



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.

Applicant Name: Smarmore Castle Clinic

Status (i.e. Owner or Occupier): Owner

Date of Request for Declaration: 27th October 2023 Date of Inspection: 1st December 2023

Date of Issue of Declaration: Previous Declarations: None on record

Address: Location: E N

Name of Building: National Grid co-ordinates:

Address 1: Smarmore O.S. Map Type:

Address 2: Ardee Map Sheet:

Address 3: Co. Louth Site Number:

Eircode: A92YY22

Protection Status:	Y / N	Details:
<small>Under the Planning and development Act 2000 (as amended)</small>		
Record of Protected Structures:	Y ✓	N
Architectural Conservation Area:	Y	N ✓
<small>Under the Planning and development Act 2000 (as amended)</small>		
Record of Monuments and Places:	Y	N ✓
Zone of Archaeological potential:	Y	N ✓
Preservation Order or Temporary P.O.:	Y	N ✓

Lhs017-050



NIAH Registration No. (if applicable):

13901701

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 Smarmore Castle.



Figure 1: Views of some of the existing bathrooms to be replaced (all internal works).



Figure 2: Views of existing stone walls at gate piers to be repaired.



Figure 3: Views of castle tower (flat hidden roof to be repaired)



Figure 3: Views of existing swimming pool building roof.

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. This building is identified in the RPS.

Planning History:

14/452 – Permission for the change of use of hotel/guesthouse and restaurant to a recovery clinic and associated site works – Granted on 19/02/15 (Implemented).

17/894 – Permission to erect 14 no. individual habitable self-contained units within an enclosed walled garden area with connection to the existing wastewater treatment facility and all associated site works and services. The development will also consist of the change of use of one number two storey agricultural storage outbuilding and one number single storey outbuilding both to that of office and medical examination space, with window and door openings to these structures. The works to be carried out are to protected structure RPS No: LHS 017-050 and monument RMP No: LHS 017-066 – Granted on 16/07/23 (Implemented).

23/27 – EXTENSION OF DURATION OF 17/894 – Granted on 10/03/23 (Implemented).

Description of the Structure:

The NIAH description of this property is as follows:

Detached multiple-bay house, built c. 1740, now used as guest house. Irregular plan, medieval tower house, c. 1320, to centre of east elevation, three-bay two-storey wing to south and three-bay two-storey wing to north, c. 1770;



projecting gable-fronted end bays to either side of three-bay two-storey central block, south elevation; multiple-bay two-storey west wing c. 1740, battlements and moulded pointed arch window surrounds added to tower house c. 1800. Pitched slate and hipped roofs, some replacement artificial slate, smooth rendered and brick chimneystacks, overhanging eaves with timber soffits, uPVC rainwater goods, some surviving cast-iron. Unpainted roughcast rendered walling, limestone base plinth, random rubble stone walling to tower house. Square-headed window openings, smooth rendered reveals, limestone sills, painted timber six-over-six sliding sash windows, pointed arch window openings to tower, smooth rendered block-and-start surround, hood-mouldings terminating in helmet stops, limestone sills, painted timber four-over-four sliding sash windows c. 1800. Square-headed door opening to south elevation, tooled ashlar limestone block-and-start surround, carved keystone detail, painted timber door with two vertical panels, plain-glazed overlight, limestone step. Stableyard to north-west comprising two-storey stone outbuildings c. 1800, ranged around a central square-plan courtyard, now in use as leisure centre; pitched slate roofs, brick chimneystacks, brick cornice to eaves, cast-iron and replacement uPVC rainwater goods, random rubble stone walling; square-headed window and door openings, block-and-start brick and ashlar limestone surrounds, painted timber three-over-three sliding sash windows, multiple pane casement window and diamond pane casement windows; variety of original and replacement painted timber vertically-sheeted doors; segmental-headed carriage openings to west and north ranges. Yard bounded by random rubble stone wall, carriage entrance to north-east with segmental-headed opening. House set back from road in own extensive landscaped grounds, random rubble stone boundary walls throughout, entrance gateway to north-east comprising ashlar limestone gate piers and wrought-iron gates

The NIAH appraisal of this properties includes –

Smarmore Castle, formerly the seat of the Taafe family, is a fine surviving example of eighteenth-century architectural values, of which the balanced classical proportions and restrained use of detailing, limited to a finely-crafted ashlar door surround, are characteristic features. The original tower house is of considerable archaeological significance and this is an excellent example of multi-layered development on one site, a typical feature of several large country houses. A handsome, formally-planned, stable yard is an important survival helping to preserve the original context of the site.

