

# LEADER Operating Rules

## Requirements for Projects Affecting Heritage

2014 – 2020



Department of Rural and  
Community Development

*An Roinn Forbartha  
Tuaithe agus Pobail*



'The European Agricultural Fund  
for Rural Development: Europe  
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Department of  
**Agriculture,  
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An Roinn  
Cultúir, Oidhreacht agus Gaeltachta  
Department of  
Culture, Heritage and the Gaeltacht

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## **1.0 INTRODUCTION**

### **1.1 Context**

The historic built and natural environment is all around us. The countryside, towns and villages are dotted with evidence of those who occupied these places in previous generations, and the natural processes and human influences that created our landscape. Monuments and historic buildings hold great significance for the communities that live around them. The ruined medieval church with its ancient graveyard, the abandoned country house and its demesne, the landmark building in a town and industrial heritage structures all contribute to a unique sense of place. The natural environment provides vital ecosystem services that sustain our communities, as well as landscapes and wildlife that inspire us and draw visitors from far and near. This rich built and natural heritage is a gift from the past and it is the responsibility of the present generation to hand this inheritance on to future generations.

Heritage is a fragile and finite resource. Once lost, a historic building or an archaeological site cannot be replaced and if its special qualities are degraded, they can rarely be restored. Similarly, our natural environment is vulnerable to changing pressures and land-uses, and loss of biodiversity is a problem that is recognised at the international, national and local levels. Unfortunately, as much, and sometimes more, damage can be caused by ill-considered works as by neglect.

Properly designed and managed projects will have many beneficial effects for heritage; they will prolong the life of a historic structure, protect archaeological resources, restore a damaged wildlife site, and avoid damage to wildlife, provide a source of local pride in its heritage, draw tourists and others to visit in a sustainable manner. It is essential to ensure that all types of LEADER-funded projects are undertaken in a manner that does not negatively affect heritage.

These Operating Requirements apply to Project Promoters and Local Action Groups (LAGs) undertaking projects affecting heritage to help ensure that they are meeting their obligations and responsibilities in relation to heritage, and compliance with relevant regulatory requirements. The Department of Culture, Heritage, and the Gaeltacht will encourage all properly designed and managed projects affecting heritage. LAGs should be aware that heritage projects require increased monitoring and inspection to ensure that the desired results are achieved, and that projects are

undertaken, and funding provided, in compliance with all necessary relevant heritage legislation. It is the responsibility of the LAGs to ensure funding is provided only to projects that comply with these Operating Requirements and to those that comply with the relevant national legislation.

## 1.2 Definition of projects affecting heritage (or 'Heritage Projects')

For the purposes of these Requirements, projects affecting heritage (which will be called 'Heritage Projects' for the purpose of these Operating Requirements) are defined as those which will impact, or have potential to impact, upon structures, places or sites of heritage interest including:

1. monuments and places protected under the National Monuments Acts 1930-2004;
2. protected structures, and proposed protected structures, within the meaning of the Planning and Development Act 2000, as amended and;
3. architectural conservation areas within the meaning of the Planning and Development Act 2000, as amended;
4. protected nature conservation sites;
5. protected species of flora and fauna and their key habitats.

## 1.3 Heritage Projects

These Operating Requirements relate to all Heritage Projects as defined above. However, they should be followed where any significant impacts on built or natural heritage could arise, including those not specifically listed above.

Some of the types of projects that may be considered as Heritage Projects are, but are not confined to, the following:

### 1.3.1 Tourism Activities

- Conservation and repair of features such as disused railway lines and associated features such as bridges; canal towpaths, locks and lock-houses;
- Conservation, repair and/or conversion to appropriate new uses of historic buildings such as houses, churches, farm buildings, gate-lodges, industrial heritage buildings, outbuildings, stables;

- Provision, upgrading or maintenance of walkways, cycleways and other amenity and recreational infrastructure or facilities.

### *1.3.2 Village and Countryside Renewal and Development*

- Heritage-led regeneration projects for towns and villages;
- Adaptive reuse of historic buildings;
- Conservation and repair of church ruins, mausolea, graveyards and graveyard boundary walls;
- Conservation and repair of disused landmark structures within towns and villages or within the countryside such as follies, eye-catchers, dovecotes or industrial heritage such as limekilns, mills, walled gardens, ornamental gardens and demesnes;
- Conservation and repair of historic street elements such as paving, steps, lamp-posts, fountains, statues;
- Upgrading of parks and walkways.

### *1.3.3 Conservation and Upgrading of the Rural Heritage*

- Conservation and repair of demesne walls, boundary walls, drystone walling;
- Support of the production of traditional building materials such as thatch, stone, slate, brick, lime, iron;
- Habitat restoration or biodiversity enhancement projects;
- Improved access to and amenity use of inland or coastal waters and other biodiversity areas.

### *1.3.4 Climate Change Mitigation and Adaptation*

- Upgrading energy efficiency of traditional buildings in line with best architectural conservation practice;
- Works to increase the resilience of the rural built heritage (both archaeological and architectural) in the face of climate change including proactive maintenance and repair programmes;
- The protection, recording and/or rescue of vulnerable heritage sites;
- Renewable energy initiatives.

#### 1.4 Other heritage-related projects

The Requirements in this document are directed at projects that would have an impact on structures, sites, places, species and habitats of heritage significance; this includes direct and indirect impacts that may arise, for example, through a project occurring near an important site for wildlife that may cause it to deteriorate because of impacts on water quality, disturbance/noise to protected species. However, other support may also be available which could be used to the advantage of heritage conservation, protection and appreciation. Under previous programmes, funding has been successfully used to support events to raise awareness of heritage, undertake research, and promote heritage conservation and the acquisition of traditional building skills. Other projects may include:

- Non-invasive archaeological investigation such as geo-physical surveying;
- Survey and recording of built heritage such as LiDAR, laser, measured or photographic surveys;
- Historical research;
- Web promotion/information service regarding publicly accessible heritage sites in local area;
- Web promotion of research and information available on heritage sites in local area;
- Compilation, recording and publication of archival images, photographs, portraits relating to heritage sites or historical events;
- Recording of past and present craft and design;
- Recording and mapping of graveyards providing there is no physical intervention.

These requirements do not apply where research projects relating to heritage do not include any physical intervention to the site, though it should be noted that licensing requirements may still arise in relation to wildlife, e.g. if disturbance to a protected species may arise or to photograph or film a protected wild animal or bird.

It should be noted that conservation works to archaeological objects should only be undertaken following consultation with the Director of the National Museum of Ireland.



## 2.0 CONSERVATION PRINCIPLES

### 2.1 Ecological principles

Heritage Projects should adhere to best practice in relation to the conservation, protection and enhancement of the natural heritage and biodiversity. When considering any project, the aim should be to avoid ecological damage if at all possible, including damage that can result from poorly designed enhancement projects. Where avoidance is not possible, any damage should be mitigated. Compensatory measures should only be considered as a last resort.

Expert ecological advice, appropriate to the project and the nature of the site in question, and its ecological interests and sensitivities, should be sought at the earliest stage to ensure that any constraints and legal requirements are taken into account in planning and designing the project. This may include the need for specialist habitat or species surveys which have to be scheduled to occur during one or more seasons of the year, to be repeated over a number of years, and seasonal constraints in relation to timing of certain works, e.g. outside the breeding or hibernation season. Expert ecological advice should also be sought in relation to habitat restoration or site enhancement measures, appropriate survey and research methodologies and in relation to other positive biodiversity measures. Depending on the nature of the project involved, ecological advice may need to be obtained from a number of specialists with differing areas of expertise. Other types of specialist advice may also be required, e.g. in relation to hydrological or hydrogeological matters, and experts will need to work together in an integrated manner to ensure the project is well-designed and coherent (i.e. to ensure that advice in relation to one aspect of the project does not undermine or conflict with advice in relation to another).

