

4. Proposed Works

Description of works for which grant is sought (this should be supported by a detailed method statement): _____

Estimated Cost: €

Starting Date: / /

Completion Date: / /

Will works be phased? If so, give details: _____

Description of other proposed works (if any): _____

5. Statutory Requirements (if applicable)

Section 57 (2) Declaration: Issue Date: / /

Ref. No.

Planning Permission: Date Granted: / /

Ref. No.

Fire Safety Certificate: Date Granted: / /

Ref. No.

If foregoing are under appeal, please give details: _____

6. Funding

Grant Sought: €

Source of funding for remainder of cost: _____

Other public funding applied for: _____

Other public funding received or refused: _____

Have the works been or will the works be the subject of a claim for tax relief under section 482 of the Taxes Consolidation Act 1997?: _____

7. Personnel employed on works

Architect or similar:

Name: _____

Address: _____

Contact No.:

Tax Reference No.: C2 Cert No.:

Tax Clearance Cert No. Expiry Date: / /

Contractor:

Name: _____

Address: _____

Contact No.:

Tax Reference No.: C2 Cert No.:

Tax Clearance Cert No. Expiry Date: / /

NOTESNOTES

1. The terms and conditions of the scheme of grants for the conservation of protected structures are set out in a separate Explanatory Memorandum. This should be read carefully before making an application for a grant.
2. **The application form must be fully and clearly completed, and must be accompanied by appropriate documents (see 7 below). Incomplete applications will be invalidated.**
3. Completed application forms should be submitted to the relevant county council or county borough corporation.
4. Question 3 - Structure
 - If the structure is not at present in use, the last use must be stated.
 - If the structure is protected by any legislation other than the Planning Acts (eg the National Monuments Acts), this must be stated. "Protected" means required by legislation to be conserved.
5. Question 5 - Statutory Requirements

Where a permission or certificate has been applied for but no decision has been made, or where the decision is under appeal, state this, and the date of application or appeal.

6. Question 6 - Funding

Details of how the cost of the works, other than the amount of the grant sought, is proposed to be funded must be stated. The applicant must indicate the amount of the applicant's personal or business resources being used and any -

- grants, subsidies or assistance from statutory bodies, or
- sponsorship or assistance from a non-statutory source,

received or being sought. Where any part of the works are being carried out by the applicant directly, or where they are being undertaken by voluntary means, this must also be stated.

7. **The following must be attached to all applications -**

- Site location map with location of works clearly marked in red
- Written consent of property owner for proposed works (where applicable)
- Copy of S.57(2) Declaration, planning permission, fire safety certificate or any other statutory approval already obtained
- Detailed cost breakdown of works for which grant is sought
- Photographs of present condition of proposed works site, dated and mounted or colour copied on A4 paper
- Tax Clearance Certificates (as appropriate)

Method statement for the works. This should set out how the work will be done, what materials will be used and how the fabric of the building will be conserved, and include all necessary plans and drawings. For windows, panelling, staircases, roofs, chimneys and so on, the method statement should emphasise, as far as possible, repair of existing elements rather than facsimile replacement. The works should follow the conservation principles in the Department of the Environment and Local Government's Conservation Guidelines.



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National Development Plan, 2007-2013

EXPLANATORY MEMORANDUM

Grant for the Conservation of a Protected Structure

**Forward Planning Section
Laois County Council
Aras An Chontae
Portlaoise
Co Laois**

Introduction

- 1.1 The objective of this scheme is to assist the owner or occupier of a structure which is protected under the 2002 Planning and Development Act because of its architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, to undertake conservation works on such structure.
- 1.2 **There is no automatic right to a grant under the scheme. Each local authority is allocated a fixed amount of money for a calendar year to meet grant payments. Accordingly, grant applications are prioritised each year within available resources and in accordance with the terms set out in this Explanatory Memorandum.**
- 1.3 The scheme does not apply to works begun before the structure is inspected under par. 4.2, except where Laois County Council considers that the works are or were necessary to eliminate or reduce an immediate risk to the safety or survival of the structure.

