

OXMANTOWN SETTLEMENT TRUST

THE ESTATE OFFICE, BIRR CASTLE, BIRR, CO. OFFALY R42 TX01

The Oxmantown Settlement Trust Have the responsibility of caring for The Birr Castle Estate we wish to make the following observations and requests to the draft Offaly County Development Plan 2021 - 2027

CHAPTER 2 - CORE HOUSING STRATEGY

We would like to work with the Council in helping to achieve Pillar 4 – improve the rental sector in making our protected structures relevant and comfortable to 21st century occupants.

CHAPTER 4 BIODIVERISTY AND LANDSCAPE

Birr Castle Estate is an integral part of Birr. The wider Estate surrounds, and weaves in and around the town and its hinterlands, fundamentally connecting Birr to the Biodiversity and Ecology of Birr Castle Estate.

The Birr Castle Estate is also nationally and internationally important regarding its Biodiversity and Ecology. The Dovegrove Callows Special Protection Area (SPA) is home to the E.U. Birds Directive Annex 1 species the White Fronted Goose. The Woodville Woods is considered an Annex 1 Old Oak Woodland Habitat - a priority habitat in the European context. The Ross and Glens Eskers is a heritage area, considered to be of national importance. Birr Castle Estate is doing everything it can to protect, preserve and enhance, the Ecology and Biodiversity under its stewardship, and this was recognised when we received the coveted European Biodiversity Estate Label in 2018.

Unfortunately, being situated in and around Birr brings considerable problems and challenges to the Biodiversity and Ecology management of Birr Castle Estate :

- **Drug Use/Anti-Social Behaviour**

Some of the more easily accessible sections of the Estate have been used for alcohol and drug parties, and these instances are becoming more common, even frequent events especially under Covid where large camps have been found. These camps cause considerable damage to the environment - littering, fires, destruction of habitat, disturbance of wildlife etc. Of particular concern now are the wooded areas beside the R439 and Chesterfield – when the new road opens, we will be unable to protect this boundary or prevent easy access.

- **Littering/Fly-Tipping**

One of the Estate's highest priorities is the control of litter. Every year we find the problem increases, and our ability to manage the problem becomes more and more difficult. We desperately need the Council's continuing help in combating this. Working together we need to develop a range of measures, to hopefully, someday, eliminate litter pollution completely.

- **Protecting our Riverbanks**

Every year, the Estate works alongside the Council to protect the banks of the Camcor and Little Brosna rivers. We are hugely appreciative of the councils input in helping to control both Himalayan Balsam and Japanese Knotweed along these courses. However, every year, the amount of rubbish and litter from the town of Birr is swept downstream following flooding to be deposited along the riverbanks when the water levels subside, directly causing wildlife deaths and habitat pollution. We desperately need the Council to continue, and to increase, their support to the Estate in somehow reducing or preventing this hazard.

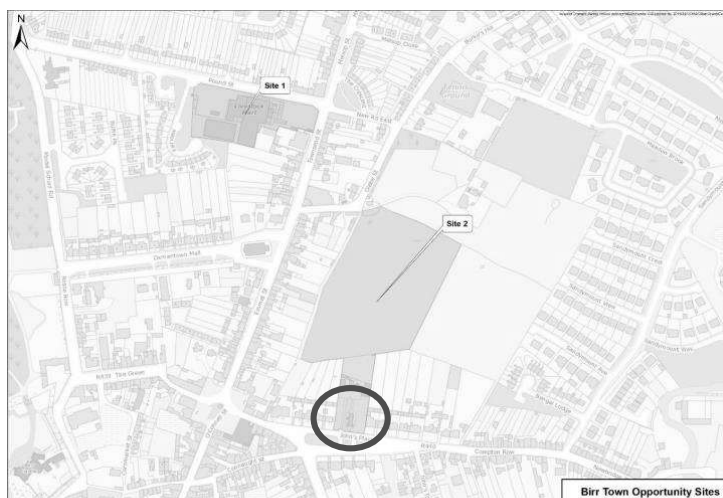
CHAPTER 6 – TOURISM AND RECREATIONAL DEVELOPMENT

We thank and appreciate the Council’s ongoing support in helping us at Birr Castle achieve all we have to date and in working together to make Birr a destination town. We continue to share our heritage with the castle open for tours in the summer months and the gardens & educational facilities operated by the Birr Scientific and Heritage Foundation (Registered charity CHY 6900 Non Profit Organisation) attracting over 100,000 visitors to Birr.

