



Our Ref: FP2020/002
(Please quote in all related correspondence)

02 March 2020

Director of Services-Planning
Laois County Council
Áras an Chontae
James Fintan Lalor Avenue
Portlaoise
Co Laois
R32 EHP9
Via email to cdp@laoiscoco.ie

Re: Notification to the Minister for Culture, Heritage and the Gaeltacht under Article 28 (Part 4) or Article 82 (Part 8) of the Planning and Development Regulations, 2001, as amended.

Proposed Development: Issues Paper regarding review of Laois CDP 2017-2023 and preparation of Laois County Development Plan 2021-2027

A chara

On behalf of the Department of Culture, Heritage and the Gaeltacht, I refer to correspondence received in relation to the above.

The Department refers to the notice given in accordance with Section 11 (1) of the Planning and Development Act 2000 (as amended) that Laois County Council intends to review the existing Laois County Development Plan 2017-2023 and prepare a new County Development Plan (CDP) for the period 2021-2027. The Planning Authority will also carry out a Strategic Environmental Assessment (SEA), Stage One Appropriate Assessment (AA) screening (and Stage Two AA, if required) and Strategic Flood Risk Assessment. As part of the first stage, the Planning Authority is engaging in pre-draft consultation with the general public and a wide range of organisations and interest groups. The Department welcomes the opportunity for early engagement in this process and wishes to provide the following observations. Outlined below are heritage-related observations/recommendations of the Department under the stated headings.

Nature Conservation

1. Biodiversity conservation in the plan

The Department advises that the plan should be developed to integrate biodiversity considerations in a positive, proactive and precautionary way, and that this should be reflected in the text and content of the plan, including its aims, objectives and policies, as well as in any associated maps. Globally, the need to protect biodiversity is as urgent a



priority as climate change and should be given equal status and visibility in the plan. A clear commitment should be made to biodiversity conservation generally and not just in relation to protected sites, habitats and species.

The Department recommends that, as part of this process, that the current Plan's policies and objectives are reviewed. Such a review should take place with a view to streamlining and strengthening policies by ensuring that they are consistent with current EU and National plans, reports, guidance documents and case law relating to biodiversity including:

- Project Ireland 2040 – The National Planning Framework
- The Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly 2019 including Biodiversity Regional Policy Objectives and Green Infrastructure Guiding Principles
- The National Biodiversity Action Plan 2017 – 2021
- All-Ireland Pollinator Plan 2015 -2020
- Ireland's Article 17 reports 2019¹
- Ireland's Summary Report for the period 2008 – 2012 under Article 12 of the Birds Directive²
- The River Basin Management Plan 2018 -2021 including the Freshwater Pearl Mussel Second Draft Nore Sub-Basin Management Plan (2010)
- The National Peatlands Strategy 2015 and the National Raised Bog Special Areas of Conservation Management Plan 2017-2022
- Conservation objectives for Natura 2000 sites within the plan's zone of influence
- NPWS Prioritised Action Framework (PAF) for Natura 2000 for the EU Multiannual Financing Period 2014-2020³
- EU's 2013 Green Infrastructure Strategy
- EU's 2019 Guidance on integrating ecosystems and their services into decision-making
- Recent planning case law in relation to the Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC)
- Laois Heritage Plan 2014 - 2019
- Local Biodiversity Action Plans for settlements in County Laois

A number of Local Biodiversity Action Plans for settlements in County Laois have been prepared. The Department welcomes this initiative and would encourage its roll out to other settlements in the county. The Department also welcomes the protection afforded to the critically endangered Nore Freshwater Pearl Mussel in the current County Development Plan (Policy NH37) and advises that a similar policy should be considered for inclusion in the next plan.

