



## Declaration

In accordance with Part IV, Section 57 (2) of the Local Government (Planning and Development) Act, 2000 (as amended).

### Louth County Council:

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

This Declaration may be referred to An Bord Pleanála for review within 4 weeks of its issue, upon payment of the requisite fee in accordance with Part IV, Section 57 (8) of the Planning & Development Act 2000 as amended.

<b>Applicant Name:</b>	Windsor Inn Ltd		
<b>Status (i.e. Owner or Occupier):</b>	Owner		
<b>Date of Request for Declaration:</b>	28 <sup>th</sup> June 2024	<b>Date of Inspection:</b>	8 <sup>th</sup> August 2024
<b>Date of Issue of Declaration:</b>	28 <sup>th</sup> August 2024	<b>Previous Declarations:</b>	None on record

**Address:**

Name of Building:

The Windsor Bar

Address 1:

37/38 Dublin Road

Address 2:

Dundalk

Address 3:

Co. Louth

Eircode:

A91 FX50

**Location:**

National Grid co-ordinates:

E N

O.S. Map Type:

Map Sheet:

Site Number:

**Protection Status:**Under the Planning and development Act 2000 (as amended)

Y / N

Record of Protected Structures:

Y x

N

Architectural Conservation Area:

Y x

N

Under the Planning and development Act 2000 (as amended)

Record of Monuments and Places:

Y

N x

Zone of Archaeological potential:

Y

N x

Preservation Order or Temporary P.O.:

Y

N x

**Details:**

D189

The Crescent ACA (No. 21)

NIAH Registration No. (if applicable):

N/A

### Introduction:

The referrer has sought a Section 57 Declaration as per the Planning and Development Act 2000 (as amended) in respect of works to a protected structure at The Windsor Bar, Dublin Road, Dundalk, Co. Louth (shown below).



Views of site from the Dublin Road

### Protection Status:

Under the Planning and Development Act 2000 (as amended), the Record of Protected Structures (RPS) is set out in the Louth County Development Plan 2021-2027 as varied.

The Windsor Bar, Dublin Road, Dundalk (RPS: D189) is described as: Public House – Dated 1886 Late Victorian public house.

### Planning History:

96/520203 – CoU from residential to restaurant (1st Floor) – Refused

97/520008 – CoU from residential to restaurant (1st Floor) – Refused (ABP - Grant)

97/520229 – Kitchen, toilets, fire escape, store, staircase, extension to restaurant – Grant

98/520190 – Retention of rooflights – Grant

99/520067 – Retention of internal reception/ waiting area to restaurant and bar counter on 1st Floor – Refused (ABP – Refused)

55/524558 – Extension and renovation – Grant

55/526225 – Retention of COU of off-licence and alteration to layout of bar – Grant

### Description of the Structure:

The property is an attractive red brick public house with traditional slate roof, timber sliding sash windows, signage and street frontages prominently positioned on the corner of Vincent Avenue and the Dublin Road.

**Referral Question:**

**Would works materially affect the character of the protected structure and as a result, require planning permission?**

This request pertains to:

- New solar panels (up to 49 panels) on the roof of the public house

**Legislative Provision:**

Section 57(1) of the Planning and Development Act 2000 (as amended) states 'that notwithstanding Sections 4(1)(h) and any regulations made under Section 4(2), the carrying out of works to a protected structure, or proposed protected structure shall be exempted development only if those works would not materially affect the character of:

- a) the structure; or
- b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 68 of the Act stipulates that the carrying out of any works specified in a notice under section 59 (1) or 60 (2) shall be exempted development.

**Assessment:**

It is noted that the applicant has not provided any detailed drawings showing the size, dimensions, height or position of the proposed solar panels. I have reviewed the RPS in respect of this property and have inspected the site from the public street.

I conclude that the work proposed to install up to 49 solar panels on the roof, would materially affect the character and the integrity of the protected structure (D189) and as a result would require planning permission.