Qualifying Structures

- 2.1 A structure qualifies under the scheme if it is included, or is proposed for inclusion, in the Record of Protected Structures of Laois County Council (all buildings and structures included in the Laois County Development Plan 2006-2012 are now included in the Record).
- 2.2 A structure does not qualify if it is owned by a public authority.

Qualifying Works

- 3.1 Works qualify under the scheme where they consist of the conservation of one or more elements of a qualifying structure. Some of these works may now require planning permission (see para. 5.2). Qualifying works would, among other things, include:-
 - (a) works necessary to secure the stability of a structure or part of structure,
 - (b) works necessary to make a structure weather-proof or damp-proof,
 - (c) works necessary to conserve or repair external walls or internal features,
 - (d) works consisting of temporary repairs, where it is necessary to protect a structure from immediate risks.
- 3.2 Works **do not qualify** under the scheme where, in the opinion of Laois County Council:-
 - (a) they consist of general maintenance, alterations, improvements, demolition or rebuild,
 - (b) they are not essential to secure the conservation of the structure,
 - (c) they have an approved cost of less than **€1,905**,
 - (d) they have been, are, or will be the subject of a claim for relief from income tax or corporation tax under Section 482 of the Taxes Consolidation Act, 1997 (formerly Section 19 of the Finance Act, 1982), or
 - (e) they are not or were not necessary to eliminate or reduce an immediate risk to the safety or survival of the structure concerned and they commence before an inspection under par. 4.2 is carried out.

Application for Grant

- 4.1 An application for a grant under the scheme may be made to Laois County Council by an owner or occupier of a protected structure, and must be made on Form 1. Laois County Council may, at its discretion, require an applicant to furnish particulars of his or her interest in the structure concerned.
- 4.2 Where Laois County Council considers that an application meets the terms and conditions of the scheme, it will assess the application and prioritise it according to a Scheme of Priorities. An inspection will be arranged for those applications that have been successful.
- 4.3 Following the prioritisation carried out under par. 4.2 Laois County Council will, where it considers that it will be in a position to meet the cost of an application from its financial allocation in the current calendar year, determine an Amount of Grant.
- 4.4 The standard **Amount of Grant** is 50% of the approved cost or, if appropriate, the revised approved cost (pars. 8.3 and 8.4 refer), subject to a maximum of €13,000. The approved cost is an estimate, calculated by Laois County Council, of the reasonable cost of qualifying works. All reasonable expenditure to be incurred in relation to the works, such as fees for professional advisors, essential supporting works and services, and insurance, will be reckonable in this regard.

Laois County Council may, at its discretion, determine an Amount of Grant lower or, in exceptional circumstances greater than the standard amount. In making such a determination, the authority will have regard to:-

- (a) the nature, condition and importance (in terms of conservation) of the structure concerned,
- (b) the nature and necessity (in terms of conservation) of the proposed works,
- (c) the cost of the proposed works,
- (d) the amount of any other public funding which has already been paid or is being applied for in respect of the works concerned, and
- (e) the ability of the applicant to meet the cost of the works.

An Amount of Grant **may not in any circumstance exceed €25,000 or 75% of the approved cost**, or, if appropriate, the revised approved cost, whichever is the lesser. Where funding under any other scheme financed by the Exchequer or the EU has been received or approved in respect of the qualifying works concerned, the maximum Amount of Grant available under this scheme is that amount which would bring the total amount of Exchequer or EU funding to 75% of the approved cost. Please note that: The Department's logo should be placed on site notices during works and at facilities once they are completed. **The NDP logo and tagline must also be displayed on all signs and on all advertisements, information and publicity material. Guidelines in relation to the use of the NDP logo and tagline can be found on www.ndp.ie.**

Please Note that the information provided in this form will be cross checked with that held by other State Agencies (the Heritage Council and Department of the Environment, Heritage and Local Government) to verify eligibility for this grant.