¹ <https://www.npws.ie/publications/article-17-reports/article-17-reports-2019>

² <https://www.npws.ie/status-and-trends-ireland%E2%80%99s-bird-species-%E2%80%93-article-12-reporting>

³ <https://www.npws.ie/sites/default/files/general/PAF-IE-2014.pdf>



2. Integrated assessment

Laois County Council is the competent authority in relation to the screening for Appropriate Assessment, and Appropriate Assessment, if required, of the draft Plan. The Appropriate Assessment process should take place in consultation with the teams working on the draft Plan, the Strategic Environmental Assessment (SEA) and the Strategic Flood Risk Assessment, as each process can help inform the other to ensure that the objectives and policies in the draft Plan will have no significant effects on the natural heritage. The SEA and draft Plan should be guided by results of monitoring of the significant environmental effects of implementation of the previous development plan.

3. Climate change mitigation and restoration of cutaway bog

The issue of climate change has been raised in the issues paper. The Department recommends that Laois County Council considers the opportunity for climate change mitigation through the rewetting and restoration of dry, bare cutaway bog, thereby lowering carbon emissions from these sites as well as restoring biodiversity. The Department encourages forward planning during production phases of peat extraction operations so that the topography of the commercial fields can be engineered so as to best facilitate rewetting of the sites. The Department advises the council to ensure that industrial after uses of cutaway bog do not hamper the ability to rewet these and adjacent areas. Publication of cutaway rehabilitation plans would facilitate the consideration of the impacts of such projects during planning stage environmental assessments and should be encouraged. This approach is in line with Principle 17 (after use of cutaway peatlands) and Principle 19 (contribution of peatland rehabilitation and restoration to climate change mitigation and adaptation) of the National Peatland Strategy 2015.

4. Nitrogen deposition

The Issues Paper mentions the promotion of bio-energy production from waste, agri-food effluents, manures, municipal solid waste and sewage. Ecological impacts can occur due to nitrogen (NO_x) emissions from any bio-energy combustion process and ammonia (NH_3) emissions from the spreading of digestate. The impacts of nitrogen deposition on nitrogen-sensitive Natura 2000 sites or Annex 1 habitats⁴ outside European sites should be taken into account when considering the location of such facilities. Impacts of nitrogen deposition include acidification and eutrophication resulting in biodiversity loss.

The Department further advises that the Appropriate Assessment of the draft Plan should include an assessment of the impacts of nitrogen deposition on Natura 2000 sites within the draft Plan's zone of influence. Consideration should also be given to monitoring nitrogen deposition in the Strategic Environmental Assessment. Details of nitrogen deposition mapping and impacts on habitats are included in the Department's latest Article

⁴ Kelleghan, D. B., Hayes, E. T., Everard, M. & Curran, T. P. 2019. Mapping ammonia risk on sensitive habitats in Ireland. *Science of The Total Environment*, 649, 1580-1589
<https://doi.org/10.1016/j.scitotenv.2018.08.424>.



17 report⁵. The SCAIL Agriculture and SCAIL Combustion screening tools may also assist in these assessments⁶.

5. Green infrastructure network review

The incorporation of Green Infrastructure (GI) in spatial planning is one of the ways in which the National Biodiversity Action Plan 2017 -2021 seeks to address the main drivers of biodiversity loss in Ireland. This is also a National Policy Objective of the National Planning Framework⁷. The Department recommends that Laois's green infrastructure network should be reviewed.

As outlined in the Biodiversity Action Plan for Abbeyleix⁸, the town is uniquely enhanced by having Abbeyleix (Killamuck) Bog immediately adjacent. This site is rich in biodiversity and provides the town with high quality recreational and educational opportunities. The bog and environs contain two habitats listed on Annex 1 of the Habitats Directive (92/43/EEC), Active Raised Bog, a priority habitat, and Alkaline Fen. The presence of an intact lagg along the eastern side of the bog is a very significant feature of this site, as these transitional zones around raised bogs have generally been lost due to peat cutting. Given its value as a biodiversity site, it is suggested that the forthcoming plan should acknowledge Abbeyleix Bog as an important ecological feature in the County's green infrastructure and ecological network.

