

Declarations

CHAPTER 4



4.1 Purpose and Limits of a Declaration

- 4.1.1 Where a building is a protected structure or a proposed protected structure, works which are normally exempt from the requirement of planning permission are not exempted development where they would materially affect the character of a protected structure or any element of it which contributes to its special interest. Section 57 of the Planning and Development Act 2000 allows the owner or occupier of a protected structure to make a written request to the planning authority for a declaration as to the type of works the authority considers would or would not materially affect the character of the protected structure. It should be noted that Section 57 does not apply to proposed protected structures nor to buildings within ACAs.
- 4.1.2 In relation to protected structures and proposed protected structures, the definition of 'works' in the 2000 Act is expanded from 'construction, excavation, demolition, extension, alteration, repair or renewal' to include 'any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.'¹ Any or all of these works have the potential to materially affect the character of a protected structure.



The application, and subsequent removal, of paint from terracotta (and soft stones such as sandstone) can cause damage to the material and jeopardise its future conservation



The rendering of the terraced building on the left has altered the character, not only of the individual building, but of a terrace of protected structures

- 4.1.3 Declarations may be used as a formal advice mechanism for the owner and occupier of a protected structure as issues arise which require clarification and for which an owner or occupier may need the reassurance of formal written notification from their planning authority. Declarations can be issued to permit specific minor works, including enabling works that, in the opinion of the planning authority, would not materially affect the character of the protected structure. However, it is always preferable to inspect, assess and give formal recommendations for the complete structure where this is feasible, to ensure that its full character is taken into account in the declaration. A declaration relating only to a specific part of a structure should clearly state its limited purpose.
- 4.1.4 A declaration must not exempt works that would have a material effect on the character of a protected structure. A declaration cannot exempt development that would not otherwise be exempt from a requirement for planning permission.
- 4.1.5 It is not necessary for the applicant to have any specific works in mind when applying for a declaration. Indeed, if the owner or occupier is contemplating major works to a protected structure, pre-planning discussions with the planning authority may be advisable and, depending on the outcome, the submission of a planning application.
- 4.1.6 Declarations relating to places of public worship are subject to special considerations.²
- 4.1.7 The issue of a declaration is a service that the planning authority provides to the owner or occupier of a protected structure in order to clarify for them their duties and rights. Owners and occupiers of protected structures should be encouraged to avail of this service by highlighting its availability, for example, in the development plan or in locally produced information leaflets. While the owner or occupier of a proposed protected structure may not seek a formal declaration, they may nonetheless be given informal guidance on exempted development issues in relation to their structure.

¹ Section 2 (1), 2000 Act

² Section 57 (5), 2000 Act: see also Chapter 5 below

4.2 Role of An Bord Pleanála

4.2.1 Under Section 13 of the Planning and Development (Amendment) Act 2002, any person to whom a declaration has issued under Section 57 (3), or a declaration reviewed under Section 57 (7) of the 2000 Act, may refer the declaration to An Bord Pleanála for review. This referral must be made within four weeks of the date of issue of the declaration. The details of any such declaration issued by the planning authority or of a decision by the Board must be entered on the planning register and the protected structure file kept by the planning authority. In addition, a copy of the declaration or decision must be available for inspection by the public during office hours at the offices of the planning authority.

4.3 Preparation and Evaluation Procedures for Declarations

4.3.1 The following advice relates to a declaration issued under Section 57 of the Planning and Development Act 2000 and should not be confused with the declaration and referral provisions in Section 5 of the same Act.

4.3.2 Where a declaration is sought, the planning authority should have regard to the detailed notes below and in Part 2 of these guidelines in order to relate the special interest of the protected structure to the type of works that would affect it. Where necessary, the planning authority should avail of expert architectural conservation advice in this matter. It is not appropriate to issue a declaration without inspecting the structure.

4.3.3 Applicants should be asked to provide all information they may possess relevant to processing the declaration and to allow full access to the structure, or to that part of it that is in their ownership or occupancy, in order to facilitate and expedite the declaration process.

4.3.4 The inspector should check whether a previous declaration has been issued for the structure or any adjacent protected structures and should also consult the record of the details of any relevant decisions on declarations forwarded to the planning authority by An Bord Pleanála.

