LEABHARLANN CHOLÁISTE NA TRÍONÓIDE, BAILE ÁTHA CLIATH | TRINITY COLLEGE LIBRARY DUBLIN
Ollscoil Átha Cliath | The University of Dublin

**Terms and Conditions of Use of Digitised Theses from Trinity College Library Dublin**

**Copyright statement**

All material supplied by Trinity College Library is protected by copyright (under the Copyright and Related Rights Act, 2000 as amended) and other relevant Intellectual Property Rights. By accessing and using a Digitised Thesis from Trinity College Library you acknowledge that all Intellectual Property Rights in any Works supplied are the sole and exclusive property of the copyright and/or other IPR holder. Specific copyright holders may not be explicitly identified. Use of materials from other sources within a thesis should not be construed as a claim over them.

A non-exclusive, non-transferable licence is hereby granted to those using or reproducing, in whole or in part, the material for valid purposes, providing the copyright owners are acknowledged using the normal conventions. Where specific permission to use material is required, this is identified and such permission must be sought from the copyright holder or agency cited.

**Liability statement**

By using a Digitised Thesis, I accept that Trinity College Dublin bears no legal responsibility for the accuracy, legality or comprehensiveness of materials contained within the thesis, and that Trinity College Dublin accepts no liability for indirect, consequential, or incidental, damages or losses arising from use of the thesis for whatever reason. Information located in a thesis may be subject to specific use constraints, details of which may not be explicitly described. It is the responsibility of potential and actual users to be aware of such constraints and to abide by them. By making use of material from a digitised thesis, you accept these copyright and disclaimer provisions. Where it is brought to the attention of Trinity College Library that there may be a breach of copyright or other restraint, it is the policy to withdraw or take down access to a thesis while the issue is being resolved.

**Access Agreement**

By using a Digitised Thesis from Trinity College Library you are bound by the following Terms & Conditions. Please read them carefully.

I have read and I understand the following statement: All material supplied via a Digitised Thesis from Trinity College Library is protected by copyright and other intellectual property rights, and duplication or sale of all or part of any of a thesis is not permitted, except that material may be duplicated by you for your research use or for educational purposes in electronic or print form providing the copyright owners are acknowledged using the normal conventions. You must obtain permission for any other use. Electronic or print copies may not be offered, whether for sale or otherwise to anyone. This copy has been supplied on the understanding that it is copyright material and that no quotation from the thesis may be published without proper acknowledgement.

# Urban Conservation in a Comparative Perspective: Dublin and Stockholm

Volume I

(Two Volumes)

**Elene Negussie**

**Thesis submitted for the degree of Ph.D.,**
**Department of Geography,**
**University of Dublin,**
**Trinity College.**

**December 2002**

TRINITY COLLEGE
0 3 JUL 2003
LIBRARY DUBLIN
THO&S
7403.11
7317.1

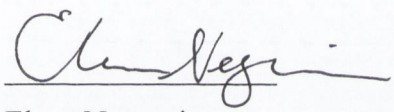
**For Birgit and Zakewos**

# DECLARATION

I hereby declare that:

This thesis has not been submitted for a degree at this or any other university and it is, except where otherwise stated, entirely my own work.

I agree that the library of the University of Dublin, Trinity College Dublin, may lend or copy this thesis upon request.



Elene Negussie

Dublin, December, 2002

# ACKNOWLEDGEMENTS

My deepest gratitude to Dr. Andrew MacLaran for his skilful supervision and ability to inspire.

I would like to acknowledge the following departments and organisations: Department of Geography (Trinity College Dublin); Department of Human Geography and Department of the History of Art (Stockholm University); School of Architecture and Planning (University College Dublin); Dublin Civic Museum; Department of Environment and Local Government and Department of Arts, Culture, Gaeltacht and the Islands (Ireland); Dúchas – the Heritage Service; Dublin City Council; An Taisce; Dublin Civic Trust; Irish Georgian Society; Heritage Council; Riksantikvarieämbetet; Stockholms Länsstyrelse; Stockholms Länsmuseum; Stockholms Stadsmuseum; Stockholms Hembygdsförbund; Samfundet St. Erik; and Stockholms Stadsbyggnadskontor. This research was partly financially supported by the Irish Environmental Protection Agency and Trinity College Dublin, to which I would like to extend my gratitude.

I am deeply indebted to the following persons: Mr. Gay McCarron; Mr. Pat McDonnell; Mr. Jim Barrett; Ms. Susan Roundtree; Mr. Frederick O'Dwyer; Ms. Rachel MacRory; Ms. Erika Sjöberg; Ms. Mary Hanna; Mr. Ken Mawhinney; Mr. Kevin B. Nowlan; Ms. Carmencita Hederman; Mr. Michael Smith; Ms. Mary Bryan; Mr. Ian Lumley; Mr. Peter Pearson; Mr. Tom Coffey; Mr. Ciarán Cuffe, Ms. Katriona O'Byrne; Mr. Phillip O'Brien Gleeson, Mr. Noel Hughes, Mr. Terence Dunne and Mr. Richard Haworth.

I am also grateful to the following persons in Sweden: Ms. Marianne Råberg; Ms. Ann Charlotte Backlund; Mr. Carl Gustaf Hagander; Mr. Keith Wijkander; Mr. Magnus Andersson; Ms. Lena Bergils; Mr. Björn Hallerdt; and Mr. Kjell Nilsson.

Last but not least, I wish to thank all my family and friends for amazing support throughout this journey.

# SUMMARY

This thesis explores differing approaches to urban conservation in the cities of Dublin and Stockholm. It examines the impact of Central Government policies that have addressed directly or had indirect impact upon urban conservation in Dublin City since the 1950s. It further reviews the evolution of approaches to urban conservation embodied in, and implemented through local-authority urban planning policies. Also, it explores the contribution and role played by the voluntary sector in promoting and effecting urban conservation. The research broadens its scope by providing a cross-cultural comparison of contemporary conservation policies in Dublin and Stockholm. The study explores the impact of cultural and political ideas underlying varying approaches to conservation policy and its implementation. This enables sharper focus to be given to establishing the basis upon which certain urban elements become deemed worthy of conservation and the manner in which such evaluations and appraisals have tended to change over time.

Chapter One discusses a series of questions in relation to conservation. It explores arguments as to why conservation of the built environment is considered important and how conservation is to be achieved according to international principles. Also, it discusses the approach of the new cultural geography in relation to the question of what to conserve. In addition, the temporal dimension of how national reactions to conservation develop over time is explored.

Chapter Two outlines the aims of the research and its methodology. First, the research aims at exploring how Ireland and Sweden differ in their approaches to protecting the built heritage looking at the role of national and local authorities, and the voluntary sector. Secondly, it explores how value judgements on what is worth conserving in urban environments have changed over time, evaluating the significance of the socio-political and cultural context. Thirdly, this research aims to explore the temporal elements of the development of conservation policies and general attitudes and to synthesise these findings in a comparative discussion.

The data was obtained in two main ways: an in-depth study of a broad spectrum of relevant documents from Irish, Swedish and international sources; as well as in-depth interviews with key people in the Irish and Swedish conservation and heritage sectors.

Indicators of success and failure were established using empirical data and documents. A measuring based on interview findings was used to examine whether conservation objectives have been achieved.

The next three chapters discuss the Irish experience in built heritage conservation drawn from a case study of Dublin City. The chapters explore cultural values shaping the approach to conservation, general shifts in attitudes towards what is considered worth conserving in the built environment, the legal framework for protecting the built heritage, its management by local and national authorities and the role of voluntary conservation bodies in urban conservation.

Chapters Six to Eight then review the Swedish experience in conservation of the built heritage drawn from a case study of Stockholm City. It proceeds with a review of cultural politics in relation to conservation and continues by exploring societal values as to what is worth conserving in the built environment. This case study also discusses legal instruments for protection of the built heritage and measures taken at the local authority level.

Finally, Chapter Nine outlines a temporal and comparative discussion drawn from the experiences of the two cities in their differing cultural contexts. Temporally, this research supports the observation that national reactions to conservation follow a particular sequence from apathy to action in both Ireland and Sweden, although they develop at different paces in each. Comparatively, this research demonstrates that the differing cultural-political contexts of Ireland and Sweden have shaped the approach and outcome of conservation policies in these countries. Value judgements as to what buildings are worthy of conservation are not objective. Therefore, the policies regarding conservation of the built heritage must be subject to a constant re-evaluation based on a wide-ranging understanding. It is important that debate on conservation is not limited to a discussion on individual buildings and areas, but that it also forms part of a cultural and politically conscious approach to the built heritage.

# CONTENTS


.... PAGE

DECLARATION iii

ACKNOWLEDGEMENTS iv

SUMMARY v

CONTENTS vii

LIST OF FIGURES xiv

LIST OF TABLES xx

**PART I: ORIENTATION**

**INTRODUCTION 1**

**CHAPTER ONE: CONSERVATION OF THE BUILT HERITAGE: A CONTEXTUAL FRAMEWORK 5**

1.1 Conservation Defined 5

1.2 Why Conserve? 7

1.3 How to Conserve? A Review of International Charters and Conventions 10

*1.3.1 International Charters and Conventions 11*

*1.3.2 European Charters and Conventions 15*

1.4 What to Conserve? The Cultural-Political Dimension of Built-Heritage Conservation 20

1.5 When to Conserve? The Temporal Dimension of Conservation Reaction 26

1.6 Where to Conserve? The Cross-Cultural Dimension 29

1.7 Conclusion 33

**CHAPTER TWO: METHODOLGY 34**

2.1. Scope and Aims of the Research 34

2.2. Methodological Approach 40

2.3. Methodological Strategy: Sources and Data Collection 43

*2.3.1 The Irish Case Study 44*

*2.3.2 The Swedish Case Study 51*

2.4. Analytical Approach 54

2.5. Methodological and Analytical Obstacles 55

## CONTENTS (CONTD.)

PAGE

**PART II: THE IRISH CASE STUDY**

**CHAPTER THREE: A CULTURAL APPRAISAL OF CONSERVATION OF THE BUILT HERITAGE IN IRELAND: DUBLIN CITY** **57**

3.1. Background 57

3.2. Cultural Ideas and Values Shaping the Approach to Urban Conservation 67

*3.2.1. Implications of a Rurally Orientated Culture* *67*

*3.2.2. Perceptions and Associations relating to the Colonial Past* *71*

*3.2.3. Private Property Rights and Conservation of the Built Heritage* *75*

*3.2.4. Other Cultural Trends and Values* *78*

3.3. What is Worth Conserving in the Urban Environment? A Temporal Approach to Conservation Values 81

*3.3.1 Introduction* *81*

*3.3.2 Conservation Values Reflected in the Legal Framework* *87*

*3.3.3 Findings from the Interviews* *88*

3.4. Conclusion 99

**CHAPTER FOUR: THE LEGISLATIVE FRAMEWORK FOR PROTECTION OF THE BUILT HERITAGE, URBAN RENEWAL POLICY AND FINANCIAL INCENTIVES FOR CONSERVATION IN IRELAND** **102**

4.1. Legal Provisions on Protection of the Built Heritage Prior to 1999 102

*4.1.1. National Monuments Acts (1930-1994)* *102*

*4.1.2. Local Government (Planning and Development) Act, 1963 (with Amendments)* *113*

4.2. Other Legal Provisions of Particular Relevance for Conservation 133

*4.2.1. Local Government (Sanitary Services) Act, 1964* *134*

*4.2.2. Housing Act, 1969* *139*

*4.2.3. Derelict Sites Act, 1990* *142*

*4.2.4. Building Control Act, 1990* *145*

*4.2.5. European Communities (Environmental Impact Assessment) Regulations, 1989* *147*

## CONTENTS (CONTD.)


PAGE

4.3. Towards a Comprehensive Legislative Framework for Built Heritage Protection 151

*4.3.1. Part IV of the Planning and Development Act, 2000* *152*

*4.3.2. Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999* *156*

*4.3.3. Planning and Development Act, 2000* *159*

*4.3.4. Opinions Expressed by the Interviewees* *159*

4.4. Urban Renewal Policy since 1986: Property-Led Regeneration 165

*4.4.1. Designation of Areas for Urban Renewal: Urban Renewal Act, 1986* *166*

*4.4.2. Urban Renewal in Temple Bar: A Case Study* *171*

*4.4.3. Dublin Docklands Development Authority Act, 1997* *181*

*4.4.4. Urban Renewal Scheme of 1988: Towards Integrated Area Planning* *184*

4.5. Financial Incentives Towards Conservation of the Built Heritage 187

*4.5.1. Tax Incentives of Direct Advantage for Refurbishment of Historic Property* *187*

*4.5.2. Conservation Grants through the Heritage Council* *189*

*4.5.3. EU Funding towards Conservation Projects* *190*

*4.5.4. Local Authority Grants towards Conservation in Dublin City* *192*

*4.5.5. Towards a National Conservation Grants Scheme* *193*

4.6. Conclusion 195

**CHAPTER FIVE: BUILT HERITAGE MANAGEMENT AND IMPLEMENTATION OF URBAN CONSERVATION IN DUBLIN CITY** 201

5.1. The Role of National Authorities and Agencies in Safeguarding the Built Heritage 201

*5.1.1. An Foras Forbartha* *202*

*5.1.2. Office of Public Works* *207*

*5.1.3. Dúchas* *209*

*5.1.4. The National Heritage Council* *209*

*5.1.5. The Heritage Council* *210*

PAGE

*5.1.6. An Bord Pleanála* *213*

*5.1.7. Bord Fáilte* *218*

5.2. The Role of Local Authorities: Local Planning Policy and Implementation of Urban Conservation in Dublin City 220

*5.2.1. The 1971 Dublin Development Plan* *221*

*5.2.2. The 1980 Dublin City Development Plan* *225*

*5.2.3. The 1991 Dublin City Development Plan* *232*

*5.2.4. The 1999 Dublin City Development Plan* *239*

5.3. Urban Conservation and the Role of the Voluntary Sector 249

*5.3.1. An Taisce* *250*

*5.3.2. Irish Georgian Society* *254*

*5.3.3. Dublin Civic Trust* *256*

*5.3.4. Other Conservation-Orientated Groups and Foundations* *259*

*5.3.5. The Changing Role of Voluntary Conservation Groups* *260*

5.4. Conclusion 278

**PART III: THE SWEDISH CASE STUDY**

**CHAPTER SIX: A CULTURAL APPRAISAL OF CONSERVATION OF THE BUILT HERITAGE IN SWEDEN: STOCKHOLM CITY** 282

6.1. Background 282

6.2. The Role of Cultural Politics in Conservation of the Built Heritage 291

*6.2.1. Review of Cultural Politics Bills and Official Reports* *293*

*6.2.2. Evaluation of Cultural Politics and Conservation Developments: Findings from the Interviews* *303*

6.3. What is Worth Conserving in the Urban Environment? A Temporal Approach 312

*6.3.1. A Gradual Progression of Conservation Values through Time* *313*

*6.3.2. From 'Monument' to 'Cultural Environment Conservation'?* *316*

*6.3.3. Consensus regarding Conservation of the 'Older' Built Heritage* *318*

*6.3.4. The Growing Debate on Conservation of the Modern Built Environment* *320*

## CONTENTS (CONTD.)


PAGE

6.4. Conclusion 327

**CHAPTER SEVEN: THE LEGISLATIVE FRAMEWORK FOR PROTECTION OF THE BUILT HERITAGE AND FINANCIAL INCENTIVES FOR CONSERVATION IN SWEDEN** 330

7.1. Cultural Monuments Act, 1988 330

*7.1.1. Designated Building Monuments* *333*

*7.1.2. Provisions regarding the Ecclesiastical Built Heritage* *338*

7.2. Ordinance on State-Owned Building Monuments, 1988 339

7.3. Planning and Building Act, 1987 339

7.4. The 'Environmental Code' 345

7.5. Environmental Impact Statements 348

7.6. Evaluation of the Effectiveness of the Legal Framework for Urban Conservation: Findings from the Interviews 350

7.7. Changing Ownership Structures and Implications for Legal Protection of the Built Heritage 363

*7.7.1. Privatisation of State and Local Authority Owned Property: Legal Implications for Conservation of the Built Heritage* *363*

*7.7.2. Separation of the Church of Sweden from the State: Implications for Conservation* *368*

7.8. Financial Incentives towards Conservation of the Built Heritage 369

*7.8.1. State Loans and Grants: The Housing Finance System* *370*

*7.8.2. The State Building Conservation Grants Scheme* *371*

*7.8.3. The Principle of 'Cultural-Historic Extra Costs'* *372*

*7.8.4. Towards a Simplified Grants System* *373*

*7.8.5. The Current Grants System* *374*

*7.8.6. Local Authority Funding for Cultural-Historic Buildings* *377*

7.9. Conclusion 378

## CONTENTS (CONTD.)

PAGE

**CHAPTER EIGHT: BUILT HERITAGE MANAGEMENT AND IMPLEMENTATION OF URBAN CONSERVATION IN STOCKHOLM CITY** 380

8.1. The Conservation Sector: The Role of Public Bodies in Safeguarding the Built Heritage 380

*8.1.1. The Swedish National Heritage Board* *381*

*8.1.2. The County Administrative Boards* *382*

*8.1.3. The County Museums* *383*

*8.1.4. The Stockholm City Museum* *385*

*8.1.5. The Stockholm City Planning Administration* *387*

*8.1.6. The Stockholm Aesthetics Council* *388*

*8.1.7. Division of Responsibility within the Conservation Sector* *388*

8.2. Local Planning Policy and Implementation of Urban Conservation in Stockholm City 392

*8.2.1. The Master Plan* *392*

*8.2.2. The Stockholm City Building By-Law* *393*

*8.2.3. Q-Protection in the Detail Plan* *396*

*8.2.4 The Cultural-Historic Classification Map of Stockholm Inner City* *400*

*8.2.5. Enforcement of Conservation in Stockholm City* *412*

8.3. Urban Conservation and the Role of the Voluntary Sector 414

*8.3.1. The Local Heritage Movement* *416*

*8.3.2. Spontaneous Action Groups* *424*

*8.3.3. 'Militant' Action Groups versus 'Co-operative' Local Heritage Associations* *424*

*8.3.4. Conservation Lobbying in Stockholm City in the 1990s* *426*

*8.3.5. Increasing Reliance on the Voluntary Sector* *428*

8.4. Stadsholmen Limited: Conservation of the Built Heritage through Specialised Management of Historic Property 430

*8.4.1. The Establishment and Development of Stadsholmen Ltd* *433*

*8.4.2. The Transformation of Stadsholmen Ltd into a Local Authority Historic Property Management Company* *437*

PAGE

*8.4.3. Stadsholmen Ltd and Developments during the 1990s* *439*

8.5. Contemporary Conservation Issues and Threats to the Built Heritage in Stockholm City 440

8.6. Conclusion 450

**PART IV: CONCLUSIONS**

**CHAPTER NINE: URBAN CONSERVATION: TEMPORAL OVERVIEW, COMPARISON AND CONCLUSIONS** **453**

9.1. The Irish Experience: A Temporal Overview 453

9.2. Urban Conservation in a Comparative Perspective: Ireland and Sweden 462

*9.2.1. Cultural/Political Appraisal* *462*

*9.2.2. Legislative Protection of the Built Heritage* *468*

*9.2.3. Financial Incentives for Conservation of the Built Heritage* *480*

*9.2.4. The Role of National, Regional and Local Authorities* *487*

*9.2.5. The Role of the Voluntary Sector* *491*

*9.2.6. What is Worth Conserving?* *493*

9.3. Conclusions 499

**REFERENCES** **503**

**APPENDICIES** 519

**Appendix 1** Tentative Model for the Research 519

**Appendix 2** Thematic Outline of the Research 521

**Appendix 3** Protection of the Cultural/Architectural Heritage: Basis for Comparison 523

**Appendix 4** Codes for Interviewees for the Irish Case Study 526

**Appendix 5** Interview Questions for the Irish Case Study 528

**Appendix 6** Codes for Interviewees for the Swedish Case Study 538

**Appendix 7** List of National Monuments in Dublin 540

**Appendix 8** List of Monuments Covered by Preservation Orders in Ireland 542

**Appendix 9** An Taisce View of Dublin: Amenity Study of Dublin and Dun Laoghaire (An Taisce, 1967) 544

# LIST OF FIGURES


PAGE

**CHAPTER TWO**

**Figure 2.1** Comparative and Longitudinal Dimension of the Study. 39

**CHAPTER THREE**

**Figure 3.1** Tenemented buildings in Railway Street, Dublin, (1933) earmarked for demolition (Dublin Civic Museum). 59

**Figure 3.2** Replacement with modern offices at St. Stephen's Green South (MacLaran, c. 1985). 61

**Figure 3.3** Demolished Georgian buildings at the same site (Deegan Photo, c. 1968). 61

**Figure 3.4** Georgian buildings at Mountjoy Square West (north inner city) in 1995 prior to their restoration (Negussie, 1995). 62

**Figure 3.5** Terraced Georgian houses on prestigious Merrion Square (south inner city) (Negussie, 1999). 62

**Figure 3.6** The wide-scale existence of derelict land and vacant buildings in central Dublin in 1985 (MacLaran, 1993). 63

**Figure 3.7** The Gas Company in D'Olier Street, Dublin (Negussie, 2002). 84

**Figure 3.8** Hawkin's House: a modern building worthy of conservation? (Negussie, 2002). 84

**Figure 3.9** The Custom House designed by James Gandon, depicted by James Malton in 1793 (National Gallery of Ireland). 85

**CHAPTER FOUR**

**Figure 4.1** The Casino at Marino, depicted by James Malton in 1795 (National Gallery of Ireland). 107

**Figure 4.2** Number 21 Aungier Street (Negussie, 2002). 112

**Figure 4.3** Collapsed building in Fenian Street (Dublin Civic Museum, no date). 135

**Figure 4.4** The Carson House at 3-4 Harcourt Street, Dublin (Negussie, 2002). 162

**Figure 4.5** Designated areas for urban renewal in Dublin's inner city 1986-1994 (MacLaran, 1996). 167

## LIST OF FIGURES (CONTD.)


| | | PAGE |
|---|---|---|
| **Figure 4.6** | Arran Quay in 1985, prior to demolition of eighteenth century housing (MacLaran, 1993). | 170 |
| **Figure 4.7** | Arran Quay in 1990 after redevelopment by Linders (MacLaran, 1993). | 171 |
| **Figure 4.8** | Temple Bar: the corner of the new Art House and Georgian buildings in Eustace Street (Negussie, 1999). | 175 |
| **Figure 4.9** | Temple Bar: Meeting House Square (Negussie, 1999). | 176 |
| **CHAPTER FIVE** | | |
| **Figure 5.1** | South City Market (Negussie, 2002). | 223 |
| **Figure 5.2** | Residential conservation zones (marked yellow) outlined on the 1999 development plan map (Dublin Corporation, 1999). | 234 |
| **Figure 5.3** | Numbers 2 and 3 Capel Street prior to the refurbishment (Negussie, 2001). | 243 |
| **Figure 5.4** | Numbers 2 and 3 Capel Street after the refurbishment (Negussie, 2002). | 243 |
| **Figure 5.5** | The Burton Chambers at 19-22 Dame Street (Negussie, 2002). | 245 |
| **Figure 5.6** | Bus Áras, designed by the famous architect Michael Scott (Negussie, 2002). | 246 |
| **Figure 5.7** | The Carroll's Building (Negussie, 2002). | 246 |
| **Figure 5.8** | Tailor's Hall prior to its restoration by conservationists in the 1960's (Dublin Civic Museum, no date). | 253 |
| **Figure 5.9** | Number 4 Castle Street, Dublin (Negussie, 2001). | 257 |
| **Figure 5.10** | Number 2 Andrew Street, Dublin (Negussie, 2001). | 258 |
| **Figure 5.11** | Fitzwilliam Street prior to the redevelopment by ESB (Rossmore Collection, National Libraries, no date). | 263 |
| **Figure 5.12** | The replacement of a Georgian terrace with a modern office block in Fitzwilliam Street, Dublin (Negussie, 1999). | 263 |
| **Figure 5.13** | Former Victorian school building in Molesworth Street (Unknown source, no date). | 265 |

## LIST OF FIGURES (CONTD.)


| | | PAGE |
|---|---|---|
| **Figure 5.14** | The replacement with a modern office block in Molesworth Street (MacLaran, c. 1980). | 266 |
| **Figure 5.15** | Excavations at Wood Quay, Dublin (Irish Times, no date). | 267 |
| **Figure 5.16** | The Civic Offices at Wood Quay (MacLaran, c. 1988). | 267 |
| **Figure 5.17** | The new local authority offices covering the view of the Civic Offices, Dublin (Negussie, 2002). | 267 |
| **Figure 5.18** | The retained façade at 6-7, Harcourt Terrace (MacLaran, 1989). | 273 |
| **Figure 5.19** | Numbers 6-7 Harcourt Terrace after redevelopment (Negussie, 2002). | 273 |
| **Figure 5.20** | View of Westmoreland Street (Dublin Civic Museum, c.1908). | 275 |
| **Figure 5.21** | Façade retention at College Street (Negussie, 1999). | 276 |

**CHAPTER SIX**

| | | |
|---|---|---|
| **Figure 6.1** | *Münchenbryggeriet* on *Söder Mälarstrand* (Negussie, 2001). | 288 |
| **Figure 6.2** | Model for the national system for cultural-historic selection and evaluation criteria (Unnerbäck, 1995, trans. mine). | 290 |
| **Figure 6.3** | Stockholm citizens watching buildings in the *Hästryggen Quarter* of central Stockholm being demolished (af Petersens, 1960, Stockholms Stadsmuseum). | 305 |
| **Figure 6.4** | Occupation of the elm trees in *Kungsträdgården* (af Petersens, 1971, Stockholms Stadsmuseum). | 311 |
| **Figure 6.5** | Stockholm citizens and visitors enjoying a break under the controversial elm trees at the 'Teahouse' in *Kungsträdgården* thirty years later (Negussie, 2001). | 311 |
| **Figure 6.6** | Alley in the Old Town of Stockholm (Negussie, 2001). | 315 |
| **Figure 6.7** | Quarter of the Old Town, Stockholm (Negussie, 2001). | 316 |
| **Figure 6.8** | Buildings worth conserving during the building of the New Stockholm City: the rear of the Central Station to the left and *Klara Kyrka* in the middle (Negussie, 2001). | 318 |

## LIST OF FIGURES (CONTD.)


| | | PAGE |
|---|---|---|
| **Figure 6.9** | The *Hötorg* City (Negussie, 2001). | 319 |
| **Figure 6.10** | *Skattehuset*: a modern building proposed for building monument designation (Negussie, 2001). | 322 |
| **Figure 6.11** | Part of the Wine and Spirits Central in *Liljeholmen* undergoing demolition when the photograph was taken (Negussie, 2001). | 324 |
| **Figure 6.12** | *Sergels Torg* (Negussie, 2001). | 326 |
| **Figure 6.13** | The previous *Skansen* quarter where *Sergels Torg* is situated today (af Petersens, 1952, Stockholms Stadsmuseum). | 326 |

**CHAPTER EIGHT**

| | | |
|---|---|---|
| **Figure 8.1** | The Swedish National Heritage Board, located in a designated building monument in Stockholm (Negussie, 2001). | 381 |
| **Figure 8.2** | The Stockholm City Museum, located in a seventeenth century building with building monument status (Negussie, 2001). | 387 |
| **Figure 8.3** | Protection of the built heritage: table of competence. | 391 |
| **Figure 8.4** | Skyline of Stockholm inner city with the roof landscape of the Old Town (Negussie, 2001). | 395 |
| **Figure 8.5** | Stockholm City Hall: an important landmark building without any specific protection status (Negussie, 2001). | 399 |
| **Figure 8.6** | The Luma Factory: a q-designated modern industrial building (Negussie, 2001). | 400 |
| **Figure 8.7** | All buildings in the Old Town (in the centre) are marked blue on the Cultural-Historic Classification Map (Stockholms Stadsmuseum, 1995). | 403 |
| **Figure 8.8** | The grey striped zones of the Cultural-Historic Classification Map are areas which underwent considerable renewal in the 1960's and 70's (Stockholms Stadmuseum, 1995). | 405 |
| **Figure 8.9** | The protected waterfront at *Norra Mälarstrand*: an area of national interest (Negussie, 2001). | 406 |

## LIST OF FIGURES (CONTD.)


| | | PAGE |
|---|---|---|
| **Figure 8.10** | View of *Djurgården* forming part of the national city park (Negussie, 2001). | 407 |
| **Figure 8.11** | *'Slussen'* in the centre of the picture: a traffic machinery dating from the functionalist era (Negussie, 2001). | 408 |
| **Figure 8.12** | *Folkets Hus*: a former theatre building (Negussie, 2001). | 409 |
| **Figure 8.13** | *Folkets Hus* is marked yellow on the map at the north corner of *Östermalmstorg* (Stockholms Stadsmuseum, 1995). | 409 |
| **Figure 8.14** | *Östermalmshallen* (Negussie, 2001). | 410 |
| **Figure 8.15** | *Sergels Torg* (Negussie, 2001). | 411 |
| **Figure 8.16** | The five modern high-rise buildings at *Sergels Torg* (Negussie, 2001). | 411 |
| **Figure 8.17** | *Kulturhuset* (Negussie, 2001). | 412 |
| **Figure 8.18** | *Köpmangatan* 5 in the Old Tow: headquarters of the St. Erik Society (Negussie, 2001). | 423 |
| **Figure 8.19** | The *Skeppsholmen* Bridge (Negussie, 2001). | 424 |
| **Figure 8.20** | *Bockfoten* (translated 'the cloven hoof'): the abrupt ending of the third railway track for which the plan was abolished (Negussie, 2001). | 428 |
| **Figure 8.21** | View of *Riddarholmen* where the third railway track would have destroyed the middle-age cellar of *Hebbeska huset* and brought traffic closer to the church of *Riddarholmen* (Negussie, 2001). | 428 |
| **Figure 8.22** | *Stora Hopare Gränd* in the Old Town (Negussie, 2001). | 432 |
| **Figure 8.23** | Refurbishment of the *Cepheus* Quarter (Svenska Dagbladet, 1973, Stockholm City Museum). | 433 |
| **Figure 8.24** | Refurbished backyard houses in *Cassiopea* (Negussie, 2001). | 435 |
| **Figure 8.25** | The *Cassiopea* quarter (Negussie, 2001). | 435 |
| **Figure 8.26** | Passageway in *Cassiopea* (Negussie, 2001). | 436 |
| **Figure 8.27** | The *Cassiopea* quarter (Negussie, 2001). | 436 |

## LIST OF FIGURES (CONTD.)


PAGE

**Figure 8.28** Residential area built in the 1990s at the former grounds of St. Erik's Hospital which became a symbol of the predominant use of 'pastiche' architecture in Stockholm (Negussie, 2001). 442

**Figure 8.29** Contemporary architecture in *Hammarby Sjöstad* (Negussie, 2001).442

**Figure 8.30** 'Pastiche' residential development completed in 1995 in the heart of Stockholm (Negussie, 2001). 443

**Figure 8.31** Example of residential units built on top of 1960s and 1970s office and retail building blocks (Negussie, 2001). 444

**Figure 8.32** The same building as in Figure 8.31 (Negussie, 2001). 445

**Figure 8.33** Further evidence of a new trend for floors to be built on top of existing modern buildings in Stockholm City (Negussie, 2001). 445

**Figure 8.34** Roof landscape of the Old Town: threatened by attic Conversions? (Negussie, 2001) 449

**CHAPTER NINE**

**Figure 9.1** The interrelationship between political culture, state and national authorities and the voluntary sector. 462

# LIST OF TABLES

PAGE

**CHAPTER TWO**

**Table 2.1** List of documents reviewed as part of the objective to explore central policy and legislation on the protection of the built heritage in Ireland. 46

**Table 2.2** List of documents investigated in order to fulfil the objective of exploring local planning policy in Dublin. 46

**Table 2.3** List of other documentary sources for the Dublin case study. 46

**Table 2.4** List of documents reviewed as part of the objective to explore central policy and legislation on the protection of the urban built heritage in Sweden. 52

**Table 2.5** List of documents investigated in order to fulfil the objective of exploring local planning policy in Stockholm. 52

**Table 2.6** List of other documentary sources for the Stockholm case study. 53

**CHAPTER FOUR**

**Table 4.1** Houses that are registered monuments in Dublin City (Source: Register of Historic Monuments, Dúchas, 1998). 106

**Table 4.2** Nature of development and prescribed bodies to be notified in the Irish planning process (based on figure in Scannell, 1994). 120

**Table 4.3** Conservation grants allocated for Dublin by the National Heritage Council, 1988-1991 (Sources: National Heritage Council, 1989/90, 1990/91 and 1991/92). 189

**Table 4.4** Allocation of grants scheme for the conservation of protected structures. 193

**CHAPTER FIVE**

**Table 5.1** The progression of listings in the development plans for Dublin City (Sources: Dublin Corporation, 1971, 1980 and 1991). 233

# PART I: ORIENTATION

## INTRODUCTION

Buildings and built structures can be seen as physical assemblages of materials such as bricks, mortar, concrete, glass, *etc.* However, we also endow them with meaning and value, something which changes over time. This value can be attributed with, for example, architectural, historical, economic, tourist, social and cultural meaning. This research is concerned with conservation of the built heritage in an urban context.

By employing a cross-cultural study of the cities of Dublin and Stockholm this thesis explores the ways in which societies define and protect the built heritage and how this changes over time. It explores how this is reflected in the legal frameworks for the protection of the built heritage and in the managerial structures put in place to deal with this. The aim is to investigate legislative mechanisms for the protection of the built heritage, traced in specific conservation legislation as well as within the planning code, and the use of financial incentives to promote conservation. The thesis examines the role of national and local authorities in protecting the built heritage and the extent to which these have pursued a leadership role in conservation. Furthermore, it explores the input by citizens, concerned at how national and local authorities are responding, or not responding, and becoming committed to encouraging public authorities to protect the built heritage. This is achieved by the objective to explore the role played by voluntary conservation bodies, such as non-governmental organisations and local heritage associations, in promoting and effecting urban conservation. Thus, this thesis is concerned with the role of three main categories and levels of actor: national authorities, local authorities and voluntary conservation bodies. Also, it is concerned with the broader structural context, *e.g.* political economy, society and culture, within which conservation actions are carried out.

International conventions and charters (*e.g.* by UNESCO and the Council of Europe) establish common principles and standards for how national authorities should ensure conservation. These provide important benchmarks in determining the success of national approaches to conservation. The aim is to address and measure the existence and outcomes of national conservation goals against the objectives of internationally

agreed principles on protecting the built heritage, established in, for example, the Granada Convention and the Washington Charter.

Furthermore, national reactions to conservation in different countries follow a similar sequence of events although at different paces (Burtenshaw *et al.*, 1991). A comparison of the experiences of two European countries enables further understanding of why and how different phases of reaction evolve and help to explain national variations in approach and outcome. The choice of Dublin and Stockholm as case studies for the research was considered appropriate due to certain similarities and differences between the two cities. Besides being European capitals of comparable size and population neither of the cities were exposed to material destruction during the Second World War due to the neutrality of Ireland and Sweden. However, both of the cities experienced similar loss of historic buildings in the city cores during the 1960s as a result of the modern office boom and extensive property development. On the other hand, at a societal level, Ireland and Sweden are fairly different in terms of structure, reflected in the role of the State in these two societies. Sweden's legacy of being a socialist welfare state has had implications in terms of the degree to which the State has intervened in regulating capital in favour of public interest, while Ireland represents a more conservative approach to capital and the role of the State. Also, there are historical differences between the two countries having contributed to, for instance, the degree to which the nations have identified with and taken pride in their architecture. Finally, while the development of a comprehensive national strategy for conservation in Ireland is a relatively recent phenomenon, Sweden has a reputation of being more progressive in terms of environmental and conservation planning.

Evaluations of the built heritage are not neutral or objective. Rather, 'decisions to conserve, how to conserve, what to conserve, when to conserve and so on, are political decisions that represent value-judgements' (McManus, 2000, 107). Attitudes towards what is considered worth conserving become reflected in national policy and legislation, local planning policy, heritage management and through lobbying by concerned citizens. In the 1980s, geographers began to turn attention to the question of whose heritage is being conserved in cities around the world. For example, Tunbridge (1984, 171), a pioneer in this field, raises this question and states that 'one person's landmark may be an object of indifference or hostility to another'. In Dublin, the attacks by the

old IRA on the city's famous equestrian statues and Nelson's Pillar in O'Connell Street represent anti-colonial sentiment.

This research explores the impact of cultural and political ideas underlining varying approaches to conservation policy and its implementation. This enables sharper focus to be given to establishing the bases by which certain urban elements become deemed worthy of conservation and the manner in which such evaluations and appraisals have tended to change over time. The aim is to explore value judgements on what is worth conserving in urban environments and how this has changed over time. Such value judgements are traced in the legal framework for conservation and in the types of structure that are afforded legal protection status by state or local authorities. This question is explored in the context of the new geography's approach to understanding the significance of people's values and ideas in shaping the built environment.

This thesis is divided into four main parts. Part I provides an orientation for the research. It proceeds by presenting a contextual framework for conservation of the built heritage and the principal problems dealt with in the succeeding chapters. It discusses a series of questions in relation to conservation exploring arguments for conservation of the built environment, how conservation is to be achieved according to international principles and the approach of the new cultural geography in relation to the question of what to conserve. Furthermore, it discusses the temporal dimension of how national reactions to conservation develop over time and reviews important background literature of relevance to the case studies. This is followed by a discussion on the methodology used for the empirical research, which is divided into two main parts: the Irish experience and the Swedish experience.

Part II embodies the Irish case study, which pursues a thematic structure although with a subsidiary temporal component. It proceeds by presenting an appraisal of cultural ideas and values shaping the approach to conservation and the temporal shifts of evaluation in Dublin City. It further examines the impact of central government policies, which have addressed directly or had indirect impact upon urban conservation in Dublin since the 1950s. This is followed by a review of built heritage management, discussing from a temporal perspective the role of national and local authorities and the evolution of approaches to urban conservation embodied in and implemented through local authority

urban planning policies. Finally, it reviews the role of voluntary conservation bodies in promoting and effecting urban conservation.

Part III contains the Swedish case study, which follows a similar structure as the Irish case study although its focus is on the contemporary situation of Stockholm City. It proceeds with a review of cultural politics in relation to conservation and continues by exploring societal values as to what is worth conserving in the built environment. It then discusses the legal framework for protecting the built heritage, its management by local and national authorities and the role of voluntary conservation bodies in conservation.

Part IV provides a comparative analysis and conclusions. It first presents a temporal overview of conservation developments in Ireland. This is followed by a discussion on the two national experiences from a comparative perspective based on a synthesis of the empirical findings of the two case studies. Finally, the thesis concludes with a discussion on the main achievements based on the empirical insights and the comparative analysis. The final chapter also discusses some implications for further research.

# CHAPTER ONE

# CONSERVATION OF THE BUILT HERITAGE: A CONTEXTUAL FRAMEWORK

This chapter presents a contextual framework for conservation of the built heritage and discusses the principal issues dealt with in the succeeding chapters. It begins by defining conservation and associated terminology used in this thesis. It then explores arguments as to why conservation of the built environment is considered important. Furthermore, it addresses the question of how conservation is to be achieved by exploring international conventions and charters that establish common principles and standards for how national authorities ought to ensure conservation of the built heritage. Also, this chapter discusses the cultural-political dimension of the question 'what to conserve' and attempts within the new cultural geography to address this problem. Moreover, it looks at the temporal dimension of how national reactions to conservation develop over time. Finally, this chapter reviews previous European cross-cultural studies and looks at important background literature in relation to conservation of the built heritage in the Swedish and Irish contexts, especially for Dublin City, which constitutes the core study of this research.

## 1.1. CONSERVATION DEFINED

As described in the introduction, this research is concerned with conservation of the urban built heritage. In this thesis it is attempted to use the term conservation consistent with the definition of the Burra Charter, first adopted by Australia ICOMOS (International Council of Monuments and Sites) in 1979. Therein, conservation is defined as 'all the processes of looking after a place so as to retain its cultural significance' (Australia ICOMOS, 1999, Article 1.1). It also defines other terms related to conservation. For example, preservation is defined as 'maintaining the fabric of a place in its existing state and retarding deterioration' (Article 1.6) while restoration involves 'returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material' (Article 1.7). Furthermore, reconstruction refers to 'returning a place to a

known earlier state and is distinguished from restoration by the introduction of materials (new or old) into the fabric' (Article 1.8). With regard to uses of buildings or places, adaptation is defined as 'modifying a place to suit the existing use or a proposed use' (Article 1.9) while compatible use means 'a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance' (Article 1.11). However, there is confusion as to the interpretation of the term conservation in the literature. For example, McManus (2000) noted that the term 'conservation' and 'preservation' are used differently in various countries. Also, in the UK, preservation usually refers to the protection of the human-made rather than natural aspects of landscapes, while in the US, preservation refers to what in the UK is described as nature conservation. However, conservation planning has become a sub-area of urban planning in many countries and the term conservation 'became more accepted across the world as people understood that it usually meant protection, but also use' (McManus, 2000, 107). For example, Dobby (1978, 11) noted back in the 1970s that 'conservation has in the course of the last decade become such a powerful force in environmental planning that the term *conservation planning* has been coined'.

