

# Heritage Council Policy Submission: The Relationship of Built Heritage and Local Area Plans (LAPs) in Ireland

Recommendations relating to the Section 28 Local  
Area Plans Guidelines for Local Planning Authorities  
(published June 2013)



An Chomhairle Oidhreachta  
The Heritage Council



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## 1. Introduction to the Heritage Council's Statutory Policy Advisory Role

The Heritage Council is a prescribed authority/body for the purposes of the Planning and Development Acts 2000-2022. In addition, the Heritage Council has specific responsibilities under Section 6 of the Heritage Act 1995-2018.<sup>1</sup> For example, Section 6 of the 1995 Act states that:

*'The functions of the Council shall be to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage, including monuments, archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways...'*

Section 6(3) of the 1995 Act made provisions that the [Heritage] Council shall, in particular -

- (a) promote interest, education, knowledge and pride in, and facilitate the appreciation and enjoyment of the national heritage,
- (b) co-operate with public authorities, educational bodies and other organisations and persons in the promotion of the functions of the Council,
- (c) promote the coordination of all activities relating to the functions of the Council'.

The Heritage Act 1995 was amended by the Heritage Act 2018<sup>2</sup> to include a new wording for Section 6(3), as follows:

- (b) co-operate with, engage with, advise and support public authorities, local communities and persons in relation to the functions of the Council.

The Heritage Act also contains section 7 which states that

- (i) The Council may make recommendations to the Minister on any matter relating to the Council's functions, and may make such recommendations public

## **2. Planning Policy Hierarchy in Ireland – EU, National, Regional, County/City and Local**

The Heritage Council is committed to providing detailed policy advice to all levels of government within the current statutory planning policy hierarchy.

This submission sets out the Heritage Council's key findings and recommendations in relation to the Section 28 Local Area Plan Guidelines for Local Authorities (June 2013).<sup>3</sup> This submission deals specifically with policy advice in relation to Ireland's national built heritage, as provided for by the 1995 Act (as amended) and it follows on from detailed national planning policy submissions made by the Heritage Council in 2021, as follows:

- 1.** November 2021 on the Draft Section 28 Strategic Environmental Assessment (SEA) Guidelines in Ireland<sup>4</sup>; and
- 2.** October 2021 on the Draft Section 28 Development Plan Guidelines for Local Authorities.<sup>5</sup>

Since its foundation in 1995, the Heritage Council has undertaken extensive research, policy development and 'pilot' programme formulation, delivery and evaluation, in relation to the management of Ireland's unique national heritage.