4.4 Inspection

4.4.1 The inspection of the protected structure should be made by a suitably qualified person competent to make a qualitative assessment of the potential impact of works on the character and special interest of the protected structure. The inspector should refer as necessary to historic maps, photographs or other documents to inform his or her assessment of the structure. The inspector should delineate the boundary of the property that the declaration is considered to cover, taking into account maps or other documents provided by the applicant. He or she should note if any part of the structure is omitted from the declaration by virtue of being in separate ownership, even where this may be within the curtilage of the protected structure or be a specified feature in the attendant grounds.

4.4.2 The inspector may be the first person to visit the site on behalf of the planning authority and to interact with an owner or occupier regarding the architectural heritage aspects of their property. Where appropriate, the inspector should use the opportunity to point out the character and special interest of the protected structure to the owner or occupier and be prepared to interest them in its proper conservation and maintenance. The inspector should inform the owner or occupier of the benefits of using good professional advice and contractors experienced in conservation when undertaking works to the structure.

4.4.3 The structure, or the relevant part of the structure, should be inspected, internally and externally, including all ancillary structures or features. The structure's composition, construction materials and the features that constitute its character and special interest should be identified and documented. Where possible, this should be carried out to standards of the National Inventory of Architectural Heritage. Where this is not possible, a freestyle summary description of the structure should be prepared as part of the evaluation. The inspector should briefly describe any other nearby structures, not necessarily the subject of the current declaration but which may have been originally associated with it. This will allow for a fuller understanding of the history or development of the site. The description of the structure as inspected is essential to ensure no misunderstanding occurs

with regard to its condition at the time, including dilapidations that it is not the purpose of the declaration to remedy. However, the description of the structure is secondary to the categorisation of the works into those that would, and would not, materially affect its character.



The inspection should, wherever possible, be extended to include the structures within the curtilage of the protected structure and their interiors



There may be other structures nearby which have an association with the structure that is the subject of the inspection and will contribute to a fuller understanding of the site, such as earlier houses, castles or industrial remains

4.5 Evaluation

- 4.5.1 Taking into account its special interest, character and sensitivity to change, the capacity of the structure to be affected by works should be evaluated. Reference could be made to the sample phrases set out in paragraph 4.12 below to identify the types of works that would or would not affect its character.
- 4.5.2 Relevant information in the following documents should be taken into account:
- Part 2 of these guidelines;
 - previously issued declarations on the planning register;
 - any relevant information included in the RPS of determinations issued by An Bord Pleanála;

- Conservation Guidelines* published by the Department of the Environment and Local Government in 1996.

- 4.5.3 The senior planner for the area and the conservation officer, where available, should agree the type of works that would or would not be considered exempted development in respect of the particular protected structure. Care should be taken to ensure that the advice given is unambiguous. It should be set out in a format that is clear to read and easy to understand for people unfamiliar with specialist terminology.
- 4.5.4 The information in the RPS file may not include the precise extent of the curtilage of the protected structure. If possible, the planning authority and owner or occupier should agree at this stage what they consider to be its extent, in order to issue a declaration that refers to the whole of the protected structure including its curtilage. If this is impossible or impractical, the applicant should be asked to supply any information relating to the extent of the property in respect of which the declaration is sought. Without knowing the extent of the property, the declaration can still be completed but should clearly state that the curtilage has not been determined, meaning that the declaration relates only to the principal structure, or part thereof, and to any other named structures but not necessarily to the full curtilage.

4.6 The Declaration Form

- 4.6.1 Suggested information to be included in a declaration is set out in a sample declaration form at Table IV below. The following information should be included as a minimum:
- name of applicant for the declaration;
 - applicant's status in relation to the structure;
 - date of request for the declaration;
 - date of inspection by the planning authority's appointed inspector;
 - date of issue of the declaration;
 - unique identity number of the protected structure from the RPS;
 - location of the structure, for example, using National Grid co-ordinates;
 - address of the structure;
 - protection status of the structure under the Planning and Development Act 2000 and under

the National Monuments Acts 1930 – 2004 (if any);

- j) a brief description of the protected structure;
- k) if the structure has been recorded by the National Inventory of Architectural Heritage, its NIAH registration number;
- l) a list of works which would materially affect the character of the structure and as a result require planning permission;
- m) a list of works which would not materially affect the character of the structure.

