

The Development Plan

Record of Protected Structures

CHAPTER 2



2.1 The Record of Protected Structures

2.1.1 Each development plan must include policy objectives to protect structures or parts of structures of special interest and to preserve the character of architectural conservation areas within its functional area.¹ The primary means of achieving the former objective is for the planning authority to compile and maintain a record of protected structures for its functional area to be included in the development plan. A planning authority is obliged to include in the RPS every structure which, in its opinion, is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. This responsibility will involve the planning authority in reviewing its RPS from time to time (normally during the review of the development plan) with a view to making additions or deletions.

2.1.2 Protecting the architectural heritage is an important function of the planning authority. Care should be taken when compiling the RPS that all reasonable research has taken place and that all structures included merit protection. The superficial condition of a structure should not rule out its inclusion in the RPS. The eligibility of any structure may be reassessed at a later time if further relevant information becomes available.

2.2 Protected Structures and Proposed Protected Structures

Protected structures

2.2.1 A 'protected structure' is defined as any structure or specified part of a structure, which is included in the RPS.

2.2.2 A structure is defined by the Act as 'any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure'. In relation to a protected structure or proposed protected structure, the meaning of the term 'structure' is expanded to include:

- a) the interior of the structure;
- b) the land lying within the curtilage of the structure;
- c) any other structures lying within that curtilage and their interiors, and
- d) all fixtures and features which form part of the interior or exterior of the above structures.²



Structures located within the curtilage of a protected structure are also protected along with their interiors, fixtures and features

2.2.3 Where indicated in the RPS, protection may also include any specified feature within the attendant grounds of the structure which would not otherwise be included.³



Protection can extend to features within the attendant grounds of a protected structure provided they are specified in the RPS. Alternatively they can have a separate listing in their own right

2.2.4 There are no categories or grades of protected structures under the Act. A structure is either a protected structure or it is not. Details of the nature and extent of protection for each individual structure can be ascertained by issuing a declaration under Section 57 of the Act.

¹ Section 10, 2000 Act

² Section 2, 2000 Act

³ Section 2, 2000 Act

2.2.5	<p>Proposed protected structures</p> <p>A 'proposed protected structure' is a structure whose owner or occupier has received notification of the intention of the planning authority to include it in the RPS. Most of the protective mechanisms under the Act apply equally to protected structures and proposed protected structures. However, an owner or occupier of a proposed protected structure cannot apply for a declaration under Section 57. A planning authority cannot serve a notice to require works to be carried out in relation to the endangerment of a proposed protected structure, nor can a notice requiring restoration of character be served in relation to a proposed protected structure. A planning authority cannot acquire a proposed protected structure under Section 71.</p>	a)	identification;
		b)	assessment and
		c)	notification.
		2.4	Stage 1: Identification
			There are a number of means by which a planning authority can identify structures of special interest within its functional area.
			Planning authority 'lists'
2.2.6	<p>Once a planning authority notifies an owner or occupier of the proposal to add a particular structure to the RPS, protection applies to that proposed protected structure during the consultation period, pending the final decision of the planning authority.</p>	2.4.1	<p>Under earlier legislation, planning authorities will generally have already compiled, through their development plans, a list of structures which they wished to 'preserve' or 'consider for preservation'. While some structures may have been altered since they were listed, it is recommended that all of those on the existing lists, particularly those only listed for 'protection' (rather than 'preservation'), be reassessed.</p>
			National Inventory of Architectural Heritage
		2.4.2	<p>The National Inventory of Architectural Heritage (NIAH) is a unit within the Department of Environment, Heritage and Local Government engaged in compiling an evaluated record of the architectural heritage of Ireland. Where an NIAH survey of a particular area has been published, relevant planning authorities will be provided with information on structures within the area of that survey. The planning authority can assess the content of, and the evaluations in, an NIAH survey with a view to the inclusion of structures in the RPS according to the criteria outlined in these guidelines.</p>
			Ministerial recommendations
		2.4.3	<p>The Minister may make recommendations to a planning authority under Section 53 (1) of the Act concerning the inclusion in the RPS of a structure, specific parts of any structure or specific features within the attendant ground of a structure. A planning authority must have regard to any recommendation made to it by the Minister. Should a planning authority, following consideration, decide not to comply with a ministerial recommendation, it is obliged to inform him in writing of the reason for this decision.⁵</p>
		2.4.4	<p>The Minister may make recommendations regarding individual structures at any time. In addition, where an NIAH survey has been carried out, those</p>
2.3	Compiling the Record of Protected Structures		
2.3.1	<p>A planning authority may add or delete a structure from its RPS by the following procedures as appropriate:</p>		
	a)		in accordance with a review or variation of its development plan as set out in Section 12 of the Act or
	b)		at any other time by following different prescribed procedures laid out under Section 55.
2.3.2	<p>The making of an addition to, or deletion from, the RPS is a function that is a matter for the elected representatives.⁴</p>		
2.3.3	<p>Most planning authorities will have an RPS that came into existence on 1 January 2000 in accordance with the provisions of the Local Government (Planning and Development) Act 1999. All structures 'listed' for either preservation or protection in a development plan at that date became 'protected structures'. The task of deciding which further structures should be included in the RPS may be done on a case-by-case basis in three stages:</p>		