In general:

- Natural and semi-natural areas should be left as natural and unfragmented as possible;
- Promote 'green infrastructure' and protect ecological networks and corridors, with particular regard to their role in supporting wildlife and vital ecosystem services, e.g. in providing room for natural flooding events;
- Projects should be planned and designed to fit with the natural landscape;
- If possible, low, rather than high or medium, biodiversity value areas should be targeted for amenity projects such as parks, paths or cycleways. These should be enhanced by native tree,

shrub or wildflower planting, of local provenance, or by introducing other biodiversity enhancement measures. This will result in net gains for biodiversity, rather than progressive losses;

- Options that are self-sustaining and require minimum management input should be considered, e.g. wildflower meadows instead of managed lawns;
- Use native species that are appropriate to an area and to local ground conditions;
- Note that lighting, noise and humans (and their dogs) can be disturbing to wildlife, and these impacts will need to be considered in the necessary ecological impact assessments
- Impacts arising from the operational stage of a project will need to be considered, as well the construction/installation and decommissioning (if relevant) stages.

## 2.2 Archaeological principles

Heritage Projects should adhere to best practice in relation to the protection and preservation of the archaeological heritage. Project Promoters and LAGs should be aware that:

- The archaeological heritage is a non-renewable resource;
- The first option in all circumstances must be non-destructive investigation and study;
- There should always be a presumption in favour of avoiding developmental impacts on the archaeological heritage;
- Archaeological Assessment is key to understanding the archaeological heritage of the monument or structure and in identifying potential impacts on that heritage.

Anyone proposing work at, in relation to, or in proximity to, monuments and places protected under the terms of the National Monuments Acts 1930-2004 should be aware of the general principles regarding the protection and management of the archaeological heritage as set out in the state policy document Framework and Principles for the Protection of the Archaeological Heritage (Government of Ireland, 1999). Valuable guidance for anyone proposing work is also available in the document Archaeology in the Planning Process and both documents are available on [www.ahg.gov.ie](http://www.ahg.gov.ie).

### 2.3 Architectural conservation principles

Appropriate projects shall adhere to best practice for the conservation of the built heritage. There are a number of internationally accepted principles of conservation which an eligible project should follow. These include:

- There should be minimal intervention into the historic fabric;
- Decayed elements or parts of the structure should be repaired rather than replaced;
- There should be no conjectural restoration. Some restoration may be permissible where there is sufficient physical or documentary evidence to support this and there is significant reason (for example structural, aesthetic or architectural) to justify restoration;
- Expert conservation advice should be retained from the outset of the project to ensure that the proposals are properly developed. There should be continued expert involvement in the management and site supervision of the works using experienced and skilled workers with proper and adequate supervision;
- Only techniques and materials that have been proven to work over a long period of time should be used. Before any new materials are introduced into a historic building, they should be proven to work, ideally having been in use in Ireland for 25 years or more and be known to perform well and not to have any damaging effects on historic fabric;
- Alterations should, where possible, be capable of being easily reversed or undone to allow for any unforeseen problems to be corrected in future without damage to the fabric of the heritage building or place;
- There should be a commitment to regular and ongoing maintenance and upkeep of the building or site.

For further guidance on architectural heritage conservation principles, statutory guidelines entitled *Architectural Heritage Protection - guidelines for planning authorities* (2011) are available to download from the website of the Department of Culture, Heritage and the Gaeltacht.

### **3.0 UNDERTAKING A HERITAGE PROJECT**

These Operating Requirements describe a seven-step process for undertaking and completing a Heritage Project. In outline, these steps are:

A - Preliminary Stage

B – Establishing the Constraints

C – Preparing the Heritage Project

D – Heritage Review

E – Carrying Out the Works

F – Completion and Evaluation of the Project

G – Publication and Dissemination

## 4.0 PRELIMINARY STAGE

At this stage, the Project Promoter has four main tasks:

- To make initial contact with the LAG, through an Expression of Interest, in order to ascertain the eligibility of project, discuss funding requirements, Operating Requirements, and the like;
- To establish the ownership of the site and obtain the owner's consent;
- To establish whether or not there would be a potential impact on heritage by determining:
  - whether any heritage designations apply to the site
  - if no designations apply, if other indicators of heritage significance apply (*e.g.* habitat of a protected species, such as a bat roost)
  - whether adjacent, upstream, downstream or other areas may be affected
  - if other areas of biodiversity importance which may be at some distance from the project may be affected by the impacts arising from it
  - To engage the necessary expert advice by assembling a Project Team and appointing a Project Manager with the competence to undertake the Heritage Project. Expert advice is likely to be needed to develop an understanding of how the project may impact upon heritage. The scope of the expert advice needed is informed by the nature of the project and the sensitivities of the site in question.

### 4.1 Project Promoter establishes ownership of the site

Anyone considering a project and becoming a Project Promoter must first establish the legal ownership of any structure or site. In particular, they must identify the persons or bodies with such legal interest in the land on which the site is located as to entitle that person to permit entry onto the land and the carrying out of the proposed works. It should be noted that such legal interest could be shared between more than one person. Any lessees, shareholders and occupiers should also be consulted.

Following identification of the relevant persons or bodies, their permission must also be obtained as otherwise entry onto the land and the carrying out of the works are likely to be an act of trespass or

even a criminal offence, with serious legal consequences. It must be understood that having permission or consent from any relevant statutory body will not remove the need to have permission from the relevant owner or owners of the land.

It cannot be over-emphasised that presumptions should not be made about legal ownership or that permission for entry on land is forthcoming. For example, in the case of old historic graveyards (certainly where no church in use is located within them) it is unlikely that they are in the ownership of local clergy. In fact, in most such cases, the owner will be the local authority. Another assumption to beware of is that there is no owner simply because the land in question is not registered with the Property Registration Authority (formerly Land Registry). Not all land is registered with the Property Registration Authority. In the case of old graveyards it is in fact probable that they will not be so registered. Although most farm land is registered, this is not always the case and much land in towns remains unregistered. The land in question may also be commonage land, whereby the permission of many people (commonage shareholders) may or will be required.

#### **4.2 Project Promoter establishes the heritage status of the site**

The next step is for the Project Promoter to establish whether any part of the monument, structure or project area is protected by legislation (See Section 4.3) and if there would be any potential impact upon structures, places or sites of heritage interest. As noted earlier, this may include areas of land beyond the project site, but adjacent areas, downstream areas, and the like. This will particularly arise in relation to wildlife, and careful consideration, informed by the appropriate ecological and other types of expertise, will need to be given to the types of impacts that will arise from a project, their zone of influence, and the sensitivity of the ecological receptors within that zone of influence.

#### **4.3 Heritage Legislation**

The relevant legislation for the protection of heritage is summarised below.

NOTE: these Operating Requirements are not intended as a legal interpretation of the National Monuments Acts, the Planning and Development Acts, the Birds and Habitats Directives and Regulations, the Wildlife Acts, or any other legislation that could apply. Neither is it an exhaustive

account of all legislative provisions that may apply. Project Promoters and Project Managers must undertake due diligence to ensure that all necessary consents, licences etc. are obtained and complied with.

#### 4.3.1 Nature conservation legislation

The European Communities (Birds and Natural Habitats) Regulations, 2011 and/or the Planning and Development Acts, as explained above, protect European sites, including (candidate) Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), and require an ‘appropriate assessment’ where any plan or project, alone or in combination with other plans or projects, has potential to have significant effects on a European site in view of its conservation objectives. Note: the need for screening for appropriate assessment or appropriate assessment extends to projects outside a European site. Where planning permission is not required for a project, the consent of the Minister for Culture, Heritage and the Gaeltacht may be required if potentially damaging or disturbing works will be undertaken in a European site. **Note, that intrusive site investigations or archaeological testing, both of which fall within classes of exempted development, are likely to require planning permission where projects occur in European sites or where effects on them may arise.** Works in rivers or impacting on certain fish species may require the consent of another Minister.

The Birds and Natural Habitats Regulations also afford strict protection to certain species of flora and fauna (the ‘Annex IV’ species) and it is an offence to disturb any of these species and their breeding sites or resting places without a derogation licence from the Minister for Culture, Heritage and the Gaeltacht. Bats are of particular relevance in this context as they commonly roost, breed and hibernate in old buildings and other structures.

The Wildlife Acts and/or the Planning and Development Acts protect Natural Heritage Areas (NHAs) and other sites such as Nature Reserves and Refuges for Fauna. In addition, the Wildlife Acts protect wild birds and certain other species of flora and fauna. Licences are required from the Minister for Culture, Heritage and the Gaeltacht to undertake a number of activities, including to disturb protected species and their key habitats (and to photograph and film).

Further information on the consents and licences issued by the Minister for Department of Culture, Heritage and the Gaeltacht are available on the website of the Department's National Parks and Wildlife Service<sup>1</sup>.