4.6.2 The planning authority is required to keep details of any declaration issued on its planning register. Planners dealing with subsequent planning applications and members of the public should be able to view the declaration at the offices of the planning authority, subject to the privacy restrictions recommended in paragraph 4.7 below.

4.7 Privacy

4.7.1 The complete declaration file will include information relating to the special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest of the protected structure. However, in the interests of respecting the privacy and security of a buildings owners and occupiers, it may be necessary to hold much of the information collected in the course of the declaration inspection in a reserved part of the file on the protected structure. Any photographs or information of a sensitive nature relating to the interior of a building obtained in the course of the inspection should be kept in that reserved part of the declaration file.

4.7.2 Consequently, it is recommended that the file be in two parts: one that is readily available to the public and would include information that is public in nature and another part that is reserved in the interests of respecting the privacy and security of the owner or occupier.

4.7.3 The provisions of the Freedom of Information Acts 1997 - 2003 shall be applicable in any instance.

4.8 Requests to Exempt Urgent Works or Enabling Works

4.8.1 In cases where the planning authority is notified of a need to carry out specific urgent works, the relevant officer should first ascertain if the works are indeed urgent and necessary. If satisfied that they are, the planning authority should inform the owner in writing, identifying the specific works necessary to protect the fabric of the building. If it is felt that they are not urgent and necessary, the planning authority should advise that a declaration be sought or, where relevant, planning permission. The remedies available under the Act for such cases include Section 59 (Notice to require works against endangerment) or Section 60 (Notice to require the restoration of character). One or other, or both, of these Sections of the Act may be invoked if necessary, preferably with the agreement of the owner or occupier so that works can proceed without delay.



Urgent works may be needed to secure the fabric of a building following damage

- 4.8.2 Where enabling works are required to determine the type or scale of works necessary, and these enabling works are not extensive, excessively invasive and would not result in irreversible damage, the planning authority may consider specifically exempting such works by means of a declaration. However, where the works would materially affect the character of the protected structure, then planning permission will be required.³



Opening-up works may be needed to allow a full understanding of the structure prior to making development proposals but these works should not damage its special interest

4.9 Protected Structures in Multiple Occupancy

- 4.9.1 A protected structure may consist of a single site or building and yet be subdivided into several unrelated occupancies. For example, a building may have been divided into flats, or a former outbuilding may no longer be in the same ownership as the main house. Where one of a number of occupiers requests a declaration and an inspection is arranged, the declaration issued will relate only to the part of the structure for which the request was made. Consideration should be given at that time to encouraging the other occupiers of the structure to seek a declaration for the structure as a whole, as is recommended above. A declaration encompassing the entire protected structure would help ensure that repairs and maintenance are approached in a coherent manner by all occupiers.

4.10 Review of Previously Issued Declarations

- 4.10.1 It may be necessary from time to time for the planning authority to review a previously issued declaration or to issue a declaration for a complete structure in place of one or more declarations already issued in respect of part or parts of the structure. It may also, for example, be necessary to

take cognisance of new information forwarded to it by the owner or occupier, An Bord Pleanála or by members of the public in relation to a protected structure where declarations have previously been issued. In the light of any such information, a planning authority may wish to reconsider works previously deemed to be exempted development or the references to works included in, or indeed omitted from, the previously issued declaration.