⁴ Section 54 (2), 2000 Act⁵ Section 53 (3), 2000 Act

structures which have been attributed a rating value of international, national or regional importance in the inventory will be recommended by the Minister to the planning authority for inclusion.

Inventories carried out by planning authorities

2.4.5 Where an NIAH survey has not been undertaken or completed, and officials or consultants with the requisite skills are available, planning authorities are advised to generate their own inventory data. It is recommended that planning authorities, when carrying out or commissioning their own inventory, follow the recording and evaluation procedures developed by the NIAH. In some cases, it may be possible to carry out such surveys in partnership with the NIAH so that the results of the survey can be formally added to the national inventory.

The Record of Monuments and Places

2.4.6 The Archaeological Survey of Ireland (a unit within the Department of Environment, Heritage and Local Government) has carried out a document-based survey of sites of archaeological potential. This information has been used as the basis for inclusion in the Record of Monuments and Places (RMP), established under the National Monuments (Amendment) Act 1994, which gives statutory protection to those sites.⁶

2.4.7 Generally, it is only appropriate to give protection through the RPS to RMP sites which also constitute part of the architectural heritage. For example, this could include upstanding remains such as buildings, standing walls, vaults, enclosed spaces and the like, which may be subject to re-use. Earthworks, for example, would be unlikely to be re-used. Similarly RMP sites described as 'site of', where there are no visible remains above ground, would not generally be appropriate for inclusion in the RPS nor would an archaeological artefact (such as a graveslab), as these do not come under the definition of a 'structure' within the meaning of the Act.



Upstanding structures protected under the National Monuments Acts can be considered for inclusion in the RPS such as this building which contains a substantial amount of mediaeval fabric

2.4.8 Once a recorded monument satisfies any of the criteria of special interest for inclusion in the RPS, the planning authority should use the protective mechanisms offered by planning legislation. While there is an overlap, inclusion in the RPS usefully supplements and expands the protection afforded under the National Monuments Acts. Pre-1700 churches in use, especially, should be protected under planning legislation, as these are excluded from the provisions of the National Monuments Acts.

Other sources

2.4.9 Available research sources will vary from one area to another. Potential protected structures may be identified by using one or more of the following sources:

- earlier architectural surveys including An Foras Forbartha reports;
- a range of repositories listed in Appendix A below;
- historic maps which show the topography of an area and how it evolved;
- textbooks and academic theses in the areas of architecture, history, historical geography, history of art or social history;
- books and other publications such as historic guidebooks, local histories, pamphlets or street directories;
- consultation with special interest or local interest groups;
- public consultation.

2.5 Stage 2: Assessment

Using Part 2 of these guidelines

2.5.1 A planning authority must decide whether a structure is worthy of inclusion in the RPS by identifying the characteristics of special interest which would merit its inclusion. Part 2 of these guidelines indicates features which may contribute to the character and special interest of a structure, under the heading 'Identifying special features for protection'. The criteria given below should be applied when selecting proposed protected structures for inclusion in the RPS. Illustrative examples are also provided. Although there is no statutory requirement to do so, it is recommended that reference to the relevant category, or categories, of special interest be included in the file of the RPS.

⁶ Section 12 (1), National Monuments (Amendment) Act 1994

Protecting part of a structure

- 2.5.2 Although it is possible to give protection to part only of a structure, the initial assessment should include the whole of the structure including the interior and rear of the structure, the land within its curtilage and any structures in the curtilage before it is established that only a specified part of the structure is worthy of protection. Where only a part of a structure is currently listed for protection, consideration should be given to extending protection to the entire structure. For example, where the protected structure is a plaque, a shopfront or a façade, the entire structure of which the element is part may also be of interest and worthy of protection. The protection of a façade alone should generally only be considered where there is no surviving interior of any interest, for example where the building has previously been gutted and the façade is the only remaining feature of the original historic building. Generally a façade relates integrally to its building, which may retain interior detail of note including, for example, the original spatial plan, shop-fittings or decorative elements such as chimneypieces, staircases, window shutters or cornices. Elements of the external envelope and/or within the curtilage may also be of intrinsic interest and worthy of protection; these might include the roof, the rear elevation, outbuildings or other site features.



