

“That Cork County Council would identify

- **the details of notices served under Section 59 of the Planning & Development Act 2000 on the owners of Vernon Mount since 1997,**
- **the dates on which such notices were served,**
- **any works undertaken by the owners in response to those notices**

and that Cork County Council would pursue the owners of Vernon Mount (No. 00480 in the Record of Protected Structures) for prosecution under Section 58 of the Local Government (Planning & Development) Act 2000.”

There are so many aspects of the sad story of Vernon Mount which are wrong. By proposing this motion, I am asking for support in righting just one of those wrongs. But this wrong is fundamental to the future of every protected structure in the country. We have legislation drafted under Section 58 of the Planning and Development Act 2000 which imposes an obligation on the owners and occupiers of protected structures. Specifically, it states that:

“Each owner and occupier of a "protected structure" or proposed "protected structure" shall ensure that the structure, or any element of it that contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, is not endangered. "Endangered" means exposed to harm, decay or damage, whether immediately or over a period of time, through neglect or through direct or indirect means.”

If a protected structure is endangered, Section 59 of the Act allows the planning authority to serve a notice on the owner or occupier, requiring them to carry out any work that it considers necessary to protect the structure. During the eight weeks that follow the issuing of the notice, the owner or occupier can meet for discussions with the planning authority and the agreed work must be done within a further 8 weeks.

If a notice to prevent a structure from becoming endangered has been ignored, the planning authority can take enforcement action.

An Taisce has listed some 100 protected structures on its Buildings at Risk Register. Nine of these are in the Cork County Council jurisdictional area. One was Vernon Mount. The serious fire damage to Vernon Mount, Cork highlights the continuing failure of Irish planning legislation to enforce the maintenance of legally protected historic buildings.

I commend Cork County Council’s actions in repairing the roof of Vernon Mount on two separate occasions. That is not the point of this motion. The point is that the condition of Vernon Mount had been significantly deteriorating not just since 1997 when it was purchased by its current owners but since the 1960s and 70s. But the County Council has at no point enforced the legislation designed for its protection. Buildings such as Vernon Mount on the RPS are rich heritage assets. Consequently, any owner or occupier of those buildings has a societal responsibility. The citizens of this county place their trust in Cork County Council as the planning authority to ensure such owners or occupiers observe that responsibility. By not enforcing their powers under Section 59 of the Act, the reality is that Cork County Council is renegeing on that trust.

Following through on Section 59 of the Act is not going to bring Vernon Mount back. It won’t right any of the succession of wrongs that this protected structure endured. But

what it would do is to demonstrate Cork County Council's commitment to and appreciation of the county's protected structures and, in doing so, convey to owners and occupiers of all other protected structures the need to uphold their societal responsibility.