- 4.10.2 If it is appropriate to modify the declaration as to what works would require planning permission, a revised declaration should be issued as soon as is practicable. The review of a declaration will not affect any works carried out in reliance on the declaration prior to review.⁴

4.11 Maintenance

- 4.11.1 The declaration should indicate works considered to be routine maintenance which can be undertaken without materially affecting the character of the protected structure. In considering routine maintenance in a declaration, care should be taken to require that the works always follow conservation principles and best practice.⁵

4.12 Sample Phrases for Use in Declarations

- 4.12.1 Some or all of the phrases below could be used in drawing up declarations. The use of a phrase in a declaration should be construed to refer to all the works detailed under that heading unless exceptions are made. The phrases or headings set out below do not refer to mutually exclusive types of works. Therefore, particular care should be given to ensuring that unambiguous advice is given.
- 4.12.2 This should not be seen as an exhaustive list, and the circumstances of each protected structure may require reference to specific types of works that are not included in this list. The detailed guidance notes in Part 2 of these guidelines under the heading 'Identifying the special features for protection' are designed to assist planning authorities in carrying out inspections for declarations. Depending on the individual circumstances and the special interests of the structure, the following works might require planning permission:

³ See also Chapter 15

⁴ Section 57 (7), 2000 Act

⁵ See Chapter 19 below

Changes to the exterior appearance of walls, roofs or openings

4.12.3 Works which would materially alter the character of the exterior of a building may include the following:

- a) walls: comprehensive (as opposed to localised) repointing; repointing in a style or material other than the existing; removal of render; re-facing in an applied layer of masonry, brick, wood, plaster or paint; mortar repairs of brick or stone; damp-proofing of walls; cleaning of masonry; removal or relocation of decorative plaques; painting of any previously unpainted surface; addition of new masonry to a ruinous structure or removal of existing material;⁶



Repointing which uses methods and materials other than the originals may alter the character of the building as has happened with the example on the left of this photograph

- b) roofs: works that would result in damage to, or removal of, original or early surviving chimneys; damage or removal of natural slate roof-covering; replacement of existing structural elements, rainwater goods, coping stones, gable or eaves parapets; addition of fascia boards or boxing in of eaves; removal or reconstruction of features such as bell-cotes, crenellations, finials or any other feature of the roofscape; the fitting or removal of rooflights;⁷



The removal of chimney stacks can damage the appearance of an entire building

- c) openings: alterations to structural openings; replacement of doors or windows; repair of windows where replacement of sashes or casements is required; replacement of single glass panes with double-glazed units, reinforced glass or textured glass; renovation, removal or replacement of features such as fanlights, letterboxes, bell-pulls or other door ironmongery; provision or removal of patent reveals or other dressings; painting of any previously unpainted surfaces; permanent removal of paint from fanlights⁸.



Uncoordinated programmes of stone cleaning can create aesthetic problems in terraces of similar buildings



The replacement of original features, in this case the fanlight and door, with substitutes made from inappropriate materials should not be considered exempt

Changes to the internal layout

- 4.12.4 Alterations to the internal layout, including those required for fire safety purposes or to improve access; alterations that would affect the original or early surviving plan form or section; the insertion of fixed partitions; the breaking out of new openings between rooms or spaces; the insertion of new doors or screens; the alteration of floor levels; the insertion of suspended ceilings; alterations to the layout or form of stairwells.⁹

⁶ See also Chapter 8

⁷ See also Chapter 9

⁸ See also Chapter 10

⁹ See also Chapter 11



The insertion of new partitions may require planning permission



The careful removal of later alterations of little interest, such as this half floor and steps, may be exempted by a declaration

Changes to the internal surfaces, finishes or linings

4.12.5 Alterations, including those required to meet the requirements of the Building Regulations, that would involve the loss of, removal of or damage to original or old internal joinery items (such as windows and windowcases, staircases, doors and doorcases, skirting-boards, dado rails, panelling or decorative plasterwork); fitting of mounted signage; alterations to or replacement of, floor surfaces; replacement of integral floor coverings or structural elements; works to plasterwork ceilings or masonry or plaster vaulting including any work that has an effect on cornices or other associated details; removal of fireplaces or chimneypieces including mantel shelves, hearthstones or chimneybreasts; alteration or removal of staircases and all associated joinery masonry or plaster elements; alteration or removal of important fixtures or fixed furniture, such as built-in seating, counter-tops, bar gantries or cupboards; the removal of paint or wallpaper.¹⁰



In these examples, interior features of importance have been damaged and any proposed repair will require to be carried out to a high standard in order for the work to be considered exempted development



¹⁰ See also Chapter 11

¹¹ See also Chapter 11

Installation or repair of internal mechanical services

- 4.12.6 Insertion of fire detection or security systems, equipment or fixtures; fixing of panelling; installation of lifts or dumb-waiters; rewiring or replumbing.¹¹



Poorly-executed and badly-located service installations can have a serious effect on the character and appearance of a protected structure



Extensions

- 4.12.7 The building of an extension to a premises including one which affects an existing opening or requires the breaking out of a new opening or which conflicts with existing architectural elements.