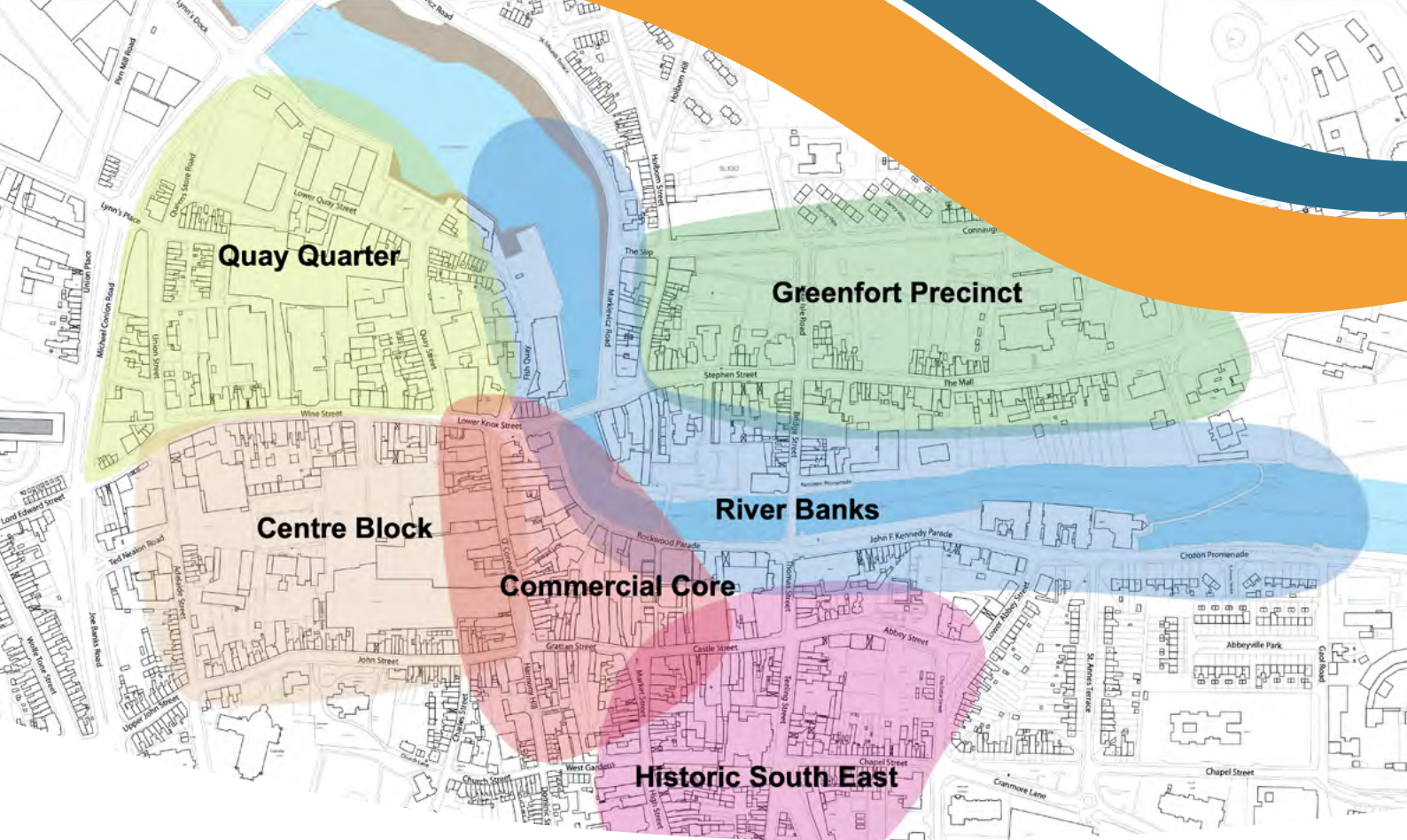
The Heritage Council welcomes the preparation of a new round of statutory Local Area Plans (LAPs) by local authorities. We recognise the challenges that planning authorities face in completing multiple Local Area Plans and we believe that LAPs are an important, if under-appreciated, statutory layer in the overall planning hierarchy for the country. We appreciate that issues and emphases may differ from one LAP to another and that not all LAPs may have a significant heritage component. Some LAPs may have stronger landscape or ecological heritage values to be incorporated while for others built heritage may be a defining characteristic.

LAPs are an opportunity to consider, analyse and prepare effective evidence-based planning policy, which will affect the future spatial development of the State and its national heritage up to 2030, i.e., within the lifetime of the recently published Heritage Ireland 2030.<sup>6</sup>

We recognise that any new round of LAPs will also need to align with the Waste Action Plan for a Circular Economy (2020), Housing for All (October 2021), Climate Action Plan 2021 (which includes targets for 2030), Town Centre First Policy (February 2022), and the recently published National Policy on Architecture<sup>7</sup> (NPA, May 2022).

This submission includes a review of the existing Section 28 Local Area Plan Guidelines for Local Authorities (2013) from a built heritage perspective; and makes recommendations based on this.





