

Appendix A.13.9

Legislative Framework Protecting the Architectural Resource

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Legislative Framework Protecting the Architectural Resource

The main laws protecting the built heritage are the Architectural Heritage (National Inventory) and the Local Government (Planning and Development) Acts 1963-1999, which has now been superseded by the Planning and Development Acts 2000 to 2023 (as amended). 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 Acts 2000 to 2023, 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 This act superseded the Local Government (Planning and Development) Act, 1999 and came into force on 1 January 2000.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 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.

Galway City Development Plan 2023–2029

Policy 8.1 Record of Protected Structures

1. Protect structures listed in the Record of Protected Structures, in accordance with legislation and DEHLG Architectural Heritage Protection Guidelines 2011
2. Ensure new development enhances the character or setting of a protected structure
3. Avoid protected structures becoming endangered by neglect or otherwise by taking timely appropriate action

4. Have regard to the National Inventory of Architectural Heritage in the assessment of development
5. Consider the inclusion of buildings and structures of special interest or of distinctive heritage value in the Record of Protected Structures (RPS) and consider any recommendations for inclusion in the RPS made by Ministerial Recommendation
6. Consult with the DHLGH and have regard to recommendations of the DHLGH on planning applications relating to protected structures
7. Implement proactive measures to encourage the conservation of protected structures
8. Promote sustainable building design, best conservation practice and the appropriate maintenance, adaption and reuse of historic buildings

Policy 8.2 Architectural Conservation Areas

1. Protect and enhance the character and special interest of designated Architectural Conservation Areas, in accordance with legislation and DEHLG Architectural Heritage Protection Guidelines 2011
2. Prepare and implement management plans for the conservation and enhancement of designated Architectural Conservation Areas
3. Ensure that development within an Architectural Conservation Area respects and enhances the character and special interest of the ACA
4. Ensure the character of Architectural Conservation Areas is preserved by protecting and conserving historic street furniture and paving features and ensure that new street furniture and surfacing is designed to be compatible with the character of the ACA

Policy 8.3 Vernacular Heritage

1. Encourage the conservation and rehabilitation, renovation and reuse of existing structures that contribute to the character of the city
2. Take cognisance of the ‘The Inventory of Thatched Buildings’ in the assessment of any proposed works to such structures

Galway County Development Plan 2022–2028

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.