Appendix 16.4
Legislation Protecting the Architectural Heritage Resource

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The main laws protecting built heritage are the Architectural Heritage (National Inventory) and National Monuments (Miscellaneous Provisions) Act 1999 and the Planning and Development Act, 2024. The Architectural Heritage Act requires the Minister to establish a survey to identify, record and assess the architectural heritage of the country. The background to this legislation derives from Article 2 of the 1985 Convention for the Protection of Architectural Heritage (Granada Convention). This states that for the purpose of precise identification of the monuments, groups of structures and sites to be protected, each member state will undertake to maintain inventories of that architectural heritage.

The National Inventory of Architectural Heritage (NIAH) was established in 1990 to fulfil Ireland's obligation under the Granada Convention, through the establishment and maintenance of a central record, documenting and evaluating the architecture of Ireland (NIAH 2024, page 3). As inclusion in the inventory does not provide statutory protection, the survey information is used in conjunction with the Architectural Heritage Protection Guidelines for Planning Authorities to advise local authorities on compilation of a Record of Protected Structures as required by the Planning and Development Act, 2024.

Protection under the Record of Protected Structures and County Development Plan

Structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest can be protected under the Planning and Development Act, 2024.

The Act states that 'A planning authority shall prepare and maintain a record of every structure, part of a structure and specified feature within the attendant grounds of a structure within its functional area that, in the opinion of the planning authority, forms part of the architectural heritage of the area and is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest'.

At any time after preparing a record of protected structures under section 306 , a planning authority may (a) add a structure, a specified part of a structure or a specified feature within the attendant grounds of a structure to the record of protected structures where the authority considers the structure, the part, or the feature, as the case may be, to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or value (b) delete a structure, a specified part of a structure or a specified feature within the attendant grounds of a structure from the record of protected structures where the authority considers that the protection of the structure, part or feature, as the case may be, is no longer warranted.

Architectural Interest

The characteristics of architectural interest may be attributed to a structure or part of a structure with such qualities as the following:

- A generally agreed exemplar of good quality architectural design;
- The work of a known and distinguished architect, designer or engineer;
- An exemplar of a building type, plan form, style or styles of any period but also the harmonious interrelationship of differing styles within one structure;
- A structure which makes a positive contribution to its setting, such as a group of structures or a streetscape in an urban area, or the landscape in a rural area;

- A structure with an interior that is well designed, rich in decoration, complex or spatially pleasing.

Historical Interest

The notion of historical interest underpins a general belief that it is worthwhile to conserve and preserve information, sites and structures from past centuries. The level of importance of the historical connection and its relationship to the existing fabric of the structure should be assessed. The historical interest relating to a structure or parts of a structure may be identified in various ways:

- A structure may have historical interest as the location of an important event that occurred in or is associated with it. It may have historical interest in its association with a historic personality. Some associations or events may be so important that the structure retains its significance regardless of subsequent alteration;
- A structure may have influenced, or been influenced by, a historic figure. Important people may have lived in the structure or have been otherwise associated with it, e.g. its architect, builder or patron. Places in which evidence of an association with a person survive in situ, or in which the settings are substantially intact, are of greater significance than those which are much changed or in which much evidence does not survive;
- Historical interest can be attributed where light is thrown on the character of a past age by virtue of the structure's design, location, materials or original use;
- A structure may be a memorial to a past event;
- A structure itself may be an example of the effects of change over time. The design and fabric of the structure may contain evidence of its former use or symbolic meaning. This may be the case with former churches or gaols that have since changed and, in so doing, illustrate a historic development;
- Some features and fixtures may survive, e.g. in consistory courts and courts of law, that are important evidence of former legal or liturgical practice and may have special historical interest for that reason;
- Some unusual structures may have historical or socio-historical interest, e.g. early electricity substations, "Emergency"-era lookout posts or sentry boxes. Although not yet of popular heritage significance, such structures can nonetheless have special historical and social interest;
- Special historical interest may exist because of the rarity of a structure. Either few structures of an identifiable type were built at a particular time or few have survived. In either case, the extant structure may be one of the few representative examples of its time that still exists in a local, regional or national context. The rarity of surviving examples of a building type can ensure that special historical interest accrues to them.