There is also scope for cutaway bogs to form an important part of the green infrastructure network in County Laois. As they come out of production, cutaway bogs, by virtue of their function as stepping stones between isolated peatlands, may be essential for the migration, dispersal and genetic exchange of wild species. An example of this is the isolated Red Grouse (*Lagopus lagopus hibernicus*) population in the Slieve Bloom Mountains⁹, however this is an issue for biodiversity in general. Post-production plans for use of cutaway bogs should also be compatible with the EU Strategy on Green Infrastructure and Article 10 of the Habitats Directive which requires member states to protect landscape features that are of major importance for wild flora and fauna, where necessary, through land use planning and development policies.

The Department encourages the free dissemination of biodiversity data and will, where possible, facilitate use of its data resource by Laois County Council. The Department holds significant habitat and species spatial datasets, including data collected for the most recent

⁵ NPWS (2019) The status of EU Protected Habitats and Species in Ireland. Volume 2. Habitat Assessments. Unpublished NPWS report. Edited by Deirdre Lynn and Fionnuala O'Neill.

⁶ <http://www.scail.ceh.ac.uk/>

⁷ National Policy Objective 58 - Integrated planning for Green Infrastructure and ecosystem services will be incorporated into the preparation of statutory land use plans

⁸ Laois Partnership Ltd. (2014) Biodiversity Action Plan for Abbeyleix, Co. Laois prepared by Fional Mac Gowan B.Sc.Ph.D., Consulting Ecologist, in association with Kearney Consultants & Trainers Ltd.

⁹ McMahon, B.J. et al. (2012) Genetic variation among endangered Irish red grouse (*Lagopus lagopus hibernicus*) populations: implications for conservation and management. Conservation Genetics Volume 13, Issue 3.



Article 17 conservation status reporting cycle (2019). Details of how to access data can be found on the National Parks and Wildlife Service website¹⁰.

Barriers to fish migration on the River Barrow and River Nore Special Area of Conservation (SAC)

Part of the River Barrow and River Nore Special Area of Conservation (SAC) Site Code 002162 lies within County Laois. Qualifying interest species of this SAC, include Atlantic Salmon (*Salmo salar*), Brook Lamprey (*Lampetra planeri*) and River Lamprey (*Lampetra fluviatilis*). A conservation objective for the above fish species is to restore the favourable conservation condition of the SAC by ensuring accessibility to the river system. In the case of Atlantic Salmon, this is defined by the target ‘100% of the river channels down to second order accessible from estuary’¹¹. For Brook Lamprey, the target is ‘Access to all watercourses down to first order streams’ and for River Lamprey the target is “greater than 75% of main stem and major tributaries down to second order accessible from estuary’. A number of high risk barriers to fish migration, including weirs and bridge sills occur within this SAC¹²¹³¹⁴ in County Laois. The Department recommends that this issue is considered in the County Development Plan. There is scope for barrier removal in conjunction with Local Authority projects such as bridge repair and such synergies should be explored further with Inland Fisheries Ireland. The foregoing is in line with National Policy Objective 59 (Enhance the conservation status and improve management of protected areas and protected species by integrating policies and objectives for the protection and restoration of biodiversity in statutory development plans) of the National Planning Framework.

6. Access to natural heritage and greenways

The Issues Paper considers how greater access to natural heritage be facilitated, while having regard to the sensitive nature of many sites. There are a number of conservation sites in Co Laois to which the public have access. These include the NPWS owned and managed Nature Reserves at Grantstown Wood and Lough, Coolacurragh Wood and Timahoe Esker. The Slieve Bloom Mountains is also a Nature Reserve (and designated SAC and SPA) and at over 2,300 hectares is Ireland’s largest state-owned Nature Reserve. The National Parks and Wildlife Service of this Department, who own and manage these Nature Reserves, should be consulted in relation to any proposals in relation to visitor access to these sites.