Referral Question:

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

Whilst on site I spoke with Jerry O'Brien, who said that although the "repair & draughtproofing of existing windows in main castle building" is stated in Question 10 of the S57 Declaration Form, these works are not part of the works proposed under this current declaration and was included in error. Therefore, I will not be considering repairs to the windows in this declaration.

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:

Under **Question 10** of the Declaration Request form, works that are proposed are described as follows:

- Refurbishment of bathrooms in castle building, including removal & replacement of modern finishes & fittings.
- Localised repair and re-building of masonry walls adjoining gate piers to matching detail to existing.
- Repair/replacement of modern flat roof finish to castle tower.
- Provision of solar panels to south roof slope of modern swimming pool building.

- The bathrooms to be refurbished were installed in the 1990's and have modern finishes & fittings which are not in keeping with the character of the building in any way, and their refurbishment would significantly improve the building.
- The masonry walls to be repaired are adjoining the gate piers and works will be done to matching that existing. The actual stone to be used is the original which has simply fallen off or been removed from the wall/ piers. Some very minor repairs would be required to secure the stone.
- Any works to repair/replace the existing modern flat roof finish at the castle tower will be completely hidden behind the turret, and so will not impact upon the character of the building.
- The provision of solar panels on the southern roof slope of the modern swimming pool building, which as a dark corrugated metal roof, will not impact upon the character of the protected structure.

I consider that the works detailed above will not materially affect the character of the protected structure, and would not require planning permission.

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

- Declaration form.
- Drawings/ map submitted.
- Photographs submitted showing bathrooms under refurbishment in 1998.
- Site photos taken by Planning Authority Inspector on 1st December 2023.

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 –

- Refurbishment of bathrooms in castle building, including removal & replacement of modern finishes & fittings.
- Localised repair and re-building of masonry walls adjoining gate piers to matching detail to existing.
- Repair/replacement of modern flat roof finish to castle tower.
- Provision of solar panels to south roof slope of modern swimming pool building.

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 Smarmore Castle, Smarmore,



AND WHEREAS Smarmore Castle Clinic requested a declaration on the question from Louth County Council on the 27th October 2023,

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,
- (d) Section 77(1) of the Planning and Development Act 2000, as amended,
- (e) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (f) the nature and extent of works set out in the referral question in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works to the protected structure comprise of works and are, therefore, development, and
- (ii) the stated works would not materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,
- (iii) the stated works would consist of the carrying out of works for the maintenance, improvement and alteration of this structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

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, to Smarmore Castle, Smarmore, Ardee, Co. Louth as detailed by the Request for Section 57 Declaration and submitted information and details, **constitutes development** that is **exempted development**.

Signed by Inspector

Terence Loane, Executive Planner

Date

18th December 2023

Signed by Planning Authority Officer

Joanna Kelly, Senior Planner

Date

18th December 2023

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: 908/2023

Reference No: S57 LHS23-04

Date Application Received: 27th October 2023

Description:

- Refurbishment of bathrooms in castle building, including removal & replacement of modern finishes & fittings.
- Localised repair and re-building of masonry walls adjoining gate piers to matching detail to existing.
- Repair/replacement of modern flat roof finish to castle tower.
- Provision of solar panels to south roof slope of modern swimming pool building.

Name of Applicant: Smarmore Castle Clinic

Location of Development Smarmore, Ardee, Co. Louth A92 YY22

CONCLUSION

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

- Refurbishment of bathrooms in castle building, including removal & replacement of modern finishes & fittings,
- Localised repair and re-building of masonry walls adjoining gate piers to matching detail to existing,
- Repair/replacement of modern flat roof finish to castle tower,
- Provision of solar panels to south roof slope of modern swimming pool building,

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 Smarmore Castle, Smarmore,

AND WHEREAS Smarmore Castle Clinic requested a declaration on the question from Louth County Council on the 27th October 2023,

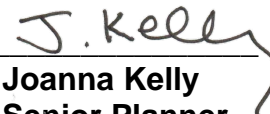
AND WHEREAS Louth County Council in considering this referral, had regard particularly to –