#### 4.3.2 National Monuments Acts

A structure, monument or place may be protected under the National Monuments Acts in one or more ways as follows:

- (a) By reason of being a national monument in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a Local Authority or subject to a preservation order (i.e. a national monument);
- (b) As a monument or area entered in the Register of Historic Monuments (i.e. a registered monument);
- (c) As a monument entered in the Record of Monuments and Places (i.e. a recorded monument).

*Note: All monuments included at (a) and (b) are also included in the Record of Monuments and Places in (c) above except where discovered after the publication of the Record of Monuments and Places for a particular county.*

The Record of Monuments and Places (RMP) is the most widely applying provision of the National Monuments Acts. It comprises a list of recorded monuments and places and accompanying maps on which such monuments and places are shown for each county. It can be consulted in county libraries, main local authority offices or is available to view or download from [www.archaeology.ie](http://www.archaeology.ie).

The National Monuments Service of the Department of Culture, Heritage and the Gaeltacht will advise on the protection applying to any particular monument or place under the National Monuments Acts by reason of it being entered in the Record of Monuments and Places and should

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<sup>1</sup> Notifiable Actions and Activities Requiring Consent <http://www.npws.ie/farmers-and-landowners/notifiable-actions> and Licences: <http://www.npws.ie/licences>



be consulted if there is any doubt as to the status of the site. Examination of information available on the Archaeological Survey Database on the National Monuments Service website ([www.archaeology.ie](http://www.archaeology.ie)) can be of assistance in checking whether a monument or place is likely to be subject to legal protection under the National Monuments Acts, but is not conclusive. Accordingly, it is the RMP lists and maps as referred to above which must be relied on.

#### 4.3.3 Planning and Development Acts

The Planning and Development Acts afford protection to various aspects of heritage in a number of ways, including the following:

##### **Nature:**

The Planning and Development Acts have integrated protections for nature conservation through a number of mechanisms, including the requirements for Environmental Impact Assessments for certain projects, and the requirements for Appropriate Assessments, pursuant to Article 6(3) of the Habitats Directive, for landuse plans and for developments that may significantly affect European sites. Part X and Part XAB are particularly relevant in this regard. Natura Impact Statements (generally for development) or Natura Impact Reports (generally for landuse plans) and Appropriate Assessments must consider the effects on Special Protection Areas and Special Areas of Conservation, where such effects may or will arise.

Developments that are exempted developments may lose their exempted status if, amongst other things, an Environmental Impact or Appropriate Assessment is required. Promoters and LAGs are advised to have particular regard to this de-exemption as it will affect the types of consents and assessments required to support a project application, and to demonstrate compliance with the Heritage Operating Requirements.

## **Archaeology:**

The Planning and Development Acts recognise the importance of the protection of our archaeological heritage in proper planning and sustainable development. Conditions relating to the protection of archaeology may be attached to grants of permission where appropriate. Development Plans may also include objectives for the protection of archaeological heritage. Certain works may not be considered exempted development once located at or in relation to an archaeological monument. More detailed information in a leaflet entitled “Archaeology in the Planning Process” is available to download from [www.archaeology.ie](http://www.archaeology.ie).

## **Architectural heritage:**

Architectural heritage is generally protected under the Planning and Development Acts. A structure is protected by being included in the Record of Protected Structures (RPS) or by being located within an Architectural Conservation Area (ACA) designated by a particular local authority. The RPS and details of designated ACAs are included in the development plan and are generally found on the website of the relevant local authority. Alternatively, copies of the local development plan can be inspected or purchased from the local authority.

Where a building is a protected structure (or has been proposed for protection) or is located within an ACA, the usual exemptions from requirements for planning permission may not apply. In the case of a protected structure or proposed protected structure any works, whether internal or external, which would materially affect its character, will require planning permission. Legal protection also extends to other structures and features within the curtilage of a protected structure or proposed protected structure such as outbuildings, boundary walls, paving, railings and the like. In an ACA, any works to the exterior of a building which would affect the character of the area also require planning permission.

## **4.4 Project Promoter engages expert advice and assembles the Project Team**

### ***4.4.1 Appointment of Project Managers***

For all Heritage Projects that involve works to a structure, the Project Promoter should appoint a competent Project Manager at the outset. This Project Manager should ideally be a registered building professional such as an architect, structural engineer or building surveyor with knowledge,

skill and experience of working with the historic built and/or natural environment, as appropriate. Where a Heritage Project is located at a recorded monument or place and does not involve physical works to a structure, then it may be appropriate for an archaeologist to act as the Project Manager. For example, this may be the case where a project involves the care and maintenance of a historic graveyard where no works are proposed to any ruinous structures or boundary walls etc. within the graveyard.

For any project that includes an intervention in the environment, the Project Promoter/Project Manager will need to establish if impacts on wildlife, biodiversity and nature conservation may arise. The scale and nature of impacts will be determined by the nature of the proposed project and the sensitivities of ecological receptors that may be affected by such impacts. This will also influence the type of consents and assessments that may or will be required and the type of expertise that the Project Promoter and Manager will need to incorporate into the project team; this will need to be established on a case-by-case basis.

The Royal Institute of the Architects of Ireland has an accreditation system for architects trained in building conservation. The Society of Chartered Surveyors Ireland and Engineers Ireland are preparing conservation accreditation scheme for chartered surveyors and structural engineers. The architectural conservation officer in the local authority can provide general advice and may have information on appropriately qualified and experienced conservation professionals in the area.

It is the responsibility of the Project Promoter and the LAG to assure themselves of the competence of the Project Manager retained for the project. In some cases, it may be appropriate for the Project Manager and the conservation architect, engineer, surveyor to be separate persons or companies. Similarly, professionals with differing types of ecological or other expertise may need to be part of or the lead of the team, for example, if botanical, ornithological and mammalian issues all arise from one project, as well as hydrological, or hydrogeological matters. The Project Promoter and the LAG should obtain evidence of the necessary qualifications, skills and previous experience relevant to the particular type of Heritage Project and the impacts and effects arising.

In relation to the built heritage, the Project Manager should be competent to:

- act as Project Supervisor for the Design Process (PSDP);
- carry out condition surveys;
- identify need for specialist expertise and make recommendations;
- prepare method statements and designs;
- prepare application documentation for the Heritage Project;
- administer the process;
- assess and recommend suitable contractors;
- prepare tender documents;
- evaluate and recommend suitable contractors;
- administer the works contract;
- run site meetings;
- complete the final account and handover of the safety file.

The potential Project Manager shall be required to provide evidence of their professional involvement on a minimum of three relevant historic structures, details of the design works provided in each case and the value of the contract. The three examples provided must be relevant to the project at hand. For example, the repair and conservation of a medieval ruin requires different skills and experience to those needed for the conservation of eighteenth or nineteenth century buildings; these may be outside the experience or expertise of the majority of building professionals. Continuity is a great advantage, to both the Project Promoter and the heritage site. Retaining the services of a Project Manager and Project Team from initial design stage through to completion of works will usually be more efficient and provide cost savings. In addition it allows a team to become familiar with the property and to build up expertise based on the particular building and/or site.

#### ***4.4.2 Project Team***

Most Heritage Projects will require a multi-disciplinary team to be assembled including specialisms such as architecture, archaeology, structural engineering, ecology, etc. as appropriate to the particular project. The Project Team is responsible for the design and specification of the works. All Project Team members, contractors and sub-contractors shall be competent, trained and experienced as appropriate to their role in the proposed Heritage Project.

For projects that may affect nature conservation, careful consideration must be given to ensure that the Project Manager and the team comprise and include the breadth of ecological expertise, and other types of expertise, appropriate to the project and sensitivities of the site in question. Depending on the nature and complexity of these, one ecologist may not be able to satisfy all relevant requirements of the surveys, research, assessments and consent processes involved. The Project Manager will need to ensure that a coherent understanding of the interactions between the type of project and all relevant ecological matters is delivered; this may require the expertise of various types of ecologists, engineers etc. that have experience of working in such multi and interdisciplinary environments. Project promoters and managers should seek to ensure that they obtain the services of professionals that are suitably qualified and can demonstrate their expertise in the relevant legislation, survey and analytical methodologies, best practice methodologies and knowledge of current peer-reviewed literature, for the project in question.