Separate to the issue of the impact on the Protected Structure, I also conclude that the proposed solar panels on the roof would materially affect the character of the Crescent ACA (No: 21), which is contrary to Condition & Limitations 3 (a), 4, 8, 10 and 13 of Class 56 (e) of the Planning & Development Regulations, 2001, and as a result would require planning permission. However, this "exempted development" matter will not be considered as part of this S57 declaration proposal.

**Any further documentation attached (maps, photographs, sketches, notes etc.)?**

None

**Conclusion:**

I conclude, that WHEREAS a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration:

- New solar panels (up to 49 panels) on the roof of the public house,

would or would not materially affect the character of protected structures or any element of the structures which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at the Windsor Bar, Dublin Road, Dundalk, Co. Louth.

**AND WHEREAS**, Windsor Inn Ltd requested a declaration on the question from Louth County Council on the 18<sup>th</sup> June 2024,

**AND WHEREAS** Louth County Council in considering this referral, had regard particularly to –

- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 68 of the Planning and Development Act, 2000 as amended,
- (e) Section 77(1) of the Planning and Development Act 2000, as amended,
- (f) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (g) the nature and extent of works set out in the referral question in respect of this structure,
- (h) the planning history of the site and documentation submitted with this section 57 declaration application.

**AND WHEREAS** Louth County Council has concluded that:

- (i) All of the stated works to the protected structure comprise of works and are development, and
- (ii) All of the stated works would materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and
- (iii) Having regard to the information submitted, the proposed works to provide solar panels on the roof, cannot be considered works that would come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000, as amended, as the proposed development would materially affect the character of the protected structure and would therefore require planning permission.

**NOW THEREFORE** Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works above, at The Windsor Bar, Dublin Road, Dundalk, Co. Louth, as detailed by the Request for a Section 57 Declaration constitutes development that is not exempted development.

**Signed by Inspector**

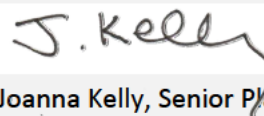


Terence Loane, Executive Planner

**Date**

09/08/24

**Signed by Planning Authority Officer**



Joanna Kelly, Senior Planner

**Date**

28th August 2024

**LOUTH COUNTY COUNCIL**

**CHIEF EXECUTIVE'S ORDER**

**PLANNING & DEVELOPMENT ACT 2000 (as amended)**

**Section 57 Declaration – Works to a Protected Structure**

**Chief Executive's Order No:** 642/2024

**Reference No:** S57 D24-04

**Date Application Received:** 28<sup>th</sup> June 2024

**Description:** This request pertains to new solar panels (up to 49 panels) on the roof of the public house.

**Name of Applicant:** Windsor Inn Ltd

**Location of Development** The Windsor Bar, 37/38 Dublin Road,  
Dundalk, Co. Louth A91 FX50

**WHEREAS** a question has arisen as to whether the proposed development detailed under Section 10 of the Request for Section 57 Declaration:

- New solar panels (up to 49 panels) on the roof of the public house, would or would not materially affect the character of protected structures or any element of the structures which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest at the Windsor Bar, Dublin Road, Dundalk, Co. Louth.

**AND WHEREAS**, *Windsor Inn Ltd* requested a declaration on the question from Louth County Council on the 18<sup>th</sup> June 2024,

**AND WHEREAS** Louth County Council in considering this referral, had regard particularly to –

- (a) Section 2 of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 (1)(h) of the Planning and Development Act 2000, as amended,
- (d) Section 68 of the Planning and Development Act, 2000 as amended,
- (e) Section 77(1) of the Planning and Development Act 2000, as amended,

- (f) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (g) the nature and extent of works set out in the referral question in respect of this structure,
- (h) the planning history of the site and documentation submitted with this section 57 declaration application.

