2020 Priobd 20-10-2020

Mr. M. S.



#10

REFERRAL TO ENFORCEMENT INSPECTOR

File No. UDR 1601

Re: Alleged unauthorised development consisting of Alleged Unauthorised Development consisting of non-compliance with conditions of planning permission PD/07/143 at Rockingham Demesne (Lough Key Forest Park), Boyle, Co. Roscommon.

This file has been reviewed by the Senior Planner on foot of the receipt of information pertaining to this location.

Please carry out a site inspection and let me have your report at your convenience.

*ARobinson*

Date: 17-9-2020

Antoinette Robinson  
Administrative Officer

.....

**PLEASE TICK IF THIS FILE SHOULD BE REFERRED TO  
INTERNAL SECTIONS (please tick as appropriate)**

Relevant Municipal District

☐

ENVIRONMENT

☐

OTHER (please state)

☐

SIGNED:

\_\_\_\_\_  
ENFORCEMENT INSPECTOR

DATE:

\_\_\_\_\_

Therese O'Meara

#11

**From:** [REDACTED]  
**Sent:** Wednesday 16 September 2020 22:01  
**To:** Planning Enforcement; John Reilly  
**Subject:** Planning Violation

Dear Mr. Reilly,

I am writing to you to inform you of a callous planning and building violation within the county of Roscommon. I regularly walk the grounds of Lough Key and have been following the development of Cloontykilla Castle which is situated within the grounds of the old Rockingham Estate. I regularly visit this protected structure and was disappointed to see it left in its unfinished state in 2010. I witnessed major redevelopment works commence a few months ago. Over the last few weeks, I observed several unsettling activities in the castle including the removal of the protected structure's parapet walls, new large openings within the protected walls and the removal of the front facade wall that was constructed in 2010 which I noted was wildly different from the original planning granted. As my concerns grew, I carried out a planning search to check the granted planning permission as the original permission had expired in 2012 when the castle was in an incomplete state and had not reached a point of practical completion meaning that any new works would require a new application. I was extremely saddened to discover that there was no planning permission or BCAR process for the redevelopment works, these works are being carried out in blatant violation of our planning and building laws. [REDACTED]

[REDACTED] and I have never witnessed our planning and building regulations being flouted to this extent.

I trust you will deal with this matter with all the appropriate action it deserves.

Is Mise le Meas,

[REDACTED]  
[REDACTED]

Therese O'Meara

11

WDR 1601

From:  
Sent:  
To:  
Subject:

Wednesday 16 September 2020 22:03  
Planning Enforcement  
Planning Violation

Dear Building Control Officer,

I am writing to you to inform you of a callous planning and building violation within the county of Roscommon. I regularly walk the grounds of Lough Key and have been following the development of Cloontykilla Castle which is situated within the grounds of the old Rockingham Estate. I regularly visit this protected structure and was disappointed to see it left in its unfinished state in 2010. I witnessed major redevelopment works commence a few months ago. Over the last few weeks, I observed several unsettling activities in the castle including the removal of the protected structure's parapet walls, new large openings within the protected walls and the removal of the front facade wall that was constructed in 2010 which I noted was wildly different from the original planning granted. As my concerns grew, I carried out a planning search to check the granted planning permission as the original permission had expired in 2012 when the castle was in an incomplete state and had not reached a point of practical completion meaning that any new works would require a new application. I was extremely saddened to discover that there was no planning permission or BCAR process for the redevelopment works, these works are being carried out in blatant violation of our planning and building laws. [REDACTED] and I have never witnessed our planning and building regulations being flouted to this extent.

I trust you will deal with this matter with all the appropriate action it deserves.

Is Mise le Meas,

[REDACTED]

Hartin

I am assuming that this email relates to WDR 1601  
in Lough Key. Please confirm

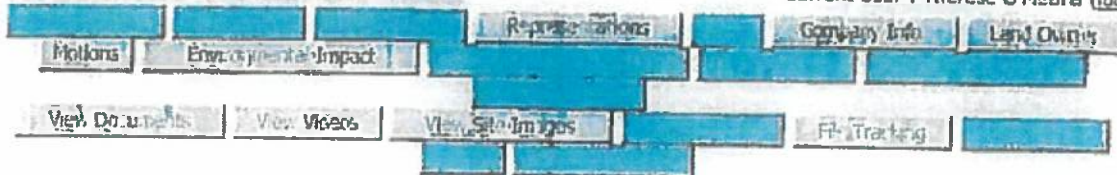
Therese



File Num Selection Decisions Due Apps Received

You are here : Home > Enquiries > View Application

Current User : Therese O'Meara (logout)



### Planning Application: 07143

<b>File Num:</b> 07/143	<b>Type:</b> PERMISSION	<b>Status:</b> APPLICATION FINALISED
<b>Received:</b> 31/01/2007	<b>Due Date:</b> 22/10/2007	<b>Grant Date:</b> 26/11/2007
<b>Valid Date:</b> 31/01/2007	<b>FI Requested:</b> 27/03/2007	<b>Grant Num:</b>
<b>Invalid Date:</b>	<b>FI Received:</b> 25/09/2007	<b>Expiry Date:</b> 25/11/2012
<b>Withdrawn Date:</b>	<b>Decision:</b> CONDITIONAL	<b>Appeal Date:</b>
<b>Extend Agree Date:</b>	<b>No Con/Res:</b> 15	<b>Appeal Decision:</b>
<b>Submissions By:</b>	<b>Decision Date:</b> 22/10/2007	<b>Leave to Appeal:</b>
		<b>HSA Report Date:</b>

### Applicant Details

**Applicant Name:** Sean Simon,

**Applicant Address:**

**eMail Address:**

**Phone/Fax Ph:** 071-9652245, **Fax Number:**

### Proposed Development

**Development Description:** For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure by way of conservation and reinstatement of (a) 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 149 sq.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 a 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 at Cloontykilla Castle at

**Development Address:** Rockingham Demesne, (Lough Key Forest Park), Boyle, Co. Roscommon.

**Architect Name:**

**Location Key:** ROCKINGHAM DEMESNE, BOYLE

**Development Name:**

**ChildCare Facility:** Not a childcare Development

DED Ward Boyle Rural Part of  
Standard:  
Social Housing  
Exempt:

IPC License N  
Req'd:

Protected Y  
Structure:

Significant Case  
Ind.:

Fees Due: 34.00

Fees Refunded:

Decision MO Date: 22/10/2007

Decision: CONDITIONAL

Expiry Date: 25/11/2017

Section 47  
Apply?:

Grant Date: 26/11/2007

Planner: J. J. J.

Plan  
Enforcement  
Num:

Waste License N  
Req'd:

Protected Struct  
Num:

Comments

Comments: UDR 1601 Refers also

Application Fee

Fees Received: 34.00

Exempted Fee  
Indic:

Decision

Decision MO p2116 07  
Number:

Number of 15  
Conditions:

Part 5 Apply ?:

Grant MO  
Number:

Decision For extensive conservation works to the fabric of Cloontykilla Castle, 'A Protected Structure'  
Description: by way of conservation and reinstatement of (a) 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 with the castle (existing floor area of 149 sq.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 at Cloontykilla Castle at

#### Appeal Details

LA Notification  
Date:

BP Reference  
Non

Appeal Type:

File Forward  
Date:

Submission Due  
Date:

Submission Sent  
Date:

Appeal Decision:

Decision Date:

Withdrawn Date:

Dismissed Date:

Reason:

Application: 07143

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# **MEMORANDUM**

#13

**TO:** Jennifer Collins,  
Assistant Planner,  
Planning Department.

**FROM:** Caroline Mockler,  
Staff Officer,  
Planning Department.

**DATE:** 8<sup>th</sup> March, 2016

**RE:** Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.


**REF:** UDR/1601 PD/07/143

=====

---

~~I refer to the above development at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.~~

Please examine up to date situation and if conditions attached to PD/07/143 are complied with in full and let me have your report and comments on same by 29<sup>th</sup> March, 2016.

  
Caroline Mockler,  
Staff Officer,  
Planning Department.

## Planning Enforcement Report

UDR 1601

Update - 29-07-2015

The site was re-inspected on 12<sup>th</sup> June 2015 and it was noted that no significant advancement works of the structure have taken place.

I refer to my previous reports regarding the positive deviations which have resulted in the non-compliance with the governing permission on site i.e. PD-07-143.

[REDACTED]

In light of nature of this UDR file, i.e. firstly, the Planning Authority pursuing Mr. Simon over what is considered to be a better design/finish than that originally granted under the aforementioned application and, secondly, requiring progress reports on a project that is clearly not progressing, I question the merits of issuing any further correspondence to Mr. Simon at this stage.

I wish to be clear, that I do not condone Mr. Simon's approach to this development in light of his deviations from the granted plans. Furthermore I do not believe the file should be closed as it likely at some stage that either Mr. Simon or some other party may seek to complete the build and make the structure habitable.

### Action

I believe the appropriate course of action to be the following: -

1. Place a stay on any further enforcement action until such a time as it is evident that works have recommenced on site.
2. Further to Point 1 above, undertake to occasionally inspect the site when in the area to ensure any activity taking place is monitored.
3. Re-report on this within three months.

