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Rooaunalaghta Green Energy Project

Appendix 16-2

Legislation protecting the architectural resource

ROOAUNALAGHTA
Green Energy

BUILT ON KNOWLEDGE

APPENDIX 16-2 LEGISLATION PROTECTING THE ARCHITECTURAL RESOURCE

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.

1.1 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, 2000.

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.

1.1.1 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.

1.1.2 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.

1.1.3 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.

1.1.4 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.

1.1.5 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.

1.1.6 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.

1.1.7 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.

1.1.8 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.

1.1.9 MAYO COUNTY DEVELOPMENT PLAN (2022-2028)

The Development Plan sets out specific objectives for the management of built heritage.

BEP 4 - To protect the architectural heritage of County Mayo which is a unique and special resource.

BEP 5 - To promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen with recognised conservation expertise, for works to protected structures or historic buildings in an Architectural Conservation Area.

BEP 6 - To encourage the conservation of Protected Structures, and where appropriate, the adaptive re-use of existing buildings and sites in a manner compatible with their character and significance.

BEP 7 - To protect buildings and structures included in the Record of Protected Structures (RPS) which forms part of this Plan.

BEO 7 - To review and update the Record of Protected Structures on an on-going basis and to make additions and deletions, as appropriate.

BEO 8 - To ensure the protection and sympathetic enhancement of buildings and structures included and proposed for inclusion in the Record of Protected Structures (RPS) that are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, together with the integrity of their character and setting.

BEO 9 - To protect the setting of protected structures and seek to prevent the demolition or inappropriate alteration of Protected Structures, which would adversely impact on the character and special interest of the structure, where appropriate.

BEO 10 - To ensure that any new development or alteration to a building within or adjoining an Architectural Conservation Area positively enhances the character of the area and is appropriate in terms of the proposed materials, scale, density, layout, proportions, plot ratio and building lines.

BEO 11 - To identify places of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and to define them as Architectural Conservation Areas and to undertake an assessment to inform the potential ACA designation for the following areas:- Castlebar, Ballinrobe, Killala, Pontoon and Doogort or any other special character areas considered by the Planning Authority worthy of such protection in County Mayo.

1.1.10 GALWAY COUNTY DEVELOPMENT PLAN (2022-2028)

The Development Plan sets out specific objectives for the management of built heritage.

AH 1 Architectural Heritage

Ensure the protection of the architectural heritage of County Galway which is a unique and special resource, having regard to the policy guidance contained in the Architectural Heritage Protection Guidelines 2011 (and any updated/superseding document).

AH 2 Protected Structures

a) Ensure the protection and sympathetic enhancement of structures including their curtilage and attendant grounds included and proposed for inclusion in the Record of Protected Structures (RPS) that are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, together with the integrity of their character and setting.
b) Review the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the plan.
c) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
d) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.
e) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.
f) Prohibit development proposals, either in whole or in part, for the demolition of protected structures, save in exceptional circumstances.

AH 3 Protection of Structure on the NIAH

Give regard to and consideration of all structures which are included in the NIAH for County Galway, which are not currently included in the Record of Protected Structures, in development management functions.

AH 4 Architectural Conservation Areas

Protect, conserve and enhance the special character of the Architectural Conservation Areas (ACA) included in this plan through the appropriate management and control of the design, location and layout of new development, modifications, alterations or extensions to existing structures, surviving historic plots and street patterns and/or modifications to the character or setting of the Architectural Conservation Area. Works within the ACA shall ensure the conservation of traditional features and building elements that contribute to the character of the area. The special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. New proposals shall have appropriate regard to scale, plot, form, mass, design, materials, colours and function.

This will be achieved by;

a) Protecting all buildings, structures, groups of structures, sites, landscapes and all features which contribute to the special character of the ACA from demolition and non-sympathetic alterations.
b) Promote appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA.
c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
d) Promote high quality architectural design within ACAs.
e) Seek the repair and reuse of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.

f) Ensure that all new signage, lighting, advertising and utilities to buildings within ACA are designed, constructed, and located in such a manner that they do not detract from the character of the ACA.
g) Protect and enhance the quality of open spaces within ACAs and ensure the protection and where necessary reuse of street furniture and use of appropriate materials during the course of public infrastructure schemes within ACAs.
h) Prohibit development proposals, either in whole or in part for the demolition of a structure within an Architectural Conservation Area that contributes to the special character of the area.
i) Protect structures in ACAs from non-sympathetic alterations and encourage appropriate infill developments.
j) Works materially affecting the character of a protected structure or the exterior of a building/ structure within an ACA will require planning permission.
k) Any works carried out to a protected structure or the exterior of a building/structure within an ACA shall be in accordance with best conservation practice and use sustainable and appropriate materials.
l) Ensure that any development, modifications, alterations, or extensions materially affecting the character of a protected structure, or a structure adjoining a protected structure, or a structure within or adjacent to an Architectural Conservation Area (ACA), is sited and designed appropriately and is not detrimental to the character or setting of the protected structure or of the ACA.

AH 5 Maintenance and Re-use of existing Building Stock

Promote the maintenance and appropriate re-use of the existing stock of buildings with architectural merit as a more sustainable option to their demolition and redevelopment.

AH 6 Vernacular Architecture

Recognise the importance of the contribution of vernacular architecture to the character of a place and ensure the protection, retention and appropriate revitalisation and reuse of the vernacular built heritage including structures that contribute to landscape and townscape character and resist the demolition of these structures.

AH 7 Local Place Names

Protect local place names as an important part of the cultural heritage and unique character of an area. Support the use of appropriate names for new developments that reflect the character and heritage of the area and that contribute to the local distinctiveness of a place.

AH 8 Energy Efficiency and Traditionally Built Structures

Ensure that measures to upgrade the energy efficiency of protected structures and traditionally built historic structures are sensitive to traditional construction methods, employ best practice and use appropriate materials and methods that will not have a detrimental impact on the material, functioning or character of the building.

AH 9 Local Landscape and Place Assessment

To support proposals from local communities including Tidy Town Committees, Chambers of Commerce and residents' groups in analysing the character of their place and promoting its regeneration for their own use and enjoyment and that of visitors to the area.

AH 10 Designed Landscapes

Protect the surviving historic designed landscapes in the County and promote the conservation of their essential character, both built and natural. Consider protection of the designed landscape by inclusion in an Architectural Conservation Area. Development proposals in designed landscape shall be accompanied by an appraisal of the contributing elements and an impact assessment.

AH 11 Custodianship

Promote an inter-disciplinary approach demonstrating best practice with regard to the custodianship of protected structures, recorded monuments and elements of built heritage.

AH 12 Placemaking for Towns and villages

Promote the value of placemaking in cooperation with communities in their towns, villages and local areas.

AH 13 Traditional Building Skills

Support and promote traditional building skills, training and awareness of the use of appropriate materials and skills within the Local Authority, community groups, owners and occupiers of traditionally built structures.

AH 14 Design and Landscaping in New Buildings

Encourage new buildings that foster an innovative approach to design and acknowledges the diversity of suitable design solutions in appropriate locations while promoting the added economic, amenity and environmental value of good design.