



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

Address:	Location:		
Name of Building:	The Windsor Bar	National Grid co-ordinates:	E N
Address 1:	37/38 Dublin Road	O.S. Map Type:	
Address 2:	Dundalk	Map Sheet:	
Address 3:	Co. Louth	Site Number:	
Eircode:	A91 FX50		

Protection Status:	Y / N		Details:
Under the Planning and development Act 2000 (as amended)			
Record of Protected Structures:	Y x	N	D189
Architectural Conservation Area:	Y x	N	The Crescent ACA (No. 21)
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	

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 18th 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

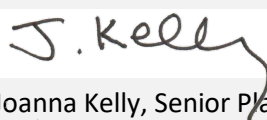


Terence Loane, Executive Planner

Date

09/08/24

Signed by Planning Authority Officer



Joanna Kelly, Senior Planner

Date

28th August 2024