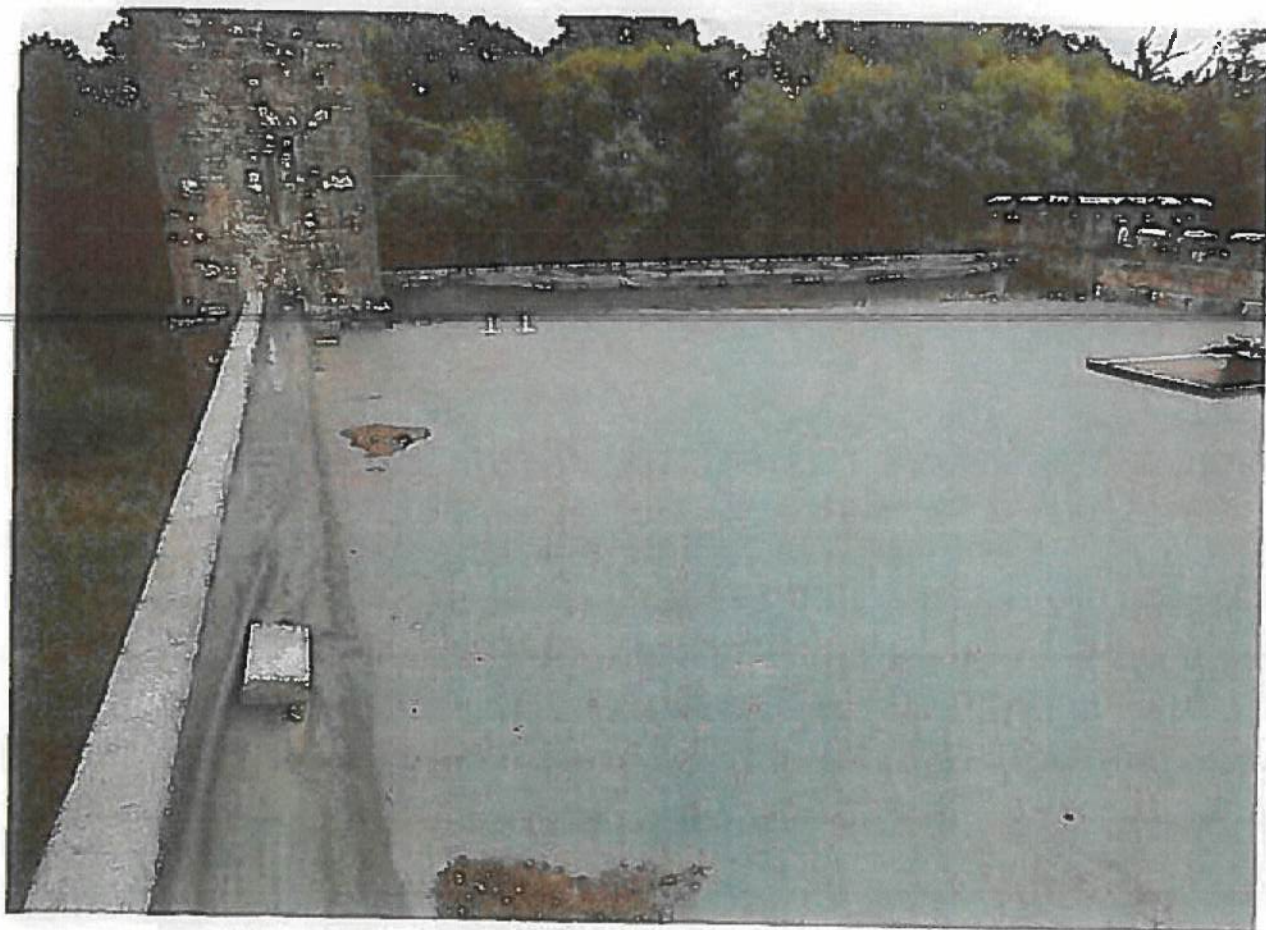
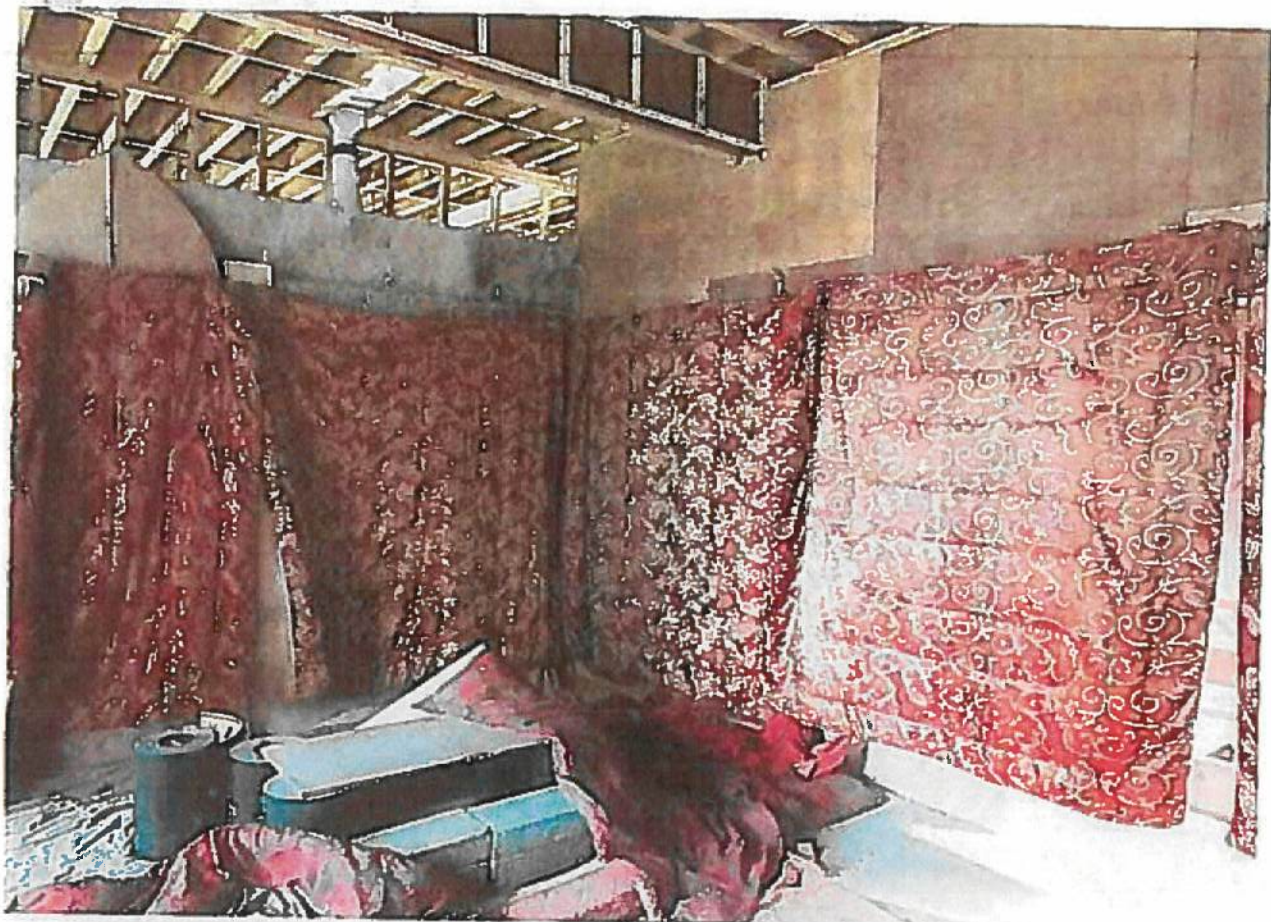
Signed:   
Brian Farragher  
Assistant Planner  
Boyle Municipal Area

Date: 29/7/15

Delay for  
re inspection in  
Nov 15.  
PC  
12/8/15

b- Rd 12-6-2015







## MEMORANDUM

**TO:** Brian Farragher,  
Assistant Planner,  
Planning Department.

**FROM:** Caroline Mockler,  
Staff Officer,  
Planning Department.

**DATE:** 8<sup>th</sup> May, 2015


**RE:** Alleged Unauthorised Development consisting of non-compliance with Condition No.'s 1 & 5 of Planning Permission Reference No. PD/07/143 at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.