In some cases only part of a structure should be protected as with this church gable wall behind which lies a modern structure

Assessing structures of local interest

- 2.5.3 It is the responsibility of the planning authorities to make their own assessment of the most appropriate way to protect structures that have not been inspected by the NIAH or those given a rating of 'local importance' by the inventory. In light of the authority's own assessment of the special interest of a structure, it may decide whether it is more appropriate to protect the structure by inclusion in the RPS or within an ACA. Protection by inclusion within an ACA may be more appropriate where a group of structures is of value because of its contribution to the streetscape or other area and where the interiors and curtilages do not merit the level of protection afforded by the RPS.

Categories of special interest

- 2.5.4 The Act requires that a protected structure be of special interest under one or more of the following categories.⁷
- a) Architectural;
 - b) Historical;
 - c) Archaeological;
 - d) Artistic;
 - e) Cultural;
 - f) Scientific;
 - g) Technical;
 - h) Social.
- 2.5.5 These categories are not mutually exclusive, for example, a structure may be of historical, as well as architectural, interest. The RPS should represent the diversity of the architectural heritage within a planning authority's functional area and include structures with various special interests. The strength of an RPS depends on the clarity of the assessment procedures, which should be impartial and objective.
- 2.5.6 The purpose of protection – the control and management of future changes to a structure – should be borne in mind when evaluating those special interest categories which may not relate directly to the physical fabric, such as historical, social and cultural interests. This would occur where, for example, a building is of interest because of its connection with a historic figure although the structure may have been largely altered since that figure lived there.

⁷ Section 51 (1), 2000 Act

Architectural interest

- 2.5.7 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, engineer, designer or craftsman;
 - 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 streetscape or a group of structures 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.



Innovative design of any period can be of special architectural interest, whether the architect is renowned or anonymous. Also of special architectural interest can be the harmonious arrangement of architectural styles of different periods

Historical interest

- 2.5.8 The notion of historical interest underpins a general belief that it is worthwhile to preserve and conserve structures, sites and information 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, or by its association with a historic personality. Some events or associations may be so important that the place retains its significance regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group.
 - A structure may have influenced, or been influenced by, an historic figure. Important people may have lived in the structure or have been otherwise associated with it – for example its patron, designer or builder. 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, plan, original use, materials or location.
 - 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 gaols or churches that have since changed and, in so doing, illustrate a historic development.
 - Some fixtures and features may survive, for example in consistory courts and courts of law, that are important evidence of former liturgical or legal practice and may have special historical interest for that reason.

- g) Some unusual structures may have historical or socio-historical interest, for example, early electricity substations, 'Emergency' era military pillboxes or sentry-boxes. Although not yet of popular heritage significance, such structures can nonetheless have special historical and social interest.
- h) 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 the national, regional or local area. The rarity of surviving examples of a building type can ensure that special historical interest accrues to them. A planning authority should give careful consideration to protecting any examples of rare structures in its area, bearing in mind the degree to which past interventions may have altered their character.



Some structures may be linked with a specific historic event or period in time such as the Treaty Stone (top) and the Emergency era pillbox (bottom), while the special interest of others may lie in the accumulation of historical evidence contained within their built fabric (middle)



Archaeological interest

2.5.9 Special 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 (usually, but not always, the study of past societies). The characteristic of archaeological interest in the context of the RPS must be related to a structure. Structures of special archaeological interest may also be protected under the National Monuments Acts.

2.5.10 Structures can have the characteristics of both archaeological and architectural interest as these are not mutually exclusive. For example, the party walls or basements of houses of later appearance may contain mediaeval fabric and reveal information of archaeological interest. The standing walls of a sixteenth-century towerhouse will have both characteristics of interest. Fragments of early fabric, including carved or worked stone, may have been re-used in later buildings giving these structures archaeological significance as the current context of historically significant material. 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 public.



A structure of special archaeological interest will contribute to an understanding of the past whether through the information it can provide on past industrial processes (top), or its built form, having a corbelled upper floor (middle) or its reuse of fragments from an earlier building (bottom)



Artistic interest

- 2.5.11 Special artistic interest may be attributed to a structure itself, or to a part of a structure, for its craftsmanship, design or decoration. Examples could include:
- examples of good craftsmanship;
 - decoratively carved statuary or sculpture that is part of an architectural composition;
 - decoratively-carved timber or ceramic-tiled shopfronts;
 - ornate plasterwork ceilings;
 - decorative wrought-iron gates;
 - religious art in a place of public worship such as the Stations of the Cross or stained-glass windows;
 - fixtures and fittings such as carved fireplaces, staircases or light-fittings;
 - funerary monuments within a graveyard;
 - 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.
- 2.5.12 For an artistic work to be given protection under the Act, its degree of annexation to the structure should be taken into account. If the work of art is effectively fixed to the structure, it can be considered a part of the structure and therefore protected.



