



A Guide to Architectural Heritage Protection

This is a practical guide to understanding the protection of structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest under the Planning and Development Acts 2000 - 2012 and the Planning and Development Regulations 2001 to 2012.

The leaflet is intended as a practical guide. It is not a definitive legal interpretation of planning law. For further information, you may consult your local authority.

1. What laws are there in relation to the preservation of historic buildings ?

The law in relation to this subject is set out in the Planning and Development Acts, and the Planning and Development Regulations. Under new arrangements which came into operation on 1st January 2000, the system of listing buildings has been replaced with strengthened procedures for the preservation of protected structures and structures in architectural conservation areas.

Other historic structures may alternatively, or in addition, be protected under the National Monuments Acts 1930 – 1994.

2. What is a protected structure ?

A protected structure is a structure or part of a structure that a planning authority considers to be of special interest from an architectural, historical, archaeological, artistic, cultural, scientific, social or technical point of view. Details of protected structures are entered by the authority in its Record of Protected Structures, which is part of the Development Plan. The owner and /or occupier of a protected structure are legally obliged to ensure that no danger is caused to the structure. This obligation applies from the time when an owner or occupier is notified of a proposal to include a structure in the Record of Protected Structures (at which time the structure becomes a “ proposed protected structure”)

3. What parts of a protected structure must be preserved ?

The obligation to preserve a protected structure applies to all parts of the structure, including its interior, all land around it, and any other structures on that land, and their interiors. The obligation also applies to any exterior or fixtures and fittings of a protected structure or of any structure immediately within its curtilage. If a declaration is sought (see section 7 below) the planning authority can clarify which if any, parts of the structure or its surrounding curtilage are not of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and therefore do not require special protection.

4. How does a structure become a protected structure ?

A structure becomes a protected structure when it is included in the Record of Protected Structures compiled by the planning authority. You should check with your planning authority if you would like to know if a structure is protected or proposed for protection.

A planning authority must follow certain procedures if it proposes to deem a structure to be a protected structure. These involve notifying the owners and occupiers of the structure, and certain interested bodies of the proposal, and also notifying the public by means of a newspaper advertisement where the proposal is being made outside of a review of the development plan. The owner or occupier of the structure, along with any member of the public, is entitled to make comments on such a proposal to the authority. These comments are taken into account before the authority's elected members decide whether or not the structure should become a protected structure.

5. What obligations fall on owners and occupiers to ensure the preservation of protected structures ?

An owner or occupier must ensure that a protected structure or any element of a protected structure is not endangered.

Endangering a structure can mean either directly or indirectly damaging the structure, or any element of it by neglecting the structure to such an extent that it is endangered.

6. Can I carry out development to a protected structure without planning permission?

Under the planning system, many minor works to structures do not normally require planning permission. These works are known as exempted development. However, for a protected structure, such works can be carried out without planning permission only if the works would not affect the character of the structure or any element of the structure that contributes to its special interest. You may seek a declaration from the planning authority as to the types of works which would or would not materially affect the character of the structure (see section 7 below) and would or would not require planning permission.

In the case of some structures where the decorative condition is of special interest, planning permission could be required for interior decorating such as plastering or painting.

7. How does an owner or occupier know which works require planning permission ?

An owner or occupier of a protected structure may request the local authority to issue a declaration regarding the structure and its curtilage. This will indicate the

types of works that could be carried out without affecting the character of the structure or any element of the structure which contributes to its special interest and those which cannot. Works which are normally exempt and which do not affect the character of the structure would not require planning permission.

However, owners or occupiers who carry out such works without a specific exemption in a declaration from the planning authority do so at their own risk. An owner or occupier may request a declaration from the planning authority at any time, even where no works are contemplated.

7a. How is a Declaration issued ?

A declaration is issued to the owner or occupant of a protected structure free of charge on application. A local planning authority will normally issue such a declaration within twelve weeks of receiving a request. It will be necessary for an official of the authority to carry out a detailed inspection of the structure. The applicant for a declaration may be asked to state the extent of the property in their control and to submit a drawing or map outlining its extent. Although the declaration is available to be inspected at the planning office, no information of a sensitive nature will be included in the record available to the public.