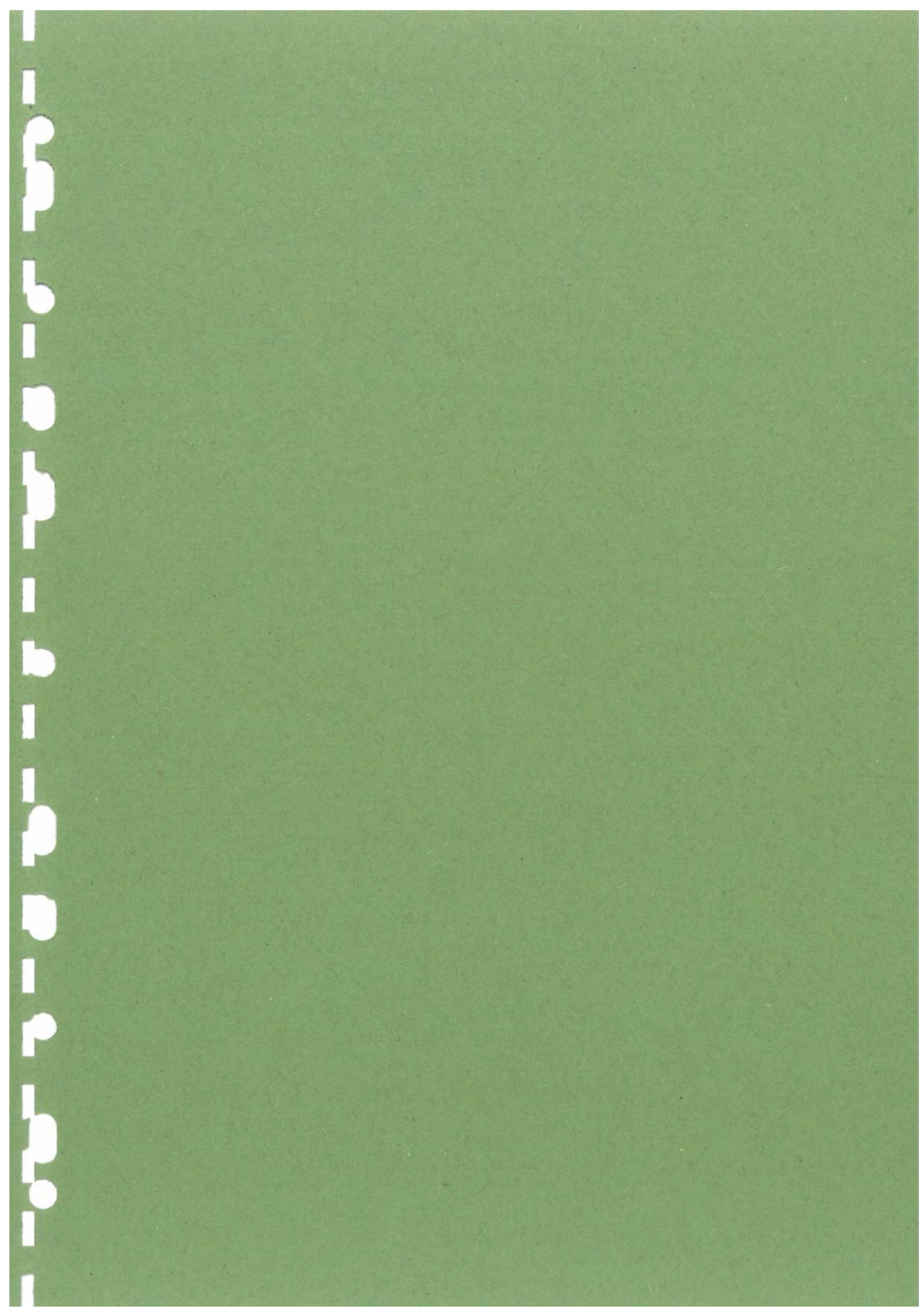
**REF:** UDR/1601

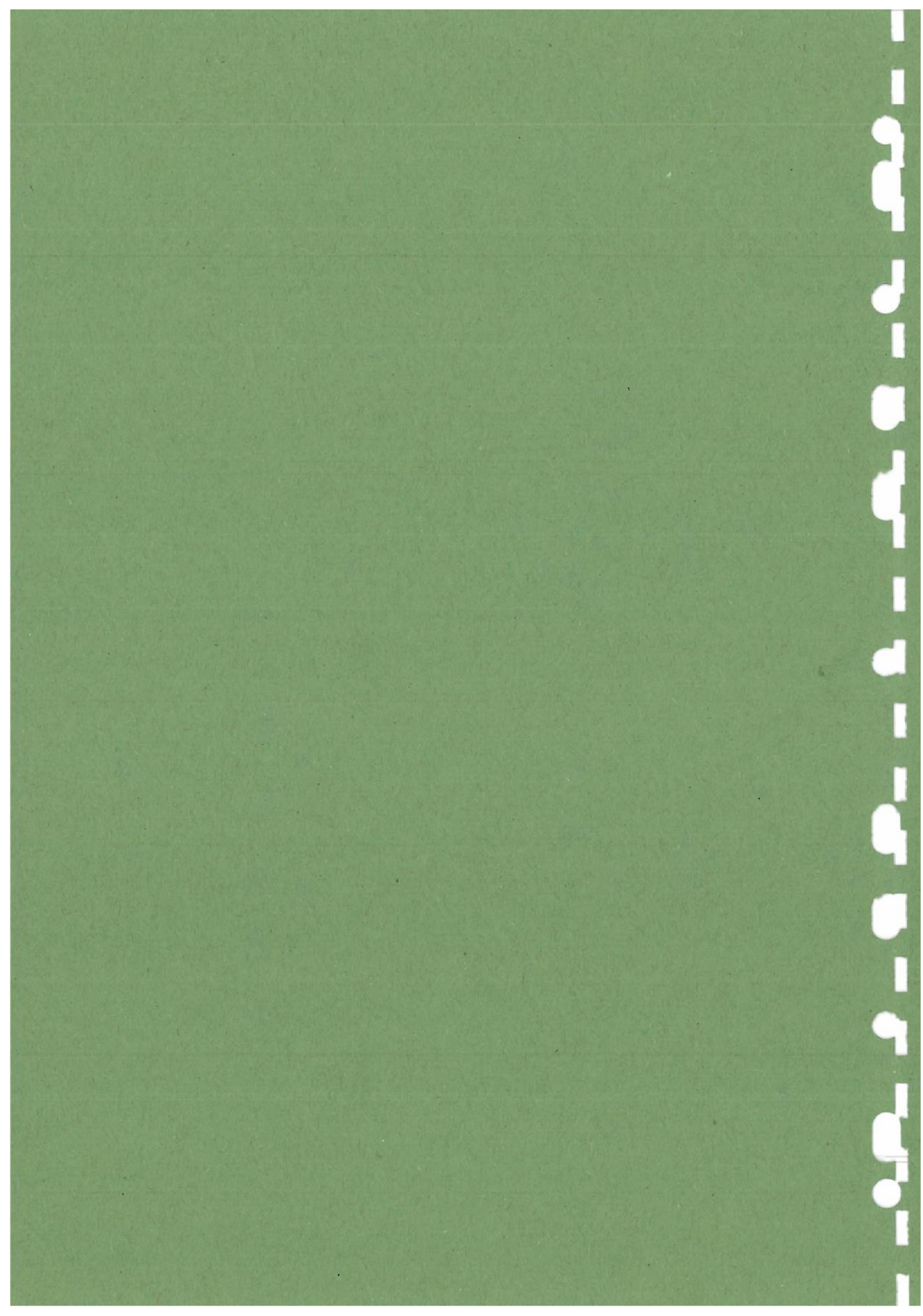
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I refer to the above development at Rockingham Demesne, (Lough Key Forest Park), Boyle, Co Roscommon.

Please examine up to date situation and if conditions attached to PD/07/143 are complied with in full and let me have your report and comments on same by 22<sup>nd</sup> May, 2015.

  
Caroline Mockler,  
Staff Officer,  
Planning Department.





# THE BURRA CHARTER

The Australia ICOMOS Charter for  
Places of Cultural Significance 2013



Australia ICOMOS Incorporated  
International Council on Monuments and Sites

## ICOMOS

ICOMOS (International Council on Monuments and Sites) is a non-governmental professional organisation formed in 1965, with headquarters in Paris. ICOMOS is primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation. It is closely linked to UNESCO, particularly in its role under the World Heritage Convention 1972 as UNESCO's principal adviser on cultural matters related to World Heritage. The 11,000 members of ICOMOS include architects, town planners, demographers, archaeologists, geographers, historians, conservators, anthropologists, scientists, engineers and heritage administrators. Members in the 103 countries belonging to ICOMOS are formed into National Committees and participate in a range of conservation projects, research work, intercultural exchanges and cooperative activities. ICOMOS also has 27 International Scientific Committees that focus on particular aspects of the conservation field. ICOMOS members meet triennially in a General Assembly.

## Australia ICOMOS

The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation. It provides expert advice as required by ICOMOS, especially in its relationship with the World Heritage Committee. Australia ICOMOS acts as a national and international link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance. Australia ICOMOS members participate in a range of conservation activities including site visits, training, conferences and meetings.

## Revision of the Burra Charter

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999.

Following a review this version was adopted by Australia ICOMOS in October 2013.

The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: [australia.icomos.org](http://australia.icomos.org)

Australia ICOMOS documents are periodically reviewed and we welcome any comments.

## Citing the Burra Charter

The full reference is *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Initial textual references should be in the form of the *Australia ICOMOS Burra Charter, 2013* and later references in the short form (*Burra Charter*).

## © Australia ICOMOS Incorporated 2013

The Burra Charter consists of the Preamble, Articles, Explanatory Notes and the flow chart.

This publication may be reproduced, but only in its entirety including the front cover and this page. Formatting must remain unaltered. Parts of the Burra Charter may be quoted with appropriate citing and acknowledgement.

Cover photograph by Ian Stapleton.

Australia ICOMOS Incorporated [ARBN 155 731 025]  
Secretariat: c/o Faculty of Arts  
Deakin University  
Burwood, VIC 3125  
Australia

<http://australia.icomos.org/>

ISBN 0 9578528 4 3

# The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

## Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

### Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

### Using the Charter

The Charter should be read as a whole. Many articles are interdependent.

The Charter consists of:

- Definitions Article 1
- Conservation Principles Articles 2–13
- Conservation Processes Articles 14–25
- Conservation Practices Articles 26–34
- The Burra Charter Process flow chart.