- (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,
- (d) Section 77(1) of the Planning and Development Act 2000, as amended,
- (e) the Architectural Heritage Protection Guidelines for Planning Authorities,
- (f) the nature and extent of works set out in the referral question in respect of this structure,

AND WHEREAS Louth County Council has concluded that:

- (i) the stated works to the protected structure comprise of works and are, therefore, development, and
- (ii) the stated works would not materially affect the character of the structure, or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest,
- (iii) the stated works would consist of the carrying out of works for the maintenance, improvement and alteration of this structure which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

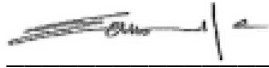
NOW THEREFORE Louth County Council, in exercise of the powers conferred on it by Section 57 of the 2000 Act as amended, hereby decides that the proposed works above, to Smarmore Castle, Smarmore, Ardee, Co. Louth as detailed by the Request for Section 57 Declaration and submitted information and details, **constitutes development** that is **exempted development**.

SIGNED: 
Joanna Kelly
Senior Planner

Dated: 18th December 2023

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 Refused** for the works, as described above.

SIGNED:



Eamon Woulfe
A/Director of Services

Dated: 18th December 2023

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.362/23 dated the 10th day of November 2023.



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:	Smarmore Castle Clinic,		
2. Address of Protected Structure:	Eircode:		
	Ardee, County Louth, Ireland A92 YY22		
3. Correspondence of Protected Structure: (if different from 2 above)			
4. NIAH Ref. No.	13901701 Garden ID: LH0068	Louth RPS Ref. No.	LHS 017-050 – tower house
5. Is the structure owner occupied or rented?	Owner		
6. If rented, state name and address of owner:			
7. Use of structure (residential, commercial etc.)			
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):	14452 – Permission for the change of use of hotel/guesthouse and restaurant to a recovery clinic and associated site works		
	17894 – walled garden & reception area development		




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
- Refurbishment of bathrooms in castle building, including removal & replacement of modern finishes & fittings
 - Localised repair and re-building of masonry walls adjoining gate piers to matching detail to existing
 - Repair & draughtproofing of existing windows in main castle building
 - Repair/replacement of modern flat roof finish to castle tower
 - Provision of solar panels to south roof slope of modern swimming pool 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: 	Date: 17.10.23
Daytime contact telephone number:	0872641093

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.



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

Please Return Completed Form To:

Conservation, Planning Dept., Louth County Council,
Town Hall, Crowe Street, Dundalk, A91 W20C