Furthermore, the term heritage has in the UK become 'an increasingly significant term in the conservation/preservation debate since the early 1980s' (Larkham, 1996). The heritage may be seen as a process of selection and presentation of aspects of history and place. Ashworth (1997) made a distinction between preservation, heritage and conservation. He referred to preservation as the protection from harm and suggested that:

> 'it has had a historic primacy and, for at least a century, a near monopoly of intervention approaches to the management of the past. It has shaped the creation of comprehensive and rigorous legal frameworks and public financial subsidy systems enforced by well-established, and often powerful, state agencies in most countries as well as internationally, supported by private organizations and pressure groups' (*Ibid.*, 93).

Furthermore, he distinguished the term heritage from preservation, often used 'as a term describing almost anything inherited from the past or destined for the future' and suggested that the heritage involves contemporary uses of the past as a commodity (Ashworth, 1997, 93). These contemporary uses of the past as commodity are drawn from interpretations of a selection of histories, memories and imaginations of the past

rather than of everything that has happened. Furthermore, Ashworth asserted that conservation,

> 'developed out of preservation, as a logical extension of it and largely as a result of the success of the preservation movement. It can be summarized as a series of *not only but also* statements, such as: not only buildings but also ensembles are to be preserved, selected not only by intrinsic but also extrinsic criteria and managing not only forms but also functions. It is thus not an alternative to preservation but a series of compromises about the goals, methods and focus of attention, resulting from the experience of integrating preservational policies into more general local land-use management in the course of the 1960s and 1970s' (*Ibid.*, 94).

The processes of urban conservation are confronted with a central dilemma. As phrased by Delafons (1997, 1) 'the conflict between the desire to preserve and the need to change generates political tensions'. Similarly, Larkham (1996, 3) asserted 'there is a widespread agreement that urban areas must change, or they will stagnate. Yet, at the same time, there are growing pressures for preservation'.

## 1.2. WHY CONSERVE?

There exists a range of arguments as to why conservation is of importance, including aesthetic, historic, identity and community reasons, ideological, tourist and economic. For example, Shankland (1975, 24) argued that 'a clear economic case can sometimes be made for the conservation of streets, or even towns, particularly if the tourist potential is strong'. Furthermore, Shankland (1975,25) suggested that 'the desire and determination to maintain the fabric of historic towns, villages and buildings draws on very deep psychic sources in national consciousness, and on psycho-social forces in a nation's culture that are only partly conscious'.

Amongst the pioneer articles in the field of addressing arguments for conservation in modern times is Cantell (1975) who raised the question why conserve? He noted that tourism became an important argument for conservation with the growth of the tourist industry. Furthermore, he identified architectural and historic interest as a valid reason for conservation. Other reasons for conservation maintained by Cantell are character and appearance, an argument which increased in strength as many modern developments proved to be lacking such. Furthermore, Cantell noted stability and continuity as valid reasons for conservation, suggesting that 'a place without old buildings is like a person

without a memory' (*Ibid.*, 8). Conservation of resources is yet another argument based on the fact that conservation of historic buildings saves energy and materials. Finally, Cantell suggested that arguments for conservation may also be made for reasons relating to use and community life: 'there is now a growing realisation that the activities and communities accommodated in old buildings are themselves often worthy of conservation and that keeping the fabric and areas of character may go a long way to retaining the life within them' (*Ibid.*, 8).

Similarly, Dobby (1978) identified three main themes of pro-conservation arguments apart from economic: history, artistic design and associations. He suggested that 'historical justifications for conservation are perhaps the easiest to uphold' while the most vague 'are those which rely upon identity, associational and psychological needs' (*Ibid.*, 24-25). Furthermore, Larkham (1996) classified different reasons for conservation and included the following categories: psychological, educational, financial, fashionable and historic reasons for conservation.

Ashworth and Tunbridge (2000, 10-11) suggested that 'the most commonly encountered justification for preserving surviving artefacts and sites relating to the past is that they represent an accurate record of what has occurred in, and what has been produced by, the historical experience of occupation of a place'. Furthermore, they argued that while socio-psychological reasons for conservation of the built environment are widely used, they are difficult to prove. They also referred to political-ideological reasons for conservation suggesting that 'one aspect of the role of conservation in socialisation and education is the use of the past to express the dominant political ideas of a community and reinforce the identification of individuals with a particular spatial political unit' (*Ibid.*, 18). Furthermore, with regard to economic justifications for conservation of the built environment they asserted that there are both direct and indirect arguments. The first emphasised that 'demolition and rebuilding may cost more than preservation, renovation and subsequent maintenance', although this may be difficult to quantify (*Ibid.*, 20). The second stressed that 'the historic city is a resource which repays investment through returns to a wider economy which utilises such resources' (*Ibid.*, 20-21).

Environmental psychology is concerned with the reasons why conservation of historic buildings and settings is important to the human psyche. This field of study grew in the 1970s when several works on the psychological effects of architecture and the urban environment were published (*e.g.* Mercer, 1975; Smith, 1974; Sommer, 1969). For example, Smith (1974) attempted to explain why historic buildings are of importance to the human psyche. He argued that memory and symbolism with the familiar are fundamental factors in how we perceive urban environments: 'perception is based on memory, because it is impossible to perceive phenomena which are not partially related to past experiences' (*Ibid.*, 21). Furthermore, symbolism of the familiar may be subdivided first into something which Smith described as routine: the everyday environment symbolising security and continuity, and historic buildings, which are those buildings which authentically represent and symbolize a different age. Smith explained that historic objects place the individual in a much wider context than immediate reality. Thus, they symbolise the continuity of the mainstream of life and 'one characteristic of the psyche is that it always idealizes the past' (*Ibid.*, 55). Furthermore, Smith asserted that 'the desire for wholeness and pattern is fundamental to the human psyche' and that 'one of the principal motives in perception is the need to establish relationship and discover hidden patterns of meaning' (*Ibid.*, 76).

According to Smith, urban design policies 'must begin from the understanding that the relationship between an individual and his town or city is literally organic' since 'the replacement of familiar townscape involves a kind of mental surgery' (*Ibid.*, 113). Furthermore, Smith asserted that zoning, which has been emphasised in traditional town planning is 'entirely contrary to the hierarchical build-up of subsystems' (*Ibid.*, 119). In addition, the 'built environment has great social significance as the medium for individual and collective symbolism, and... attachment to place is an extremely important contributor to mental well-being' (*Ibid.*, 177).

Smith (1977, 17) focused on value systems and aesthetic judgement and developed a concept of a syntax of cities which 'is to be understood as a metaphor which may serve to extract verbal meaning from the matrix of visual patterns, cutting across towns and cities in time as well as space'. According to Smith, urban environments must strike a good balance between old and new features: 'the matter of establishing the right degree

of tension between tradition and innovation is ultimately a matter of design skill, which is where we begin to get a hint of urbanism as an art' (*Ibid.*, 50).

Similarly, Mercer (1975) is concerned with the effect of the environment on man and *vice versa*. He attempted to explain this relationship from the perspective of environmental psychology. Mercer also explored the concept of architectural determinism and illustrates its complexity. Furthermore, he attempted to explain 'why man has such a complex relationship with space; why it is that not all spaces are equal; and why certain types of behaviour are likely to occur in certain types of space and not others' (*Ibid.*, 123). He argued that 'it is useful to view man as a territorial animal, that identity and social communication are both inextricably involved with the physical environment'. Furthermore, 'the personal space - is very much a reality and could itself serve not only as an indicator of personality type but also of background culture, and possibly, through its direct manipulation, as a method for effecting behavioural change' (*Ibid.*, 147). Mercer suggested that 'if urban man is ever going to understand his own urban behaviour, he must know how he cognizes his self-created urban scene' (*Ibid.*, 173).

In his review of behavioural research, Hubbard (1993, 359) argued that while psychological and aesthetic arguments for conservation have been debated, the lack of certain knowledge in this field has meant that conservation has remained constrained by 'the stigma of subjectivity and accusations of élitism'. Hubbard suggested that 'historicity in itself cannot act as an adequate basis for conservation policy. Rather, it is apparent that the value of the familiar is not merely that people are used to it, but in the meanings that become associated with them over time' (*Ibid.*, 369). Thus, buildings should be preserved also for their value for the wider community.

## 1.3. HOW TO CONSERVE? A REVIEW OF INTERNATION AL CHARTERS AND CONVENTIONS

There have been various attempts to raise awareness of the urban built heritage at an international level. In 1963, the Council of Europe established Europe Nostra, with the aim of investigating different conservation projects around Europe (Burtenshaw *et al.*,

1991). In 1964, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) founded the International Council of Monuments and Sites (ICOMOS) with the aim to promote conservation (Dobby, 1978). The international conservation movement has triggered an awareness of the need for cross-national co-operation combined with the idea of the architectural heritage as an important international resource, not least for tourism. It has been effective in raising standards in countries with poor conservation legislation. For example, the European Architectural Heritage Year in 1975 was an attempt to put pressure on national governments to develop conservation legislation (Burtenshaw *et al.*, 1991). The following reviews charters and conventions adopted mainly by ICOMOS and the Council of Europe.

### 1.3.1. International Charters and Conventions

*Athens Charter (1931)*

Amongst the first adopted charters with relevance to conservation is the Athens Charter. It was adopted at the First International Congress of Architects and Technicians of Historic Monuments and established seven resolutions with regard to the restoration of historic monuments:

- international organisations for restoration on operational and advisory levels are to be established;
- proposed restoration projects are to be subjected to knowledgeable criticism to prevent mistakes which will cause loss of character and historical values to the structures;
- problems of preservation of historic sites are to be solved by legislation at national level for all countries;
- excavated sites which are not subject to immediate restoration should be reburied for protection;
- modern techniques and materials may be used in restoration work;
- historical sites are to be given strict custodial protection; and
- attention should be given to the protection of areas surrounding historic sites.

Although the objectives of the charter, also known as the 'Carta del Restauro', relate to the restoration of monuments it also recognised the importance of international action on restoration, something which later became recognised in relation to conservation (First International Congress of Architects and Technicians of Historic Monuments, 1931).

*The Venice Charter (1964)*

The Venice Charter (International Charter for the Conservation and Restoration of Monuments and Sites) was the outcome of the Second International Congress of Architects and Technicians of Historic Monuments. It opened with the following note:

> 'Imbued with a message from the past, the historic monuments of generations of people remain to the present day as living witnesses of their age-old traditions. People are becoming more and more conscious of the unity of human values and regard ancient monuments as a common heritage. The common responsibility to safeguard them for future generations is recognised. It is our duty to hand them on in the full richness of their authenticity' (ICOMOS, 1964).

The first article established a broad definition of historic monument by embracing the urban or rural setting in which it is found, including the more modest works of the past. Furthermore, it stipulated that the aim of conservation and restoration is as much to safeguard historic monuments as historical evidence and as works of arts. The charter also established that monuments should be maintained on a permanent basis; that conservation is best facilitated by making use of them 'for some socially useful purpose' (Article 5); and that 'conservation of a monument implies preserving a setting which is not out of scale' (Article 6). Furthermore, the charter stated that a monument forms an inseparable part of the history to which it bears witness and should therefore not be moved from the setting in which it occurs except where the safeguarding of a monument demands this. This should apply also to items of sculpture, painting or decoration forming an integral part of a monument. The charter also established principles of restoration. For example, that 'the valid contributions of all periods to the building of a monument must be respected, since unity of style is not the aim of restoration' (Article 11). Furthermore, the charter stressed that 'the sites of monuments must be the object of special care in order to safeguard their integrity' (Article 14).

*The Washington Charter (1987)*

The Washington Charter (Charter for the Conservation of Historic Towns and Urban Areas) was drawn up as a complement to the Venice Charter in order to address conservation in urban areas. It established four main principles on conservation in an urban context. First, it recommended that 'the conservation of historic towns and other historic urban areas should be an integral part of coherent policies of economic and social development and of urban and regional planning at every level' (ICOMOS, 1987, Principle 1). Secondly, that 'qualities to be preserved include the historic character of

the town or urban area and all those material and spiritual elements that express this character' (*Ibid.*). Such qualities include:

- urban patterns defined by lots and streets;
- relationships between buildings and green and open spaces;
- the formal appearance of buildings (including interiors) as defined by scale, size, style *etc.*;
- the relationship between the urban area and its surrounding setting; and,
- the different functions which an urban area has acquired over time.

Thirdly, it recommended that participation by the residents is 'essential for the success of the conservation programme and should be encouraged' (Principle 3). Fourthly, it recommended that urban conservation 'demands prudence, a systematic approach and discipline' and that rigidity in approach 'should be avoided since individual cases may present specific problems' (Principle 4).

*The Burra Charter (1999)*

The first version of the Burra Charter (Charter for the Conservation of Places of Cultural Significance) was adopted by Australia ICOMOS in 1979. However, the most recent version was adopted in 1999. The charter established definitions of commonly used terms in a conservation context as described above.

Moreover, the charter adopted a number of conservation principles. For example, it stated that the aim of conservation 'is to retain the cultural significance of a place' (Australia ICOMOS, 1999, Article 2.2). With regard to values, it stipulated that 'conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others' (Article 5.1).

The charter also defined a particular approach to conservation stressing the importance of identification of the cultural significance of a place, referred to as the Burra Charter Process:

> 'The cultural significance of a place and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy' (Article 6.1).

Furthermore, similar to the Washington Charter, it stressed participation, stating that 'conservation, interpretation and management of a place should provide for the participation of people for whom the place has special associations and meanings, or who have social, spiritual or other cultural responsibilities for the place' (Article 12).

*Charter on the Built Vernacular Heritage (2000)*

This recent charter established principles for the care and protection of built vernacular heritage, as a continuation of the Venice Charter. It recognised that as a result of the homogenisation of culture and global socio-economic transformation, vernacular structures in all parts of the world are vulnerable and face serious problems of obsolescence, internal equilibrium and integration. The built vernacular heritage may be identified by, for example: a certain manner of building shared by a community; a distinguishable local or regional character responsive to the environment; coherence of style, form and appearance, or the use of traditionally established building types; and informally transferred traditional expertise in design and construction (ICOMOS, 2000).

The charter stipulated that conservation of the built vernacular heritage needs to be carried out by multidisciplinary expertise which recognises the inevitability of change and development and the need to respect the cultural identity of a community. Furthermore, it maintained that the built vernacular heritage is an integral part of the cultural landscape and that this must be taken into consideration in the development of conservation approaches. It also emphasised the importance of protecting uses and attached traditions associated with the vernacular built heritage (ICOMOS, 2000).

*The Rio Declaration (1992)*

The Rio Declaration on Environment and Development was adopted at the UN Conference on Environment and Development, also known as the Earth Summit, in Rio de Janeiro in 1992. The Rio Declaration established 27 general principles relating to the concept of sustainable development (UNEP, 1992). For example, it proclaimed that 'in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it' (Principle 4). It also stressed participatory aspects of decision-making processes noting that 'environmental issues are best handled with participation of all concerned citizens, at the relevant level' (Principle 10). Furthermore, the declaration stipulated that

'environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority' (Principle 17).

Resulting from the Rio Declaration, Agenda 21 was adopted by the United Nations as an action programme in order to achieve the principles of the declaration. Chapter Seven of Agenda 21 (Promoting Sustainable Human Settlement Development) included areas such as improving human settlement management and promoting sustainable land-use planning and management. For example, it proposed that all cities should improve the urban environment by:

> '...promoting social organization and environmental awareness through participation of local communities in the identification of public services needs, the provision of urban infrastructure, the enhancement of public amenities and the protection and/or rehabilitation of older buildings, historic precincts and other cultural artifacts' (UNEP, 2002, Section 7.20).

### 1.3.2. European Charters and Conventions

*European Charter of the Architectural Heritage (1975)*

Under the European Cultural Convention, signed in 1954, the member states of the Council of Europe, committed themselves to taking appropriate measures to safeguard and to encourage the development of their national contributions to the common cultural heritage of Europe. The European Charter of the Architectural Heritage recommended that the governments of member states of the Council of Europe take necessary legislative, administrative, financial and educational steps in order to implement policy of integrated conservation for the architectural heritage and to promote public interest in such policy (Council of Europe, 1975a). The charter included a number of principles. For example, it stipulated that 'the European architectural heritage consists not only of our most important monuments: it also includes the groups of lesser buildings in our old towns and characteristic villages in their natural or manmade settings' (Principle 1). Furthermore, it recognised the importance of achieving historic continuity in urban environments, since 'the past as embodied in the architectural heritage provides the sort of environment indispensable for a balanced and complete life' (Principle 2). It viewed the architectural heritage as 'a capital of irreplaceable spiritual, cultural, social and

economic value' (Principle 3). It also asserted that 'the structure of historic centres and sites is conducive to a harmonious social balance' (Principle 4). Moreover, it recognised that the architectural heritage offers an important part to play in education.

However, it also declared that the European architectural heritage is in danger, threatened by ignorance, obsolescence, deterioration and neglect, also suggesting that integrated conservation averts these dangers. Furthermore, it recognised that integrated conservation depends on legal, administrative, financial and technical support and co-operation. It concluded that 'conservation problems are not peculiar to any one country. They are common to the whole of Europe and should be dealt with in a co-ordinated manner. It lies with the Council of Europe to ensure that member states pursue coherent policies in a spirit of solidarity' (Principle 10). The principles of the charter, were incorporated in the declaration made at the Congress of Amsterdam, the crowning event of the European Architectural Heritage Year, 1975, and are regarded as an important landmark in European thinking about the conservation of the built heritage (Council of Europe, 1985b).

*The Amsterdam Declaration (1975)*

The Amsterdam Declaration was adopted by the member states of the Council of Europe in 1975. It stipulated that the architectural heritage is constituted not only of individual buildings of exceptional quality, but also of areas of towns or villages of historic or cultural importance. Furthermore, it recognised that the architectural heritage in Europe is common to all its peoples and its protection is therefore a joint responsibility (Council of Europe, 1975b).

The declaration manifested that architectural conservation must be considered not only as a marginal issue, but as a major objective of town and country planning. It also recognised that local authorities have a special responsibility for the protection of the architectural heritage since most important planning decisions are made by these. Also, it emphasised that the legislative and administrative measures required should be strengthened and made more effective in all countries.

Furthermore, the Amsterdam Declaration stressed the links between environmental and social aspects of conservation. It established that integrated conservation involves a

responsibility on behalf of local authorities to protect the architectural heritage in a way which takes into account the continuity of existing social and physical realities in both urban and rural communities. For instance, it recommended that in order to avoid gentrification of rehabilitated districts caused by free market forces, leading to inhabitants having to move out due to increased rents, public authorities should intervene to minimise the effect of the economic factors. The declaration also stressed that in order to achieve integrated conservation legislative and administrative measures should be strengthened, especially since the concept of architectural heritage has been extended to include not only individual historic monuments, but also urban and rural settings and built structures of recent periods.

It also recognised the necessity for adequate financial assistance to be made available to local authorities, as well as financial support and fiscal relief to private owners, in order to aid the cost of restoration and maintenance of buildings and areas of architectural or historic interest.

The declaration acknowledged that the raising of public awareness is a key factor in achieving conservation successfully, stating that the survival of the architectural heritage is dependent on it being appreciated by the public. Independent organisations should therefore be encouraged to promote awareness raising activities. The Amsterdam Declaration also promoted the use of high quality contemporary architecture reflecting its own time.

*The Granada Convention (1985)*

The Convention for the Protection of the Architectural Heritage of Europe (the Granada Convention) was adopted by the Council of Europe in 1985. Both Ireland and Sweden signed the Granada Convention on the 3rd of October in 1985, the opening date for signature. Sweden ratified the convention on the 5th of October 1990. However, Ireland did not ratify the convention until the 20th of January 1997[1]. Under Article 25 of the convention, any State may reserve the right not to comply with provisions under Article 4, paragraphs 2c and 2d, due to constitutional problems and problems of domestic law

[1] Source: http://conventions.coe.int/treaty/EN/cadreprincipal.htm (2 April, 2001).

(Council of Europe, 1985b). At the time of its ratification Ireland chose to do so (see Chapter Four).

The contracting parties undertook to make statutory measures to protect the architectural heritage based on certain minimum conditions laid down in the convention under the following headings (Council of Europe, 1985a):

- *Definition of the architectural heritage:*

The architectural heritage comprises of three components (Article 1):

1. **Monuments:** including 'all buildings and structures of conspicuous historical, archaeological, artistic, scientific, social or technical interest, including their fixtures and fittings'

2. **Group of buildings:** defined as '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';

3. **Sites:** which covers 'the combined works of man and nature, being areas which are partially built upon and sufficiently distinctive and homogeneous to be topographically definable and are of conspicuous historical, archaeological, artistic, scientific, social or technical interest'.

- *Identification of properties to be protected:*

This involves the obligation on behalf of the parties to maintain scientific surveys and inventories of the architectural heritage (Article 2).

- *Statutory protection procedures:*

Article 3 calls on all parties to take statutory measures to protect the architectural heritage. Furthermore, Article 4 calls for the implementation of appropriate supervision and authorisation procedures as required by the legal protection of protected properties. It also calls for the introduction of legislation, that would prevent the disfigurement, dilapidation or demolition of protected properties. Under this heading, member states could choose not to comply with Article 4, paragraphs c and d. The first contained provisions permitting public authorities to require the owner of a protected property to carry out works to it, or to do so themselves if the owner fails to do so. The latter provided powers of compulsory purchase of protected property.

- *Ancillary measures:*

Under this heading, the parties undertook to provide financial support by public authorities for maintaining and restoring the architectural heritage. Furthermore, they undertake to promote measures for the general enhancement of the surrounding environment of monuments, groups of buildings or within sites, and, to establish anti-pollution policies in order to protect the architectural heritage.

- *Sanctions:*

The section imposed a duty on the parties 'to ensure within the power available to it that infringements of the law protecting the architectural heritage are met with a relevant and adequate response by the competent authority' (Article 9).

- *Conservation policies:*

Under this heading, the parties undertook to adopt policies based on the principles of integrated conservation. Furthermore, they undertook to promote appropriate adaptation of old buildings for new uses. The parties should also strike a balance between permitting public access to protected properties and any other necessary restrictions necessary to ensure their conservation. In addition, this heading concerned the development of effective co-operation between conservation, cultural, environmental and planning activities at all levels.

- *Participation and associations:*

This section emphasised the necessity for parties to involve public authorities, cultural institutions and associations, and the public in the decision-making process in the context of architectural heritage protection.

- *Information and training:*

This involved the promotion of policies in order to raise public awareness of the importance of conserving the architectural heritage.

In addition to the minimum requirements of the Granada Convention as outlined above, the convention also contained principles of European co-ordination of conservation policies. These stress the importance of exchange of ideas and experiences in conservation matters within Europe.

## 1.4. WHAT TO CONSERVE? THE CULTURAL-POLITICAL DIMENSION OF BUILT HERITAGE CONSERVATION

Evaluations of what to conserve in the built environment change over time. As suggested by Shankland (1975, 24) 'each generation in any country rediscovers the past, and the values it places on its artistic heritage may be different from those of previous generations'. Furthermore, Sorlin (1975) noted a shift from a concern mainly with monuments of remarkable significance, to an awakened concern during the 1970s for groups of buildings and sites. For example, 'through the nineteenth century and the first half of the twentieth, the protection and conservation of historic structures were usually limited to the most notable ancient and mediaeval remnants. Other buildings were considered too recent to be worthy of such care which was looked upon as a luxury and as the prerogative of a small number of experts' (*Ibid.*, 66). However, since the 1950s awareness of conservation in a broader sense grew as a result of rapid social change in most European cities. This was reflected through the introduction of area-based provisions in legal frameworks for conservation. For example, the Civic Amenities Act (1967) in Britain, the 1961 Act on cultural heritage in The Netherlands, the Malraux Act (1962) in France and Lex Gamla Stan (1963) in Sweden reflected national concern for protection of groups of buildings and areas rather than individual monuments (*Ibid.*).

Slater (1997) discussed the temporal shifts in evaluations of the built heritage, noting that as cultural transformation of values occur so does the transformation of conserving historical townscapes. Furthermore, Slater discussed the issue of representation, arguing that management systems often fail to represent the townscapes of groups lacking cultural and political power. Governing political groups and the managerialist planning systems conserve historic towns and cities since 'societies have invested with them meaning, cultural and social value. These meaning and values are not fixed and unchanging, but are constantly being negotiated and re-evaluated' (*Ibid.*, 150-1). Furthermore, Slater asserted 'the way in which Georgian, then Victorian, then inter-war buildings have been successively despised and then valued by succeeding generations in Britain is a simple example of this renegotiation and revaluing but, in studying the phenomenon of urban conservation, academics keep forgetting or neglecting to go back to this question of social value and social identity' (*Ibid.*, 150-1). Nevertheless, since the

1980s cultural geographers began to draw attention to issues relating to meaning, values and the social construction of places.

*The Cultural-Political Dimension of What to Conserve*

Cultural geography is concerned with the impact of culture and the preconditions for human perceptions. Thus, it is a useful filter when exploring what different countries choose to preserve, as well as how they choose to preserve their urban built environments. Anderson and Gale (1992) suggested that developments within human geography in the 1980s resulted in a more elaborate understanding of place. While behavioural geography recognised that people have different perceptions of place, it failed to explain why. For example: 'it reminded us that people see and evaluate the same things differently, but ignored the issue of why certain interpretations come to prevail over others in the struggle between groups for imaginative dominance' (*Ibid.*, 9). Furthermore, Anderson and Gale (1992, 9) asserted that while Marxist geographers,

> 'seized the explanatory ground by situating people's versions of reality in the sphere of ideology... there was no call to examine the forms of people's sense-making because they were deemed to be (false) reflections of more decisive economic pressures'.

However, while cultural geographers are concerned with the preconditions for human perceptions they are not rejecting the political economic context within which culture exists. Thus, while they:

> 'choose to emphasise the forms and effects of people's understandings of the world, they would not claim that cultures belong to a free-floating realm anymore than those with a materialist bent would now argue that culture is a mere icing in the economic base of capitalism' (*Ibid.*, 9).

They insist that it is crucial to recognise and take seriously the impact of those ideas and values that are part of the broader moral and material systems. Similarly, Herbert and Thomas (1997, 15) explained that:

> 'the new cultural geography has developed some of the earlier humanist ideas in ways that add to our ability to understand patterns and processes in the city. From this perspective, culture is a process in which people are actively engaged. A key process is that of social construction whereby people attach meanings to places and interpret them in a variety of ways'.

Thus, the new cultural geography stresses the relevance of people's values and ideas without ignoring the structuralist case for the material base of social life. For example:

> 'In constructing cultures,... people construct geographies. They arrange spaces in distinctive ways; they fashion certain types of landscape, townscape and streetscape; they erect monuments and destroy others; they evaluate spaces and places and adapt them accordingly; they organise the relations between territories at a range of scales from the local to the international' (Anderson and Gale, 1992, 4).

Furthermore, Anderson and Gale asserted that 'if our urban environments have been adapted in the image of people's belief systems, so also do our physical landscapes provide a window on cultural constructs' (*Ibid.*, 5).

Knox (1987) adopted a critical approach in his analysis of architecture and the social production of the built environment. Knox suggested that architecture can be seen as a product of culture as well as a product of politics:

> 'What gets built is strongly conditioned by the structure and dynamics of political power in society; how and where it gets built is subject to a host of laws, codes, standards and regulations that reflect the interests of political powers and pressure groups' (*Ibid.*, 362).

Furthermore, according to Knox: 'what is needed is a theory of signs and symbols which directly confronts the fundamental questions of communication by whom, to what audience, to what purpose and to what effect?' (*Ibid.*, 368).

The new cultural geography takes a more socially critical position than traditional cultural geography in seeking to address this argument made by Knox. For example, Relph (1987) subscribed to the ideas presented by Knox and other critical geographers who argue that preservation is not an objective and natural process which exists in isolation to ideology and economy. Rather, 'the entire preservation process is wrapped up in ideologies and biases; it is not The Past which is being restored or preserved, but someone's or some group's selective image of their preferred past' (*Ibid.*, 223).

In her study of redevelopment of the Spitalfields Market in East London, Jacobs (1992) explored the constitutive relationship between capital, represented by urban redevelopment, and culture, as represented by different heritage values. The study builds on the work of analysts who emphasise the constitutive role of culture in urban redevelopment, showing that:

> 'The past that is celebrated...is not 'given'; it is refracted through the present. Histories claimed as being of importance or value are a testament to a range of differently empowered interests and ideologies' (*Ibid.*, 194).

With regard to the controversy over the re-development of Spitalfields Market, Jacobs concluded:

> 'The Spitalfields Market controversy was in part a conflict of differently empowered pasts and discourses. In the current state of British planning, histories which are embodied in the built environment and which are less challenging to redevelopment objectives are clearly priviledged. Pasts with more deeply oppositional potential and which are present in forms and practices less readily appropriated into redevelopment objectives, are marginalised. Such pasts can only be incorporated into urban processes of capital reinvestment if bleached of their radical and oppositional character' (*Ibid.*, 209).

Furthermore, Jacobs subscribed to the idea that 'officially or popularly sanctioned pasts are rarely static; they are embellished, transformed and even challenged' (*Ibid.*, 194). Jacobs also discussed how the approach to the heritage has changed over time, placing this within a framework of capital and its relationship to culture. In Britain, 'the national heritage once centred around events and artefacts associated with dominant interests' while 'the national identity of today's Britain is equally constituted around an industrial (albeit sanitised) heritage...' (*Ibid.*, 194). This change in attitude has also been reflected in British policy on the built heritage: 'under the thirty year rule, introduced into policy in 1988, it is now possible to list some of the more typical glass and steel structures of the 1950s and 1960s' (*Ibid.*, 195). However, Jacobs suggested the following:

> 'While industrial and working class buildings are likely to be valued and listed, which will generally have popular support, this does not mean that the process of conserving the built environment is purged of its ideological and political implications... Heritage values are now acknowledged as playing a constitutive part in the process of urban transformation, such as gentrification, in which older parts of the urban fabric are 'revalorised' both aesthetically, and economically' (*Ibid.*, 196).

Tunbridge (1984) stressed that heritage perceptions vary according to political outlook, socio-economic class and by deeply rooted cultural and ethnic values. Furthermore, 'the way the character and image of a city develop is a reflection primarily of the values of whichever social group is ascendant at the time' (*Ibid.*, 171). Furthermore, Tunbridge (1994) suggested that the question of 'whose heritage' is being conserved is dependent on two aspects, namely, what we identify as heritage and how we interpret what is labelled as the heritage. The selection process involved depends on factors such as cultural affinity, political affiliation and social class.

Furthermore, Kearns and Philo (1993, 25-6) asserted that memory,

> 'is concerned with the celebration of a certain account of the past which seeks to legitimise certain developments in the present, and as such it can easily become arrogant, chauvinist and exclusionary... It is crucial to appreciate that there are many sorts of memories, and that it is out of the spectrum of different memories associated with different peoples remembering the past in different ways that *contestation of the past in the present* emerges. Our specific source of disquiet here, however, concerns the transformation that all too commonly occurs whereby one particular form of memory - namely, that of the bourgeoisie - becomes the officially-sanctioned History'.

They also argued that,

> 'the exercises of historical re-presentation undertaken in the name of an urban-based bourgeoisie tend to be ones of memory which possess *limited* correspondence to the past, whereas the exercises of historical re-presentation undertaken in the name of those *other peoples* of the city... usually operate with situated and rooted memories - ones impregnated... with a vital relationship to the specific places of these peoples and their forebears - which possess considerably *greater* correspondence to what really happened in past times' (*Ibid.*, 26).

Graham (1994) discussed the use of material heritage in contemporary Ireland and suggested that the question of 'whose heritage is conserved and why' is dependent upon ideological factors which determine why certain structures become heritage while others are dismissed. Graham noted that in Ireland, 'the overtly anti-urban nature of Gaelic nationalist historiography was consequent upon the equation of towns with a landscape of oppression, built through the expropriation of the production of the mass of the Gaelic peasantry' (*Ibid.*, 148). Furthermore, Graham suggested that, 'the redefinition of the heritage which should be preserved or conserved in Ireland is being driven by factors other than academic revisionism of traditional ideological orthodoxies. There are pragmatic and economic forces at work as well, principally those of tourism' (*Ibid.*, 150). With regard to heritage conservation in Ireland, Graham made the following conclusive remarks:

> 'A new definition of Irishness need not be built upon a post-nationalistic interpretation of the past but upon one which stresses the distinctiveness of Ireland's hybrid society... the re-evaluation of the nation state and its defining ideology demands that late twentieth-century Irish heritage should be a radical force, set in opposition to the antiquarian conservatism of Gaelic nationalism... First, it must reflect the identification of the specific fusion of all the exogenous and indigenous influences which created Ireland's history. Second, the particularity of that past and its relevance to the present must be placed within the context of a recognizable generality of European process. Finally, heritage definition must underscore the maturation of Irish identity into a plurality, central to which the rejection of the Gaelic origin-myth and the removal of Catholicism as a defining element of nationality... a heritage is time-specific; in the strict sense it cannot be preserved but only

> conserved, for its meaning must alter as the definition of that which it represents changes' (*Ibid.*, 155-56).

With further reference to the Irish heritage context, Whelan (2001) discussed the iconography of public statues in O'Connell Street in Dublin City and the way in which these express competing ideologies:

> 'By 1922 the symbolic fabric of the capital had come to embody and reflect the struggle for superiority, victory and ultimately power, that persisted between Britain and one of its kingdoms, Ireland. This struggle was played out through the medium of the public statuary and left turn-of-the-century Dublin in something of a schizophrenic position. On the one hand it was a city of the British Empire and capital of the Kingdom of Ireland within the confines of the United Kingdom of Great Britain and Ireland, and the canvas upon which British administration set out to paint a picture of union and loyalty. On the other it was a city under the local governance of Dublin Corporation which attempted to assert a tangible sense of Irish national identity upon the urban landscape in the years before 1922. With the Home Rule movement reaching a crescendo however and political independence in the offing, Sackville Street stood on the cusp of monumental change. In the decades which followed the 1916 Rising and the establishment of the Irish Free State, the demands placed upon the symbolic landscape altered accordingly' (*Ibid.*, 31-32).

Hayden (1996) is also concerned with the cultural and political meaning of urban landscapes, asserting that the politics of identity is a crucial aspect when dealing with the urban environment, be it from the perspective of public history, urban preservation or urban design. Hayden stressed that,

> 'a politically conscious approach to urban preservation must go beyond the techniques of traditional architectural preservation (making preserved structures into museums or attractive commercial real estate) to reach broader audiences. It must emphasize public processes and public memory' (*Ibid.*, 11).

Urban preservation is not free from political underpinnings and therefore dependent on a politically conscious dialogue. For Hayden,

> 'Saving a public past for any city or town is a political as well as historical and cultural process. Decisions about what to remember and protect involve the grounding of historical scholarship as well as the possibilities of public history, architectural preservation, environmental protection, and commemorative public art. Yet all of these approaches to conserving the past operate in partial and sometimes contradictory ways' (*Ibid.*, 13).

With regard to place memory and urban preservation, Hayden suggested that cultural landscape history can strengthen the links between previously disparate groups concerned with place memory:

> 'A look at the fields of public history, architectural preservation, environmental activism, and public art suggests that in the 1990s there is a growing desire to engage urban landscape history as a unifying framework for urban preservation... A growing sympathy for cultural landscapes in preference to isolated monuments' (*Ibid.*, 45).

Furthermore, Hayden noted that while preservation at the national level has tended to result in the creation of museums, combined with patriotic exhortations of the past, preservation at the local level has mostly been associated with adaptive reuse by real estate displacement of lower income groups. Thus, 'how to preserve is as much debated as what to preserve' (*Ibid.*, 54). Hayden asserted that the past is dependent upon story-telling, and there will always be different stories about the past depending on who you ask: 'people invest places with social and cultural meaning, and urban landscape history can provide a framework for connecting those meanings into contemporary urban life' (*Ibid.*, 78).

## 1.5. WHEN TO CONSERVE? THE TEMPORAL DIMENSION OF CONSERVATION REACTION

Burtenshaw *et al.* (1991) drew from various European case studies on the evolution of local and national reactions to conservation, and provided a theoretical framework for temporal and comparative aspects of urban conservation. Burtenshaw *et al.* formulated what may be seen as a theoretical model of temporal developments in terms of reaction to change in the urban environment. The following describes this model, which is a basis for further discussion in the final chapter. A distinction is made between Western and Eastern Europe, stemming from the different political nature of these historically:

> 'In Western, as supposed to Eastern Europe, most of the impetus of the conservation movement was local rather than national, and unofficial rather than governmental. The eighteenth century witnessed the birth of an interest among a leisured elite in their physical and cultural environment, including an interest in the architectural relics of the past... Such enthusiasm filtered down through the urban and social hierarchies as groups of citizens, predominantly drawn from the articulate middle-classes, formed pressure groups in response to immediate threats to their local urban environment' (*Ibid.*,146).

However, Burtenshaw *et al.* (1991) argued that in spite of differences in for example wealth and politics there are many similarities between European countries regarding national reaction to change in the urban environment. They all similarly experience different phases of national reaction to conservation, although at different paces.

- *Inventorisation:*

The first step of Burtenshaw *et al.*'s model involves a phase of inventorying, resulting from local reaction and the establishment of national bodies to draw up lists of buildings of architectural and historical importance:

> 'Pressures from the amateur enthusiast reacting to local threats resulted in the establishment of official bodies charged with the drawing up of a national inventory of surviving meritorious architectural and historical relics... inventorisation inevitably requires the establishment of national criteria whose application generally results in a grading system' (*Ibid.*, 148-49).

- *Legislative protection:*

The second step involves legislative protection, which implies protection of listed objects, *e.g.* the French Law on the Historic Monuments (1913), the Dutch Monument Act (1921) and the Italian Monument Act (1939). Burtenshaw *et al.* (1991, 149) questioned the delay which occurred in many countries in relation to the protection of buildings:

> 'It is such a short and bureaucratically obvious step from inventorisation to action to protect what has been listed that the long delay that occurred in most countries needs explanation. Listing originally conceived as the simple task of recording the self-evident, proved longer and more complex than anticipated... Even more of an obstacle was the deeply ingrained respect for ownership rights over private property, and consequently resistance to any state constraint over the exercise of these rights'.

- *Conservation legislation:*

The third step towards an action framework for urban conservation is the enacting of conservation legislation, which is the result of governments' acceptance of their financial responsibilities to subsidise maintenance and rehabilitation of buildings. This step also implies that the protection of historical monuments is extended to include wider morphological settings. Many countries took such action in the 1960s, *e.g.* the Dutch Monument Act (1961), the French Loi Malraux (1962), the British Civic Amenities Act (1967) and the Italian Urban Planning Act (1967). The features of such legislation usually include a mixture of national subsidy, tax concessions, private funding, the designation of areas rather than individual buildings only, and attempts to link preserved forms with original functions.

- *Urban conservation planning practice:*

The fourth step, urban conservation planning practice, involves implementation challenges such as 'the spatial scale of operations, the balance between public and private roles, and the context of urban conservation in more broadly based urban planning' (*Ibid.*, 150). The development of conservation over time involves a widening of concern from extraordinary and publicly owned buildings to the smaller, more mundane and privately owned buildings. Consequently, questions regarding the balance between public and private costs and benefits become raised due to the increased number of privately owned domestic buildings deemed worthy of conservation. Thus, this phase of conservation reaction concerns the integration of conservation into the wider planning process:

> 'No longer was conservation concerned only with a few special 'islands' of interest within a 'sea' of normality but with most of the central areas of most Western European cities. This inevitably brought conservation into contact with urban land-use and development planning, and made it the concern of the urban planner and manager as much as the historian or architect' (*Ibid.*,151-2).

Finally, Burtenshaw *et al.* (1991, 152) discussed variations in experience of different European countries. For example, a distinction is made between what is labelled as the 'Scandinavian' and the 'Italian' situation:

> 'Scandinavia has the legislation, the money and the will but a shortage of the basic resource, namely the buildings themselves. The use of wood as a building material and the peripheral role of the Scandinavian countries in the development of the European city has left them with less to conserve. The obvious exceptions to this general assertion, such as Copenhagen... Stockholm, Goteborg and the Scania towns, illustrate the dilemma posed by consumer prosperity and high standards of public amenity provision... These make rehabilitation for housing difficult as contemporary standards of living space, vehicle parking and circulation provision, public open space and the like cannot be accommodated without considerable demolition... The Italian situation is in many ways the reverse of this, with a surfeit of architectural riches resulting from its role as the cradle of European urban civilisation being entrusted to one of the European countries least able to economically or in terms of the effectiveness of its government institutions to conserve it'.

The last argument of the quotation is valid if the heritage is seen as embracing only old buildings. However, as will be discussed in the succeeding chapters, Sweden is now faced with a conservation dilemma with regard to the many built environments from the post-war period.

## 1.6. WHERE TO CONSERVE? THE CROSS-CULTURAL DIMENSION

*Examples of Previous Cross-Cultural Studies*

As discussed further in the next chapter, this research takes an in-depth comparative approach to urban conservation in an Irish and Swedish context. Previous studies have also addressed conservation from a cross-cultural comparative perspective, although at varying levels of depth. In *Architectural Conservation in Europe*, published in association with the European Architectural Heritage Year 1975, Cantacuzino (1975) brought together a range of conservation issues in various European countries. For example, he provided a brief overview of conservation legislation in the member states of the Council of Europe. The volume was published at a time when many European cities had experienced the effects of large-scale inner city renewal and demolition of a significant share of the older building stock. Consequently, the concept of conservation area was increasingly becoming discussed. Cantacuzino (1975, 3) asserted: 'architecture and the environment have become news by default. Dissatisfied with the character and quality of so much of the new architecture, a growing public has become increasingly conscious of other values - of familiarity, continuity, adaptability'.