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### 3. Review of Section 28 Local Area Plans Guidelines for Planning Authorities (2013) from a Built Heritage perspective

A review of the S28 LAP Guidelines (2013, 51 pages), which was undertaken by the Heritage Council, has highlighted the following: the 2013 LAP Guidelines pre-date the adoption of the 17 no. interlinked UN SDGs in 2015 and the New European Bauhaus (NEB); there is very little mention of 'Heritage' in the Contents page and very little mention of built heritage throughout the guidelines document. The key focus of the guidelines appears to be on the zoning of land for development as there is no mention of existing landuse, reuse or repurposing of existing buildings. An understanding of the cultural layering of historic places as the context for regeneration and development is not sufficiently communicated in the 2013 Guidelines. This Heritage Council submission follows the remaining structure of the 2013 Guidelines namely:

**Section 1: Introduction**

**Section 2: Local Area Plans: Legislative and Policy Requirements**

**Section 3: Process for Preparing Local Area Plans**

**Section 4: Consultation and Consensus**

**Section 5: Structure and Content of Local Area Plans**

**Section 6: Delivering Local Area Plans**

Updated S28 SEA Guidelines were published by the Department of Housing in December 2021. As such, the S28 Local Area Plan Guidelines (2013) refer to outdated SEA Guidance that was originally prepared by the Environmental Protection Agency (EPA) in 2004. It is recommended that the Guidelines be updated to reflect the revised guidance.

**Sections 1 and 2** of the S28 LAP Guidelines (2013) should include a definition of Ireland's Historic Environment as well as a definition of historic settlements in an Irish context. We suggest that the definition of Scotland's Historic Environment, which was included in Scottish Planning Policy 2010 and in their successive National Planning Frameworks (NPFs) should be considered as a suitable template.

**Section 2** of the S28 LAP Guidelines (2013) refers solely to 'heritage protection' on page 13 – this needs to be broadened into an understanding, appreciation and valuing of the historic environment or historic settlements in Ireland which would come about – directly and indirectly - through the inclusion of such a definition in the guidelines – crucially, this would include an understanding of the unique 'Time-depth', morphology, character and materiality of historic settlements and an understanding of their historic role in the overall settlement hierarchy.

A key means to manage the historic urban environment are Architectural Conservation Areas (ACAs). We recommend that mention of statutory designations in Irish legislation, such as Architectural Conservation Areas, should feature in future guidelines.

**Section 3** of the LAP Guidelines (2013) refers to key data (also listed in an appendix) but does not include an authoritative list of the primary and secondary datasets to be used in Local Area Plans (LAPs). Key sources of these datasets (national and international) should also be stated and should align with the EU INSPIRE Directive. In terms of accruing economies of scale and economies of repetition from the plan-making process, it would be desirable that these datasets should be set up on one authoritative [national] digital geo-spatial dataset portal.

#### Box 1: Scotland's Historic Environment

... The historic environment includes ancient monuments, archaeological sites and landscape, historic buildings, townscape, parks, gardens and designed landscapes and other features. It comprises both statutory and non-statutory designations. **The location of historic features in the landscape and the patterns of past use are part of the historic environment.** In most cases, the historic environment (excluding archaeology) can accommodate change which is informed and sensitively managed, and can be adapted to accommodate new uses whilst retaining its special character. However, in some cases the importance of the heritage asset is such that change may be difficult or may not be possible. Decisions should be based on a clear understanding of the importance of the heritage assets. **Planning authorities should support the best viable use that is compatible with the fabric, setting and character of the historic environment.**

**Development plans should provide the framework for the protection, conservation and enhancement of all elements of the historic environment to allow the assessment of the impact of proposed development on the historic environment and its setting. Setting is more than the immediate surroundings of a site or building, any may be related to the function or use of a place, or how it is seen from around, or areas that are important to the protection of the place, site or building...** Authorities should also consider whether further and more detailed assessment is required to establish the capacity of an area for and its sensitivity to change...

(Source: Heritage Council, 2013<sup>8</sup>.)



Key heritage datasets such as the statutory Record of Monuments and Places (RMP) and the National Inventory of Architectural Heritage (NIAH) are not referenced. It should also be highlighted that a number of these assumed datasets need updating including the National Inventory of Architectural Heritage. Many local authorities have built up considerable digital data sources, in particular on heritage, and this should be acknowledged.