¹⁰ <https://www.npws.ie/maps-and-data/open-data-policy>

¹¹ NPWS (2011) Conservation Objectives: River Barrow and River Nore SAC (002162). Version 1.0. National Parks

¹² CFB, Compass Informatics (2008) Assessment of the Risk of Barriers to Fish Migration in the Nore Catchment, Southern Regional Fisheries Board, Unpublished Report to CFB http://www.wfdireland.ie/docs/20_FreshwaterMorphology/FW%20Morph%20POMS%20Assessment%20of%20the%20risks%20of%20barriers%20-%20Nore%20catchment%5B1%5D.pdf

¹³ Sullivan, A. (2007) Assessment of fish passage and the ecological impact of migration barriers on the River Nore catchment, Nore Suir Rivers Trust & OPW http://www.noresuirrivertrust.org/Files/NoreBarrierMigrationStudyVer1_3.pdf

¹⁴ King, J.J. (2006) The status and distribution of lamprey in the River Barrow SAC. Irish Wildlife Manuals No. 21. National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland. <https://www.npws.ie/sites/default/files/publications/pdf/IWM21.pdf>



In the National Greenway Strategy¹⁵, a greenway is described as is a recreational or pedestrian corridor for non-motorised journeys, developed in an integrated manner which enhances both the environment and quality of life of the surrounding area. They can include measures to enhance biodiversity and to provide enhancement measures for the All Ireland Pollinator Plan 2015 – 2020. Greenways are generally welcomed by the Department as a positive contribution to improving the sustainable transport and tourism infrastructure of Ireland.

However, the same risks to biodiversity are associated with greenways as with any other road development. As advised in the National Greenway Strategy, greenways should be designed to take into account, and avoid where necessary, the sensitivities of natural heritage. Project appraisal and consideration of a number of route options, as outlined in the Common Appraisal Framework for Transport Projects and Programmes¹⁶, is one way of taking natural heritage into account at an early stage. Greenways should be strategic and projects will be considered for funding under the strategy, if they link to activities and locations, while in themselves not being the most scenic routes.

Archaeology

For specific inquiries in relation to the archaeological heritage within the Development Plan please contact:

Celine Walsh, Archaeologist, National Monuments Service, Department of Culture, Heritage and the Gaeltacht, Custom House, Dublin 1. Tel. 01 8882116

1) Statutory Obligations of Local Authorities Development Plans and the Archaeological Heritage.

The Planning and Development Act, 2000

The Planning and Development Act, 2000 came into effect on the 11th March 2002. Local Authorities are now obliged to include the conservation and protection of archaeological sites as an objective within Development Plans.

It is stated in section 10, subsection 2 (c), that:

“a development plan shall include objectives for the conservation and protection of the environment including, in particular, the archaeological and natural heritage and the conservation and protection of European sites and any other sites which may be prescribed for the purposes of this paragraph”

Thus, it is now mandatory for Local Authorities to include the conservation and protection of the archaeological heritage as an objective in all Development Plans.

¹⁵ Government of Ireland (2018) Strategy for the Future Development of National and Regional Greenways prepared by the Department of Tourism, Transport and Sport www.dttas.gov.ie

¹⁶ Department of Transport, Tourism and Sport (2016) Common Appraisal Framework for Transport Projects and Programmes (<https://assets.gov.ie/34326/6bb58b8fe9424bce9595f0a118fc334e.pdf>)



In addition to this, the First Schedule, Part IV, Section 6 of the Act states that objectives which may be indicated in Development Plan include:

“Protecting and preserving (either in situ or by record) places, caves, sites, features and other objects of archaeological, geological, historical, scientific or ecological interest”

The Local Government Act, 2001

Section 69 (1) of the Local Government Act, 2001 requires Local Authorities to have regard to certain matters when exercising its functions under any enactment (e.g. their planning functions including adopting Development Plans and deciding on planning applications), and those matters include:

“policies and objectives of the Government or any Minister of the Government in so far as they may affect or relate to its functions”

The Department of Culture, Heritage and the Gaeltacht has set out policies in the publication *‘Framework and Principles for the Protection of the Archaeological Heritage’*, and part of that policy is that archaeological considerations need to be taken full account of in the development process.

The European Convention on the Protection of the Archaeological Heritage (Valetta, 1992)

This Council of Europe Convention was ratified by Ireland in 1997. It requires that archaeological heritage is taken account of in the development process. This is important, as it reiterates the legal obligations of Irish planning law into a broader European context. This convention also includes the setting and context of archaeological sites as part of the archaeological heritage that requires protection. Ireland is a signatory of this Convention, and as such is legally bound by it.