Technical Interest

Technical interest in a structure relates to the art of the structural engineer in devising solutions to problems of spanning space and weatherproofing enclosures. It may be found in structures which are important examples of innovative, unusual or virtuoso engineering design or use of materials. A structure may be of technical interest for one or more of the following reasons:

- It displays engineering or structural innovation in its construction or design such as the use of cast- or wrought iron prefabrication or the early use of concrete;
- It is the work of a distinguished engineer;
- It is an exemplar of the engineering design practice of its time. For example, a bridge may be a masonry arch, an iron suspension or a concrete span;

- It displays technically innovative or unusual construction materials, such as early examples of Coade stone, cement plank cladding or glazed curtain walling;
- It contains innovative mechanical fixtures, machinery or plant or industrial heritage artefacts that describe the character of production processes. The specifically industrial aspect of some sites like mills, mill ponds or mines can often have a technical interest;
- Technical interest can be ascribed to the innovative engineering qualities of structure, as distinct from the building's appropriateness for use or its appearance.

Cultural Interest

The characteristic of cultural interest permeates architectural heritage and can, in the broadest terms, include aesthetic, economic, historic, scientific or social values of past and present generations. Special cultural interest apply to:

- Those structures to which the Granada Convention refers as 'more modest works of the past that have acquired cultural significance with the passing of time';
- Structures that have cinematic or literary associations;
- Other structures that illustrate the development of society, such as early libraries, print works, schoolhouses or swimming baths.

Scientific Interest

The scientific interest, or research value, of a structure will depend on the importance of the data involved and on its quality and/or rarity. Its scientific interest should also be assessed as to how well it represents the area of research in question and the degree to which the structure may contribute further objective information. For example:

- The results of scientific research may be seen in the execution of the structure;
- The materials used in the structure may have the potential to contribute to scientific research, e.g. extinct plant or pollen species preserved in the base layers of ancient thatch roofs;
- The structure may be associated with scientific research that has left its mark on the place, e.g. early Ordnance Survey benchmarks carved into stone work.

Social Interest

The characteristic of social interest embraces those qualities for which a structure, a complex or an area has become a focus of political, spiritual, symbolic or other sentiment to any group of people. A community may have an attachment to a place because it is an essential reference point for that community's identity, whether as a meeting place or a place of ceremony, ritual or tradition. The configuration, disposition or layout of a space or group of structures, where they facilitate behaviour that would otherwise be difficult or impossible, may be of social interest. For example:

- The features and fixtures that testify to community involvement in the creation of a structure, or have a spatial form or layout indicating community involvement in the use of a structure, could include such elements as memorials, stained glass or statues;
- A structure may display vernacular traditions of construction and may be in a group or setting which illustrates the social organisation of the inhabitants. Most obviously this would include thatched houses. In vernacular buildings, elements of the plan form – direct entry, lobby entry, opposing doors, outshots, etc. – and/or the roofing material may be distinctive and have special social interest;
- Types of decoration may have social as well as artistic interest, such as shell houses or the local manifestation of exuberant or astylar stucco decoration where it is particular to a region or town;

- A social interest could also be attributed to structures illustrating the social philosophy of a past age, as in the case of philanthropic and social housing developments. Structures which illustrate a particular lifestyle or social condition, e.g. holy wells, are to be found in many parts of the country.

Artistic Interest

Special artistic interest may be attributed to a structure itself, or to a part of a structure, for its craftsmanship, decoration or design. Examples could include:

- Decoratively carved sculpture or statuary that is part of an architectural composition;
- Ceramic, faience or mosaic tiled or decoratively carved timber shopfronts;
- Fittings and fixtures including chimneypieces, chandeliers or sconces, staircases and wainscoting;
- Decorative plasterwork ceilings;
- Religious art in a place of worship including stained glass or Stations of the Cross;
- Funerary monuments within a graveyard;
- Decorative cast- or wrought iron gates or railings;
- The relationship of materials to each other, and to the totality of the building in which they are situated, if these have been designed as an ensemble.

Archaeological Interest

Archaeological interest is essentially defined by the degree to which material remains can contribute to our understanding of any period or set of social conditions in the past. Structures can have the characteristics of both architectural and archaeological interest as these are not mutually exclusive. The standing walls of a sixteenth-century tower house will have both characteristics of interest. The party walls or basements of houses of late appearance may contain medieval fabric and reveal information of archaeological interest. Fragments of early fabric, including carved or worked stone, may have been reused in later buildings giving these structures archaeological interest. A complex of industrial buildings may have archaeological interest because of its potential to reveal artefacts and information about the evolution of industry that may be useful to archaeologists, historians and the general public.

