

- **Why protect heritage?**

County Donegal has a diverse and rich architectural heritage which is an important part of our culture and sense of identity. Donegal's heritage is also important in terms of its contribution to promoting economic prosperity especially in respect to its tourism resource such as key visitor attractions and iconic structures such as Fanad Lighthouse and Glenveagh, but also by virtue of its contribution to the attractiveness of the County in terms of its living and working conditions.

- **Are all RPS and NIAH structures protected under the legislation?**

Yes, RPS structures and NIAH structures are protected by the County Development Plan and the Planning and Development Act 2000 (as amended)

- **What is a protected structure?**

A Protected Structures is a building designated by Donegal County Council because of its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Donegal County Council is required to compile and maintain a Record of Protected Structures for its functional area. The protection includes the interior and exterior of the structure, and the lands and any other buildings within its boundary, unless otherwise determined by the Conservation Officer.

A Record of Protected Structures is a mechanism available for the statutory protection of the architectural heritage. The Planning Authority must include in the Record every structure, which, in its opinion is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The Record of Protected Structures forms part of the Draft County Donegal Development Plan 2018 – 2024.

- **How does a building become a protected structure**

Local Authorities must follow certain procedures if it is proposed to deem a structure to be a protected structure. This involves notifying the owners and occupiers of the structure, the minister for arts Heritage, Rural, regional and Gaeltacht Affairs, and other bodies of the proposal.

An owner or occupier is entitled to make comments on such a proposal to the Planning Authority. These comments are taken into account before the Authority's elected Members decide whether or not the structure should become a Protected Structure.

- **What obligations fall on owners and occupiers to ensure the protection of a protected structure**

There is a duty on owners or occupiers of protected structures to prevent their building being harmed through damage or neglect. Planning permission is also needed for all works that affect the character of a protected structure. This means that permission is needed for a wider range of works than would normally apply.

- **Do special procedures apply to protected structures under the planning system? How does an owner occupier know which works require planning permission**

Protected structure status does not preclude development or alteration. However it does require the owner occupier to consult with the planning authority, either through pre-application discussions, planning application process or declaration, to ensure that elements that make the structure significant are not lost during the development.

If works are proposed to a protected structure a planning application is made in the usual way. However, there are some additional requirements. Because it is necessary for an application to show how a proposed development would affect the character of the structure, the application may need to be more detailed than an ordinary application and include extra drawings, photographs and other material to explain the proposals.

Certain works that are normally considered exempted development may require planning permission when taking place on a protected structure, if those works would affect the character of the structure or any element of the structure that contributes to its special interest. An owner or occupier of a protected structure may ask the planning authority for a declaration indicating the types of works that could be carried out without materially affecting the character of the structure.

- **Section 57 declaration**

Owners or occupiers of a Protected Structure may request a 'declaration' under Section 57 of the Act. The purpose of this declaration is for Planning Authorities to clarify in writing the kind of works that would or would not materially affect the character of the structure or any element of the structure which contributes to its special interest.

The issuing of a declaration is a service that the Planning Authority provides at no cost to the owner or occupant of a protected structure. The Planning Authority has twelve weeks from the receipt of a request for a Section 57 to have it completed.

- **Section 5 Declaration**

Under Section 5 of the Planning and Development Act 2000 (as amended) any person, on payment of the prescribed fee, may request in writing from the planning authority a declaration as to what in any particular case is or is not exempted development within the meaning of the Act. The person shall provide to the planning authority any information necessary to enable the authority to make a decision on the matter.

- **Development in ACA's**

An architectural conservation area (ACA) is a place, area, group of structures or townscape, taking account of building lines and heights, that is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or that contributes to the appreciation of a protected structure, and whose character it is an objective of a development plan to preserve.

There are presently two Architectural Conservation Areas in county Donegal one in Letterkenny and one in Bundoran. Policies in relation to these areas are laid out in the Draft Tier 2 local area plan.