2) Protecting the Archaeological Heritage as an Objective within the Laois County Development Plan

Most Development Plans have a preliminary section listing the main objectives and policies of the Development Plan. However, some Development Plans deal with each ‘element’ separately and only list the objectives and policies regarding each element in the corresponding section within the Development Plan. The Department of Culture, Heritage and the Gaeltacht requests those who include a main objectives list, to include the following objective to cover the policies for protecting the archaeological heritage. (This is expanded upon and detailed in the specific section entitled ‘Archaeological Heritage’)

A standard basic objective for protection of the archaeological heritage:

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 sites, 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 Culture, Heritage and the Gaeltacht, 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.

3) Specific Section/Chapter entitled ‘Archaeological Heritage’ as part of the Laois County Development Plan

Obviously the more information about the archaeological heritage that can be included in the Development Plan the better. If the Development Plan can be as clear as possible in outlining the planning restraints on archaeological sites, the possibility of developments being held up due to a concern for the archaeological impact of that development is greatly reduced.

In keeping with the Planning and Development Act, 2000, The Department of Culture, Heritage and the Gaeltacht, recommends that the Laois County Development Plan includes a section/chapter regarding ‘Archaeological Heritage’. This should clearly outline the main planning objectives regarding the archaeological heritage of the Development Plan. Within this section/chapter, The Department of Culture, Heritage and the Gaeltacht, recommends that the following items be included:

Proposed Wording of the Section on Archaeological Heritage within the Laois Development Plan

DEFINITION: The archaeological heritage of Laois includes structures, constructions, groups of buildings, developed sites, all recorded monuments as well as their contexts, and moveable objects, situated both on land and underwater. (*The European Convention for the Protection of Archaeological Heritage, Valetta 1992*)

(This means that the archaeological heritage is not confined to the archaeological sites within the Record of Monuments and Places. It includes any archaeological site that may not have been recorded yet, as well as archaeology beneath the ground surface, as well as the context of any site.)

The Archaeological Heritage is comprised of:

- Recorded sites and features of historical and archaeological importance included in the Record of Monuments and Places as established under section 12 of the National Monuments (Amendment) Act, 1994.
- Major sites of archaeological importance in State Ownership or Guardianship
- National Monuments which are the subject of Preservation Orders in Laois
- All previously unknown archaeology that becomes known (e.g. through ground disturbance, fieldwork, or the discovery of sites underwater).

General Policies

It will be the general policy of the council to apply the following principles to the archaeological heritage:



- *To protect and enhance archaeological monuments and their settings including town walls, town embankments and ditches, town gates, bastions or ancillary fortifications.*
- *To facilitate appropriate guidance in relation to the protection of the archaeological heritage in the area covered in the Plan.*
- *To provide guidance to developers and property owners regarding the archaeological implications of a proposed development.*
- *To promote pre-planning consultations in relation to the archaeological heritage with the Planning Authority and with The Department of Culture, Heritage and the Gaeltacht,*
- *To endeavor to ensure the dissemination of the results of archaeological excavation in a timely and appropriate manner.*
- *To promote public awareness of the rich archaeological heritage in the area.*

Specific Objectives

It will be an objective of the Planning Authority to secure the preservation (*in-situ* or by record) of all sites and features of historical and archaeological interest.

It will be an objective of the Planning Authority to secure the preservation (*in situ*) of town walls, embankments, town gates, bastions or ancillary fortifications or portions thereof.

It will be an objective of the Planning Authority to preserve the integrity of existing archaeological monuments in their settings including the integrity of town defences.

It will be an objective of the Planning Authority 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 town defences, the planning authority will aim to achieve a satisfactory buffer area between the development and the town defences in order to ensure the preservation and enhancement of the amenity associated with the presence of town defences within the historic urban pattern.

The Planning Authority will have regard to the preservation and enhancement of the line of the town defences when considering development proposed in their vicinity. Disturbance, removal and alteration of the line of town defences shall not be considered appropriate within the historic towns.