The key concepts are included in the Conservation Principles section and these are further developed in the Conservation Processes and Conservation Practice sections. The flow chart explains the Burra Charter Process (Article 6) and is an integral part of

the Charter. Explanatory Notes also form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained, in a series of Australia ICOMOS Practice Notes, in *The Illustrated Burra Charter*, and in other guiding documents available from the Australia ICOMOS web site: [australia.icomos.org](http://australia.icomos.org).

### What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the *Australian Natural Heritage Charter*, *Ask First: a guide to respecting Indigenous heritage places and values* and *Significance 2.0: a guide to assessing the significance of collections*.

National and international charters and other doctrine may be relevant. See [australia.icomos.org](http://australia.icomos.org).

### Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

## Articles

### Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
- Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*.
- Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of a *place*, and its *setting*.
- Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.
- 1.6 *Preservation* means maintaining a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.
- 1.9 *Adaptation* means changing a *place* to suit the existing *use* or a proposed use.
- 1.10 *Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

## Explanatory Notes

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Natural elements of a place may also constitute fabric. For example the rocks that signify a Dreaming place.

Fabric may define spaces and views and these may be part of the significance of the place.

See also Article 14.

Examples of protective care include:

- maintenance — regular inspection and cleaning of a place, e.g. mowing and pruning in a garden;
- repair involving restoration — returning dislodged or relocated fabric to its original location e.g. loose roof gutters on a building or displaced rocks in a stone bora ring;
- repair involving reconstruction — replacing decayed fabric with new fabric

It is recognised that all places and their elements change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Use includes for example cultural practices commonly associated with Indigenous peoples such as ceremonies, hunting and fishing, and fulfillment of traditional obligations. Exercising a right of access may be a use.

## Articles

- 1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.
- 1.13 *Related place* means a *place* that contributes to the *cultural significance* of another *place*.
- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

## Conservation Principles

### Article 2. Conservation and management

- 2.1 *Places* of *cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places* of *cultural significance*.
- 2.4 *Places* of *cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

### Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric*, *use*, *associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

### Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

## Explanatory Notes

Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

Objects at a place are encompassed by the definition of place, and may or may not contribute to its cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

## Articles

- 4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

## Article 5. Values

- 5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.
- 5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a *place*.

## Article 6. Burra Charter Process

- 6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the *place* in accordance with the policy. This is the Burra Charter Process.
- 6.2 Policy for managing a *place* must be based on an understanding of its *cultural significance*.
- 6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.
- 6.4 In developing an effective policy, different ways to retain *cultural significance* and address other factors may need to be explored.
- 6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

## Article 7. Use

- 7.1 Where the *use* of a *place* is of *cultural significance* it should be retained.
- 7.2 A *place* should have a *compatible use*.

## Explanatory Notes

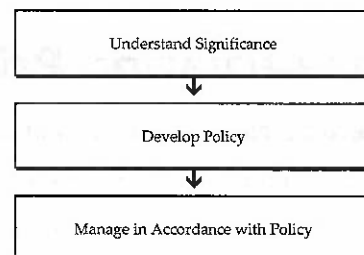
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value.

In some cultures, natural and cultural values are indivisible.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter Process, or sequence of investigations, decisions and actions, is illustrated below and in more detail in the accompanying flow chart which forms part of the Charter.



Options considered may include a range of uses and changes (e.g. adaptation) to a *place*.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the *place*. New use of a *place* should involve minimal change to significant *fabric* and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the *place*.

## Articles

### Article 8. Setting

*Conservation* requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

### Article 9. Location

- 9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other element of a *place* should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- 9.2 Some buildings, works or other elements of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.
- 9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place* of *cultural significance*.

### Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

### Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

### Article 12. Participation

*Conservation*, *interpretation* and management of a *place* should provide for the participation of people for whom the place has significant *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

### Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

## Explanatory Notes

Setting is explained in Article 1.12.

For example, the repatriation (returning) of an object or element to a place may be important to Indigenous cultures, and may be essential to the retention of its cultural significance.

Article 28 covers the circumstances where significant fabric might be disturbed, for example, during archaeological excavation.

Article 33 deals with significant fabric that has been removed from a place.

For some places, conflicting cultural values may affect policy development and management decisions. In Article 13, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

## Conservation Processes

### Article 14. Conservation processes

*Conservation* may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that *related places* and *related objects* make to the *cultural significance* of a *place*.

### Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* and its *use* should be guided by the *cultural significance* of the place and its appropriate *interpretation*.

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a place includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

### Article 16. Maintenance

*Maintenance* is fundamental to *conservation*. Maintenance should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

### Article 17. Preservation

*Preservation* is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Conservation normally seeks to slow deterioration unless the significance of the place dictates otherwise. There may be circumstances where no action is required to achieve conservation.

When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance.

It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Maintaining a place may be important to the fulfilment of traditional laws and customs in some Indigenous communities and other cultural groups.

Preservation protects fabric without obscuring evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered; or
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

## Articles

### Article 18. Restoration and reconstruction

*Restoration and reconstruction* should reveal culturally significant aspects of the *place*.

### Article 19. Restoration

*Restoration* is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

### Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In some cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the *place*.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

### Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

### Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the *place*, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*.

### Article 23. Retaining or reintroducing use

Retaining, modifying or reintroducing a significant *use* may be appropriate and preferred forms of *conservation*.

### Article 24. Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

## Explanatory Notes

Places with social or spiritual value may warrant reconstruction, even though very little may remain (e.g. only building footings or tree stumps following fire, flood or storm). The requirement for sufficient evidence to reproduce an earlier state still applies.

Adaptation may involve additions to the *place*, the introduction of new services, or a new use, or changes to safeguard the *place*. Adaptation of a *place* for a new use is often referred to as 'adaptive re-use' and should be consistent with Article 7.2.

New work should respect the significance of a *place* through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

These may require changes to significant *fabric* but they should be minimised. In some cases, continuing a significant use, activity or practice may involve substantial new work.

For many *places* associations will be linked to aspects of use, including activities and practices.

Some associations and meanings may not be apparent and will require research.

## Articles

### Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and engagement, and be culturally appropriate.

## Conservation Practice

### Article 26. Applying the Burra Charter Process

- 26.1 Work on a *place* should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.
- 26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place.
- 26.3 Groups and individuals with *associations* with the *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the *cultural significance* of the place. Where appropriate they should also have opportunities to participate in its *conservation* and management.
- 26.4 Statements of *cultural significance* and policy for the *place* should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.

### Article 27. Managing change

- 27.1 The impact of proposed changes, including incremental changes, on the *cultural significance* of a *place* should be assessed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes to better retain cultural significance.
- 27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before and after any changes are made to the *place*.

### Article 28. Disturbance of fabric

- 28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the place, or to obtain important evidence about to be lost or made inaccessible.

## Explanatory Notes

In some circumstances any form of interpretation may be culturally inappropriate.

The results of studies should be kept up to date, regularly reviewed and revised as necessary.

Policy should address all relevant issues, e.g. use, interpretation, management and change.

A management plan is a useful document for recording the Burra Charter Process, i.e. the steps in planning for and managing a place of cultural significance (Article 6.1 and flow chart). Such plans are often called conservation management plans and sometimes have other names.

The management plan may deal with other matters related to the management of the place.

Monitor actions taken in case there are also unintended consequences.

## Articles

28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

### Article 29. Responsibility

The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.

### Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

### Article 31. Keeping a log

New evidence may come to light while implementing policy or a plan for a *place*. Other factors may arise and require new decisions. A log of new evidence and additional decisions should be kept.

### Article 32. Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

### Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

### Article 34. Resources

Adequate resources should be provided for *conservation*.

*Words in italics are defined in Article 1.*

## Explanatory Notes

New decisions should respect and have minimal impact on the cultural significance of the place.