8. How does an owner or an occupier apply for planning permission to carry out works to a protected structure ?

A planning application involving a protected structure is made in the same way as any other planning application. However, because of the sensitivity of most protected structures to inappropriate works, a planning application for works to a protected structure will be generally required to be more detailed. The relevant newspaper and site notice for the planning application must indicate that the application relates to a protected structure. Additional information on how the proposed development would affect the character of the structure must be submitted with the application. The local authority will notify other interested bodies, including the Heritage Section of the Department of Arts, Heritage and the Gaeltacht, the Heritage Council, and An Taisce, before making a decision on the application.

It may be advisable to check with your planning authority in advance of applying for permission for development to make sure that your application is complete.

9. Are there any measures in place to assist owners and occupiers to preserve a protected structure ?

In 2011 The Department of the Environment, Heritage and Local Government (Now the Department of Arts Heritage and the Gaeltacht) paused the operation of the Civic Structures Conservation Grants Scheme and the Local Authority Conservation Grants Scheme which were previously used to assist owners and

occupiers of Protected Structures, and introduced a new scheme, entitled the Structures at Risk Fund (SRF), which has replaced both schemes. Details of this scheme may be had from the local authority.

10. Do planning authorities have special powers in relation to protected structures ?

Yes. A local authority may :

- require an owner or an occupier of a protected structure to carry out works if it considers that the structure is or may become endangered. Where a planning authority requires works to be carried out to prevent a protected structure from becoming or continuing to be endangered, the owner or occupier concerned may be eligible for financial assistance from the planning authority;

- require an owner or occupier of a protected structure to carry out works if it considers that character of the structure ought to be restored. The planning authority will in certain circumstances pay the reasonable expenses of carrying out the works required;

- acquire, by agreement or compulsorily, a protected structure if it considers that this is desirable or necessary in relation to the protection of the structure. Where a local authority acquires a protected structure compulsorily, compensation equal to the value of the structure may be payable.

11. What is an architectural conservation area ?

An architectural conservation area is a place, area, group of structures or townscape which is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in its own right, or contributes to the appreciation of protected structures. This could include, for example, a terrace of houses, buildings surrounding a square, or any group of buildings which together give a special character to an area. In a rural setting an architectural conservation area could include for example a group of structures associated with a mill or with a country house estate. An architectural conservation area could also include protected structures. The planning authority may designate an area as an architectural conservation area in its development plan to ensure that its character is preserved. Planning permission will normally be required before works can be carried out to the exterior of a structure in an architectural conservation area.

A planning application involving a structure in an architectural conservation area is generally made in the same way as any other planning application. Additional information on how the proposed development would affect the character of that area must be submitted with the application. The planning authority will notify other interested bodies, including the Department of Arts Heritage and the Gaeltacht, and An Taisce, before making a decision on the application.

12. Are there penalties for causing damage to protected structures?

Yes. Any person who damages a protected structure or proposed protected structure commits an offence. It is also an offence to undertake any work to a protected structure which requires planning permission without obtaining that permission.

13. Can I get further information?

Useful Publications

The law governing protected structures is set out in the Planning and Development Acts 2000 – 2012 and the Planning and Development Regulations 2001 to 2011

Department of Arts Heritage and the Gaeltacht:

*Architectural Heritage Protection: Guidelines for Planning Authorities, 2011

Advice Series:

*Maintenance: A Guide to the Care of Older Buildings, Government of Ireland, 2007

*Windows: A Guide to the Repair of Historic Windows, Government of Ireland, 2007

*Bricks: A Guide to the Repair of Historic Brickwork, Government of Ireland, 2009

*Iron: A Guide to the Repair of Wrought and Cast Ironwork, Government of Ireland, 2009

*Energy Efficiency in Traditional Buildings, Government of Ireland, 2010

*Roofs: A Guide to the Repair of Historic Roofs, Government of Ireland, 2010

*Ruins: The Conservation and Repair of Masonry Ruins, Government of Ireland, 2010

*Access: Improving the accessibility of Historic Buildings and Places, 2011

*The Conservation of Places of Worship 2011

Traditional Building & Conservation Skills: Register of Practitioners, Irish Georgian Society 2000 (available on website <http://www.igs.ie/Resources.aspx>)

[Note: Items with * can be downloaded from :

<http://www.ahg.gov.ie/en/Publications/HeritagePublications/BuiltHeritagePolicyPublications/>

or

<http://www.meath.ie/CountyCouncil/Heritage/ArchitecturalHeritage/ConservationGuidelines/>

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