

# **Policies and Priorities for the National Heritage**

## **The Role of the Heritage Council in the Planning Process**

**The Heritage Council, April 1999**

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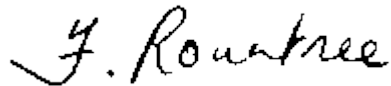
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## Foreword

The statutory planning system has a major contribution to make to the conservation of the national heritage and to the evolution of a sustainable environment. It is the aim of the Heritage Council, through its role of proposing policy and priorities for the national heritage, to play its part in allowing the planning system to realise this potential.

The Heritage Council has a range of statutory functions in the planning process. Over the past 18 months, the Council has undertaken a major review of its role in the process to ensure that the resources available to it are being used to best effect. As part of this review, the Council engaged all local authorities, government departments and other interest groups in a consultation exercise to help it identify priorities. This document contains a report on the consultation process and outlines the priorities which will guide the activities of the Council in the planning process. Key to the proposed role of the Heritage Council in the planning process is the recognition of the close links between heritage conservation and sustainable development. The concept of sustainability offers the built and natural heritage something much more than can be offered by static preservation. Sustainability widens the debate about the future of our heritage, allowing new voices to be heard through greater public participation. These voices bring with them a wide range of values which enliven and enrich the debate. The formulation of national planning policy, the preparation of local authority development plans and the development of Local Agenda 21 plans, all provide a forum for this debate.



Freda Rountree

**Chairperson**  
**THE HERITAGE COUNCIL**  
**April 1999**

# 1. The Statutory Functions of The Heritage Council in The Planning Process

The Heritage Council was established under the Heritage Act, 1995. It is an independent body which has a statutory responsibility to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage.

National heritage is defined in the Act as including:

- monuments
  - landscapes
- archaeological objects
  - seascapes
- heritage objects
  - wrecks
- architectural heritage
  - geology
- flora
  - heritage gardens and parks
- fauna
  - inland waterways
- wildlife habitats

The Heritage Council is a prescribed body for the purposes of Articles 5, 32, 122, 132 and 164 of the Local Government (Planning and Development) Regulations, 1994.

## Article 5

The Heritage Council is a prescribed authority for the purposes of section 21(1)(a) of the Local Government (Planning and Development) Act, 1963, which states that “where a planning authority has prepared a draft of a proposed development plan or of proposed variations of a development plan they shall send copies of the prescribed documents to the prescribed authorities”.

## Article 32

Where a planning authority receives a planning application, they shall send notice to the Heritage Council “where it appears to the planning authority that the development would be unduly close to any cave, site, feature or other object of archaeological, geological, scientific or historical interest, or would detract from the appearance of any building of artistic, architectural or historical interest, or, in either case, would obstruct any scheme for improvement of the surroundings of or any means of access to any such place, object or structure”.

## Article 122

Local authorities must send copies of Environmental Impact Statements to the Heritage Council “where it appears to the local authority that the proposed development would affect any cave, site, feature or other object of archaeological, geological, scientific or historical interest or any building of artistic, architectural or historical interest”.

## Article 132

In relation to development by or on behalf of local authorities, the authority is required to send notice of such proposed development to the Heritage Council “where it appears to the local authority that the proposed development would affect any cave, site, feature or other object of archaeological, geological, scientific or historical interest or any building of artistic, architectural or historical interest”.

## Article 164

The Heritage Council is a public authority for the purposes of section 5(1) of the Local Government (Planning and Development) Act, 1976, which states that An Bord Pleanála shall “so far as may in the opinion of the Board be necessary for the performance of its functions, keep itself informed of the policies and objectives for the time being of the Minister, planning authorities and any other body which is a public

authority whose functions have, or may have, a bearing on the proper planning and development (including the preservation and development of amenities) of cities, towns or other areas, whether urban or rural.”

## 2. Description of The Heritage Council's Role in The Planning Process

Following a comprehensive review of the role of the Heritage Council in the planning process, which included a five month consultation period, the Council has arrived at the following description of its role:

In pursuing its role in the planning process, the Heritage Council will, subject to available resources, provide advice to central government, regional authorities and planning authorities on the preparation of their policies, plans and programmes as they relate to the national heritage. The Council, at the same time, retains the right to become involved in individual cases of development control.

In arriving at this description of its role, the Council carried out:

- (a) an analysis of the statutory functions of the Heritage Council;
- (b) an assessment of the resources available to the Heritage Council;
- (c) an assessment of the level of advice provided to planning authorities by the other statutory consultees and other bodies and organisations;
- (d) an analysis of the submissions received in response to the consultative paper.