Any works that would affect the special character of an ACA require planning permission, even works that would normally be exempt from planning permission. In particular this can mean any works that impact on the external appearance of structures, such as changes to roofing material, windows, boundary walls or construction of new features such as porches or extensions.

You should consult the area planner or Donegal Conservation officer if there is any doubt as to whether or not planning permission is needed.

- **Links to policies on ACAs in Letterkenny and Bundoran**
  
- **Are there any grants?**
  - Built Heritage Investment Scheme 2018 (copy from current webpage)
  - Structures at Risk 2018 (copy from current webpage)
  - Grants available from other sources
    - Irish Georgian Society – The Irish Georgian Society has run a conservation grant scheme for the past number of years. The grant programme provides financial support for works to structures of significant architectural merit. Further information on the grant scheme you can check the Irish Georgian Society's webpage <http://www.igs.ie/updates/article/igs-conservation-grants-programme-2017>
    - Heritage Council – The Heritage Council run grant schemes usually on an annual basis. For further information you can check the heritage Council webpage <http://www.heritagecouncil.ie/funding>
    - Thatching Grant - The Department of Housing, Planning and Local Government offers small grants towards the cost of renovating thatched roofs of owner occupied houses. For more information on this scheme you can check the Department's webpage on <http://www.housing.gov.ie/housing/grantsfinancial-assistance/thatching-grant/thatching-grants>
  
- **Do planning authorities have special powers in relation to protected structures?**

The Planning Authority now has greater powers under the Planning & Development Act 2000 (As Amended) to ensure the protection of structures listed on the Record of Protected Structures.

However, these powers are generally only used in exceptional circumstances when all other avenues have failed. The Planning Authority may:

- Require an owner or an occupier of a protected structure to carry out works if it considers that the structure is or may become endangered
- Require an owner or an owner of a protected structure to carry out works if it considers that the character of the structure ought to be restored
- Acquire, by agreement or compulsory, a protected structure if it considers that this is desirable or necessary in relation to the protection of the structure

- Where a local Authority requires works to be carried out to prevent a protected structure from becoming or continuing to be endangered, the owner or occupier concerned may be eligible for a grant under the scheme of grants for the conservation of protected structures.

- **Usually the following types of works need planning permission**

Works that have a material effect on the character of a structure require planning permission such as:

- Extension
- Changes to the exterior appearance
- Changes to internal layout
- Changes to the internal surfaces, finishes or linings
- Installation or repair of internal mechanical services

- **What works usually do not require permission**

Works that would not materially affect the character of the building. Generally maintenance works carried out in accordance with the Department of the Environment Conservation Guidelines would be deemed not to materially affect the character of the structure and, therefore would not require planning permission.

- **Sources of Advice**

Owners or managers of Protected Structures should seek advice from qualified professionals in planning work to a Protected Structure. Depending on the building type, importance, condition and scale of works, this may be a conservation architect, conservation engineer or other professional.

Several registers of professionals exist:

- The Royal Institute of Architects in Ireland has a Directory of Registered Architects, with details of conservation accreditation. To assist Consumers in the selection of a Practice to provide them with professional services in architectural conservation, the RIAI developed an accreditation system to recognise differing levels of specialist expertise. There are three Grades of Accreditation, Grade 1 being the highest and Grade 3 the basic entry level to the System. Full details and a description of the types of work carried out by each grade are at the <https://www.riai.ie/>
- The Conservation Accreditation Register for Engineers (CARE) has been established jointly by the Institution of Civil Engineers (ICE) and the Institution of Structural Engineers (IStructE) to identify engineers skilled in the conservation of historical structures and sites. This is a UK accreditation but through an arrangement with Engineers Ireland, Irish practices can also join the CARE list. A full listing of CARE members operating in Ireland and the United Kingdom can be found here <http://www.engineersireland.ie/groups/care.aspx>
- In addition, there is a list of Conservation Consultants on the Irish Georgian Society website. <http://www.igs.ie/conservation/register>