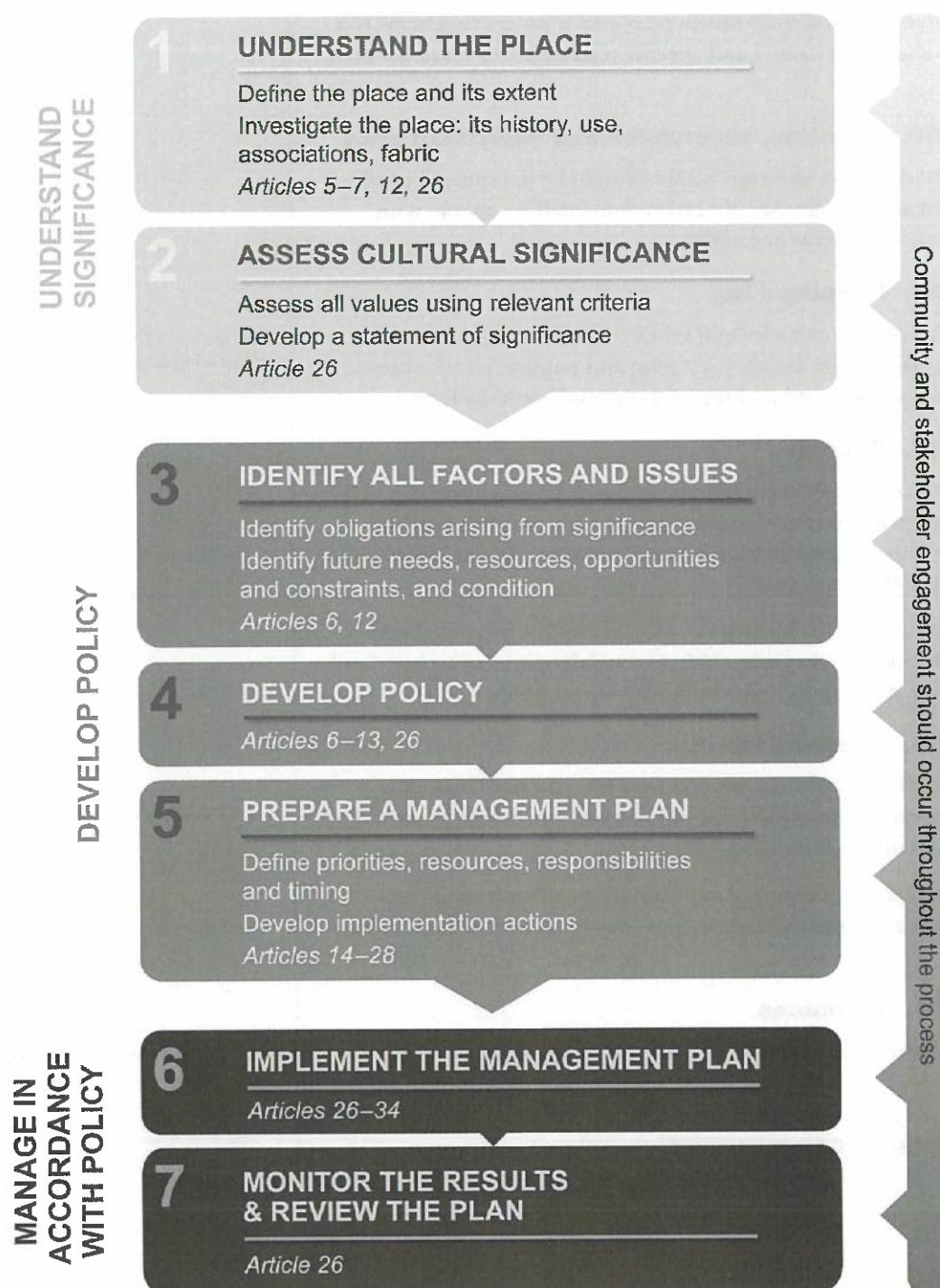
The best conservation often involves the least work and can be inexpensive.

# The Burra Charter Process

## Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.







## ROSCOMMON COUNTY COUNCIL – PLANNING SECTION COMPLAINT OF UNAUTHORISED DEVELOPMENT

This form is to assist the Planning Section investigate alleged unauthorised developments. Completion of the following details to the fullest extent possible will assist the investigation process. Where available, the submission of additional supporting information (photographic evidence etc.) is also encouraged.

Please complete the following details (in type or block capitals) and return to: Roscommon County Council, Planning Section, Áras an Chontae, Roscommon, Co. Roscommon or E-mail to [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

Site Address	Site Description	
	CLOONTYKILLA CASTLE, ROCKINGHAM DEMESNE, LOUGH KEY FOREST PARK, BOYLE, CO. ROSCOMMON	
Map of Location attached	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Nature of subject site (for example building site, private garden, field etc.)	PROTECTED STRUCTURE - NO 00600283 BUILDING SITE, LAKE SHORE	
Name(s)	Alleged Developer(s)	
	COLUMBIA VENTURES CORPORATION	
Alleged developers address	REGISTERED IN WINDOVER, WA, USA. ADDRESS FOR SERVICE IN IRELAND: V/O EUGENE F. COLLINS SOLICITORS, 3 BURLINGTON ROAD DUBLIN 4	
Is the developer the .....	Owner <input checked="" type="checkbox"/>	Occupier <input type="checkbox"/>
(please tick as appropriate)		
Please provide a brief description of the alleged unauthorised development	Alleged Unauthorised Development	
	No planning permission for works. Extensive works to Lake Shore, including felling of trees and excavation of lake bed/shore.	
Date of commencement of development (if known) or when first noticed	Date : MARCH / APRIL 2020	
	Commencement <input type="checkbox"/>	First noticed <input checked="" type="checkbox"/>
Name	Your Details	
	Eoin Brady	
Address	4 THE STABLES, KNOCKNACARROW, COORILL, CO. ROSCOMMON.	









Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



**REGISTERED POST**

Mr. Brian Reilly,



Planning Ref. No.: UDR 2579

Date: 15 April, 2021

**THE COUNTY COUNCIL OF THE COUNTY OF ROSCOMMON  
PLANNING & DEVELOPMENT ACTS, 2000 (as amended)  
ENFORCEMENT NOTICE**

**Section 154 of the Planning and Development Act 2000**

**WHEREAS:** Alleged unauthorised development consisting of development on site without the benefit of planning permission at Cloontykilla Castle, Rockingham Demesne, Boyle, Co. Roscommon

**Situated at:** Cloontykilla Castle, Rockingham Demesne, Boyle, Co. Roscommon

**has been, and/or is being carried out.**

**TAKE NOTICE** that Roscommon County Council being the planning authority for the area in which the above land is located, in exercise of the powers conferred on it by Section 154 of the Planning and Development Act 2000, having investigated the matter has decided to serve this Enforcement Notice on you,

**Mr Brian Reilly,**



**the owner and/or occupier or person in control of the aforesaid lands;**

**YOU ARE HEREBY REQUIRED**, pursuant to Section 154, to cease all unauthorised development in relation to development on site, without the benefit of planning permission at Cloontykilla Castle Rockingham Demesne, Boyle, Co. Roscommon.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Requires you to undertake the following within one week from the date of the enforcement notice:

1. Cease all works on site within one week of the date of the enforcement notice.
2. Board up and secure all entry points into the Castle building which includes the front and the two entrances at basement level on the west and east so that no entry can be gained.
3. Provide secure fencing surrounding the hardcore perimeter of the Castle.
4. Place necessary signage forbidding access to the site
5. Refrain from all works on site (with the exception of the works required in the steps below) and including works that would otherwise be deemed to constitute exempted development.

Requires you to undertake the following with 4 months of the enforcement notice:

- 3(a) Undo the unauthorised works on site which have been undertaken without the benefit of planning permission and return the structure to the extent to which it was completed in accordance with PD/07/143 at the time of expiry of the planning permission

OR

- 3(b) Take all necessary steps to regularise the extent of unauthorised development that has taken place on site.

**AND TAKE NOTICE THAT**, if within the period specified above, or within such extended period (being not more than six months) as Roscommon County Council may allow, the steps specified in this notice to be taken by you have not been taken, the Planning Authority may enter on the said land and take such steps and may recover any expenses reasonably incurred by them in that behalf.

**AND FURTHER TAKE NOTICE** that you are hereby required to refund to the Roscommon County Council the costs and expenses reasonably incurred by them in relation to the investigation, detection and issue of this Enforcement Notice concerned and any Warning Letter under Section 152, including costs incurred in respect of the remuneration and other expenses of Employees, Consultants and Advisers, and the Planning Authority may recover these costs and expenses incurred by it.

**YOU ARE HEREBY WARNED THAT** if you do not take the steps specified in this Notice within the specified period or within such extended period, (not being more than six months), as Roscommon County Council may allow, you may be guilty of an offence.

Dated: 15th day of April, 2021.

Signed: Tracy Davis  
Tracy Davis  
Senior Executive Planner  
Planning Section.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



**REGISTERED POST**

Columbia Ventures Corporation,  


Planning Ref. No.: UDR 2579

Date: 15 April, 2021

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Columbia Ventures Corporation,  


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Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



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OR

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Dated: 15th day of April, 2021.

Signed: Tracy Davis  
Tracy Davis  
Senior Executive Planner  
Planning Section.



Comhairle Contae  
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Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Requires you to undertake the following within one week from the date of the enforcement notice:

1. Cease all works on site within one week of the date of the enforcement notice.
2. Board up and secure all entry points into the Castle building which includes the front and the two entrances at basement level on the west and east so that no entry can be gained.
3. Provide secure fencing surrounding the hardcore perimeter of the Castle.
4. Place necessary signage forbidding access to the site
5. Refrain from all works on site (with the exception of the works required in the steps below) and including works that would otherwise be deemed to constitute exempted development.

Requires you to undertake the following with 4 months of the enforcement notice:

- 3(a) Undo the unauthorised works on site which have been undertaken without the benefit of planning permission and return the structure to the extent to which it was completed in accordance with PD/07/143 at the time of expiry of the planning permission

OR

- 3(b) Take all necessary steps to regularise the extent of unauthorised development that has taken place on site.

**AND TAKE NOTICE THAT**, if within the period specified above, or within such extended period (being not more than six months) as Roscommon County Council may allow, the steps specified in this notice to be taken by you have not been taken, the Planning Authority may enter on the said land and take such steps and may recover any expenses reasonably incurred by them in that behalf.

**AND FURTHER TAKE NOTICE** that you are hereby required to refund to the Roscommon County Council the costs and expenses reasonably incurred by them in relation to the investigation, detection and issue of this Enforcement Notice concerned and any Warning Letter under Section 152, including costs incurred in respect of the remuneration and other expenses of Employees, Consultants and Advisers, and the Planning Authority may recover these costs and expenses incurred by it.

**YOU ARE HEREBY WARNED THAT** if you do not take the steps specified in this Notice within the specified period or within such extended period, (not being more than six months), as Roscommon County Council may allow, you may be guilty of an offence.

Dated: 15th day of April, 2021.