Elements of artistic interest can make a significant contribution to the character of a structure whether created by a renowned artist such as Harry Clarke (top) or by lesser known or anonymous craftsmen of any era (middle and bottom)

Cultural interest

- 2.5.13 The characteristic of cultural interest permeates the architectural heritage and can, in the broadest terms, include aesthetic, historical, scientific, economic 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 literary or cinematic associations, particularly those that have a strong recognition value;
 - other structures that illustrate the development of society, such as early schoolhouses, library buildings, swimming baths or printworks. If these associations are not related to specific aspects of the physical fabric of a structure, consideration could be given to noting them by a tourism plaque or other such device.



Carnegie libraries (top) are physical reminders of the development of culture and learning in society, while buildings such as the Tyrone Guthrie Centre (bottom) foster present-day creative artists. These buildings may be deserving of protection for their special cultural interest in addition to any other special interest they may have

Scientific interest

- 2.5.14 The scientific interest, or research value, of a structure will depend on the importance of the data involved and on its rarity and/or quality. 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, for example extinct pollen or plant 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, such as early Ordnance Survey benchmarks carved into stonework.



The use of a structure such as the Great Telescope at Birr Castle (top) can contribute to its special scientific interest. So too can physical evidence of scientific research on the built fabric such as Ordnance Survey benchmarks (middle) or the archaeo-botanical evidence to be gleaned from historic underlayers of thatch or other organic materials (bottom)

Technical interest

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

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

- d) it displays technically unusual or innovative construction or cladding materials, such as early examples of glazed curtain walling, prefabricated concrete plank cladding or Coade stone;
- e) 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 mill buildings, mill-ponds, tailings or derelict mines can often have a technical heritage value;
- f) purely special technical interest can be ascribed to the innovative engineering qualities of a structure, as distinct from the building's appropriateness for use, or its appearance or form.



Special technical interest can be associated with civil engineering achievements such as the construction of bridges, canals and aqueducts and also with the early or innovative use of materials such as concrete or steel

Social interest

- 2.5.16 The characteristic of special social interest embraces those qualities for which a structure, a complex or an area has become a focus of spiritual, political, 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 tradition, ritual or ceremony. 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. This category of special interest may sometimes not be directly related to the physical fabric of a particular structure or structures and may survive physical alteration. Care should be taken to recognise the pattern or internal relations of the parts of the structure that constitute its special interest, in order to ensure that they be conserved.



Special social interest may be attributed to buildings such as almshouses which provide evidence of the social structure of past communities (top). This special interest may also exist in buildings such as Ardnacrusha generating station (middle) which marked the commencement of rural electrification, fundamentally altering the lives of many. Structures which provided a focal point for a community's religious or spiritual activity such as holy wells (bottom) may also be of special social interest



- 2.5.17 The fixtures and features 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, statues or stained-glass panels.
- 2.5.18 A structure may display vernacular traditions of construction and may be set in a group or area which illustrates the social organisation of the inhabitants. Most obviously this would include thatched cottages. In vernacular buildings, elements of the plan-form (for example, direct-entry, lobby-entry, doors opposite one another, bed outshots etc), as well as the roofing material of otherwise ordinary structures may be distinctive and have special social interest.
- 2.5.19 Types of decoration may have artistic as well as social interest, such as shell houses or the local manifestation of exuberant or astylar stucco decoration where it is particular to a town or region.
- 2.5.20 A social interest could also be attributed to structures illustrating the social philosophy of a past age, as in the case of philanthropic housing developments. Structures which illustrate a particular lifestyle or social condition, for example holy wells, are to be found in many parts of the country. Care must be taken to ensure that there is sufficient physical fabric to such places for them to be defined as 'structures'.

2.6 Stage 3: Notification**Procedures for notification**

- 2.6.1 Valid notification of all owners and occupiers under the Act is necessary for a structure to become a proposed protected structure.⁸ The Act has two separate procedures by which a planning authority notifies owners and occupiers of proposed additions to, or deletions from, the RPS.
- The notification procedure under Section 12 (3) is used for alterations proposed as part of the making, or reviewing, of a development plan;
 - The notification procedure described in Section 55 can be used at any other time.

⁸ Section 2, 2000 Act

Content of the notice

- 2.6.2 Under each of the above procedures, notice of the proposal to include a structure in the RPS must be served on each person who is the owner and occupier. The notice must include the particulars of the proposal such as information identifying the structure and its location and stating why it is proposed to include the structure in the RPS.
- 2.6.3 The notice must state where and when particulars of the proposed addition or deletion may be inspected and the time period for making submissions with regard to the proposal. This time period is ten weeks under Section 12 (3) (b) and six weeks under Section 55 (2) (a). The notice must state if the structure has been recommended for inclusion by the Minister.