The names and contact details of all members of the Project Team shall be included in the application to the LAG and on the project file. Any changes to the members of the Project Team should be agreed in writing with the LAG.

Where the Project Promoter is a committee or group of people, it will generally benefit the smooth running of the project if a single person from the group is nominated to be the point of contact for the Project Team.

#### ***4.4.3 Appointment of archaeologists***

Where the Heritage Project involves work at, in relation to, or in proximity to, an archaeological monument protected under the terms of the National Monuments Acts, then a suitably qualified archaeologist shall be appointed from the outset to advise and prepare an archaeological assessment report and to see the project through to completion. The archaeologist shall be required to provide evidence of their professional involvement on a minimum of three relevant conservation/archaeological projects, details of the projects and archaeological input to be provided in each case. The three examples provided must be relevant to the project at hand and the archaeologist shall demonstrate experience in report production for archive purposes and publication.

Where an archaeological assessment is required which would involve the carrying out of investigative archaeological excavations, this work shall be carried out under licence or Ministerial Consent in accordance with the National Monuments Acts. The National Monuments Service will advise in these cases. Only suitably qualified archaeologists acting under a licence or consent issued by the Minister for Culture, Heritage and the Gaeltacht may undertake such excavations.

A list of archaeologists is available from the Department of Culture, Heritage, and the Gaeltacht. This list contains the names and contact details of those archaeologists and archaeological companies who have requested the Department to make their details publicly available upon request to any person seeking information on the provision of archaeological services in Ireland. The contact details for the National Monuments Service are included in Appendix A of these Operating Requirements.

Ecologists may require licences from the Department to undertake certain activities. Details of these licences are available on the website of the National Parks and Wildlife Service.

#### ***4.4.4 Use of skilled building operatives***

Only skilled and competent building operatives under appropriate supervision shall be employed to carry out the works. The Project Manager should advise on choosing contractors and/or craftworkers with the competency to undertake the works require.

## 5.0 ESTABLISHING THE CONSTRAINTS

The Project Team should next:

- Establish the constraints for the site and, where appropriate, seek pre-planning advice from the planning authorities, and/or from the other authorities from whom consent and/or licences may or will be required; and
- Undertake Analysis and Development for all but minor projects, to complete the assessment and exploratory works necessary to inform the detailed proposals. Promoters are advised to discuss A&D project funding possibilities with the LAG.

### 5.1 The Project Team establishes any requirements of the statutory authorities

It is important for the Project Team to establish, **at the outset**, what types of notifications, permissions and/or consents it may be necessary to obtain before undertaking any works. It should be noted that a particular site, structure or feature may be subject to protection under more than one legislative code. For example, a structure could be a recorded monument, a protected structure and a protected species site (e.g. a bat roost). All statutory notifications, permissions, licences and/or consents shall be in place before submitting an application to the LAG for Heritage Review and copies of these shall be included as part of the submission documentation.

**The Project Promoters and the LAG shall ensure full compliance with all statutory requirements in order for the Heritage Project to be approved and funded. Where a Heritage Project contravenes any relevant legislation then this will be the grounds for refusals, cancellation or withdrawal of approval of funding.**

The relevant bodies to contact for the purposes of heritage protection are as follows:

#### 5.1.1 National Monuments Service, Department of Culture, Heritage and the Gaeltacht

The Minister for Culture, Heritage and the Gaeltacht has responsibility for the protection of archaeological heritage. This responsibility is fulfilled primarily through the exercise of powers under the National Monuments Acts and the work of the National Monuments Service at the Department of Culture, Heritage and the Gaeltacht.

All persons (including bodies, *e.g.* companies) carrying out or authorising the carrying out of any work relating to monuments, places or areas protected under the National Monuments Acts must ensure that they are in compliance with those Acts. Any person found to be in breach of the Acts will have to bear individual responsibility under the law for such breach.

In addition to the above, for the purposes of these Operating Requirements, the Project Promoter is expected to ensure that all the work carried out as part of the Heritage Project is fully compliant with the National Monuments Acts.

In respect of national monuments in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or subject to a preservation order, the written consent of the Minister is required for any structural interference or ground disturbance within, around or in proximity to it. For example, most old graveyards that are not associated with churches in use are in local authority ownership and may, if of significant archaeological interest and of national archaeological importance, be national monuments.

In respect of registered monuments and recorded monuments, two months' notice in writing must be given to the Minister of Culture, Heritage and the Gaeltacht of any proposed works at, or in relation to, the monument. Breach of these requirements is an offence. It is also an offence under the National Monuments Acts to dig or excavate anywhere for the purpose of uncovering archaeological features without or otherwise than in accordance with a licence issued by the Minister for Culture, Heritage and the Gaeltacht.

#### *Notification and/or application for Ministerial consent under the Acts*

Appropriate forms for use for any notification or consent application needed by a proposed project are available to download on [www.archaeology.ie](http://www.archaeology.ie) under Forms.

When submitting notification or an application for Ministerial consent under the National Monuments Acts, the Project Promoter should include a comprehensive description of the proposed works prepared by the professional Project Team, together with the archaeological assessment report.



### 5.1.2 National Parks and Wildlife Service, Department of Culture and the Gaeltacht

The Minister for Department of Culture, Heritage and the Gaeltacht has lead responsibility for the conservation of wildlife, although all public authorities also have duties in this regard, *i.e.* they are to exercise their functions, including consent functions, which may have implications for or effects on nature conservation in compliance with and as appropriate, so as to secure compliance with, the requirements of the Habitats Directive and the Birds Directive and the European Communities (Birds and Natural Habitats) Regulations 2011<sup>2</sup>.

The Minister's responsibility is fulfilled primarily through the exercise of powers under the Wildlife Acts, the 2011 Regulations and the work of the National Parks and Wildlife Service. Information about nature conservation sites, habitats and species, as well as a range of useful publications, is available from the National Parks and Wildlife Service website, [www.npws.ie](http://www.npws.ie). The network of Conservation Rangers may be contacted about local nature conservation issues, including wildlife legislation, and any Ministerial consents that may be required.

Note that a licence to disturb a protected species and/or its habitat is required irrespective of any other consent(s) needed. The licence must be secured and valid before any disturbance begins, and should be applied for before, or at the same time, as any other application for consent, *e.g.* planning permission. Licences granted will normally specify strict conditions that must be observed. The Department's licensing Section can be contacted in regard to licensing needs.

In addition, 'environmental damage' as per the Environmental Liability Directive and Regulations should not be caused by any projects. This includes damage to 'natural habitats and protected species' wherever they occur and covers most of the habitats and species protected by the Birds and Habitats Directives. Further Information on this Directive and its associated Regulations is available from the Environmental Protection Agency ([www.epa.ie](http://www.epa.ie)).

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<sup>2</sup> Including, but not exclusive to, Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations 2011: Duties of public authorities relating to nature conservation.

### 5.1.3 Planning authorities

The local authorities (city and county councils) and An Bord Pleanála have responsibilities for the implementation of the Planning and Development Acts. While the local authorities have primary responsibility for the protection of the architectural heritage, they also have important functions in protecting archaeological sites and natural heritage. Any project with the potential to impact upon a heritage site may require planning permission.

Where the statutory authority is a local authority, the mechanisms set up under section 247 of the Planning and Development Acts for entering into pre-planning discussions should be used in order to ascertain their requirements.

If the structure is a protected structure, a proposed protected structure or is located within an architectural conservation area, the architectural conservation officer (where one is employed) in the local authority should be included in discussions regarding proposed works at the earliest opportunity.

In addition, the Project Promoter can gain invaluable assistance in the preparation of a Heritage Project from other experienced local authority heritage personnel such as heritage officers, archaeologists and biodiversity officers who have a vast wealth of experience in dealing with local community projects. Where such personnel are not available, individual planning officers may be able to assist. The involvement of their staff in pre-planning consultations is a matter for the relevant planning authority.