**AND WHEREAS** Louth County Council has concluded that:

- (i) All of the stated works to the protected structure comprise of works and are, therefore, development, and
- (ii) All of the stated works would materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and
- (iii) Having regard to the information submitted, the proposed works to provide solar panels on the roof, cannot be considered works that would come within the meaning of Section 4(1)(h) and Section 57 of the Planning and Development Act 2000, as amended, as the proposed development would materially affect the character of the protected structure and would therefore require planning permission.

**NOW THEREFORE** Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works above, at The Windsor Bar, Dublin Road, Dundalk, Co. Louth, as detailed by the Request for a Section 57 Declaration **constitutes development that is not exempted development.**

SIGNED:   
Joanna Kelly  
Senior Planner

Dated: 29<sup>th</sup> August 2024

**ORDER:** In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Section 57 Declaration of Exemption be Granted** for the works, as described above.

SIGNED:   
Thomas McEvoy  
Director of Services

Dated: 29<sup>th</sup> August 2024

To whom this function has been delegated in accordance with the provision of Sections 154 of the Local Government Act 2001 by Order no CE.S.335/22 dated the 01st day of September, 2022.



**PLANNING AND DEVELOPMENT ACT 2000 (as amended)  
REQUEST FOR SECTION 57 DECLARATION**



The above Act provides that notwithstanding section 4(1)(a), (h), (i), (j), (k), or (l) and any regulations made under section 4(2) of the Act, 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

As an owner or occupier of a protected structure you are entitled under the above Act to make a written request to the Planning Authority to issue a Declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element (as set out in Section 57(3) of the Planning and Development Act 2000 as amended) of that structure.

In order to allow for consideration of this request, please supply the following information:

1. Name of Applicant: The Windsor Inn Ltd.

2. Address of Protected Structure: 32/38 Dublin Street  
Dundalk Eircode: A91 FX 50

3. Correspondence of Protected Structure: (if different from 2 above)

*Section 57  
Decl. - Windsor  
Planning Consent*

4. NIAH Ref. No. Louth RPS Ref. No. D189

5. Is the structure owner occupied or rented? No

6. If rented, state name and address of owner:

7. Use of structure (residential, commercial etc.) Commercial

8. Has a Declaration been sought previously? No

9. Are you aware of any (1) previous planning application/s or (2) enforcement proceedings pertaining to this site? (If so, please give details):

Planning Permission for extension to premises sought and granted in 1984 and again in 1999 for further extension on the second floor.



## PLANNING AND DEVELOPMENT ACT 2000 (as amended) REQUEST FOR SECTION 57 DECLARATION

10. Please provide a brief description of the nature and scale of the development proposed (both internal and external) in particular the works that you are seeking a declaration for

I am hoping to install up to 49 Solar Panels on the roof of the building.

Please note that the accuracy and relevance of the Declaration made by the Planning Authority is informed by the information furnished by the applicant. Any deviation from the information provided may require the re-consideration of the declaration.

11. Please provide a Site Location Map to the scale of 1:1000 clearly identifying the structure and boundaries to which this application refers. The subject structure should be outlined in red and overall landholding to be outlined in blue

I wish to apply for a declaration from Louth County Council as to the type of works as outlined above, which may or may not require permission in the above named structure.

Signed:

*Seán M. Geough*

Date: 22/05/2024

Daytime contact telephone number: [REDACTED]

It should be noted that the Council is normally obliged to issue this declaration within three months (12 weeks) of a request being made.

You will be contacted within this period to arrange an appointment for a suitably qualified person to carry out a detailed survey of the internal and external features of the structure.