Furthermore, in *The Conservation of European Cities* Appleyard (1979) provided a range of essays relating to topics such as controversies over development and redevelopment, conservation efforts and associated problems, historic and neighbourhood conservation, physical and social aspects of conservation, drawn from various European case studies.

A more recent example of comparative work on urban conservation in Europe is the *Conservation of the European Built Heritage Series*, initiated by the Council of Europe as a contribution to the campaign 'Europe, A Common Heritage' during 1999-2000. The series examined a wide range of conservation issues in thirteen European countries in the context of European charters and conventions on conservation, directly in line with the topics of the research. The first volume, *Policy and Law in Heritage Conservation*, included themes such as definition of the heritage; identification of the heritage; legal frameworks for preservation and protection of the heritage in a broad sense; conservation philosophy; and sanctions and coercive measures for protection of the heritage. Furthermore, it compared integrated conservation policies; financial aspects of

the regeneration of historic environments; the role of agencies and specialist organisations and the role of education and training in conservation activities. For example, it concluded that all the selected countries follow a movement towards the principles established in the Granada Convention (Pickard, 2001).

The second volume, *Management of Historic Centres* (Pickard, 2001) presented case studies of cities from the selected countries under study in the first volume[2]. It included themes such as the policy and planning framework, management and regeneration action, environmental management, tourism and heritage management and sustainability. It identified three main lines of action needed to support sustainable management of historic cities: rehabilitation and construction in city centres to help develop social diversity, enhancement of public areas with which the local community can identify and democratic debate as a method of legitimising historic management action (Pickard and de Thyse, 2001). The books include case studies of conservation in Ireland. In the first volume, MacRory and Kirwan (2001) dealt with the legislative framework for heritage conservation in Ireland, while in the second volume, Negussie (2001) discussed the approach to heritage management in the city of Dublin. However, the series did not include the Swedish experience in conservation.

*The Construction of Built Heritage* (Phelps *et al.*, 2002) provided a north European perspective on policies, practices and outcomes of conservation of the built environment, including case studies from the UK, Sweden and The Netherlands. For example, they recognised that:

> 'the heritage of the built environment is not a result of haphazard survival, but rather the outcome of individual and group consciousness relating to a sense of place. The built environment as it has survived is a cultural construction, its appearance and meanings dependant on a complex process of selection, protection and intervention... The contribution of the twentieth century has been a gradual revealing of a consciousness for conservation, and its incorporation into legal frameworks prioritising public, over private interests. Despite the persistence of private property ownership, there is increasing expectation in both town and countryside of a public ownership of, and access to, the landscape. The challenge for the twenty-first century will be to integrate the conservation project more effectively with future planning and deal with the issues resulting from the domination by selected public interests' (*Ibid.*, 3).

---

[2] A third volume, 'Financing the Preservation of the Architectural Heritage' is forthcoming.

*Previous Literature of Relevance to Conservation of the Built Heritage in Dublin*

There exists a range of literature in relation to the various themes dealt with in the succeeding chapters on Dublin. For example, *The Irish Town* (Shaffrey, 1975) dealt with a number of conservation related issues and emphasised the importance of vernacular architecture, or 'ordinary buildings', and the importance of conserving townscapes. He also discussed conservation policy and the role of voluntary bodies and public authorities. *Georgian Dublin* (Kearns, 1983) provided a similar approach to the research in the succeeding chapters, examining policy, planning issues and the role played by voluntary conservation bodies in conservation of especially the Georgian built heritage in Dublin.

Furthermore, a number of books have focused on the lost elements of the urban landscape in Dublin City, *e.g. Vanishing Dublin* (Mitchell, 1966); *Lost Dublin* (O'Dwyer, 1981); and *Dublin Then and Now* (Johnston, 1989). *The Destruction of Dublin* (McDonald, 1986a), a classic best seller, has played a crucial role in the raising of a public awareness of urban conservation in Dublin and Ireland more generally. It goes beyond an examination of local and national policies in relation to the built environment and investigates the underlying reasons for destruction in the built environment and attitudes amongst those with power in shaping the urban environment. *Saving the City* (McDonald, 1989a) is a continuation of the Destruction of Dublin. Furthermore, *The Construction of Dublin* (McDonald 2000a), the third of McDonald's investigative series of books discussed issues relating to urban re-development in Dublin during the 1990s.

With regard to planning in theory and practice, *Planning: The Irish Experience 1920-1988* (Bannon, 1989) examined the evolution of Irish Planning. In particular, the chapter by Mawhinney (1989), *Environmental Conservation, 1920-1970*, provided a useful overview of developments in environmental conservation, including the built heritage, in relation to concern expressed by the public and the action taken by the government and voluntary organisations in response to that. Furthermore, *Dublin: the Shaping of a Capital* (MacLaran, 1993) analysed a range of issues in relation to the urban planning context in Dublin.

A range of books deal specifically with the legal aspects of conservation and planning, *e.g. A Guide to Planning Legislation in the Republic of Ireland* (Nowlan, 1988); *Environmental and Planning Law* (Scannell, 1995); and *An Introduction to Irish Planning Law* (Grist, 1999). Furthermore, in *Replace and Retain* (Convery, 1988) discussed policies of direct and indirect relevance for conservation, *e.g.* housing policy, urban renewal policy and financial instruments with relevance to conservation. Finally, a number of unpublished research studies (MA-theses) exist which relate to the to the themes of the succeeding chapters on Dublin. For example, *The Evolution of Policy for the Conservation of Historic Monuments in Ireland* (MacRory, 1994) documented the evolution of national conservation policy during the nineteenth century and looked at ways in which present conservation thinking in Ireland has been shaped by the past. The literature as listed above proved useful sources for background information to the issues dealt with in the case study on Dublin City.

*Previous Literature of Relevance to Conservation of the Built Heritage in Stockholm*

Important literature in relation to the Swedish case study was also identified. In *Den Stora Stadsomvandlingen: Erfarenheter från ett Kulturmord*, Johansson (1997) provided useful background information in relation to the various themes dealt with in the chapters on Stockholm. He discussed the underlying cultural context which shaped the great transformation of urban cores in Sweden during the 1950s, 1960s and 1970s. Furthermore, he dealt with the legislative context for conservation, urban planning and the societal climate which facilitated a planning culture which led to widespread demolition of historic buildings in Stockholm as well as in other Swedish cites at the time. Also, he analysed the paradigm shift in the general societal outlook on conservation issues and discussed the lessons learnt from past conservation failures. Furthermore, Folkesdotter (1981) outlined the changing societal context and climate for conservation of the urban built heritage in Sweden, reflected in national investigations for urban renewal policy between 1930 and 1980. In *Monument & Miljö*, Wetterberg, (1992) provided perspectives on built heritage conservation in Sweden at the beginning of the twentieth century and showed that holistic conservation thinking existed prior to the more conservation progressive 1980s.

In *Huvudstad i Omvandling: Stockholms Planering och Utbyggnad under 700 År*, Hall (1998) provided detailed insight into the evolution and town planning of Stockholm

City during its four main phases of redevelopment. Hall analysed the course of planning events which shaped comprehensive urban renewal and redevelopment in Stockholm's inner city during the 1950s and 1960s. In *Stockholm's Annual Rings*, Andersson (1997) illustrated the growth of Stockholm City over the centuries, focusing on how the city's planning, building and architectural history has resulted in a set of annual rings, each with its own distinguishing characteristics. Also, articles by Råberg (*e.g.* 1991, 1992, 1996, 1998) proved particularly important in relation to direct insight into conservation planning in Stockholm City.

## 1.7. CONCLUSION

This chapter identified a range of arguments as to why conservation of the built environment is considered important, for example: aesthetic, historic, identity, psychological, community, ideological, tourist and economic reasons. It found that the international conservation movement has triggered an awareness of the need for cross-national co-operation combined with the idea of the architectural heritage as an important international resource and has contributed by establishing principles for conservation in charters and conventions. Furthermore, it explored the arguments of the new cultural geography and showed its relevance in relation to the political dimension of what to conserve. Also, this chapter found that in spite of differences in wealth and politics, European countries have experienced similar phases of national reaction to change in the urban environment. Finally, it highlighted important background literature to the two case studies of this thesis. The next chapter describes the aims and methodology adopted for the research.

# CHAPTER TWO

# METHODOLOGY

This chapter outlines the aims of the research and its methodology. First, it presents the scope and aims of the research. Secondly, it outlines the overall methodological approach for the research. Thirdly, it describes the methodological strategy adopted in order to achieve the aims of the research, discussing sources and data-collection procedures. Finally, this chapter discusses the analytical approach to the gathered data and the methodological and analytical obstacles involved during the research process.

## 2.1. SCOPE AND AIMS OF THE RESEARCH

*Scope and Background*

This thesis is concerned with conservation of the built heritage in an urban context and concerns the physical rather than social dimension of conservation. Furthermore, it is concerned with the evolution of urban conservation planning in a post-war period context. The research deals with national policy frameworks for conservation. However, assessment of the implementation of such policies is limited to two particular local authority contexts: Dublin City and Stockholm City.

The research builds on the results obtained from a previous study of urban conservation in Ireland (Negussie, 1996). The study focused upon changing attitudes towards urban conservation reflected in the planning system in Dublin, illuminating a specific approach to urban renewal and conservation planning as found in a case study of Temple Bar, a historic area subject to major inner city urban renewal during the 1990s. The study identified current problems of contemporary urban renewal and conservation planning in Dublin, explored current trends within planning and discussed the Irish experience in a European perspective. The research was undertaken for an undergraduate thesis in Human Geography at Stockholm University during an eight-month study visit in Ireland in 1995. My interest for this topic had been developed before I came to Ireland, having been inspired by a particular article (Conniff, 1994, 17) which focused on shifting moral values and global economics driving Ireland towards modernity:

> 'In the 1980s people began to recognize that the essential character of the city was disappearing along with its fanlights and wooden window sashes and brass-knobbed painted doors. Preservation of Dublin's celebrated Georgian architecture became a fashionable cause. New buildings with Georgian details began to appear everywhere. Oddly, though, the destruction of Georgian neighbourhoods didn't stop... The attitude among the developers seemed to be that saving Georgian streetscapes was a nice idea, but too costly and inconvenient'.

The findings of the study revealed a need for further comprehensive in-depth studies of urban conservation in Ireland placed in a comparative European perspective. Furthermore, findings from the previous study indicated several factors that explain Ireland's relatively late development of a comprehensive modern conservation agenda, *e.g.* its late independence from Britain, a predominant rural culture and the late urbanisation process having resulted in national authorities prioritising development of rural areas.

Furthermore, problems of legal, financial and planning character affecting urban conservation were identified. The main legal aspects were the lack of features such as a functioning grant system, enforcement measures against owners who demolish old buildings, a statutory basis for conservation areas, sufficient control of development and an efficient protection system for historic buildings. The financial aspects included a lack of government funding specifically geared towards urban conservation, a low level of local authority funding for conservation, a system of urban renewal tax incentives working against conservation and financial support from the European Union geared mainly towards redevelopment rather than to conservation. The planning aspects concerned understaffed planning departments and strong financial limitations, a limitation to the role of facilitating property development rather than the needs of local communities and weak planning authorities operating under a strong pro-development city management.

The previous study supports the model developed by Burtenshaw *et al.* (1991) which suggested that countries experience various phases of conservation reaction and development. The following conclusions were made (Negussie, 1996,70):

> 'Ireland has not yet reached the third step towards a framework for urban conservation. Ireland is still somewhere between phase one (inventorisation) and phase two (legislative protection). Thus, it is still a major task for local and national authorities to carry out inventorisation, and interests of private property still conflict with the protection of listed objects. A third step towards urban conservation involves conservation legislation, which implies the government's acceptance of financial responsibilities and rehabilitation of old buildings. However, there is new conservation legislation being developed, but this is a very slow process'.

Since these conclusions were drawn, progress in conservation had been made in both the legislative regime and the planning system. Conservation legislation had been adopted and the government had introduced a funding scheme to support the allocation of grants to owners of buildings which merit protection status. The government had also launched a scheme of conservation officers to be employed within planning authorities. Thus, Ireland had to some extent moved into the third phase of conservation reaction as described by Burtenshaw *et al.* (1991).

While the previous study focused on changing attitudes towards urban conservation in Ireland (Dublin City) reflected mainly in the planning system, the current research reflects attitudinal change from a broader and more in-depth perspective. It aims at exploring temporal change in attitudes towards conservation of the urban built heritage reflected in central policy and legislation, the planning system and the contribution made by the voluntary sector, placing the outcomes in a societal and comparative context.

*Aims of the Research*

The previous chapter discussed a range of reasons as to *why* conservation is important, *e.g.* for aesthetic, historic, economic, tourist, ideological, psychological and social reasons. However, the aims of this research centre around the following questions: *how* to conserve, *what* to conserve and *when* to conserve. In addition, the question of *where* to conserve is addressed through the comparative dimension of the research.

First, this research aims to explore *how* conservation is approached by comparing differing approaches to urban conservation in the cities of Dublin and Stockholm. Such a cross-cultural study allows for a comparison of various institutional arrangements resulting in differing regimes of protection. The aim is to explore the legislative framework for the protection of the urban built heritage. The approach to urban conservation operates within a specific framework of policy and legislation that has been developed over time. The legislative mechanisms for the protection of the built heritage are traced mainly in specific conservation legislation, *e.g.* monument acts, and within the planning code. Furthermore, the aim is to examine the use of financial incentives to promote conservation, exploring the provision of grants and tax incentives to sponsor conservation. The aim is also to examine the role of national and local

authorities and agencies in protecting the built heritage. This research further aims to review the evolution of approaches to urban conservation embodied in and implemented through local authority urban planning policies. Local planning is used as an instrument to implement central policy on the urban built heritage at the local level. However, the aim is also to explore the existence of specific planning by-laws regulating the approach to conservation. Furthermore, the research aims to explore the contribution and role played by voluntary conservation bodies in promoting and effecting urban conservation, *e.g.* non-governmental organisations, residents' associations and local heritage associations.

Secondly, the aim is to explore value judgements on *what* is worth conserving in urban environments and how this has changed over time. Such value judgements are reflected, for example, in the legal framework for conservation and in the types of structures which are afforded legal protection status through local planning policies. The aim is to explore this question in the light of the new cultural geography's approach to understanding the relevance of values and ideas shaping places and spaces (see Chapter One).

Thirdly, the research broadens its scope by providing a cross-cultural comparison of contemporary conservation policies in the cities of Dublin and Stockholm. The study aims to explore the impact of cultural and political ideas underlying varying approaches to conservation policy and its implementation. This enables sharper focus to be given to establishing the basis by which certain urban elements become deemed worthy of conservation and the manner in which such evaluations and appraisals have tended to change over time. Thus, the aim is to explore differences from one socio-political and cultural context to another and the extent to which factors such as ideology or politics, economic climate, cultural values and societal trends shape attitudes towards what is considered worth conserving. The need for a comparative international dimension has partly been inspired by Burtenshaw's *et al.* (1991) model and partly by prior insight into conservation planning issues in Sweden and Ireland.

Fourth, the question of *when* to conserve is addressed through the temporal element of the development of conservation policies and general attitudes. An in-depth comparison of the experience of two European countries enables further understanding of why and

how different phases of reaction evolve. For example, Burtenshaw *et al.* suggest the following (1991, 148):

> 'The pressure for change, the nature of the local response, the division of responsibilities between governments, pressure groups and commercial interests are all broadly similar from Portugal to Sweden and from Ireland to Austria, despite national differences in wealth, political philosophy and endowment of historic resources. There is a clear sequence of events through which all proceed, although at different paces'.

Indicators of success and failure are established based on empirical data and documents (see below). For example, the research aims to examine whether conservation objectives have been achieved by a crude measurement based on interview findings. In addition, it aims to measure the outcomes against the objectives of international conventions on the built heritage. However, the research is essentially an attempt to explore reasons and explanations for the evolution of urban conservation in modern Dublin City through comparable work taken from the case study of Stockholm City.

Figure 2.1 illustrates a model of the comparative dimension of the study. The Dublin case study adopts a longitudinal perspective by exploring the Irish experience in retrospect, stretching back to the 1950s until present time. Thus, it aims to explore how legislation, local conservation planning and voluntary conservation bodies have evolved and interacted over time. The contemporary situation of Dublin City is then compared with that of Stockholm City, through a separate case study exploring the development of the same themes and issues mainly over the last decade. While the width and depth of the Swedish case study is smaller in scope and more restricted to the recent time period, it also contains reflections on the past as found in documents and literature.

*Justification for the Choice of Comparing Dublin and Stockholm*

This research compares two different systems at both national and local levels. Firstly, it explores the experience of two different countries with regard to, for instance, legislation and policy. Secondly, it explores the outcomes of such policy measures at the local level through implementation of planning policy, by two local authorities, in the capital cities of the two countries concerned. The choice of comparing the experience of two capital cities was considered appropriate in that these officially represent the countries of study. In addition to being European capital cities, Dublin and Stockholm are relatively comparable in terms of size and population.

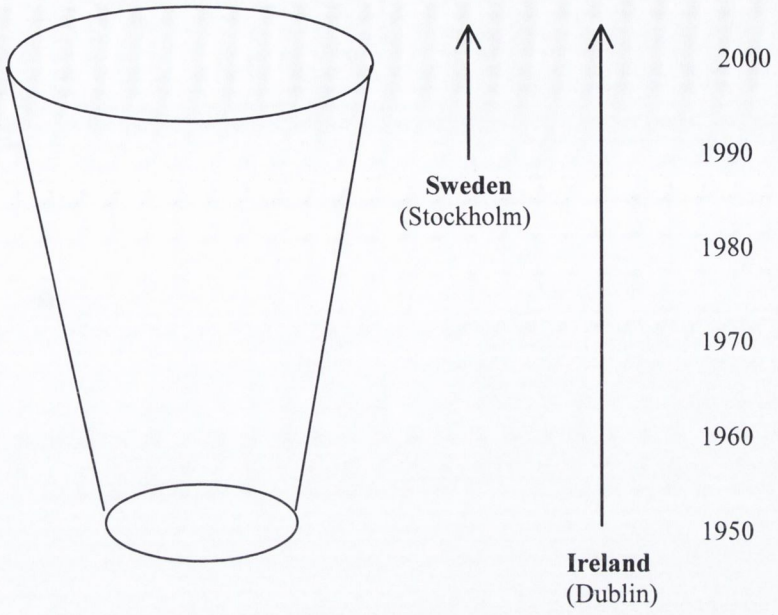



**Figure 2.1:** Comparative and longitudinal dimension of the study (Negussie, 2002 ©).

Furthermore, as a result of the neutrality of Ireland and Sweden during the Second World War, neither of the cities was exposed to material destruction in contrast to many other European cities. However, the cities experienced extensive property development during the 1960s when the modern office boom led to significant demolition of historic buildings in the city cores.

Nevertheless, at a societal level Sweden and Ireland are fairly different in terms of structure, which is beneficial when comparing the outcomes of two systems. This is reflected in the role of the state in these two societies. For example, Sweden has a legacy of being a socialist welfare state, in the past often referred to as the 'Swedish Welfare State', which has implications in terms of the degree to which the state has intervened in regulating capital in favour of public interest. Ireland represents a more conservative approach to capital and the role of the state. Although the Swedish Welfare State has been reorganised since the 1990s, there are still structural differences between the two countries, which contribute to the motives for a comparison between Sweden and Ireland. Furthermore, there are general historical differences contributing to the degree to which the two nations may have identified with and taken pride in their architecture. For example, Sweden has a historical legacy as a former empire state, while the Republic of Ireland is a young nation with colonial associations historically. Finally, the development of a national comprehensive conservation strategy in modern

Ireland is a relatively recent phenomenon in a European context, while Sweden has a reputation of being 'progressive' in terms of its urban conservation planning in conservation circles. This also contributes to the interest of a comparison between the two countries.

## 2.2. METHODOLOGICAL APPROACH

*Introduction*

The methodological approach is based on the use of *qualitative methods*. The use of qualitative methods is supported and analysed by scholars such as Dey (1993), Silverman (1993), Sapsford and Jupp (1996), Frankfort-Nachmias and Nachmias (1996), Flick (1998) and Denzin and Lincoln (2000). Yin (1993, 57) suggests that qualitative data 'can be represented by categorical data, by perceptual and attitudinal dimensions not readily converted to numerical values (*e.g.*, colour perception) and by real-life events'. Furthermore, 'one of the most popular ways of presenting categorical data involves word tables, in which empirical evidence is systematically arrayed but the cells are filled with words rather than numbers' (*Ibid.*, 57). However, Yin asserts that qualitative research can be 'hard-nosed, data-driven, outcome-oriented, and is truly scientific. Similarly, quantitative research can be soft and mushy and deal with inadequate evidence' (*Ibid.*, 57).

The research adopts the use of *case studies*. These are often used in exploratory research when 'aimed at defining the questions and hypotheses of a subsequent (not necessarily case) study or at determining the feasibility of the desired research process' (Yin, 1993, 5). Furthermore, 'the descriptive case study presents a complete description of a phenomenon within its context' (*Ibid.*, 5). Furthermore, a case study can be seen as a tool in which several data collection techniques can be used, often referred to as *data triangulation*, described in Denzin (1978), Yin (1993) and Janesick (2000). The research involves the use of several methods: literature studies, interviewing, document studies, observations and photographing and may thus be described as data triangulation. The methodology builds on the use of independent case studies that vary in level of width, depth and longitude (Fig. 2.1). The Irish study is treated as the main study since it is wider and deeper in scope. It is also the core study since the research derives from a previous study based on the same themes at a smaller scale.

The *literature studies* include a macro perspective with literature exploring previous studies, literature on relevant theories, methods, themes and concepts. The micro literature studies contain material of specific relevance for the individual case studies. The approach to the literature studies consists partly of a general review and partly of a focused search for written data on the various research themes.

The research also comprises *interview studies* designed specifically for each case study. The interview studies are based on thematic interview schedules with questions deriving from the literature and the documents. The major case study focusing on the Irish experience is also based on a previous study (Negussie, 1996). The findings from this study contributed to the construction of the interview schedule for the research. The use of interviews was considered a useful instrument in exploring attitudes and perceptions of the overall effectiveness of policy, legislation and the role of the voluntary sector in conservation.

Data is also retrieved from *document studies*, *e.g.* town plans, legal acts, reports and journals. The analysis of the documents comprises general and focused reviewing of written data with relevance to the various sub-themes of the research.

A gradual insight into the subject (in Ireland) with a time span of seven years has provided opportunities for general *observations* of temporal and spatial change. The temporal and spatial dimensions of the research require *photograph studies* in order to illustrate the findings visually, discussed by Harper (2000). Photographs of certain objects and places, such as built structures and urban spaces, provide a visualisation of the research findings. In order to portray temporal and spatial change in the urban landscape old photographs are contrasted with recent ones. Old photographic data are retrieved from archives and private collections while new photographic evidence is undertaken by the researcher during the field-work.

The research is *inductive* in character. This implies that the knowledge derives gradually from the data and forms a basis for the formulation of theoretical questions. Such an inductive approach is described by Frankfort-Nachmias and Nachmias (1996, 294) who discuss the difference between quantitative and qualitative research: 'when researchers engage in quantitative research, their goal is to either falsify, modify, or to provide

support for existing theory. They accomplish this goal deductively by deriving hypothesis from theory and using the data they collect to statistically test the hypothesis'. Qualitative research takes an opposite direction and uses analytic induction in the research process: 'researchers collect data, formulate hypotheses based on the data, test their hypotheses using the data, and attempt to develop theory' (*Ibid.*, 294).

Analytical induction used in qualitative research is described by Glaser (1978) and Flick (1998) and was originally put forward by Znaniecki (1934, cited by Flick, 1998). The emerging questions may be used in future research that enables the formulation and testing of new hypotheses. This thesis should be seen as grounded qualitative research from which important findings can be traced and further elaborated upon. The qualitative approach allows for an extensive mapping of knowledge although difficult, time-consuming and less result-driven than a quantitative approach.

The goal is to make an analytical synthesis from the interview findings based on questions answered by informants from a range of professions, *e.g.* policy advisors, planners, architects, conservation officers and conservationists. Questions and statements are then drawn from the analysis of interview findings.

*Bias*

When using a qualitative approach it is important to consider the risk of bias and to discuss the role of the researcher in the process of data gathering and analysis. In order to avoid bias, it is necessary to focus on trustworthiness, credibility and reliability and the role of the researcher (Flick, 1998). In addition, Lincoln and Guba (1985) discuss dependability, transferability and confirmability as important criteria for qualitative research.

Janesick (2000, 389) suggests that 'the qualitative researcher uses inductive analysis, which means that categories, themes and patterns come from the data'. Furthermore, 'like the choreographer, the researcher must find the most effective way to tell the story and to convince the audience of the meaning of the study' (*Ibid.*, 389). The data emerge from literature, as well as from documents and interviews, and the researcher has to develop a system for coding and categorising the data. However, there are risks that biases emerge and that the researcher becomes so absorbed with methods that the

substantive findings are not seen (*Ibid.*). In addition, bias can arise from 'continually encountering some data more frequently because it is located first in some arbitrary – perhaps numerically or alphabetically but not chronological order…' (Dey, 1993, 120).

Sapsford and Jupp (1996) discuss bias in documentary sources, in interviews, in observation method and in sampling which all are relevant for this research. Frankfort-Nachmias and Nachmias (1996) discuss the avoiding of bias in the construction of questionnaires and interview schedules. It is, for instance, of importance not to ask leading questions, threatening (embarrassing or difficult to answer) questions or double-barrelled questions (combining two or more questions in one). This research attempts to avoid such pitfalls.

*Emic and Etic Perspectives*

Similarly to ethnographic studies, the research contains an outsider's, as well as an insider's perspective, or, an *emic* and *etic* perspective, discussed by *e.g.* Fetterman (1998). The comparative and temporal perspective of the research, combined with the movement between and within different cultures, provides an experimental knowledge contributing to the depth and width of the study. As concerns bias, for example, a researcher who moves between etic and emic perspectives may become alerted by the shifting character of the analysis and may thus be more observant about the risks involved. A longitudinal study may also allow the researcher to repeat an observation on different occasions.

## 2.3. METHODOLOGICAL STRATEGY: SOURCES AND DATA COLLECTION

The data collection is based on several techniques of obtaining secondary and primary data, including collection of documents and literature (*e.g.* Sappsford and Jupp, 1996), in-depth interviewing (*e.g.* Minichiello *et al.*, 1995), focused interviewing (*e.g.* Merton *et al.*, 1990), informal interviewing (*e.g.* Fetterman, 1998), photographing (*e.g.* Flick, 1998) and field observations (*e.g.* Bailey, 1996). Attendance in conferences and seminars with specific relevance for the research subject has also contributed to the data-collection. The selection of informants for this study is purposive. As suggested by Patton (1990, 196):

> 'The logic and power of purposeful sampling lies in selecting information-rich cases for study in depth. Information-rich cases are those from which one can learn a great deal about issues of central importance to the purpose of the research, thus the term purposeful sampling... The purpose of purposeful sampling is to select information-rich cases whose study will illuminate the question under study'.

At the inception of the research, a thematic schedule and tentative models were constructed in order to establish a basis for comparison. Overall, the themes and contents of these have been retained throughout the research with the exception of certain adjustments (*App.* 1- 3).

The data was collected throughout the research period, between 1998 and 2002. A preliminary interview orientation was carried out for the Irish case study in 1998, while the principal interviews were conducted between 2000 and 2001. The main data collection for the Swedish study was carried out during a six-month period between 2000 and 2001. However, additional data was collected during other shorter visits to Stockholm.

### 2.3.1. The Irish Case Study

In order to achieve the research goals, data was collected from secondary sources such as published and unpublished documentary sources. In addition, the data collection included a literature study limited to the post-war period. The intention was to find literature that mirrored specific areas reflecting the research aims, such as conservation policy and legislation, local conservation planning and voluntary-based contributions. In addition, the goal was to identify general literature placing the above themes in a wider societal context. The collection of material was flexible so that new and relevant material could be added during the research process.

The document studies comprised a purposive selection of various types of published and unpublished documents, including selected legal acts, policy documents, local development plans, reports, *etc.* Particular magazines were also reviewed with a purposive selection of articles of specific relevance for the research. Access to various planning files and protocols from the Dublin City Archives may have been useful, since it has approximately 100,000 documents from the planning department dating from 1953 and onwards. However, during the time of the data gathering these planning files had not been listed and were therefore not in access to the public. This reinforced the

need to undertake primary data gathering through in-depth interviews with a temporal perspective as a main method of data-collection.

The data collection also included the collection of old photographs. The photo documentation was closely related to particular issues as found in the literature, documents and interviews. The following outlines and categorises the sources used for this case study.

*Documents*

Central Government:

As part of the objective to explore central policy and legislation on the protection of the urban built heritage and the use of financial incentives to promote conservation the following documents were reviewed:

| **Acts of the Oireachtas** |
|---|
| Local Government (Planning and Development) Act, 1963 |
| Local Government (Planning and Development) Act, 1976 |
| Local Government (Planning and Development) Act, 1990 |
| Local Government (Planning and Development) Act, 1999 |
| Local Government (Services Services) Act, 1964 |
| Housing Act, 1969 |
| Derelict Sites Act, 1990 |
| Urban Renewal Act, 1986 |
| Temple Bar Area Renewal and Development Act, 1991 |
| Finance Act, 1982 |
| Finance Act, 1986 |
| Finance Act, 1991 |
| Heritage Act, 1995 |
| National Monuments Act, 1930 |
| National Monuments Act, 1954 |
| National Monuments Act, 1987 |
| Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999 |
| **Government Publications** |
| *An Foras Forbartha (National Institute for Physical Planning and Construction Research):* |
| - The Protection of the National Heritage, 1969<br>- The State of the Environment, 1985<br>- Survey of Dublin Buildings Interiors of Architectural and Artistic Value,1983<br>- Financing Architectural Conservation, 1986 |
| Urban Renewal Financial Incentives, 1986 |
| Report on Urban Renewal, 1996, KPMG |
| Developing a Government Policy on Architecture,1996 |
| Strengthening the Protection of the Architectural Heritage, 1996 |
| Architectural Heritage Protection – Guidelines for Planning Authorities, 2001 |
| Framework and Principles for the Protection of the Archaeological Heritage, 1999 |
| Operational Programme 1994/99 – For Local Urban and Rural Development |
| 1998 Urban Renewal Scheme – Guidelines, 1997 |
| Sustainable Development: A strategy for Ireland, 1997 |
| An Bord Pleanala 1977 – 2002: Celebrating the First Twenty Five Years, 2002 |

| |
|---|
| Environmental Bulletin |
| Explanatory Memorandum, 1999 |
| **Unpublished Documents** |
| Ministers Announce Measures to Protect Our Architectural Heritage, 1998 |
| Speech by Mr. Noel Dempsey, T.D., Minister for the Environment and Local Government at the Launch of the Government's Proposals for Strengthening the Protection of the Heritage at No. 38 North Great George's Street, Wednesday, 13 May, 1998 |
| Speech by Sile de Valera T.D., Minister for Arts, Heritage, Gaeltacht and the Islands, at the Launch of...(see above). |
| Scheme of Grants for the Conservation of Protected Buildings, 1999 |

**Table 2.1:** List of documents reviewed as part of the objective to explore central policy and legislation on the protection of the built heritage in Ireland.

Local Government:

In order to fulfil the objective of exploring local planning policy documents such as the following were investigated:

| **Development Plans** |
|---|
| Dublin Development Plan, 1971 |
| Dublin City Development Plan, 1980 |
| Dublin City Development Plan, 1991 |
| Dublin City Development Plan, 1999 |
| Draft Development Plans for Dublin City (1967, 1987, 1998) |
| **Working papers and Local Authority Publications** |
| Inner city development - new incentives for designated areas, 1986 |
| Conservation - Dublin Corporation Development Plan Review, 1986 |

**Table 2.2:** List of documents investigated in order to fulfil the objective of exploring local planning policy in Dublin.

Other Documentary Sources:

Documentary sources such as newspapers and magazines were reviewed. Other published and unpublished key documents were also explored, *e.g.* by An Taisce. Old photographs were collected from the Dublin Civic Museum Archives and from private collections.

| **Newspapers and Magazines** |
|---|
| An Taisce Journal |
| Irish Builder |
| Irish Times |
| **An Taisce Documents** |
| Urbana - Dublin's list 1 buildings: a conservation report for An Taisce, 1982 |
| Dublin: the Temple Bar Area - a policy for its future, 1985 |
| Georgian Dublin: policy for survival, 1985 |
| Ireland's designated areas - lessons from Temple Bar, 1996 |
| **Old Photographs** |
| Dublin Civic Museum |
| Dr. Andrew MacLaran, Centre for Urban and Regional Studies |

**Table 2.3:** List of other documentary sources for the Dublin case study.

Nevertheless, the use of documentary research was not considered sufficient in order to fulfil the research objectives. Therefore, primary research was also conducted through interviews based on purposive sampling. The following discusses the interview surveys undertaken for the Irish case study.

*Interviews*

Orientation Survey

At an early stage of the research an orientation survey was undertaken in order to identify themes and issues of relevance for the Dublin study. This provided an opportunity of collecting updated information since the previous study (Negussie, 1996) and to develop and establish the aims and the methodology for the research. Interviewees were selected in order to gain insight and a broad perspective of current conservation issues and problems in Dublin. Semi-structured in-depth and focused interviews were carried out with officials within the Dublin City Council[1], the local authority for Dublin City. The following interviewees were selected:

- Conservation Officer
- City Planning Officer
- City Architect

At the time of the interviews, the Conservation Officer had recently been appointed within Dublin Corporation, marking the first such appointment within an Irish local authority. Thus, the Conservation Officer was selected due to the unique position and the direct insight into conservation issues in Dublin City. The City Planning Officer was chosen due to the possession of overall knowledge of urban planning in Dublin, including conservation issues, and since conservation planning in Dublin falls under the remit of the Planning Department. In addition to the appointment as City Planning Officer in 1995, the informant had worked within Dublin Corporation for approximately 30 years, thus proving capable of providing solid knowledge of planning developments in Dublin from a temporal perspective. The City Architect was chosen in order to gain insight into an architect's perspective on conservation planning issues, especially considering the role of the City Architect in providing an architectural vision for the city.

[1] Formerly known as Dublin Corporation.

Thematic interview schedules were used with open-ended questions related to the following topics: the role of official bodies in conservation; implications of urban renewal policy for conservation; integrated conservation planning; funding and legal aspects of conservation planning; heritage management and the role of tourism; adaptive re-use of historic buildings; the range of elements considered worthy of conservation from a planning perspective; urban design in historic settings and the integration of new developments. The questions varied slightly between the three informants depending on their remit of responsibility.

In addition, informal discussions were undertaken with the following informants:

- Conservationist engaged in the work of different voluntary bodies
- Representative for the Dublin City Centre Business Association
- Local historian (and resident of Smithfield, an area located in the north inner city of Dublin and one of the major areas undergoing urban renewal during this research)

These interviewees were selected due to their knowledge of conservation issues in Dublin, representing different interests and backgrounds. The conservationist had a long record of conservation experience in Dublin and knowledge as an architectural historian. The City Centre Business Association informant was selected due to the advantage of gaining insight into conservation and planning issues from the perspective of commercial interests in the city. The local historian was chosen due to the possession of unique oral history and knowledge of the north inner city of Dublin. The informant was asked for information on the historical background and the changing character of Smithfield. Topics such as the recent urban renewal of Smithfield, including conservation, the integration of new developments, the re-use of old buildings and social implications for the local community, were covered. In addition to an interview, the informant provided a walking tour around Smithfield, contributing to an understanding of how the area had developed and changed.

The Principal Interview Survey

As part of the primary data gathering a major interview survey was carried out based on in-depth and focused interviewing. The informants were purposively sampled according to their knowledge and experience in the subject explored. The intention of the sampling strategy was to achieve a multi-perspective approach to conservation, including

informants with different types of knowledge and experience in conservation. Amongst the selected informants were urban planners, policy advisors, representatives for national authorities concerned with conservation, and conservationists representing voluntary conservation bodies. The profile of selected interviewees represented different generations contributing to the temporal perspective of the research. Thus, there was a mixture of informants with perceptions about the past combined with those having opinions and perceptions, as well as practical experience from the past. The interviews were audio recorded and the informants were assured of confidentiality since this would enable them to express their opinions more freely. Appendix 4 outlines a list of the names, or codes designated to each interviewee.

The interview schedules were designed in a semi-structured fashion, with open-ended questions allowing for specific questions to be asked and at the same time providing opportunities for open discussions, additional questions and comments (*App.* 5). The same schedule was used for all the interviews. The structure of the schedules was both temporal and thematic which meant that if the interviewees lacked knowledge about the specifics within a particular area or time-period this would easily be identified. This was useful since time could be spent on focused areas and topics with which the informant was more familiar.

The interview schedule consisted of three parts. The first part contained three general themes constituting sub-headings under each of the five decades of study (1950-1990): central policy and legislation, local planning policy and the voluntary sector. The second part consisted of a small number of questions of more philosophical and general character, *e.g.* opinions on cultural ideas and values that have affected the approach to conservation. The third part included a limited number of questions on the future implications of recently introduced legislation, planning policy and the role of the voluntary sector.

The interviews proved lengthy, of up to four hours in devotion. For many of the longer interviews a second interview meeting was arranged in order to complete the questions. The following informants were selected:

- Former Chief City Planning Officer, Dublin Corporation
- Current Chief City Planning Officer, Dublin Corporation
- Conservation Architect, Dúchas, Department of Arts, Culture and the Gaeltacht

- Policy Advisor, Department of Arts, Culture and the Gaeltacht
- Policy Advisor, Department of Environment and Local Government
- Architectural Officer, The Heritage Council
- Conservationist, Dublin Civic Trust
- Conservationist, An Taisce
- Conservationist, Dublin Civic Group
- Conservationist, Irish Georgian Society

The former Chief Planning Officer was selected due to the possession of long experience and knowledge of planning and conservation issues in Dublin in the past. This informant had had the unique position of being Chief County and Chief City Planning Officer at the same time, a position no longer in existence in Dublin. The informant held this position since the mid-1980s up until 1995 but had been a planner within Dublin Corporation since the 1960s. The current Chief City Planning Officer, as mentioned above, also had planning experience within the local authority since the 1960s. The interviewed Conservation Architect had long experience of conservation matters at the state level, in Dúchas, and prior to its foundation in the Office of Public Works. Two policy advisors were selected, representing the two government departments carrying the main responsibility for architectural conservation policy in Ireland. The first Policy Advisor was selected as an expert on policy and legal matters on conservation and its evolution in Ireland, having been directly involved in the development of Ireland's first comprehensive legislative framework for conservation during the 1990s. The second Policy Advisor was selected due to direct experience in conservation policy matters for a long period of time, having worked for the former An Foras Forbartha (National Institute for Physical Planning and Construction Research) before it was abolished in 1987. The Architectural Officer of the Heritage Council was selected as representing the only semi-state body concerned specifically with promoting conservation. The four conservationists, each representing the main voluntary conservation bodies in Dublin, were all selected due to their extensive knowledge and direct experience of urban conservation issues in Dublin.

In addition, as part of the principal interview survey, informal and focused interviews were conducted with another three informants. However, the questions did not follow the same schedule as used for the informants listed above. Rather, they were selected and asked about particular areas of relevance for the research.

- Survey Manager, National Inventory of the Architectural Heritage, Dúchas
- Former City Councillor/Lord Mayor and founder of a Residents' Association
- Conservation Officer, Dublin Corporation

A Survey Manager for the National Inventory was selected based on knowledge and direct insight into national inventorying of the built heritage. The informant was asked for information and opinions on the value systems reflected in the approach to the inventorying of the built heritage in Ireland. The informant had also worked as a conservation officer in Sweden, which meant that comparative reflections could be expressed by the interviewee. The former city Councillor was interviewed on the basis of solid knowledge of conservation in Dublin, stretching back to the earlier decades of study. The selection was also based on the informant's direct involvement in conservation matters as a founder of a resident's association in the 1970s. Specific topics were selected from the interview schedule described above. A second interview was carried out with the local authority Conservation Officer in addition to the one conducted during the preliminary orientation interview study. This second interview was needed in order to gain up-to-date information with more focused questions regarding contemporary conservation planning in Dublin.

There was a sufficient overlap in the interviews between what different informants responded. In addition, towards the end of the interview study a saturation of the information collected became evident. This reinforced the sufficiency of the collected interview material.

*Photographs*

In addition, general field observations and photographing was also undertaken as part of the primary data gathering.

### 2.3.2. The Swedish Case Study

The data collection for this study comprised similar elements to the main study of Dublin. The literature study aimed at identifying literature dealing with the same topics, *e.g.* conservation policy and legislation, local conservation planning and voluntary conservation efforts. The document study comprised a purposive selection of various types of documents, *e.g.* legal acts, conservation bills, policy documents, reports and

local town planning instruments. Particular journals were reviewed with purposive selection of articles of specific relevance to the study aims (*e.g. Kulturmiljövård*, published by the Swedish National Heritage Board). The data collection also included minor field observations and photographing in order to illustrate specific issues of interest.