### 5.1.4 Exempted Development

#### *5.1.4.1. Works at archaeological sites and restrictions on exempted development*

Works at archaeological sites may require planning permission. The Planning and Development Regulations 2001 (as amended) set out certain categories of development which, subject to specified restrictions, are exempt from the requirement for planning permission. It is important to note that some of those restrictions as set out in Article 9 (1) (a) (vii) and (viiA) of the Regulations (as amended) relate to the excavation, alteration or demolition of an archaeological monument the

preservation of which is an objective of a local authority development plan or which is included in the Record of Monuments and Places. These restrictions on exemption from the requirement for planning permission apply independently of whether the monument is a protected structure for the purposes of the Planning and Development Acts. The local authority should be consulted to establish its view of whether or not the Article 9 restrictions on exemption are applicable in any particular case. The local authority may advise as to whether an application should be made for a declaration that the proposed work is or is not exempt from the requirement for planning permission.

**Note:** this does not exempt the Project Promoter from any requirement to notify the Department of Culture, Heritage and the Gaeltacht under the National Monuments Acts. The Project Promoter should include the response of the local authority with regard to restrictions on exempted development in the project proposal submitted for Heritage Review.

#### *5.1.4.2. Works at nature conservation sites, works that may affect nature conservation sites and restrictions on exempted development*

Under the Planning and Development Acts, exemptions from the requirements for planning permission will normally not apply where nature conservation sites will be impacted by the project proposals. This includes works both inside and outside nature conservation sites. Nature conservation sites may include sites that are protected under European as well as national legislation, e.g. Special Protection Areas, Special Areas of Conservation, Natural Heritage Areas, proposed Natural Heritage Areas, etc.

Attention should be paid to the following provisions, amongst others, in considering whether the exempted status of a proposed development may fall:

- Environment (Miscellaneous Provisions) Act 2011 Part 5, whereby exempted development shall not be exempted if an EIA or AA is required of that development
- Articles 6 and 9 of the Planning and Development Regulations.

Also, with changes to planning legislation (S.I. No. 454 of 2011 and S.I. No. 464 of 2011), it should be noted that planning permission is required where 0.1ha of a wetland would be drained or infilled as

a result of a development; the threshold for a mandatory EIS is 2 hectares. The definition of wetland is broad (See DECLG, 2011).

#### *5.1.4.3. Declarations under the Planning and Development Acts*

Under section 5 of the Planning and Development Acts, a planning authority may be requested to determine whether a development is or is not exempted development. Responses are provided within 4 weeks. All LEADER projects involving the development of land or property must seek either planning permission or a section 5 exemption from planning, a formal written opinion, signed by the relevant personnel in the planning section of the Local Authority, may be used to verify that the project does not require planning permission or any other consents.

The owners or occupiers of a protected structure are entitled to ask the local authority in writing to issue a declaration, under section 57 of the Planning and Development 2000 (as amended), which will give guidance on identifying works that would, or would not, require planning permission. Only works that would not materially affect the character of the structure, or any element of it which contributes to its special interest, may be exempted from a requirement to obtain planning permission. If there is any doubt about particular proposed works, the architectural conservation officer in the relevant local authority should be consulted. If the structure is also included in the RMP, notification under the National Monuments Acts is always required, notwithstanding an exemption from planning permission.

It should be noted that declarations, whether under section 5 or section 57 of the Planning and Development Act 2000 (as amended), cannot exempt Heritage Projects from a requirement for planning permission where the works would materially affect the character of the protected structure.

## **5.2 Analysis and Development**

The availability of funding under Analysis and Development (A&D) for the various measures is set out in the general Operating Requirements. The use of A&D is highly advisable for most Heritage Projects. This allows for expert involvement from the earliest stages of a Heritage Project to assess the feasibility and appropriateness of the proposals, thus avoiding expenditure of time and effort on projects that would ultimately be unacceptable from a heritage conservation point of view. A&D

should be used as an opportunity to consult with statutory authorities, adjoining owners and other stakeholders to ascertain their views and/or requirements. A&D may also assist the LAGs in their appraisal of Heritage Project applications.

A&D allows for investigation and exploratory work in advance of detailed proposals being drawn up, for example:

- Archaeological assessment by a suitably qualified archaeologist; (the nature and extent of the assessment to be determined on a case-by-case basis by the National Monuments Service)
- Historical research and documentation relating to the building or site and its history and former occupants;
- Investigation of a structure to ascertain the existence and location of concealed features such as blocked-up openings, construction joints, or decorative schemes;
- Assessment of the condition of concealed elements such as built-in timbers;
- Investigation into the capacity of structural elements to accept any increased loading;
- Development of appropriate detailed repair specifications and methodologies such as pointing methods, replacement materials, and the like;
- The preparation of sample panels of materials and workmanship to allow an assessment of the quality required and to establish an acceptable specified standard of workmanship that can be referred back to during the course of works. Only in exceptional circumstances should sample panels be undertaken on the historic structure itself;
- Sourcing of specialist materials such as thatch, stone or timber for matching repair work and the like;
- Other potential issues that may be material to the final design of the Heritage Project, including ecological survey and analysis.

#### 5.2.1 Minor works projects

The type of minor works projects that may not require Analysis and Development include projects such as the care and maintenance of a historic graveyard where no works are proposed to any structure and no archaeological excavation is undertaken. It should be noted that wildlife matters may still arise for such projects.

### 5.2.2 Unforeseen factors

Works to historic buildings and archaeological monuments often bring to light unforeseen factors that may have implications for the cost and/or timeframe of a Heritage Project. It may be possible to identify and investigate many, but not always all, of these in advance as part of the Analysis and Development phase. Such unforeseen factors may include:

- The discovery of dry rot, structural instability or concealed features during opening-up works;
- The discovery of unforeseen archaeological features and/or material including ancient human remains;
- The discovery of a bat roost (in which case, works should cease immediately and contact made with the National Parks and Wildlife Service).

Where unforeseen costs arise during a Heritage Project that are critical to its completion, an application may be made to the LAG for additional funding in line with the procedures set out in section 8.3 of the general Operating Rules.

## **6.0 PREPARING THE PROJECT PROPOSAL**

The Project Team now:

- Undertakes any research and survey work necessary to inform project objective and design;
- Prepares the detailed Heritage Project and any necessary assessments required by the relevant consenting authorities; and
- Applies for and obtains all necessary consents and permissions.

### **6.1 Preparation of Heritage Project**

A comprehensive, well-prepared application is key to a successful Heritage Project. Each Heritage Project has its own unique requirements and should be tailored accordingly. Failure to submit a complete description of the proposed works, addressing all material issues will result in the application being returned to the Project Promoter. As a general guide and in addition to the foregoing, the application should include the following as appropriate: (Note: an outline checklist for both Project Promoters and LAGs is included at Appendix B).

### **6.2 Contents of a Heritage Project Application**

#### **6.2.1 Baseline information**

Every application shall include all necessary information to locate the site of the proposed works, including location maps, postal address, townland and geographic coordinates (where available).

The application shall also include the details of all heritage designations relating to the site and within the zone of influence of the project, including identification numbers such as the Record of Monuments and Places reference (see paragraph 4.3.2 above), the Record of Protected Structures number and, where available, the National Inventory of Architectural Heritage (NIAH) registration number. If the building has been surveyed by the NIAH, the details are available on [www.buildingsofireland.ie](http://www.buildingsofireland.ie). Any nature conservation sites, e.g. Special Protection Areas, Special

Areas of Conservation, Natural Heritage Areas and any other wildlife designations, should also be identified by site name(s) and site code(s) (the latter for SPAs, SACs, NHAs and potential NHAs only).

#### 6.2.2 Ecological impact assessment

Depending on the nature, size and location of the proposal, and on the scope and scale and complexity of the ecological issues that may arise, one or more of the following may be necessary for the project and for any associated application for consent and/or a licence:

- screening for appropriate assessment
- a Natura Impact Statement
- an EIS
- a survey report and derogation licence application
- other ecological report/ecological impact assessment.

The ecologist/s for the Heritage Project and the relevant consenting authority, if statutory consent is required, will advise in relation to assessments or consents necessary. Assessments should be undertaken prior to submitting any applications, and should inform the planning and design of the project.

#### 6.2.3 Archaeological assessment and investigations

Where a Heritage Project may, due to its location, size or nature, have archaeological implications, or where it is located at a monument protected under the National Monuments Acts, then an archaeological assessment will be required. The purpose of archaeological assessment is to gain a better understanding of a known or potential archaeological site or monument in order to be able to fully consider the implications of any proposed works at, in relation or in proximity to that site or monument. This assessment may include as appropriate, documentary research, field-walking, examination/recording of upstanding or visible features or structures, examination of existing or new aerial photography or other remote sensing imagery, geophysical survey, topographical assessment and archaeological excavation or test excavation if deemed appropriate.