Planning Authority Notices and Planning Permission

- 5.1 Where Laois County Council serves notice under the Planning and Development Act 2000 on an owner or occupier of a protected structure requiring such person to carry out specified works to prevent the structure from becoming or continuing to be endangered, the Council may, at its discretion, whether or not such person has applied for a grant under this scheme, approve a grant to such person in respect of any or all of the works concerned.
- 5.2 Planning permission may be required for certain works to a protected structure. Under the Planning and Development Act 2000, Section 57(1) states that the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development (i.e. not require planning permission) “only if those works would not materially affect the character of (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.” The definition of “works” would include any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or any other material to or from the interior or exterior of a structure – Section 1(2) of Planning and Development Act 2000.

If you are still in doubt as to whether works require planning permission or not please contact the Conservation Officer.

Grant Approval

- 6.1 Having inspected the structure and determined an Amount of Grant, Laois County Council will issue a **Certificate of Provisional Approval**. A Certificate of Provisional Approval will state the proposed works to which the Certificate relates, the Amount of Grant which has been determined, and the terms and conditions under which provisional approval is being given. Terms and conditions may relate to such matters as:-
- (a) the manner in which the proposed works must be carried out, including the standard of materials and workmanship which must be used,
 - (b) the time within which the proposed works must be carried out,
 - (c) the supervision which must be undertaken in relation to the proposed works,
 - (d) the notification of Laois County Council as different elements of the proposed works are completed.
- 6.2 **A person shall not be entitled to carry out works solely by reason of having received a Certificate of Provisional Approval under this scheme. All statutory requirements relating to the proposed works, including those arising under the Planning Acts, the Building Control Act and the National Monuments Acts, must be complied with in the normal way.**

The inspection of a site/structure by a Laois County Council Official does not imply that these statutory requirements have been met.

Carrying Out of Works

- 7.1 After receipt of a Certificate of Provisional Approval, and where all other statutory requirements have been met, an applicant may begin the approved works. Where works are carried out by contract, the contractor must be registered for VAT and hold a current **C2 Certificate** or **Tax Clearance Certificate** from the Revenue Commissioners.

7.2 Local Authorities are allocated resources on an annual basis to operate the scheme. It is of the utmost importance, therefore, that approved works are carried out within the time specified in the Certificate of Provisional Approval. Where works are not proceeding in accordance with the Certificate, Laois County Council may, at its discretion:-

- (a) postpone payment of the grant to another year, or
- (b) cancel the Certificate of Provisional Approval and refuse to pay the grant.

Payment of Grant

8.1 On completion of the works, the applicant may claim payment of the grant by signing the declaration incorporated in the Certificate of Provisional Approval and returning it, together with the appropriate documents, to Laois County Council.

8.2 Following receipt of a claim for payment, Laois County Council will carry out an inspection of the structure concerned to establish that the works have been carried out satisfactorily and in accordance with the Certificate of Provisional Approval. When the authority is satisfied in this regard, it will authorise payment of the grant.

8.3 Where Laois County Council is of the opinion that the works have not been carried out satisfactorily, the authority may, at its discretion:-

- (a) determine a revised approval cost and Amount of Grant,
- (b) withhold grant payment until the applicant carries out such alterations to the existing works, or such additional works, as may be decided by the authority, or
- (c) cancel the Certificate of Provisional Approval and refuse to pay the grant.

8.4 Where Laois County Council considers that the actual cost of the qualifying works was less than the approved cost, a revised approved cost and Amount of Grant will be determined.

Miscellaneous

9.1 This scheme came into operation from 26 May 1999 and will continue on a yearly basis until further notice.

9.2 The scheme will be administered by each local authority (county council and county borough corporation). All issues relating to the day-to-day operation of the scheme, including dealing with enquiries, applications and payments, determining the Amounts of Grant and prioritising, are matters for the relevant local authority. **A decision by Laois County Council on any of these matters is final.**

9.3 The **closing date** for receipt of grant applications is **5.00 pm. Monday 1st March, 2010.**

9.4 The engagement of professional advisors in relation to works carried out under the scheme is strongly encouraged.

9.5 The issue of a Certificate of Provisional Approval or the payment of a grant under this scheme does not imply any warranty on the part of Laois County Council or the Minister for the Environment and Local Government in relation to the suitability or safety of the works concerned or the state or repair or condition of all or any part of the structure concerned or its fitness for use.