*Documents*

Central Government:

As part of the objective to explore central policy and legislation on the protection of the urban built heritage and the use of financial incentives to promote conservation the following documents were reviewed:

| **Acts of the Swedish Parliament** |
|---|
| Plan- och Bygglagen, 1987:10 |
| Kulturminneslagen, 1988:950 |
| Kulturminnesförordningen, 1988:1188 |
| Miljöbalken, 1998 |
| Förordningen (1981:47) om stadsbidrag till vård av kulturhistoriskt värdefull bebyggelse |
| Förordningen (1993:379) om bidrag till kulturmiljövård |
| **Government Bills 'Propositioner'** |
| Kuturpolitik, 1996/97:3 |
| Utveckling och rättvisa – en politik för storstaden på 2000-talet, 1997/98:165 |
| Kulturarv, kulturmiljöer, och kulturföremål, 1998/99:114 |
| **Government Publications** |
| SOU, 1979:17 Kulturhistorisk bebyggelse – värd att vårda: betänkande av Byggnadsvårdsutredningen. |
| SOU, 1992:107, Kulturstöd vid ombyggnad: betänkande. |
| SOU, 1995:85 Tjugo års kulturpolitik 1974-1994: en rapport från Kulturutredningen. |
| SOU, 1996:128, Skyddet av kulturmiljön |
| SOU, 1999:18, Frågor till det industriella samhället: slutbetänkande. |

**Table 2.4:** List of documents reviewed as part of the objective to explore central policy and legislation on the protection of the urban built heritage in Sweden.

Local Government:

In order to fulfil the objective of exploring local planning policy documents such as the following were investigated:

| **Local Government Publications** |
|---|
| Översiktsplan Stockholm, Utställningsförslag 1999 |
| Stadsbyggnadsordningen, 1997 |
| Kulturhistorisk klassificering Stockholms Innerstad, 1995 |

**Table 2.5:** List of documents investigated in order to fulfil the objective of exploring local planning policy in Stockholm.

Other Documentary Sources:

| Journals |
|---|
| Kulturmiljövård |
| Ledungen |
| Stadsvandringar |

**Table 2.6:** List of other documentary sources for the Stockholm case study.

In addition, old photographs were collected from *Stockholms Stadsmuseum* (Stockholm City Museum).

Nevertheless, the use of documentary research was not considered sufficient in order to fulfil the research objectives. Therefore, primary research was also conducted through interviews based on purposive sampling. The following discusses the interview surveys undertaken for the Swedish case study.

*Interviews*

The Interview Survey

The interview survey was based on in-depth and focused interviewing. The interviews followed the same themes as for the Dublin survey. However, the temporal perspective focused on the contemporary situation. The interviewees were selected through purposive sampling and represented various public bodies responsible for urban conservation policy and its implementation. The intention with the sampling approach was to target informants with direct insight into urban conservation planning in Stockholm and in Sweden. The following informants were selected:

- Former Director (*Överantikvarie*), Swedish National Heritage Board
- Chief County Conservation Officer (*Länsantikvarie*), Stockholm County Administrative Board
- Chief County Planning Officer (*Planchef*), Stockholm County Administrative Board
- County Museum Officer (*Museichef*), Stockholm County Museum
- Chief Local Conservation Officer (*Enhetschef*), Stockholm City Museum
- Local Planning Officer (*Stadsbyggnadssekreterare*), Stockholm City Planning Division

Each of these were selected as representatives for those official bodies which carry the overall responsibility for conservation of the built heritage in Stockholm at the national, regional and local levels. The interview schedules followed the same themes. However, the questions varied slightly from one interview to another since questions were asked

with direct relevance to the work of the different bodies consulted with. However, certain questions were asked in all the interviews. In addition, focused interviewing was carried out with the representatives of two local heritage associations in Stockholm:

- Conservationist, St Erik Society
- Conservationist, Stockholm Heritage Federation.

These focused interviews covered particular topics, especially in relation to the role of voluntary conservation groups. Appendix 6 outlines a list of the names, or codes designated to each interviewee.

*Photographs*

In addition, to the old photographs collected from the Stockholm City Museum, new photographs were taken by the researcher during the field-work.

## 2.4. ANALYTICAL APPROACH

The analysis of the collected research material is mainly qualitative. However, the analysis of the material also contains certain quantitative elements, *e.g.* tables with numbers of buildings listed for preservation. Bryman and Burgess (1994) discuss different approaches to the analysis of data, some of them relevant for this research, *e.g.* linking qualitative data with quantitative data. They also discuss the growing popularity of using multi-site studies, especially in policy and organisational research 'in which the aim is to draw comparisons between cases', which is of relevance for this research (*Ibid.*, 223).

The analysis of the data for this research was a continuous process, which began at the inception of the study when aims and questions were formulated, and continued throughout the gathering and handling of data, including coding and categorisation, for the various case studies. This is supported by Burgess *et al.* (1994, 143) who have suggested that:

> 'data analysis is not a discrete element of the research process which can be neatly bracketed off from the other phases of the project. Instead, we would argue that data analysis is integral to the way in which questions are posed, sites selected and data collected'.

This research contains analysis of unstructured data and there are some similarities with ethnographic research and analysis as discussed by *e.g.* Hammersley and Atkinson (1995). In addition, Boulton and Hammersley (1996, 282) discuss analysis of unstructured data, and for them:

> 'Unstructured data is data that are not already coded in terms of the researcher's analytical categories. Such data consist mainly, but not exclusively, of written texts of various sorts: published and unpublished documents (including official government reports, personal diaries, letters, minutes of meetings, and so on), as well as field note descriptions... transcripts of audio or video recordings... It is important not to be misled by the term *unstructured*... It does not mean that the data lack *all* structure. All data are structured in some ways'.

The use of unstructured data requires an awareness of several important issues. For example, 'when the data are observational field notes, we must consider the possibility of reactivity, of how the researcher may have affected what was observed, as well as how he or she decided to select and describe what is portrayed. With interview data, it is necessary to remember that the questions asked are likely to have influenced the answers given' (*Ibid.*, 282-3).

The following analytical approaches were adopted for both of the Irish and the Swedish case studies:

- Review of literature and documents in order to identify themes and categories and to map out relevant issues and problems for the interview studies (categorisation).
- Qualitative analysis of interview material (into themes and categories).
- Analysis of quantitative data as found in literature and documents (*e.g.* numbers and types of buildings listed for preservation).
- Observation (comparisons of buildings, streets, demolition of buildings, *etc.*).
- Analysis of photograph material (*e.g.* comparisons of buildings, streets, demolition of buildings, *etc.* in a temporal perspective).

## 2.5. METHODOLOGICAL AND ANALYTICAL OBSTACLES

The use of qualitative interviewing as a main method of gathering data and the qualitative analysis of the interview material proved time-consuming. Emphasis was placed on transcribing the interviews thoroughly, considering that information which at first may seem irrelevant may in fact prove useful towards the end of the research process. Furthermore, the data collection and analysis of the material for the Swedish

case study involved extensive translation work. Since interviews were conducted in Swedish, the interview material first had to be transcribed and a large proportion of it then had to be translated. In addition to it being time-consuming, the translation dimension of the research also proved difficult in terms of finding appropriate interpretations for concepts and terminology without changing the meaning. In order to tackle this problem direct translations of terminology not commonly used in English were often made with brief explanations in order to capture fully their meaning.

Categorisation of the interview material was facilitated by the thematic structure of the interview schedules. While the interviews followed a certain structure, they were flexible in that the interviewees were allowed to elaborate and discuss issues at their own discretion. During the analysis of the transcribed material, this was tackled through a 'cut and paste' approach. However, difficulties sometimes arose in order to avoid taking issues out of their context.

Certain problems of comparability arose as a result of the qualitative nature of the research, mainly due to the fact that qualitative methods are concerned with exploring rather than proving. Consequently, issues of validity and reliability must be tackled differently from that of quantitative research. Some topics in the interview material were covered by a small number of informants and the information could thus not be sustained by quantitative credibility. Thus, although depth was achieved the information was not always comparable. Nevertheless, it should be stressed that an in-depth answer from one informant can often tell more about a situation than shallow responses from ten informants. Finally, the presentation of the empirical findings proved lengthy, compared to statistical presentations, since they are based on detailed quotations.

# PART II: THE IRISH CASE STUDY

## CHAPTER THREE

## A CULTURAL APPRAISAL OF CONSERVATION OF THE BUILT HERITAGE IN IRELAND: DUBLIN CITY

This chapter portrays the cultural context for conservation of the built heritage in modern Ireland, with specific reference to Dublin City. It appraises the impact of cultural and political ideas underpinning the approach to conservation policy, legislation and heritage management, which will be dealt with in the succeeding chapters. First, it provides a historical background to the evolution and character of the problems with which conservationists, local and national authorities have had to deal. Secondly, it discusses the impact of specific cultural ideas and values, which have shaped the approach to built heritage conservation in Ireland. Thirdly, the chapter explores the varying ranges of elements that have been considered worthy of conservation in the urban environment.

### 3.1. BACKGROUND

Although Dublin can trace its origins back over a thousand years, few elements of the townscape are known to pre-date 1650. Economic prosperity and political importance during the eighteenth century endowed the city with a heritage of fine public and domestic buildings. Subsequently, economic depression was to ensure that this city was to become preserved almost intact until the middle of the twentieth century, when Walter Bor (1967, 293) commented portentously:

> 'Dublin is a city of quite exceptional character and beauty, with a long history and vibrant cultural tradition. The closely interwoven pattern of eighteenth century streets with their remarkable consistency of scale and material, once quite a common sight in Europe, can now be found only in Dublin, and the city's architectural heritage becomes rarer and more vulnerable every day... Dublin's past growth has been relatively slow and steady compared with other cities. The city has not been radically altered in character by the effects of twentieth century development. The predominant part of the eighteenth and nineteenth-century fabric of the city has survived and the basic pattern of scale and material remains intact. Thus on the one hand this city has the great inheritance of Georgian domestic architecture of a unique quality and scale, but on the other hand there is an acute threat that the effects of rapid expansion over the next two decades could be all the more damaging.'

A number of factors conspired to place that valuable heritage at threat: building abandonment leading to dereliction and decay, economic growth and the profitability criteria of commercial property developers, cultural attitudes towards the Georgian building stock, in addition to the activities of the public sector itself.

Until relatively recently, little attention was paid to conservation except for the care of certain set-piece public buildings and sporadic efforts by conservationists. As Maurice Craig (1975, 13) opines:

> 'The survival, almost intact, of Dublin down to, say, 1950 was a freakish circumstance. It was directly due to our relative poverty in the twentieth century, coupled with the great wealth of the city, if not the country, in the eighteenth'.

Thus, the preserved character of Dublin resulted from the negligible pressures that would have been occasioned by economic development rather than from deliberate attempts to protect the architectural heritage. However, as suggested by Kearns (1983, 12):

> 'Though economic deprivation abetted the retention of Georgian buildings, it also meant that Dubliners had scant financial resources to spend on maintaining and restoring them in a proper manner. As a consequence, the capital boasts of an enviable number of Georgian dwellings but an alarming proportion have been victimized by dereliction and decay'.

Although there have been major changes in attitudes towards the built heritage, especially during the last decade (Negussie, 1996), cultural attitudes towards the built heritage have been a problem in the past. After the Irish Free State was formed in 1922, rural areas long remained the priority and there was a negative attitude towards the conservation of Dublin's 'Georgian' and 'Victorian' heritage, as it reflected the period of subservience to British rule. The passage of time has encouraged a revaluation of that heritage and recognition that these buildings, having been built by Irish craftsmen, comprise an essential element of the national patrimony.

Attitudes amongst professions dealing with the built environment, especially during the 1960s and 1970s, were strongly biased against historic buildings. Not only was there a desire to promote new architectural styles as evidence of the changing image of the 'New Ireland', but negative attitudes towards the historic stock were hardened by its associations.

Kearns (1983) asserts that during the second half of the nineteenth century, Dublin experienced the beginning of three urban processes: the inflow of impoverished populations from rural areas, a tendency of tenementation to subdivide existing buildings into tenement flats in order to house the city's new population, and an accelerating migration of the affluent classes from the city centre to the suburbs. Thus, in many areas of the city, Georgian buildings had become synonymous with the slum tenements that characterised Dublin's economic depression throughout the nineteenth and the first half of the twentieth centuries.

As middle-class Dubliners moved out to more commodious new suburbs, a considerable proportion of Dublin's eighteenth century housing stock was tenemented, particularly to the north of the river Liffey. These were often divided into single-room dwellings, each of which would house a family, perhaps with lodgers to assist in the payment of rent. As suggested by Kearns 'the process of tenementation took a heavy toll on the Georgian structures… interior walls, fixtures and other obstacles were casually removed to create additional living space' (*Ibid.*, 46).




**Figure 3.1:** Tenemented buildings in Railway Street, Dublin (1933), earmarked for demolition (Dublin Civic Museum).

Furthermore, some housing developed on short leases had been poorly built and, by the late nineteenth century, had become dangerous and prone to spontaneous collapse, sometimes with loss of life. Poverty, overcrowding, insanitary conditions and elevated death rates that exceeded any British city of the late nineteenth century, pointed to a

serious tenement housing problem which the newly independent state was obliged to face. Without consideration of the architectural heritage, the local authority (Dublin Corporation)[1] dealt with the 'tenement problem' by clearance (see Figure 3.1). MacLaran (1993, 45-6) asserts:

> 'The collapse of tenements into the street was far from being an unknown phenomenon... Understandably, the overcrowded and insanitary tenements became an object of concern on the part of social reformers and Corporation alike, but the slum clearance schemes were responsible for the destruction of numerous once-fine eighteenth century buildings'.

Moreover, the espousal of the modern movement in architecture together with a profound prejudice against the 'Georgian' townscape was to have devastating effects on the urban landscape (Nowlan, 1982).

Economic growth after 1960 generated a demand for office space in the city. The stock of eighteenth- and early nineteenth-century buildings, set out around squares and along wide thoroughfares, underwent conversion from residential to office functions. Regrettably, all too frequently, inadequate attention was paid to the protection of valuable interior items, even by public sector users. Marble fireplaces were ripped out and cornices irreparably damaged. Until a decade ago, there was no official protection of interiors. For a city which was reputed as possessing some of the finest domestic plasterwork in Europe (Rowan, 1980), the result was little short of tragic.

Economic expansion also generated an office development boom. Between 1966 and 1974 there was a 95 per cent increase in office space in the inner city (Cabot, 1985). Unfortunately (Kearns, 1983, 60),

> 'The vastly increased demand and competition for land area for office use created an economic situation in which the value of cleared sites within the central urban area, particularly Georgian districts, was often greater than that of the buildings which originally existed on the site'.

During the following decades, the major focus of redevelopment activity lay where the greatest potential development profit was to be made. This was located in the prestigious south-east inner city of Dublin 2, where the quality of the remaining Georgian housing was at its best, later spreading to Dublin 4, characterised by buildings from the Victorian period. It gave rise to widespread demolition of eighteenth- and

[1] Dublin Corporation was renamed Dublin City Council in 2002. Both names are used below.

nineteenth-century buildings, replacing them with space-efficient schemes built in a modern idiom or as pastiche replicas. Figure 3.2 depicts a block of modern office buildings at St. Stephen's Green South. Figure 3.3 illustrates the same site prior to the demolition of the original Georgian buildings.



**Figure 3.2:** Replacement with modern offices at St. Stephen's Green South (MacLaran, c. 1985).



**Figure 3.3:** Demolished Georgian buildings at the same site (Deegan Photo, c. 1968).

Two contrasting scenarios therefore developed. To the north of the river Liffey, limited user demand of any type whatsoever resulted in much of the building stock falling into decay. As a result, historic buildings in some of Dublin's most important Georgian areas became exposed to neglect and decay, resulting in dereliction. Figure 3.4 portrays Mountjoy Square West, where historical buildings have been allowed to fall into decay, until recently, due to its commercially disadvantageous location in the north inner city.

To the south of the river, the building stock became threatened by conversion to offices or redevelopment and numerous buildings were either altered or demolished to this end (MacLaran, 1993). Figure 3.5 depicts Georgian terraced houses on Merrion Square, a commercial and prestigious headquarter in the south inner city. The square is today one of the top-priority conservation entities in Dublin.



**Figure 3.4:** Georgian buildings at Mountjoy Square West (north inner city) in 1995 prior to their restoration (Negussie, 1995).



**Figure 3.5:** Terraced Georgian houses on prestigious Merrion Square (south inner city) (Negussie, 1999).

Another major factor threatening the stock of historic buildings in the city was the wide-scale plans of the city's roads engineers to improve traffic flows through road-widening schemes. The Dublin Development Plan of 1980, proposed that 82 streets should be

widened in the inner city alone (McDonald, 1986b) and the Corporation had engaged over a number of years in site assembly to this end.

By the late 1980s, Dublin Corporation was the owner of a considerable stock of derelict property, which was earmarked for demolition to implement road widening and also for housing, parks and community uses. By 1986, there were some 600 cleared sites and derelict buildings within Dublin City, comprising 65 ha. Approximately 40 per cent of the derelict land and buildings was owned by the local authority itself (MacLaran, 1993) (see Figure 3.6).

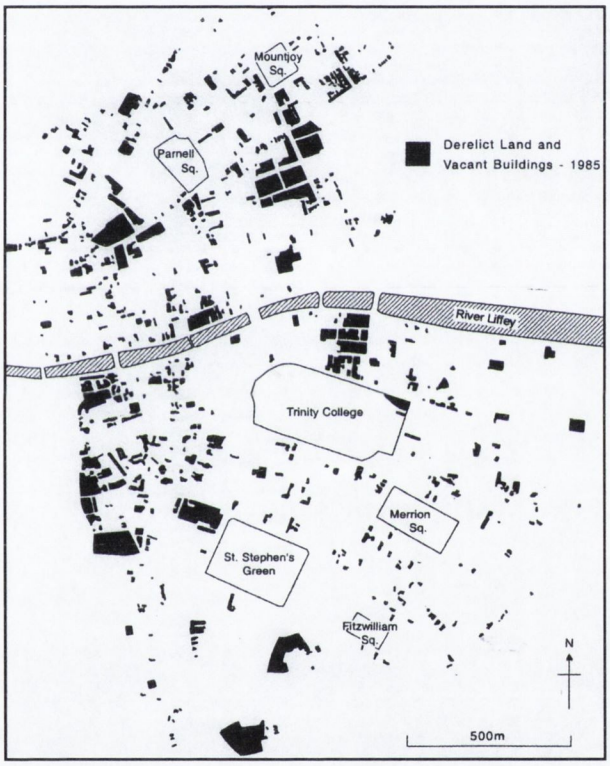



**Figure 3.6:** The wide-scale existence of derelict land and vacant buildings in central Dublin in 1985 (MacLaran, 1993).

*Action by Conservation Groups*

Alongside the widespread demolition and neglect of historic buildings in Dublin's inner city was a growing concern by the conservation lobby. Conservationists played a significant role in raising awareness of the built heritage in Ireland and, as a result of the many urban conservation battles, they began to receive growing public attention in the 1960s and 1970s.

In the 1960s, the Irish Georgian Society came to play an important role in one particular controversy that involved the demolition of a Georgian terrace of sixteen houses in Fitzwilliam Street. The buildings, which had been acquired by the Electric Supply Board for office use, were demolished following a public enquiry and replaced by a modern structure.

An Taisce, the National Trust for Ireland, experienced an expansion of membership throughout the 1960s and has become the largest environmental organisation in Ireland. In addition, it was designated as a prescribed body under the Local Government (Planning and Development) Act, 1963, giving recognition of the organisation in the planning process through its right to be consulted over planning and development issues (Mawhinney, 1989).

The Dublin Civic Trust is another conservation group that became directly involved in conservation of the built heritage during the 1990s. Student groups have also played a significant role through lobbying and occupation of historic buildings under threat of demolition.

The Dublin Crisis Conference, held in 1986, brought together a wide range of conservation, community and environmental groups and called on the government and Dublin's local authorities to recognise that the city was in crisis. A 'Manifesto for the City' was published the following year, recommending that the government should increase its spending on public transport, criticising Dublin Corporation's road-widening schemes and emphasising the need to bring new life into the inner city through a sensitive approach to urban renewal (McDonald, 1989a).

*Listing*

Under the Local Government (Planning and Development) Act, 1963, Ireland received its first effective modern planning legislation. However, under this legislation, the demolition of buildings required no permission unless they had been listed for preservation or protection in a development plan. The Housing Act, 1969, later extended protection to all habitable residential buildings. The first lists of buildings to be preserved or protected appeared in the 1971 Dublin Development Plan. These lists were subsequently amended and expanded in later plans. However, although the Dublin City Development Plan, 1980, listed 613 houses for 'preservation', only 23 of these

were situated north of the river Liffey resulting in a geographic preservation bias favouring the south inner city (An Taisce, 1985b).

Nevertheless, even buildings listed for protection in Dublin remained at risk. Between 1980 and 1985, some 80 listed buildings had been either demolished or permission had been given for their demolition. Another 50 had suffered unauthorised material alterations detrimental to their architectural character (An Taisce, 1985b). The 1991 Dublin City Development Plan substantially increased the number of listings, buildings and groups of buildings, by reference to four different lists: List 1 (for preservation), List 2 (for protection), List 3 (state owned buildings) and List 4 (interior features).

Despite this improved situation the regime of protection remained weak due to the inability of the planning system to safeguard buildings. The system of protection in Ireland remained on a basis of local determination by lists being created through the objectives of development plans. There was no clear form of statutory procedure on a national basis to safeguard the architectural heritage as demanded by the Granada Convention (Pickard, 1998). Moreover, in Dublin in particular, a lack of building maintenance codes and the absence of penalties for owners that demolished or neglected historic buildings long thwarted any serious attempt to conserve the historic core. As suggested by McDonald (1989b), the easiest way historically for a property owner wishing to divest himself of the burden of an architecturally important building, on a potential redevelopment site, was to let it fall into decay. In some cases, decay was assisted by the removal of valley gutters to facilitate the penetration of the structure by water. Almost inevitably, inspectors from the dangerous buildings section of Dublin Corporation would then condemn the structure as dangerous and require its demolition.

*The Recording of the Built Heritage in Dublin City*

The recording of the built heritage in Dublin has been characterised by a fragmented approach and no overall inventory has been completed to date. It remains a major task of local and national authorities to carry out inventories of the building stock in Ireland. As a response to the Granada Convention of 1985, the Office of Public Works established a National Inventory of Architecture in 1991 (see Chapter Four). The inventory has to date concentrated on towns other than Dublin.

However, in the absence of an overall recording strategy for Dublin, the voluntary sector has played an important role. The 'Urbana' report was one of the first attempts

towards systematic identification of historic buildings covering all buildings under List One in the city development plan (An Taisce, 1982). In 1985, An Taisce also produced an inventory of the Temple Bar Area, noting significant groups of buildings and examples of important paving sequences and stonework features (An Taisce, 1985a).

In the mid-1990s, a Dublin Environmental Inventory was established as an outcome of a European Union assisted initiative by Dublin Chamber of Commerce. A Built Environment Survey, undertaken by the School of Architecture at University College Dublin (UCD), formed part of this. The format of this inventory was in consistency with the National Inventory of the Architectural Heritage and adapted to the needs of Dublin. Furthermore, it was prepared in accordance with the requirements of the Core Data Index which are recommendations on inventory and documentation methods adopted by the Council of Europe. The survey was carried out in the inner city and included building and street inventories (Kealy and O'Rourke, 1995). The project resulted in a complete inventory of all List One buildings and all List Four interiors appearing in the Dublin City Development Plan, 1991.

In 1996, the School of Architecture undertook further inventory of the architectural and industrial archaeological heritage in the Dublin Docklands Area commissioned by the Dublin Docklands Development Authority. The survey included a review of buildings and structures listed under the 1991 Dublin City Development Plan. The study was based on the same methods developed for the Built Environment Survey (School of Architecture, UCD, 1996). Thus, while the format of the Built Environment Survey forms a basis for further inventories in Dublin, until the information is made accessible it will not be fully utilised. In 1998, the Historic Heart of Dublin-project was initiated as a response to the need for further inventories of Dublin's building stock (see Chapter Five). Nevertheless, despite the above examples of inventory projects in Dublin, there remains a need for a more uniform approach to cataloguing of the built heritage.

*Towards a National Strategy for Conservation*

In 1975, the Irish Government signed the Declaration of Amsterdam, which proclaimed that the legislative and administrative measures required in order to protect the built heritage should be strengthened and made more effective in all countries. In 1985, the Irish Government signed the Granada Convention, accepting the concept of 'integrated conservation' through which conservation should be considered not as a marginal issue,

but as a major objective of town and country planning. Nevertheless, even into the 1990s, there had been little progress made on the legislative side of conservation (Negussie, 1996). While the Granada Convention advocated measures to strengthen legislation and the administration of architectural heritage protection, it was only in 1997, that the government ratified its articles. Moreover, it is only recently that measures have been taken to review the system in operation (Pickard, 1998) and to enact comprehensive legislation on conservation (MacRory and Kirwan, 2001). This issue is discussed in further detail in the succeeding chapter.

## 3.2. CULTURAL IDEAS AND VALUES SHAPING THE APPROACH TO URBAN CONSERVATION

This section discusses particular cultural ideas and values that have shaped the approach to conservation of the built heritage in modern Ireland, with specific reference to the city of Dublin. For example, cultural value judgements have been shaped by a traditionally rural culture, the supremacy given in the Irish Constitution to private property rights and the consequences of Ireland's colonial legacy. It explores how such cultural ideas and values have been reflected in attitudes and approaches towards the built heritage and how these have developed over time. Rather than measuring tangible impacts on the built heritage, this section addresses issues that have contributed to a particular cultural climate which, in turn, has affected the approach to conservation.

### 3.2.1. Implications of a Rurally Orientated Culture

In a European context, the Republic of Ireland has experienced a comparatively late urbanisation. With a past reflecting a colonial economic structure, Ireland has historically been a predominantly rural society dependent on agricultural production for exports to Britain until the 1960s. Consequently, Hourihan (1991, 141) argues that there have been strong 'instincts for the land as supposed to the city' combined with a 'popular anti-urbanism' in Ireland. According to Campbell (1997, 84), while most of Europe underwent a modernisation process throughout the nineteenth century with a shift away from rural culture and while progress and prosperity became connected with the city, Ireland's experience stands in contrast:

'...The most radical political and artistic achievements of the nineteenth century were rooted in rural areas. The countryside provided the inspiration for a vibrant new phase of nationalism. Initially, decolonisation was achieved simply by portraying the landscape in a new way and thus subverting the coloniser's geography... The Irish were presented as a rural, spiritual, ascetic race. Conversely, the English were portrayed as metropolitan, materialist and decadent – providing an ideal for Irish virtues'.

Similarly, Cassidy (1997, 74) states that:

'Eamon de Valera, who came into power in 1932, had longed for a sovereign Irish republic, Irish-speaking and based on rural small-holdings. Three years previously, a Censorship Act had been introduced that ensured the cultural insularity of the country. The rural represented tradition, and tradition was imbued with cultural identity – 'the true Ireland'. In sharp contrast, the architecture of the city was an *aide-mémoires* of the colonial past. As the capital, Dublin was perceived to be a colonial city'.

Consequently, the connection with the rural tradition took precedence over urban values and urban living in modern Ireland. As suggested by Campbell (1997, 87), 'the introduction of modern architecture to Ireland did little to alter the accepted Irish identity'. Furthermore, Campbell contrasts the tradition of architecture with the one of literature, which constitutes a much more significant part of Irish culture and identity (*Ibid.*, 87):

'While there have been many Irish artists, like Joyce, whose relationship with their native land was energetic and thoroughgoing... the Irish architecture of this century has had a far less active engagement with place. Perhaps this is why the independent Ireland has only rarely defined itself by its architecture'.

Cassidy (1997, 75) suggests that the out-migration of the middle-class population from the city centre to the suburbs, as described above, may be seen as a reconciliation between urban and rural values:

'The city offered work, yet it conflicted with the communal dream – the country plot. The expansion from a high-density, tightly built localised city transformed Dublin into a low-density sprawl... The flight to the suburbs was a compromise between urban and rural'.

However, Cassidy (*Ibid.*, 76-7) further asserts that government-led strategies to revitalise urban centres during the last two decades of the twentieth century has led to a revival of urban identity in Ireland:

'Almost seventy years after the publication of *Ulysses*, a celebration of Dublin life, the beloved and yet reviled city of Joyce began an urban renaissance. Tax incentives encouraged people to move back to the centre. The city has started to breathe again. The pulse beats after years of draining. The *city* is recognised as part of the Irish identity... City and architecture are no longer the forgotten, the unmentionable, but become an integral part of identity'.

This anti-urban bias was supported to some degree during the course of the interviews carried out in relation to this research. The interviewees were asked to elaborate on how the rural orientation of Irish culture might have influenced attitudes towards conservation of the built environment. It was suggested by one interviewee that migration of people from rural areas into Dublin may have affected the approach to the built environment in the sense that they 'may not have had the same perception or appreciation of the city heritage' (Policy Advisor 1, 2000). Another informant explained that the rural tradition combined with associations of the past with poverty has shaped the overall approach to the built environment:

> 'A lot of people in Dublin would have come from a rural background. A lot of the city's fathers would have come from a rural background... A lot of people in Dublin Corporation traditionally would have been from outside Dublin. Very few people of my generation would have two parents from Dublin. So there is a very strong rural background for a lot of people. In rural culture, the past was associated with poverty and that was both in (relation to) the built and natural environments' (Conservationist 1, 2000).

However, the same informant also suggested that a culture of travelling and living abroad by the younger generations of Irish, especially prior to the economic boom during the 1990s, has contributed to creating a greater sense for urban living. In addition, due to an overall growth of population in the Dublin region since the 1960s, there is now a generation of people in their twenties whose parents both come from Dublin:

> 'More people have parents who are from Dublin and people were moving back to the city and therefore getting a feel for the place in reality rather than just in principle. People had travelled and lived abroad and lived in city centres as students... I think all of those things would have been beginning to make a difference to the general approach. A growing student population all of whom, because there were no jobs during the summers, would have gone away and worked. Some of them would have stayed away for a number of years and would have inhaled the joys of living in a city centre in other countries' (Conservationist 1, 2000).

Another interviewee suggested that while many civil servants have had a rural background, which may have contributed to a lack of appreciation for urban living, the associations of a colonial past had been a more important factor in the discrimination against the urban built heritage:

> 'It is suggested that a lot of the civil servants came from a rural environment and therefore did not have any appreciation of city living. I don't know whether that is really valid or not. I suppose it has some validity. I think it was more influenced by our political view that so much of certainly the Dublin environment was framed by the British. There was that sort of feeling that we wished to stamp our own growing Irish identity, without actually

having an idea of what an Irish urban identity or architectural identity would be' (Planner 1, 2000).

In support of this assertion, the same interviewee suggested that there was a link between the rural tradition and the widespread demolition of buildings during the 1960s and 1970s:

'I would think it was part of the rural syndrome. A lot of people came to Dublin from the countryside. A lot of people were in offices which were in Georgian houses which were totally unsuitable as offices and as far as they were concerned the quicker they go, the quicker we get proper office blocks... So they were delighted to see some of these places go. There was no connection between *us* and *those* buildings. We were in the slums and the rulers were in these other buildings. Forget the old buildings and let's have our own buildings. Office architects were talking about demolishing those buildings, that they were useless and finished with. We were moving to the great New World after the War, twenty years after the war. It is about time we move into the twentieth century for God's sake (was the attitude). Let us have the modern office block, let us go up. We are still arguing about what is a high building' (Planner 1, 2000).

Thus, like in other European cities the quest for modernisation created a climate in which society generally undervalued the old building stock:

'There were aspirations of moving into the modern world where you looked to America and places like that and saw office blocks and things that we did not have. We were, in terms of the professional planners, hugely influenced by all these ideas that were floating around in the UK and in Europe. We were trying to be looking into the future and looking to Britain primarily' (Planner 1, 2000).

Slightly differently phrased, the same argument was made by another interviewee:

'One of the most pervasive attitudes was the *they have reached the end of their useful life.* It was professionals who had an in-built distrust and dislike and a tendency to replace the old with the new. The 1960s were characterised by a great sort of... I remember being taught in school that we had this wonderful thing called nuclear power and that we would have unlimited energy and it was clean and had no emissions. So it was the culture of the 1960s and the confidence in the new and in concrete construction. It was not just Ballymun and the office blocks. It was all around the country. There was a great belief in the new in the 1960s' (Conservationist 2, 2000).

There was also a perception amongst the respondents that visual art has culturally not been emphasised in Ireland and that this has affected the approach to architecture and the built environment in modern times. This was linked to the emphasis on rural culture. One informant suggested the following:

'It is more than a truism to say that culturally this country is not very well developed in visual arts. Architecture has not been a priority in any generation if you look back through Irish history. The Georgian era which is Anglo-Irish was a brilliant phase but not mainstream Irish. The Anglo-Irish were very cultured people who made remarkable series

> of achievements up until the Irish parliaments and so on... and built Georgian Dublin. The native Irish would not have had anything like this. They certainly were not builders. They certainly were not town dwellers and certainly not people who built. Most Irish towns are mid-nineteenth century. They were built by landlords sponsored by trade and so on' (Planner 2, 2000).

This was reinforced by another interviewee who added that the literary tradition had culturally been more important in modern Ireland:

> 'In Ireland there is a great literary tradition. It would start in modern times. There does not seem to be a great involvement with visual beauty as much as one would expect. There was in the old days but in modern times there seems to have been a tendency to be more concerned about literary things rather than architecture' (Conservationist 4, 2000).

Finally, one interviewee suggested that the rural orientation of Ireland historically had contributed to creating a climate where development prevails over built heritage values. Furthermore, it was explained that the lack of cultural emphasis on built environments has had implications for conservation as well as the quality of new-build:

> 'Historically you could say as a nation we were rural-orientated, reflected primarily through a kind of move for development. Certainly I think the concern for economic development and the concern to make Ireland financially independent and to develop its economy has been a cultural trend that has affected the built heritage. We have not chosen culturally to express ourselves through our built environment very much. It has certainly been a weak component of or cultural identity. I think that has had a significant impact both in the quality of our new environment, the approach to conservation of our historical environment and of our general approach to planning' (Policy Advisor 2, 2000).

### 3.2.2. Perceptions and Associations relating to the Colonial Past

> 'Let us keep in mind that the Merrion Square houses, in spite of their gentlemanly and indeed genteel facades, are really very old gentlemen whose days are numbered... Moreover, their day is done – the Georgian era is over, and there is little sense in seeking to perpetuate it, except in certain ear-marked places where a few archaeological specimens might well be preserved for the information of future generations... The social structure and conditions which brought them into being have long ceased to exist, and I submit that nothing is left for them but demolition – with possible modern replacement or the creation of open space' (Robinson, 1942, 165).

The above statement is found in an article by an architect commenting on Abercrombie's City Plan for Dublin, revealing a reserved attitude towards conservation of the built heritage during the 1940s and a comprehension of the Georgian heritage as evidence of colonial oppression. Kearns (1983, 14) suggests the following:

> 'There has long been the lingering notion in the minds of many Irish that this architectural heritage is, in fact, not worth salvaging since it is presumably associated with a distasteful

> epoch of foreign domination, and the buildings themselves of questionable Irish character. Passive attitudes and outright hostility toward the Georgian architecture have always posed one of the most seemingly intractable barriers to the type of preservation movement now commonplace in most other Western European countries'.

Furthermore, Kearns (*Ibid.*, 56) suggests that during the most intensive phase of office development in Dublin during the 1960s, developers often justified demolition of Georgian buildings based on the colonial oppression argument as an excuse while their own real motives were driven by profit:

> 'Some developers were quick to use the old rationale that the Georgian houses were simply offensive symbols of past colonial oppression, best eradicated from Dublin's cityscape. As a 'patriotic' gesture they offered to accomplish this task, Their real motives, of course, were blatantly evident – they perceived the Georgian streets as mere wastelands to be cleared and reconstructed in a modern mould while making a handsome profit'.

Similarly Nowlan (1980, 8) argues that during the 1960s:

> 'There was a reluctance to face the implications of the new development pressures on our architectural inheritance, and this attitude was strengthened by a certain prejudice against Georgian architecture as being associated with the age of British political and social ascendancy in Ireland. Some argued that these 'symbols of oppression' should be swept away to be replaced by the new bright architecture of an independent Ireland. This was an approach which well suited the interests of the developers. Happily, in more recent years, less and less has been heard about the 'symbols of oppression'.

These views are supported by McDonald (1986b, 7) who argues that the combination of profit seeking developers and associations of a colonial heritage contributed to creating a climate for demolition of the built heritage:

> '...Much of our architectural heritage has been ruthlessly butchered for profit. At the outset, admittedly, Georgian Dublin wasn't even recognised as part of our heritage and republican-minded politicians encouraged the belief that it was really only the legacy of '800 years of oppression'. Behind the scenes, they were giving carte blanche to the developers - many of whom were English and also their friends – to rid the city of this 'alien heritage'.

McDonald (1989b, 84) further suggests that associations of a colonial past were exacerbated by the fact that the initiators of the modern preservation movement in Ireland were perceived as the remnants of the 'Protestant Ascendancy':

> 'Matters were not helped by the fact that most of those associated with the Irish Georgian Society seemed to have titles or, at the very least, double-barrelled names... They were the remnants of the Protestant Ascendancy seeking to preserve what was perceived as the heritage of the ascendancy – and it was no wonder that one government minister in an immortal epithet, would refer to them as the 'belted earls'. Happily, however, there is now an increasing appreciation of the essential *Irishness* of Georgian Dublin and the fact that, whoever it was built for, the work was done in large measure by Irish craftsmen'.

The editorial of a 1989 issue of *Apollo* magazine suggests that popular Irish nationalism, which led to the formation of the Free State in 1922, resulted in an essential dilemma for Irish architecture:

> 'If the Ascendancy Irish are not accepted as being true Irishmen, then their architecture is not Irish either, but a reminder of an oppressed past, and alien... It is part of their national epic to regard the times and class responsible for the greatest buildings in Ireland as a regrettable deviation in their past, so is it surprising that their feelings about these buildings are often mixed? There was frank hostility in the 1960s (fuelled, doubtless, by an enthusiasm for modernity *per se,*) which has now grown quieter, but not vanished; the view was recently expressed in high government circles that the disappearance of the country houses was 'inevitable' because they had existed for a small class who had nothing to do with the mass of the population' (*Apollo*, 1989, 79).

Alongside arguments based on perceptions of a colonial past, comparisons have often been made with experiences of other nations where old buildings have reflected the rule of an abolished regime. A quotation from a comment column of the *Irish Builder & Engineer* in 1971 illustrates the case:

> 'Speaking to a large audience of the Italian Cultural Institute in Dublin. Mr Gerard Lee... referred to the conservation and preservation problems in Dublin regarding Georgian architecture... Listening to the speaker, one realised just what a wealth of architectural heritage we have in Ireland, and in Dublin especially... A comparison was made with Russia, where fine examples of classical architecture have not only been kept, but have been restored... This, despite the fact that such buildings were produced at a time and by a regime repugnant to the present communist government. We should not, the speaker stated, wish to destroy our old buildings because they were of a period when we were under foreign rule' (*Irish Builder & Engineer*, 1971, 243).

Nevertheless, as explained by one of the interviewees during previous research in 1995[2], it has taken a long time for the awareness of the importance of the built heritage to take roots in Ireland, which has 'a strong tradition of demolition rather than restoration'. It is a symbol of the fact that people have risen from peasantry and the landlord relationship: 'traditionally, people were dependent on landlords and, with independence, people could build their own houses' (Planner 1, 1995).

The interviewees in the current research were asked for their opinions on the validity of such perceptions and the degree to which they had affected the approach to the built heritage in the past. As confirmed by one interviewee:

> 'There is a perception that the Georgian legacy is an English legacy. That was expressed in a number of occasions by people in senior positions in Dublin Corporation. They stopped

[2] Research undertaken for unpublished thesis: Negussie (1996) *Changing Attitudes Towards Conservation in Ireland*, 1996, Department of Human Geography, Stockholm University.

> referring to it in maybe the 1980s, but it would have been deep down in people's ethos. Somebody is quoted, I think in Frank McDonald's book saying that Georgian buildings represented everything that he hated' (Conservationist 1, 2000).

Another interviewee further elaborated on the historical roots of anti-conservation sentiments:

> 'There was the quotation from one of the ministers about the Georgian property, about belted earls and things like that. There was a feeling which probably started with the Civil War, when people were burning houses because they were the residents of what was seen to be the oppressive... British people, who were subjugating the local Irish. They would have been Georgian and Victorian buildings. Some of the most beautiful houses of the countryside were just burned simply because of the Civil War... That feeling that you burn everything British but their coal was an expression that was used at one stage. There was that feeling that Georgian and Victorian buildings were symbols of what we had left behind. Rather than to keep symbols of the past to show what you had overthrown, like the Russians, you got rid of it. You tried to remove all the evidence of this nasty past. Rather than saying look that is the nasty past we got rid of them. It is very interesting because when you think about, say the approach in Moscow or St. Petersburg where most of the times they actually kept the buildings. They demolished the people, but they kept the buildings and then they were able to say we have taken over the buildings, we are now the lords of the manor. The people are in charge of these buildings. Whereas we said get the buildings out' (Planner 1, 2000).