The Heritage Council's CTCHC Programme is a new emerging geo-spatial dataset that could also usefully inform revised LAP guidelines. This programme involves civic and business leaders working in partnership with the public and third-level education sectors to create robust data baselines.<sup>9</sup> The collaborative 15-Step assessment approach for CTCHCP Phase 1, which includes a detailed landuse survey/ GIS mapping and calculation of vacancy rates as part of CTCHC Step 2, is what LAPs might encompass and embrace, as per the key tenets of the UNECE Aarhus Convention and the UN SDGs. CTCHC Step 1 involves confirming and agreeing the CTCHC study boundary.

**Section 3** of the 2013 Guidelines refer to European sites, specifically in relation to biodiversity sites and designations such as Natura 2000. Future guidelines should reflect the National Biodiversity Action Plan and other resources such as the All-Ireland Pollinator Plan.





**Section 4** of the 2013 Guidelines should reference the Public Participation Networks (PPNs), which were set up shortly after Ireland ratified the UNECE Aarhus Convention.

Given our increasing international environmental obligations, it is recommended that future Local Area Plans are no longer solely about land use ‘zonings’, particularly greenfield land – they must embrace the repair and reuse of vacant and derelict properties and the appropriate infill of adjacent land to these properties, i.e., existing buildings and brownfield sites. The CTCHC Programme has created a town centre land use classification and GIS colour coding system to undertake surveying and mapping of historic town centres in Ireland and uses a target ground floor retail vacancy rate in town centres of 5% along with a healthy vacancy range of 5-11%.

In addition, it should be highlighted that the Heritage Council is not referenced in the LAP Guidelines in the section on statutory consultees. As noted in the introduction of this submission, the Heritage Council is a prescribed policy advice/advocacy body under primary legislation.

**Section 5** of the 2013 Guidelines requires a greater understanding of the ‘receiving environment’ in terms of the historical context and time-depth – this is particularly relevant for SEA. Future guidelines could reference the understanding of the unique form, fabric and character of the historic environment, i.e., how did the settlement evolve and grow – what materials are used in its construction, where did the materials come from, what is the historic design palette and how does this all collectively come together to create a unique sense of place, etc.



The understanding of form, fabric and materiality is particularly important in terms of climate change targets. Lower levels of demolition, increased reuse of traditional buildings and reductions in emission levels from buildings and transport need to be reflected in future LAP guidance. Town centres have significant existing infrastructure and utilities in situ and potential savings can accrue to the public purse through a reinstatement of a town's critical mass; this should be factored into future LAPs.

**Section 5** might embrace future liveability in historic town centres. There is a growing need to revisit Housing Demand Needs Assessment (HNDAs) to ensure that there is a match-up between young people living at home (i.e., Ireland's hidden homeless) and the repurposing of vacant floors above former commercial businesses including infill/enabling development on lands to the rear. The levels of vacancy collected and mapped by the CTCHC Programme e.g., 31% in one town in the south-west, would indicate that not all these ground floor former retail businesses/premises will be retail units again and a creative and collaborative strategy for the repurposing of traditional buildings at scale is required including the introduction of the concept of Meanwhile Use<sup>10</sup>.

**Section 5** entitled 'Structure and Content of Local Area Plans' of the 2013 LAP Guidelines should include a section on built heritage. The inclusion of such a section would support the reuse and repurposing of existing buildings thereby helping LAPs to align with the recommendations contained in Pathway 4 'Addressing Vacancy and Efficient Use of Existing Stock' of the government policy Housing for All.

The 2013 LAP Guidelines specifically refer to the need to 'provide certainty to developers' (page 39). This statement needs to be balanced with the key tenets of the UNECE Aarhus Convention and the earlier statement on page 24 of the guidelines 'that the involvement of communities in the plan-making process is essential'. We note and appreciate the growing capacity of local authorities in consultation with the public.

We note that Section 6 of the Guidelines makes no reference to historic town centres - only Docklands Regeneration and specifically Dublin and Cork Docklands - these are unusual references for guidelines for settlements over 5,000 population. These examples are more suited to Metropolitan Area Strategic Plans (MASPs), as per the National Planning Framework. We suggest that historic urban centres feature as case studies in any revised guidance.