In carrying out its role, the Council will become involved in the following ways:

### Plans, Programmes and Policies

- Provide advice to government departments on national spatial planning policy as it relates to the national heritage.
- Provide advice to planning authorities in relation to heritage conservation and sustainable development, both of a general nature and in the course of individual development plan reviews.
- Provide advice to regional authorities in relation to heritage conservation and sustainable development.
- Provide advice and support to local authorities and local communities in relation to Local Agenda 21 outside of the planning process as well as within it, in particular, on the preparation of Local Agenda 21 plans.

### Development Control

Given the Council's limited resources and the large number of planning applications received from planning authorities each year, the Council will comment on development proposals only in exceptional circumstances.

The Heritage Council will consider involvement in cases of development control only when the following criteria has been satisfied:

- Can the Council contribute additional information or a unique perspective?
- Is a precedent likely to be set, to which planning authorities and An Bord Pleanála will refer for guidance in the future?
- Is there an absence of appropriate national government guidance on the issue?
- Can the Council establish general principles of guidance to planning authorities as a result of its involvement?
- Would the Council's involvement contribute to the achievement of its own objectives as described in its policy documents?

Additional criterion:

- Is an attempt being made by central or local authorities to remove the statutory protection from an element of the national heritage or to alter a designated area?

Once the Council has stated its policies and principles which have arisen as a result of its involvement in a particular case, it will desist in general from direct involvement in similar cases, except by citing the relevant policies and principles.

The absence of comment or direct involvement by the Council in any individual plan or proposal does not imply a lack of interest. Nor does it indicate either support for or objection to any plan or proposal.

### 3. The Consultative Process

In 1997, the Heritage Council initiated a review of its role in the planning process. The Council deemed it necessary to carry out the review because its role as a statutory consultee in the planning process is not a mandatory function and, therefore, could be tailored to suit the Council's resources and the need for a third "heritage" statutory consultee in the planning process. The three consultees are the Minister for Arts, Heritage, Gaeltacht and the Islands, the Heritage Council and An Taisce.

In September 1997 the Heritage Council published a consultative paper entitled Review of the Role of the Heritage Council in the Planning Process. The paper was circulated to local authorities, government departments, non-governmental organisations, professional institutes, and other interested bodies and individuals. It proposed a role for the Heritage Council derived from consideration of the following factors:

- (a) The statutory role as defined in the Heritage Act, 1995, and the Local Government (Planning and Development) Regulations, 1994;
- (b) The resources available to the Council;
- (c) The need for a conservation advisory service for planning authorities;
- (d) The recognition of links between heritage functions and sustainable development.

A five month consultation period ensued during which submissions were received from 27 respondents expressing their views on the proposed role of the Heritage Council in the planning process.

The consultative paper examined the implications of the addition, in 1995, of the Heritage Council to the list of prescribed bodies under the Local Government (Planning and Development) Regulations, 1994. It proposed a working relationship between the three consultees designed to minimise unnecessary duplication of effort by making the best use of the resources of all three, whilst ensuring that each retains its independence. The paper attempted to assess the current level of advice and support available to local authorities on heritage-related planning matters. This was carried out through an examination of the broad workload of a number of bodies and organisations e.g. Dúchas, An Taisce, Department of the Environment and Local Government, Conservation and Amenity Advisory Service (CAAS), Environmental Protection Agency, a selection of non-governmental organisations, etc. and an examination of the type of role played by each in the process.

Observations and comments were invited on the following position statement and on the details of the Council's role:

*The Heritage Council will adopt a strategic role in the planning process. It will concentrate its resources on providing advice to central government on the preparation of planning policy as it affects the heritage, and to regional authorities and planning authorities on the integration of conservation issues in development plans. The Council will also retain a limited involvement in development control.*  
(Consultative Paper, Section 4.1, p14)

#### 3.1 Respondents to the Consultation Paper

The Council received 27 submissions in response to the consultative paper from the following bodies and organisations:

##### **Government Departments (6)**

Department of Arts, Heritage,  
Gaeltacht and the Islands  
Department of Agriculture and Food  
Department of the Marine and  
Natural Resources  
Department of Tourism, Sport and Recreation  
Department of Public Enterprise  
Department of Defence

##### **Local Authorities (11)**

Mayo County Council  
Offaly County Council  
Donegal County Council  
Waterford County Council  
Roscommon County Council  
Leitrim County Council  
Wicklow County Council  
Tipperary (N.R.) County Council  
Galway Corporation

##### **Professional Representative Bodies (5)**

Irish Planning Institute  
Royal Institute of the Architects of Ireland  
General Council of County Councils  
Institution of Engineers of Ireland -  
Heritage Society  
Institution of Engineers of Ireland -  
Extractive Industries Division