Our making available the Mount Palmer field to site the ILOfar Telescope now has Birr back as a centre of international research, and this was achieved with the help and drive of the Council. We hope that we will continue to work with the Council to help achieve the Councils ambitions for the future.

In particular we are keen to also support the Dark Sky Objective ; and we would be most interested in exploring the Councils aim to investigate the feasibility of an Energy Park with educational and amenity facilities, with the castle being responsible for bringing electricity to the town of Birr in 1879 via a hydroelectric generator as well as a much larger hydroelectric generator originally at Derrinsallow, together with the bogs still retained by the estate we would be excited at exploring this further, in the same model as we provided the site for the ILOfar.

CHAPTER 7 RETAIL AND TOWN CENTRE STRATEGY, AND REGENERATION



We note in this that John’s Hall is included in this map as a Opportunity site, this is a protected structure that still owned by the Birr Castle Estate and leased to the council, we are confused at its inclusion on this map

Figure 7.5 Birr Opportunity Sites

CHAPTER 10 BUILT HERITAGE

Birr Castle Estate currently has 36 Protected structures in its care, while some of these are bridges wells, wiers and telescopes there are a number Houses built for residential use. Birr Castle Estate is committed to protecting this Heritage for the future, and wishes to maintain the residential properties for the purpose they were built, as comfortable residences to meet the housing needs of Birr while preserving their character.

Under current Protected structures legislation an absolute Duty of Care is placed upon the owners and occupiers of Protected Structures to ensure that the properties are not endangered by either undertaking inappropriate works, direct demolition or neglecting the building. The Legislation puts the entire responsibility of their care, maintenance and support with us the custodians of this Heritage. Yet for us to maintain this heritage into the future we need to make it relevant and functional, as we cannot afford to maintain pretty buildings with no return.

Current protected structure regulations put the 'heritage' of the houses above the health and safety of the tenants, so that many of the minimum standard required under the Housing Acts 1966 – 2014 (as Amended) and Housing (Standards for Rented Houses) Regulations 2019 are exempted or not feasible to comply with.

We support the protected structures legislation, however we recognise that the legislation in Ireland in a European context is relatively new and thus is very simple, with the same legislation being applied to a cottage as to a cathedral. We wish for the regulations to be re-examined and updated to take into account current planning acts, energy ratings and health and safety. However we appreciate that this will take time and in the interim. **We therefore ask that the Protected Structure Listing be removed from 1,2 and 3 Rosse Row so we can continue to look after these properties as we always have, with sensitivity and care, while making them energy efficient and conform to modern standards.** (appendix I)

We have asked that **Kiltimony Lodge** be included as a protected structure as it is historically important, it is entirely due to the care and ongoing maintenance by the Birr Castle Estate that the structure and outbuildings are preserved to this day.

Tullanisk Wall and Gate Lodge. The wall & Gate Lodge located on the R439, built 200 years ago were not designed to be in such close proximity to heavy loads now using the road, the wall and house are both suffering from the vibrations caused in particular by the HGV's which are shaking the lodge and walls foundations. Parts of the wall have already collapsed and have had to be rebuilt at cost to the estate as they are protected structures. We wish the council to bear this additional cost to the estate when further increasing the traffic on this road. We wish the Council to consider reducing the speed further on this road to reduce the vibrations caused by the vehicles effecting the built heritage further.

CHAPTER 12 LAND USE, ZONING

CHESTERFIELD

The Business and Technology zoning currently includes area **C** which forms part of the Birr Castle estate, the zoning boundary currently bears no relationship with boundaries or current land use.