(From the NIAH Handbook 2024, 15-17)

The Local Authority has the power to order conservation and restoration works to be undertaken by the owner of the protected structure if it considers the building to be in need of repair. Similarly, an owner or developer must make a written request to the Local Authority to carry out any works on a protected structure and its environs, which will be reviewed within three months of application. Failure to do so may result in prosecution.

Clare County Development Plan 2023-2029

CDP16.1 Architectural Heritage

a) To ensure the protection of the architectural heritage of County Clare through the identification of Protected Structures, the designation of Architectural Conservation Areas, the safeguarding of historic gardens, and the recognition of structures and elements that contribute positively to the vernacular and industrial heritage of the county; and

b) To ensure that the archaeological and architectural heritage of the county is not damaged either through direct destruction or by unsympathetic developments. c) To support and promote architectural vernacular skills training and facilities in the county.

CDP16.2 Protected Structures

a) To protect, as set out in the Record of Protected Structures, all structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest; and

b) To review the Record of Protected Structures periodically and add structures of special interest as appropriate, including significant elements of industrial, maritime or vernacular heritage and any twentieth century structures of merit.

CDP16.3 Industrial Heritage

To protect and preserve buildings and features of industrial heritage such as mills, bridges, lighthouses and harbours, amongst others. Proposals for refurbishment works to, or redevelopment/conversion of, these sites will be subject to a full architectural and archaeological assessment together with an ecological assessment with respect to the presence of protected species.

CDP16.4 Revitalisation of Vernacular Heritage

a) To seek the retention, appreciation and appropriate revitalisation of the vernacular heritage of County Clare, in towns, villages and rural areas, by discouraging the replacement of good quality vernacular buildings with modern structures and by protecting vernacular buildings where they contribute to the character of an area or settlement and/or where they are rare examples of a structure type;

b) To support proposals to refurbish vernacular structures that are in a sub-standard or derelict condition, provided that:

I. Appropriate traditional building materials and methods are used to carry out repairs to the historic fabric;

II. Proposals for extensions to vernacular structures are reflective and proportionate to the existing building and do not erode the setting and design qualities of the original structure which make it attractive

III. Direction for the design is taken from the historic building stock of the area, though it can be expressed in contemporary architectural language; and

(c) To ensure that visitor pressures from tourism associated with built and cultural heritage do not impact negatively on the capacity of local services (including water, waste water) or facilities such as car parking.

CDP16.5 Architectural Conservation Areas (ACAs)

a) To ensure that new developments within or adjacent to an ACA respect the established character context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes;

b) To protect from demolition or removal and nonsympathetic alterations, existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture and paving, which are considered to be intrinsic elements of the special character of the ACA;

c) To ensure that all new signage, lighting, advertising and utilities to buildings within an ACA are designed, constructed and located in a manner that does not detract from and is complementary to the character of the ACA; and

d) To ensure that external colour schemes in ACAs enhance the character and amenities of the area and reflect traditional colour schemes.

CDP16.6 Proposed Works to Buildings - Protected Species and Environmental Considerations

To protect habitats and species when considering proposed works to buildings which are likely to impact on protected ecological sites and protected species and to ensure that decision-making on heritage related projects and developments is informed by an appropriate level of environmental assessment.

CDP16.7 Maintenance and Improvement of Architectural heritage

a) To advocate for greater financial assistance, including the Built Heritage Investment Scheme and the Historic Structures Fund, for the maintenance and improvement of architectural heritage in County Clare;

b) To support community initiatives and projects regarding preservation, presentation and access to archaeological heritage and underwater cultural heritage, provided such are compatible with appropriate conservation policies and standards, having regard to the guidance and advice of The Department of Housing, Local Government and Heritage

c) To provide advice and guidance to community groups, owners and occupiers with regards to the maintenance and repair of buildings and structures of architectural heritage importance and to promote initiatives by the Council, the Architectural, Archaeological and Cultural Heritage, Heritage Council, local communities, heritage property owners and other stakeholders pursuing the maintenance and improvement of the architectural heritage; and

d) To undertake a risk assessment of the Archaeological and Architectural Heritage and Cultural Assets in the county to assess the vulnerability and the risk to the historical environment from the impacts of climate change and to help build resilience to these important assets.