Email: conservation@louthcoco.ie



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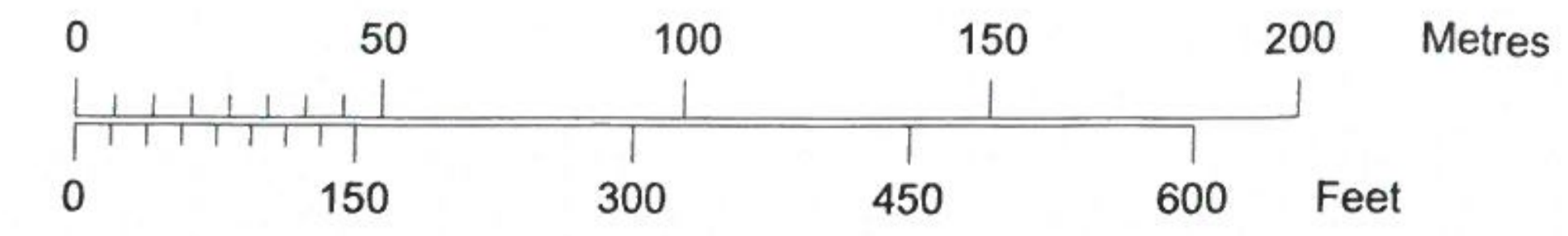
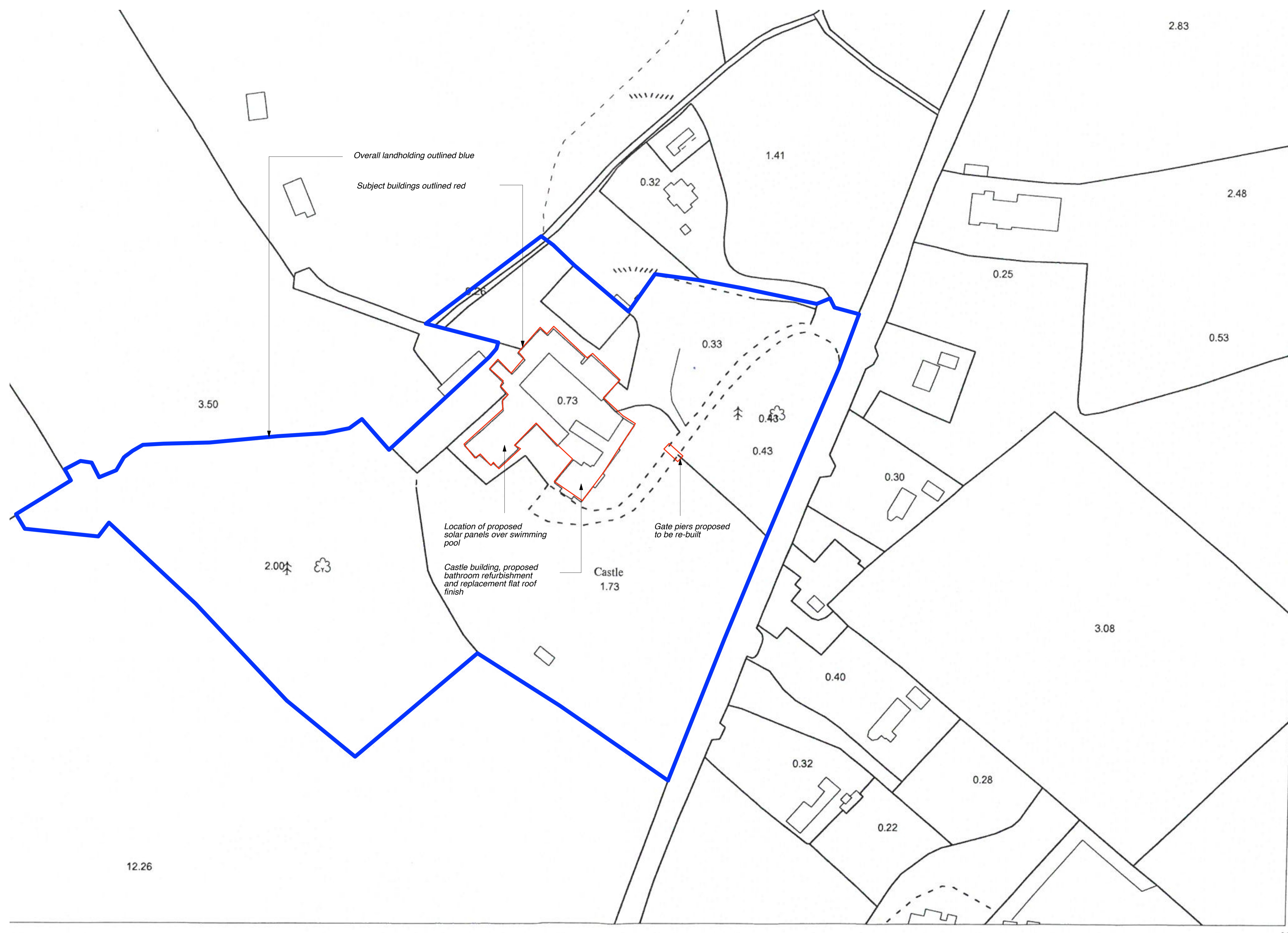
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Plot Date 04-SEP-2017

Notes:

- Do not scale drawing - use figured dimension only
- All dimensions shown in millimetres unless otherwise stated
- All dimensions to be checked on site before commencement and any discrepancies notified to the architect
- This drawing is copyright Fergal McGirl Architects

Revision:

Date:	Description:	Revision No:

FERGAL MCGIRL ARCHITECTS MEMBERS OF THE ROYAL INSTITUTE OF THE ARCHITECTS OF IRELAND

23 FREDERICK STREET SOUTH, DUBLIN D02 K121 | 01 5394770 | info@fmgarchitects.ie | www.fmgarchitects.ie

Job: SMARMORE CASTLE EXTENDED CARE UNIT Client: SMARMORE CASTLE PRIVATE CLINIC

Drawing: SITE LAYOUT PLAN Status: SECTION 57 APPLICATION

Scale: 1:1000 @ A1 Date: OCT 2023 Drawing No: 1018-S101 Revision: