

Clare County Council Receives Funding Under Built Heritage Capital Works Programme 2008

19th March 2008

Tony Killeen T.D., Minister of State at the Department of the Environment, Heritage and Local Government has announced funding of EUR172,000 to Clare County Council under the Department's 2008 Built Heritage Capital Works Programme.

The funding will be distributed by the local authority under its Architectural Conservation Grants Scheme, which supports the repair and conservation of buildings on the Record of Protected Structures.

According to Minister Killeen, *'The conservation of our historic buildings makes our towns and villages more attractive to tourists and locals alike and can often act as a catalyst for further heritage projects in an area, as it enhances local awareness in our built heritage.'*

'I am very happy to announce this funding for Clare County Council, an increase of over 20% on last year's allocation. This allocation will support the conservation of significant buildings all around County Clare', added the Minister.

The legal framework upon which the protection of Architectural Heritage is based stems from UNESCO's "Convention Concerning the Protection of the World Cultural and Natural Heritage" drawn up in 1972 and ratified by Ireland in 1991 and the "Granada Convention" ratified by Ireland in 1997. The Granada convention in particular formed the basis for our national commitment to the protection of our architectural heritage. Following the ratification, the government has sought to conserve our architectural heritage through a series of comprehensive and legislative provisions. The legislative provisions introduced in the Local Government (Planning and Development) Act 1999 which sought to introduce the conservation principals of care and protection and which facilitated the listing of significant buildings has been in essence replaced by Part IV of the Planning and Development Act 2000. Part IV contains the following features.

- * Planning authorities have an obligation to create a record of protected structures. This record forms part of the authority's development plan.
- * Planning authorities also need to preserve the character of places and townscapes by designating them Architectural Conservation Areas.
- * Objectives for the protection of structures and preservation of the character of areas should be included in the authorities development plan.
- * Under the legislation, an owner or occupier of a protected structure may seek a declaration from the relevant planning authority to determine which works would materially affect the character of the structure and would therefore require planning permission.
- * When a structure is protected, it involves the structure, its interior and the land within its curtilage and all fixtures or features both interior and exterior.
- * Proscribed bodies, which include the Minister of the Environment, the Heritage Council, the Arts Council, Bord Failte and An Taisce, must be notified of any

planning applications that would involve the carrying out of works on a protected structure or the exterior of a structure within an ACA.

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http://www.pleanala.ie/publications/2005/arch_heritage_protection.htm

Links & Reading Material

Architectural Heritage Protection - Guidelines for Planning Authorities

<http://www.environ.ie/en/Publications/Heritage/ArchitecturalHeritage/>

What is the Cultural Built Heritage?

<http://www.international.icomos.org/publications/93econom3.pdf>

Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999

<http://193.178.1.79/1999/en/act/pub/0019/print.html>

Committee on Heritage & the Irish Language

<http://www.irlgov.ie/committees-99/c-heritage/990601/default.htm>

Heritage Policy and Architectural Protection Unit

<http://www.environ.ie/en/Heritage/ArchitecturalProtectionandHeritagePolicy/>

The National Inventory of Architectural Heritage (Ireland)

<http://www.buildinghistory.org/Books/Inventories.htm>

Irish Architectural Archive

<http://www.iarc.ie/>

Office of Public Works

<http://www.opw.ie/>

Irish Landmark Trust

<http://www.irishlandmark.com/properties/default.asp>

Art Deco Ireland

<http://www.geocities.com/paris/salon/6941/deco1.htm>

Researching Historic Buildings in the British Isles

<http://www.buildinghistory.org/>

Irish Stonewalls & Stone Buildings

<http://homepage.eircom.net/~mcafee/#irishs>

Houses, Castles and Gardens of Ireland

<http://www.castlesireland.com/>

Archiseek - Online Architectural Resources

<http://www.archiseek.com/>

Mapping Ireland's architectural history on-line

The *National Inventory of Architectural Heritage (NIAH)* is making strides with the development of an on-line inventory of historic buildings and gardens. Anyone with an interest in Ireland's architectural heritage can now view details of significant buildings and gardens on the [Buildingsofireland.ie](http://www.buildingsofireland.ie) website, which was developed by the **NIAH**, a section of the Department of the Environment, Heritage and Local Government.

The site has been enjoying enormous popularity since its launch; over the last year it has attracted 167 000 visitors, generating 3.5 million hits, from architects, local planners and property owners to schoolchildren, tourists and people with genealogical interests.

Users of the site can browse or search for notable structures and view a description and history of each site, along with photographs. The inventory includes everything from castles and cathedrals to thatched houses and even boat sheds. So far, 16 counties have been included in the on-line catalogue, with plans to bring the rest of the country on-line in the next five to ten years.