We request that the Business and Technology zoning be extended to the estate road which was once the drive of Chesterfield house, Area **B**

and that the former site of Chesterfield house be zoned as low density residential Area **A**



CAPPANEALE

The field to the rear of Cappaneal zoned as Strategic Residential Reserve is part of the Birr Castle Estate. The council have recently approved planning permission of a number of houses to the east, requesting a 1.2 meter fence as the boundary which will not be adequate to stop trespass over our field from school children seeking a shorter route to school. We wish that any future planning applications to the east take into account the implications of planning decisions on this field.

Appendix I

Request for removing the record of Protected Structures listing for 1,2 & 3 Rosse Row as part of Birr Review of Heritage Plan 2020



History

1, 2 and 3 Rosse Row (pink houses) are part of an original Terrace of 8 houses built in the early nineteenth century. Birr Castle Estate has continued to maintain these 3 houses, giving care as to the facades and interiors since the day they were built to the current day. However, over the years other houses in the row have made multiple additions and changes. The first house has been knocked entirely and replaced with a 'Georgian style' house set back from the street. Protected structure legislation was only introduced in Ireland in 2000, thus the genuine preservation of these cottages is entirely due to Birr Castle estate's ongoing maintenance for the heritage in its care.

We explain the current dilemma associated with ownership of protected structures regulation below

Windows

At present the Birr Castle Estate are responsible for the maintenance of over 280 windows in Protected structures. These windows range from early 17th century metal types to wooden sash, to more modern metal ones. Without exception all these windows when installed were the latest technology at the time, and as technology changed and more efficient and long-lasting solutions were found, less hardwearing windows were replaced. This has been the method of maintenance on this estate for the 400 years.

Part of the ongoing maintenance has also to be able to recognise when a window is best replaced rather than mended. As windows made of pine swell and contract with the seasons. Those facing predominantly south west need replacing more often than those facing due east. Thus, the oldest original window of the castle faces due east and has for the past 150 years also been sheltered by a new wing. However, the top floor windows of the castle have already mostly been entirely replaced as they face much more challenging weather and wind. These windows were replaced when the estate had a clerk of works and health and safety regulations allowed people to work at heights. However as regulations become more stringent the maintenance of these windows become more difficult and costly, thus last year when a single pane of glass broke it cost more than €2,000 to

mend, as it involved experts abseiling down the side of the castle from the battlements with fragile glass. We are mentioning this as an example of when a building is listed under Protected structures, the entire onus and responsibility and cost of maintenance is with the owner to maintain the structures, while the owners also have to comply with the new regulations of health and safety and insurance. My ancestors who built the castle would have simply made the logical decision that as maintenance becomes too costly/impossible that the obvious solution is to replace the windows with ones that require less maintenance. From 1870 to 1910 most of the cottage windows on the Birr Castle Estate were replaced with cast iron windows in wooden frames. They recognised that the smaller the windows the greater the percentage of wood to glass and the wood is the most prone to rot and swell. The smaller the window the greater the cost of maintenance per square foot, and replacing the wood was logical and sensible. However once the Birr Castle foundry ceased the estate went back once again to replacing windows with wooden framed ones. Thus, the original windows of Rosse Row which were 2 over 2, were replaced with sliding sash 6 over 6. Now however the Protected Structures Regulations do not allow us to replace rotten windows, so we have to repair and splice to such a stage that the windows are no longer sound. They become fragile with huge gaps in areas allowing draughts and damp to penetrate, while in other places they stick and jam making them unopenable. This contravenes Regulation 4 Structural Conditions

Protected Structures regulations do not take into account environmental changes. As a result of global warming, the windows are subjected to more rain, heavier winds, hotter summers and more extremes. The wooden windows were not designed to cope with these extremes, causing further swelling & contraction leading to panes of glass breaking from the stress. Windows on busy roads are also subject to pollution from traffic. We changed the windows of Number 3 Rosse Row as the tenant having moved in started having health problems. We simply could not allow her health to deteriorate for the sake of Protected Structures Regulations. Since changing her upstairs bedroom windows her health has improved, yet now two years later we are asked to put back the old rotten windows!

Protected Structures regulations requiring maintenance of windows rather than replacing does not take into account that restoration of windows can take months, and while the windows are repaired the occupants are left in the dark, boarded up. New windows are replaced in a matter of hours. This is not acceptable when that window is the only source of light in a room.

