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

The laws in relation to this subject are set out in the Planning and Development Acts, 2000 and 2001 and the Planning and Development Regulations, 2001 and 2002. Under new arrangements which came into operation on 1 January 2000, the system of local government was replaced with designated procedures for the preservation of protected structures and structures in architectural conservation areas.

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 recorded by the authority in its Record of Protected Structures (see Pl. 1). The owner and/or occupier of a protected structure is legally obliged to ensure the preservation of the structure. This obligation arises from the time when an owner or occupier is notified of a structure becoming a "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 all exterior, interior and curtilage areas and any other structures on the land and their interiors. The obligation also applies to any exterior or interior features and fittings of a protected structure or of any structure on land immediately within its curtilage. If a declaration is sought (see section 7 below), the planning authority can clarify which, if any, part of the protected structure or its curtilage is of special architectural, historical, archaeological, artistic, cultural, scientific 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.

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

An owner or occupier of a protected structure must ensure that the structure or any element of it is not endangered. Endangering a structure can mean either directly or indirectly changing the structure, or any element of it, by neglecting the structure in such a way as to damage it. Endangering a protected structure is a criminal offence.

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 (see Pl. 7). However, for a structure to become endangered, works to a protected structure are normally required to be generally 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 Dúchas, the Heritage Council and An Taisce, before making a decision on the application.

7. How is a declaration issued?

A declaration is issued to the owner or occupant of a protected structure.

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 (see Pl. 2). However, because of the sensitivity of most protected structures to inappropriate works, a planning application for works to a protected structure will be generally 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 Dúchas, the Heritage Council and An Taisce, before making a decision on the application.

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

Yes. A scheme of grants is operated by county councils and borough councils, to assist the owner or occupier of a protected structure to undertake necessary works to secure its conservation.

The standard amount of grant is 50% of the approved cost of works, up to a maximum of €13,000. A planning authority may, at its discretion, vary this amount downwards or, in exceptional circumstances, upwards, subject to a maximum allowable grant of 75% of the approved cost of works, or €15,000, whichever is the lesser. Any grant greater than €13,000 requires the prior approval of the Department of the Environment and Local Government.

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

Yes. A planning authority may:

• require an owner or an occupier of a protected structure to carry out such works if it considers that the structure has 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.

• acquire, by agreement or compulsorily, a protected structure or any land around it, and any other structures on that land and their interiors. The application may be advisable to check with your planning authority in advance of applying for permission for development to make sure that the scheme is complete.

• acquire a protected structure compulsorily, compensation payable not normally requiring planning permission.

• require an owner or an occupier of a protected structure to carry out works if it is considered that the structure might be 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.

• acquire, by agreement or compulsorily, a protected structure or any land around it, and any other structures on that land and their interiors. The application may be advisable to check with your planning authority in advance of applying for permission for development to make sure that the scheme is complete.

11. What is an architectural conservation area?

An architectural conservation area is a place, area, group of structures or townscape which is either of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in its own rights or which 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 be a group of buildings or an open area. The 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 the character of the area is preserved. Planning permission would normally be required before works can be carried out to the exterior of a structure in an architectural conservation area.

A planning application involving structures in an architectural conservation area is generally made in the same way as any other planning application. 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 Dúchas, the Heritage Council and An Taisce, before making a decision on the application.

The leaflet is intended as a practical guide. It is not a definitive legal interpretation of planning law. For further information, you should consult your local authority.
notice for the planning application must indicate that the application relates to a structure in an architectural conservation area. Additional information on how the proposed development would affect the character of the area must be submitted with the application. The planning authority will notify other interested bodies, including Dúchas, 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.

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?

The law governing protected structures is set out in the Planning and Development Acts 2000 and 2001 and the Planning and Development Regulations 2001 to 2002 which may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin, 2, Telephone (01) 647 6951/4 or downloaded from www.environ.ie.

Draft guidelines on architectural heritage protection have been published and are available on request in electronic form from ‘guidelines@ealga.ie.’

The Department of the Environment and Local Government also produces several leaflets in a series called Conservation Guidelines.

These are:

No. 1 Conservation Principles/General
No. 2 Sources of Information.
No. 3 Windows.
No. 4 Mortars, Pointing and Renders.
No. 5 Interior Joinery and Fittings
No. 6 Decorative Plasterwork.
No. 7 Stonewalling.
No. 8 Brickwork and Stonework.
No. 9 Paving and Street Furniture.
No. 10 Roofs and Rainwater Goods.
No. 11 Rising Damp and Timber Decay.
No. 12 Interior decoration and Finishes.
No. 13 Ironwork.
No. 14 Shopfronts.
No. 15 Settings and Landscapes.
No. 16 Fire Safety, Security and Maintenance.

The leaflets in this series are:

A Guide to Planning Permission PL 1
Making a Planning Application PL 2
Commenting on a Planning Application PL 3
Building A House - The Planning Issues PL 4
Doing Work around the House - The Planning Issues PL 5
Agriculture and Farm Development - The Planning Issues PL 6
Planning for the Business Person PL 7
The Development Plan PL 8
Environmental Impact Assessment PL 9
Making a Planning Appeal PL 10
A Guide to the Building Regulations PL 11
A Guide to Architectural Heritage PL 12

Tá leagan Gaeilge den bhileog seo ar fáil.

PL 12 - A Guide to Architectural Heritage

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