Signed: Tracy Davis  
Tracy Davis  
Senior Executive Planner  
Planning Section.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



**REGISTERED POST**

Mr Sean Simon,



Planning Ref. No.: UDR 2579

Date: 15 April, 2021

**THE COUNTY COUNCIL OF THE COUNTY OF ROSCOMMON  
PLANNING & DEVELOPMENT ACTS, 2000 (as amended)  
ENFORCEMENT NOTICE**

**Section 154 of the Planning and Development Act 2000**

**WHEREAS:** Alleged unauthorised development consisting of development on site without the benefit of planning permission at Cloontykilla Castle, Rockingham Demesne, Boyle, Co. Roscommon

**Situated at:** Cloontykilla Castle, Rockingham Demesne, Boyle, Co. Roscommon

**has been, and/or is being carried out.**

**TAKE NOTICE** that Roscommon County Council being the planning authority for the area in which the above land is located, in exercise of the powers conferred on it by Section 154 of the Planning and Development Act 2000, having investigated the matter has decided to serve this Enforcement Notice on you,

Sean Simon,



the owner and/or occupier or person in control of the aforesaid lands;

**YOU ARE HEREBY REQUIRED**, pursuant to Section 154, to cease all unauthorised development in relation to development on site, without the benefit of planning permission at Cloontykilla Castle Rockingham Demesne, Boyle, Co. Roscommon.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



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**YOU ARE HEREBY WARNED THAT** if you do not take the steps specified in this Notice within the specified period or within such extended period, (not being more than six months), as Roscommon County Council may allow, you may be guilty of an offence.

Dated: 10th day of April, 2021.

Signed: Tracy Davis  
Tracy Davis  
Senior Executive Planner  
Planning Section.



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



**REGISTERED POST**

Mr. Sean Simon,  
[REDACTED]

Planning Ref. No.: UDR 2579

Date: 15 April, 2021

**THE COUNTY COUNCIL OF THE COUNTY OF ROSCOMMON  
PLANNING & DEVELOPMENT ACTS, 2000 (as amended)**

**ENFORCEMENT NOTICE**

**Section 154 of the Planning and Development Act 2000**

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**Situated at:** Cloontykilla Castle, Rockingham Demesne, Boyle, Co. Roscommon

has been, and/or is being carried out.

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Mr. Sean Simon, [REDACTED]

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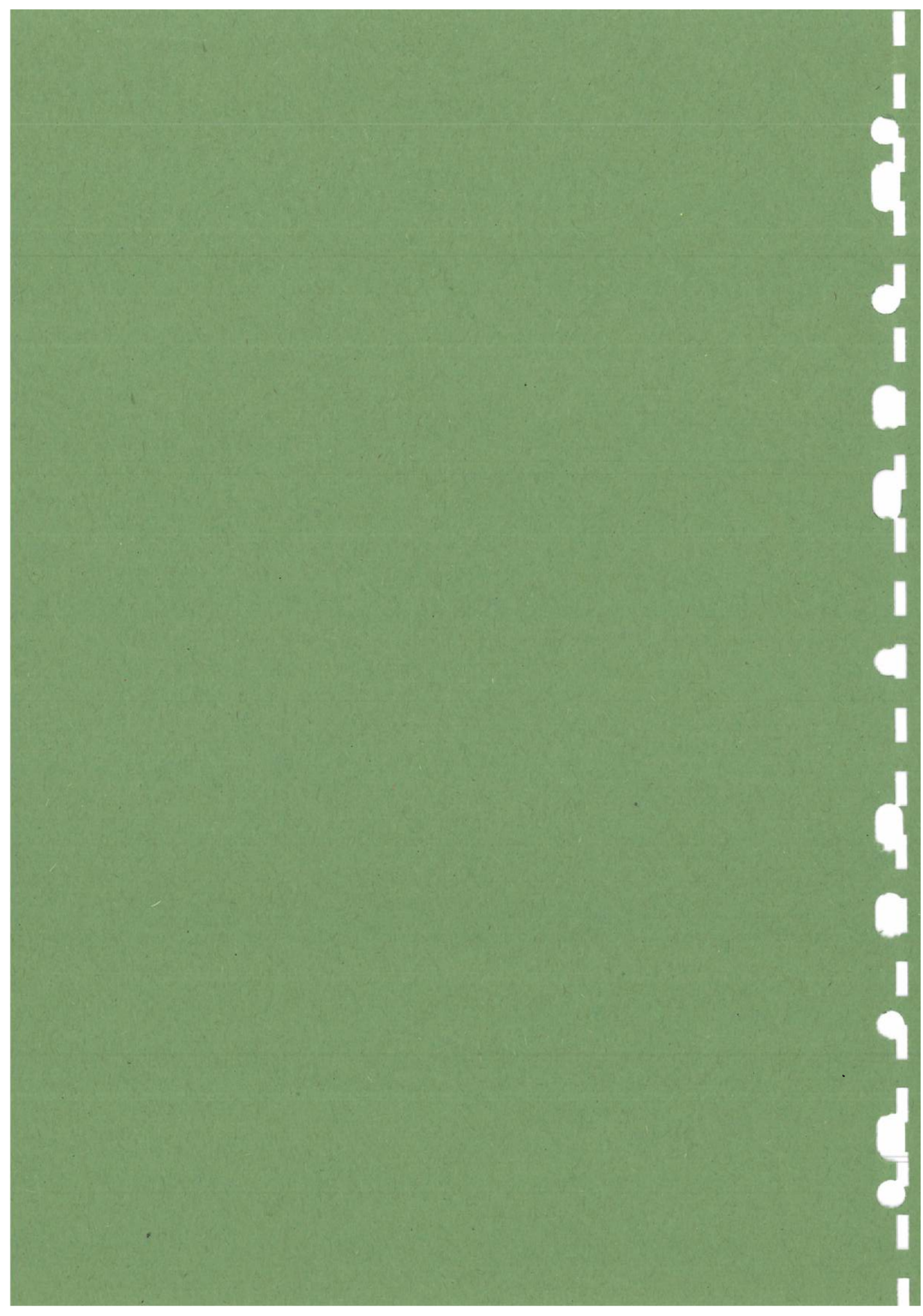
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**YOU ARE HEREBY WARNED THAT** if you do not take the steps specified in this Notice within the specified period or within such extended period, (not being more than six months), as Roscommon County Council may allow, you may be guilty of an offence.

Dated: 15th day of April, 2021.

Signed: Tracy Davis  
Tracy Davis  
Senior Executive Planner  
Planning Section.







Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Email: [brady.eoin@gmail.com](mailto:brady.eoin@gmail.com)

Eoin Brady

No. 4 The Stables

Knocknacarrow

Cootehall, Co. Roscommon

Planning Ref.: UDR 2579

Date: 24 March, 2021

Re: **Unauthorised Development at Cloontykilla Castle, Rockingham, Boyle**

A Chara

I have been requested by Martin Lydon, Director of Service to reply to your correspondence, received by him and the Planning Department on the 20<sup>th</sup> of March, 2021, the contents of which are noted. Please note that Mr. Lydon has identified me as the point of contact for any communications in connection with this matter.

In respect to points raised in your letter dated the 20<sup>th</sup> of March, 2021, please note the following;

- The subject lands do not form part of the current Lough Key Forest and Activity Park. Previous land transactions are not of relevance in current considerations.
- There is no public right of way in place at this location.
- Planning enforcement file, UDR 1601 is now closed. This file was closed on the 7<sup>th</sup> of December, 2020. I note that access to that file is amongst the matters which are subject to your current appeal to the Commissioner for Environmental Information, under the Access to Information on the Environment (AIE) Regulations. Please note, given the closed status of UDR 1601, Roscommon County Council has no objections to providing access to the file.
- Planning enforcement file, UDR 2579, also pertaining to the subject site, was opened on the 7<sup>th</sup> of December, 2020. It relates to "alleged unauthorised development consisting of development on site, without the benefit of planning permission". A planning investigation into this is ongoing.
- You will be aware under the provisions of Section 153 of the Planning and Development Act, 2000 (as amended) that the non-issuing of a warning letter does not prejudice the issuing of an enforcement notice or any other proceedings that may be initiated by the Planning Authority.

In respect of the progression of UDR 2579, I wish to advise that a further site inspection will take place in the coming days, following which a determination will be made on the appropriate course of action to be taken by the Planning Authority. As a complainant on this file, you will be informed accordingly.

With regard to access to the Planning Register, I enclose herewith a screenshot from the Planning Register in respect to UDR 1601 and UDR 2579 (to date). The format of the planning enforcement content on the Planning Register, fulfils the relevant requirement of Section 7 of the Planning and Development Act, 2000 (as amended) and is in a format which has been routinely accepted in previous Court cases. At present, access to the offices of Roscommon County Council are not permitted, due to on-going Covid 19 level 5 restrictions currently in place.

Áras an Chontae, Roscommon, F42 VR98

T 090 6637100 F 090 6625599 E [customerservice@roscommoncoco.ie](mailto:customerservice@roscommoncoco.ie)

W [roscommon.ie](http://roscommon.ie) [RoscommonCountyCouncil](https://www.facebook.com/RoscommonCountyCouncil) [@roscommoncoco](https://twitter.com/roscommoncoco)





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



On behalf of Mr. Lydon, I wish to assure you that he and the Planning Authority take planning enforcement responsibility very seriously and continue to carry out duties with due diligence.