##### **Non-Governmental Organisations (4)**

An Taisce Head Office  
An Taisce, County Louth Branch  
Irish Georgian Society -  
Ireland's Architectural Heritage Society  
Galway Civic Trust

##### **Other Bodies/Organisations (1)**

The Discovery Programme

## 3.2 Outline of responses received and general issues raised

The following is a short account of the submissions received and the main issues that were raised by the respondents. The Department of the Environment and Local Government did not respond formally to the consultative paper. The Heritage Council has, however, convened a number of meetings with the Department to discuss a range of issues, including the role of the Council in the planning process. The Department was also consulted on and contributed to the preparation of the consultative document.

### Government Departments

Five of the six government departments that responded to the consultative paper broadly welcomed the role proposed for the Heritage Council. The Department of Arts, Heritage, Gaeltacht and the Islands expressed reservations about any over-emphasis which the Council might place on its role in the planning process as it may hinder the development by the Council of its other statutory functions, in particular, those under Section 6 of the Heritage Act, 1995, given the level of resources currently available to it. This is a matter which the Heritage Council has addressed in defining and refining its role in the planning process. The Department of Public Enterprise recommended that the Heritage Council develop guidelines for local authorities, in association with the Department, on the geological element of the heritage.

The Department of the Marine and Natural Resources expressed concern that there was no mention in the consultative paper of the role of the Department as planning authority, under the Foreshore Acts, for developments below the mean high water mark. It also requested clarification as to whether it should refer planning applications which relate to “seascapes” and “wrecks” to the Council for comment.

The Department of the Marine and Natural Resources also requested guidance from the Heritage Council in relation to the following:

- i The criteria to be used for referring foreshore development applications to the Heritage Council;
- ii The criteria to be used by the Department in assessing the potential impact of a development on the national heritage;
- iii The conditions to be attached to the granting of any Foreshore Licence for such developments.

### Local Authorities

Nine of the eleven local authorities which responded to the Review agreed in general with the policy advisory role proposed in the consultative paper. Cork County Council expressed doubts about the ability of the Heritage Council to serve the local authorities in a positive way as a statutory advisor given the current level of its resources. Waterford County Council felt that whilst the policy advisory role of the Heritage Council was important, there was a danger that the Council would become too far removed from the everyday needs of the planning authorities in relation to development control. Waterford County Council also expressed the view that without a National Planning Policy in place, it would be more difficult for the Heritage Council to contribute to policy formulation and co-ordination.

Galway Corporation drew attention to the need for an increase in resources for the Heritage Council to carry out its proposed role effectively and stated that the Council may have to limit and prioritise even these activities. The Corporation suggested that the Heritage Council could play a useful role in examining the needs of local authorities in terms of conservation advice and in advising government on how these needs may be met. It also recommended that the Council advise on the co-ordination and development of a national database of heritage items and sites, compiled from the data held by all of the agencies concerned with heritage. The availability of this information in a comprehensive form is particularly important to local authorities in preparing a conservation strategy for inclusion in a development plan.

Donegal County Council recommended that the Heritage Council take a lead role in identifying areas of heritage interest which require policy guidelines and directives to be prepared by the Department of the Environment and Local Government. Waterford County Council noted, however, that such strategic conservation guidelines are of limited use outside of the context of a national planning policy and recommended that the Heritage Council focus its resources on advising government on the establishment of a national planning policy framework.

Four authorities raised the point that there is insufficient in-house expertise within local authorities in relation to conservation. Waterford County Council stated that there is a need for heritage officers within local authorities. The need to assess the conservation training requirements of local authorities was raised by Galway Corporation while the need for general guidelines on conservation planning, and advice on assessing the quality and value of heritage was also raised by a number of authorities. Roscommon County Council claimed that workshops are required for local authorities on the existing Department of the Environment and Local Government guidelines to local authorities, while Leitrim County Council asserted that local authorities require conservation training for staff in addition to the continuing professional development (CPD) courses offered by the various professional institutes.

Waterford County Council claimed that administrative clarification is needed on the requirement to consult the Heritage Council and the Department of Arts, Heritage, Gaeltacht and the Islands as statutory consultees. Galway Corporation pointed to the confusion that appears to exist at local authority level between the number of agencies which offer advice to local authorities, and the need to streamline the existing



system. Finally, it was the opinion of four authorities that comprehensive advice is required by local authorities on sustainable development and Local Agenda 21.