Cost. Protected Structures Regulation requiring maintenance of existing windows does not compensate the owner for the increasing cost of maintenance of these windows. The older the window the greater the cost of not only repair but the annual maintenance.. Each old window requires maintenance every 5 years, including sanding down and replacing old putty. Most window restorers do not paint the windows and once painted they rarely open and stick needing to be cut open. Birr Castle Estate is responsible for over 280 windows and the costs of maintenance for wooden windows is over 500% more than for metal or PVC windows, yet the Heritage grants are 50% and only apply to restoration rather the ongoing annual maintenance.

We believe that modern double-glazed windows should be permitted in a certain style in these smaller properties, in the same way that conservation roof lights are permitted. These roof lights are double glazed and made of modern low maintenance materials, so the precedent already exists.

During the Lockdown in Birr I have had the opportunity to walk around the town of Birr, over 75% of protected structures listed in the town of Birr have double glazed windows. There should be an entire town approach. Currently the newly replaced windows of Rosse Row are of identical style to the original windows of the road, however these are the ones that are being asked to be removed.

Roof

The smaller cottages on the estate have their upstairs rooms in the roof space. Ceilings are sloped with the slats and plaster attached directly onto the roof joists. As a result, they cannot be insulated unless the ceilings are brought down or the roof taken off. Current Protected Structures Regulations do not allow this. 1,2 & 3 Rosse Row all have woodworm in their roof spaces. As we cannot access the roof space, we cannot treat the woodworm effectively. The logical solution is to remove the roof entirely remove all the rotten beams and put on a new roof; however we are not permitted to do this again we have to repair and treat and splice. The estimated cost to mend the roof is 97% greater than to replace the roof.

Chimneys & heating systems

One of the largest costs of restoring roofs is the leadwork especially around chimneys. This too is often the first point of water ingress from a roof. 1,2 & 3 have 4 no. chimney stacks. The excessive number of chimney stacks is a result of a chimney stack remaining from the old house that has since been demolished. This chimney stack was then incorporated into no 1 Rosse Row, which now has 8% of its floor area taken up by chimney stacks. The central chimney stack serves no purpose as the fireplace were removed many years ago and blocked up. If 8% of the floor area was taken up by a defunct boiler, there would be no argument about removing the boiler to create space and install more efficient heating system, however as chimneys are seen as built heritage rather than industrial heritage these defunct heating systems are kept as 'heritage' at all the additional cost associated.

The houses in Rosse Row were built at a time when the primary source of heating was open fires using turf and wood, with high source heat heating the walls that retained the heat as heat banks. It was usual for the fire to be tended all day. However continually changing and proposed regulations will see the burning of fossil fuels as a heat source banned in the future, yet current protected structures regulations requires the retention and continual maintenance of these defunct heating systems. Without the high heat sources allowing heat to be stored in the walls, the walls become damp further exacerbating the conditions for our tenants.

The cost of the old chimney is not only the space and leadwork, but the exposed bricks in the stack that need also costly restoration, two of the chimney stacks are so degraded that they need to be taken down and rebuilt to make safe, both these chimney stack serve no purpose except aesthetic.

Energy Grants

The current aim of the next generation is to reduce our carbon footprint and create a sustainable future for all. Protected structures should be seen as opportunity to continue to live and use past structures built sustainably into homes for the future. However SAEI grants and retrofitting grants are largely unapplicable to protected structures thus further widening the gap between the energy efficient newly built homes and those of the past.

Planning Permission

In order to carry out even the most basic repairs to a protected structure the owner has to make a Section 52 declaration, if deemed that the request alters the interior or exterior fundamentally this is referred to as a request to apply for planning permission. This means that for a small property worth less than 80,000 as in the case with the houses in Rosse Row, the owner has to have the house surveyed and working drawings submitted all adding to the burden of any simple renovation works. We have already had to do this for 1 Rosse Row and estimated costs to apply for planning add a further €2,200 plus VAT to simple renovation works to make the houses habitable.

Costs for tenants.