Serving the notice

- 2.6.4 The planning authority must make reasonable efforts to ascertain the identity of the owners and occupiers of a proposed protected structure. Where the owner cannot be identified, and no occupier is available to receive the notice, it is acceptable to affix a notice in a conspicuous place on or near the land or premises. For the avoidance of any doubt, the planning authority should keep a dated photograph⁹ of the notice fixed to the structure for future reference, together with a record of who affixed it, in the event the service of the notice is challenged.
- 2.6.5 It is possible that a part of the curtilage, or a specified feature within the attendant grounds of the structure, may not in fact be in the ownership or control of the notified party. In such cases both the owner and occupier of the principal structure and the owner and occupier of the specified feature must be notified separately.
- 2.6.6 The planning authority should take the opportunity at this stage of informing owners and occupiers clearly and simply of their rights and obligations under the legislation. A copy of the leaflet *PL12 - A Guide to Architectural Heritage*¹⁰ could be included with the notification and may be helpful.



The attendant grounds of a protected structure may contain structures and other features of interest such as follies which should be identified and included in the protection. Sometimes these may be in different ownership to the main building and their owners will require separate notification

Public display of proposed additions and deletions

- 2.6.7 In addition to the obligation to notify the owners and occupiers of each individual structure, there is a requirement for a public notice. This should take the form of a notice published in at least one newspaper circulating within the planning authority's functional area. This notice should contain the same information as the notice to owners and occupiers.

⁹ The image taken should be of a form which would be acceptable as evidence to support enforcement action or prosecution, such as a conventional photograph on film or a digital photograph on formatted disc

¹⁰ Available from the Department's offices, Custom House, Dublin 1

- Consideration of submissions**
- 2.6.8 The planning authority must consider all submissions and observations before making its decision as to whether the proposed addition or deletion should be made. Where the proposed addition has been recommended by the Minister, the planning authority is obliged to forward to the Minister for his observations copies of all submissions and observations received. The Minister's subsequent observations, if any, must be taken into consideration in the planning authority's decision.
- 2.6.9 Where submissions or observations are received following the procedures outlined in Section 12 (2) and (3), that is, during a making or the review of a development plan, the manager will compile the submissions or comments into his/her report, including, if available, the advice of the conservation officer, for the members' consideration in advance of adoption of the plan.¹¹
- Notification of the decision**
- 2.6.10 The planning authority must then make its decision as to whether or not to make the proposed addition or deletion. Under Section 12 (6) the decision will be made when the development plan is formally adopted. Under Section 55 (4), the decision must be made within twelve weeks of the end of the public consultation period.
- 2.6.11 The planning authority must then notify the owners and occupiers of the protected structure of its decision. This must be done as soon as may be under Section 12 (13) or within two weeks under Section 55 (5).
- Transfer of ownership of a protected structure**
- 2.6.12 The RPS carries through from one development plan to the next. Once notification has been carried out, there is no requirement to re-notify owners or occupiers when a new development plan is being made, unless deletion is proposed.
- 2.6.13 All future occupiers or purchasers of a protected structure or proposed protected structure are subject to the same duty of care as applied to the owner or occupier originally notified of the inclusion of the structure in the RPS. A planning authority is not required to re-notify future owners or occupiers of the protected status or proposed protected status of a structure.
- 2.6.14 It should be noted that Section 56 of the Act states that, where a structure is included in the RPS, its inclusion may be registered under the Registration of Title Act 1964, in the appropriate register maintained under that Act, as a burden affecting registered land within the meaning of that Act.
- Transitional arrangements under the 1999 Act**
- 2.6.15 The transitional arrangements following commencement of the Local Government (Planning and Development) Act 1999 created a temporary exception to the notification procedures. Under Section 38 of that Act, any reference to the protection or preservation of a structure, or part of a structure, in a development plan current on 1 January 2000, including under the heading 'Consideration for preservation', 'List 1' or 'List 2' and even 'Streetscape' automatically made it a protected structure within the meaning of the 1999 Act. Owners and occupiers of these structures were notified of the changed status of these structures and given an opportunity to comment in advance of a decision being made to include the structure formally within the RPS. If the transitional arrangements were not availed of, a planning authority should use the provisions under Section 55 of the 2000 Act.
- 2.7 Deleting Structures from the Record of Protected Structures**
- 2.7.1 Structures are deleted from the RPS by similar procedures to those laid down for making additions. Deletions will take place where the planning authority considers that the protection of a structure, or part of a structure, is no longer warranted. This will generally take place only when the structure has entirely lost its special interest value through major accident or where new information has come to light which proves that the special interest value was mistakenly attributed. Deletion from the RPS may also come about where it has been decided that a more appropriate method of protecting a particular structure would be by including it within an ACA. However, in such cases, the planning authority should be confident that the interior of the building is not of special interest before deleting it from the RPS.