Changes within the curtilage of the building

- 4.12.8 The breaking out of new openings in, or rendering or repointing of, existing walls within, or forming the boundary of, the curtilage; the erection of structures for agricultural purposes; the taking down of features such as statuary; the removal of other hard landscaping features such as paving, terracing, railings or fencing.¹²

4.13. Exemptions

- 4.13.1 It could be indicated in a declaration that, depending on the nature of the works involved and the special interest of the structure, some works to a protected structure might not require planning permission. Some examples are given below.



The alteration or demolition of original boundary walls and railings can rarely be considered exempted development

Redecoration

- 4.13.2 The application, but not removal, of paint or wallpaper, where plasterwork features or underlying coatings or underlays are not compromised, and the repair of damaged plasterwork in compatible materials to match existing work.

Restoration of character

- 4.13.3 Replacement of previous inappropriate alterations such as uPVC or aluminium windows with appropriately detailed replacement windows; replacement of fibre-cement roof tiles with natural slate.

¹² See also Chapter 13



These replacement windows, although in many respects well detailed, have horns on the sashes, which is incorrect for the period of the building

Demolition or alteration of a modern extension

4.13.4 Where this is defined graphically on a drawing or plan or otherwise specified.

Routine maintenance

4.13.5 Regular maintenance to keep a building weathertight; the securing but not the replacement of existing elements of windows and doors; clearance of gutters and downpipes; refixing of loose slates; repainting of previously painted surfaces; repair and maintenance works carried out in accordance with the Department of the Environment and Local Government *Conservation Guidelines*; minor alterations to services (but excluding the installation of major services such as lifts and air-conditioning).

4.14 Sample Declarations

4.14.1 The sample declaration form shown in Table IV may be used as a template when issuing a declaration. Two examples of declarations follow, Tables V and VI, to illustrate how the declaration process can be operated. In the case of the Example A, a sketched drawing is necessary to facilitate the understanding of the declaration. In each case the declaration gives certainty to the owner and/or occupier of the property as to their responsibilities under the Planning and Development Act 2000.

Example A

4.14.2 The complex example illustrated in Table V requires a map and sketch section to ensure that the declaration can be clearly understood. It shows how the declaration can be used to inform an owner or occupier of the parts of the structure that are sensitive from an architectural heritage point of view, and in which alterations would therefore require planning permission. It also shows the owner or occupier, in a general way, what alterations to the structure can be effected without requiring planning permission under the Act. In this case, the declaration would suggest to the owner or occupier to confine renovations to the parts of his property that do not have architectural heritage value unless he or she applies for planning permission. The drawing will also suggest to an owner or occupier where new development could be located on the property to minimise interference with the architectural heritage.

Example B

4.14.3 The example shown in Table VI indicates how a declaration could treat a building with a fine exterior of high-quality materials but which retains no internal fabric of architectural heritage interest. This gives the occupier a clear idea of how to retain what is valuable about the building, while acknowledging that changes can be carried out internally as exempted development.

Table IV Sample Declaration Form

Declaration

In accordance with Section 57 (2) of the Planning and Development Act 2000

Planning Authority:

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

Applicant Name:

Status (i.e. Owner or Occupier):

Date of Request for Declaration: Date of Inspection:

Date of Issue of Declaration: Previous Declaration(s):

Address:

Name of Building:

Address 1:

Address 2:

Address 3:

Location:

National Grid co-ordinates: E N

O.S. Map Type:

Map Sheet:

Site Number:

Protection Status:	Y	N	Details:
<i>Under the Planning and Development Act 2000:</i>			
Record of Protected Structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Architectural Conservation Area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
<i>Under the National Monuments Acts 1930 - 2004:</i>			
Record of Monuments and Places	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Zone of Archaeological Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
Preservation Order or Temporary P.O.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

NIAH Registration Number (if applicable):

Brief description of the structure:

Table V Sample Declaration Example A

Declaration

Issued in accordance with Section 57 (2) of the Planning and Development Act 2000

Planning Authority: Ballyfoyle Town Council

This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.

Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.

Applicant Name:

Status (i.e. Owner or Occupier):

Date of Request for Declaration: Date of Inspection:

Date of Issue of Declaration: Previous Declaration(s):

Address:

Name of Building:

Address 1:

Address 2:

Address 3:

Location:

National Grid co-ordinates:

O.S. Map Type:

Map Sheet:

Site Number:

Protection Status:	Y/N	Details:
<i>Under the Planning and Development Act 2000:</i>		
Record of Protected Structures	Yes	<input type="text" value="Development Plan 2002: p.32; Ref No. 249"/>
Architectural Conservation Area	Yes	<input type="text" value="Development Plan 2002: p.45"/>
<i>Under the National Monuments Acts 1930 - 2004:</i>		
Record of Monuments and Places	No	<input type="text" value="-"/>
Zone of Archaeological Potential	No	<input type="text" value="-"/>
Preservation Order or Temporary P.O.	No	<input type="text" value="-"/>

NIAH Registration Number (if applicable):

Brief description of the structure:

Table V Sample Declaration Example A, continued...

Works which would materially affect the character of the protected structure and, as a result, require planning permission:

Area I (coloured blue on attached sketches):	Area II (coloured orange on attached sketches):
i) changes to internal layout;	i) alterations to exterior appearance, and
ii) changes to exterior appearance;	ii) extensions.
iii) changes to internal surfaces, finishes or linings;	Area III (outlined in orange on attached sketches):
iv) installation or repair of services, and	i) removal of cobblestones, and
v) extensions.	ii) demolition of stone boundary walls.
	Area IV (coloured yellow on attached sketches):
	i) extensions, and
	ii) any internal structural re-ordering in the proximity
	of Areas I and II above.

Works which would not materially affect the character of the protected structure:

Area I (coloured blue on attached sketches):	Area III (outlined in orange on attached sketches):
i) painting and decoration, and	Area IV (coloured yellow on attached sketches):
ii) routine maintenance.	i) changes to external appearance;
Area II (coloured orange on attached sketches):	ii) changes to internal layout;
i) changes to internal layout;	iii) redecoration, and
ii) changes to internal surfaces, finishes or linings;	iv) routine maintenance.
iii) installation or repair of internal services;	
iv) redecoration, and	
v) routine maintenance.	

Special remarks:

Note, this property was recorded by the NIAH in four separate sections which correspond to the four separate areas above.

Any further documentation attached (annotated maps or plans, photographs, sketches, notes, etc.)? Y/N
 Yes, annotated sketch plans and sections attached.

Signed by Inspector:	Signed by Planning Authority Officer:
<input type="text"/>	<input type="text"/>
Date:	Date:
<input type="text"/>	<input type="text"/>