It will be an objective of the Planning Authority to retain the existing street layout, historic building lines and traditional plot widths where these derive from medieval or earlier origins.

In securing such preservation the Planning Authority will have regard to the advice and recommendations of The Department of Culture, Heritage and the Gaeltacht, both in respect of whether or not to grant planning permission and in respect of the conditions to which permission, if granted, should be subject.



When considering development in the vicinity of all upstanding monuments including town defences, the Planning Authority will require the preparation of submission of an archaeological assessment detailing the potential impact of any development on both upstanding 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.

General information which should be placed in an appropriate location within the Development Plan.

The Record of Monuments and Places (RMP)

The Record of Monument and Places (RMP) is a statutory audit of archaeological monuments provided for in the National Monuments Acts. It consists of a county by county set of marked-up Ordnance Survey maps and a manual listing basic information in relation to each monument or area included in the RMP. Monuments in the RMP are protected under the National Monuments (Amendment) Act 1994. The RMP is revised periodically.

Historic Towns and Town Defences

Historic Towns which have been identified by the Department of Culture, Heritage and the Gaeltacht for general protection are towns which were first identified in the Urban Archaeological Survey of Laois and which have been included in the RMP.

For Laois these historic towns include the following list – Ballinakill, Castletown, Dunamase, Killaban, Portarlinton and Portlaoise.

The guideline boundaries for these towns are illustrated within the RMP. The area within the historic boundaries are known as Zones of Archaeological Potential, and are areas where intense archaeology is present.

Many of our historic villages, towns and cities comprise a series of streets bounded by town walls, embankments and ditches with town gates marking the entrance to and exit from the urban area. The town defences are amongst the most important monuments in any medieval town.

These fortifications marked out the area of jurisdiction of the town's authority. In some examples additional protective features, like bastions and star-shaped fortifications were built alongside or outside the original town bulwarks.

In a few rare examples, the modern urban centre has not yet fully developed within the area enclosed by the ambitious town walls. However, in most examples, lengths of town wall, gateways and in some cases town banks and ditches lie within or under the modern urban fabric. The survival of these town defences can vary. Some are relatively intact, although pierced through by modern roads and bridges, others lie buried beneath a palimpsest of later building. Protection of the town's heritage includes the retention of



existing street layout, historic building lines and traditional plot widths where these derive from medieval or earlier origins.

(Details of monuments within Zones of Archaeological Potential are shown on maps accompanying the Urban Archaeological Survey, which Laois County Council been furnished with.)

The Department of Culture, Heritage and the Gaeltacht, would like to draw your attention to the *Bruges Resolution on the Conservation of Smaller Historic Towns, (1975)*, which was adopted by the 4th ICOMOS General Assembly, which outlines the importance of preserving the features of historic towns, while allowing for the necessity of development.

Underwater Archaeology

Under the National Monuments Acts 1930-1994 all shipwrecks over one hundred years old, underwater archaeological structures, features and objects are protected. The quantification of the underwater archaeological resource is at a preliminary stage with the National Shipwreck Inventory currently being compiled. This source indicates areas of high archaeological potential within marine environments. The Record of Monuments and Places does not include all underwater archaeological sites. As a result the potential exists for development to impact negatively on our underwater cultural resource. Development Plans should therefore take account of any development and constructional impacts on riverine, lacustrine, intertidal and sub-tidal environments.

Monument or sites included in the Record of Monument and Places (RMP) located within the land holding of development proposals.

It is recommended that the following section be included in an appropriate area of the development plan (possibly in the section relating to open spaces or to residential developments).

Where a proposed development (excluding individual residential home units) includes a monument or site included in the Record Monument and Places within the landholding we recommend that

A) The developer shall commission an archaeological assessment to establish the extent of archaeological material associated with the monument or site. This assessment shall also define the buffer area or area contiguous with the monument which will preserve the setting and visual amenity of the site.

B) The area of the monument and buffer should not be included as part of the open space requirement demanded of a specific developments but should be additional to the required open spaces.