Another respondent, when describing the general conservation climate of the 1960s and 1970s, explained the following:

> 'In those days the whole thinking was that all these lovely Georgian squares and places like North Great George's Street and Henrietta Street, they were all relics of the Georgian era and so of the British. So they did not want to have anything to do with them. That was reality. That was very much the thinking. They did not want anything to do with anything British. Conservation, or the heritage, was way back to the Celtic, the Viking, the early Christian period but anything that was Georgian was out. Not acceptable' (Local Politician, 2000).

Nevertheless, it was suggested that such anti-conservation sentiments diminished from the 1970s. For example:

> 'The perception of a colonial past was articulated certainly in the 1960s, when one politician called An Taisce belted earls, that somehow Georgian buildings were not part of the Irish heritage. This was the case certainly during the 1960s and into the 1970s and diminishing from then onwards' (Policy Advisor 1, 2000).

Similarly, 'I think perceptions of the colonial past have died off but it was an issue certainly. Our post-colonial status has been an issue in the past' (Policy Advisor 2, 2000). Other interviewees made the following observations:

> 'We've left the colonial past behind us long ago, but I think at the time when conservation began to be a big issue an awful lot of people who were involved might have been Anglo-

> Irish or something. Again, I'm thinking about the people who had the big houses, who were aware. So I think there was a kind of an *us* and *them*. But the plain people of Ireland were just trying to get jobs and struggling through the 1950s and coming out of the 1950s depression. So conservation was certainly not an issue anyway' (National Body Representative 1, 2001).

> 'In the 1960s and 1970s there were elements of dislike of conservationists and buildings. We were called at one time by one of the ministers as longhaired left-wing intellectual lackeys of belted earls. That has gone to a great extent. On the other hand there are the money-bags. I mean people who think they will get more money out of knocking things down. There have been improvements but it took an awful lot of effort to reach that' (Conservationist 4, 2000).

> 'The perceptions of the colonial past still hang around but have been laid to rest to a great extent. All that is due I suppose to what is emerging from the past. I don't just mean from conservation, but socially, economically, in every way we have emerged from the past. Our young people are well educated, a lot of Irish people are now very well travelled, and there is money around. All this has helped to get rid of the perception of a colonial past' (Conservationist 3, 2000).

While acknowledging that associations of a colonial past did have an effect on attitudes to conservation in the past, it was also suggested that the connection between poverty and old buildings became a more important factor in the development of anti-conservation stances:

> 'Clearly the colonial past thing was an issue but that faded very quickly. I don't believe it was ever a major factor. It applies more to rural housing. Attached houses were also associated with poverty and the old days of tuberculoses, of living grimly. So the rule of attitude is to react against the past' (Conservationist 2, 2000).

This argument was supported by another informant who contradicted many other respondents by saying:

> 'I don't think that is a very strong argument that has been used to justify the demolition of Georgian buildings. I think a stronger argument would be the fact that a lot of Irish people associated Georgian buildings with tenement houses and poor living, tuberculosis, strikes and lock outs. Stuff that happened in the late nineteenth- and early twentieth-century. Dublin was an aweful place. There is a very confused idea here, but the idea that people hate Georgian buildings because they represent landlordism is such a tendinous thing that it does not hang together at all. It is probably other folk memories. Basically it is a lack of visual awareness' (Planner 2, 2000).

### 3.2.3. Private Property Rights and Conservation of the Built Heritage

MacLaran (1993) argues that in order to comprehend the way in which urban planning has evolved in Ireland recognition of the inherent favouring by the state of private property rights enshrined in the Irish Constitution is crucial. Private property rights are

established as a personal right under Article 40.3.2 of the Constitution, which states that:

> 'The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen'.

In Article 43, Section 1, the rights of private property are spelled out in further detail:

> 'The State acknowledges that man, in virtue of his rational being, has the natural right, antecedent to positive law, to the private ownership of external goods' (1.1) and;

> 'The State accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property' (1.2).

Nevertheless, Section 2 of the same article does place certain limitations on the private property rights, regulated by the principles of social justice and common good:

> 'The State recognises, however, that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice' (2.1); and

> 'The State, accordingly, may as occasion requires delimit by law the exercise with the exigencies of the common good' (2.2).

The strong standing of private property rights in the Irish Constitution is a reflection of the time and context within which they were enshrined. As explained by one informant:

> 'The Constitution was written in 1937, influenced by Eamon DeValera and John Charles McQuaid (Archbishop of Dublin). The social articles in the Constitution are very much affected by contemporary Vatican theory on property rights. So there is a very heavy religious, Catholic domestic approach to property. Plus, of course, the 1930s were a time of communism and fascism and there was a terrible fear in the Vatican that property would be confiscated. The Vatican at that stage was taking a very strong stance in favour of the rights of property' (Conservationist 1, 2000).

The constitutional rights of private property and the principles of 'social justice' and 'common good' raise questions as to how one justifies different issues on the ground of these fundamental principles. For example, if the common good is regarded in terms of development, it then creates a climate in which decisions are made in a development context, be it by bureaucrats and planners or state legislators. Debate on how to balance the potentially conflicting principles enshrined in the Constitution has consequently resulted in a tentative approach to conservation until recent times. This applies with

regard to both the enacting of specific conservation legislation as well as enforcement of other conservation-related pieces of legislation operating within the planning code.

Cuffe (1995) argues that the constitutional emphasis on property rights has in the past constituted a hindrance to the enacting of conservation legislation in Ireland, in spite of the principles of social justice. Furthermore, that 'the resultant debate has so far failed to enhance the protection of our built heritage' (*Ibid.*, 64). Nevertheless, comprehensive conservation legislation has since been enacted. The preparatory government recommendations for Ireland's first comprehensive conservation legislation (*Strengthening the Protection of the Architectural Heritage*), published in 1996, recognised the following:

> 'While legislative changes for the protection of architectural heritage must be considered in the context of a citizen's constitutional property rights, individual rights and freedoms may be curtailed where such a restriction is deemed to be in the interests of the common good' (DACG, 1996, 101).

The same report explained that recommendations made for the new conservation legislation were based on the balancing of the constitutional provisions of these provisions. This is also reflected in previous legal provisions, such as the National Monuments Acts, the Derelict Sites Act and the making of development plans by planning authorities under the 1963 Local Government (Planning and Development) Act (*Ibid.*).

In a planning context, there has been a general fear of interfering with private property rights by rejecting planning applications since this may result in compensation claims. The following was suggested by one of the interviewees:

> 'It expressively says in the Planning Acts that you can reject a planning application in certain circumstances without compensation being payable. Yet, a lot of councillors, including left wing councillors, say they won't promote this action because they think that compensation would be payable, even though it is not. It just seems to be an instinctive thing to Irish people that if you interfere with people's property rights, that compensation should probably be and certainly is payable. So it is very damaging. Even in the 1980s 'X.J.S. case' in the Supreme Court, where the Supreme Court rated very highly the thing in the Constitution that says property rights should be exercised against the background of the interest of the common good' (Conservationist 1, 2000).

Another interviewee made the following statement with regard to private property rights:

> 'They are very strong. I am not sure to what extent it affects conservation, but it certainly was a great limit in terms of the powers in the development plans and the planning legislation. The fact that it is my land and I can do whatever I like with it... It influenced the whole notion of compulsory acquisition. It is diminishing now. People are less attached to the land' (Planner 1, 2000).

Another informant suggested that this may have had a negative impact on conservation in the context of opposition to building protection by property owners:

> 'Private property rights are always a strong element in Ireland. I think it stems from the rural background, people having been tenants and then having become small land-owning farmers. People would have opposed and said that the listing of buildings is going to restrict the rights' (Policy Advisor 2, 2000).

Furthermore, one respondent suggested that the strong standing of private property rights in the Constitution had created a difficulty of access to interiors and thereby inventorying, protection and monitoring of these (Conservationist 3, 2000).

Finally, it was suggested that the general societal emphasis placed on the rights of private property are reflected in the approach taken by courts and media towards environmental arguments:

> 'You see it still very heavily in the attitude of the courts to environmentalists and in the attitude in the press, particularly in the property supplement towards people who are perceived to be holding up development which is perceived to be in the national good. If you read the property supplement in the Sunday Tribune, or the Irish Independent, or even the Irish Times, there is a very strong pro-development, anti-protester ethos there' (Conservationist 1, 2000).

### 3.2.4. Other Cultural Trends and Values

In addition to the issues discussed above some further aspects of cultural relevance arose from the interviews. For example, it was suggested that exceptionally high levels of home ownership, compared to other European countries, had affected the approach to built environments and thereby the built heritage:

> 'We had such a huge house ownership which is the other thing that changed an awful lot. The fact that we all wanted to live in our own house. Ideally we wanted a detached house. I think that was because we had such a political history of not being allowed to have proper houses. If you improved your house your rent went up, so the only way you could control that was by owning your house. This would be right back from the eighteen hundreds. This movement for having your own property, that you were not beholden to a landlord, who was probably an absentee landlord...You could relate to a local landlord but few of our big landlords were local. There was all of that behind it, that personal ownership of property precluded a lot of the forms of development that you might have seen elsewhere in terms

of rental apartments and rented accommodation. It is foreign to the Irish culture, until relatively recently. Even now we are trying to buy all these little apartments rather than be prepared to rent them' (Planner 1, 2000).

'The joys of capitalism' were described by one interviewee as a recent cultural trend having evolved with the economic boom of the 1990s which had, despite an overall progression of attitudes towards the built heritage, often jeopardised its conservation:

'People are now beginning to get a bit of money. Lots of people have vested interest in development and in capital. Some people who may have adopted a progressive approach to conservation twenty years ago and are being disturbed by some of the things that are happening in the city centre now, consider that economics is a very important thing and that it should prevail over conservation. I see it in the Irish Times which has a vested interested because I believe they make 7 million pounds (IEP) a year from the property supplement. The Sunday Tribune would go bankrupt without its property supplement but I am not just talking about the media. I'm talking about a lot of people in society now have vested interest in development... Begrudgery was the predominant national attitude ten, fifteen years ago. Nobody had ever made any money, nobody was successful and if anybody were, people would say they don't deserve it and they have no talent. So developers would have been laughed at or people would have said they are only bastards. Whereas now people say look at these people, they are real doers. They get things done. It is meaning that more people in the street are taking an economic perspective on development and they are saying fair play to those developers if they are doing something big, even if it is not good and involves demolition. There is a respect for capital and development that was not there before. I think it is damaging for conservation. Then there is the flip side which is, there is now a growing perception that we can afford to take a more pro-active approach to conservation' (Conservationist 1, 2000).

The same informant explained that there existed a strong 'protest culture' during the 1970s, when a lot of buildings were being demolished in Dublin, something which was lacking during the 1990s. For example, during the 1970s there was a strong students' movement and an arising women's movement with activists who would have been to the fore in conservation causes:

'Bride Rosney, was Chairman of the City Association of An Taisce, Gemma Hussey was involved in Wood Quay and Mary Robinson was very much involved in conservation at the time. They would have all been taking a left-wing, right on, feminist, civil rights sort of an approach generally to life. They would have been angry about things that were happening, angry about development and about communities being put out by developers. They all went on and became really big powerful people but they no longer express any interest in conservation or development issues in the city. That generation is to some extent I think complacent and they think things are going fine. I don't think there is a very strong counter culture in the country at the moment at all. It is a world-wide phenomenon and it is also a function of the economic boom' (Conservationist 1, 2000).

Furthermore, it was explained that on a political level, the historic associations of Ireland's leading political party Fianna Fáil had in the past had negative implications for conservation. However, there had been a shift in attitudes towards conservation within the party, like amongst the public generally:

> 'The kind of Republican Fianna Fáil sort of attitude would have been initially one of no great concern for conservation... I am not saying that everybody would be that way, but there was no great concern about these things in the past. However, there has been a great change certainly in public statements made and quite recently they produced an interesting study on methods that should be employed conserving buildings in Dublin' (Conservationist 4, 2000).

This was reinforced by another informant who suggested the following:

> 'Fianna Fáil has traditionally been anti-conservation. The other parties have been better disposed towards it in Dublin, in the City Council. It is part of its Anti-British and peasant roots, neither of which would suggest a pro-conservationist stance. Traditionally Fianna Fáil would not have been well disposed on conservation' (Conservationist 1, 2000).

Nevertheless, it was explained that in the mid-1990s, the party produced its first conservation report, making proposals to restore the residential use of the buildings in Merrion Square and Fitzwilliam Square:

> 'This is a very interesting phenomenon. The party liaised with the Irish Georgian Society and came up with an initiative that was about providing tax incentives for Merrion Square and Fitzwilliam Square to convert them to residential development. It could have been a disaster. Those buildings worked quite well as offices. The conservation has been handled quite well. They are prestige headquarters and the staircases have been allowed to survive. If they were converted into residential use then the building regulations would have been triggered and the buildings would risk having their integrity massively subverted. So it was actually very negative. That was Fianna Fáil's first pro-conservation agenda. It was a weird, very elitist approach centring on the wealthiest parts of our conserved heritage in the squares' (Conservationist 1, 2000).

The same interviewee suggested that there are two main strands of conservationists. From the 1960s to present time, speculative demolition of buildings to provide for office development would have been perceived as removing housing stock from inner city residents, something which provided scope for alliances between conservationists and those pursuing a housing agenda:

> 'On an ideological level, left wing parties would have taken onboard the conservation agenda at an early stage partly because it was linked to the housing agenda. I suppose that still persists. There are two strains in conservationists. You've got people taking the left-wing strain, or the anti-speculation strain. Joe Higgins is the most left-wing TD in the Dail and takes a very strong environmental stand. On the other hand there is a strain in Irish society, of Latin obsessed former pupils of posh schools, sometimes right-wing Catholic Latin mass attending type of figures, who would also be inclined to be interested in conservation on an aesthetic level. These are people who would regard themselves as very cultural, conservative and who would not like to see change in buildings. You've got those two strands. One radical strand that objects to anti-community, pro-developer development trends and one conservative strand that does not like to see buildings that represent the stability of the past being demolished... I think that the second strand is possibly less dominant than it may have been in the past... The likes of Tony Greggory and Christy Burke in Dublin Corporation would be divided. They would have divided loyalties. They would believe that they are radical socialists, even Marxists, but their constituents would have been approaching them with jobs as their primary goal. So in a number of instances

> they would have been supportive of speculative development on the basis that a few jobs would be provided' (Conservationist 1, 2000).

## 3.3. WHAT IS WORTH CONSERVING IN THE URBAN ENVIRONMENT? A TEMPORAL APPROACH TO CONSERVATION VALUES

This section elaborates on the varying ranges of elements that have been considered worth conserving in urban environments in Ireland, with specific reference to Dublin City, and the degree to which this has changed through time. First, it provides an introduction to the overall progression of conservation values. Secondly, it discusses how the progression of conservation values is reflected in the legal framework for protection of the built environment. However, this is investigated further in the next chapter. Finally, it discusses opinions and perceptions expressed by the interviewees in relation to temporal shifts in attitudes towards what has been considered worth conserving in the urban built environment. Chapter Five further discusses this subject by exploring how conservation values are reflected in the types of built structures which have been afforded preservation and protection status in the development plans adopted for Dublin City.

### 3.3.1. Introduction

With regard to the state's overall approach to conservation values, Kealy (1997, 67) summarises the situation in the past:

> 'Some thirty years ago in Ireland, the great pre-Reformation and pre-Plantation monuments, the early Christian churches, the monasteries and castles, were maintained as ruins by the state, respected in their antiquity as part of the pre-colonial past... In contrast, buildings of the eighteenth and nineteenth centuries were generally seen as the remnants of a colonising power and as obstacles to progress. They were accorded ineffectual protection under the planning acts and were not regarded as national monuments or seen as the responsibility of the state'.

However, the state has through the Office of Public Works (OPW), which is responsible for state owned buildings, undertaken a series of architectural conservation projects in the past. Gibney (1999, 19) states that 'the repair, renovation and conservation of historic buildings have been an important part of the State architect's traditional role for over two centuries'. During the 1920s, the OPW undertook reconstruction work to the Custom House, the Four Courts and the General Post Office in Dublin, all important

Georgian set pieces which had been severely damaged as a result of political turmoil and the quest for an independent Ireland, in the early twentieth century. As a result of Ireland's entry into the EEC in 1973, funding became available for capital investment in national and historic parks, protection of national monuments and national cultural institutions through structural funds programmes. Consequently, this led to a specialisation of many architects in conservation. In the 1980s, the government adopted an approach of finding new uses for many of its older buildings, which led to, for example, the creation of a conference centre at Dublin Castle and the conversion of Collins Barracks into a National Museum (O'Doherty, 1999). Nevertheless, as proposed by Kealy (1997, 71): 'while the State has committed substantial resources to the conservation and reuse of the great set pieces, vernacular and industrial buildings, a significant cultural and historical component of the architectural heritage, remain underfunded'.

Towards the end of the 1990s, the state expressed a commitment to a national conservation agenda through the introduction of comprehensive conservation legislation and for the National Inventory of the Architectural Heritage, established in 1991, to be placed on a statutory basis. By then, a limited number of post-1700 buildings in Dublin City had also become designated as National Monuments (see Chapter Four).

At local level, the first major planning scheme for Dublin City in modern times was the 1957 Planning Scheme, adopted prior to the introduction of the Local Government (Planning and Development) Act, 1963, which introduced town planning as a statutory requirement and made conservation one of several town planning objectives. McDonald (1986a, 11-12) observes that the degree to which the planning scheme reflected a consideration for conservation of the built heritage was rather limited:

> 'The Royal Institute of the Architects of Ireland (RIAI) sought to have most of the historic city southside Georgian core area listed for preservation – including Fitzwilliam Street, Lower Baggot Street, Upper Mount Street, Hume Street, Ely Place, Clare Street and Lower Leeson Street. But the planners and the city councillors ignored this recommendation and limited the preservation zone just to Merrion Square and Fitzwilliam Square. In effect, what the Corporation was saying was that the only parts of Dublin worth preserving were these two Georgian squares and nothing else. This amounted to a charter for the demolition of the city and, as such, it was to have the most appalling consequences'.

However, by the mid-1980s, after two decades of redevelopment and change in the historic environment, some progress had been made in attitudes towards what should be preserved. This was reflected in the increased share of Georgian buildings listed for

preservation or protection in the development plan. However, McDonald (1986a, 325) suggests that there was still a need for recognition of other types of building besides the Georgian masterpieces:

> 'The planners must not be myopic, and their lists should be broadened to cover the best architecture *of all periods*, right up to the present day. Thus, some protection might be given to the *art deco* headquarters of the Gas Company in D'Olier Street or Burton's, on the corner of Dame Street and South Great George's Street, as well as such modern buildings as Busaras, the US Embassy, Irish Life's former headquarters on Mespil Road, TCD's library, Lisney's, Bord Bainne, Bowmaker's, Bord na Mona and perhaps one or two others'.

Figure 3.7 depicts the art deco style Gas Company in D'Olier Street. The building acquired protection status under the 1991 Dublin City Development Plan (see Chapter Five). While the quotation above reflects an expressed a concern during the 1980s for the built heritage of later periods in addition to the Georgian, including a limited number of modern architectural icons, the following quotation illustrates a mainstream dislike of many of those modern buildings (*e.g.* Figure 3.8) which replaced much of the older building stock in Dublin during the 1960s and 1970s (*Ibid.*, 325-6):

> 'Just as the Corporation maintains a list of buildings scheduled for preservation, so it should draw up a list of the most execrable examples of modern 'architecture' and designate them for demolition. Such a list would necessarily include Hawkin's House, O'Connell Bridge House, the Department of Justice, Guardian Royal Exchange, the Burlington Hotel... Wicklow House in South Great George's Street, Iveagh Court in Harcourt Road, the EEC offices in Molesworth Street... and most rubbish in Lower Mount Street. This list is by no means exhaustive; others may wish to add to it'.




**Figure 3.7:** The Gas Company in D'Olier Street, Dublin (Negussie, 2002).




**Figure 3.8:** Hawkin's House: a modern building worthy of conservation? (Negussie, 2002).

Until the early 1990s, the local authority conservation agenda was still limited to a pre-occupation with buildings of exceptional architectural significance. As suggested by McDonald (1989a, 21):

> 'To the extent that architectural conservation figures at all in official thinking, it is tied to the limited notion of preserving the great monuments. City Manager Frank Feely often marvels at the fact that, of the 19 important buildings depicted in James Malton's prints, 17 of them are still there... Any city with a degree of civility would preserve its great monuments. What divides the great cities from the mean ones is their attitude towards ordinary buildings'.

Figure 3.9 illustrates the Custom House, one of James Malton's illustrations of important buildings in Dublin.

Shifts in attitudes towards what is considered worth conserving are also reflected in the approach taken by conservationist groups lobbying for conservation. A comment column of the *Irish Builder & Engineer* in 1975 illustrates the point:

> 'Perhaps it is not too ambitious to suggest that An Taisce in its noble and splendid conservation efforts might concentrate a little more strongly on the preservation of ancient cottages in this country... All too rapidly they are disappearing or being 'improved' out of recognition... Admirable as our 18th-century work is in Dublin, it is not everything, and it is desirable to have all phases of a country's architecture well recorded, even types that can boast little 'architecture' proper, but represent certain traditional types' (*Irish Builder & Engineer, 1975,* 33).



**Figure 3.9:** The Custom House designed by James Gandon – depicted by James Malton in 1793 (National Gallery of Ireland).

Another article found in the *Irish Builder & Engineer* makes a similar point with regard to the demolition of two houses at 15 and 16 Fenian Street:

> 'This is indeed a sad ending to a campaign somewhat similar to that waged over the Hume Street houses. The difference, however, was that while the Hume St. campaign was carried on by a combination of housing and architectural groups, the Fenian St. houses had no architectural merit and so attracted only those people concerned with the housing crisis' (*Irish Builder & Engineer,* 1973a, 570).

Nevertheless, by 1980, then Chairman of An Taisce argued that one of the voluntary organisation's aims was also the promotion of 'vernacular architecture':

> 'An Taisce has been in the vanguard in promoting an appreciation for vernacular architecture. So much of the built environment is shaped by the 'everyday buildings' that are not normally considered worthy of preservation, but whose disappearance all over Europe has had a detrimental effect on the character of our towns. The value of such 'everyday buildings' is often recognised elsewhere in Europe by the designation of conservation areas to protect streetscapes and whole groups of vernacular buildings' (Mullaly, 1980, 1).

While voluntary conservation groups might have lobbied for a more limited range of elements in the urban built environment, this should be considered in the light of the lack of responsibility taken by national and local authorities for conservation until relatively recently.

Dublin has a great legacy of buildings from the Victorian period[3], especially in the outer parts of the city. As suggested by Daly (1998, 3), the progression of public awareness of Victorian buildings has taken longer compared to the built heritage of the Georgian period[4]:

> 'Most Dubliners are extremely conscious of the city's Georgian housing but the much larger area of Victorian housing has attracted little interest until recent times. Although few Dubliners are likely to live or to have lived in a Georgian house, an estimated 35,000 families live today in a house that was built during Victoria's long reign'.

This hesitant appreciation for Victorian buildings was partly due to neglect and decay of these as a result of the middle-class flight to the outer suburbs. As explained by Daly (1998, 56-7):

> '...From 1924 the government offered subsidies on new homes built for owner-occupiers. Within one or two generations these legislative changes transformed the population of greater Dublin, and urban Ireland in general, from mainly tenant to mainly owner-occupiers. In the process, however, Victorian houses languished in neglect, and areas such as Rathmines and Drumcondra became synonymous with squalid flat-land. The lack of appreciation shown for Victorian buildings in general did not help their preservation. The

---

[3] The Victorian period refers to the reign of Queen Victoria in England (1837-1901).

[4] The Georgian period refers to the period between the reign of King George I and William IV of England (1714-1837).

> rehabilitation of Victorian houses today is due to several factors: greater wealth, more readily available home finance for house purchase, and modern technology... There is a greater appreciation of Ireland's Victorian heritage, and the older suspicion that attached to houses that were strongly associated with the Anglo-Irish has also receded'.

An International Exhibition held in 1907 introduced the Edwardian style to Dublin and thereby marked the end of the precedence of traditional Victorian buildings. Edwardian buildings were mainly built in the inner suburbs of Dublin, *e.g.* at Herbert Park and in Ranelagh (Hearn, 1998).

Until recently, buildings from the twentieth century, modern buildings in particular, and questions of how to approach their conservation, have received little attention, with the exception of special lobby groups such as the Irish branch of Docomomo. However, the illegal demolition of Archer's Garage in 1999, a listed building dating from the 1940s, became an eye opener to the need for attention and protection of twentieth century buildings. As suggested by Frank McDonald in the *Irish Times* (McDonald, 2000b):

> 'It was the illicit demolition of Archer's garage on Fenian Street over the 1999 June bank holiday weekend... that put a spotlight on the fate of important buildings from the 20th century. Just as the value of many fine Victorian buildings was not recognised until after 1950, we have been extraordinarily slow to acknowledge the breathtaking architectural legacy of the last century, which is why so few of its buildings in Ireland have been listed as protected structures'.

### 3.3.2. Conservation Values Reflected in the Legal Framework

Temporal changes in attitudes towards what is considered worthy of conservation is reflected in the legal framework for conservation. The National Monuments Acts, 1930-54, entitled the state and local authorities to afford legal protection of national monuments. The term *monument* was defined as 'any artificial or partly artificial building, structure, or erection'. Under these Acts, a *national monument* was defined as 'a monument or the remains of 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'[5].

Under the National Monuments (Amendment) Act, 1987, the term *historic monument* was defined as 'a prehistoric monument and any monument associated with the

[5] Section 2, National Monuments Act, 1930.

commercial, cultural, economic, industrial, military, religious or social history of the place where it is situated or of the country and also includes all monuments in existence before 1700 AD or such later date as the Minister may appoint by regulations'[6]. Although the definitions above reflect a broad interpretation of monuments, the application of the National Monuments Acts has traditionally concerned medieval and pre-medieval built structures (DACG, 1996). This is discussed in more detail in the following chapter.

The Local Government (Planning and Development) Act, 1963, gave discretionary powers to local authorities to protect 'buildings of artistic, architectural or historical interest', while the 1976 amendment to the same Act gave discretionary powers to protect 'fixtures or features of artistic, historic or architectural interest and forming part of the interior of structures'.

With the introduction of the Local Government (Planning and Development) Act, 1999, the scope of protection has been broadened[7]. Based on the Granada Convention of 1985, it includes mandatory protection of designated structures of architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest. The scope of the Act also includes powers to designate architectural conservation areas. This piece of legislation reflects a widened approach to conservation values to be considered in the built environment.

Thus, within the planning code, there has been a shift from discretionary powers to protect buildings of artistic, architectural or historical interest to mandatory protection of structures of architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest, as well as areas of architectural significance.

### 3.3.3. Findings from the Interviews

*Changing Attitudes towards What is Worth Conserving*

The interview findings indicated that in the 1950s, the general concern for built heritage conservation was mainly for the great architectural monuments or set-piece buildings.

---

[6] Section 1, National Monuments Act, 1987.

[7] This legislation has since been incorporated into the Planning and Development Act, 2000 (see Chapter Five).

During the 1960s, appreciation for the Georgian built heritage was beginning to develop, increasingly so during the 1970s. Furthermore, it was suggested that appreciation for the Victorian built heritage was slower to come about compared to the Georgian. The following statements were made regarding the overall shifts in attitudes towards what has been considered worth conserving in the urban built environment:

> 'In the 1950s, everything was regarded as fair game, except maybe set-piece and monuments. In the 1960s, there was beginning to be, towards the end of the decade, a vague sensation that, in addition, Georgian and Victorian buildings might be important. By the 1970s, Georgian would have received greater attention while Victorian, where there was development pressure, was regarded as fair game, for example in Ballsbridge. By the 1980s, people were beginning to appreciate to a much greater extent the different nuances of values of the things that had been laid out there' (Conservationist 1, 2000).

Another informant made a similar appraisal of the progression of attitudes towards elements considered worth conserving in the built environment:

> 'In the 1950s, it would be monuments and maybe set-piece buildings... Then in the 1960s, we see the entry of the Georgian, then the Georgian increases. The Victorian has been slower to come on board and the Edwardian too, lets say it arrives in the 1970s and the 1980s and maybe an increase in the1990s' (Policy Advisor 1, 2000).

Furthermore, one respondent similarly explained that 'there has been a move from Georgian to later periods' (Planner 2, 2000). During the 1950s, the concern lay mainly with 'Georgian squares, churches and public buildings', while the 1960s saw a move towards Georgian streets and more Victorian buildings (Planner 2, 2000). The same informant explained that during the 1970s, 'there would have been a more generous approach to Georgian, Victorian as well as Edwardian buildings'. Another informant explained that during the 1950s:

> 'There was a much more casual approach to all old buildings. Industrial, forget it. Nobody was concerned about the industrial heritage. You could wipe that out without anybody weeping any tears in general. Having said that there would have been some concerns. In the 1950s there would have been people getting interested in Guinness's for instance, about industrial archaeology. There would been interested individuals' (Planner 1, 2000).

Furthermore, the same interviewee suggested that in the 1960s, 'the emphasis was probably coming on the Georgian' while in the 1970s, 'the Victorian and the Edwardian were now sort of joining the Georgian'. In the 1980s, 'the Georgian, Victorian and the Edwardian were coming to the fore' and with regard to modern and industrial 'there would be a glimmer' (Planner 1, 2000).

Nevertheless, as discussed elsewhere, although a limited scope of Georgian buildings was beginning to be designated for conservation, a significant proportion of this building stock was being demolished during the 1960s:

> 'Well, in the 1960s they were knocking down Georgian buildings in Dublin. I was one of the Hume Street occupiers. That changed very considerably in the decades since the early 1970s' (National Body Representative 1, 2001).

With regard to the Victorian and Edwardian built heritage, it is only recently that buildings from these periods have become objects of interest for the conservation agenda:

> 'More nineteenth-century buildings are now becoming appreciated. Buildings around 1880... Architecturally they would not be considered to be the most important buildings but from a sustainability point of view they are well built and suitable for adaptation' (Conservation Officer, 1999).

This was reinforced by another informant who explained that the economic boom of the 1990s, had contributed to the increased awareness of this building stock:

> 'Victorian and Edwardian buildings are becoming recognised now because they are becoming listed and they have a monetary value now. An auctioneer will say 'splendid Victorian house' for sale... That is only with the boom. I worked as an architect in Dublin for a number of years and I would have been working on a lot of Victorian, Edwardian and Georgian buildings during the 1980s. People were only then beginning to turn them back from flats. There was a start to appreciate them as houses' (National Body Representative 1, 2001).

Nevertheless, it was suggested that most of this building stock survived due to the fact that it was located in areas where there was little development pressure:

> 'Victorian and Edwardian buildings were largely saved by the fact that they were in modest and more conservative suburbia. People did not demolish these buildings. They were efficient, well built and solid. They served a purpose, so they did not come under too much threat (Conservationist 1, 2000).

This was supported by another informant who explained the following:

> 'A lot of the Victorian and Edwardian buildings were not in areas that were under pressure. There were less of them I suppose. There were less people interested in the Victorian, perhaps because they were rather cruder buildings, more massive and exuberant in a way. The Edwardian tended to be rather suburban. They were not in the pressure areas. They were able to survive in their own right because they were big enough and they had not been turned into slums, whereas the Georgian were delicate things with interiors as well. That is why I think there was that change. Now I think anything old is beginning to be looked at' (Planner 1, 2000).

While the statements above suggest a later entry of appreciation for Victorian and Edwardian buildings compared to the older Georgian, one respondent stated that from a cultural perspective there was no distinction between these buildings: 'Georgian, Victorian, and Edwardian were regarded as our colonial legacy. So in cultural terms they were recorded the same' (Conservationist 1, 2000).

With regard to public street monuments it was explained that these had not been placed on the conservation agenda until recently, partly due the following reason:

> 'I think people take them for granted to a large extent and did not really consider them specific objectives for conservation. I think they are becoming more so now. You will find them now individually listed and protection put in place for them in a way that would not have been previously' (Policy Advisor 2, 2000).

It was also explained that the degree to which street monuments had been appreciated in the past was related to the historical association of such structures:

> 'Monuments have always had a certain respect in this country, provided they are related to the local history, or what is described as Irish history. If they had an Anglo association they were treated with less respect, like some very fine monuments over the years like Nelson's Pillar. The War Memorial park was vandalised by people who did not realise that there was actually aesthetic and cultural value in them and that doing so was not really a political statement. There is a lot of respect for monuments now I hope' (Planner 2, 2000).

The broadened scope of elements considered worth conserving is also reflected in the perspectives of the conservationists. One respondent suggested that there had been an overall progression of awareness amongst conservationists as well, who would now take a broader approach to conservation than in the past:

> 'When conservation began, when voluntary bodies took it up say in the late 1950s and 1960s, the older the building the more they would have focused on it. So it would have been the eighteenth century. Our eighteenth century heritage is immense in terms of Ireland. I would say it is in the 1990s that we have specifically turned our attention to Victorian buildings. There used to be an Irish Victorian Society but it died away. The Irish Georgian Society never refused to protest against their damage or destruction but it would have become, in the 1980s and 1990s, much more aware of the Victorian heritage. It would also consider that and would be fighting for the listing and attention and respect for it. The IGS would consider streetscapes extremely important and always has. Industrial architecture, it has not specifically gone out looking but would think that industrial architecture is very important, as important as anything else. I would think that we are all, the voluntary bodies as well, becoming much more aware of the different eras and that everything is important. The IGS has written about a couple of modern buildings. A number of them are listed and the IGS would lobby for more of them to be listed' (Conservationist 3, 2000).

The following was suggested with regard to contemporary conservation values:

'There has been a remarkable change because only premier Georgian buildings were considered worth conserving in 1967[8], whereas now there would be a growing appreciation for streetscapes. There was a developing appreciation of the Victorian and it is only now that there is realisation that twentieth century-buildings of quality should also be considered. There is now much more appreciation of the better quality housing areas of the twentieth century but that is very much a recent development. The industrial building stock remains a great problem' (Conservationist 2, 2000).

'Now I think anything old is beginning to be looked at. I think in the sense that it is all part of a growing environmental thing, not just the urban environment. I suppose the more you see of a lot of the bad architecture that was done in the 1960s and 1970s, the more you begin to say look we don't want more of that at the cost of this. We do have a situation where an architect actually said to me in the context of doing something in Leeson Street, that he honestly could see no way of building something in that street where he was building except by way of doing a replica building. That was very interesting because these are modern prize-winning architects who if they could do a contemporary building would. So even the architectural profession was saying these things are special... Maybe it is a cop out to actually do it in a pastiche' (Planner 1, 2000).

'I think there is a fairly widespread awareness of the importance of the Georgian... particularly the core areas of the inner city. Georgian architecture is reasonably secure. I think a great deal of Victorian architecture is still endangered. There are mixed feelings about it but people now realise that some of these great roads like Waterloo Road and Wellington Road are very good. So there is a growing awareness amongst conservationists to watch over the nineteenth century... Then there is a certain amount of twentieth century, art deco works, and that was always endangered. What is really needed now is to aid exhibition and funding to help people to restore buildings, not just in Dublin but generally' (Conservationist 4, 2000).

Furthermore, it was suggested that the overall shift in attitudes towards conservation of the built environment occurred towards the end of the 1980s:

'There has been a seminal change in the last, I suppose, ten years or so. Now there is a lot of support for the conservation of the built environment and of eighteenth century buildings. But eighteenth century buildings were particularly despised. They were considered to be a relic of the British days, they did not want to know about them. Whereas now, that has changed completely' (Local Politician, 2001).

By the early 1990s, there had been a shift within local politics in Dublin with six green councillors represented on the City Council. This led to major change in that there was now a stronger pro-conservation lobby at local politics level:

'I was on the Council for 35 years. In my last years on the Council we had six green councillors and they were all in favour of conservation. They were actually marvellous. Until then, there were about three of us campaigning for the heritage and the environment and there was very little support. Then the greens came along and they were fantastic. Things have changed so much since I first went into the city council in 1974. Now there is quite a lot of interest in all old buildings, in all of the heritage and the environment. The whole atmosphere has changed completely. There is a lot of support now' (Local Politician, 2001).

---

[8] A draft version of the 1971 Dublin Development Plan was published in 1967.

*The Industrial Built Heritage*

Until relatively recently, industrial buildings have to a large extent been neglected. However, certain attention was drawn to the industrial built heritage, also referred to as industrial archaeology, during the 1970s, when some attempts to get industrial buildings listed were made by individuals (Policy Advisor 1, 2000). In Dublin, a certain level of awareness of industrial buildings began to arise in the 1980s: 'in the county development plan we had railway bridges, chimneys, water towers and things like that put in... So industrial archaeology was becoming important' (Planner 1, 2000). The same interviewee suggested that the reason why such structures had not been listed for protection before had been due to a general lack of interest: 'I don't think there was a lobby for it. I remember trying to hold things like weirs on the River Dodder and asking people to repair them and nobody would be interested in it'.

Only in the late 1990s were industrial buildings being recognised as providing, for example, suitable accommodation spaces (Conservationist 1, 2000). However, regarding warehouses, for example, a large proportion in Dublin City was lost before awareness of them began to arise during the 1980s and 1990s:

> 'In the 1980s, industrial archaeology was beginning to be sounded off, but we had lost a lot of the warehouses in the meantime that nobody felt had any particular value. They were gone at that stage so there was not much left of the industrial warehouses. A few of them remained and a few of them were gutted' (Planner 2, 2000).

Another informant suggested that the industrial built heritage still remains to be under threat and that 'there is very little appreciation of the industrial heritage' (Conservationist 2, 2000). Furthermore, he noted that in the past, if an industrial building became listed for protection its machinery would not be included.

This was supported by other interviewees who suggested that the industrial heritage 'is still totally undervalued' (National Body Representative 1, 2001) and 'industrial archaeology is not as developed as it should be, it is still quite low down the list' (Conservationist 4, 2000).

Another informant explained that while industrial buildings are significant in a townscape context, few have been successfully refurbished, partly due to practical difficulties:

> 'The industrial can cover anything from power generation stations to the most common things that you see around Ireland which would be the big mill buildings, grain storage buildings and warehouses. There is not a town in Ireland that does not have a great five or six storey warehouse. These are buildings that are hugely important in a townscape. Their previous use is gone, but they could certainly be adapted to another use. But there are hardly any that are being successfully done. That is one of the places where the building regulations are affecting how people can do them up... Practically speaking if you have a seven-storey building and one slate goes it is not easy to get it back. It is not easy to take vegetation out of the gutter and when water starts getting in they just get derelict. So there are practical difficulties of industrial buildings' (National Body Representative 1, 2001).

According to another interviewee part of the reason why these buildings were neglected in the past was that 'industrial buildings tended to be in areas where the middle classes who were concerned with conservation had very little interest' (Conservationist 1, 2000). The same interviewee suggested the following:

> 'Throughout the 1980s, industrial buildings were regarded as of little importance. Only very lately have industrial buildings been regarded as of any importance. Industrial buildings around the country are falling all of the time... Buildings for which planning permission is required are listed buildings and habitable dwellings and buildings which are part of a terrace with buildings of separate ownership. Typically, the buildings that are the most under threat countrywide are industrial buildings, which are generally self-standing and do not adjoin other buildings in separate ownership, and churches which also don't adjoin other buildings in separate ownership' (Conservationist 1, 2000).

Finally, one respondent, who supported the view that the industrial heritage is still endangered, suggested that the lack of protection of industrial buildings was not unique to Ireland:

> 'Industrial has always been a wobbly one. It is still a wobbly one in the sense of the extent to which it is protected and considered worthy of protection. The industrial heritage is still not very comprehensively protected. People thought it was fairly mundane. I don't think it is just an Irish phenomenon' (Policy Advisor 2, 2000).

*The Modern Built Heritage*

Conservation awareness of the modern built heritage is a recent phenomenon in Ireland, as in many other countries. All informants suggested that only during the second half of the 1990s was conservation awareness beginning to be raised for modern structures. This is partly due to the overall enhancement in attitudes towards conservation and to a number of controversial building demolition cases. For example, the illegal demolition of Archer's Garage in Dublin, a listed building dating from the 1940s, was described as 'the biggest conservation issue in the last five years' by one respondent (Conservationist, 1, 2000).

However, there was a widespread apprehension that many modern buildings from the 1960s and 1970s are of poor quality and generally disliked. For example, the following quotation illustrates this point:

> 'The general perception is that the architecture in Dublin from the 1960s and 1970s is awful. It was built cheap and nobody would be sad to see it go. There are a few buildings, but I don't think anyone is going to shed any tears. Some of Michael Scott's stuff is good modern architecture, but most of it is not. The Civic Offices, the ESB an all the things that happened... There is very little value put on them' (National Body Representative 1, 2001).

The same respondent explained that the general lack of confidence in modern buildings from the 1960s and 1970s had resulted in widespread use of pastiche styles until recently:

> 'There is unfortunately no good modern architecture in urban areas apart from Dublin, Galway and Limerick. There is nothing around the country which you could say is good modern architecture. I think the planners and the people are just very frightened of modern architecture, so they put the old pastiche back in a streetscape. They are terrified to put in a modern building. Dublin is becoming a bit more courageous now on using modern interventions' (National Body Representative 1, 2001).