Table V Sample Declaration Example A - Map



Table VI Sample Declaration Example B

Declaration	
Issued in accordance with Section 57 (2) of the Planning and Development Act 2000	
Planning Authority: Westmeath County Council	
This declaration specifies what works would, or would not, in the opinion of the planning authority materially affect the character of the protected structure, or any element thereof, and, as a result, require planning permission. Under the Act, protection extends to the entire structure including its interior and the land lying within its curtilage. It also extends to any other structures lying within the curtilage of the protected structure, to their interiors and to all fixtures and features that form part of the interior or exterior of any of these structures. Where specified in the Record of Protected Structures, protection may also extend to any other feature within the attendant grounds of the protected structure.	
Nothing in this declaration exempts works that would not otherwise be exempt from a requirement for planning permission. Changes of use or intensification of the current use may require planning permission. If in doubt, the owner/occupier should consult the planning authority for further advice before commencing any works.	
Applicant Name:	Prudential Bank Ltd.
Status (i.e. Owner or Occupier):	Owner
Date of Request for Declaration:	10 January 2004
Date of Inspection:	15 February 2004
Date of Issue of Declaration:	25 February 2004
Previous Declaration(s):	Yes, issued 22 May 2001(see RPS file)
Address:	Location:
Name of Building: Prudential Bank	National Grid co-ordinates: E 123456 N 654321
Address 1: Main Street	O.S. Map Type: 6 inch: 1 mile Ordnance Survey
Address 2: Corballymore	Map Sheet: 50
Address 3: Co. Westmeath	Site Number: 004
Protection Status:	Y/N
<i>Under the Planning and Development Act 2000:</i>	
Record of Protected Structures	Y
Architectural Conservation Area	Y
<i>Under the National Monuments Acts 1930 - 2004:</i>	
Record of Monuments and Places	N
Zone of Archaeological Potential	Y
Preservation Order or Temporary P.O.	N
Details:	
	Development Plan 2000; p.27; Ref. E004
	-
	-
	RMP Ref. WM050-010 'Town'
	-
NIAH Registration Number (if applicable):	N/A
Brief description of the structure:	
Detached four-bay, two-storey over basement, late-Victorian redbrick bank, designed by William Caldbeck and constructed c.1880; having a fine carved stone doorcase and hood mouldings to façade with a shallow balcony at first floor level over the entrance. Interior remodelled c.1975 and outbuildings demolished.	

Table VI Sample Declaration Example B, continued:

Works which would materially affect the character of the protected structure and, as a result, require planning permission:

i) changes to external appearance, and

ii) extensions.

Works which would not materially affect the character of the protected structure:

i) internal works, and

v) routine maintenance.

Special remarks:
 Building interior comprehensively altered c.1975 with no original internal detailing surviving. At the same time the outbuildings were demolished to make way for car-parking. However, the building retains a fine façade and continues to be an important element of the streetscape of the town.

Any further documentation attached (annotated maps or plans, photographs, sketches, notes, etc.)? Y/N
 No

