



OPW Oifig na
nOibreacha Poiblí
Office of Public Works

Opening Statement to the Joint Committee on Housing, Local Government & Heritage

by

**Rosemary Collier, Head of Heritage Services and Capital Works Delivery
(Ass. Sec. General), Office of Public Works.**

I would like to begin my remarks by thanking the Joint Committee for their invitation to the Commissioners of Public Works to appear before you and provide some input to this process. I hope that the views I will offer on behalf of the Commissioners will help inform your consideration of the issues involved from our point of view.

I know that the Minister and the Department representatives will have given you a comprehensive and broad-ranging analysis of the Bill from their particular perspective so I will confine my remarks to the OPW remit and the issues that concern us most directly. Though we have a critical role in these matters – and indeed have some considerable longevity as an organisation working in the heritage conservation area – we do not have the broad heritage responsibilities that the Department has and I will therefore aim not to stray into areas that I know Minister Noonan and his officials may have already addressed with you.

The involvement of the Commissioners in the protection of National Monuments goes back a considerable period – the first group of Monuments taken into State care were the structures at the Rock of Cashel in 1874. Subsequently, a significant number of sites were added to the list and today the OPW is responsible for the care of almost 1,000 Monuments at 768 locations. This includes sites that are directly owned by the State as well as properties that are in Guardianship; that is to say, they are privately held but have been entrusted to State care in perpetuity. They range from megalithic tombs of the neolithic period to medieval churches and castles, industrial mills and historic buildings of more recent times.

This estate does not represent the entirety of National Monuments in Ireland. There are many structures and sites around the country that are designated as National Monuments and are in private ownership, where the Commissioners have no involvement. This is an important distinction and can cause confusion

where there is a misperception that the Commissioners are responsible for Monuments generally throughout the country when, in fact, our remit is strictly defined.

From the earliest, it has been clear that one of the core functions of the Commissioners is to ensure the preservation of the monuments in its care and this was a singular focus in the 1930 legislation. Though there was mention of opening Monuments to the public in the 1930 Act, we should note that it was not a central theme at that time and I will return to the aspect of public engagement with National Monuments more directly later in my remarks.

In the modern era, since the Departmental forerunner to the Department of Housing, Local Government & Heritage was created in the mid 1990's, the Commissioners have undertaken an explicitly executive role, caring for National Monuments in State Care and working in tandem with the Minister and the Department. The Commissioners, therefore, have a Client relationship with the Department to look after the interests of the National Monuments estate they are Guardians of or which they own.

The Commissioners are explicitly tasked to look after the day to day job of physically protecting and conserving the Monuments in their care and opening a number of them to the public as visitor attractions. While we are therefore the body responsible for National Monuments in State care "on the spot", it is also true to say that responsibility for National Monuments in OPW care is split between the Commissioners of Public Works and the Department who have statutory responsibility for the Ministerial Consent process for example and who perform the core legislative role in relation to Archaeology.

The Department, therefore, has primary responsibility at Government level for the broad protection of Heritage and is the senior body nationally which oversees

the sector. In this role, it is the main sponsor of the current Bill and we in the OPW are a key State stakeholder and actor.

I will now address some of the principal provisions of the Bill and how they relate to the OPW.

- **Funding**

The Bill provides that funds relating to the enacted Bill are to be provided to the Department by the Oireachtas and a similar provision is made as regards the Commissioners. In addition to this, provision is made to allow the Minister grant funds to the Commissioners.

Currently, the Commissioners are funded through Vote 13 for the Conservation, Maintenance, Operation and Presentation of Heritage sites in their care. This means that we are granted resources for staff wages, materials and maintenance costs relating to the upkeep of sites in our care. We are also allocated funds for Guide wages and other operational costs relating to those sites which have a significant visitor operation.

We are not however directly funded for the larger “elective” Conservation projects we undertake specifically in the National Monuments estate and we have to plan carefully for these. We are also not funded for new visitor-facing infrastructure projects such as visitor buildings, viewing platforms, carparks, toilet facilities, new interpretation and exhibitions etc. Funding for these needs had, in the last formal rearrangement of the respective responsibilities between the Department and OPW in 2003 / 2004, been intended to be channelled through the Department and the measure in the Bill gives that understanding legislative

effect. Clearly however, though that measure is welcome, we are still dependent, as all Departments are, on the budgetary position year to year.

In recent years, the Commissioners' funding for National Monuments has been supplemented by additional monies from Fáilte Ireland; welcome though these have been, it is clearly the case that these resources from Fáilte can be for Visitor projects only and cannot be applied to core conservation works.