The latest addition to the site is the '*historic gardens and designed landscapes*' section which uses Ordnance Survey maps and aerial photography to offer visitors a glimpse into changes in the Irish countryside over the last 150 years, explains Willie Cumming, senior architect, **NIAH**. "*For each site identified we have an extract from the first edition six-inch Ordnance Survey map and, at the same scale, the most recent OS aerial photography, so you can compare and contrast the two,*" he says.

The **NIAH** also plans to use mapping to develop the site further, Cumming adds, outlining a project to link the site's architectural data to clickable maps, adding a new navigation tool. "*Let's say you want to search for places of interest in County Cavan. You'll be able to click on a map of Cavan and scale down to see historic structures in the area; alternatively, you could choose to 'map this structure' to locate a building on a map.*" It is hoped that this project will be up and running by the end of the year.

Further information:

* **ISPU Knowledge Society News**

<http://www.taoiseach.gov.ie/index.asp?locID=175&docID=-1>

* **NIAH**

<http://www.buildingsofireland.ie/>

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<http://www.epractice.eu/home>

A Guide to Protected Buildings

This is a simple guide to understanding the protection of structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest under the Local Government (Planning and Development) Acts, 1963 to 1999.

The guide 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 Local Government (Planning and Development) Acts, 1963 to 1999. Under new arrangements which came into operation on 1 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.

2. What is a protected structure?

A protected structure is a structure that a local 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. Each owner and occupier of a protected structure is legally obliged to ensure that the structure is preserved.

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. The obligation also applies to all fixtures and fittings forming part of the interior of a protected structure or of any structure on land around it.

4. How does a structure become a protected structure?

If immediately before 1 January 2000 a structure was listed for preservation or protection in a development plan, that structure automatically became a protected structure on that date (see section 9 below for more information). Otherwise, a local 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, the Minister for Arts, Heritage, Gaeltacht and the Islands, and other bodies of the proposal. An owner or occupier 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?

Each owner and occupier must ensure that a protected structure or any element of a protected structure is not endangered through harm, decay or damage, whether over a short or long period, through neglect or through direct or indirect means.

6. Do special procedures apply to protected structures under the planning system?

Yes. 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. Depending on the nature of the structure, planning permission could, for example, be required for interior decorating such as plastering or painting. A declaration from the local authority is necessary as to the type of works which would or would not materially affect the character of the structure (see section 7 below).

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 indicating 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. These works would not require planning permission. A local authority will, in general, issue such a declaration within three months of receiving a request.

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

A planning application involving a protected structure is generally made in the same way as any other planning application. However, additional information must be submitted with the application and the relevant newspaper and site notices must indicate that the application relates to a protected structure. The local authority will consult other bodies, including the Minister for Arts, Heritage, Gaeltacht and the Islands, the Heritage Council and An Taisce, before making a decision on the application.

More information on applying for planning permission is contained in the leaflets on the planning system issued by the Department of the Environment and Local Government.

9. How do the new laws apply to buildings that are listed for preservation in a development plan before 31 December 1999?

Where immediately before 1 January 2000 a building was listed for preservation or protection in a development plan, that building automatically became a protected structure on that date. Under transitional arrangements, the local authority is required to notify the owners and occupiers of the structure of the new legal requirements. An owner or occupier is entitled to object to the inclusion of the structure in the Record of Protected Structures. The elected members will consider any such objections before deciding whether the structure should continue to be included in the Record of Protected Structures.

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

Yes. A scheme of grants is operated by county councils and county borough corporations, to assist the owner or occupier of a protected structure to undertake necessary works to secure its conservation. Each local authority will prioritise applications on the basis of its Scheme of Priorities.

The standard amount of grant is 50% of the approved cost of works, up to a maximum of £10,000. A local 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 £20,000, whichever is the lesser. Any grant greater than £10,000 requires the prior approval of the Department of the Environment and Local Government.

Full details of the scheme are available from the relevant authorities.

11. Do local 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;

require an owner or an occupier of a protected structure to carry out works if it considers that character of the structure ought to be restored;

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 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 a grant under the scheme of grants for the conservation of protected structures.

12. 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 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. An architectural conservation area may or may not include protected structures. Planning permission must be obtained before significant works can be carried out to the exterior of a structure in an architectural conservation area.

13. Are owners and occupiers liable to penalties if they fail to meet their obligations in relation to protected structures or structures in an architectural conservation area?

Yes. A fine of up to £1 million and £10,000 for each day of a continuing offence and/or a term of imprisonment of up to 5 years can be imposed on an owner or an occupier for - endangering a protected structure, or failing to carry out works, ordered by a local authority, to a protected structure or a structure in an architectural conservation area.

Copies of the legislation concerning protected buildings, the Local Government (Planning and Development) Acts, 1963 to 1999 and the Local Government (Planning and Development) Regulations, 1994 to 1999, may be purchased from:

Government Publications Sales Office,

Sun Alliance House,

Molesworth Street,

Dublin 2,

telephone (01) 6613111.

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