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APPENDIX 14-4

**LEGISLATION PROTECTING THE
ARCHITECTURAL RESOURCE**

The main laws protecting the built heritage in ROI are the Architectural Heritage (National Inventory) and National Monuments (Miscellaneous Provisions) Act 1999 and the Local Government (Planning and Development) Acts 1963–1999, which has now been superseded by the Planning and Development Act, 2000. 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 Handbook 2005:2). 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, 2000.

PROTECTION UNDER THE RECORD OF PROTECTED STRUCTURES AND COUNTY DEVELOPMENT PLAN

Structures of architectural, cultural, social, scientific, historical, technical or archaeological interest can be protected under the Planning and Development Act, 2000, where the conditions relating to the protection of the architectural heritage are set out in Part IV of the act. This act superseded the Local Government (Planning and Development) Act, 1999, and came into force on 1st January 2000.

The act provides for the inclusion of Protected Structures into the planning authorities' development plans and sets out statutory regulations regarding works affecting such structures. Under new legislation, no distinction is made between buildings formerly classified under development plans as List 1 and List 2. Such buildings are now all regarded as 'Protected Structures' and enjoy equal statutory protection. Under the act the entire structure is protected, including a structure's interior, exterior, attendant grounds and also any structures within the attendant grounds.

The act defines a Protected Structure as (a) a structure, or (b) a specified part of a structure which is included in a Record of Protected Structures (RPS), and, where that record so indicates, includes any specified feature which is in the attendant grounds of the structure and which would not otherwise be included in this definition. Protection of the structure, or part thereof, includes conservation, preservation, and improvement compatible with maintaining its character and interest. Part IV of the act deals with architectural heritage, and Section 57 deals specifically with works affecting the character of Protected Structures or proposed Protected Structures and states that no works should materially affect the character of the structure or any element of the structure that contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The act does not provide specific criteria for assigning a special interest to a structure. However, the National Inventory of Architectural Heritage (NIAH) offers guidelines to its field workers as to how to designate a building with a special interest, which are not mutually exclusive. This offers guidance by example rather than by definition:

ARCHAEOLOGICAL

It is to be noted that the NIAH is biased towards post-1700 structures. Structures that have archaeological features may be recorded, providing the archaeological features are incorporated within post-1700 elements. Industrial fabric is considered to have technical significance, and should only be attributed archaeological significance if the structure has pre-1700 features.

ARCHITECTURAL

A structure may be considered of special architectural interest under the following criteria:

- Good quality or well executed architectural design
- The work of a known and distinguished architect, engineer, designer, craftsman
- A structure that makes a positive contribution to a setting, such as a streetscape or rural setting
- Modest or vernacular structures may be considered to be of architectural interest, as they are part of the history of the built heritage of Ireland.
- Well-designed decorative features, externally and/or internally

HISTORICAL

A structure may be considered of special historical interest under the following criteria:

- A significant historical event associated with the structure
- An association with a significant historical figure
- Has a known interesting and/or unusual change of use, e.g. a former workhouse now in use as a hotel
- A memorial to a historical event.

TECHNICAL

A structure may be considered of special technical interest under the following criteria:

- Incorporates building materials of particular interest, i.e. the materials or the technology used for construction
- It is the work of a known or distinguished engineer
- Incorporates innovative engineering design, e.g. bridges, canals or mill weirs
- A structure which has an architectural interest may also merit a technical interest due to the structural techniques used in its construction, e.g. a curvilinear glasshouse, early use of concrete, cast-iron prefabrication.
- Mechanical fixtures relating to a structure may be considered of technical significance.

CULTURAL

A structure may be considered of special cultural interest under the following criteria:

- An association with a known fictitious character or event, e.g. Sandycove Martello Tower, which featured in Ulysses.
- Other structure that illustrate the development of society, such as early schoolhouses, swimming baths or printworks.

SCIENTIFIC

A structure may be considered of special scientific interest under the following criteria:

- A structure or place which is considered to be an extraordinary or pioneering scientific or technical achievement in the Irish context, e.g. Mizen Head Bridge, Birr Telescope.

SOCIAL

A structure may be considered of special social interest under the following criteria:

- A focal point of spiritual, political, national or other cultural sentiment to a group of people, e.g. a place of worship, a meeting point, assembly rooms.
- Developed or constructed by a community or organisation, e.g. the construction of the railways or the building of a church through the patronage of the local community
- Illustrates a particular lifestyle, philosophy, or social condition of the past, e.g. the hierarchical accommodation in a country house, philanthropic housing, vernacular structures.

ARTISTIC

A structure may be considered of special artistic interest under the following criteria:

- Work of a skilled craftsman or artist, e.g. plasterwork, wrought-iron work, carved elements or details, stained glass, stations of the cross.
- Well-designed mass-produced structures or elements may also be considered of artistic interest.

(From the NIAH Handbook 2003 & 2005 pages 15–20)

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 need 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.

MAYO COUNTY COUNCIL DEVELOPMENT PLAN 2022–2028

POLICIES:

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.

BEP 8 To encourage the retention, sympathetic maintenance and sustainable re-use of historic buildings, including vernacular dwellings or farm buildings and the retention of historic streetscape character, fabric, detail and features, where appropriate.

BEP 9 To promote the retention and restoration of thatched dwellings as a key component of the built heritage of the county.

BEP 10 To encourage the protection, retention, appreciation and appropriate revitalisation of the vernacular heritage of Mayo.

BEP 11 To promote the sympathetic maintenance refurbishment and re-use of vernacular built heritage and to support the retention of original fabric such as windows, doors, renders/pub/shopfronts, roof coverings and interiors.

BEP 12 To support proposals to appropriately refurbish and extend vernacular structures in a semi-derelect or derelict condition.

BEP 13 To encourage the protection, conservation, promotion and enhancement of Country Houses, Gardens and Demesnes in the county and support public awareness, enjoyment of and access to these sites, where appropriate.

BEP 14 To discourage development that would lead to a loss of, or cause damage to, the character, the principle components of, or the setting of Country Houses, Gardens and Demesnes in recognition of their contribution to cultural heritage, landscapes and green infrastructure. Architectural heritage impact assessment, including consideration of demesne and setting may be required for proposals.

OBJECTIVES:

BEO 8 To review and update the Record of Protected Structures within 12 months of adopting this plan, and on-going basis, and to make additions and deletions, as appropriate. Where exceptional circumstances apply, that discretion would be applied to work with affected parties.

BEO 9 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 10 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 11 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 12 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.

BEO 13 To protect the built heritage of Ballina, Castlebar and Westport, including the protected structures listed in the existing town and environs development plans and seek to review the Record of Protected Structures for County Mayo to incorporate protected structures from the plan areas of these towns.

BEO 14 To identify and retain good examples of vernacular architecture and historic street furniture in situ, for example, cast-iron post boxes, water pumps, signage, street lighting, kerbing and traditional road and street surface coverings.

BEO 15 To ensure that conversions or extensions of traditional buildings or the provision of new adjoining buildings, are sensitively designed and do not detract from the character of the historic building.

BEO 16 To update the survey of surviving thatched structures in the county and to promote available grant schemes in order to assist owners with their retention and repair.

BEO 17 To preserve the character and setting (for example, gates, gate piers and courtyards) of historic building and vernacular buildings, where deemed appropriate by the planning authority.