¹¹ Section 12 (4), 2000 Act

2.8 The Form of the Record of Protected Structures

2.8.1 The Minister has prescribed the form of the RPS under Article 51 of the Planning and Development Regulations 2001.

2.8.2 The RPS should be clear and comprehensible. All protected structures within the functional area of a planning authority should be referred to in a single numbered list, ordered alphabetically by postal address, with each structure given a reference number unique in that planning authority area. For the sake of clarity there should be no organisational subdivision of the RPS into separate lists, for example of industrial heritage, houses, bridges, or for different geographical areas, or by perceived importance like 'national', 'regional' or 'local' (even if these are indicated by the NIAH), as this could lead to misunderstandings. Such categorisations or typologies, may, of course, be referred to, but should not be used to organise the list.

2.8.3 Table I below shows how the information in an RPS could be laid out. This format will facilitate those:

- a) familiar with the county but who only know the names of towns;
- b) with access to detailed 6 inches:1 mile scale (or equivalent) Ordnance Survey maps;
- c) with access to 'Discovery' series 1:50,000 scale Ordnance Survey maps which have the National Grid lines superimposed, and
- d) checking the protection status of a particular building at a given address.

Identifying number

2.8.4 Each individual structure, including the constituent buildings of a terrace or a village group, should be given a separate entry in the RPS and numbered with a unique identifying number for the RPS of that planning authority.

Address

2.8.5 In rural areas, the townland is generally the most important component of an address. If a townland name is not unique in the county area then either the electoral ward or name of the nearest postal town should be given. Where two or more structures in the same townland are to be protected, the structure's name or summary identification should be used to augment the

townland name (for example, 'Brian Boru's well') and should clearly identify each. However, this must be used in conjunction with other locational information, such as a mapped location for the building. Describing a building as, for example 'Murphy's farmhouse', may lead to confusion should ownership of the building subsequently change.

2.8.6 In urban areas, some or all of the following should be used to identify structures:

- a) town name;
- b) townland or district name, if appropriate. Where available, postal district numbers should be used;
- c) street name;
- d) number on the street;
- e) name of building.

2.8.7 Table I indicates possible approaches to setting out information on locating a structure, which will be useful in different circumstances. In the case of a village, there may be no street names and the townland divisions are useful. By placing the townland after the town name in RPS, all the buildings in the town appear in sequence. In the case of a town where the whole town lies within a single townland, the town name again has the primary classification function, followed in this case by the street name, and by the house number, where available. Where a town contains several townlands, as well as street names, it will usually be more convenient to give prominence to the street name rather than the townland name. Townland names and town names can be intermingled in the RPS so long as this does not create ambiguity.

2.8.8 A structure may be located on a street corner or on a street that has two alternative names. Where a structure's location is known by two names, or straddles two townlands (as is frequently the case with bridges), the structure may be included in the list under both names but retaining a single reference number.

Description

2.8.9 This column should give a brief common-sense description of the function of the structure to be protected, such as 'bridge', 'thatched house', 'country house', 'demesne features' or 'business premises'. If part only of a structure is to be protected, the specific part should be identified, for example, 'gateway only'.

