

APPENDIX 14-1 CULTURAL HERITAGE ASSESSMENT: STATUTORY GUIDELINES AND RELEVANT POLICY

Current Legislation

Archaeological monuments are safeguarded through national and international policy, which is designed to secure the protection of the cultural heritage resource. This is undertaken in accordance with the provisions of the European Convention on the Protection of the Archaeological Heritage (Valletta Convention). This was ratified by Ireland in 1997.

Both the National Monuments Acts 1930 to 2004 and relevant provisions of the Cultural Institutions Act 1997 are the primary means of ensuring protection of archaeological monuments, the latter of which includes all man-made structures of whatever form or date. There are a number of provisions under the National Monuments Acts which ensure protection of the archaeological resource. These include the Register of Historic Monuments (1997 Act) which means that any interference to a monument is illegal under that Act. All registered monuments are included on the Record of Monuments and Places (RMP).

The Record of Monuments and Places (RMP) was established under Section 12 (1) of the National Monuments (Amendment) Act 1994 and consists of a list of known archaeological monuments and accompanying maps. The Record of Monuments and Places affords some protection to the monuments entered therein. Section 12 (3) of the 1994 Amendment Act states that any person proposing to carry out work at or in relation to a recorded monument must give notice in writing to the Minister (Culture, Heritage and the Gaeltacht) and shall not commence the work for a period of two months after having given the notice. All proposed works, therefore, within or around any archaeological monument are subject to statutory protection and legislation (National Monuments Acts 1930-2004).

The term 'national monument' as defined in Section 2 of the National Monuments Act 1930 means a monument 'the preservation of which is a matter of national importance by reason of the historical, architectural, traditional, artistic or archaeological interest attaching thereto'. National monuments in State care include those which are in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht. Section 5 of the National Monuments Act 1930 allows owners of other national monuments to appoint the Minister for the Culture, Heritage and the Gaeltacht or the relevant local authority as guardian of such monuments, subject to their consent. This means in effect that while the property of such a monument remains vested in the owner, its maintenance and upkeep are the responsibility of the State. Some monuments are also protected by Preservation Orders and are also regarded as National Monuments. National Monuments also includes (but not so as to limit, extend or otherwise influence the construction of the foregoing general definition) every monument in Saorstát Éireann to which the Ancient Monuments Protection Act, 1882, applied immediately before the passing of this Act, and the said expression shall be construed as including, in addition to the monument itself, the site of the monument and the means of access thereto and also such portion of land adjoining such site as may be required to fence, cover in, or otherwise preserve from injury the monument or to preserve the amenities thereof.

Under the Heritage Act (1995) architectural heritage is defined to include 'all structures, buildings, traditional and designed, and groups of buildings including street-scapes and urban vistas, which are of historical, archaeological, artistic, engineering, scientific, social or technical interest, together with their setting, attendant grounds, fixtures, fittings and contents...'. A heritage building is also defined to include 'any building, or part thereof, which is of significance because of its intrinsic architectural or artistic quality or its setting or because of its association with the commercial, cultural, economic,

industrial, military, political, social or religious history of the place where it is situated or of the country or generally’.

14.1.2 Granada Convention

The Council of Europe, in Article 2 of the 1985 Convention for the Protection of the Architectural Heritage of Europe (Granada Convention), states that *'for the purpose of precise identification of the monuments, groups of structures and sites to be protected, each member State will undertake to maintain inventories of that architectural heritage'*. The Granada Convention emphasises the importance of inventories in underpinning conservation policies.

The NIAH was established in 1990 to fulfill Ireland's obligations under the Granada Convention, through the establishment and maintenance of a central record, documenting and evaluating the architectural heritage of Ireland. Article 1 of the Granada Convention establishes the parameters of this work by defining 'architectural heritage' under three broad categories of Monument, Groups of Buildings, and Sites:

- **Monument:** all buildings and structures of conspicuous historical, archaeological, artistic, scientific, social or technical interest, including their fixtures and fittings;
- **Group of buildings:** homogeneous groups of urban or rural buildings conspicuous for their historical, archaeological, artistic, scientific, social or technical interest, which are sufficiently coherent to form topographically definable units;
- **Sites:** the combined works of man and nature, being areas which are partially built upon and sufficiently distinctive and homogenous to be topographically definable, and are of conspicuous historical, archaeological, artistic, scientific, social or technical interest.