In all cases, the archaeological assessment should include an *Archaeological Impact Statement* outlining the direct or indirect effects of the proposal on the archaeological heritage and appropriate



measures to mitigate any potential impact. In other words, the archaeological assessment report should include clear measures that will be employed by the Project Team to ensure the protection of archaeological features/material throughout the project. The archaeological assessment should be carried out by a suitably qualified archaeologist who has relevant experience. Where a Heritage Project is proposed at a monument or place protected under the National Monuments Acts, an archaeologist shall be part of the Project Team.

#### 6.2.4 Post-excavation analysis

Where archaeological investigations, including licensed archaeological excavation, are proposed and agreed with the National Monuments Service as part of a Heritage Project, full provision shall be made within the project cost for the necessary funding of post-excavation analysis (specialist examination and reports, treatment and conservation of finds following archaeological excavation). Similarly full provision should be made for the production of all required archaeological reports, dissemination of information/publication on completion of the Heritage Project. The project archaeologist should advise the Project Promoters and LAG accordingly. Details for post-excavation analysis should be included in the application.

#### 6.2.5 Architectural heritage impact assessment

Where the proposed works would impact upon a protected structure, a proposed protected structure, an architectural conservation area or on a structure that is protected under the National Monuments Acts, an architectural heritage impact assessment is required. The detail and extent of an architectural heritage impact assessment should be appropriate to the nature and scale of the proposed works. The object of the assessment should be to describe how the proposals would affect the character of the structure or any part of it. This will normally require descriptions of the existing structure; of the works proposed; and of how any potential adverse impact on the architectural heritage is to be mitigated.

Where comprehensive or wide-ranging works are proposed, the entire structure and the land and features within its curtilage may require to be included in the assessment. However, where proposals are limited in scale or relate to a specific part or parts of the structure, it will generally be sufficient to include a brief description of the structure as a whole, to provide a context for the proposals, but to concentrate the detailed assessment on those parts of the structure which will be

impacted upon. If the assessment relates to a new building within the curtilage of a protected structure or proposed protected structure, it should concentrate on the relationship between the structure and its setting, and the merits of, and impacts on, existing structures and features in the curtilage.

There should be full access to the structure for the author of the assessment in order for him/her to have a full understanding of the potential for the works to impact on the building.

Further information on the recommended form and content of an architectural heritage impact assessment is available in Appendix B of *Architectural Heritage Protection Guidelines for Planning Authorities* (2011) by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

#### 6.2.6 Recording of the Heritage Project

Good conservation and archaeological practice requires that works are comprehensively recorded. The scope and level of recording will depend on a number of factors including the type and complexity of the building and the nature of the proposed works. The scope and level of recording proposed should be detailed in the application.

This process should involve recording the condition of the structure prior to works taking place and take the form of photographic and written records together with appropriately scaled drawings which accurately describe the form and phasing of the structure. The use of high-quality, scaled, gridded and annotated photographic images may be used to record the existing condition of the structure, any features or evidence of phasing and to identify areas requiring repair. It may be appropriate to carry out this recording as part of the Analysis and Development phase as the survey will be required to inform the decisions on the form of the Heritage Project.

In addition to the above, in the case of significant structures, such as those protected under the National Monuments Acts, and protected structures, all interventions shall be recorded as the works progress in both photographic and written form. In some cases drawings will be required. On

completion of the works, a file shall be compiled of the works which have taken place including the location and nature of interventions, specifications of new materials used on the structure etc.

In the case of monuments and places protected under the National Monuments Acts, the file, completed to an agreed format, including all recording and investigations shall be lodged with the archaeological archive of the National Monuments Service. The contact details of the National Monuments Service are included in Appendix A.

For wildlife surveys and assessments, methodologies, the data obtained, results of analysis etc. should be clearly stated and form part of the associated documentation. This enables the consenting authority and the LAG to establish and confirm whether the best available scientific knowledge and appropriate methodologies have been applied. As best practice and as these projects are publicly funded, consideration should be given to whether the data is appropriate to submit to the National Biodiversity Data Centre. More information on organisations to which data can be submitted, and the form in which it might best be collected, is available at <http://www.npws.ie/maps-and-data/where-submit-biodiversity-records> and [www.biodiversityireland.ie](http://www.biodiversityireland.ie) (National Biodiversity Data Centre).

#### 6.2.7 Description of works

The level of documentation necessary to describe the proposed works to a structure which is protected under the National Monuments Acts, a protected structure, a proposed protected structure or a building within an architectural conservation area will depend on the scale, extent or complexity of the works involved but shall be sufficient to describe the proposals and how they would affect the character and special interest of the heritage site. The description of works should include details on all access, temporary and ancillary works as these may also have potential to impact on the archaeological, architectural and natural heritage, and will need to be considered in impact assessments.

Drawings should be clear, comprehensible and drawn to an appropriate scale. For example, plans, sections and elevations shall be drawn at a scale of not less than 1:100. Where possible, drawings shall be based on actual measurement and not on pre-existing drawings. Except where the proposal

involves little material alteration, separate annotated survey and proposal drawings will more clearly describe the proposed changes.

Depending on the nature of the Heritage Project, the use of high-quality scaled and annotated photographic images to identify the location and extent of repair works may be acceptable.

In addition to drawn information on the proposals, the application should include a written statement prepared by the Project Team explaining the rationale for the proposed works, summarise the principal impacts on the heritage of the site and how it is proposed to minimise these impacts. It should also describe how the works have been designed or specified to have regard to the heritage of the site.

The application shall also include a method statement and specification for all works to the structure that would affect its character and special heritage interest.

#### **6.2.8 Publicity plaques and other signage**

Details of the design and location of any proposed publicity plaque, interpretation information and other signage should be included in the application whether temporary or permanent. This is required as signage needs to be carefully considered at archaeological and architecturally significant sites. Signage should be of good quality and have minimal intrusive visual impact on the heritage of the site. No signage should be affixed to masonry where it would result in damage to the fabric and no digging of holes for pole foundations should be proposed without prior consultation with the National Monuments Service as buried archaeological features or material may be damaged.

#### **6.2.9 Contribution-in-kind**

Due to the specialised nature of Heritage Projects, there will be limited scope for voluntary labour to form part of the contribution-in-kind to be made by the Project Promoter other than as outlined in paragraph 8.1 below. Details regarding how the issue of contribution-in-kind is to be addressed should be included in an application for funding in relation to Heritage Projects in order to allow it to be considered as part of the review of the overall project. Appropriate solutions for contribution-in-

kind might include off-site activities such as local historical research, assembly of a historic photograph archive of the site, website development and other activities that would not involve direct physical impacts on the heritage site.

#### **6.2.10 Project archive**

Details for the creation of a project file should be included in the application. Details to be submitted shall include the applicable repositories where the information will be available to future researchers, where appropriate. These repositories should be contacted in advance to ascertain their requirements. The applicable repositories include:

- in the case of works to a monument or place protected under the National Monuments Acts: the archive of the National Monuments Service;
- in the case of works to a protected structure, or within an architectural conservation area: the county library, the archives of the local authority and/or the Irish Architectural Archive.

#### **6.2.11 Publication of the Heritage Project**

LAGs are advised that it is good practice, and often the most rewarding part of the project for a promoter and a local community, to ensure appropriate publication of a completed Heritage Project. This could take the form of:

- A publication on the web, as a book or a magazine article, of the project, including details of the progress of the project, the Project Team involved, methods and materials used, lessons learned, etc.;
- A public lecture, seminar or conference based around the theme of the project;
- An exhibition, at local, regional and/or national level, on the project.

### **6.3 Obtaining all necessary consents and permissions**

The Project Promoter and the LAG are responsible for ensuring that all necessary consents and permissions, including planning permission, are obtained before the Heritage Project proceeds. It is also the responsibility of the Project Promoter to ensure that any works for which consents and/or permissions are obtained are in line with best conservation practice and will not have any negative impact on heritage.

## **7 HERITAGE REVIEW**

The Project Promoter now submits the Heritage Project to the LAG. The LAG is responsible for reviewing the application to ensure all necessary consents and permissions have been obtained and that the project will not adversely affect heritage.