### **Professional Representative Bodies**

Both the Royal Institute of Architects of Ireland (RIAI) and the Irish Planning Institute (IPI) concurred with the need for the Heritage Council to focus its resources on providing general policy advice to both central and local government, whilst dealing with a limited number of individual planning applications when heritage issues of national importance arise.

The IPI recommended that the Council should seek further funding to eventually allow it provide advice on both the forward planning and development control stages of the planning process.

The Extractive Industries Division of the Institution of Engineers of Ireland stated that its *"general policy subscribes towards the concepts of sustainable development, environmental protection and an efficient system of assessing and permitting proposed developments."* The Institution expressed concern that the Heritage Council may add yet another regulatory layer to the planning process, whilst nevertheless recognising the Council as a statutory consultee. It stated that any effort towards rationalisation and co-ordination of functions in this area by the Council, the Department of Arts, Heritage, Gaeltacht and the Islands and An Taisce would be welcome.

Likewise, the General Council of County Councils (GCCC) stated that it fully respects the need to protect and enhance the national heritage. It would welcome any move to simplify the planning system while retaining all the necessary controls. The GCCC drew attention to the danger of the overlapping functions between the statutory consultees concerned with the national heritage. It is the view of the GCCC that *"if the principle of subsidiarity were to be adhered to it would be preferable that as much of the work on behalf of the heritage as possible should take place at local level leaving little or no need for a national level body to have to intervene"*.

The RIAI noted that the general lack of in-house expertise on heritage within local authorities is a matter for concern, and the Irish Planning Institute stated that guidelines are needed by local authorities on conservation planning in general.

### **Non-Governmental Organisations**

Four non-governmental organisations (NGOs) responded to the consultative papers: An Taisce (Head Office), An Taisce (Louth Branch), Galway Civic Trust and the Irish Georgian Society - Ireland's Architectural Heritage Society (IGS). All agreed that one of the most important activities of the Heritage Council is offering strategic advice to both central and local government.

The IGS expressed dismay that apparently not enough government resources are available to ensure that a statutory body, such as the Heritage Council, can carry out the full range of its statutory functions under the Planning Regulations, and recommended that the Council seek adequate resources to enable it to carry out its full range of functions. The IGS identified an important role for the Heritage Council in putting in place a structure to ensure the integration of conservation issues in local authority development plans.

An Taisce (Head Office) felt that the consultative paper underplayed the role of the regional level in promoting sustainable development stating that *"Regional Authorities have a potentially significant role to play in setting the context for sustainable development and promoting action of a number of fronts"*. An Taisce also stated that the Council's involvement in planning cases of national interest in which others, for example, An Taisce and/or the Irish Georgian Society are also involved, is important, as it allows an independent, authoritative stance to be brought to bear on significant applications.

In the section of the consultation paper entitled *"Planning in Partnership"*, the Council proposed partnership arrangements with the Department of Arts, Heritage, Gaeltacht and the Islands, and An Taisce, being prescribed bodies, in relation to the referral of certain planning applications between the Council and these two bodies and to the provision of mutual support in cases. The IGS recommended that support be considered by the Heritage Council for other non-governmental organisations (NGOs) on certain planning matters, in particular, when submissions are being made by NGOs on planning applications. The IGS felt strongly that the partnership role of NGOs should be more formally recognised by the Heritage Council than was stated in the consultative paper.

Both the IGS and the Galway Civic Trust claimed that heritage officers are required for local authorities, and the Co. Louth branch of An Taisce expressed the opinion that advice is needed by the local authorities on assessing the quality and value of the heritage.

### **Other Bodies/Organisations**

The sole respondent under this sector was the Discovery Programme which agreed broadly with the proposals in the consultative paper. It recommended that it would be better for the Council to seek to increase the number of suitably trained professionals within local authorities than to attempt to provide a development control advisory service to local authorities given its current level of resources.

## **. The Way Forward**

### **4.1 The First Step: Recommendations to the Minister for Arts, Heritage, Gaeltacht and the Islands**

This report is a first step by the Heritage Council in developing its role in the planning process. The role as stated in this document may be reviewed in the future, as one of the main considerations in its formulation was the resources which are currently available to the Council. It is envisaged, therefore, that similar reviews will be carried out periodically. There are certain factors, however, which will limit the extent to which this Council is likely to expand its role in the planning process. One such determining factor is the fact that, at present, the number of staff which the Council is enabled to employ is limited to fifteen. Currently the Council has a staff of twelve.

The consultative process was useful not only in receiving a response to the proposed role of the Heritage Council in the planning process, but it also provided many bodies and organisations with an opportunity to draw attention to problems which they are experiencing in relation to the safeguarding of the national heritage. This allows the Council to identify priorities which will secure benefit for the national heritage through the planning process. In addition to deciding on its own role in the planning process at this particular point in time, the Council has identified the following priorities which will secure benefit for the national heritage.