The Council of Europe's definition of architectural heritage allows for the inclusion of structures, groups of structures and sites which are considered to be of significance in their own right, or which are of significance in their local context and environment. The NIAH believes it is important to consider the architectural heritage as encompassing a wide variety of structures and sites as diverse as post boxes, grand country houses, mill complexes and vernacular farmhouses.

14.1.3 Cork County Development Plan 2014-2022

The Cork County Development Plan 2014 outlines a number of objectives relating to archaeology as follows.

14.1.3.1 HE 3-1: Protection of Archaeological Sites

- a) Safeguard sites and settings, features and objects of archaeological interest generally.
- b) Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments including the Sites and Monuments Record (SMR) (see www.archeology.ie) and the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, as amended and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the planning authority will have regard to the advice and recommendations of the Department of Arts, Heritage and Gaeltacht as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage.

14.1.3.1.1 **HE 3-2: Underwater Archaeology**

Protect and preserve the archaeological value of underwater archaeological sites and associated features. In assessing proposals for development, the Council will take account of the potential underwater archaeology of rivers, lakes, intertidal and subtidal environments.

14.1.3.1.2 **HE 3-3: Zones of Archaeological Potential**

Protect the Zones of Archaeological Potential (ZAPs) located within historic towns and other urban areas and around archaeological monuments generally. Any development within the ZAPs will need to take cognisance of the potential for subsurface archaeology and if archaeology is demonstrated to be present appropriate mitigation (such as preservation in situ/buffer zones) will be required.

14.1.3.1.3 **HE 3-4 Industrial and Post Medieval Archaeology**

Protect and preserve the archaeological value of industrial and post medieval archaeology such as mills, limekilns, bridges, piers, harbours, penal chapels and dwellings. Proposals for refurbishment, works to or redevelopment/conversion of these sites should be subject to careful assessment.

14.1.3.1.4 **HE 3-5 Burial Grounds**

Protect all historical burial grounds in County Cork and encourage their maintenance and care in accordance with appropriate conservation principles.

14.1.3.1.5 **HE 3-6: Archaeology and Infrastructure Schemes**

Have regard to archaeological concerns when considering proposed service schemes (including electricity, sewerage, telecommunications, water supply) and proposed roadwork's (both realignments and new roads) located in close proximity to Recorded Monuments and Places and their known archaeological monuments.

The CDP also outlines objectives relating to built heritage such as Protected Structures and those listed in the NIAH.

14.1.3.1.6 **HE 4-1: Record of Protected Structures**

- a) The identification of structures for inclusion in the Record will be based on criteria set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2005).
- b) Extend the Record of Protected Structures in order to provide a comprehensive schedule for the protection of structures of special importance in the County during the lifetime of the plan.
- c) Seek the protection of all structures within the County, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. In accordance with this objective, a Record of Protected Structures has been established and is set out in Volume 2, Chapter 1 of the Plan.
- d) Ensure the protection of all structures (or parts of structures) contained in the Record of Protected Structures.
- e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.

- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.
- h) Promote and ensure best conservation practice through the use of specialist conservation professionals and craft persons.

14.1.3.1.7 **HE 4-2: Protection of Structures on the NIAH**

Give regard to and consideration of all structures which are included in the NIAH for County Cork, which are not currently included in the Record of Protected Structures, in development management functions.

14.1.3.1.8 **HE 4-3: Protection of Non- Structural Elements of Built Heritage**

Protect important non-structural elements of the built heritage. These can include designed gardens/garden features, masonry walls, railings, follies, gates, bridges, and street furniture. The Council will promote awareness and best practice in relation to these elements.

14.1.3.1.9 **HE 4-4: Areas of Special Planning Control**

Establish areas of special planning control within Architectural Conservation Areas where appropriate. These areas will include a scheme setting out objectives for the conservation and enhancement of the special character of the area, and will be based on an Architectural Appraisal of each town.