While discussing funding, I should also mention the Rural Regeneration and Development Funding channel that has emerged in recent years. The OPW is, like other public bodies, eligible to apply for this funding and has in fact been successful in some applications to date. Again, this has made funding available for visitor facilities rather than conservation works. This is an avenue that we will, in consultation with the Department, be likely to ply again in the future.

There are also other external funding opportunities available through various EU Programmes which are designed to support initiatives in Cultural Heritage such as training, relevant research etc. We will remain alive to the possibilities these continue to present and will, in concert with the Department, seek out appropriate opportunities to supplement the State resources allocated by the Oireachtas.

- **Monuments**

The part of the Bill dealing with Monuments is a major part of the legislation and covers a range of core matters including a system for the protection of newly discovered archaeological sites, a single Register of Monuments and management by local authorities or the Commissioners of registered monuments in the ownership or guardianship of a local authority or the Minister, as the case may be.

- **Register of Monuments**

The Commissioners support the creation of a single Register of Monuments and we believe it would clarify a considerable amount of confusion as to the status of a broad range of sites around the country. We are, clear about the status of sites in our own care but acknowledge the value of this measure to address the lack of clarity surrounding a multiplicity of sites not in State care around the country.

- **Management of sites**

The preservation role for sites in State care, by either the Commissioners or Local Authorities, has always been understood of course, particularly historically at the time of the original 1930 Act. However, over time, this has been obscured somewhat by the different arrangements that have arisen since. The new Bill as proposed gives the Commissioners' management regime a stronger legislative basis that is more reflective of the existing operating framework and better recognises the position of the Commissioners within the arrangements.

Under the Bill, the day-to-day operation of National Monuments owned by, or in the guardianship of, the Minister will be a statutory responsibility of the Commissioners. This means that the Commissioners will have clear powers and a specific role under the Bill. This contrasts with the position under the current legislation where there is no express reference to the Commissioners and where day-to-day operations are technically vested in the Minister for Public Expenditure and Reform.

The Minister, (or the Commissioners with the approval of the Minister), will also be able to make bye-laws in relation to National Monuments that are owned or under the guardianship of the Minister. Such bye-laws will enable effective regulation of the entry and conduct of visitors to National Monuments. The Bill

also proposes provision for the enforcement of bye-laws by way of fixed payment notices ('on the spot fines'), so officers and agents of the Commissioners working at national monuments will have effective powers that can be readily enforced.

Given that this is a new provision, it may be some time before its implications can be fully understood; however, it is clear to us that, very judiciously applied, there are situations, in individual cases rather than as a general premise, where bye-laws might be helpful in enforcing good practice and we would welcome the provision for their introduction.

- **World Heritage Convention**

Part of the proposed Bill relates to the treatment of World Heritage Sites in domestic Irish law. The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage was ratified by Ireland in 1992 without the enactment of any domestic implementing legislation. This Bill will give the term "World Heritage Site" a legal basis in Irish law for the first time, thus strengthening the legal standing of the use of the term in County Development Plans, as adopted by planning authorities.

The adoption of development plan objectives is one of the principal means by which management plans for the current World Heritage Sites in the State are implemented and the Commissioners rely on them significantly at the two World Heritage Sites for which we are responsible, Brú na Bóinne and Skellig Michael.

In discussing World Heritage Sites, I should perhaps point out that the Commissioners have no formal statutory role in the designation of sites. Provision is provided in the Bill for appropriate public consultation processes to be put in place before nominating further World Heritage Sites; this is designed to ensure that future designations are done on a partnership approach with the full involvement and commitment of local communities. Recognising that the

Commissioners manage many of the most significant heritage landscapes around the country and have a long record of managing the two World Heritage landscapes, we anticipate working closely with the Department in any future processes and will seek to make a positive contribution wherever possible.

- **Licencing of works**

There is a provision in the current legislation that requires Ministerial Consent to all works at or near a National Monument. This provision applies equally to Monuments in the care of the Commissioners and currently, we must apply to the Department through the normal channels where qualifying works are contemplated.

The time -required for a Consent process can vary and is determined by the complexity of the proposals. The Department may seek, additional design information, engineering reports or environmental analyses for example.

There are provisions in the Bill to rationalise the Licence system and reduce the regulatory burden somewhat, including a provision to exempt certain works at registered Monuments. As a user of the system ourselves and familiar as we are with some of the practical issues involved in meeting the necessary measures to protect Monuments, the Commissioners would welcome these provisions and would hope that they will streamline our work considerably.

I have, in this short contribution, focussed on a small number of matters of direct relevance to the Commissioners of the Officer of Public Works; as I have said, I am conscious that the broader responsibility for the Bill lies with the Minister for Housing, Local Government and Heritage and I am sure a fuller range of issues will be addressed by him and his officials. I am happy however if Members of the Committee wish to engage in any supplementary discussions and I hope I can be helpful to them in their consideration of these matters.