C) If a monument or place included in the Record of Monument and Places lies within the open space requirement a development, a conservation plan for that monument should be requested as part of the landscape plan for that proposed open space.



D)Should a monument or site included in the Record of Monument and Places be incorporated into a development the monument and attendant buffer area should be ceded to Local Authority Ownership once the development and associated landscaping works are complete so that the future protection of the monument can be assured.

Specific Operational Development Control Section on ‘Archaeological Heritage’

The Minister recommends that the following section would be included in Chapter of the Development Plan dealing with “Development Control”

- *It is the policy of Planning Authority that proposed developments that may (due to their location, size, or nature) have implications for the archaeological heritage should be subject to archaeological assessment. Such developments include those that are located at or close to archaeological monuments or site, those that are extensive in terms of area (ground disturbance of 1/2 hectare or more) or length (1 kilometre or more) and developments that require an Environmental Impact Statement.*
- *The applicant may be formally requested, as part of the planning process to have a report prepared by an archaeologist on the archaeological implications, if any, of the proposed development. The applicant shall commission this assessment report. These archaeological assessment reports shall be submitted to the Planning Authority, and to the Department of Culture, Heritage and the Gaeltacht for their consideration prior to the planning decision*
- *All planning permissions and other development applications, which are in or might affect sites and features of historical and archaeological interest, shall be referred to the Minister through the Department of Culture, Heritage and the Gaeltacht for comment.*
- *Referrals shall be made in adequate time to allow for the applications to be assessed, for field inspections to be completed and for comments/observations to be returned to the Planning Authority.*
- *The Ministerial recommendations will be fully considered by the Planning Authority in reaching their decision.*
- *Conditions which the Planning Authority may place on developments within the zone of archaeological potential and within close proximity to Recorded Monuments and sites may include the funding by the applicant of archaeological assessment, monitoring, testing or excavation within the area covered by the permission, either prior to the planning decision or prior to any development works proceeding on the site following the grant of planning permission. The preservation of all or part of the archaeological remains in the area covered by the permission may also be considered by the Planning Authority as a condition on such developments. Each planning application for development within the Area of Archaeological Potential and within close proximity to recorded archaeological sites shall be assessed on its own merits.*

The Planning Authority will advise developers that they should, during the stages of consideration of a development project that may have a potential impact on the archaeological heritage, consult to identify all relevant issues with a view to discussing any possible difficulties.



4) Inclusion of Recorded Monuments on Maps

The Minister recommends that the Development Plan include a record of all areas of importance for the archaeological heritage.

With regard to illustrating the archaeological heritage, it would serve for clarity's sake to include all Recorded Monuments on the maps within the Development Plan. This would be an appropriate way to pinpoint protected areas.

The line of town defences, whether upstanding or buried and any related features such as town walls and towers, town gates, embankments, bastions or other fortifications as shown on the Urban Archaeological Survey Maps should be clearly marked on an appropriately-scaled map within the Development Plan.

It is also recommended that Archaeological Landscapes, once designated, would be illustrated on maps illustrating the Landscape Appraisal Zones.

REFERENCES

- Framework and Principles for the Protection of the Archaeological Heritage, Government of Ireland 1999a.
- The National Monuments Acts, 1930 – 2004.
- The Planning and Development Act, 2000
- The European Convention on the Protection of the Archaeological Heritage (revised) (Valetta, 1992).
- The Record of Monuments and Places for Laois
- The Urban Archaeological Survey of Laois unpublished survey by J Bradley, A Halpin H.A. King carried out for the OPW (1986).
- www.archaeology.ie

Kindly forward a copy of your decision to the following address as soon as it issues:

You are requested to send further communications to this Department's Development Applications Unit (DAU) via **eReferral**, where used, or to manager.dau@chg.gov.ie; if emailing is not possible, correspondence may alternatively be sent to:

The Manager, Development Applications Unit (DAU), Department of Culture, Heritage and the Gaeltacht, Newtown Road, Wexford, Y35 AP90

Is mise, le meas

Sinéad O' Brien
Development Applications Unit