14.1.3.1.10 **HE 4-5: Architectural Conservation Areas**

Conserve and enhance the special character of the Architectural Conservation Areas included in this plan. The special character of an area includes its traditional building stock and material finishes, spaces, streetscape, shop fronts, landscape and setting. This will be achieved by;

- a) Protecting all buildings, structures, groups of structures, sites, landscapes and all features considered to be intrinsic elements to the special character of the ACA from demolition and non-sympathetic alterations
- b) Promoting appropriate and sensitive reuse and rehabilitation of buildings and sites within the ACA and securing appropriate infill development
- c) Ensure new development within or adjacent to an ACA respects the established character of the area and contributes positively in terms of design, scale, setting and material finishes to the ACA.
- d) Promoting high quality architectural design within ACAs.
- e) Seek the repair and reuse of traditional shopfronts and where appropriate, encourage new shopfronts of a high quality architectural design.
- f) Ensure that all new signage, lighting, advertising and utilities to buildings within ACA are designed, constructed, and located in such a manner that they do not detract for the character of the ACA.
- g) Protect and enhance the quality of open spaces within ACAs and ensure the protection and where necessary reuse of street furniture and use of appropriate materials during the course of public infrastructure schemes within ACAs.

h) Protect structures from demolition, non-sympathetic alterations and the securing of appropriate infill developments.

14.1.4 **Waterford County Development Plan 2011-2017 (as extended)**

14.1.4.1 **Architectural Heritage Policies**

14.1.4.1.1 **Policy AH 1**

It is a policy of the Council to protect the architectural heritage and to encourage sensitive development or appropriate reuse of buildings to promote economic development and regeneration.

14.1.4.1.2 **Policy AH 2**

It is the policy of the Council to administer incentives for the protection of the architectural heritage of the County through administration of the Conservation Grant Scheme and by way of reduction of development levies for improvements to Protected Structures.

14.1.4.1.3 **Policy AH 3**

It is the policy of the Council to maintain a Record of Protected Structures within the County to protect all the structures or parts of structures which are of historical, architectural, artistic, archaeological, social, scientific, technical and cultural interest.

14.1.4.1.4 **Policy AH 4**

It is the policy of the Council to promote sympathetic reuse of structures. Proposed works to accommodate such change of use shall not detract from the building or not adversely damage or disturb protected species, and the new use shall make a positive contribution to the character of the building/streetscape or setting.

14.1.4.1.5 **Policy AH 5**

It is the policy of the Council to protect the main building and curtilage of Protected Structures from any works which would visually or physically detract from the special character of the main structure or any structures within the curtilage.

Demolition of a Protected Structure can only be considered in exceptional circumstances and the onus will be on the developer to provide the strongest justification for such an action.

14.1.4.2 **Historic Gardens**

14.1.4.2.1 **Objective AH 1**

It is an objective of the Council to produce Guidance notes for the Appraisal of Historic Gardens, Demesne Estate's and their settings. These guidelines will provide advice on new development proposed in historic gardens and demesne estates and their impact on existing heritage.

14.1.4.3 Vernacular Heritage

14.1.4.3.1 Policy AH 6

It is the policy of the Council to encourage the protection, appreciation, retention and appropriate revitalisation of the vernacular architectural heritage of the County. The settings and features of vernacular buildings shall also be respected.

14.1.4.3.2 Policy AH 7

It is the policy of the Council to promote and retain original building fabric such as lime mortar slate, thatch, timber sash windows, render and joinery details such as doorways and bargeboards. Where traditional features such as sliding sash windows have been removed, their reinstatement shall be encouraged.

14.1.4.3.3 Policy AH 8

It is the policy of the Council to encourage the retention and development of the traditional skills base in County Waterford.

14.1.4.3.4 Objective AH 9

It is an objective of the Council to identify structures of vernacular architecture and protect such structures in a manner that allows for the sensitive evolution of an area.

14.1.4.4 Archaeology

14.1.4.4.1 Policy AH 14

It is the policy of the Council to protect, conserve and preserve the integrity of archaeological monuments and their settings and archaeological objects within the County, and those buildings and sites which have been identified on the RMP.

14.1.4.4.2 Policy AH 15

It will be an objective of the planning authority to secure the preservation (ie: preservation in-situ or, as a minimum, preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of site features and objects of archaeological interest generally. In securing such preservation the planning authority will have regard to the advice and recommendations of the Department of Environment, Heritage and Local Government, both in respect of whether or not to grant planning permission and in respect of the conditions to which permission, if granted, should be granted.

14.1.4.4.3 Objective AH 3

It is an objective of the Plan to ensure that development in the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing. When considering development in the vicinity of all archaeological sites including town defences, the planning authority will require the preparation of an archaeological assessment detailing the potential impact of any development on upstanding structures, buried structures and deposits. The report will also include a visual impact assessment to ensure adequate consideration of any potential visual impact the proposed development may have on any upstanding remains.