2.8.10	<p>Location Map</p> <p>A map (or maps) of suitable scale to show the location of an individual structure should be prepared and kept together as a set. The clearest way this can be done is by relating a point on the structure to the National Grid. The location of the structure should also be marked on as large a scale map as practicable. However, accurate postal addresses will allow most users of the RPS to access the information. The map location for each individual protected structure should be indexed to the RPS list. The number of the appropriate Ordnance Survey map on which the structure is represented should be stated within the RPS.</p>	2.8.14	<p>If it would assist to describe the overall character of the protected structure, this column may be used qualitatively to summarise its setting, for example 'character enhanced by isolated cliff-top location' or 'located in a mature woodland setting'.</p>
2.8.11	<p>National Grid co-ordinates</p> <p>Supplying the National Grid co-ordinates for the location of the structure is the least ambiguous way of locating a protected structure. These can be read from the superimposed grid printed on the 1:50,000 scale 'Discovery' series map or from scales in the margins of 1:1,000 scale maps. Particular care should be taken to quote the correct grid reference number. A ten-digit grid reference is acceptable for buildings in rural areas. In urban areas, it will be necessary to quote twelve-digit numbers. Some planning authorities will have GIS systems that can give the grid reference for particular locations automatically.</p>	2.8.15	<p>Cross-referencing inventory reference numbers</p> <p>Where a NIAH survey has been carried out, each structure recorded will have been assigned a unique registration number. Where it would not cause confusion, the NIAH registration number may be indexed to the RPS.</p>
2.8.12	<p>Notes and specified features in the attendant grounds</p> <p>This column may be used to clarify the identity of the structure. If necessary, this could be by reference to a former use of the structure – for example, 'furniture factory' under the 'Description' column might be clarified in the 'Notes' column as 'Former Royal School'. Identifying the religious denomination could help differentiate two churches in the same locality dedicated to the same saint.</p>	2.8.16	<p>If the structure has been included in the Record of Monuments and Places (RMP) under the National Monuments Acts, this should be indicated in the RPS, by reference to the RMP twelve-digit letter and number code. This will serve to alert the owner of the structure, as well as the planning authority, to its additional statutory protection.</p>
2.8.13	<p>This column may also be used to specify any features in the attendant grounds of a protected structure which contribute to its character. For example, reference to 'all demesne features' could be used, if appropriate, to extend protection to those structures with a historical relationship with a country house.</p>	2.9	<p>Planning Authority's Protected Structures Files</p>
		2.9.1	<p>When setting up a database for the RPS, the planning authority may consider providing extra fields to the internal file. These could include:</p> <ol style="list-style-type: none"> a) the categories of special interest attributed to the structure; b) the names of all notified owners and occupiers of the protected structure, and the date when this information was ascertained; c) a tick-box indicating whether or not the extent of the curtilage has been determined; d) when protection was first extended to the structure, if this is known; e) whether the planning authority has a photographic record of the structure; f) whether the planning authority has historical or bibliographic documentation of the structure on file; g) whether the structure is also the subject of protection under the National Monuments Acts; h) whether a conservation grant has been given for the structure and details thereof; i) whether other archives are known to hold information on the structure; j) whether a declaration has been issued; k) whether any endangerment notices have been issued and details thereof; l) reference numbers of planning applications relating to the site; m) any other relevant information.

2.10 Availability of the Record of Protected Structures

- 2.10.1 The RPS forms part of the development plan. However, as structures can be added to, or deleted from, the RPS at any time, the planning authority must maintain a continually updated copy of the record. This may be kept with the planning register at the public counter of the planning offices as a hard copy, in electronic form on a website, or both. The primary function of the RPS should be the unambiguous identification of the structures concerned. Individual records of each protected structure should be kept at the planning authority's offices.
- 2.10.2 When collecting information from the owners or occupiers of structures, officers of the planning authority should clarify that it will be held on an understanding of confidentiality, subject to the requirements of the Freedom of Information Acts 1997 - 2003 and other legal requirements. Care should be taken, especially in relation to internal fixtures, in the disclosure of this information as it may be personal or because the release of such information might result in unwarranted loss to the owner or occupier of a protected structure.
- 2.10.3 The RPS files may therefore be in two parts – one that is publicly accessible and one that is confidential in so far as it relates to the private aspects of the property. Individual files on each protected structure should be handled in a way that respects the owner's confidentiality and the security needs of the structure and should be kept in a safe store at the offices of the planning authority. The file should be fully accessible to the owner or occupier of the structure who has given his/her assent for the collection of the information.
- 2.10.4 The public file should contain the basic identifying information as summarised above. The private file should contain copies of any descriptions, declarations, photographs, correspondence and maps.

2.11 Sample File Sheets for the Record of Protected Structures

2.11.1 Sample file sheet for the RPS No.1

Planning authority:	Donegal Co. Council
Unique identity number:	40900101
Address:	Malin Tower, Ardmalin townland, near Malin Town, Inishowen Peninsula
Description:	Signal Tower
Ordnance Survey Map:	6": 1 Mile scale, Sheet DG 001
National Grid co-ordinates:	E023975 N459550
Special interest:	Architectural, historical, scientific
Site features:	Includes adjacent c.1940 concrete-built look-out post
Map indicating location of structure:	



2.11.2 Sample file sheet for the RPS No.2

Planning authority: Tralee Town Council, Co. Kerry

Unique identity number: 101

Address: Courthouse, Ashe Street

Description: Courthouse

Ordnance Survey Map: 1:1,000 scale, 5587 - 5

National Grid co-ordinates: E083760 N114441

Special interest: Architectural, historical, artistic

Site features: None

Map indicating location of structure:

