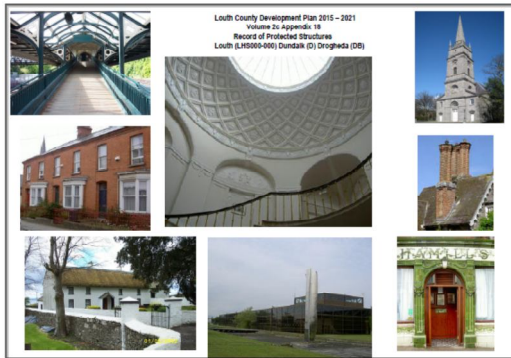


## A Guide to Protected Structures



### 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 interest
- Historical interest
- Archaeological interest
- Artistic interest
- Cultural interest
- Scientific interest
- Social interest
- Technical interest.

All protected structures in County Louth are entered in the Record of Protected Structures. The full list of protected structures and their detail is contained in Volume 2C Appendix 18 of the Louth County Development Plan 2015-2021. You can view the Record of Protected Structures by clicking on the link below:

<https://www.louthcoco.ie/en/Publications/Development-Plans/Louth-County-Council-Development-Plans/Volume-2-C-Appendix-18-Record-of-Protected-Structures.pdf>

The owner and /or occupier of a protected structure are legally obliged to ensure that no danger is caused to the structure. Furthermore when doing works to the protected structure the owner / occupier must ensure that they are in accordance with best practice conservation principles.

### What are best conservation principles?

All works must be in accordance with the following conservation principles including:

- **Keep a building in use**
- **Do research & analysis before you commence any works**
- **Use expert conservation advice**
- **Minimum intervention is a basic rule of thumb**
- **Protect special interest / character**
- **Respect earlier alterations, which form part of the building character**
- **Always repair rather than replace**
- **Ensure honesty of repair & alteration using appropriate materials supported by a method statement**
- **Repairs & alterations should be reversible**
- **Avoid incremental damage**
- **Discourage architectural salvage**
- **Alternative approaches to satisfy building regulations is advised while protecting building character.**

### What parts of a protected structure must be preserved?

The obligation to preserve a protected structure applies to all parts of the structure (unless otherwise specifically stated in the description in the Record of Protected Structures), including:

- The exterior
- The interior
- Fixtures and features which form part of the interior or exterior
- The land lying within the curtilage (the immediate area surrounding or having an established relationship with the structure)
- And any other structures on that land and their interiors.

**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 damaging the structure, or any element of it, by neglecting the structure to such an extent that it is damaged.

### 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 exempt development. However, for a protected structure such works are exempted only in the instance that the works would not affect the character of the structure or any element of the structure that contributes to its special interest.

Works which are normally exempt and which do not affect the character of the structure would not require planning permission.

However, owners and / or occupiers who carry out such works without a specific written declaration of exemption from the planning authority do so at their own risk.

### How can I clarify the works which would be exempted and the works that would require permission?

The owner / occupier of a protected structure can ask the planning authority in writing to clarify the nature and scope of works that would be exempted development. The response of the planning authority is known as a **Section 57 Declaration**. The Declaration establishes the type of works which would or would not materially affect the character of the structure. Thus it clarifies the nature and scope of works that would / 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. However, in the case of the majority of protected structures decorative works would be exempt development.

An owner or occupier may request a Declaration from the planning authority at any time, even where no works are contemplated.

### **What about routine maintenance?**

In general, works of repair and maintenance where carried out in accordance with the Department of Culture, Heritage and the Gaeltacht's *Architectural Heritage Protection - Guidelines for Planning Authorities* do not require planning permission. Owners and / or occupiers should seek professional advice for the assessment of problems and for the proposal of the best solutions. The best solutions are often those that are based on traditional methods and involve the least intervention. It is important to be aware that some modern methods of repair are incompatible with traditional construction and may actually lead to an exacerbation of the problem and damage to the protected structure.

Some works that are normally considered exempted development may require planning permission when taking place to a protected structure. The types of works where planning permission would generally be required are:

- New build or extension to a Protected Structure (irrespective of size)
- Demolition works to, or within the grounds of, a Protected Structure
- Changes to the internal layout of a Protected Structure (such as sub-division of rooms or breaking through new openings)
- Changes to or removal of the historic materials of the Protected Structure (such as roof covering, windows and doors, wall finishes, plasterwork, internal joinery, plasterwork and other decorative features)

Owners and occupiers must also make sure that the protected structure is not endangered (i.e. not harmed, damaged or allowed decay) through neglect or through deliberate actions and works.