According to another interviewee, the 1990s 'were much more enlightened' in the sense that all aspects of the built heritage, including the modern, became recognised as being important (Planner 1, 2000). However concern has so far mainly involved a limited number of modern icon buildings. As explained by one informant, in Dublin, 'the modern has been slow to come onboard, apart from set-pieces such as the bus station (Busáras) and Dublin Airport' due to a general lack of fine modern buildings (Policy Advisor 1, 2000). This was reinforced by a statement by another respondent:

> 'First of all we have relatively little of what could be described as good modern architecture in Dublin. There was a great deal simply put up to meet the market, with a minimal concern about aesthetics, be it flats, factory buildings, store buildings, or public buildings. I think that is the situation. On the other hand of course we have some that are important, the new buildings in Trinity College for example, the Arts Building and the Berkley Library. There is also the work done by University College Dublin. Some people think the Bank of Ireland building in Baggot Street is important and the tobacco factory just outside Dundalk. There are some, but relatively few. Many of the buildings were so bad. It is very hard to have an appreciation of a number of these office blocks. There is no aesthetic' (Conservationist 4, 2000).

Furthermore, another interviewee described the newly developed concern for modern buildings as a 'strange cultural phenomenon' and a 'cultural acceleration':

> 'The modern has suddenly become a big thing. It is regarded as cool to be interested in modern buildings in Dublin, of which there are very few of good quality. A lot of prissy architects would be more concerned for the modern buildings than for the historic buildings. Maybe they are right because there are so few. It is an interesting phenomenon that they have become fashionable. Primarily because architects always get worked up about the modern tradition, because they are worried that their own limited creations would come under threat. They hate to see buildings of people who they might have known themselves go. Architects may be horrified about demolition of their own buildings (Conservationist 1, 2000).

Another interviewee similarly explained that overall conservation awareness of modern buildings began to develop in the mid-1990s:

> 'Archer's Garage was listed in 1991 and the developer demolished it last year (1999). That was one of very few modern buildings to actually be put in the Development Plan. But the consciousness of the value of those is growing. Now I must say we don't have very many that you would want to keep. We do have a few that would be representative of a period of architecture that might otherwise just disappear. You might say why are you keeping them, but it is a cultural value rather than an aesthetic value... that it represented a 1960s office block and therefore we should try to keep it. It is a cultural argument rather than an aesthetic argument' (Planner 2, 2000).

Furthermore, its was explained that the listing system historically has not been based on any comprehensive building survey which had made it difficult to undertake a systematic approach to listing:

> 'We have not really dealt with the twentieth century at all. We have listed some buildings in the development plan (1999), some of it Dublin Corporation's own housing, as good examples of twentieth century architecture' (Conservation Officer, 1999).

Furthermore, it was explained that French architects visiting Dublin raised the question whether one of the tower blocks in Ballymun would be listed for protection, as evidence of this planning scheme dating back to the 1960s. The argument was partly based on the fact that the tower blocks concerned had been in use for twenty-five years and that they should be protected since many people would have social associations with the buildings. According to the same interviewee, although this would have been a controversial proposal, especially due to the poor condition of the buildings concerned this raised 'an interesting dilemma' and that it is easy to forget that 'it is part of somebody's life' and local history (Conservation Officer, 1999). A statement made by a Ballymun resident after a decision to demolish the towers reflects this dilemma (Sheridan, 1998):

> 'At one level, I'm saying yes to the regeneration because I know that the towers are losing lumps of concrete and we might see one collapse. But then there is a part of me at the core that wants to refuse that regeneration. It's inevitable that our community spirit will go'.

Finally, one respondent suggested the following:

> 'The Modern is still quite weak. Certainly it has been growing in the 1980s and 1990s but before that it would have had no consideration from a conservation point of view. There would still be a significant resistance to promoting conservation of modern buildings, particularly if you think of people's concept of heritage. I think more than anything else, the general public has quite a funny relationship to modern movement buildings. There are a few exceptions to this but the general rule is that people don't really perceive them... The two come together, the culture which makes things acceptable and the encouragement of that culture. They are the two things that happen in tandem but nothing has been successfully implemented in that sense' (Policy Advisor 2, 2000).

*Towards a Broader Approach to Conservation of the Built Heritage*

The interview findings indicated that there has been a shift towards more area-based conservation reflected, for example, in the concern for the protection of streetscapes. In other words, more emphasis is being placed on conserving urban streetscapes rather than just individual buildings. As suggested by one respondent:

> 'It is the whole idea of that suddenly we're trying to preserve the Wide Street Commissioners' layout, which is quite a different view than to be conserving a square. Not just because they are Georgian, or because of individual buildings, but because they have an urban quality and they are about planning and urban design, which is something worthy of consideration itself and the urban fabric in its broader sense rather than just individual buildings. It is gradual and it shifts from the obvious to the less obvious... It is reflected through things like the addition of conservation areas in development plans and area-based policies rather than just individual buildings based policy' (Policy Advisor 2, 2000).

The same interviewee suggested that area-based conservation, described as 'the looking at complexes and origins of areas, the functions and historical aspects of areas' had gradually come to the fore during the 1980s and 1990s. This was reinforced by another respondent who suggested that during the early 1980s 'we saw the value of the street, the square and the space' (Planner 2, 2000). Furthermore, it was suggested that 'once you start to look at that and not the quality of individual buildings, then other areas like the industrial heritage come up more to the fore since people are trying to look at it in a wider context' (Policy Advisor 2, 2000).

Finally, one interviewee raised the issue of the different perspectives regarding what is worthy of conservation, *e.g.* cultural versus aesthetic perspectives. A distinction was made between the approach to conservation taken by architects and planners. For

example, it was suggested that planners would often take a broader approach to conservation compared to architects:

> 'Architects would go for well that is Joe Murphy's special design, it should be kept, it is very precious. It might be interesting enough and the planner would say that is fine we'll put that on. But they would also say there are a few buildings that represented a period, they are fairly indifferent but we are not going to have many of them if you blow them all away' (Planner 2, 2000).

Furthermore, the same informant suggested that the arguments for a wider view on conservation, which consider a range of different perspectives on what is worth conserving, have not been fully developed for Dublin City:

> 'I am into an argument which I don't think is fully explored yet. It is a wider view of conservation rather than a limited view... that you read the city's aesthetic and cultural history in terms of the buildings you see. I would say architectural historians would probably feel a kinship to that but they would be historians in the sense that they don't see anything before 1840 as being of any interest. But they would still have buildings from various records that they would see as important and which might just slip the eye of a conservation architect or a planner. So, in that sense, cultural and the aesthetic history of a city are important. Unfortunately we lost a lot of very fine buildings, individual houses on the south side for office blocks. We did things without realising what we were doing. In other words, the awareness of conservation was not there. Social history is important too and I think that is an unanswered question yet, which is not necessarily going to be solved by people sitting in a learned group, with architects quantifying on what are the most important buildings of a particular decade' (Planner 2, 2000).

Furthermore, it was suggested that from a planning point of view the ambition should be to develop a non-static conservation model for Dublin City based on a comprehensive conservation study:

> 'My ambition is to do a proper conservation study of the city, which builds from bedrock. Conservation should have a model and awareness of everything of worth in that. This is not a static model, but you are aware of where things fit in, what effect they have and how valid they are in terms of the cultural model of the city. You are aware of what you are doing in a city that has many layers so that you don't do something that is destroying something else. We need this model and recording of all accumulated data over the years. I don't want this idea of a static thing... It is about actual knowledge and knowledge needs sensitivity. Awareness allows you to do the right thing in broad terms, to actually stimulate imagination and creativity as well in a sort of paradoxical way... To read the culture of your city, and to know the culture of your origins. That is my picture of conservation. I am not saying it is a great aesthetic trip, but it is an important bit of social history. If you don't have that it is only the jewels that get kept. They are not really representative. People don't wear diamond necklaces into work they wear them in special occasions. We are not talking about special occasions but about a whole model of a city. It is an input of what I feel the need for in planning is generally, the interaction between people, environment and spaces. Similarly anything that is in planning should have that sense of context, history, correctness, incorrectness and opportunity. They are all isolated at the moment. I think this modern architectural thing is saying that there is a nice jewel, mark out a ring around that and a ring around that. Fairly valid, all right, but a little bit out of context. There is much more to it than that and by focusing on that you might miss a lot of other things. Whereas when a planner, I hope, would come in and a social historian, there is a meeting between physical and social' (Planner 2, 2000).

Thus, in Dublin City, there has been an overall shift from a limited concern for the oldest elements of the built heritage, such as medieval built structures and Georgian architectural landmark buildings. The conservation agenda successively developed to cover the Georgian core of the inner city, first affording protection to buildings located in the more economically viable areas of the south inner city and then gradually embracing Georgian buildings located in the north inner city. In addition, there has been a gradual shift towards buildings from later periods, which may be described in the following order: from Georgian to Victorian and Edwardian buildings, then to the industrial heritage and finally to the recently-awakened concern for twentieth century buildings, including Art Deco and modern. Thus, there has been a shift from a pre-occupation with the old to more contemporary elements. There has also been a general shift towards a concern for streetscapes and a more area-based approach to conservation. Thus, there has been something of a shift from exceptional architectural masterpieces towards the protection of, for instance, domestic terraced houses. What is yet to be realised is a conservation model which further brings in the social and cultural dimensions of conservation.

## 3.4. CONCLUSION

This chapter appraised the impact of cultural and political ideas underpinning the approach to conservation policy, legislation and heritage management in Ireland. It proceeded with a historical background to the evolution and character of the problems with which conservationists, local and national authorities have had to deal in relation to urban conservation. While it may be argued that economic depression ensured the preservation of Dublin's built environment up until the 1950s, factors such as building abandonment leading to dereliction and decay, economic growth and the profitability criteria of commercial property developers, cultural attitudes towards the Georgian building stock and anti-conservation activities by the public sector, placed the built heritage at threat during the following decades.

A number of interconnected issues relating to cultural ideas and values were identified as having shaped the approach to the built heritage in Dublin with regard to conservation. First, with a past reflecting a colonial economic structure, Ireland has historically been a predominantly rural society. After Ireland's independence from

Britain, there were also deliberate and political attempts to promote Ireland as a rural nation culturally while the urban tradition became associated with the English colonisers. As a result, the strong connection with the rural tradition took precedence over urban values and urban living in modern Ireland. Nevertheless, since the 1980s, government-led strategies to revitalise urban centres contributed to the revival of urban identity in Ireland.

Secondly, although there has been a clear shift away from the dislike of Georgian and Victorian buildings due to them being symbols of colonial oppression, hostility towards this built legacy in the past has had negative implications for conservation. For a long time such anti-colonial sentiments resulted in a passive approach towards the protection of 'British' architecture. Also, during the 1960s' office boom the colonial argument became used as an excuse to demolish buildings while the motives of developers were in fact driven by profit. While such anti-conservation sentiments faded since the 1970s, these contributed to it taking a long time for the awareness of the importance of the built heritage to take roots in Ireland.

Thirdly, the strong standing of private property rights in the Irish Constitution has in the past resulted in a tentative approach to conservation both in terms of the enacting of specific conservation legislation and enforcement of other conservation geared pieces of legislation operating within the planning code until recently. It contributed to a climate where owners of historic buildings often refused their buildings being listed on the basis that it would restrict their property rights, and also made it difficult for officials to have access to interiors and thereby also inventorying, protection and monitoring of these. It has been suggested that the societal emphasis placed on property rights are reflected, still, in the pro-development approach taken by courts and media towards environmental arguments.

Finally, other cultural trends and values are also thought to have affected the overall approach taken to conservation of the built heritage. For example, Ireland's exceptionally high levels of home ownership is thought to have worked against the conversion of large, once single family houses, into apartments and rented accommodation. Furthermore, during the 1990s, vested interest in property development combined with the absence of a strong protest culture, compared to the 1970s, has jeopardised conservation of the built heritage in spite of improved cultural attitudes.

At last, this chapter also explored the varying ranges of elements that have been considered worthy of conservation in the urban environment. The evidence from Dublin City shows that there has been a gradual shift from a concern mainly for the oldest and most spectacular elements of the built heritage, to more recent and modest architecture and to more area-based approaches. The succeeding chapters explore in more detail the shifts in attitudes towards what is worth conserving reflected in the legal framework for protection of the built heritage and in heritage management by state and voluntary actors.

# CHAPTER FOUR

# THE LEGISLATIVE FRAMEWORK FOR PROTECTION OF THE BUILT HERITAGE, URBAN RENEWAL POLICY AND FINANCIAL INCENTIVES FOR CONSERVATION IN IRELAND

This chapter explores policy, legislative and financial frameworks for conservation of the built heritage in modern Ireland from a temporal perspective with particular reference to Dublin City. First, it reviews and explores legislation with direct relevance to conservation prior to 1999 and proceeds by examining the National Monuments Acts, which were the only legal instruments for protecting the built heritage prior to the introduction of a modern planning system in 1963. This is followed by an examination of legislative protection instruments within the planning code, from 1963 and onwards. Secondly, it discusses other pieces of legislation of indirect relevance to conservation. Thirdly, having explored the evolution of legal provisions with direct or indirect implications for conservation of the built heritage, it outlines Ireland's first comprehensive legislation for the built heritage, enacted in 1999. Fourthly, it reviews urban renewal policy separately, from 1986 onwards, and examines its overall impact on conservation of the built heritage in Dublin City. Finally, this chapter reviews the system for financial state and local authority support towards conservation of the built heritage.

## 4.1. LEGAL PROVISIONS ON PROTECTION OF THE BUILT HERITAGE PRIOR TO 1999

### 4.1.1. National Monuments Acts (1930 – 94)

The National Monuments Acts (1930-94) contain provisions for protection of the archaeological and the architectural heritage. This legislation originates from the Irish Church Act, 1869, passed primarily to disestablish the Church of Ireland, and the Ancient Monuments Protection Act for Britain and Ireland, 1882. Under the former, unused ecclesiastical structures considered of special interest could be declared 'national monuments' and were to be controlled by the Commissioners of Public Works. The latter extended the protection scope to designate specific non-ecclesiastical structures as 'ancient monuments', for which the Commissioners could become owners

or guardians, if so requested by the owners. Under the act, the Commissioners could take enforcement action against anybody, except for the owner, in case a monument was damaged or destroyed (Scarry, 1991).

With the introduction of the National Monuments Act, 1930, the distinction between 'national monuments' and 'ancient monuments' was removed. As suggested by MacRory (1994, 114) the 1930 Act 'sought to address the limited provisions of the earlier acts which had arisen out of specific conditions, thus being confined to ruinous ecclesiastical buildings or prehistoric remains'. In addition, the intention was 'to instigate a single coherent piece of legislation to remove the earlier fragmentation' (*Ibid.*, 114). The following concentrates on the protection provisions for the architectural heritage element of the National Monuments Acts. However, to date, the National Monuments Acts have mainly been operated in order to protect the archaeological heritage. Mawhinney (1989, 91) states that the 1930 National Monuments Act 'was very much archaeological in spirit, in the sense that its provisions suited the protection of structures and artefacts of the medieval and earlier ages'.

*Scope of Protection*

The National Monuments Acts, 1930-54, entitled the state and local authorities to afford legal protection to national monuments. Section 2 of the 1930 Act defined the term 'monument' as 'any artificial or partly artificial building, structure, or erection' but excluded 'any building which is for the time being habitually used for ecclesiastical purposes'. The term 'national monument' was defined as:

> 'A monument or the remains of 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... 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'.

Although the National Monuments Acts have been used mainly to protect medieval and pre-medieval buildings and structures, the scope of the 1930 Act was broad enough to include buildings from the post-medieval period. As suggested by MacRory (1994, 116):

> 'For the first time, it was possible for the Commissioners to take a post-medieval building into care... However drastically this alteration changed the extent of legal provisions, it did

not greatly change the situation in practice as the emphasis remained on ancient or medieval buildings'.

Under the 1930 Act, the state, through the Commissioners of Public Works[1], and the local authorities were given powers to take buildings considered of national importance into guardianship or ownership if so desired by the owner (Section 5, 1930 Act). The Commissioners or a local authority would then be responsible for the maintenance of the monument. In addition, if a monument regarded of national importance was considered to be in danger of being or was actually being destroyed, injured, removed, or falling into decay, the state could issue a preservation order in order to secure its preservation. If the state decided to do works to the monument in order to secure its preservation, it could do so by taking it into guardianship compulsorily without interfering with ownership rights, unless the monument was occupied as a dwelling (Section 9 (2), 1930 Act). However, this power was not given to the local authorities. Section 14 (1) of the 1930 Act states that if a monument is covered by a preservation order, it is unlawful for any person 'to demolish or remove wholly or in part or to disfigure, deface, alter, or in any manner injure or interfere with any such national monument without or otherwise than in accordance with the consent' of the state. In case of such an offence, enforcement action may be taken against an offender. Under the 1954 Act, the state could also serve a temporary preservation order for a period of six months 'where it appears to the Commissioners that a monument which in their opinion is a national monument is in immediate danger of injury or destruction' (Section 4 (1), 1954 Act).

*Enforcement Provisions*

The 1930 Act provided certain powers of acquisition over national monuments by the state through the Commissioners of Public Works. Section 11 (1) of the act states that 'the Commissioners may, with the consent of the Minister, acquire compulsorily or by agreement any national monument which they consider it expedient to acquire'.

Section 14 (4) of the 1930 Act stipulates that any person carrying out offences such as demolition or alteration to a national monument 'shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to

[1] In 1996, the powers of the Commissioners were transferred to the Minister for Arts, Culture and the Gaeltacht and the functions of the National Monuments and Historic Properties Service of the Office of Public Works, in regard to national monuments, were transferred to Dúchas – The Heritage Service (see Chapter Five).

imprisonment for any term not exceeding six months or to both such fine and such imprisonment'. Section 17 (a) and (b) of the 1987 Act increased the penalties 'on summary conviction, to a fine not exceeding £1.000' and 'on conviction on indictment, to a fine not exceeding £50.000 or, at the discretion of the Court, to imprisonment for a term not exceeding 12 months or to both the fine and the imprisonment'.

*The 1987 Amendment Act: Towards a Broader Definition of Monuments*

Under Section 11(a) of the National Monuments (Amendment) Act 1987, the term 'monument' was broadened and defined as:

> 'Any artificial or partly artificial building, structure or erection *or group of such buildings, structures or erections'*.

Furthermore, the 1987 Act introduced the term 'historic monument', which in Section 1 (1) is defined as:

> 'A prehistoric monument and any monument associated with the commercial, cultural, economic, industrial, military, religious or social history of the place where it is situated or of the country and also includes all monuments in existence before 1700 A.D. or such later date as the Minister may appoint by regulations'.

The intention of this new category was to provide a general concept by which monuments could be described. However, in order for a 'historic monument' to become a 'national monument' it had to be regarded as a matter of national importance as specified above. Thus, a 'historic monument' did not automatically become a 'national monument'. A new feature of the 1987 Act was that all pre-1700 buildings and sites were automatically considered worthy of protection and granted historic monument status (MacRory, 1994).

*The Register of Historic Monuments*

While all pre-1700 monuments were afforded automatic protection under the 1987 Act, these still needed to be so registered. Consequently, a Register of Historic Monuments was established in which the state could enter historic monuments (Section 5, 1987 Act). This required an owner of a historic monument, entered in the Register, to give the Minister two months notice prior to any work to such a monument. The act also stipulated that the demolition or alteration of a registered historic monument, except if according to the notification procedure, is an offence. In addition, in case of a refusal of planning permission for a registered historic monument compensation was not payable

(DACG, 1996). It should be noted that while all pre-1700 monuments were automatically regarded as historic monuments, monuments dating from after 1700 could also be so registered (Kirwan, 1998).

The current number of registered monuments in Dublin County is 75[2]. The profile of the Register, which is maintained by Dúchas (the Heritage Service), mainly reflects monuments from the medieval or pre-medieval period, *e.g.* ring-forts, castles and ecclesiastical structures. However, in 1992, an eighteenth century house in Dublin City was for the first time entered into the Register, mainly as a result of individual lobbying. Table 4.1 lists the limited number of houses entered into the Register in an urban or post-1700 context in Dublin City.

| Building Type | Location | Date of Entry |
|---|---|---|
| 18th C house | 95 Capel Street | 25/09/92 |
| 17th C house | 21 Aungier Street | 24/11/92 |
| 17th C house | 20, 20A & 20 B Aungier Street | 09/03/94 |
| 19th C house with 17th C Timber frame house | 4 Castle Street | 16/03/95 |
| 18th C house | 3-4 Harcourt Street | 20/10/95 |
| 17th C house | 9/9A, | 03/08/96 |
| 17th C house | 10/10A Aungier Street | 03/08/96 |
| ? | 11/12 Exchange Street Lr. | 28/02/97 |
| 17th C house | 6 Upr. Ormond Quay | 13/05/97 |

**Table 4.1:** Houses that are registered monuments in Dublin City (Source: Register of Historic Monuments, Dúchas, 1998).

*National Monuments in Dublin*

National monuments are those that are taken into state care either through ownership or guardianship and those covered by preservation orders. In Dublin, there are to date 30 monuments in ownership or guardianship (*app.* 7). Of these, few are located in the inner city, *e.g.* the Medieval Church of St. Audoen's and St. Mary's Abbey. Two of the monuments date from the post-1700 period, *e.g.* the Kilmainham Gaol, a prison dating from 1798 in Kilmainham, and the Casino at Marino, a set-piece Georgian building from c 1759 (Fig. 4.1). The Casino at Marino was for long the only post-1700 national monument in Dublin. It was taken into guardianship in 1932 and into ownership in 1986. In addition, sixteen structures have been served with preservation orders in Dublin (*app.* 8).

[2] Monuments entered in the Register are referred to as registered monuments. The Information was retrieved from Dúchas in 2002.

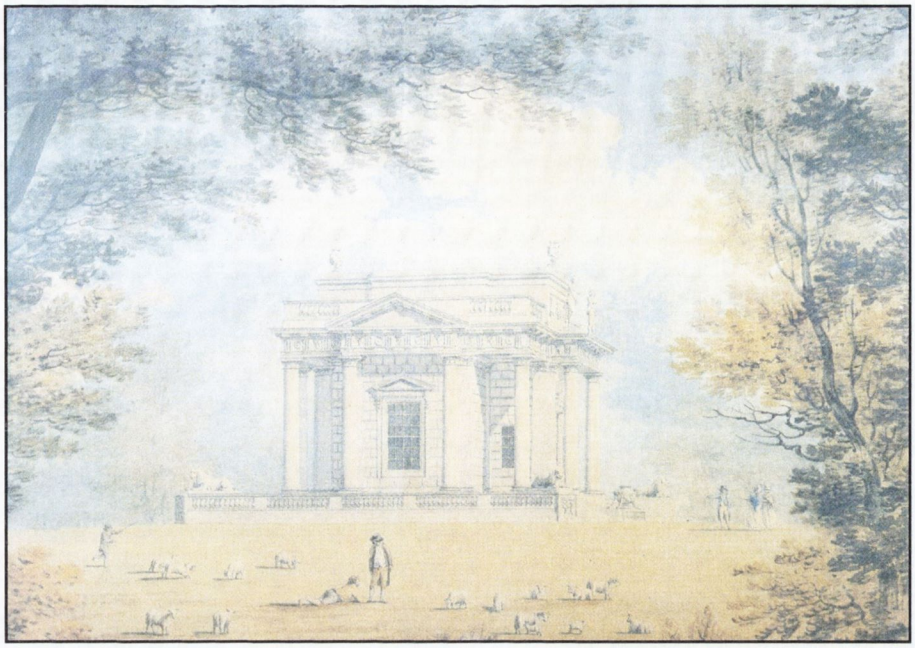


**Figure 4.1:** The Casino at Marino, depicted by James Malton in 1795 (National Gallery of Ireland).

*The Register of Monuments and Places*

Under the National Monuments (Amendment) Act 1994, a Record of Monuments and Places, mainly of archaeological relevance, was established in order for the state to maintain a record of monuments and places, where monuments are believed to exist. The protection status of such recorded monuments is similar to that of registered historic monuments. However, the individual notifications procedure is not required which has led to a speedier registration process (Kirwan, 1998).

*The Limited Application of the National Monuments Acts*

A number of factors conspired to the limited effectiveness of the National Monuments acts. For example, while the definitions of 'monuments' and 'historic monuments' are broad and although the acts do not contain any date restrictions, their application has traditionally been biased towards medieval or earlier built structures, or certain buildings from a later period not in use (DACG, 1996). Furthermore, Coleman (1988) identifies four features that made them inappropriate for the protection of buildings in an urban context. First, the acts excluded all churches in use. Secondly, the fact that the acts afforded automatic protection of all pre-1700 built structures resulted in an enormous registration task for the Office of Public Works. In order to achieve this protection task, post-1700 buildings were left out of account. This resulted in a bias against most of the historic buildings in towns around Ireland, which dated predominantly from the post-1700 period. Thirdly, since the acts included provisions on

archaeological sites, common features around Ireland, this further increased the burden on the Office of Public Works. Finally, the Commissioners have had little power under the acts to prevent owners of national monuments from letting them fall into decay. MacRory (1994, 118-9) explains that the reason why ecclesiastical buildings in use for worship were excluded from the provisions was because:

> 'Any state involvement in the care or maintenance of the building was sill considered an infringement on the freedom of worship; this protection of each denomination's right to own and administer its own property was legally enshrined in the Constitution... The result is that there is no state provision for the care or any control over historic buildings of national importance which are in regular use for worship'.

However, legislative provisions for protection of buildings used for public worship have since been introduced (Section 4.3.1). In addition, MacRory argues that 'the lack of 18th and 19th century buildings in state care is not so much a question of what period of monuments are considered of national importance but a legacy of the organisational structures under which monuments are cared for, combined with the restrictions within the National Monuments Acts'. Furthermore, 'also working against the vesting of later buildings as national monuments are the legislative provisions which exclude buildings occupied as dwelling houses or in regular use for ecclesiastical purposes. As many prominent 18th and 19th century buildings, other than public or institutional buildings, fall into these categories, they are automatically excluded' (*Ibid.*, 129).

*Proposals for Further Amendments to the National Monuments Acts*

The government has recently undertaken review of the National Monuments Acts and has proposed the drafting of a more uniform legislation in order to tackle their fragmented character. Significant changes have been proposed with regard to the architectural heritage. For example, that:

- the automatic exclusion of buildings used for religious purposes should be ceased;
- a new Register of National Monuments should be created, with two levels of protection, in order to include all monuments which are currently protected by being listed in the Register of Historic Monuments or the Record of Monuments and Places, or by being subject to a preservation order, or by being in the care of the state or a local authority as a national monument; and,
- monuments will only be subject to protection if entered into the proposed Register of National Monuments (DAHGI, 2002).

However, during the drafting process of new architectural conservation legislation within the planning code during the 1990s, it was decided that the National Monuments Acts would not be developed as the main instrument for protecting the post-medieval built heritage (DACG, 1996, 100):

> 'While the National Monuments Acts can successfully be applied to buildings of any period, not in state care, it is not envisaged that they be employed as the principal legislation for the preservation of post-medieval architectural heritage... Given the types of buildings at which a national system of listing will principally be aimed, i.e. post-medieval buildings not in state ownership and in use, the working group recommends that new legislative amendments form part of the planning code. As at present the National Monuments Acts will continue to offer protection for buildings of any period and should continue to be used in cases where the Minister for Arts, Culture and the Gaeltacht considers it appropriate.'

*Evaluation*

As demonstrated above, the application of the National Monuments Acts has been limited with regard to protection of the urban built heritage. Nevertheless, the interviewees were asked whether they considered the acts to have been effective in protecting the built heritage in Dublin from the 1950s and onwards, and if not, to elaborate on the reasons for this. The respondents agreed unanimously that the acts had been ineffective as instruments for protecting the urban built heritage. One informant explained the following:

> 'It is a simple answer. Because, first of all the major monuments covered by the national monuments legislation were monastic buildings, castles and fortifications and prehistoric monuments. The majority of those would be outside an urban context... The problem with the national monuments legislation was that the Office of Public Works who administered it normally regarded the end date as 1700. So that normally speaking, eighteenth and nineteenth century buildings did not come under its scope. In practice, there were some exceptions, for example, the Casino at Marino, but the end date tended to be 1700. That tends to give it a more rural rather than urban face' (Conservationist 4, 2000).

This was reinforced by another informant who suggested that in the past the National Monuments Acts had rarely been used in a post-1700 or an urban context:

> 'The National Monuments Acts, as far as I know, were not used regarding the Georgian or the Victorian heritage at all. So regarding Dublin City they made no impact. Although they may have had some impact on archaeological structures in the suburbs... Nationally, they have been used for a number of buildings that were pre-1700... I don't believe that the National Monuments Acts had any direct impact on the urban built heritage in Dublin and the reason for why not was because they were oriented to pre-1700 buildings, to archaeology and to medieval sites, not Georgian or Victorian buildings' (Conservationist 1, 2000).

During the 1950s, and well into the 1960s, before the introduction of the Local Government (Planning and Development) Act, 1963, the National Monuments Acts were the only legal instruments that could be used to protect the built heritage. Nevertheless, as demonstrated above the acts were not extensively used in urban contexts and thus of little importance to Dublin City. As suggested by one informant:

> 'I would say not a huge amount. Given the nature of the legislation up to the 1950s which was the 1930 Act... Its concentration on individual sites and the nature in which it was used... In general it did not have a huge impact. There may be individual cases in a Dublin context that I am not aware of and they may have had a certain controversy and discussion around them. But in general, as a thrust, I would say the legislation was not used in that way. It was not intended and the whole concept of urban archaeology was not really in the mainstream' (Policy Advisor 2, 2000).

Similarly, two other interviewees suggested that the National Monuments Acts were of little importance for the built heritage in Dublin City during this period: 'they were more to do with as they say national monuments... more a rural thing. It was the perception of archaeology at the time' (Planner 2, 2000). Furthermore,

> 'Its influence actually I would think was not great. Archaeology at that time was generally regarded as pre-history and it was concerned with field monuments, passage graves... that sort of thing. But not so much with the urban side of things, individual house plots, stone-age houses yes, but not urban in the sense of settlements as a whole... One of the reasons why it did not have a great impact is that we have very little of the medieval period because it was wiped out by the Georgian period... Relatively little obvious medieval remains. It is there but not as much as in other cities' (Planner 1, 2000).

Furthermore, it was suggested that the Office of Public Works, responsible for the designation of national monuments, had in the past been relatively unknown to the general public:

> 'The national monuments were administered by a body that nobody seemed to know very much about: the OPW. What they did was that they drew them and put signs up on them and repaired some of them. You were aware that they did actually look after medieval buildings that were in the countryside more so than having an impact on individual buildings in the city. That was a date which excluded a lot of buildings that should have been preserved. In other words, they were concerned with antique buildings. They were not concerned with say Art Noveaux buildings, 1930s architecture, or anything of that nature. There was sort of a split between the role of the local authority who were going to be interested in the later buildings and were relying on planning powers to deal with those' (Planner 1, 2000).

In addition, another informant stated that the national monuments legislation had been ineffective overall, with regard also to protecting the archaeological heritage:

> 'The National Monuments Act was deliberately kept away from standing buildings. It was only in the 1987 Amendment Act that all pre-1700 structures were included. So the

> National Monuments Act has been largely irrelevant and it has been largely unsuccessful in preventing destruction of our rural archaeological heritage, in ring-forts which have been bulldozed wholesale by farmers all around the country without any regret. It has never been a relevant factor in the urban situation. It only comes to play in archaeological sites' (Conservationist 2, 2000).

However, it was explained that the national monuments legislation was never intended for application to protection of the urban built heritage:

> 'It was not drafted and it was not intended as a piece of urban conservation legislation and the concept of urban archaeology was much less developed and the legislation tended to be used for individual sites which were often not in an urban context' (Policy Advisor 2, 2000).

Another informant stated that not until the mid-1990s, was evidence of pre-1700 buildings in Dublin City discovered, with the exception of a limited number of medieval buildings:

> 'The National Monuments Acts did not really have any impact on the built heritage because it was not believed that there was any pre-1700 built heritage in Dublin and the National Monuments Acts were not used to protect post-1700 heritage... The National Monuments Acts have always been used to protect pre-1700 structures. That carries on and always has done. There are very few pre-1700 upstanding structures in Dublin. Before Ian Lumley discovered that house in Aungier Street in the early 1990s there were no known pre-1700 buildings in Dublin... Literature will tell you that there were no structures in Dublin surviving from earlier than the eighteenth century, apart from obvious national monuments like Mary's Abbey and the Royal Hospital, which was 1680s, and the two cathedrals... That was it. Prior to the mid-1990s there was a belief that there were no pre-1700 houses in Dublin at all' (National Body Representative 2, 2001).

With regard to the 1987 Act it was explained that this was significant in that it established a new category of monuments to be afforded protection and which could more easily be applied to protect post-1700 buildings:

> 'It created a new category of historic monuments. That monuments were defined as commercial, historical, (*etc.*)... What that allowed to do was that it created a notification of the feature, whereby owners of such monuments would be notified and the monument would be entered in the Register and the owner would be notified that the monument was a historic monument. Then they would have to notify the Minister of their intention to carry out works to that monument. It meant that a much wider range of monuments could be covered in terms of protection and that the Minister would actually be notified of an owner's intention to do works... So it created a much wider cover and that was what its intention was to do' (Policy Advisor 2, 2000).

As demonstrated above a limited number of post-1700 buildings in Dublin City were registered as historic monuments during the 1990s. According to one informant this was the result of lobbying by voluntary groups in cases where 'the local authority was reluctant to do the right thing in terms of the listing legislation' (Conservationist 1, 2000). In the case of 95 Capel Street, a temporary preservation order was served after a

dangerous buildings notice had been issued. However, it was suggested that 'when the reconstruction came to take place there was no proper supervision and what was built there is hideous. The building might as well have been demolished in the end' (Conservationist 2, 2000). Figure 4.2 depicts 21 Aungier Street, one of the few registered historic monuments in Dublin City.



**Figure 4.2:** Number 21 Aungier Street (Negussie, 2002).

As described above, the 1987 Act broadened the definition of monument to include protection of groups of buildings and structures. However, this was never applied to Dublin. As explained by one informant:

> 'In 1987, they allowed groups of monuments to be protected. That was used in Galway in an urban situation. You could effectively make Merrion Square itself a monument when the legislation was drafted but it was never used in that way. So it did not have a huge effect on Dublin' (Policy Advisor 2, 2000).

Another informant further elaborated on the potential powers established under the 1987 Act and explained that these were never exercised:

> 'It was a very significant amendment. The Minister of State had a lot of conflict at the time and recognised that things were very slow on the Planning Act... in getting a descent amendment. She broadened the scope of the National Monuments Act to automatically include all pre-1700 buildings. I remember her speak at the time, she said it could include all buildings or groups of buildings. It gave very sweeping powers had that direction been followed. The National Monuments Act could have been expanded to produce our listed

> building legislation, which is a development plan objective. (There was) the potential for the OPW National Monuments Service to start getting involved in scheduling under the National Monuments legislation, say Merrion Square and churches and houses that came under threat. But they did not go down that route' (Conservationist 2, 2000).

The same interviewee suggested that the reason why the potential powers of the 1987 Act were not used was:

> 'First of all, because they were a junior government department. The OPW cannot cross the path of the Department of Environment.[3] You don't go behind the Minister's back with legislation that affects his territory. It was never used. The potential powers of the 1987 Act will now never be used, and to be fair, the structure was never provided to go with the new provisions. It was just a vague aspiration that the act, apart from protecting archaeological monuments, could be used to cover buildings or groups of buildings. It was very vague as to how that could be achieved and guidance would have been needed to go with it. But that was never done. So it was really Aberdoil acting with good intention' (Conservationist 2, 2000).

Furthermore, it was explained that there has always been a difference between what the National Monuments Acts legally could be used to do and the perception of what was in the powers of the acts:

> 'It has never really been used that way even though it can protect the built heritage of any period. It has been used primarily on pre-eighteenth century architecture and archaeology, even though there is no date instruction in relation to the application of the Monuments Act. There has been a perception of it primarily as archaeological. Even though they were opened up widely in the 1930s to include the Casino in Marino. There was also a perception that they were not really meant to be for buildings that were occupied, in an urban context in that way. So there was always a difference between what you could legally interpret and make them do. That is what I mean by unofficial policy, that there was not a written policy about how the National Monuments Act should be applied, but there was an accepted practice in terms of how they were applied. That was policy in effect, even though you could not look up pages 24-25 and say this is how we operate the National Monuments Act. So they were never used widely in the architectural heritage, even though they had the potential to do so' (Policy Advisor 2, 2000).

### 4.1.2. Local Government (Planning and Development) Act, 1963, (with Amendments)

*Background*

The first comprehensive planning legislation in modern Ireland was the Town and Regional Planning Act, 1934. It established local and regional planning authorities as statutory planning authorities and empowered them to prepare and implement planning schemes and to enforce development control. It has been suggested that the 1934 Planning Act was a failure due to lack of political will to promote planning and to

---

[3] The Department of Environment and Local Government is responsible for legislation within the planning code.

release the resources required (Bannon, 1984?). However, Mawhinney (1989, 92) argues that although the 1934 Planning Act had little impact in practical terms, 'it gave legal expression to certain values which society had in relation to the environment' and expressed a holistic view to conservation. For example, it included provisions for the preservation of views and prospects, the amenities of places and features of natural beauty or interest, structures and objects of artistic, architectural, archaeological or historical interest. Some of these expressions were later incorporated with the Local Government (Planning and Development) Act, 1963, on which the contemporary planning system in Ireland is based (*Ibid.*).

*Development Plans*

The Local Government (Planning and Development) Act, 1963, made it compulsory for all local authorities[4] in Ireland to prepare and implement a development plan in which they were to deal with issues such as land-use zoning, traffic, renewal of obsolete areas and preservation and improvement of amenities.

The development plan was to be revised every five years, although in reality, this has usually taken longer, *e.g.* every 10 years for Dublin City. Before a development plan is adopted it must be displayed to the public and certain prescribed bodies need to be consulted, *e.g.* An Taisce. While planners are responsible for preparing the development plan, the power of adopting the plan lies with the elected members of the local authority (Bannon, 1984?; MacLaran, 1993).

*Scope of Protection*

The Third Schedule of the 1963 Act outlines various objectives, which may be indicated in the development plan at the discretion of local authorities. The amenities part of the schedule listed thirteen categories of conservation objectives which could be included in the development plan. The most important conservation provision in relation to the built heritage was the recommendation that local authorities include in their development plans objectives for 'the preservation of buildings of artistic, architectural or historical interest'[5]. Planning permission was required for major alteration or demolition of buildings covered by this objective.

---

[4] There are 88 local authorities in Ireland (County, Borough and City Councils).
[5] Part IV (5) of the Third Schedule of the 1963 Act.

Furthermore, under Section 14 (2) of the 1963 Act, local authorities were empowered to assist any person or body concerned with the preservation of amenities, including the preservation of buildings of artistic, architectural and historical interest (Scannell, 1995).

An amendment to the act in 1976 introduced provisions for the protection of interiors of buildings. Local authorities were empowered to make objectives for 'the preservation of plasterwork, staircases, woodwork or other fixtures or features of artistic, historic, or architectural interest and forming part of the interior of structures'[6] in their development plans (Nowlan, 1988, 128).

In addition, local authorities were provided with special conservation powers in order for them to undertake amenity planning. These included conservation orders, tree preservation orders and special amenity area orders. However, these related mainly to the natural heritage. Mawhinney (1989) states that, except for tree conservation orders, the special conservation powers under the 1963 Act have been practically unused.

The 1963 Act made it mandatory for local authorities to include zoning objectives into the development plan for residential, commercial, industrial and agricultural uses. However, local authorities were also free to include other zoning objectives at their discretion. In Dublin, the concept of 'residential conservation zone' was introduced as a zoning objective in the 1991 Dublin City Development Plan (See Chapter Five). However, the concept of 'conservation area' was introduced as a policy objective under the 1980 Dublin City Development Plan, although the 1963 Act did not indicate any reference to such areas. Scannell (1995, 263) states that 'these areas have no formal legal status but, in practice, it is more difficult for developers to get permissions to carry out developments which the Corporation considers inconsistent with the character of the area in them. Indeed, the absence of clear guidelines for conservation, and of design criteria for development in some of these areas has sometimes been frustrating and expensive – even for well intentioned developers'.

---

[6] Section 43 (1) (c), 1976 Act.

*Development Control*

The 1963 Act provided a certain control over buildings not covered by preservation objectives in the development plan through development control. Under the 1963 Act, planning permission was required for development of any land with certain exceptions. Section 4 of the 1963 Act listed developments that were exempt from planning permission. Development included two broad categories: the carrying out of 'works', including construction, excavation, demolition, extension, alteration, repair and renewal; and a material change of use (Scannell, 1995; Grist, 1999).

*Exempted Developments*

Under the 1963 Act, a number of developments were exempt from planning permission. This impinged negatively on conservation since buildings could be altered or demolished without planning permission. For example, developments undertaken by state and local authorities were exempted developments. This was based on the presumption that development by these would be undertaken in the interest of the common good (Grist, 1999).

