

Protected Structures



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Why protect our architectural heritage?

Our architectural heritage is a unique and irreplaceable resource. Structures and places that have acquired historical and cultural interest are often part of our cultural inheritance in a changing world and are therefore:

have been identified as historic;

and those that have retained the process of being, and the characteristics of their uses;

have architectural, archaeological and scientific value;

if we enjoy the fruits of this inheritance, we have a duty to ensure that it is maintained, sympathetically restored, and preserved in our communities for future benefit.

The wider heritage agenda is not only of great value in research, but also the strategic value of maintaining it for the past. The central challenge faced by custodians of the heritage is to find appropriate ways to provide an authentic, engaging interpretation of a structure in the way, time and location to the community, maintaining its character and value of special interest in the future.

What is a protected structure?

A protected structure is a structure that a planning authority considers to be of special interest as an architectural, historical, archaeological, artistic, cultural, scientific, scenic or historical asset of merit. Every planning authority is obliged to issue a list of Protected Structures (PPS) that includes structures of special interest in its functional area and to issue orders of protected structures as defined. The PPS forms part of the Development Plan.

The legislation to introduce the concept of protected structures was the Local Government (Planning and Development) Act, 1999, replacing the previous system for protecting architectural structures by listing them in development plans. All the Local Government (Planning and Development) Acts from 1999 to 1997 have since been consolidated in the Planning and Development Act 2000. Part 19 of 2000 set out with architectural heritage and incorporated the provisions of the Local Government (Planning and Development) Act, 1999.



How does a building become a protected structure?

An asset above structures that are of special interest that are architectural, historical, archaeological, artistic, cultural, scientific, scenic or historical must first be proposed for inclusion in the PPS. Anyone can nominate a building for protection, but the

Authority must structure in the PPS can only be made by the elected members of the planning authority. The planning authority must notify the owner and occupier of the proposed protected structure, the Minister for the Environment and Local Government, and other bodies of the proposal. Particulars of entries to be included in public for at least six weeks, during which time anyone, including the owner or occupier, is entitled to make comments on such a proposal to the planning authority. The authority is obliged to take these comments into consideration before its elected members decide whether or not to recommend listing. Before a structure is listed, the authority must be notified in writing of the decision, the planning authority must notify the owner and occupier of the structure of that decision.

While a structure is a proposed protected structure it has the same protection as a protected structure with regard to the duties and responsibilities of the owner and occupier.

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

Both owner and occupier must ensure that neither a protected structure, nor any contents of a protected structure that contribute to its special interest is endangered through fire, flood, decay or damage, whether due to a lack of being properly looked after, through direct or indirect means. This duty is the same for the owner and occupier of proposed protected structures. In general, if a structure is threatened in a historical, scientific and artistic, archaeological or other way, repairing and putting down or lifting down it to make that better safeguarded.

The provisions apply to all parts of the structure that contribute to its historical and special interest, including the interior, surrounding land of historical, scientific or other interest, the contents, and all fixtures and fittings of these structures.



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

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

Protected structures come with set criteria development or alterations. However it also requires the owner or occupier to consult with the planning authority either through an application for consent, the planning application process, or through a declaration. It means that elements that make the structure significant are not lost during development.

If works are proposed to a protected structure a planning application is made to the local authority. However there are some additional requirements. Because it is necessary for an applicant to show how a proposed development would affect the character of the structure, the application may need to be more detailed than an ordinary application and include site drawings, photographs and other material to explain the proposal. Planning authorities will often have written advice lists available at the planning offices, listing the additional documentation required when submitting a planning application for a protected structure. These sheets will give local planning authority to see if they have built a table.

Some works that are normally considered exempt development may require planning permission in a protected structure if those works would affect the character of the structure or any element of the structure that contributes to its special interest. An owner or occupier of a protected structure may ask the planning authority for a declaration indicating the types of works that could be carried out without necessarily affecting the character of the structure. These works would not require planning permission. However, individuals who carried out an accordance with the Department of the Environment Conservation Guidelines would not be deemed to adversely affect the character of the structure, and would not require planning permission.

A planning authority will, in general, issue such a declaration within three months of receiving a request. There is no fee for this service.



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

The Planning authorities operate a conservation grant scheme to assist the owner or occupier of a protected structure to undertake necessary works to assist its building fabric. Such planning authority will take a number of measures to assist them in assessing applications.

The standard grant is 10% of the approved cost of works up to a maximum of 10% 1000. A planning authority may also provide a maximum of 10% of the approved cost of works up to 10% 1000.

Full details of the conservation grant scheme are available from your planning authority.



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

Yes. The planning authority may, for good reasons, order the planning authority to carry out work to secure the protection of structures listed in the list. However, these powers are generally only exercisable in relation to structures which are listed as structures of special interest.

A planning authority may require an owner of a structure of special interest to carry out work to a structure of special interest if, in their opinion, it is necessary to secure the protection of the structure.

The planning authority may also have powers to carry out the work itself and recover its expenses from the owner of the structure. In exceptional circumstances a planning authority may require the applicant or owner of a structure of special interest if it considers that this is necessary to secure the protection of the structure.

Where a planning authority requires work to be carried out to protect a structure of special interest, the applicant or owner of the structure may appeal to the court to determine whether the work is necessary to secure the protection of the structure.

There is provision in the Act to allow a person to be appointed as a structure guardian for the purpose of carrying out work to protect a structure of special interest.