Mise, le meas

*Thérèse O'Meara*

Therese O'Meara, Staff Officer  
Enforcement Department  
Planning  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

 <b>Rosecommon County Council Enforcements</b>			
MAIN MENU		UPDATE ENFORCEMENT	
ADD ENFORCEMENT		ENQUIRY	
ENQUIRY MENU > View Enforcement Details		View List of Owners/Occupiers	
View Documents		View List of Advisors	
View Solicitor Details		View GIS	
Build Report		Edit Enforcement	

## Enforcement Detail.

Enforcement Id: UDR 1601

Urgent  
Action : No

Unauthorised Development Type:

Unauthorised development

Existing Planning Ref:

PD/07/143

Final Outcome:

Current

Status :

Case Closed

Sub Status : None

Status Date :

07/12/2020

Last Reviewed:

07/12/2020

Next Review Date:

NONE

Final Outcome Date:

NONE

Status History

Enforcement Officer:

Caroline Menton

Solicitor Reference Number:

NONE

Date Received:

07/09/2010

Warning Letter Deadline Date: (Y)

19/10/2010

Enforcement Notice Deadline: (N)

16/12/2010

Submission Deadline:

21/10/2010

Description:

alleged unauthorised development consisting of non compliance with Condition No.'s 1 &amp; 5 of Planning Permission Reference No. Pd/07/143 at

Location Address:

Rockingham Demesne  
Lough Key Forest  
Park, Boyle  
Co Roscommon

Geographical

Area :

Comment:

alleged unauthorised development consisting of non compliance with Condition No.'s 1 &amp; 5 of Planning Permission Reference No. Pd/07/143 at

Land Use Code :

Class None  
Sub Class None

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View Enforcement Details View Documents		View List of Owners/Occupiers		View List of Advisors		View Solicitor Details		Build Report		Edit Enforcement	

## File Status History

Status Date	Status	Next Review Date	Responsible Officer	Comments	Last Reviewed	Extensions
02/Jun/2010	Under Review	NONE	Alan O'Connell	Report received from Case Officer	07/Sep/2010	0
09/Sep/2010	Warning Letter Served	07/Oct/2010	Caroline Menton	alleged unauthorised development consisting of non compliance with condition no.'s 1 & 5 of planning permission reference no PD/07/143 at	09/Sep/2010	0
23/Sep/2010	Warning Letter Served	21/Oct/2010	Alan O'Connell	alleged unauthorised development consisting of non compliance with Cond NO.'s 1 & 5 of planning permission reference no PD/07/143 (previous WL returned in post)	23/Sep/2010	0
26/Oct/2010	Referred for Follow Up Inspection	01/Dec/2010	Alan O'Connell	referred to michael burke	03/Nov/2010	0
08/Nov/2010	Under Review	15/Nov/2010	Alan O'Connell	Report from Planner	08/Nov/2010	0
23/Nov/2010	New Consultation (Awaiting Proposals)	07/Jan/2011	Alan O'Connell	Report sought from owner by 7/1/2011	23/Nov/2010	0
10/Feb/2011	Referred for Follow Up Inspection	10/Mar/2011	Alan O'Connell	referred to michael burke	10/Feb/2011	0
25/Feb/2011	Under Review	04/Mar/2011	Alan O'Connell	Report from Planner	25/Feb/2011	0
01/Mar/2011	New Consultation (Awaiting Proposals)	12/Apr/2011	Alan O'Connell	Report sought from owner by 12/4/2011	01/Mar/2011	0
24/May/2011	Under Review (Referred to Planner)	31/May/2011	Alan O'Connell	Response received	24/May/2011	0

25/May/2011	Developer Asked to stop	01/Jun/2011	Alan O'Connell	letter to owner requesting he cease work and arrange meeting on site	25/May/2011	0
11/Aug/2011	Under Review	05/Sep/2011	Alan O'Connell	Report received from Planner	08/Aug/2011	0
17/Aug/2011	Under Review	24/Aug/2011	Alan O'Connell	Response received from owner	17/Aug/2011	0
10/Jun/2014	Under Review	24/Jun/2014	Brian Farragher	Refer to Planner	10/Jun/2014	0
02/Jul/2014	Under Review	09/Jul/2014	Brian Farragher	Report received from Planner	02/Jul/2014	0
08/May/2015	Under Review (Referred to Planner)	15/May/2015	Brian Farragher	Report sought from Planner	08/May/2015	0
29/Jul/2015	Under Review	09/Nov/2015	Brian Farragher	Report from Planner	17/Aug/2015	0
08/Mar/2016	Referred for Follow Up Inspection	29/Mar/2016	Jenny Collins	Refer to Planner	08/Mar/2016	0
17/Sep/2019	Referred for Initial Inspection	24/Sep/2020	Martin Murray	Refer to Enforcement Inspector	17/Sep/2019	0
16/Sep/2020	Referred for Initial Inspection	23/Sep/2020	Martin Murray	Complainant received	16/Sep/2020	0
20/Oct/2020	Under Review	27/Oct/2020	Martin Murray	Report from Enforcement Inspector	20/Oct/2020	0
02/Nov/2020	Under Review (Awaiting Proposals)	20/Nov/2020	Tracy Davis	Letter to owner	02/Nov/2020	0
17/Nov/2020	Under Review	24/Nov/2020	Tracy Davis	Response received	17/Nov/2020	0
26/Nov/2020	Under Review	03/Dec/2020	Tracy Davis	Query from complainant	26/Nov/2020	0
30/Nov/2020	Under Review	08/Dec/2020	Tracy Davis	reply to complainant	30/Nov/2020	0
07/Dec/2020	Case Closed	NONE	Tracy Davis	Close file	07/Dec/2020	0

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**Roscommon County Council Enforcements**

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View Documents

View List of Owners/Occupiers

View List of Advisors

View Solicitor Details

View CTS

Build Report

Edit Enforcement

REPORTS

## Enforcement Detail.

Enforcement Id: UDR 2579

Urgent Action : No

Unauthorised Development Type:  
Unauthorised developmentStatus :  
Under Review  
Sub Status : None[Status History](#)

Enforcement Officer:

Martin Murray

Existing Planning Ref:  
NONEStatus Date :  
20/03/2021  
Last Reviewed:  
20/03/2021Solicitor Reference Number  
NONENext Review Date:  
24/03/2021Final Outcome:  
CurrentFinal Outcome Date:  
NONEData Received:  
22/12/2020  
Warning Letter Deadline Date: (N)  
11/02/2021

Enforcement Notice Deadline: (N)

Submission Deadline:

## Description:

Alleged unauthorised development consisting of development on site without the benefit of planning permission

## Location Address:

Cloontykilla Castle  
Rockingham Demesne  
Boyle, Co.  
Roscommon

Geographical Area :

## Comment:

-

## Land Use Code :

Class : None  
Sub Class : None[Back](#)


**Rosecrannon County Council Enforcements**

**MAIN MENU**  
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ADD ENFORCEMENT  
 View Enforcement Details  
 View Documents

UPDATE ENFORCEMENT  
 View List of Owners/Occupiers  
 View Documents

ENQUIRY  
 View List of Advisors  
 View Documents

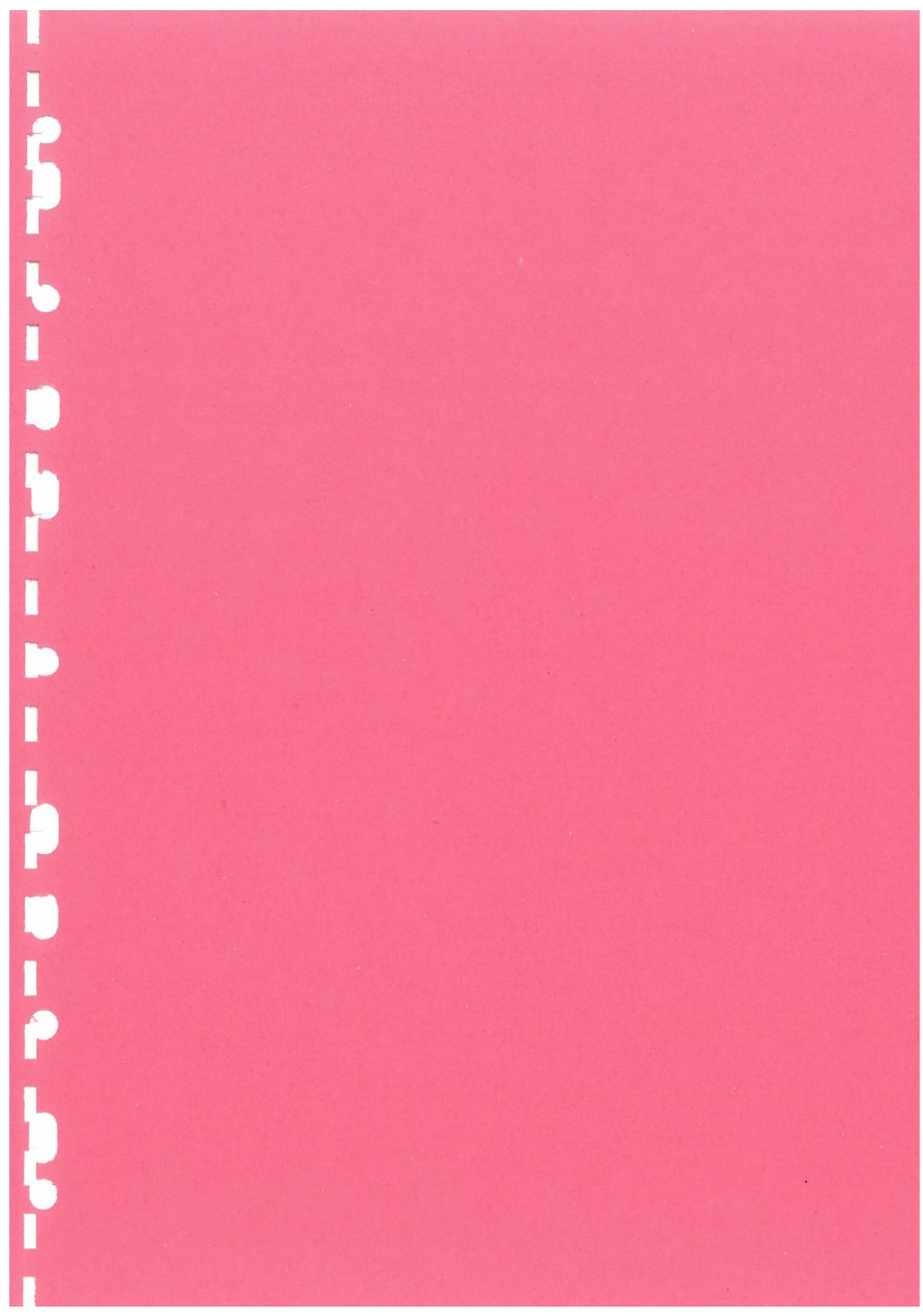
**REPORTS**  
 View Solicitor Details  
 Build Report  
 Edit Enforcement