In addition to the standard project evaluation undertaken by the LAG, Heritage Projects must be submitted to the Heritage Projects Review Panel (established at a national level) which will verify whether the project application is in compliance with the Heritage Requirements established in this document. LAGs will be advised, in advance, of the dates of each meeting of the Heritage Projects Review Panel.

As part of this process, the promoter must designate an appropriate expert (e.g. archaeologist, architect, ecologist) that will be responsible for certifying compliance with the Heritage Project Requirements prior to every project payment. For example, where the project includes works of conservation, restoration or repair of a building or other structure, the expert should be appropriately qualified and experienced conservation architect, engineer or surveyor. If the project involves or may involve significant effects on nature conservation, the expert shall be appropriately qualified, with expertise relevant to the nature of the project involved and the effects on nature that may or are arising.

Where recommendations are made, e.g. arising from statutory notification in accordance with the National Monuments Acts 1930-2004, these shall be attached as conditions to any approval of funding and shall be fully complied with by the Project Promoter.

The scope of works and details of the application shall not be revised once the Heritage Review has been completed, save for any amendments required on foot of the Heritage Review.

## **8.0 CARRYING OUT THE WORKS**

When the project has been approved, the Project Team may proceed to carry out the works on site in accordance with all permissions, consents, licences and approvals obtained. Ongoing liaison between the Project Manager and the relevant consenting and/or statutory authorities may be necessary throughout the works, particularly where unforeseen factors arise that are pertinent to the heritage of the site. The relevant consenting authority should be contacted in the first instance, particularly if any changes to the proposed project are desired or proposed as a result of the unforeseen factors. Any such changes may require further or additional consents from the relevant authority as they may be outside the scope of the original consent received and any associated environmental impact and appropriate assessments on which those decisions have been based.

### **8.1 Use of skilled building operatives**

Only skilled and competent building operatives under appropriate supervision shall be employed to carry out the works. The Project Manager should advise on choosing contractors and/or craftworkers with the competency to undertake the works required. The contractor shall be required to demonstrate experience of working on a minimum of three historic structures of a similar scale and complexity to the project at hand, details of the works carried out and the value of the contract in each case. A Register of Heritage Contractors is available from the Construction Industry Federation (see Appendix D).

No unskilled labour shall be employed on a monument or place protected under the National Monuments Acts except for works of routine maintenance, that is:

- Assisting skilled operatives, or acting as an apprentice on specific tasks;
- Grass cutting using hand-held equipment (including strimmers);
- Cutting back of bushes/briars using hand-held equipment;
- Cleaning of existing paths using hand-held equipment.

## 8.2 Inspection of works

The works shall be available for inspection at any time by the LAG or officials of the Department of Culture, Heritage and the Gaeltacht, the local authority and/or other appropriate statutory authorities.

## 8.3 Revisions during the course of works

There shall be ongoing liaison between the Project Manager and the statutory authorities throughout the Heritage Project. Where unforeseen factors arise during the works phase that are pertinent to the heritage of the site, these shall be promptly brought to the attention of the relevant consenting and statutory authorities. In such cases, it may be necessary to revise existing permissions or consents or to revisit earlier recommendations to take account of the new information. For example, where the site is protected under the National Monuments Acts, previously unknown archaeological features/material, including human remains, may be revealed. In such cases, the National Monuments Service shall be contacted for further advice.

Where the Heritage Project involves a historic building, significant concealed features may come to light or it may be discovered on opening up of elements of the building that redesign is necessary, for example where faults or inadequacies are discovered in load-bearing elements. If the building is a protected structure or a proposed protected structure, the local authority should be consulted. If planning permission has been received, the relevant planning authority should be consulted. If bats or other protected species are discovered, the National Parks and Wildlife Service shall be contacted. In such cases where protected species are discovered, *e.g.* bat roost, works must cease immediately, until such time as contact has been made with the Service and advice received.



## **9.0 COMPLETION AND EVALUATION OF THE HERITAGE PROJECT**

On completion, the designated expert identified in the application will be required to certify that the works have been carried out correctly and competently. The LAG will review the completed Heritage Project to determine if has been satisfactorily completed in accordance with the relevant consents. A certificate of compliance with relevant planning, building and other statutory regulations and consents will be required from a qualified architect, engineer or archaeologist as appropriate. The relevant consenting and other statutory authorities may also carry out their own site inspections and report to the LAG; in the case of the statutory authorities that were not the consenting authorities for the works and activities involved, any such site inspections will be at their own discretion.

### **9.1 Certification at stages and at completion**

The Project Manager shall certify the works at stages and provide written confirmation on completion that the works have been carried out correctly and competently and in line with best conservation practice and with the necessary consents, permissions or notifications, conditions of funding and any other requirements of the statutory authorities. This written confirmation shall be submitted to the LAG together with the application for payment.

### **9.2 Project archive**

On completion of the Heritage Project and prior to final payment, the project file (see paragraph 6.1.10 above) shall be completed and deposited, where appropriate, with the applicable repositories where the information will be available to future researchers.

### **9.3 Unsatisfactory projects**

Where, following inspection, it is found that the works have been carried out in contravention of the requirements of a permission, consent or licence, or did not have the necessary permission, consent or licence; or have not fulfilled the conditions of the approval of funding, the LAG will not make payment against the Project Promoter's claim until the matter has been investigated further and a satisfactory outcome achieved. In some cases, payment will not be made, or will be made in part only.

Where the unauthorised works have involved irreversible damage to the heritage such as:

- damage to archaeological features/material
- damage to the character and special interest of a protected structure or of an architectural conservation area
- damage to a species or habitat

then no payment will be made to the Project Promoter and the details of the unauthorised works will be forwarded to the appropriate statutory authority to assess the need for restoration or enforcement action, or prosecution.

In certain cases, it may be possible to undo some minor unacceptable and/or unauthorised works through remedial or restoration actions, bearing in mind that the loss of archaeological material is irremediable and it may not be possible to restore the damage done to a wildlife site or species. The LAG, following consultation with the relevant statutory authority, shall furnish the Project Promoter with a list of the unacceptable works. The Project Promoter, through his/her Project Manager, shall submit to the LAG a detailed schedule of proposed remedial works together with a timeframe in which the works will be undertaken. The LAG and the relevant statutory authority shall either:

1. Agree to the proposed remedial works;
2. Seek further clarification and/or amendments to the proposals, or
3. Reject the proposed remedial works.

In the case of 1. or 2. above, the approved remedial works shall go ahead and, when completed to the satisfaction of the LAG and the relevant statutory authority, payment will be made on the basis of the original project costings. No extra payment shall be made to the Project Promoter for the costs of the remedial works except in exceptional circumstances. In the case of 3. above, no payments will be made and the details of the unauthorised works will be forwarded to the appropriate statutory authority to assess as to the need for enforcement action.

## **10.0 PUBLICATION AND DISSEMINATION**

As a final step, the Project Promoter should ensure the publication and dissemination of the Heritage Project in line with the commitments made at application stage. This stage also includes the completion of any post-excavation analysis and all reports required. This is a valuable opportunity to communicate the benefits of a project to the local community and a wider audience.

The Project Promoters should ensure appropriate publication of the Heritage Project, and its supporting data and information, for deposition in local libraries, exhibitions, or other. Details of the arrangements for publication and dissemination of the project should be included in the original application submitted by the Project Promoter.

## **11.0 Appendices**

### **Appendix A - Department of Culture, Heritage and the Gaeltacht Contact details of the heritage services**

The general contact details of the heritage services of the Department of Culture, Heritage and the Gaeltacht

are as follows:

- Telephone: 01 888 2000
- Web: [www.chg.gov.ie](http://www.chg.gov.ie)

National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht, 7 Ely Place, Dublin 2

Email: [nature.conservation@chg.gov.ie](mailto:nature.conservation@chg.gov.ie)

Web: [www.npws.ie](http://www.npws.ie)

Freephone: 1800 405000

- National Monuments Service, Custom House, Dublin 1

Email: [nationalmonuments@chg.gov.ie](mailto:nationalmonuments@chg.gov.ie)

Web: [www.archaeology.ie](http://www.archaeology.ie)

- Built Heritage and Architectural Policy Section (including the Architectural Heritage Advisory Unit and the National Inventory of Architectural Heritage) Custom House, Dublin 1

Email: [builtheritage@chg.gov.ie](mailto:builtheritage@chg.gov.ie)

Web: [www.buildingsofireland.ie](http://www.buildingsofireland.ie)

## Appendix B - Checklist for contents of applications for Projects Affecting Heritage

This checklist is intended as a practical aid to the preparation of the application for submission to the LAG.