The 2013 LAP Guidelines predate Strategic Housing Developments (SHDs) and the Large-scale Housing Developments legislation. Key learnings from the SHD experience in Ireland should be included in the new round of LAPs to ensure that the democratic process of spatial planning is maintained and upheld, in accordance with the UNECE Aarhus Convention.

## 4. Heritage Council Recommendations

As a fresh suite of national policies have been published in recent times, as set out above, a new round of statutory Local Area Plans (LAPs) will help support and deliver the key aims and objectives of these important national strategies. The Heritage Council looks forward to widening and deepening its collaboration with the Department of Housing, Local Government and Heritage to achieve more favourable outcomes for our national heritage in order to meet Ireland's growing international environmental and climate change obligations.

Based on the above review and analysis, the Heritage Council makes the following recommendations:

- 1) Update the Ministerial Section 28 Local Area Plan Guidelines published in June 2013:** At a national level the existing Section 28 LAP Guidelines need updating to reflect their interaction with the new non-statutory Town Centre First Plans and the policy initiatives and challenges identified in this submission. New Guidelines will offer an opportunity to learn from and build on experience to date, and to add to what we have in terms of Guidance.



**2) At a local authority level prepare new Local Area Plans.** LAPs in Ireland need to be updated to varying degrees including incorporation of:

- a. Town Centres First policy, based on provisions set out in *Town Centre First: A Policy Approach for Irish Towns* (February 2022);
- b. A plan framework and introduction based on the town's historical development (in order to reinforce the idea of historic town centres as a continuum and to provide the necessary context for planning the reuse and repair of the existing historic built environment);
- c. Specific, meaningful strategies and priorities for the town and historic cores during the lifetime of the plan, formulated using the baseline data noted above;
- d. Full use of ACAs and Protected Structure designations in historic town centres;
- e. Quantified targets for tracking implementation of the LAP and mechanisms for public monitoring of the plans including incorporation of relevant UN SDGs;
- f. Translation of the LAP designations into geospatial data to foster both better plan implementation and innovation as well as to increase public access to environmental information and participation in the process, as per the UNECE Aarhus Convention and the EU INSPIRE Directive.

**3) Consider the development of national viewers/digital dashboards** for presenting and maintaining some of the LAP geospatial data noted above. Such a national approach may not only bring time saving/efficiencies for Local Authorities but would also provide a single, national dataset for strategic planning, progress tracking and evaluation in order to report on the UN SDGs and other international obligations. We note that the Department of Public Expenditure and Reform are conducting a public consultation on the next Open Data Strategy (due in 2023) and this would link into this recommendation.

#### Endnotes:

- 1 <https://www.irishstatutebook.ie/eli/1995/act/4/enacted/en/html>
- 2 <https://www.irishstatutebook.ie/eli/2018/act/15/enacted/en/html>
- 3 <https://www.gov.ie/en/publication/8f54f-local-area-plans-guidelines-for-planning-authorities-june-2013/>
- 4 <https://www.heritagecouncil.ie/content/files/Section-28-SEA-Guidelines-for-RA-LA-Heritage-Council-submission.pdf>
- 5 <https://www.heritagecouncil.ie/content/files/Submission-Draft-Section-28-Development-Plans-%E2%80%93-Guidelines-for-Local-Authorities.pdf>
- 6 <https://www.gov.ie/en/publication/778b8-heritage-ireland-2030/>
- 7 <https://www.gov.ie/en/publication/f9879-places-for-people-national-policy-on-architecture/>
- 8 <https://www.heritagecouncil.ie/content/files/Onshore-Wind-Farm-Sector-In-Ireland-Planning-in-Harmony-with-Heritage.pdf>
- 9 The CTCHC Programme intends to move this data to a digital platform, resources permitting.
- 10 [https://www.heritagecouncil.ie/content/files/Leaba-Te\\_Hotbed-of-Meanwhile-Use.pdf](https://www.heritagecouncil.ie/content/files/Leaba-Te_Hotbed-of-Meanwhile-Use.pdf)





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