**What does this mean for an owner or occupier who wishes to develop or alter their property?** *As most protected structures are buildings in use as homes and places of employment* protected structure status does not stop the development or alteration of a property.

The objective when doing work to a protected structure is not to damage or remove the elements that make it of special interest or contribute to its character. Before commencing development or alteration works consultation should take place with the Conservation Officer and Planning Officer to discuss:

- The nature & scope of works proposed where it is unclear whether or not a planning permission is required, (for example repairs carried out in accordance with conservation principles, please see above where a method statement is agreed with the Conservation Officer may not require planning permission).
- Prior to the submission of a planning application where a planning permission is required.
- Before submitting a Section 5 Declaration - where the planning authority is asked to determine if specific works require planning permission
- Before submitting a Section 57 Declaration (see above).

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

**Yes. Grants are available through various schemes operated by Louth County Council (NB Subject to funding determined annually by The Department of Culture, Heritage and the Gaeltacht or by other agencies\* to assist owners with the costs of repairs and conservation works to the original fabric of protected structures.**

The Conservation Officer should be contacted to check what schemes are available in a given year. Please note that many schemes have a closing date for applications in the first months of the year (Jan / Feb).

**There is an Exemption from Planning Levies For:** Renovations to restore/refurbish structures deemed to be "Protected Structures" in the Louth County Development Plan, where the Council is satisfied that the works substantially contribute to the restoration or protection of the structure.

**Protected Structures are Exempt from Building Energy Rating.**

**\* Other Agencies Offering Funding:**

- Irish Georgian Society [www.igs.ie](http://www.igs.ie)
- The Heritage Council [www.heritagecouncil.ie](http://www.heritagecouncil.ie)
- Thatching Grants

The Department of Housing, Planning and Local Government in Ballina Co. Mayo **for owner occupied houses.**

<http://www.environ.ie/en/DevelopmentHousing/Housing/HousingUsingGrantsFinancialAssistance/ThatchingGrants/>

## **Conservation Advice & Publications**

The Conservation Officer is available to answer owners and occupiers queries on appropriate repairs, acceptable interventions or works to protected structures and to attend preplanning consultation meetings.

The Conservation Office will produce a Section 57 Declaration where requested or help identify funding opportunities.

The Department of Culture, Heritage and the Gaeltacht have also produced an **Advice Series** to guide works and repairs to historic buildings

<http://www.ahrrga.gov.ie/heritage/heritage-publications/>

## **Maintenance**

<http://www.ahrrga.gov.ie/app/uploads/2015/07/Maintenance-A-Guide-to-the-Care-of-Older-Buildings-2007.pdf>

## **Thatch**

<http://www.ahrrga.gov.ie/app/uploads/2015/07/Thatch-A-Guide-to-the-Repair-of-Thatched-Roofs-2015.pdf>

## **Windows**

<http://www.ahrrga.gov.ie/app/uploads/2015/07/Windows-A-Guide-to-the-Repair-of-Historic-Windows-2007.pdf>

## **Roofs**

<http://www.ahrrga.gov.ie/app/uploads/2015/07/Roofs-A-Guide-to-the-Repair-of-Historic-Roofs-2010.pdf>

## **Bricks**

<http://www.ahrrga.gov.ie/app/uploads/2015/07/Bricks-A-Guide-to-the-Repair-of-Historic-Brickwork-2009.pdf>

## **Energy Efficiency**

<http://www.ahrrga.gov.ie/app/uploads/2015/07/Energy-Efficiency-in-Traditional-Buildings-2010.pdf>

## ***Planning Advice Leaflet: PL 12 - A Guide to Architectural Heritage***

<http://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Planning/FileDownload%2C1595%2Cen.pdf>

## **Heritage Council Protected Structures Leaflet:**

[http://www.offaly.ie/eng/Services/Heritage/Documents/Protected\\_Structures\\_Heritage\\_Council\\_.pdf](http://www.offaly.ie/eng/Services/Heritage/Documents/Protected_Structures_Heritage_Council_.pdf)