In addition, developments relating to the carrying out of works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render such appearance inconsistent with the character of the structure or of neighbouring structures were exempted from the requirement of planning permission[7] (Nowlan, 1988). This has facilitated alteration of the external appearance of a building so long as it is not regarded as a material change and inconsistent with the character of adjoining structures. Consequently, the replacement of traditional timber windows with window frames and glazing bars made from uPVC, has been a widespread problem in Ireland.

The 1976 Act took on board restrictions on the exempted developments as listed under the 1963 Act. Development would not be exempted if it (Nowlan, 1988, 248):

> '...consists of the alteration or demolition of a building or other structure other than an alteration consisting of the painting of any previously painted part of such building or structure, where such building or structure is specified in a development plan... as a building or other structure, or one of a group of buildings, of artistic, architectural or

[7] Section 4 (1) (g), 1963 Act.

> historic interest, the preservation of which it is an objective of the planning authority to secure[8]'.

This implied that listed buildings or structures were excluded from the exemption as described above, with the exception of 'painting of any previously painted part of a building or structure'. In a High Court case from 1993, it was held that the replacement of Georgian sliding sash windows with aluminium, 'swing opening' windows of a different design was not exempted development. The case involved three houses in Belgrave Square and Rathmines, Dublin, where it was held that the new windows had materially affected the external appearance of the buildings in a way which was inconsistent with the character of the buildings. This was held even though it did not affect the character of the neighbouring buildings which also had windows which were out of character of the buildings and the area (Scannell, 1995).

The 1994 Planning Regulations introduced further restrictions on the exemption for demolition of buildings not listed. The First Part of the Second Schedule stipulates that demolition of a building or a structure would not be exempt if it was a habitable house, formed part of a terrace of buildings, or if it abuts on another building in separate ownership (O'Sullivan, 1994). However, the restriction regarding habitable houses existed beforehand and was introduced under the 1969 Housing Act (see below).

*Enforcement*

Under Section 24 of the 1963 Act, demolition or alteration of a building in breach of planning control was a criminal offence and prosecution could be taken against any person carrying out such offence. The 1963 Act empowered local authorities to serve notices requiring developers to conform to the planning code (Scannell, 1995; Grist, 1999).

In addition, Section 27 of the 1976 Act introduced more effective enforcement power to planning authorities as well as any member of the public, who could make applications to the High Court for breaches of planning control. Furthermore, under Section 26, planning authorities were enabled to take enforcement action at an early stage by serving warning notices to prevent or stop unauthorised development (*Ibid.*).

---

[8] Section 11 (1) S.I. No. 65 of 1977.

The 1992 Act increased the penalties for unauthorised development to a maximum of £1 million and/or two years imprisonment and £10,000 and/or two years imprisonment for repeating an offence after conviction for unauthorised development, including illegal damage to listed buildings (Scannell, 1995). However, such penalties already existed under the previous Planning Acts although they were lower.

*Compensation*

Part VI of the 1963 Act provided generous provisions for compensation, both in terms of eligibility and amounts. Planning compensation is based on the principle that 'if the value of an interest in land is reduced as a result of a planning decision, the person having such an interest is entitled to be paid, by way of compensation, an amount representing this reduction in value' (Grist, 1999, 37). The provisions under the 1963 Act were drafted in order to match the requirements under Article 43 of the Constitution which guarantees rights of private property (see Section 3.2.3.). Grist (1999) argues that there is a compensation culture in Ireland, that the operation of the planning system under the 1963 Act became characterised by a constant awareness amongst planners that every refusal of planning permission could result in a compensation claim and this could only be avoided by the inclusion of non-compensatable reasons. Consequently, 'this set a very low value indeed on the provisions of democratically adopted development plans' (*Ibid.*, 38). The 1963 Act excluded compensation in respect of the refusal of permission for development in an area covered by a Special Amenity Area Order[9]. However, until recently, the law permitted property owners to demand compensation if they were refused planning permission to develop amenity areas or listed buildings, even when they contravened the zoning objectives of the development plan (McDonald, 1981). Drudy (1989) explains that 'in the past, very few local authorities have paid any compensation. Instead, they invariably gave undertakings often in breach of the development plan to grant development when claims for compensation were received'.

In the mid-1980s, there was something of a shift in attitudes towards compensation, enhanced by increased environmental awareness amongst the public, which became aware of the problem of compensation claims. Arguments were made that compensation should not be payable for developments contravening zoning provisions, based on the

[9] As mentioned above, few SAAOs have been designated in Ireland and do not apply to urban settings. The limited examples of SAAOs are rather suburban in character.

constitutional principle of 'common good'. By 1986, the Supreme Court indicated that reconsideration of the constitutional constraints on the planning system was possible (Grist, 1999).

The Local Government (Planning and Development) Act, 1990, changed the legal basis for compensation. With regard to conservation, it stipulated that compensation would not be payable if a planning permission was refused on the basis of the demolition of a habitable house or a building of artistic, architectural or historical interest listed for preservation[10]. Furthermore, compensation would not be payable where a condition is attached to any planning permission granted in respect to the preservation of buildings of artistic, architectural, or historical interest or to the preservation of plasterwork, staircases, woodwork or other features of such buildings.

*Public Participation*

An important aspect of the 1963 Act in relation to conservation was the opportunity for direct public participation in the planning process. Public participation was facilitated in three ways (Mawhinney, 1989):

- through the right of an individual to object to a planning application and to appeal a planning decision;
- through representation by an individual during public display of draft development plans; and
- through the designation of prescribed bodies.

*Prescribed Bodies*

Under the 1963 Act, the Arts Council, Bord Fáilte, An Taisce and the National Monuments Advisory Committee were designated as prescribed bodies, which implied that they were to be sent copies of all draft development plans[11]. These four bodies were also given the special right to be consulted in cases where amenity is concerned under the 1977 Planning Regulations[12]. This meant that planning authorities were obliged to send copies of planning applications for certain types of developments to these bodies (Table 4.2). However, although the designation of prescribed bodies under the planning

[10] Section 12, Second Schedule, class 3, 1990 Act.
[11] Section 21, 1963 Act.
[12] Section 25, S.I. No. 65 of 1977. These provisions have since been consolidated under the 1994 Planning Regulations.

legislation created opportunities for such bodies to exercise influence in the planning process, planners have not been obliged to take their views into account.

| Nature of development | Body to be notified |
|---|---|
| Development in area of special amenity or would obstruct a view or prospect of special amenity value of interest | - Arts Council<br>- Bord Fáilte<br>- An Taisce |
| Obstruction or detraction from tourist amenity or tourist amenity works | - Bord Fáilte |
| Near to any cave, site, feature or object of archaeological, geological, scientific or historical interest or detract from appearance of buildings of artistic, architectural, or historical interest, or obstruct any scheme for improvement of surroundings or means of access above | - Arts Council<br>- Bord Fáilte<br>- An Taisce<br>- Commissioners of Public Works[13]<br>- National Monuments Advisory Council[14] |

**Table 4.2:** Nature of development and prescribed bodies to be notified in the Irish planning process (based on figure in Scannell, 1994).

Under the 1999 Planning Regulations, the Heritage Council, An Taisce and the Arts Council are prescribed bodies in relation to the new conservation provisions under the 2000 Planning Act (see below). Planning authorities are obliged to notify these bodies in relation to additions and deletions made to their Records of Protected Structures, if made at some other time than during a review of the development plan[15].

*Evaluation*

A number of issues were highlighted by the interviewees with regard to the provisions for conservation under the 1963 Planning Act. To begin with, the 1963 Act was rather vague in that it did not indicate any specific criteria for how conservation should be approached. As stated by one informant:

> 'It was a strange piece of legislation in relation to conservation in the sense that it did not give any guidance whatsoever. It just sort of referred to some of these issues. It more or less implied that you could include in a development plan, for the preservation of these buildings. It did not say anything about how you would preserve them, or anything of that nature. The closest it got to it was that you had to deal with obsolescence. Obsolescence meant renewal which in the 1960s meant comprehensive renewal. Wipe it out, start from scratch. Make it new as if this was to cater for the 1960s onwards. That meant that you wiped out everything that was old unless it was so obviously important that you kept it. There was nothing in the Act that defined what you meant by preservation. It certainly

[13] The Commissioners of Public Works acquired Prescribed Body status under the 1994 Planning Regulations.

[14] The powers of the NMAC as a prescribed body were assumed to the Heritage Council under the Heritage Act, 1995. This role was more clearly formulated under the 1997 Planning Regulations.

[15] Section 5, S.I. No. 431 of 1999 (see below).

gave no encouragement about the interiors. It was open and did not mention how you went about it' (Planner 1, 2000).

However, the manner in which local authorities chose to express their conservation objectives was through the listing system, although objectives could have been expressed in several different ways:

'It was primarily based on the UK system because people were familiar with it in a vague kind of way but nobody said it had to be lists. The development plan could include objectives for protecting all pre-1900 brick buildings. It did not have to be a listed building but obviously the easiest way to actually interpret it was through a list. Local authorities had different forms of lists and various means of interpreting the act. This led to a total inconsistency to the nature and extent of the way the system has been used' (Policy Advisor 2, 2000).

While the act provided for the possibility of preserving buildings of artistic, historical or architectural interest, local authorities were not obliged to list buildings for protection. For example, as explained by one interviewee:

'It did not require anybody to further those goals. Local authorities had a complete discretion whether they pursued that or not. They were entitled or allowed to pursue those goals but they did not have to and most of them did not' (Conservationist 1, 2000).

This was reinforced by another informant who also explained that the weak position of conservation under the 1963 Act was related to a general comprehension, at the time of its introduction, of the urban built heritage in Ireland as representing foreign oppression:

'There were huge loopholes in the 1963 Act. Conservation was still almost a non-issue. Successive governments in those days would have been of the opinion that the main houses were relics of a foreign power. Whereas everybody from the conservation point of view would say and continue to say that okay they were built by Lord this and Lord that but they were actually built by Irish craftsmen. However, now in recent times, successive governments have said that yes they are obviously part of our national heritage and should be preserved' (Conservationist 3, 2000).

Furthermore, according to one informant, conservation provisions under the 1963 Act were largely the results of voluntary lobbying:

'The voluntary sector campaigned for the inclusion of conservation in the planning legislation. People like Kevin Nowlan would have been involved in the voluntary sector at that time and campaigned for inclusion of that list of buildings in the 1963 Act. An awful lot of bits that go into legislation are contributed by the voluntary sector historically. The voluntary sector is not always clear cut. In the past, there was not a mainstream heritage function in the same way that you would perceive it as the case now. That would have been the context which in people were operating. The voluntary sector did campaign in relation to planning the same way there was a lot of campaigning in relation to the 1954 National Monuments Act' (Policy Advisor 2, 2000).

Since demolition of buildings not listed was often exempt from planning permission, and since it was only gradually that listings were included in the development plan, for a long time only a small proportion of buildings were protected. In theory, a significant proportion of the built heritage could be demolished without planning permission. As explained by one interviewee:

> 'That of course, from a conservation point of view, is very dangerous. It was not until the first development plan in draft form that the situation improved in this respect. Demolition was an exempted development, so important buildings were pulled down overnight, for example on Stephen's Green' (Conservationist 4, 2000).

In Dublin it was only with the listing of buildings in the 1967 Draft Development Plan, although limited in scope, that the protection provisions under the act came into effect. Demolition of listed buildings required planning permission, which may be seen as 'the first tentative step in the direction of effective conservation' (Conservationist 4, 2000). Thus, based on amenity findings of a study by An Taisce, 'listed buildings were introduced as a concept' in the 1967 Draft Plan (Planner 2, 2000). By 1971, the first development plan had been adopted officially which strengthened the basis of the listings:

> 'Obviously having the list of historic buildings for the first development plan was a huge help because it gives you something to go on. If you want to prevent something happening you could say that it is listed for protection in the development plan. It was the first time conservation had any legal basis' (Conservationist 3, 2000).

Another informant stated that while the listings were limited in scope at least it prevented planning from being entirely geared towards development:

> 'I suppose it stopped development being entirely development led. It didn't list nearly enough buildings. It didn't list many buildings at all in the north-city and it listed no interiors. The agenda was still primarily development-led. The point is that very few people had any interest in Georgian buildings' (Conservationist 1, 2000).

Furthermore, it was suggested that by the 1970s, statutory protection of buildings was beginning to have a substantial effect:

> 'It was consolidating at this stage. It became an item in planning appeals to the Minister. I would say a lot of buildings were saved. Conservation was considered more seriously in the 1970s, compared to the previous decades. I suppose in the early 1970s, things had quietened down again after the 1960s, because we had a lot of slumps and mini-booms. It certainly by comparison with previous decades was beginning to have a serious effect in the 1970s' (Planner 2, 2000).

However, while listed buildings were at least guaranteed consideration for conservation, through the planning permission granting process, it was suggested that the fact that the Minister of Environment could intervene in planning matters had negative implications for conservation in the past:

> 'In the late 1960s, Dublin Corporation did start refusing some undesirable planning permissions. But in those days, a local authority decision could be overturned and appealed to the Minister. This was a constant problem since Ministers were very much in the pocket of the building industry. So the Corporation had a very difficult time in those days. Their decisions were constantly overturned by the Ministers. Not that I have any sympathy for the Corporation, they were demolishing much of the city in those days. It is only gradually, during the 1970s, that there was an attempt to stop this through the creation of An Bord Pleanála'[16] (Conservationist 2, 2000).

Another informant similarly explained that the planning system has been characterised by a constant pressure on planning authorities from Central Government and city management to grant permission for development:

> 'Too much of what planners were doing in local authorities was what was described as development control, being dictated by the Minister saying there are too many refusals coming out. You have got to cut the rate of refusals. If things were bad they should be turned down but they were saying that we were applying too stringent standards, or that we did not understand what was going on... With regard to some of the ZOE developments on the quays the planners were saying hang on, these are creating slums in the future. And the other side was saying you've got to grant permission because we want to see that area redeveloped' (Planner 1, 2000).

Although a listing system was introduced, the lists were often inadequate. As suggested by one informant:

> 'The first lists prepared by Dublin Corporation were not good. They were very much done by somebody going around looking at buildings. I remember in South Frederick Street there were buildings that were very good down towards the corner and had very good interiors but did not look much from the outside. They were not listed and could therefore be demolished under the legislation. So you had a very unhappy period in the 1960s and 1970s. It was a cat and mouse situation in terms of what developers were doing' (Conservationist 4, 2000).

Furthermore, the provisions under the 1963 Act were interpreted in a way so that they did not include protection of the interiors of listed buildings:

> 'There was a lack of a proper provision for listing and for protecting building interiors. You would list a building but you only listed the outside until very recently. So you could rip out the interiors and, in Dublin, the interiors were more interesting than the outside. So that was a continuing problem' (Conservationist 4, 2000).

---

[16] See Chapter Five.

The 1963 Act lacked provisions for local authorities to enforce building maintenance. As discussed above, the lack of such enforcement often had dire consequences for old buildings which became derelict and eventually also dangerous:

> 'The owner of a listed building was under no legal obligation to keep it in good condition. This led to an absurd situation in that the Corporation could intervene and pull down a building, or partially demolish a building under the dangerous buildings provisions. So you had two pieces of legislation working against one another: the Sanitary Services Act and the Planning Act' (Conservationist 4, 2000).

Another weakness of the 1963 Act was the fact that it did not provide a statutory basis for conservation areas. For example, it was explained that 'conservation areas did not have any significance legally so it was really just listed buildings' (Planner 2, 2000) and 'although conservation areas had been introduced in the UK in the late 1960s it did not spread across to Ireland' (Policy Advisor 1, 2000).

Despite these deficiencies one informant suggested that the most positive aspect of the 1963 Act was the procedure of third party appeal, since it created an opportunity for third party interests to object to planning matters:

> 'The one important aspect from a conservation point of view was the fact that third parties could make objections. The first party would be between the Corporation and the developer and then other people were third parties. You did not need to have any property interest. You could be a member of the Georgian Society, Dublin Civic Group or An Taisce. We could make objections, or observations to give the legal term, and submit them to the Corporation. It was free of charge and that is an important point because they want to do away with that now. This gave a tremendous opening to An Taisce, the Georgian Society and the Dublin Civic Group to protect the environment. That was the good side of the act' (Conservationist 4, 2000).

*Public Participation:*

The interviewees were asked to express their opinions on the degree to which the public has been able to participate and exercise influence over conservation issues in the planning process. According to one informant the provision for public participation 'was a huge step forward' in that 'there was a process to which the public and conservationists could take part' (Conservationist 3, 2000). Another informant suggested that while the provision had been a major importance for conservation lobbying, it had mainly been utilised by special interest groups driven by limited agendas and NIMBY-ism:

> 'The public participation objectives are very noble and very impressive in the act but in practice you would have to be quite cynical and say does the public in Ireland really want

to participate? I looked at the submissions going into the last development plan, and you can call An Taisce special in this group in that it has a particular environmental agenda, but it was all just the interest groups, the Chamber of Commerce, the Automobile Association and business people. Everybody was just plugging their own lobbying. Apart from those the only other submissions were the NIMBY ones, the people commenting on things that were not even relevant, for example, higher walls, better streetlight or something. There have been great moments of public participation such as the Wood Quay protest but, in general, perhaps you could say there is not a great tradition of public participation in Ireland. People only react when something affects their own backyard and when the threat to their backyard is removed they go back again and don't care if somebody else is affected as badly as they were' (Conservationist 2, 2000).

This view was put forward by another interviewee who noted a striking shift in public participation in planning issues towards the end of the 1990s:

'The public has been very well able to participate in the planning process, but for the most part the public did not, because there was not very much education. People were too preoccupied minding their own economic houses to care about fancy matters like conservation. In 1991, there was an application for six towers on George's Quay and nobody objected to it except for An Taisce. All through the 1980s there were applications coming in for horrible office blocks and demolition down the quays and nobody objected except for An Taisce and occasionally the Irish Georgian Society and the Dublin Civic Group or other conservation groups. In 1999, there was a development proposal for George's Quay and you had dozens of groups opposing. The people in those groups would have been as much affected in 1991 as they were in 1999 but they were not empowered enough. There would have been very high unemployment in the city centre. The background to this is that there were 260 000 people living in the city centre in 1930 and only 80 000 people in 1985. So the population in the inner city was very much an underprivileged population in 1985. Nobody lived in the city centre through choice. A lot of people had emigrated from the city centre and people of the outside areas didn't care about the city' (Conservationist 1, 2000).

Furthermore, it was stated that while the provisions for public participation have been important, the third-party appeal has come under pressure in recent times due to the attachment of fees to planning appeals:

'If you wanted to make a planning appeal, where there was no fee originally, they imposed a fee if you wished to bring a planning appeal and they kept on increasing that fee. Now it is quite high. Even if you wanted to support somebody else who was making a planning objection there is a fee. So by administrative routes they have tried to reduce the number of planning objections' (Conservationist 4, 2000).

One informant linked public participation with the organised voluntary sector since concerned individuals had mainly utilised the right of third party appeal, *etc.* through the vehicle of conservation bodies:

'It's been very important. We do have one of the most open planning systems. Although we have other problems like the planning offices opening 10 to 12 and 2 to 4, which means a bit of a practical problem for the public to look at planning files. That aside, I think a lot of people have been involved and there is no doubt that public participation probably for a very long period of time took place through the voluntary organisations. Individuals got involved through organisations, for example the Dublin Civic Group, which had a large

> impact in the 1960s and 1970s. I think individuals joined and the public participation probably took place more effectively through those vehicles. So the public participation and the voluntary sector is linked in that sense' (Policy Advisor 2, 2000).

Another interviewee suggested that since the 1970s, there has been an increasing interest in rights of property and amenities amongst the public, which has led to public participation by, for example, residents' associations in the planning process:

> 'The whole foundation of residents' associations is a phenomenon of the 1970s that grew. A lot of them kept the integrity of their areas although some perhaps too late. There were a few big houses that were lost in Ballsbridge because they did not have residents' groups. They certainly were starting to grow in Dartmouth Square and all these places and would be very significant blocks of interest throughout the 1970s. So the 1970s would have seen a lot of residents' groups and then those groups would have monitored planning applications. It wouldn't and probably still is not a phenomenon that is predominantly related to individuals taking an interest in conservation. It is still a group thing whether it is residents' groups, a group of interested people, or An Taisce. It is rare to get third-party letters specifically about a conservation issue that don't form part of a group. They don't act on an individual basis they tend to do it in group-response' (Planner 2, 2000).

The same informant suggested that the degree to which amenity groups has been influential through public participation in the planning process has changed with time. In Dublin, planners interact with voluntary organisations such as An Taisce, Dublin Civic Trust and residents' associations. Submissions such as lists of buildings proposed for protection in the development plan are often taken onboard: 'all of that came around in the 1970s and was very much helped by the 1963 Act' (Planner 2, 2000).

Another interviewee suggested that while public participation through third-party appeal was important for conservation in the 1970s, its effect in successfully preventing major planning schemes had been limited:

> 'Certainly the third party appeals would have been important. The opportunities were there. However, there was always the fact that things sort of just happened. Buildings disappeared or were let fall down. One of the biggest influences of the 1971 Development Plan was road improvements, which of course influenced conservation because a lot of the roads were going through areas which had important buildings' (Planner 1, 2000).

*Prescribed Bodies*

The prescribed bodies have exercised a varying degree of influence over conservation issues in Dublin over time. During the course of the interviews it was concluded that, with the exception of An Taisce (see Chapter Five), the other prescribed bodies have played a limited role in the planning process.

The National Monuments Advisory Council has mainly dealt with planning applications relating to monuments dating to the pre-1700 period, while the Heritage Council has focused on those aspects of its prescribed function, which involves monitoring of proposed development plans rather than systematic monitoring of individual planning applications (see Chapter Five).

Furthermore, the general perception amongst the interviewees was that the Arts Council and Bord Fáilte had not exercised their powers as prescribed bodies in relation to the built heritage to any wide extent. For example, with regard to the Arts Council, the following was stated:

> 'My impression was that the Arts Council has had very little involvement as a prescribed body with one notable exception which was the Pembroke Street controversy where the head of the Arts Council really stuck his neck out' (Conservationist 2, 2000).

> 'The Arts Council were very involved in the Fitzwilliam Street development but then there were periods when they were not involved in anything. It depends on the Council, it depends on the mood and it depends on who is on it. They have had periods of being actively involved' (Policy Advisor 2, 2000).

> 'The Arts Council not at all, because even to this day architecture is given two lines at the bottom of any plan. They don't actually seem to take architecture on board. I don't think they are saying forget about architecture, it is just the way it happened' (Conservationist 3, 2000).

> 'I don't think the Arts Council ever played a major role. At the moment they don't exercise their role properly although it has been re-scheduled in the new Planning Act as a prescribed body. They occasionally make comments but not enough. For example, they made a comment to the Corporation on Spencer's Dock but they didn't bother to pursue that to An Bord Pleanála. They are erratic' (Conservationist 1, 2000).

The general perception was that Bord Fáilte had exercised its prescribed body powers in relation to the built heritage at an early stage. However, it was suggested that its function as a prescribed body had diminished over the last two decades. For example:

> 'Bord Fáilte, to be fair to it, was quite good as a planning thing in the 1970s, simply because of the personnel they had there at the time. It even took planning appeals if it saw things that would damage fisheries or a landscape... And they got involved, moving into the 1980s now, with An Taisce. But this is certainly not the case any more' (Conservationist 2, 2000).

> 'Bord Fáilte used to be involved in planning and then it became so much work that people were not able to keep up in the same way. But there is no consistent answer to the role and influence they had' (Policy Advisor 2, 2000).

> 'Bord Fáilte was active at some stage but is no longer active. They stopped being active in the 1960s or 1970s. After that they were out to screw money for hotels and a lot of them owned hotels' (Conservationist 1, 2000).

> 'Bord Fáilte never did very much. They were always very minimal about things because they were sort of a semi-government body. They never wanted to get involved in any controversies' (Local Politician, 2001).

*The 1976 Act and Legislative Provisions for the Protection of Interiors*

The interviewees were asked to express their opinions on the effects of the provisions for protecting building interiors. They were also asked to elaborate on the reasons for the late entry of interior protection objectives in the development plan for Dublin City. The response to the legislative provisions for protection of interiors under the 1976 Act resulted in the drawing up of separate protection lists for interiors. Consequently, there was an assumption that interiors that were not listed were not protected. This was thought to have had a detrimental effect on interiors not listed:

> 'I think that was a disaster because it created second class citizens (interiors). What they should have said was that the interiors of all listed buildings were automatically protected. What they were saying was that you could separate some buildings by listing interiors. By doing that you imply the interiors of other buildings are not listed. Dublin Corporation did something very odd. They commissioned the Irish Architectural Archives to go through this very laborious thing photographing and picking what they thought were the best 100 buildings. In fact one person did it, William Garner. So you had one person, expressing his own personal taste which was for the early or mid-eighteenth century. It was very ill conceived and badly implemented. It is only now with the new legislation that interiors of all protected buildings are included... But we still have a long way to go. The only agency doing interior surveys is the Dublin Civic Trust. The National Inventory only covers exteriors, except for a few interiors when they get access' (Conservationist 2, 2000).

Similarly, another informant explained that the provision on interiors introduced under the 1976 Act was vague and too open to interpretation by individual local authorities in terms of what it implied:

> 'There is one view and perception that the introduction of the 1976 Amendment actually created a distinction whereby it was perceived that the previous lists were about exteriors. Nobody ever said that buildings of artistic, architectural or historical interest meant the exteriors of buildings. Implied in that could be that the whole building is protected. In the UK system, on which it was actually based the building includes without specifically stating it the entire structure. Some people perceive then that it was a weakness that people started to interpret it that way. By virtue of being able to list individual items, by default that meant the listing only meant the exterior of the façade' (Policy Advisor 2, 2000).

The same interviewee suggested that one of the reasons for the provisions having been interpreted this way was that it made it easier for local authorities to manage the protection of historic buildings, especially considering the notion of private property rights:

> 'People don't like their private property rights being impinged on and there was much less objection confined to protection of exteriors. They could have put in objectives for protecting buildings, certain types of windows and so on. They did not have to express it in terms of lists' (Policy Advisor 2, 2000).

However, in spite of this provision, a combination of factors rendered it difficult to achieve protection of interiors even if listed. First, there was the problem of access. As explained by one informant:

> 'While it is allowed to list interiors there is no access right. When a planning permission is applied for a building, by lodging a planning application you are obliged to give access to the local authority. Only when you are carrying out building works that come under the regulations for alterations or change of use do you have to allow a local authority inspector in' (Conservationist 2, 2000).

Another informant similarly proposed that the major obstacle was the question of access:

> 'If you are going to list an interior you have to get in and see what is inside. Under the Constitution you have the right of the individual. People were not really concerned in those days whether their interiors were listed or not. The whole thing was much looser' (Conservationist 3, 2000).

Secondly, it was due to a general lack of awareness. For example, it was suggested that 'people were not aware of the importance, there was ignorance of what was there' (Conservationist 3, 2000). Thirdly, scarce resources for conservation and the lack of proper inventories rendered it difficult to protect interiors:

> 'Local authorities never have the resources to do the proper surveys of their areas that they would need. The people working for An Foras Forbartha were driving around in cars in order to photograph buildings. I did the one for Waterford in 1979 when I was in school and the Dublin one was done through the Irish Architectural Archives' (Conservationist 2, 2000).

Although legal provision for protecting interiors was introduced with the 1976 Act, the first adopted development plan to include a list of protected interiors was the 1991 Dublin City Development Plan[17].

> 'The 1991 Plan somehow must have been the first real opportunity of including it. We had a plan in 1991 and one in 1980...then it was too late... I don't know when William Garner was doing his inventory, but it would have been I suspect after that. Then we had to wait until the following plan was made in 1991. It is as simple as that' (Planner 1, 2000).

---

[17] The same list formed part of the 1987 Draft Development Plan for Dublin.

Furthermore, as suggested by another planner:

> 'We did start getting ourselves organised when we were preparing the 1991 Plan from the mid-1980s onwards. I suppose it might just be a time lag in that it takes time to let things sink in. And it is optional. It probably was not perceived as a priority at the time. The consciousness of the wealth of the interiors that we have probably was not solved. It was not well known amongst the planning fraternity anyway. The pressure from the conservation groups was not probably as strong in rating our consciousness as it now is. It was totally different twenty-five years ago when that came out. The 1980 Plan would have been well advanced in terms of its drafting and there is a lot of preparation required for the listing of interiors. There was not a huge pressure for development at the time so conservation was not as urgent. These are all contributing excuses to why it was not done... In the mid-1980s, we were starting a new plan and expanding the whole conservation chapter. We then got the Irish Architectural Archive and sat down with them and got them to undertake a survey. We took a hundred interiors and a hundred is better than not having any. But we got two or three volumes of plans, detailed photographs and detailed descriptions. William Garner did a scoping survey of six hundred interiors for An Foras Forbartha, commissioned by us. Of those one hundred were selected and followed through in great detail' (Planner 2, 2000).

Nevertheless, considering the great wealth of decorative interiors in Dublin the number of listed interiors to be protected in 1991 was rather limited. As stated by the same informant, 'they just decided they would take a hundred of the best to see how it went'. Furthermore,

> 'It was the fact that this was a new departure. I suspect that the Corporation was the only Planning Authority that had interiors listed in the state. It was basically let's put in the best of them and see what happens... I think it was as simple as that. There were one or two interiors that were not in listed buildings funnily enough' (Planner 1, 2000).

Another interviewee stated that the low number of interiors listed for protection was due to economic priorities and the fact that it was a discretionary function:

> 'It was not a mandatory objective anymore than listing was a mandatory objective. It was not regarded as a priority for the local authority. The priority for the local authority was to push through with development. The development plan is only aspirational. You have policies that say we should increase economic wealth and then another one that says we should try to protect unlisted buildings and when the two came into collision, the Corporation would always interpret the economic one as being higher. The Corporation is macho and engineering driven' (Conservationist 1, 2000).

In addition, it was explained that as a result of the limited number of interiors listed for protection, the interiors of many important buildings listed for preservation in the development plan remained unprotected. For example:

> 'Every house in Merrion Square and in Fitzwilliam Square is on List One and only two interiors on Merrion Square are listed. There are none in Fitzwilliam Square. In all those houses the interiors are more or less intact and in some cases there is spectacular plasterwork. They are absolutely an integral part of the house and yet it meant that legally a developer could gut the inside. Unless there was a change of usage a developer did not

need planning permission. It did not happen but it could have. In fact, there are cases in Fitzwilliam Square, where the two top floors were completely gutted in the early 1990s and the developer did not even need planning permission. He was just changing the interior. The listing of interiors in 1991 was pathetic' (Conservationist 3, 2000).

However, the same informant noted that with the introduction of new conservation legislation through the 1999 Planning Act, an attempt has been made to balance individual property rights with the common good:

'With the new legislation, in Dublin anyway, the listing means that you cannot change the physical layout of the interior. In other words, you can't knock down walls and move things. But it is not tight enough for fixtures. There is a feeling now that you can invoke the common good over the individual rights. The Dublin Corporation and the government are beginning to get a bit more pushy by saying we have to go in and look whereas before it was okay, okay, if you don't want it' (Conservationist 3, 2000).

*The 1976 Act and Restrictions on Exempted Developments*

The interviewees were asked to express their opinions on the extent to which the exempted development restrictions had an impact on the conservation of the built heritage in Dublin. The restrictions were not considered to have brought on any major change, although they formed part of a gradual improvement of the control over buildings listed for preservation and protection. For example, one informant observed the following:

'They certainly did but it is hard to say that there was a dramatic, sudden change or anything like that. There is a slow build up the whole time on conservation and the environment in general and listing of buildings becoming important and elements of buildings becoming important, such as the interiors the Georgian rooms, sizes and shapes... It is a gradual build up' (Planner 1, 2000).

Another interviewee explained that 'they would have helped a little' and 'any restrictions like that do help'. Furthermore, he suggested:

'The main problem was section *4.I.g.* of the act, which allowed people to do things to buildings. You could have a listed building and somebody would do something to a building next door which would detract from a setting for instance' (Planner 2, 2000).

Furthermore, it was thought that the restrictions implied an increased workload for planning authorities and that arguments for exemptions continued to be made:

'They took listed buildings out of the exempted developments provisions. It meant that more work came within planning control. But it did not operate as clearly in a sense that there has always been the claim that certain types of works to listed buildings have not required planning permission. Interior works were still exempted development, even within listed buildings (unless the interior was specifically listed). There have been of a lot of

> work involving changes of windows without planning permission because it is an exempted development' (Policy Advisor 2, 2000).

Another informant stated that the restrictions were 'mostly ignored' due to lack of enforcement:

> 'I don't think it made much difference because of lack of enforcement. They were ignored because the calibre of people in the enforcement department were inadequate and because they did not have enough people in the enforcement department... The detailing applied to a building during that era was very poor and the treatment of buildings was very bad even if they were listed. Even in the Georgian squares a lot of the fanlights have gone. People pretend not to notice it, or maybe they don't notice that the fanlights have gone from Merrion Square and Fitzwilliam Square. They have been replaced with poor replicas' (Conservationist, 1, 2000).

*Increased Fines for Illegal Damage to Listed Buildings under the 1992 Amendment Act*

The informants were asked to what extent the increased penalties have had positive implications for the protection of listed buildings in Dublin. The general perception was that it did not have any direct impact since such enforcement actions were rarely taken. It was stated that 'no one million-pound fine was ever issued, if any at all' (Conservationist 4, 2000) and 'the nearest we came to it was Archer's Garage[18], it may well be the first major use of that' (Planner 1, 2000). Another informant similarly suggested the increased penalties had no impact except for having a certain deterrent effect:

> 'No such fines have ever been executed on a developer for demolishing or damaging a listed building. They may have had some deterrent effect. They may have frightened people into not demolishing buildings but they were never implemented' (Conservationist 1, 2000).

Similarly, another interviewee also suggested that the increased penalties were useful from the point of having a deterrent effect:

> 'To the extent that it affects unauthorised development of any sort. The potential of a large fine is a deterrent for any owner, so in that regard it may have been effective. However, illegal damage to a listed building sometimes is the incremental effect of small damage. There is a lot in between that would not come in within the scope of being fined that money a day for damage' (Policy Advisor 2, 2000).

However, penalties have been imposed in a few cases. For example, prior to the raised levels of fines in the late 1980s, there was the demolition of the Drogheda Grammar School outside of Dublin. Towards the end of the 1990s, Archer's Garage, a building in

---

[18] See Section 3.3.1.

Dublin protected for preservation, became the major enforcement controversy for illegal demolition:

> 'The Drogheda Grammar School was demolished overnight. They were fined and had to rebuild it and it is more something like that which has an effect rather than the prohibition in writing. When action is actually taken it has much greater impact. A more recent one was Archer's Garage... The Corporation is saying they have to rebuild it, and I think they fined them. If they really fined somebody it would certainly make a lot of difference. The developer is probably going to rebuild Archer's Garage to two or three stories down and get what he wants in the end. But I think it was given publicity and should stop other things happening. So I think the amendment was partly needed and very good' (Conservationist 3, 2000).

Another informant suggested that in the case of Archer's Garage, Dublin Corporation was advised to impose either fines or imprisonment or reinstatement of the building, while in fact they could have done both:

> 'The Corporation took ridiculous conservative legal advice to the effect that you had a choice between taking enforcement action by requiring reinstatement of the building or by implementing the fine, whereas in fact you could have done both. It just shows how ludicrous their advice is. They said it was either or, rather than both... It was a listed building, so they required them to reinstate it. The Corporation was first going to let the developers get away with it' (Conservationist, 1, 2000).

The same interviewee explained that the lack of enforcement of prosecution and penalties related to the development-friendly attitude of the local authority in Dublin in general:

> 'They are now taking enforcement action against the demolition of the Joyce House in Drumcondra. I think that is the only other case... But there may have been some other fines executed. Dublin Corporation does not want to make people feel that development is going to backfire. They want people to see Dublin as a developer-friendly place because they are scared that they won't get the rates from developers if they are scared out of Dublin City. They have always been indulgent to developers and they have never imposed the maximum fines. They have always tried to get developers to undo the damage they've done rather than making an example of somebody... Fines have been an absolute minimum, nobody has gone to jail, and when it comes to it they say it is a question of either reinstatement, or a fine or imprisonment when in fact it could be both. Third parties have started to look at what's going on. If I had the energy I would pursue private prosecution against Archer's Garage because you can do that' (Conservationist 1, 2000).

## 4.2. OTHER LEGAL PROVISIONS OF PARTICULAR RELEVANCE FOR CONSERVATION

This section explores legislation within other codes, having direct implications for the built heritage, either by supporting or discriminating against conservation. The Local Government (Sanitary Services) Act, 1964, introduced provisions with regard to

dangerous buildings and, while mainly a piece of safety legislation, it may be argued that it has also discriminated against conservation. The Housing Act, 1969, afforded a certain degree of protection for habitable dwellings. Furthermore, the Derelict Sites Act, 1990, provided local authorities with greater powers to prevent sites from becoming derelict. Provisions under the Building Control Act, 1991, tended to work against conservation. Finally, the European Communities (Environmental Impact Assessment) Regulations, 1989, which came into effect in 1990, provided new opportunities for evaluation of the overall environmental impact of new development in urban as well as rural environments in the planning process.

### 4.2.1. Local Government (Sanitary Services) Act, 1964

The Local Government (Sanitary Services) Act, 1964, introduced stronger measures for local authorities in relation to dangerous places and structures. 'Dangerous structure' refers to any building, wall or other structure, or anything attached to such which in the opinion of the local authority is likely to be dangerous to a person or a property[19]. In order to ensure public safety the local authority may serve notices requiring owners of dangerous structures to undertake necessary works (including demolition) within a specified time period in order to prevent them from being such[20]. The act also contains enforcement and prosecution measures.

The background to the legislation relates to the collapsing of run-down tenement buildings in the early 1960s. In particular, the collapse of houses in Bolton and Fenian Street (Figure 4.3), which both resulted in the loss of human life, led to a trend of demolition of buildings considered to be dangerous in Dublin City. McDonald (1986a, 24) explains the following:

> 'Dublin Corporation's reaction to the two collapses was one of sheer panic. Despite the fact that its dangerous buildings inspectors were cleared of any responsibility by a public inquiry, the Corporation immediately launched itself into an orgy of demolition that was to reduce much of the city to ruins... In the twelve months following the Fenian Street and Bolton Street collapses, they condemned a total of 900 houses... By early 1965, no less than 2000 mostly large houses had been condemned, of which over 1200 were actually demolished. Some surgery was undoubtedly needed on the city's building stock, but this was architectural euthanasia'.

---

[19] Section 1, Local Government (Sanitary Services) Act, 1964.
[20] Section 3 (1) (a), *Ibid.*



**Figure 4.3:** Collapsed building in Fenian Street (Dublin Civic Museum, no date).

Furthermore, the local authority in Dublin itself often had a vested interest in the demolition of buildings during this time (*Ibid.*, 25):

> 'If they wanted a particular site for a block of flats, a street-widening scheme or even a surface car park, the softest option was to produce evidence that the buildings on the target site were dangerous... The dangerous buildings code was used by the Corporation as a cheap and easy way to acquire property in the city'.

It has also been suggested that due to the lack of maintenance requirements for historic buildings, owners who wished to demolish their property without having to seek planning permission first often let them deteriorate to the extent that they would have to become declared dangerous structures. As stated by McDonald (1989b, 83):

> 'Indeed, the easiest way for a property owner to divest himself of the burden of an architecturally important building is to let it fall into decay, helped along by the removal of valley gutters, and then invite the chaps from the Dangerous Buildings department to condemn it as dangerous'.

The interviewees were asked to elaborate on the extent to which this act has had negative implications for conservation of the built heritage and whether the act was ever used in any way as to enforce building maintenance since the 1960s. The general perception was that the act had not been used to enforce building maintenance. For example, it was stated that 'as far as I know it did not have that effect' (Conservationist 4, 2000) and 'not

in the sense of anything that would be significant in regard to conservation' (Planner 2, 2000). One informant suggested that it had 'never' been used for such a purpose:

> 'I remember there was a case where there was a minor matter, an attempt made to get somebody to repair a chimney or something like that. It ended up being challenged in court. They only wanted to get the building down and did not want to do any work at it. There was very much a double agenda. The Corporation wanted to clear large areas of the city for roads but there were also property owners who had these slum properties and it was in their interest to see the buildings demolished. The orders are very odd. In most cases they say take down or make safe. That means you have the choice of course. If you are a property owner and want to get rid of your building what a wonderful opportunity and they get their tenants out without compensation. So it was really used as an instrument both of Corporation development clearance and for developers to redevelop' (Conservationist 2, 2000).

This view was supported by another interviewee who stated that conservation has been of minor relevance in relation to the application of the act:

> 'It was primarily about public safety. The conservation imperative just didn't rate. If there was a slight problem with a building it was served with an order that said make safe or demolish. The developer would always have demolished. That was the case up until the 1990s. It has changed now since 1 January (2000). Local authorities now have to consider conservation matters before they order the demolition of a building' (Conservationist 1, 2000).

Furthermore, one informant explained that the purpose of the act was purely to render structures and places safe:

> 'You can't issue a dangerous buildings notice that has anything to do with conservation, it is just purely about public safety... It might actually involve demolition. It might actually be quite ugly in what was being done. It was just safety' (Planner 2, 2000).

