

Legal and protective measures

ANCIENT MONUMENTS PROTECTION ACT, 1882.

45 & 46 Vic., Cap. 73.

ANCIENT MONUMENT, NEW GRANGE.

The Public are hereby informed that at the Petty Sessions held at Slane on the 30th day of May, 1899, on the prosecution of the Commissioners of Public Works in Ireland, a person was convicted and fined, with costs, for injuring or defacing this Monument.

By Order,

H. WILLIAMS,

Secretary.

Board of Public Works,
Custom House, Dublin,
11th July, 1899,

4.1 Land tenure

In the context of the World Heritage Site, the Minister for the Environment and Local Government owns land around the main monument concentrations at Newgrange, Knowth and Dowth, together with some lands containing individual monuments and the Brú na Bóinne Visitor Centre complex. The house and grounds of the Oldbridge Estate are owned as part of the 'Battle of the Boyne' site (Fig. 2), which is being developed as a north/south venture. The majority of the remaining portion of the core area is used for mixed arable and dry stock farming. In the context of the World Heritage Site, a further acquisition programme is not envisaged during the lifetime of this management plan.

4.2 Land rights

The Minister for the Environment and Local Government has grazing agreements with two farmers in Brú na Bóinne.

4.3 River rights

A number of rated occupiers are recorded as holding fishing rights on the river and many lease these rights to the local angling clubs.

4.4 Legal instruments

Brú na Bóinne is not covered by any statute specific to itself but it is legally protected through various statutes ranging from the National Monuments Acts 1930 – 1994 to the Planning Act 2000 and by its designation as a World Heritage Site. There is also a wide body of Irish and international legislation relevant to the management plan.

4.5 The National Monuments Acts 1930 – 94

4.5.1 A number of forms of legal protection for sites and monuments are possible under the Acts. The State may:

- Acquire monuments, sites and associated land or access routes by agreement or compulsorily; the latter rarely happens.
- Take monuments into guardianship, which enables Dúchas to undertake conservation and maintenance work.
- Place a preservation order on a site, preventing any interference with the site without obtaining prior written consent

- Register a site; the owner/occupier, local authority and the local Garda are notified of the registration and the owner is required to give two months, advance notice to Dúchas of any proposal to alter or disturb the monument.
- Record a monument under the National Monuments (Amendment) Act 1994. The landowner is not notified individually but is required to give two months' notice to Dúchas of proposals to alter or disturb the monument. Landowners may consult the Record to check if a monument is recorded (see 4.5.2 below).

4.5.2 The Record of Monuments and Places (RMP) for County Meath lists and maps all known archaeological monuments and sites in the county. It is used by landowners, planning and development authorities and agencies, as well as archaeological and historical researchers (see 3.5). Landowners and other members of the public may inspect the Record at various venues, including Local Authority Planning Offices, public libraries and museums, Farm Development Service and Teagasc offices during public opening hours.



➤ *Megalithic art at Knowth. The pairing of horseshoe-shaped arcs on either side of a vertical line creates almost a mirror image.*

4.6 The Wildlife (Amendment) Act 2000

This Act enables designation for protection of Natural Heritage Areas (NHAs), Nature Reserves (State-owned) and Refuges for fauna and the making of Flora Protection Orders. Dowth Wetlands and Rossnaree River bank were proposed as Natural Heritage Areas prior to the passing of the act. The Act now provides a legal basis for the designation of the NHAs in the vicinity of Brú na Bóinne, i.e. Crewbane Marsh, Rossnaree Riverbank, Dowth Wetlands and Boyne River Islands, as well as Boyne Coast and Estuary. It will provide a level of protection comparable to that provided for Special Areas of Conservation (SACs) in the 1997 Habitats Regulations. Boyne River Islands (Site Code 001862) has been proposed as a candidate SAC under the European Habitats Directive (92/43/EEC). Although the site is small, there are few similar examples of this type of alluvial wet woodland remaining in the country. The woodland is notable for its natural, unmodified condition, its diversity of willow species, and in particular for the fact that it conforms well to a type listed with priority status on Annex I of the EU Habitats Directive. The River Boyne is also a proposed candidate SAC (Site Code 002299) owing to the presence of salmon, a species listed in Annex II of the Habitats Directive (1992).

4.7 Environmental legislation

4.7.1 The Environmental Protection Agency Act (1992) has established an independent body (the EPA) with responsibility for licensing, monitoring and providing technical advice/setting standards in respect of large-scale industrial or other potentially polluting processes.

4.7.2 The European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1999, re-state and extend certain existing provisions, including those relating to the classes of development which require an environmental impact statement. This amendment outlines the procedures to be followed in the case of a proposed development on an environmentally sensitive site or likely to have significant effects on the environment in another member state of the European Communities (Statutory Instrument S.I. No. 93 of 1999).

4.7.3 An environmental impact assessment is required under statutory regulations for a number of activities and developments over specific thresholds, i.e. intensive farming of previously uncultivated areas, forestry, poultry-rearing and pig-rearing. This is a general requirement and is not just applicable to Brú na Bóinne.

4.8 The Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act 1999

This Act places the National Inventory of Architectural Heritage on a statutory basis.

4.9 Planning legislation

The Planning and Development Act 2000 consolidates the law on planning and development by repealing and re-enacting with amendments the earlier Planning Acts 1963 – 99. Under the Planning Regulations, Dúchas is a prescribed body to which applications for planning permission, that may affect the built and natural heritage, should be referred for comment.

Such applications are assessed by Dúchas to determine the impact, if any, that the proposed development would have on the archaeological/architectural and natural heritage and an appropriate recommendation is made to the planning authority.

The Act also introduces the philosophy of sustainable development into the Irish planning system.

