

Oral Hearing of Planning Appeal on St Colman’s Cathedral, Cobh
Submitted by Mary Doran

This report is prepared on behalf of the Friends of St Colman’s Cathedral as part of the response to the submission of the applicants to An Bord Pleanala.

St Coleman’s Cathedral is a **Protected Structure** and is listed on the Record of Protected Structures – a Protected Structure is defined in S.2 of the Planning and Development Act 2000 as ‘any structure or specified part of a structure which is included in the Record of Protected Structures’

‘structure’ means ‘any building, structure, excavation or other thing constructed or made on, in or under 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 PS, includes-
 - i. the interior of a structure
 - ii. the land lying within the curtilage of the structure
 - iii. any other structures lying within that curtilage and their interiors
 - iv. all fixtures and features which form part of the interior or exterior of the above structures

It is listed in the Cobh Development Plan of 2005-2011 and its register number is 10016001. St Coleman’s Cathedral is a protected structure of significance on which Jessie Castle will expand.

The interior does not require to be listed separately.

The significance of a structure being protected is highlighted by the powers of the Act to protect such a structure.

S.58 (1) imposes on owners and occupiers a duty to protect such structures from endangerment. Sections 59 and 60- powers are given to Planning Authority to require works to be carried out to prevent a structure being endangered, or to require the restoration of character of a Protected Structure. This part of the Act also bestows

power on the Planning Authority to carry out necessary works and recover the expenses incurred in carrying out such works from the owner or occupier.

The significance is further emphasised by the fact that a person who is the owner or occupier and fails to comply with a notice served or is found to be in breach of the duty imposed shall be guilty of an offence.

S. 57 states in (6) (a)

When considering an application for permission for the development of land under S. 34 which (a) relates to the interior of a protected structure and

(c) is regularly used as a place of public worship, the planning authority, and the Board on appeal, shall, in addition to any other requirements of the Act, respect liturgical requirements.

That the application should be declared invalid.

The Planning and Development Act 2000 states in S. 34 (1) Where-

(a) an application is made to a planning authority in accordance with permission regulations for permission for the development of land, **and**
(b) all requirements of the regulations are complied with, the authority may decide to grant permission subject to or without conditions, or to refuse it.

We contend that if all requirements of the regulations are **not** complied with, the authority has no power to grant permission in such circumstances

S. 37 (1) (b) ..the board shall determine the application as if it had been made to the Board in the first instance and the decision of the Board shall operate to annul the decision of the Planning authority as from the time when it was given; and subsections (1), (2), (3) and (4) of Section 34 shall apply.... Planning and Development Act 2000

(As we stated in our appeal) S. 247 (5) of the Act states

The planning authority shall keep a record in writing of any consultations under this section that relate to a proposed development including the names

of those who participated in the consultations, and a copy of such record shall be placed and kept with the documents to which planning application in respect of the proposed development relates.

This material was not on file as required.

The applicants in their response make references to meetings and agreements and presume to rely on these statements and agreements which they allege to have been part of the planning process. We contend that relevant material and important information was absent from the public record and therefore the public were prevented from commenting on it by virtue of its non- inclusion I n the public file. Therefore as all of the regulations are not complied with, the authority has no power to grant permission.

Incomplete application - Lack of detail in the application

The application is incomplete and therefore invalid. There is no information on how the Mechanical and Electrical system will be incorporated into the fabric, and no indication -other than in the text -of the exact location of the automatic wheelchair hoist.

The response to the appeal prepared by Professor O'Neill explains (on p.12) where the wheelchair hoist would be located and how it would work. He states that the position is indicated with two parallel lines representing the joint in the marble step. There is no note on the drawing and no drawings are provided of the details, including where the bronze handrail is located, and how it operates.

There should be in fact a comprehensive accessibility statement for the cathedral. Response by Professor O'Neill (p.22) states *No fixtures or fittings will be removed from the site but will be carefully recorded and stored or displayed in appropriate locations.*

No indication is given of where the appropriate location might be, what form the store might take. As the fixtures or fittings are not to be removed from the site, is it

intended that they be displayed in the cathedral and would permission be required for a structure in which to house them?

Fixtures and fittings are protected structures as defined by the Act therefore permission must be sought for such re-location.

If there is no indication of the final location, the planning authority, and consequently the Board on appeal, does not have power to grant permission.

In the same paragraph it states *Apart from the mosaic panels in front of the four side chapels there will be no mosaic flooring retained in storage or exhibition.*

Contrary to what the statement appears to suggest, this represents quite a large area of mosaic. *...all the aisle mosaic will be re-laid in adjacent locations.* Which also represents quite a large area of mosaic. It is not clear where this is to be re-laid.

Some statements in relation to the response to the DoEHLG appeal are misleading. It is stated *four mosaic panels would be retained in their present location **but at the level of the nave.*** However in order to achieve what is desired the applicants propose that *the precise position of the panels would require to be removed westwards by approximately 300mm.* The language here is misleading, we are not suggesting that it is intentional, however it minimises the changes proposed in a way that one might be misled as to the severity of the changes. All of the consequences of re-locating the mosaics either in the same location or elsewhere, requires significant alterations to important historical fabric.

While there is a proposal from a practitioner in the field of mosaic work, (previously referred to) there is no proper Method Statement which is normally required to accompany an application for work to a protected structure.

While there is a proposal from a practitioner in the field of mosaic work, there is no proper Method Statement, which is normally required to accompany an application for any work to a protected structure.

There is no drawing detailing the areas of mosaic to be lifted and where they would be relaid. The statement that *all the aisle mosaic will be re-laid in adjacent locations* is insufficient detail for work of this significance. The exact area of mosaic is not given, or how exactly it would be matched in to these *adjacent locations.*

Other than this copy of a proposal from the mosaic company there is no detail of how the mosaic will be removed and precautions against damage, which Jessie Castle will elaborate on.

Location of the vesting sacristy

There are no details provided for any alterations to the existing mortuary chapel. Para.5.5 of Professor O'Neill's response states there is no proposal as part of this application for such alterations. However the existing Sacristy is of a greater area and it is difficult to see how the use would be accommodated in the smaller space without alterations. He states that the *vesting sacristy proposed for the tower will only be used on special occasions, at least in the immediate future, and that the existing vestry will continue in use for some time.*

However, the recommendations in the current Liturgy require that the celebrants and attendants process from the vestry through the congregation to the altar at the beginning of Mass and return by the same route at its conclusion.

The Proposed development does not comply with the Architectural Heritage Protection –Guidelines for Planning Authorities, which Jessie Castle will address in further detail.

There is not adequate evidence that the extensive works proposed are necessary. The proposed development does not comply with the requirements of the Act for a protected structure and should be refused