Signed by Inspector: _____ Signed by Planning Authority Officer: _____

Date: _____ Date: _____

Table VI Sample Declaration Example B - Map

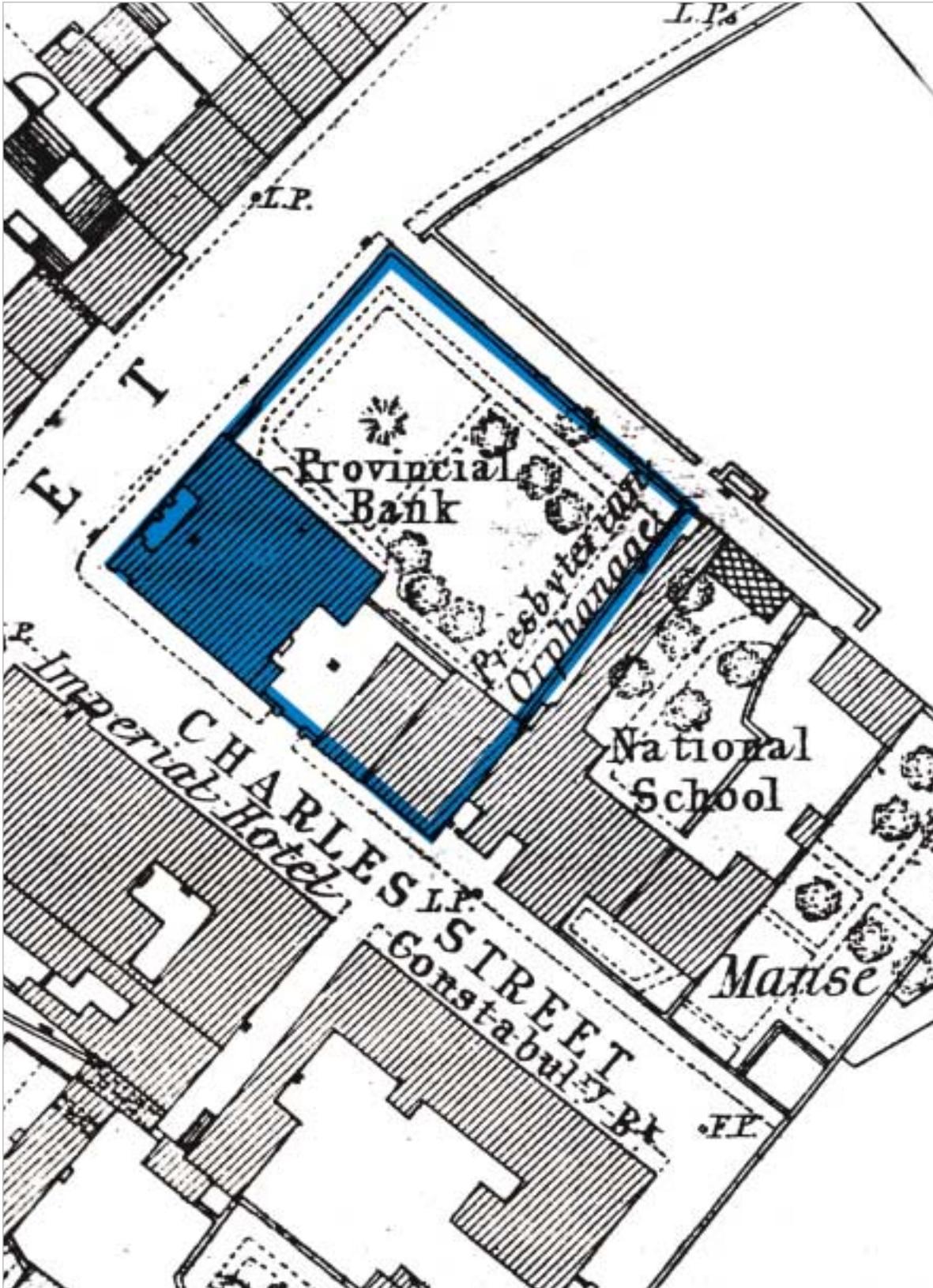


Table VII An Outline of Declaration Procedures

1. When notifying owners and/or occupiers of protected structures:

- > Inform them of their right to request a declaration under S.57 of the Act
- > Inform them of the implications of development on a protected structure
- > Explain the declaration procedure and how it might best suit their purposes
- > Inform them of the type and detail of information they should provide when applying for a declaration

See 4.1

2. On receiving a request for a declaration:

- > Establish the status of the person making the request (i.e. owner or occupier)
- > Confirm that clear information has been submitted as to the extent of the property in that person's ownership or control
- > Consult the planning register for any previous declarations issued
- > Consult An Bord Pleanála's record of determinations for any relevant precedents
- > Consult background material relating to the protected structure such as historic maps, photographs, NIAH survey and other documents

See
4.2 and 4.3**3. When inspecting the structure:**

- > Organise an inspection of the protected structure by the conservation officer, other competent officer or a consultant with appropriate expertise
- > Establish with the applicant the extent of the property to which the declaration will relate
- > If the protected structure is in multiple occupancy, consider encouraging the other owners/occupiers to seek a declaration for the structure as a whole*
- > If appropriate, engage with the applicant in pointing out the character and special interest of the structure and its proper conservation
- > If possible, inspect adjacent structures which may originally have been associated with the protected structure
- > Photograph the protected structure, concentrating on those parts of it which contribute to its special interest

See 4.4

*See 4.9

4. When writing the declaration:

- > Consult Part 2 of these guidelines
- > Consult with the relevant senior planner and conservation officer to agree the type of works that would or would not materially affect the character of the protected structure
- > Write a freestyle, summary description of the structure
- > Compile a list of works which would materially affect the character of the structure
- > Compile a list of works which would not materially affect its character
- > Include details of other relevant statutory protection which may apply
- > Ensure the relevant content of any previously-issued declarations is included

See 4.5
and 4.6
and sample
Declaration
Forms**5. On issuing the declaration:**

- > Issue the declaration as a Manager's Order within 12 weeks of receipt of the request for the declaration
- > Attach the declaration to the planning register
- > Add to the public file photographs and any other information collected during the declaration process, retaining any sensitive material on a reserved part of the file in the interests of the privacy and security of the applicant

See
4.6 and 4.7