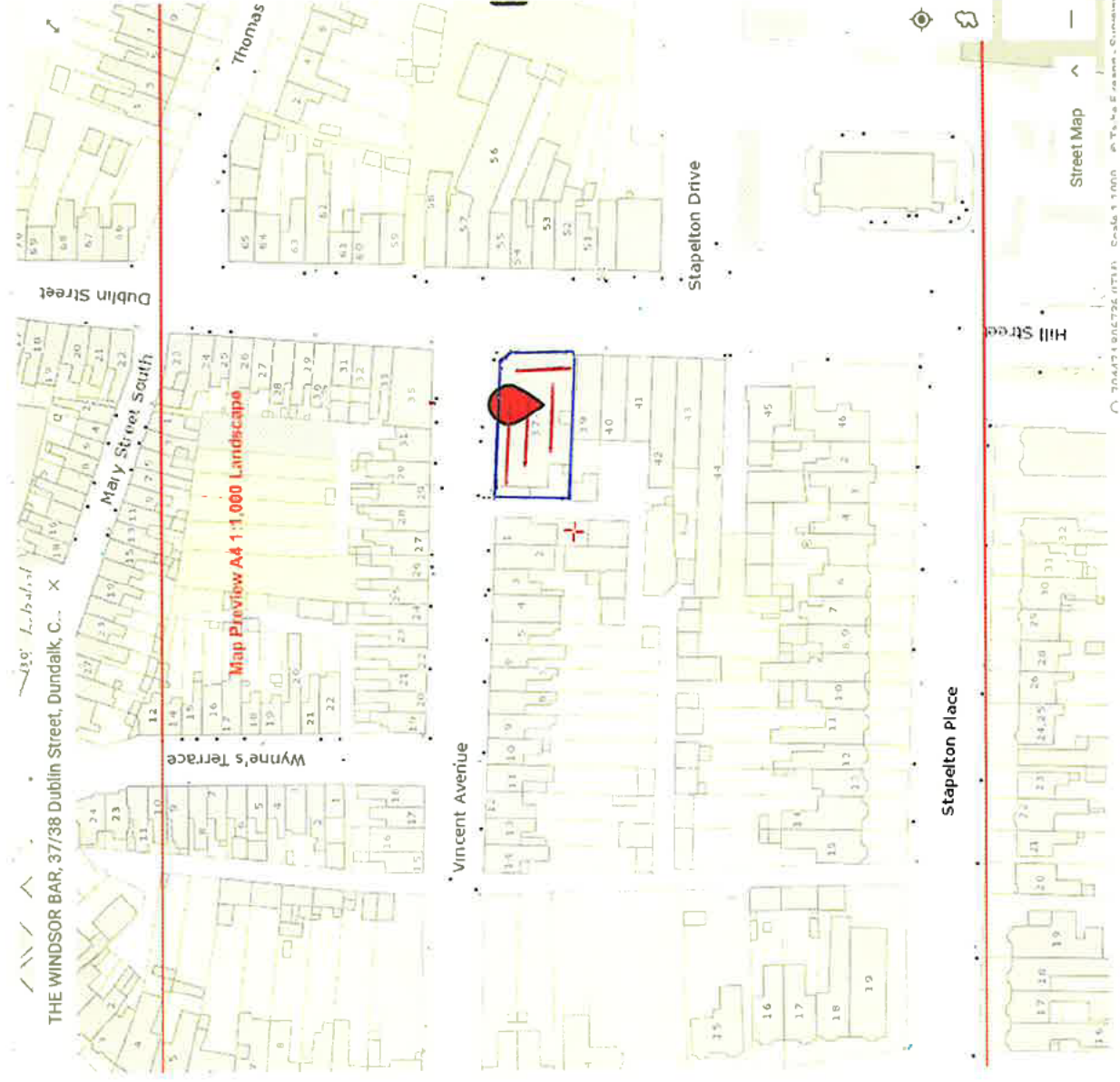
### Please Return Completed Form To:

Conservation, Planning Dept., Louth County Council,  
Town Hall, Crowe Street, Dundalk, A91 W20C  
Email: [conservation@louthcoco.ie](mailto:conservation@louthcoco.ie)

# Site Location Map

## Windsor Bar, 37/38 Dublin street

### 1:1000



Windsor Bar  
Solar Panel Layout