The application should include the following as appropriate:

	Please tick contents of application as appropriate	Yes	No
1.	Map marking the location of the site		
2.	Heritage designations applying to the site and the zone of influence of the proposed project		
	If no designations apply, other indicators of heritage significance e.g. habitat of a protected species		
3.	Written permission from legal owner to enter onto the land and carry out works		
4.	<p>Where the structure or site in question:</p> <ul style="list-style-type: none"> <li>• is a recorded/registered monument, has written notification been submitted to the Department of Culture, Heritage and the Gaeltacht, (DCHG)?</li> <li>• is a national monument, has ministerial consent been obtained from DCHG?</li> <li>• is an archaeological site, is planning permission required?</li> <li>• is a protected structure, has planning permission been obtained from the local authority? If permission is not required, has a declaration been issued under s.57 of the Planning and Development Act 2000 (as amended)?</li> </ul> <p>Where the Heritage Project would:</p> <ul style="list-style-type: none"> <li>• impact an ecological site or nature conservation site, has planning permission or ministerial consent from DCHG (via NPWS) been obtained, or any other form of required consent (e.g. foreshore licence)?</li> <li>• impact a protected species and/or its habitat, has a licence from DCHG (via NPWS) been obtained?</li> </ul> <p><b>(Include a copy of all relevant documentation)</b></p>		
5.	<p>Planning permission or a declaration on exempted development under s.5 of the Planning and Development Act 2000 (as amended).</p> <p>Include a copy of the grant of all relevant permissions or declarations.</p>		
6.	Project Team names, qualifications and contact details		

7.	Archaeological assessment report with archaeological impact statement		
8.	Architectural heritage impact assessment		
9.	Ecological impact assessment, including Environmental Impact and/or Natura Impact Statements and Assessments		
10.	Details for the recording of the Heritage Project		
11.	Description of works		
12.	Details regarding post-excavation analysis and completion of archaeological reports		
13.	Contribution-in-kind proposal		
14.	Designated expert responsible for certifying compliance with these Requirements prior to any payment from the LAG		
15.	Publicity plaque and signage information		
16.	Details for creating the Heritage Project archive		
17.	Details for publication of Heritage Project		
18.	Please include any additional information here:		

The above documentation as marked has been included in the application

Project Promoter or Agent Name: (BLOCK LETTERS)

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Signature:

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Address:

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Telephone \_\_\_\_\_ Email: \_\_\_\_\_

Date: \_\_ / \_\_ / \_\_\_\_

## Appendix C - Available Guidance

### 1. Built Heritage (architectural and archaeological)

The following guidance documents are available to download from [www.chg.gov.ie](http://www.chg.gov.ie). Many are also available to purchase in hard copy through the Government Publications Sales Office or through any bookshop.

Department of Culture, Heritage and the Gaeltacht; *Advice Series* (note some of these titles, 2004-2010, were published by the Department of Environment, Heritage and Local Government)

- *Access – improving the accessibility of historic buildings and places*, 2011 (ISBN 978-1-4064-2319-8)
- *Bricks – a guide to the repair of historic brickwork*, 2009 (ISBN 978-1-4064-2190-3)
- *The Conservation of Places of Worship*, 2011 (ISBN 978-1-4064-2320-4)
- *Energy Efficiency in Traditional Buildings*, 2010 (ISBN 978-1-4064-2444-7)
- *Maintenance – a guide to the care of older buildings*, 2007 (ISBN 0-7557-7537-6)
- *Iron – the repair of wrought and cast ironwork*, 2009 (ISBN 978-1-4064-2189-7)
- *Paving – the conservation of historic ground surfaces*, 2015 (ISBN 978-1-4064-2837-7)
- *Roofs – a guide to the repair of historic roofs*, 2010 (ISBN 0-7557-7540-6)
- *Ruins – the conservation and repair of masonry ruins*, 2010 (ISBN 978-1-4064-2445-4)
- *Thatch – a guide to the repair of thatched roofs*, 2015 (ISBN 978-1-4064-2836-0)
- *Windows – a guide to the repair of historic windows*, 2007 (ISBN 0-7557-7538-4)

Department of Culture, Heritage and the Gaeltacht . *Architectural Heritage Protection Guidelines for Planning Authorities*. (2011)

Government of Ireland. *Framework and Principles for the Protection of the Archaeological Heritage* (1999) (ISBN 0-7076-6173-0)

Government of Ireland. *Policy and Guidelines on Archaeological Excavation* (1999) (ISBN 0-7076-6734-8)

*The Care and Conservation of Graveyards* (1995) ISBN 07076 1614X

*Archaeology in the Planning Process* (2007)

*Good Farming Practice and Archaeology* (2003)

*Earthen Banks and Broken Walls*



*Irish Field Monuments* ISBN 0 7076 0035 9

Heritage Council. *Guidance for the Care, Conservation and Recording of Historic Graveyards* (2011)

Heritage Council. *Recording and Conserving Ireland's Industrial Heritage* (2002)

## 2. Natural Heritage

Information, guidance and leaflets on natural heritage and nature conservation are available from [www.npws.ie](http://www.npws.ie), including:

Department of Environment, Heritage and Local Government. *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Local Authorities* (2009; revised 10/02/10).

Circular NPWS 1/10 & PSSP 2/10. *Appropriate Assessment Under Article 6 of the Habitats Directive: Guidance for Planning Authorities*.

Circular Letter NPWS 2/07. *Guidance on Compliance with Regulation 23 of the Habitats Regulations 1997 – Strict Protection of Certain Species/Derogation Licences*.

Kelleher, C. and Marnell, F. 'Bat Mitigation Guidelines for Ireland.' *Irish Wildlife Manuals -No. 25*. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin (2006)

### Other key websites and publications:

Department of Environment, Community and Local Government. *Guidance for Planning Authorities on Drainage and Reclamation of Wetlands – Consultation Draft* (2011)

Bat Conservation Ireland. *Bats in Buildings: Guidance Notes for Planners, Engineers, Architects and Developers*. (2010).

Heritage Council. *Bats, Birds Buildings and You!* Available to download from [www.heritagecouncil.ie](http://www.heritagecouncil.ie)

Notice Nature: [www.noticenature.ie](http://www.noticenature.ie)

Environmental Protection Agency and Environmental Impact Statement Guidelines

<http://www.epa.ie/monitoringassessment/assessment/eia/#.VsWy22yvkdU>

European Commission Habitats Directive and associated Article 6 Guidance

[http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

European Commission Birds Directive

[http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

## Appendix D - Other Useful Contacts

Building Limes Forum Ireland

Web: [www.buildinglimesforumireland.com](http://www.buildinglimesforumireland.com)

Engineers Ireland, 22 Clyde Road, Ballsbridge, Dublin 4

Web: [www.iei.ie](http://www.iei.ie) Telephone: 01 665 1300

Heritage Council, Áras na hOidhreachta, Church Lane, Kilkenny

Web: [www.heritagecouncil.ie](http://www.heritagecouncil.ie) Telephone: 056 777 0777

Institute of Archaeologists of Ireland, 63 Merrion Square, Dublin 2

Web: [www.iai.ie](http://www.iai.ie) Telephone: 01 662 9517

Irish Architectural Archive, 45 Merrion Square, Dublin 2

Web: [www.iarc.ie](http://www.iarc.ie) Telephone: 01 663 3040

Irish Georgian Society, City Assembly Rooms, 58 William Street South, Dublin 2

Web: [www.igs.ie](http://www.igs.ie) Telephone: 01 679 8675

Register of Heritage Contractors, Construction Industry Federation,

Construction House, Canal Road, Dublin 6

Web: [www.heritageregistration.ie](http://www.heritageregistration.ie) Telephone: 01 406 6000

Royal Institute of the Architects of Ireland, 8 Merrion Square, Dublin 2

Web: [www.riai.ie](http://www.riai.ie) Telephone: 01 676 1703

Society of Chartered Surveyors Ireland, 38 Merrion Square, Dublin 2

Web: [www.scsi.ie](http://www.scsi.ie)