## File Status History

Status Date	Status	Next Review Date	Responsible Officer	Comments	Last Reviewed	Extensions
22/Dec/2020	New Consultation	NONE	-	-	22/Dec/2020	0
22/Dec/2020	Under Review	29/Jan/2021	Tracy Davis	Report from S. E. Planner	22/Dec/2020	0
22/Dec/2020	Under Review	29/Jan/2021	Tracy Davis	Letter sent to Owner	22/Dec/2020	0
04/Jan/2021	New Consultation (Referred to Planner)	15/Feb/2021	Tracy Davis	New complaint received	04/Jan/2021	0
06/Jan/2021	Under Review	15/Feb/2021	Tracy Davis	Ack. letter issued	06/Jan/2021	0
06/Jan/2021	Under Review	20/Jan/2021	Tracy Davis	Response received from Agent	06/Jan/2021	0
23/Feb/2021	Under Review	26/Feb/2021	Tracy Davis	Queries from Complainant	23/Feb/2021	0
26/Feb/2021	Under Review	30/Mar/2021	Tracy Davis	Further queries from Complainant	26/Feb/2021	0
03/Mar/2021	Under Review	09/Mar/2021	Tracy Davis	Further queries from Complainant	03/Mar/2021	0
04/Mar/2021	Under Review	10/Mar/2021	Tracy Davis	Further queries from Complainant	04/Mar/2021	0
20/Mar/2021	Under Review	24/Mar/2021	Tracy Davis	Further queries from Complainant	20/Mar/2021	0

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The actual nature of the works, while perhaps informative are not determinative of this Declaration. The mere placing of scaffolding itself is an act or operation of construction, in addition to any works which are altering the exterior of the protected structure.

However, for your information and to aid your investigation, we enclose an artist's impression of the proposed completion of the external facade of the Castle which has been downloaded from the developer's website. It is our client's position that when one observes the photograph taken on 3 January 2021 submitted with the application for a Declaration, that it is clear that the battlements or parapets envisaged in the artist's impression had not been constructed at that point. It is not our clients' position that the north west facing tower had been fully completed in line with the artists impression, merely that construction work without planning permission to achieve same had commenced.

It was also apparent to our client that parapets or battlements had been constructed along the Castle at some point since April 2020. However, he did not have documentary evidence of exactly when these were constructed not having 'before and after' photographs. We enclose an extract from a photograph showing these newly constructed battlements.

Furthermore, we refer your attention to a link to drone footage of Cloontykilla Castle uploaded to the internet on 27 February 2020 which demonstrates the condition of the top of the north west facing tower at that point. We recommend playing the footage at 0.25 speed to allow for proper observation. The link is available here <https://www.youtube.com/watch?v=dNrt2dyTXQQ>

Although it is not the subject of this application for a Declaration, it is clear from this drone footage and an observation of the Castle currently that the parapets or battlements to the Western, Northern and Eastern facades of the Castle have been constructed since this drone footage was uploaded.

We note that the Planning Authority has conducted a site examination and we contend that it is for the Planning Authority to determine whether there has been a material alteration to the north west facing tower of the Castle after the photograph was taken on 3 January 2021.

The Planning Authority has the requisite powers under Section 6 of the Act in relation to examination, investigation and survey as may be necessary for the performance of its functions in relation to the Act, which includes in our opinion entering the Castle and requesting access for a proper observation of the north west facing tower. If same has not been undertaken heretofore, we recommend that such a close inspection be carried out.

It is our position that it must have been clear upon inspection that 'works' as defined under the Act took place at the north west facing tower in the period since 3 January 2021 when one observes the photograph of 3 January 2021.

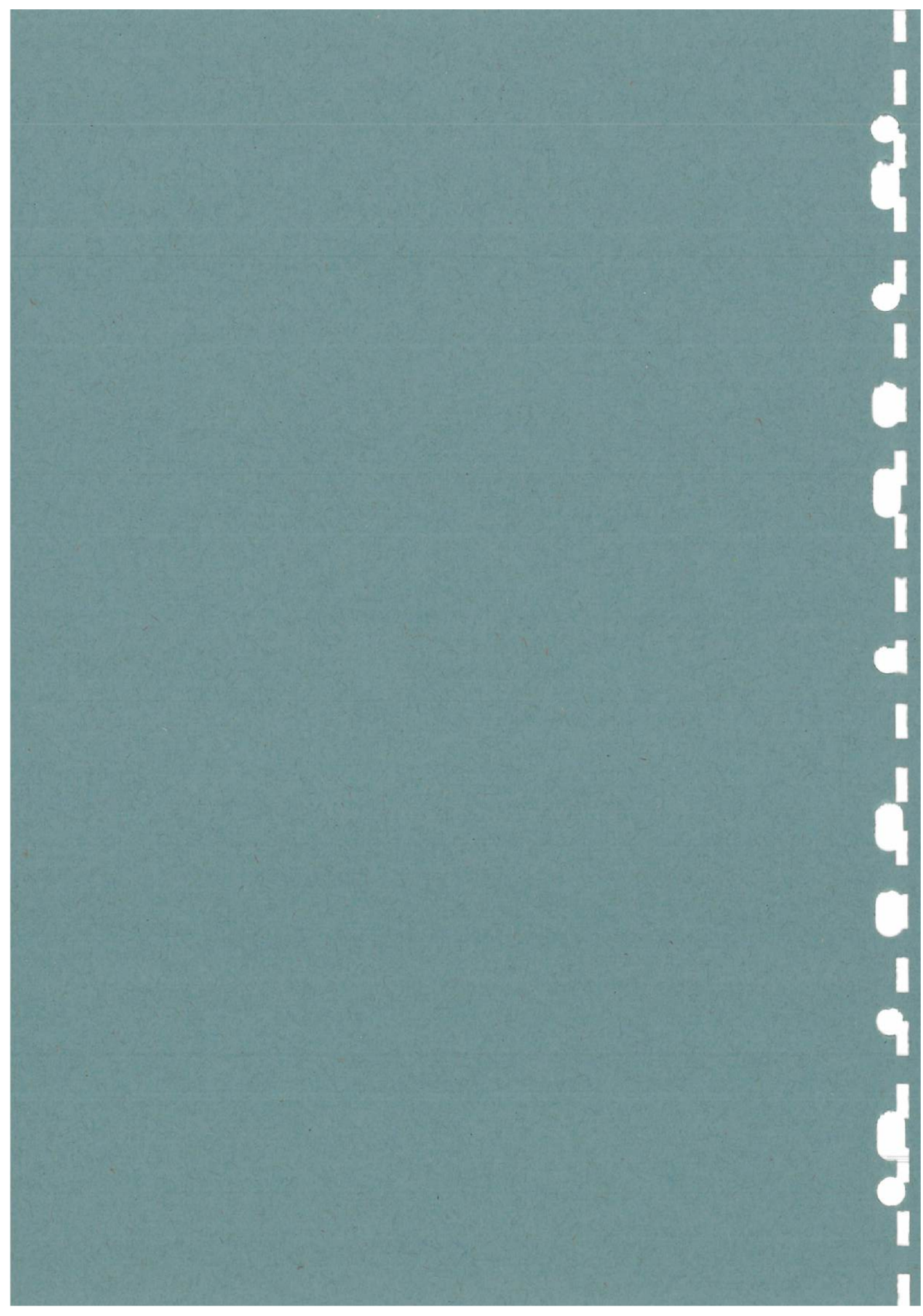
We trust this clarifies the position.

Yours sincerely

---

Elva Carbery







# STONECRAFT RESTORATION Ltd.

taking pride in preserving our history



Sean: 087-3131923



stonecraftrestoration@gmail.com

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## CLOONTYKILLA CASTLE



Cloontykilla Castle in Co. Roscommon, was designed by John Nash of Buckingham Palace domain in the Gothic revival mode in 1839. All towers were rebuilt & lime pointed. All new stone battlements to parapet walls, heads and a full sensitive doff clean.



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