Currently 1,2 and 3 Rosse row are energy rating exempt, however if they were to be rated they would all be G rated. With no insulation in the roof space, single glazed windows and 1 Eden having in addition an exposed internal wall now left to the full force of the south westerly weather. The estimated Heat required will be 25,000 KWh per annum to keep the internal temperature at approx. 16C (based on mean external temperatures per SEAI). At today's electricity cost 0.2239 +VAT this would cost the tenant over €6,200 per year or €520 per month – or more than the monthly rent. However if we were to get some insulation between the current ceilings and slates this would half the energy requirement 12,500 KWh per annum it would still be at €265 per month too much. As 1,2 and 3 Eden are all small 2 bedroom properties their potential tenants are single or couples. At present 80% of our tenants are HAP who simply could not afford to live in these houses, hence even if we were to restore the property to current listed status, we do not believe there would be a market for anybody to rent it even at reduced rent, thus the return might be 0. We had a 4 bedroom newly renovated house vacant for over a 15 months simply because it was single glazed and was seen as too costly to heat even though the property did have attic insulations and a modern heating system. We believe with Rosse Row, the rent would have to be significantly reduced to compensate the tenant. However as the potential tenant has the rent paid for by HAP the reduced rent will not be incentive enough to live in such a property. The only option to reduce the energy consumption of Rosse Row is to have double glazed windows and to insulate the walls internally which cannot be done when the current central chimney is retained.

| Capital costs per house | | | |
|--|--------|---|-------|
| Restore 6 over 6 rotten windows, the high price reflects the condition the windows are currently in. | 7,500 | Replace with original 2 over two design double glazed. (already installed) | 2,760 |
| Take down chimney to crack, rebuild from crack and repair leadwork around chimney | 2,500 | Take down chimney and remove rubble from site | 900 |
| To strip roof and treat rafters where required, splice and add supporting rafters and mend where required. Use old slates at front, replace old slates with reclaimed slates at rear. Insert 200mm between rafters | 12,700 | Strip slates remove old wood wormed timbers, new timbers, new insulation between timbers, new felt. Fit old slates to the front, rear replace with similar style slates | 6,700 |

| | | | |
|--|--|--|----------------|
| Planning to carry out these works | €2,838 | | |
| Additional works to be carried out using traditional building methods | 22,700 | Additional works to be carried out, plus insulation of walls with Slab | 22,700 |
| Total | 48,238 | | 33,060 |
| Value of Property as stands | 70,000 | | 70,000 |
| Value of property after works | 95,000 | | 110,000 |
| Thus, by carrying out the works as required there would be a capital loss of €23,000, while if not protected there would be a small capital gain. | | | |
| Annual Maintenance cost, insurances, PRTB and LPT | 1155 | | 400 |
| Annual rent based on 2020 rents | 5,800 | | 7,500 |
| Occupancy rate | 50% | | 95% |
| Payback on investment assuming borrowing at 3.5% and rental increases of 4% per annum | 25 years by which time the windows, will again need large investment | | 9 years |
| Annual Energy Cost for tenant | €3,100 | | €1,100 |
| At present with these figures we would be unable to get a business loan to carry out the renovations meeting protected structures regulations and thus could not fund the restoration. | | | |

Conclusion

Clearly there needs to be a re-evaluations of the regulations for protected structures, as I have demonstrated with smaller properties subject to the same regulations as larger properties leads to the cost of restoration becoming so exorbitant as to make the property unviable.

Birr Town is a gorgeous heritage town which we are all proud of and want to maintain, however by listing every single property in the town including all the small ones it is creating a two-tier town. Modern apartments builds are now commanding 60% more rent per square meter than those in protected structures. A quick trawl through daft.ie shows modern houses commanding significantly greater prices than protected structures, as all recognise the additional cost of taking on a protected structure. If the council wishes to keep the people living in the centre of Birr in the old houses it needs to formulate a means of working with both the owners and occupiers to allow them to live in comfort at a comparable cost to living and owning a modern energy rated house.

We see no option for our heritage Houses in our care but to remove the Protected Heritage listing of 1,2 and 3 Rosse Row so that we can continue to care and protect these properties while making them homes for 21st century living.