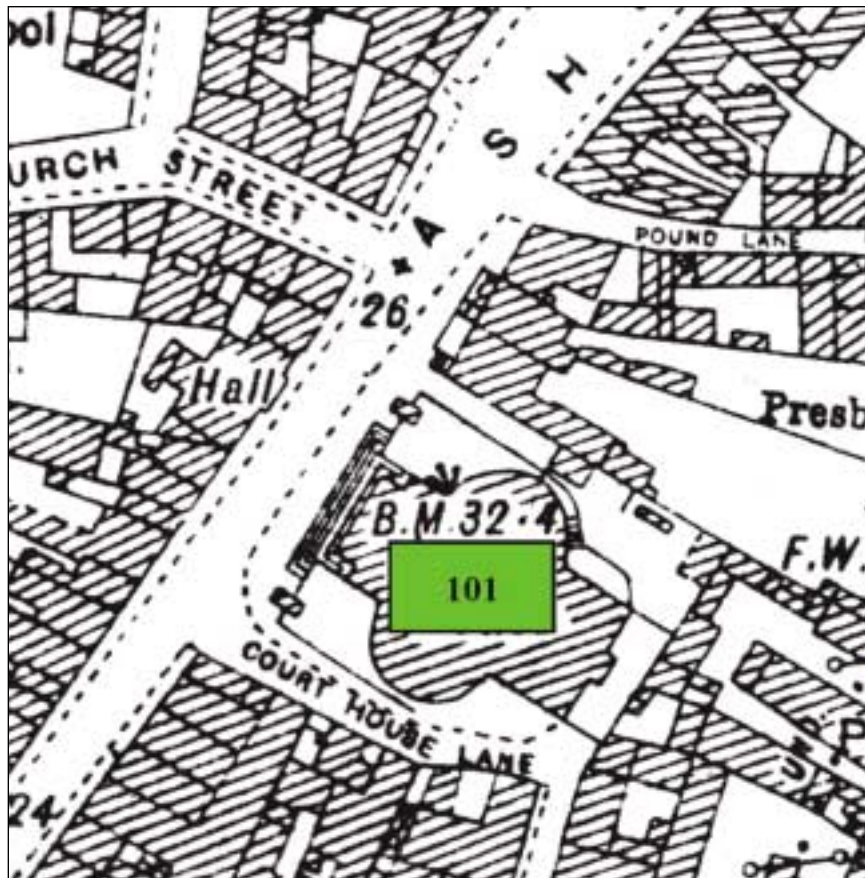


Table 1 Sample Format for the Record of Protected Structures

Ref. no.	Building Address	Townland	Town	Description	O.S. 6" map ref.	National Grid Reference	Notes (including features of attendant grounds)
1	Ballymahon Courthouse	Ballymahon	Ballymahon	Courthouse	27	21557.25715	
2	Brianstown House	Brianstown	Longford	Country house	13	20845.27711	
3	Carrigglass Manor	Carrickglass Demesne	Longford	Country house	14	21661.27747	Including outbuildings, gateways and gate lodges
4	Castlecree House	Castlecree	Ballymahon	Country house	26	21371.25714	Formerly a convent
5	Castleforbes	Castleforbes Demesne	Newtown Forbes	Country house	8	20977.28032	
6	Castlewilder	Castlewilder	Colehill	Country house	23	22395.26116	
7	Cloncallow House	Cloncallow	Ballymahon	Demesne feature	27	21752.25615	Entrance gates
8	Coolamber Manor	Cloonshannagh	Edgeworthstown	Country house	15	23524.27320.	Agricultural college
9	Colehill House	Colehill	Colehill	Country house	23	22189.26050.	
10	Cornollen House	Cornollen	Longford	Country house	13	20840.27581	
11	Doory House	Doory	Ballymahon	Demesne feature	23	21670.26194	Entrance gates
12	Doory House	Doory	Ballymahon	Demesne feature	23	21861.26029	Entrance gates
13	Foxhall Church (in ruins)	Foxhall	Legan or Lenamore	Church	24	22545.26439	Including graveyard
14	Corn Mill	Grillagh	Killashee	Mill	18	20681.26931	
15	Ledwithstown House	Ledwithstown	Ballymahon	Country house	22	21087.25945	
16	Lismore House	Lismore	Newtown Forbes	Country house	13	21125.27717	
17	McGuinness	Lyanmore	Ardagh	House	19	22000.26800	
18	Mosstown	Mosstown	Keenagh	Demesne feature	22	21163.26382	Dovecote
19	Newcastle House	Newcastle	Ballymahon	Country house	27	21851.25695	Formerly a convent
20	Rathcline Castle	Rathcline	Lanesboro	C17th house	17	20004.26687	
21	St Mary's R.C. Church	Smithfield	Legan or Lenamore	Church	24	22445.26361	Including graveyard
22	Cathedral of St Mel (in ruins)		Ardagh, Ardagh Demesne	Church	19	22039.26862	
23	St Patrick's Church (C of I)		Ardagh, Ardagh Demesne	Church	19	22033.26863	
24	McGroarty's		Ardagh, Ardagh Demesne	House	19	22000.26800	
25	McGonagle's		Ardagh, Banghill	House	19	22000.26800	
26	McGinley's		Ardagh, Banghill	House	19	22000.26800	
27	McGarrigle's		Ardagh, Banghill	House	19	22000.26800	

Table II An Outline of Record of Protected Structures Procedures