The main areas in the new legislation likely to affect Brú na Bóinne are:

- Six-year development plans, statutory local area plans, and statutory recognition of strategic planning guidelines at regional level.
- A wide range of measures designed to ensure that development patterns will be more sustainable and will have regard for environmental protection, e.g. development plans will include mandatory protection objectives.
- The adoption of a holistic approach to planning and environmental licensing.
- The introduction of landscape conservation areas, tree preservation orders, and public rights of way.
- The reform of previous blanket exemptions for afforestation.
- New powers for the enforcement of planning conditions to remedy earlier deficiencies including the imposition of heavy financial penalties and refusal of planning permission to developers in certain cases of failure to comply with previous permissions.
- Measures for the protection of architectural heritage through the Record of Protected Structures (RPS) and Architectural Conservation Areas (ACAs).



▲ The participants in the 2001 charity walk from Drogheda to Navan along the Boyne. The Boyne Canal towpath passes through the heart of the Boyne providing access to both archaeological and natural heritage sites (Drogheda Independent).

4.10 Meath County Development Plan

4.10.1 The Meath County Development Plan 2001 (MCDP), adopted in March 2001, has been prepared in line with the principles of sustainable development in the 2000 Planning Act. The MCDP includes a commitment by Meath County Council to the conservation of Brú na Bóinne as the prime archaeological site in the county, and when examining proposals, both private and public, in sensitive areas to consider the following:

- Protected structures ranging from country houses and vernacular houses to industrial structures (Appendix 2).
- Natural Recreational Areas under the EU programme Terra, which include a number of sites in Brú na Bóinne (Appendix 4).
- Landscape guidelines being prepared by the Minister for Environment and Local Government, in the context of areas of high amenity such as the Boyne Valley.
- Protection of the archaeological potential of an area, including its setting.
- Conservation of heritage buildings where reasonable and necessary.
- Implementation of government policy on protection of architectural heritage.
- Protection of important views and prospects, some of which are listed within Brú na Bóinne (Appendix 5).

4.10.2 Meath County Council generally supports recommendations for environmental protection, attaching appropriate planning conditions to permissions. Current procedures which the County Council operate in this context include :

- A policy of refusing permission for new development within the core area of Brú na Bóinne, apart from modest works such as small-scale extensions to existing domestic dwellings.
- Permitting only small-scale development in the buffer zones with appropriate planning conditions.
- Regular circulation of lists of planning applications to Dúchas for assessment.

4.10.3 Certain types of general development that may be exempted from the planning process are relevant to Brú na Bóinne. They include:

- Use of land for agriculture and forestry.
- Public works by certain statutory bodies (e.g. electricity supply, telecommunications, road/water/sewerage infrastructure).
- Rear dwelling-house extensions less than 23sq.m.
- Agricultural buildings under 300sq.m.
- Walls/fences up to 2m high.
- However, exempted development may be subject to restrictions. For example, exemption does not apply to development which would interfere with sites, features or views listed for protection in the Meath County Development Plan.

4.11 International and European legislation and agreements.

4.11.1 *The World Heritage List.*

Ireland ratified the UNESCO World Heritage Convention (WHC) in 1991. The WHC establishes a list of properties '... deemed to be of outstanding universal value' and legally obliges parties to protect and manage them to the highest international standards. The operational guidelines for the WHC require adherence to criteria of authenticity, protection under national legislation, adequate planning control and management mechanisms, conservation, accessibility to the public and suitable administrative and resourcing arrangements. Brú na Bóinne was deemed to conform to these criteria by the WHC Inspectorate and the property was inscribed on the List in 1993.

4.11.2 *International Conventions.*

Four international conventions signed by Ireland are of general significance. The Granada Convention (1985) and the Valletta Convention (1991) confirmed the State's desire to protect its architectural and archaeological heritage through the establishment of architectural and archaeological inventories and the provision of statutory procedures for their protection. The Ramsar Convention (ratified by Ireland in 1984) provides for the designation of important wetlands for protection. The Berne Convention provides for the conservation of wild flora and fauna in their natural habitats, especially those species and habitats whose conservation requires the co-operation of several states and to promote such co-operation.

4.11.3 *European Directives.*

In 1992 the EU adopted the Habitats Directive (92/43/EEC) on the conservation of natural and semi-natural habitats and species of flora and fauna. The Directive, which requires member states to designate Special Areas of Conservation (SACs) in order to protect particular habitats and species listed in Annexes to the Directive, was transposed into Irish law by the European Communities (Natural Habitats) Regulations in February 1997.



▲ This figure from the past guards the approach to the western chamber at Knowth

The SACs, together with Special Protection Areas (SPAs) designated under the 1979 Birds Directive, form Natura 2000, a network of protected areas or 'European Sites' throughout the EU.

The Boyne River Islands Site (Code 001862) is one of 364 SAC sites in the country and is one of the few examples of alluvial wet woodland in the State which is listed as a priority habitat under the EU Habitats Directive.

The Boyne River has been designated a Salmonid River under the EU Freshwater Fish Directive (78/659/EC), given effect in Irish law (SI No. 293 of 1988).

4.12 General protective measures

4.12.1 *Rural Environmental Protection Scheme (REPS).*

Launched in 1994, this is Ireland's main agri-environmental programme and is implemented by EU Regulations. An important aspect of the scheme is the conservation of both the natural and built heritage. This has some positive implications for the management of Brú na Bóinne (Appendix 6).

4.12.2 *Good Farming Practice.*

The booklet Good Farming Practice, published in 2001 by the Department of Agriculture, Food and Rural Development, provides welcome advice on the care of the natural and built heritage and should assist in the promotion of sustainable farming practices in Brú na Bóinne.