### **4.2 Priorities for the identification, protection, preservation and enhancement of the national heritage**

In line with its functions under Section 6(1) of the Heritage Act, 1995, and pursuant to Section 7(1) of the Heritage Act, 1995, the Council recommends as a priority that the Minister take steps to:

- 1 Secure National Planning Policy in relation to the national heritage.
- 2 Assess the conservation and heritage training requirements of local authorities.
- 3 Increase in-house expertise on heritage within local authorities allowing more informed decision-making at local level.
- 4 Provide guidelines for local authorities on conservation planning for the national heritage in association with other bodies and government departments.

Each of the above priorities can be addressed in the context of the emerging National Heritage Plan.

### **4.3 Initiatives taken by the Heritage Council**

In line with its functions under Section 6(3)(a-c) of the Heritage Act, 1995, the Council has taken the following initiatives, each of which will assist in achieving the above recommendations but will not in themselves secure the real benefits referred to in Section 4.2.

- A Heritage Officer pilot scheme which is running in association with three local authorities
- Development of a Strategic Heritage Appraisal Methodology for Development Plans
- Continuing Professional Development programmes planned in association with the Royal Town Planning Institute
- Sponsorship of Planning Achievement in Conservation Award as part of the National Planning Awards in association with the Irish Planning Institute

All of these activities improve the quality and effectiveness of heritage input into policy development.

#### **Pilot Scheme for Appointment of Heritage Officers**

The Heritage Council has established a scheme whereby it will place heritage officers within local authorities. The pilot scheme began in 1998 with three local authorities and it is intended to extend the scheme to a larger number of local authorities.

Many lessons have been learnt on how best to approach the provision of support to local authorities and this pilot scheme applies the experience of other initiatives with a view to introducing a successful scheme in a short period of time. Most importantly it recognises the central role of the local authorities in the management and development of awareness of the national heritage.

Agreement on the particular role and expertise of each Heritage Officer is reached with authorities on an individual basis, and the objectives of the Heritage Council are used as a context for such discussions. It is proposed that each authority be encouraged to appoint at a level of seniority which allows influence to be brought to bear and where the level of awareness of local elected members is heightened.

#### **Development of a Strategic Heritage Appraisal Methodology for Development Plans**

A Heritage Appraisal is an important, indeed indispensable, component of a Strategic Environmental or Sustainability Appraisal. It may be undertaken on its own or as part of a wider appraisal. It follows the same approach and method as a Strategic Environmental Appraisal (SEA) but focuses on aspects of the national heritage rather than on the full scope of environmental and socio-economic issues.

The purpose of heritage appraisal of development plans is to identify the likely effects of a development plan on the national heritage in a simple and cost-effective way.

The Heritage Council commissioned consultants with experience of SEA and Sustainability Appraisals at regional, strategic and local levels in the UK to develop a method for Heritage Appraisals. A method has been drafted and in February 1999 Donegal County Council hosted a workshop where the method was discussed in detail and tried out in an informal way to ensure that it is understandable, practical, and relevant.

#### **Joint Continuing Professional Development (CPD) Courses**

The need for further training on heritage conservation issues has been agreed with both the Irish Planning Institute (IPI) and the Royal Town Planning Institute (RTPI).

The Council will co-operate with the IPI and the RTPI and other professional institutes such as the Royal Institute of Architects in Ireland (RIAI) and the Institute of Engineers in Ireland (IEI) on the development of a series of CPD modules to be incorporated into their annual CPD programmes. The Council will also keep in regular contact with these Institutes on issues concerning the built and natural heritage.

#### **Planning Achievement in Conservation Award**

The Council sponsored a Planning Achievement in Conservation Award as part of the National Planning Awards which are organised by the Irish Planning Institute (IPI). The award is made for a planning project or study which contributed to the conservation of the built or natural environment.

For the award, the Council funds two planners to go on a conservation course or series of courses up to a total value of £2,000. The type of course(s) is agreed with the winning local authority, based on the particular conservation training requirements of the authority. This is a direct attempt by the Council to increase in-house expertise within all local authorities to allow more informed decisions to be made at local level.

### **4.4 Further steps to be taken**

The Council will continue to address a number of the issues and problems raised by the respondents during this consultative exercise. It will also look to developing strong and more effective links with local authorities as custodians of the national heritage. A programme of how these links will be developed will be prepared during 1999.

THE HERITAGE COUNCIL  
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