Another interviewee similarly stated that the act had not had any direct positive implications from a conservation perspective, mainly because it was 'primarily about public safety' and therefore 'it was not driven by conservation ideology'. However, 'there may have been cases where by default' it had an effect of enforcing building maintenance (Policy Advisor 2, 2000). Furthermore, another informant believed:

> 'My understanding is that it was primarily concerned to retain safety. Safety meant that if you had a dodgy roof, you had two choices: you fixed the roof, or you took it off! Too often the solution was that you took it off. I suspect we are still having rows about this going on. The other thing about it was that since the local authority was commissioned to assure public safety, you fell over bloody backwards to make sure you did not do anything that resulted in perhaps you being accused of negligence. If there was any chance that the thing would slip, crash or shift, get rid of it! Until very recently there were very few of what I would describe as sensitive engineers who would say look you don't actually have to take that roof off, we could get a few bits of metal in... We'll arrange for them to be assembled and we'll be able to hold the roof up by putting in this little arch in between the walls... There were hardly any engineers that were doing that sort of thing... Unless your

client is going to accept that this might be more expensive and take longer... you would probably have said let's demolish it' (Planner 1, 2000).

The informants were asked whether the act has been used in a way as to justify the demolition of old buildings rather than to encourage and enforce repairs to buildings. The following opinion was expressed:

'I think it was primarily to specify demolition. I don't think it achieved significant maintenance of buildings. If it did it was the sort of thing that was easy to repair. If it was serious it was demolished. They would not even accept the notion that you could brick up an opening... There must have been a weakness in the preceding act in relation to requiring people to take action. As a result some of the buildings collapsed, in which case you brought in draconinan powers which said that the Corporation could go in and wipe it out: if you don't take it down, we will take it down. That is what happened. I don't think the maintenance element was ever strong enough' (Planner 1, 2000).

Another informant stated that buildings have been demolished which could have been made safe in different ways but the priority of the officials implementing the legislation was not to consider the historic building aspect:

'They had one job to do and traditionally the sections in the local authorities dealing with sanitary service were not part of the planning section. They were an independent section. It would be unfair to say they've been going out in order to demolish historic buildings. But certainly they would not have made conscious efforts to save them over and above their other job which was to ensure public safety' (Policy Advisor 2, 2000).

Nevertheless, it was suggested that up until recently, there existed cases where owners who wished to have their buildings demolished had deliberately allowed them to fall into a state whereby a dangerous building notice had to be served:

'I could quote you a couple of cases where a house is okay and somebody wants to pull it down to build something new. All of a sudden there are holes in roofs and fanlights and windows being taken out so that water gushes in and the owner does nothing. Eventually, it has to be demolished. That has been done on purpose. It has happened over the last few years... Then obviously when the Dangerous Buildings Section came along, they had no option than to say, yes, you have to take it down. Up until recently there has been an enormous gap of communication between the dangerous building people and the planning people who would have control of listed buildings... In the last five or six years it has happened that some listed buildings have been demolished and nobody knew about it until they were gone, except for the dangerous buildings people. They probably were very dangerous but there was a lack of communication all across the board, which I think has been tightened up now' (Conservationist 3, 2000).

The same informant suggested that although this was mainly a phenomenon of the past, such abuse had continued to exist until recently as a result of stricter planning control:

'Over the last ten years it was far harder to get planning permission to add on to, destroy or damage the integrity of a listed building. Everything became tighter because everybody

was much more conservation aware. Groups like the Irish Georgian Society and An Taisce get involved in the planning process. So everything became much tighter... It is not hugely widespread anymore but it definitely has continued to happen' (Conservationist 3, 2000).

Furthermore, it was explained that the act was superior to other legislation such as the planning acts:

'If you take a protected building which suddenly becomes dangerous tomorrow and the Conservation Officer says it should be saved and the Dangerous Buildings Officer says that it should be pulled down, his word prevails. But under the new 1999 Planning Act the local authority can have greater powers with regard to getting remedial work done as opposed to demolition. Prior to that the Corporation would have had a very grey area about carrying out remedial work themselves' (National Body Representative 2, 2000).

The same interviewee suggested that there was one case during the 1990s where the local authority in Dublin did decide to carry out remedial work under the act:

'There was one case where the Corporation actually went in over the last ten years and carried out remedial work to a building. There was a perception that it was a dangerous building and the Corporation then actually carried out remedial work themselves. They said to me that they found out they could have been legally challenged by the owner. He could have said I want the building pulled down but they did actually carry out repairs. It was eventually demolished but at least it was protected for a while. It got out of the immediate danger' (National Body Representative 2, 2000).

Another informant stated that with regard to 29 Clare Street, a listed building which had suffered from neglect, the local authority attempted to take action in order to save it from being demolished:

'We tried actually with 29 Clare Street. It is a sad history. It was listed and everything was good in it. Yet it was neglected and eventually demolished. The Dangerous Buildings Section could see that it was getting more and more dangerous. We tried to take action against the people who were neglecting it but you could not prove mal-intent. How do you prove somebody is neglecting a building and wanted it demolished? We lost a lot of buildings by people taking the lead off roofs and letting weathering in... If people set out to neglect a building, it was very hard to prove they were doing it with the view of demolition. It was almost impossible to prosecute them. Consequently no prosecution was taken. And when it became dangerous we then moved in to render it not dangerous, which meant partial or total demolition. Public safety was the main thing' (Planner 2, 2000).

Another factor that reinforced the motives for owners taking roofs off buildings and thereby allowing them to fall into decay, was the payment of rates to the City Corporation or the County Council:

'If you wanted to get your commercial rates reduced you took the roof off. There were no rates charged if a building had no roof... That had a significant effect on bringing buildings down, which were of dubious utility at the time. Maybe if the roof had been kept on, people would have recycled them later when the market began to go up again but when

> the roof was gone the buildings were gone after a few years with the damp and the wet and everything' (Planner 1, 2000).

Nevertheless, under the 1999 Planning Act (see below), improvements were made in the legislative regime and regard must now be taken to the protection status of a building deemed dangerous:

> 'We have written into the new legislation the obligation of the Sanitary Services Authority to take into consideration the protection status of buildings, in order to build a bridge between the two sides. They have to try and find a solution which is least damaging to the building. Public safety is always an issue. That is a practical reality that has to be dealt with but at least now we have given them another agenda in the sense that now they must consider the issue. They have never before had an obligation to consider any other agenda other than their own legislation' (Policy Advisor 2, 2000).

Such measures had recently been taken in relation to a building in North King Street, Dublin, where an order of stabilisation was served:

> 'That was only because the City Architect and the Assistant City Manager and a local councillor waved the new Dúchas Guidelines around... So there was a stabilisation schedule drawn up for the buildings. They will end up being half demolished in the end but they are in a poor condition' (Conservationist 2, 2000).

### 4.2.2. Housing Act, 1969

The Housing Act, 1969, amended Section 66 ('unfit houses') of the Housing Act of 1966, in order 'to make provision to control the demolition or use otherwise than for human habitation of certain houses' (Housing Act, 1969). The act stipulated that change of use other than for habitation and demolition of residential buildings required permission by the Housing Authority under the act[21]. A fine up to £100 could be imposed on owners guilty of such an offence. In addition, the Housing Authority could require a house to be made fit for human habitation, by forcing a person to carry out repairs to a house which has deteriorated to the extent that it ceased to be habitable[22]. Nevertheless, a comment column of the *Irish Builder & Engineer* in 1969 suggested the following:

> 'Steadily we demolish our architectural heritage. The demolition speeded up before the 1969 Housing Act became law just in case it might be responsible for saving buildings on the basis that they could be used as dwellings in view of the alarming housing crisis. The

---

[21] Section 2, Housing Act, 1969.
[22] Section 5, *Ibid.*

> reason for demolishing so many of the fine Georgian houses has been profit' (*Irish Builder & Engineer*, 1969).

Another comment column of the *Irish Builder & Engineer* four years later suggested that stronger measures needed to be taken to enforce repairs of buildings under the act:

> 'It is very easy to see houses in the Dublin 2 and 4 areas that are vacant, and that are being damaged accidentally or otherwise. The Housing Department should investigate these and take action. The authority is quick to refuse permission for demolition or change of use to many who apply. It is those who do not apply at all who need to be sought out, in the interests of preserving houses for human habitation in the city at a time when there is a definite housing shortage' (*Irish Builder & Engineer*, 1973b).

Thus, with the introduction of this act a certain degree of protection was provided to residential historic buildings. However, if a developer provided alternative housing to the residents, a building could still be demolished (NCEAHY, 1975). Thus, the provisions under the act did not protect buildings for the sake of conservation but rather for protecting residential space. The requirement of permission before a demolition of habitable buildings was later incorporated with the planning acts. Under the 1994 Planning Regulations demolition of a 'habitable house' requires planning permission.

While the provisions under the 1969 Housing Act did establish a certain degree of protection to historic residential buildings, the interviewees were asked to express their opinions on the extent to which these provisions were significant in relation to conservation of the built heritage in Dublin since the 1970s. There was agreement that the act had afforded some degree of protection to historic buildings unintentionally and by having a deterrent effect. For example:

> 'The Housing Act did not really aim to protect historic buildings. If it did it was incidental and then useful in an incidental way... The prohibition of demolition of habitable houses (without permission) was a great improvement because demolition was exempt until then' (Planner 1, 2000).

Similarly, another informant stated that it was likely that it had a contributing effect on conservation by default:

> 'It was not written from a conservation perspective, it was written from a housing crisis perspective. The concern was not because of an architectural heritage value. It was because there was a general shortage of housing and if you lose housing from the building stock the public authorities would have to provide more housing... But by virtue of a developer not being able to demolish a habitable dwelling and put up an office block it meant that obviously some of the older building stock that would have probably gone stayed. But not out of a conscious architectural heritage drive. It was a by-product as such' (Policy Advisor 2, 2000).

One interviewee stated that 'it had some effect in hindering or slowing' (Conservationist 4, 2000) demolition of buildings while another informant suggested that 'anything like that would have added to the ammunition that conservationists could use but in the 1970s, they still had fairly low voices' (Conservationist 4, 2000). Furthermore, the following was suggested:

> 'It establishes protection for residential buildings full stop. Whether they are historic or not. There are cases where we were able to argue that a building that should have been listed but wasn't, should nevertheless not be demolished because it was a habitable dwelling. It required people to apply for planning permission before demolishing. Although in many cases they got permission (for demolition). But even now the planning act is very useful. For example, the Joyce building in Drumcondra should have been listed but it wasn't. That building was a habitable dwelling and it was demolished although it should not have been. So I think the owner has been faced with criminal action. So that has been useful. The only buildings that require planning permission for demolition are buildings that are habitable, listed, or since 1994, buildings that are terraced or joined with another building that is in separate ownership. So the Housing Act has been very useful. It was a protection mechanism rather than a preservation mechanism. It required for a developer to apply for permission to have it demolished. It was a useful weapon' (Conservationist 1, 2000).

Nevertheless, others suggested that the act was a failure in protecting residential buildings from conversion into office use:

> 'It was a constant source of frustration. The theory of the Housing Act was to protect the housing stock. You had a situation whereby the population of the inner city, the figure is well known, declined from 160 000 in 1963 to 80 000 by the mid- to late 1980s. But in practice, well the Corporation or the Minister for Local Government and Environment were doing nothing. I remember Deidre Kelly did a census of the residents in for example Baggot Street and Fitzwilliam Street, showing that there was total decline, but there was a complete failure to use the Housing Act to insist on maintaining a residential population in the city. And almost a systematic failure. It was clearly deliberate. It was regarded as interference in private property development. Campaigners would have had a very bitter experience, living in these places and seeing their whole streets becoming uninhabitable and taken over by offices' (Conservationist 1, 2000).

This statement was reinforced by another informant who also stated that the act had failed to afford protection to buildings:

> 'It had a somewhat deterrent effect on gross loss of housing. Because, the problem was if somebody intended to neglect a building by taking the lead off and tried to get rid of it, you could not prove it in court. I don't think there was one successful case taken in all the years the Housing Act was in to actually corner somebody and say look, you are destroying that building, it is a good building you should not be destroying it. The demolition of a habitable house is what it was. A lot of them were Georgian, but a lot of them were not, but they were neglected... All a person would have to do is say that somebody broke in and set it on fire what can I do? Or the lead was stolen off the roof... But it probably had a certain deterrent effect' (Planner 2, 2000).

The same interviewee observed that a developer was still able to get permission to demolish and redevelop as long as housing was provided at some other location in the city:

> 'That became a farce, because if somebody demolishing houses on the quays and they were saying well I am building two houses in Ballsbridge. But that is irrelevant, those houses in Ballsbridge would be built there anyway. It did not save a lot of buildings in terms of conservation. It probably had some effect that we would not be able to measure' (Planner 2, 2000).

### 4.2.3. Derelict Sites Act, 1990

One of the main concerns of the Local Government (Planning and Development) Act, 1963, was to prevent dereliction. For example, the 1963 Act provided powers for planning authorities to acquire and develop land for urban renewal. However, the 1963 Act proved ineffective in controlling dereliction, especially since local authorities themselves proved to be 'one of the main culprits in exacerbating the problem' (Scannell, 1995, 271).

The Derelict Sites Act, 1990, gives planning authorities powers to prevent buildings and sites from becoming derelict and for levying fines on owners who fail to make required repairs, *e.g.* through fines and compulsory purchase. It replaced the Derelict Sites Act, 1961, in order more effectively to prevent land from becoming derelict as a result of a recognition in the 1980s of the need for new measures to deal with widespread dereliction in urban areas. Grist (1999) summarises the most important provisions of the 1990 Derelict Sites Act. First, the definition of 'derelict site' includes land or buildings which detract from the amenity, character or appearance of the neighbourhood because of the condition of the buildings, the appearance of the site or the presence of litter. Secondly, it required that all local authorities establish a register of derelict sites. Thirdly, it gave powers to local authorities to serve notices on landowners specifying what measures need to be taken in order to prevent dereliction. Finally, it strengthened previously existing enforcement powers through improved acquisition measures and the introduction of a derelict site levy.

The interviewees were asked the extent to which the act has been useful in safeguarding conservation of the built heritage in Dublin, and if not, to elaborate on the reasons for this. The general perception was that it had not been used extensively to protect the built

heritage from dereliction, except for in a limited number of cases. One interviewee suggested that the purpose of the act was mainly to keep sites tidy rather than to promote conservation:

> 'It is meant just to render a site so that it does not look unpleasant. If there is grass growing out of it and it looks awful the owners are told to tidy it up. There is no conservation element in that... It is no good pretending that there is. If a building is about to collapse then you remove the bit that looks derelict and is about to collapse. You don't necessarily restore the building. It is totally outside its powers to demand conservation of a building. You can do it sensitively but it is not a conservation exercise. It is removing a nuisance, that is really what it is about' (Planner 2, 2000).

Another informant similarly suggested that the reason for it not having been applied in order to protect the built heritage was that the act was not driven by any conservation ethos:

> 'It was not governed by an ethos of being driven to conservation. It did not have a conservation background driving it at any time. So its application in that sort of context has never been used directly to ensure conservation. There may be one or two cases where someone has made a specific case of using it in that context' (Policy Advisor 2, 2000).

However, the same informant stated that the act could technically have been be applied in the context of protecting the built heritage had conservation been of higher priority during the 1990s:

> 'If conservation was a high-level priority everywhere, then people would use all the tools they can to achieve that priority. If it is not the priority and only one of a number of issues they are not automatically going to be linked. You could use it very effectively but that depends on the driving force and I don't think the Derelict Sites Act came from that perspective and was therefore not used. You could argue legally and technically that you could use it for those purposes but they were not the primary purposes for which the provisions were put there. Whether it is a missed opportunity is a different issue' (Policy Advisor 2, 2000).

Another interviewee suggested that it had not been effectively used due to the restricted definition of 'derelict' and a general unwillingness within the local authority in Dublin to promote its use:

> 'The Corporation always had very conservative legal advice. Dublin Corporation stated that derelict meant in danger of downgrading a joining building. If the interior of a building was in a rough condition it did not make any difference. They could not use the Derelict Sites Act. I don't think it was ever used. They took a very conservative view of what derelict meant. Most people don't know that but that's what happened. I don't think it made any difference. I think that was truly because there were people in the Corporation who did not want it to make any difference' (Conservationist 1, 2000).

Furthermore, it was explained that the required registration of derelict sites had failed in Dublin. Thus, levies were not imposed on owners of derelict sites:

> 'There was a complete failure of the Corporation, which should have dealt with the derelict sites so that they would be registered and that property would be levied. But you had the Doyle family of the Burlington Hotel and all those places, they had a site which is now the Fitzwilliam hotel in Stephen's Green that was derelict. They were not levied. You had Margret Heffener of Dunne Stores in South Great George's Street and she was not paying any levy. There was a whole lot of people like that who simply were not registered. If you had a derelict site you could actually sit back and watch the value of the site rising. The idea of putting a levy on the sites was to make that unattractive and to force it to be developed but the levy was never properly introduced' (Conservationist 2, 2000).

Furthermore, the same informant suggested that the main reason for the act not having been implemented in Dublin, was the reluctance of the planning authority to interfere with private-sector development interests:

> 'The Corporation claimed that it did not have the administrative resources to do so. The Corporation would never do anything that would seem to be anti private property sector; it does not have much energy for that. The other provision of the Derelict Sites Act was to serve notices on an owner to carry out repairs. It was hardly ever done. Padraig Flynn, the Minister of Environment at the time, introduced the Derelict Sites Act. I remember all the great promises he made about the act: we will clean up dereliction, we're going to make sure that the idea of leaving sites and buildings in cities and towns, that it is a waste of economic resources and it detracts from the visual appearance of property. We want to stop this. But nothing happened. It had no significant effect' (Conservationist 2, 2000).

Thus, lack of enforcement was considered the major obstacle to implementation of the act. For example, the following was concluded:

> 'Enforcement, in all areas, is still a major problem within Dublin Corporation, partly to do with staff and partly that they have to avoid going into legal battles. Enforcement is a huge issue. It's tricky and time-consuming' (Conservationist 3, 2000).

In addition, one informant suggested that the local authority does not generally use its discretionary powers effectively:

> 'They were not obliged to use the powers under the Derelict Sites Act, it was a discretion. If you work in the Corporation I am afraid it means you are not particularly dynamic. They get up in the morning and say what's the minimum we have to do. And they say, the minimum we have to do is we have to supply sewerage, roads, and we have to ensure that buildings do not fall on people's heads. Beyond that they have the option of enforcing the Derelict Sites Act... The legal advice they got was always pre-cautious about exercising discretionary powers. They exercise their engineering powers, but they don't exercise their discretionary powers. They don't exercise their environmental powers' (Conservationist 1, 2000).

Nevertheless, one interviewee suggested that the act had been used on occasion by voluntary bodies in order to prevent further dereliction of buildings:

> 'The Irish Georgian Society used it on occasion. The powers of that act are not very well known. You could use it not so much to enforce conservation but to stop further dereliction. It probably saved a couple of buildings. There were actually a couple of houses in Dawson Street where it looked as if somebody had removed the slates. The IGS went in and said that these houses were becoming derelict and they were made to put the slates back on the roof to keep it safe. Then I think somebody bought it and they were restored... It is only under the recent legislation that an owner is not allowed to allow listed buildings to fall into dereliction and local authorities now have to enforce that' (Conservationist 4, 2000).

Finally, it was pointed out that the diminishing number of derelict sites in Dublin during the second half of the 1990s was due mainly to the upswing in the property development sector as a result of economic boom:

> 'The reason why there is now so little derelict buildings left in Dublin is not because of the Derelict Sites Act, it is simply because of the property market. It started to have a snowball effect on development and made it economic to do up buildings with flats say in Mountjoy Square which it was not previously' (Conservationist 2, 2000).

One suspicion in the past has been that the lack of enforcement of the Derelict Sites Act was related to the fact that the Dublin Corporation itself owned much of the derelict land in the city centre. However, while that might have been a factor in the past, this was not considered to be the case anymore:

> 'That is a long time ago now. There were sites no doubt which you might have said the buildings are not in a good condition perhaps the Corporation has an interest in them. But perhaps there were other reasons why it was like that, because of ownership and conflicting interests... I don't think there are many of those now. If there are, the Corporation is not going to sit on them I can tell you. They would want to get rid of them fast in terms of getting something built on them in order to bring in a return. They obviously had an interest in a lot of sites but so had a lot of other people at the time' (Planner 2, 2000).

### 4.2.4. Building Control Act, 1990

The Building Control Act, 1990, empowered the Minister for Environment and Local Government to make regulations relating to various issues *e.g.* design and construction of buildings, material alterations and extensions of buildings, access for disabled persons, conservation of energy in relation to buildings and good building practice. The 1991 Building Regulations were the first nationally applicable building regulations issued. These were amended and consolidated by the 1997 Building Regulations. Prior to 1991, building regulations only existed in form of building by-laws in a limited number of local authorities in Ireland, *e.g.* in Dublin and Cork (Grist, 1999). The building regulations contain twelve sections related to technical requirements for design, construction, and alteration of buildings under headings such as fire safety and

access for disabled persons. These requirements are specified in a technical guidance document. Under the Building Control Act, local authorities have powers to enforce and prosecute offenders of the building regulations. In 1999, the Heritage Council published a report entitled 'Regulatory Environment for the Management and Repair of Historic Buildings', in order to assist a working group established in response to a commitment by the Department of Environment to publish a specific technical guidance document for historic buildings (DoE&LG, 1999c). However, this is yet to be realised.

The informants were asked to express their opinions in relation to the Building Control Act and its implications for conservation of the built heritage. All the informants were of the opinion that the building regulations generally affect building conservation negatively. For example, it was suggested that 'the building regulations are damaging to conservation' (Conservationist 3, 2000) and 'the fire regulations are too stringent and need to be made more flexible' (Conservationist 5, 1999). In addition, it was stated that 'it is another part of the climate making it more difficult to refurbish buildings in that it regulates things like Georgian staircases' (Conservationist 2, 2000). It was suggested that the building regulations lack sensitivity to conservation:

> 'It has caused some problems because it has not been targeted in taking into account a sensitive approach to listed buildings. It means that the onus is on individual building surveyors to take responsibility for things that might not conform exactly with the act and why should they take those risks? So the act needs to be looked at... It has been promised and promised and promised' (Planner 2, 2000).

Another informant suggested that the Building Control Act had been an obstacle to achieving good conservation standards of several historic houses during the renewal of Temple Bar in the 1990s:

> 'The Building Control Act was more important for imposing building regulations which were entirely insensitive to conservation. If you talk to the architects in Temple Bar they would say that the Building Control Act meant that they could not undertake conservation of buildings. They had to just retain the facade and gut the buildings. They argued that if they wanted to provide new uses for old buildings they had to apply for planning permission which triggered the building regulations which meant that they had to get rid of all the historic features. They are amongst the strongest in Europe and they don't make any exceptions for conservation' (Conservationist 1, 2000).

However, work to produce special building regulations for protected buildings is in progress:

> 'There is the Building Control Act and then there is the technical guidance document that is the actual guidance that emanates from the Building Control Act. That guidance

> documentation is under review in the context of historic buildings and its application to historic buildings. The Heritage Council commissioned a report and that is now under consideration by the Department of Environment for the preparation of specific technical guidance for protected structures. This also in the context of the guidelines that are being prepared for the implementation of the 1999 Planning Act in relation to protected structures. Politically it was contentious in that obviously there are sensitive issues... There was a recent amendment which revised the technical guidance document which made it a little bit easier for historic buildings' (Policy Advisor 2, 2000).

Furthermore, it was pointed out that the fire regulations are not prescriptive and adapted solutions can be worked out specifically for historic buildings depending on the approach taken by individual fire regulation officers:

> 'The fire regulations are not prescriptive. If you get a fire officer who is sympathetic to historic houses it makes a difference. Obviously they have to do their fundamental job making sure that there is safety and public access. Some fire officers will go by the absolute nitty-gritty of what is written down. There are ways around and you don't have to do literally everything. If the new guidelines come out it will be an enormous help' (Conservationist 3, 2000).

Finally, one informant pointed to the fact that there is a competition of interests between conservation and compliance with the building regulations, suggesting that the Building Control Section in Dublin City is not primarily concerned with conservation:

> 'The buildings regulation people would not be worried about conservation. One of the things that they might have a row about would be that they might say how do you comply with the fire regulations in Georgian buildings. There is nothing in the fire regulations that says a Georgian building should be treated in any way different to other buildings, whereas if you go to Holland a listed building is treated in a different way. The insurance arrangements are different. In Holland, I think you are told look if you are in an old building you are at greater risk. So, if you don't want to take the risk, don't go in to an old building. There is the conflict the whole time if you want to redevelop. If you want to have disabled access you might say what about cutting out a few steps... and the planner or the conservation minded person says oh no you cannot do that. There has to be a narrow little door there, because that's the original door you cannot widen it. There is a competition of conflicting interests and there is no guidance given in the legislation whereby one can absolutely relax the requirements' (Planner 1, 2000).

### 4.2.5. European Communities (Environmental Impact Assessment) Regulations, 1989

Through the 1989 European Communities (Environmental Impact Assessment) Regulations, Ireland implemented the European Directive on the Assessment of the Effects of Certain Public and Private Projects on the Environment[23], adopted in 1985 and amended in 1997 (Grist, 1999). The primary objective of the Directive is to ensure that projects with significant impact on the environment are subject to an assessment.

---

[23] European Community Directive 85/337/EEC as amended by Directive 97/11/EC.

Environmental Impact Assessment (EIA) is 'a process for anticipating the effects on the environment caused by a development' while an Environmental Impact Statement (EIS) is 'the document produced as a result of that process' (EPA, 2002, 1). Screening refers to the process of determining whether an EIS is required. The scoping process involves identification of issues that are likely to be important during an EIA.

EIS are compulsory for developments listed in the First Schedule to the EIA Regulations. Under the Irish system, some of the developments are defined by means of thresholds. The thresholds, *e.g.* general nature, size and location, have been set to help discern which projects would be likely to have a significant effect on the environment thus requiring an EIS (*Ibid.*). For example, Class 10 (infrastructure projects) includes 'urban development projects which would involve an area greater than 50 hectares in the case of projects for new or extended urban areas, and an area greater than 2 hectares within existing urban areas'[24]. However, under the 1994 Planning Regulations, planning authorities are empowered to require an EIS for a proposed development even if it is under a defined threshold, if a development is considered to have significant effects on the environment (Grist, 1999). The Second Schedule of the EIA Regulations lists information that an EIS must contain, *e.g.* material assets, including the architectural and archaeological heritage and the cultural heritage (EPA, 2002). Guidelines adopted by the Environmental Protection Agency suggest that such material assets may include the following topics (*Ibid.*, 22):

- 'Archaeological Heritage;
- Folklore/Tradition/History;
- Architecture/Settlements;
- Monuments/Features;
- Designated landscape;
- Natural Resources of Economic Value
  - Building & Structure;
  - Infrastructures'.

The interviewees were asked to elaborate on the extent to which the EIS instrument has been effective in relation to conservation of the built heritage in Dublin. The opinions ranged from not effective at all to effective in some cases. One informant suggested that

[24] 1989 EIA Regulations, Article 24.

EIS have not proved useful in regard to the built heritage, partly since they are not carried out by independent expertise and are often biased in favour of the developers. In addition, it was suggested that they make planning applications more difficult to deal with for environmental organisations:

> 'They are written by the developers' favourite planners so you know what they are going to say in the end. The one thing they are useful for is photo montage. But that would also be used for a proper planning application. In practice Dublin Corporation just swallows these documents wholesale without querying their premises. I remember finding very useful material in a black rubbish bag. It was the first draft of the sections of an EIS and there were a number of sensible comments which raised concern about the development, but they were crossed out and did not appear in the final public version. So they are extremely sanitised documents which are works of prejudice. They are equivalent to the defence council's speech at a murder trial. Of course they say what is nice about the defendant. Until these statements are written independently to a series of clearly defined independent analytical parameters they are in large parts a waste of space. It is just occasionally when it is useful that you get stuff that you would not get with a normal planning process. Lancefort took a case against the development in Collage Street on the grounds that it should have warranted an EIS and initiated a parallel complaint to the EU' (Conservationist 2, 2000).

Another informant suggested that EIS are 'useful but conservation issues are not always well addressed' (Conservation Officer, 1999). Furthermore, one interviewee stated the following:

> 'They have been of some use but the problem is that the developer who is developing the site has to get the impact study done and hire the people who do it. That seems to me like pulling the horse before the cart. The local authority should appoint the people to carry out the impact study rather than the owners of the premises. The idea of impact studies is an excellent one but I feel the machinery whereby they are carried out is not satisfactory' (Conservationist 4, 2000).

In addition, it was explained that although the EIS instrument has not been used extensively in relation to the built heritage so far, it is likely that it will become more useful in the future:

> 'They have the potential to help but they have not had much effect so far in terms of the built heritage. There have not been many cases where it has been proposed to demolish listed buildings or anything like that which would have been part of an EIS. But it could have an effect for the setting of listed buildings. I can see a future for it' (Planner 2, 2000).

Another informant pointed to the fact that the EIS is about a process rather than a regulatory instrument:

> 'The EIS is about a procedure rather than anything substantive. It does not prevent people from doing anything. It just requires them to assess the impact. There's a debate in the European Council amongst the governments as to whether they should give it a substantive effect, that if people produce inadequate Environmental Impact Assessment it should stop

the development and they decided against that. So everybody recognises that EIS are not as effective as they might have been' (Conservationist 1, 2000).

The same informant opined that EIS have been improperly transposed into Irish law:

'There was a discretion given to governments as to how to implement the European Directive and the Irish Government has inadequately implemented it so that, for example, in the case of urban development any development over two hectares should have an EIS. That is wrong. They should say in most cases over two hectares developments in an urban context should have an EIS but if the development has a significant effect on the environment it should have an EIS in all cases... Europe requires that any development that has a significant effect on the environment should have an EIS. That is not the way the Irish Government and the Irish courts have interpreted it' (Conservationist 1, 2000).

Furthermore, the same respondent explained that there has been a perception that EIS do not relate to the architectural heritage:

'They didn't say that the EIS should refer to the architectural heritage. So for a long time people didn't realise that EIS related to the architectural heritage. So they made no difference until we took a case against the Hilton Hotel. Since then EIS have been a pretty major factor but that is only in the last three years. Even now we are not seeing adequate EIS... One court said that the spike in O'Connell Street was only two meters, not two hectares, but because it had a significant effect on the environment an EIS was required by one brave judge in the High Court. Lancefort took a case on the Hilton Hotel, which is one-half to one acre, and lost. Clearly an EIS should have been required there. The problem is that the Irish regime fails to transpose the European directive' (Conservationist 1, 2000).

One informant suggested that while the EIS instrument has been useful in relation to the archaeological heritage, this was not the case for the architectural heritage:

'There is a general feeling that they have not been used to the potential that they could in relation to architectural heritage but in fair I think it has been used very effectively in relation to the archaeological heritage... It is an issue that the Department of Arts, Culture, Heritage and the Islands (DACHI) is looking at. The Department of Environment is responsible for the legislation in relation to EIS but obviously the DACHI have a prescribed role in relation to commenting on them' (Policy Advisor 2, 2000).

The same informant explained that the issue of EIA in Ireland has been a contentious one:

'It is an issue which has been subject to European complaint. It was Lancefort that took the issue in relation to the application of the EIA and that certain types of development in an architectural context should require an EIA. It has been a very contentious issue about the use of EIA and the architectural heritage. So clearly they have not been used as effectively as they potentially could have been' (Policy Advisor 2, 2000).

However, it was also suggested that EIS have been important in creating environmental awareness on a general level:

> 'My feeling would be that they have certainly made a lot of people aware of the environment. I suspect that they have been more of value in relation to the rural environment than to the urban environment as yet... I would hate to see it being diminished in any way but I think we still have to come to terms with the ability to assess the findings' (Planner 1, 2000).

## 4.3. TOWARDS A COMPREHENSIVE LEGISLATIVE FRAMEWORK FOR BUILT HERITAGE PROTECTION

Ireland signed the Granada Convention when it was opened in 1985, which stresses the importance of a comprehensive legislative framework for conservation of the built heritage. However, it was not until 10 years later that the first major step towards such legislation was taken. In 1997, the Irish Government ratified the Convention prior to the enacting of new conservation planning legislation in 1999. The ratification was based on the provisions under the existing planning legislation and the National Monuments Acts. Under Section 25 of the Granada Convention any state can declare that it reserves the right not to comply with paragraphs (c) and (d) of Article 4. The paragraphs provide provisions for public authorities to require the owner of a property to carry out work or to carry out such work itself if the owner fails to do so, and, to compulsorily purchase a protected property. At the time of the ratification Ireland declared that it reserved these rights.

In 1995, an inter-departmental working-group was established with the aim of developing a comprehensive conservation legislative framework for protection of the built heritage. A new legislative programme was developed jointly by the Department of Arts, Heritage, Gaeltacht and the Islands, together with the Department of the Environment and Local Government. Consequently, new policy was proposed in *Strengthening the Protection of the Architectural Heritage*, a report produced by the inter-departmental working-group recommending that new legislation should remain within the planning code (DACG, 1996) thus reflecting the government's commitment to strengthen the capacity of the local government system (DoE&LG).

This resulted in the government launching a comprehensive package of new conservation measures. First, it resulted in two pieces of legislation: the Local Government (Planning and Development) Act, 1999, and the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act of the same year. The former, which came into force on 1 January 2000, has since been

superseded and consolidated in Part IV of the Planning and Development Act, 2000. Secondly, it resulted in a commitment by Central Government to provide funding for conservation totalling £5 million annually. This included a conservation grants scheme with a budget of approximately £4 million. Furthermore, a financial contribution of £300,000 was allocated to enable local authorities to employ conservation officers and £800,000 towards the Department of Arts, Heritage, Gaeltacht and the Islands towards accelerating the National Inventory of Architectural Heritage and for providing conservation advice to local authorities (DACG and DoE, ?).

### 4.3.1. Part IV of the Planning and Development Act, 2000

Part IV of the act empowers local authorities to enforce conservation of the built heritage by bringing a number of new features into the legislative framework. First, it provides for mandatory protection of protected structures in the development plan. Secondly, once a building has been afforded protection status, the building as a whole must be protected and any works which might affect the character of the building require planning permission. Thirdly, it introduced a statutory basis for architectural conservation areas. Fourthly, it introduced new enforcement measures, by bringing in a new system of penalties against owners who neglect protected structures and by empowering local authorities to acquire protected structures if owners fail to maintain them adequately. Fifthly, it established legislative provisions for the protection of interiors of ecclesiastical buildings in use for the first time in Ireland. Finally, local authorities must have regard to any guidelines issued by the Minister for Arts, Heritage, Gaeltacht and the Islands. Such guidelines were published in draft form in December 2001 (Dúchas, 2001).

*Record of Protected Structures*

Local authorities are obliged to establish a Record of Protected Structures as part of their development plans for the purpose of protecting structures of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest[25]. Structure refers to any building, structure, excavation *etc.,* including the interior, the land lying within the curtilage, any other structure lying within the curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of such structures. Thus, once a building is protected it includes the whole building.

---

[25] Section 51, Planning and Development Act, 2000.

Another new feature is that local authorities may make additions and deletions to the Record of Protected Structures independently of the development plan review process[26]. However, if a local authority chooses to do so it must notify the owner/occupier, the Minister for Arts, Heritage, Culture, Gaeltacht and the Islands and to all prescribed bodies under the act[27]. The same provisions apply to a proposed protected structure as to a protected structure.

Planning authorities are obliged to have regard to any recommendations made by the Minister for Arts, Heritage, Gaeltacht and the Islands concerning the inclusion in its Record of Protected Structures. However, planning authorities may decide not to comply with a recommendation by informing the Minister in writing[28].

*Declarations and Works to Protected Structures*

Any works affecting the character of a protected structure require planning permission. Planning authorities are obliged to issue a declaration regarding a protected structure within twelve weeks of a request from an owner. Such a declaration must state as to the type of works which would or would not materially affect the character of the structure. The declaration must also be in line with the architectural heritage guidelines issued by the Minister[29]. In relation to development control under the 1963 Planning Act, where 'works' are defined as 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal', the 2000 Planning Act extended the definition to include 'any act or operation involving the application of plaster, paint, wallpaper, tiles, or other material to or from the surfaces of the interior or exterior of a structure' (MacRory, 2001).

*Architectural Conservation Areas*

A planning authority may designate architectural conservation areas if it considers this necessary in order to preserve the character of 'a place, area, group of structures or townscape'. If so, it is obliged to include objectives in the development plan which take account of building lines and heights that:

---

[26] Section 55, *Ibid.*
[27] The Heritage Council, An Taisce, the Arts Council and Board Fáilte (S.I. No. 600 of 2001) (see Chapter Five).
[28] Section 53, Planning and Development Act, 2000.
[29] Section 57, *Ibid.*

- are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest;
- contribute to the appreciation of protected structures [30].

*Protection of Ecclesiastical Interiors*

The act introduced provisions for the protection of interiors of places of public worship. Thus, for the first time, the state is interfering with the constitutional freedom of worship. However, planning authorities are to respect the liturgical requirements when they assess planning applications and issue declarations[31]. Specific guidelines for ecclesiastical structures are being drafted by the state in co-operation with religious authorities in Ireland (Dúchas, 2001).

*Enforcement Provisions*

A protection duty is imposed on owners and occupiers to ensure that protected structures do not become endangered[32]. In order to enforce this local authorities have the power to issue notices requiring owners and occupiers of protected structures to carry out works considered necessary to prevent them from becoming or continuing to be endangered. A planning authority may, at its discretion, assist the person carrying out such works and provide financial assistance towards such works[33]. Planning authorities may also issue notices and require restoration of the character of a protected structure or of structures forming part of an architectural conservation area of which the character is desirable to restore[34]. Where a person has failed to comply with such notices a planning authority has the power to carry out works itself[35]. With regard to notices under Section 59, local authorities may recover from the owner or occupier expenses for carrying out works on endangered structures[36]. In addition, the act provides that a local authority may compulsorily purchase a building in order to safeguard a protected structure where other enforcement measures have failed, unless occupied as a dwelling[37]. Before issuing a dangerous buildings notice under the Derelict Sites Act, 1990, a local authority must

---

[30] Section 81 (1) [a] [b], Planning and Development Act, 2000.
[31] Section 57, *Ibid.*
[32] Section 58, *Ibid.*
[33] Section 59, *Ibid.*
[34] Section 60, *Ibid.*
[35] Section 69, *Ibid.*
[36] Section 70, *Ibid.*
[37] Section 71 (1), *Ibid.*

consider the protected status of the structure and whether a notice should instead be issued under this act[38].

The act also contains provisions for penalties and prosecution. Any person who causes illegal damage to a protected structure[39] or who fails to comply with a notice requiring owners/occupiers in relation to endangerment of protected structures[40] is guilty of an offence. Such offences 'shall be liable on conviction on indictment, of a fine not exceeding £10,000,000, or to imprisonment for a term not exceeding two years, or to both' or 'on summary conviction, to a fine not exceeding £1,500, or to imprisonment for a term not exceeding 6 months, or to both'. In addition, a convicted person who is guilty of continuing an offence will also be imposed with fines for each day on which the offence is continued, or to imprisonment or both[41].

*Implementation of the Provisions*

A report on the implementation of the 1999 Planning Act, under which the new provisions were introduced, before being consolidated with the 2000 Planning Act, highlighted a number of issues of concern. For example (Negussie, 2002):

- a vast majority of the surveyed local authorities[42] had received written objections from owners regarding the inclusion of a protected structure, which reflects continuing resistance to historic building protection;
- the fact that mandatory protection of structures is dependent upon these being included in the Record of Protected Structures, renders the legislation ineffective in local authorities with low levels of inclusions. The number of protected structures for responding local authorities ranged from 8 for Arklow Town Council to 9000 (approximately) for Dublin City Council;
- while few local authorities had made additions to their Records of Protected Structures, a third had made deletions due to objections to inclusions and inappropriate or invalid listings;
- a minority of local authorities had designated architectural conservation areas, although proposals had been made for them in some; and
- a strong need exists for further resources to be available from Central Government in order to tackle conservation staff shortages and administrative requirements.

---

[38] Section 79, *Ibid.*
[39] Section 58 (4), *Ibid.*
[40] Section 63, *Ibid.*
[41] Section 156, *Ibid.*
[42] The research was based on a questionnaire distributed to all 88 local authorities in Ireland. The response rate was 50 per cent.

Nevertheless, the survey showed that the level of performance by Dublin City Council was high compared to the majority of the surveyed local authorities. For example, Dublin City had a total of 9000 protected structures. It had used enforcement provisions under the act and it had expanded its conservation expertise in order to implement the provisions under the act.

Thus, Central Government has finally provided a strong legislative framework for protection of the built heritage in Ireland. However, successful implementation depends on the will and resources of local authorities. The final decisions on what is to be protected lies with the elected members of the local authorities.

### 4.3.2. Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999

In response to the requirements of the Granada Convention, the Office of Public Works established the National Inventory of Architectural Heritage (NIAH) in 1991. The aim was to achieve a standard of consistency for the recording of Ireland's post-1700 architectural heritage, thus complementing the Archaeological Survey of Ireland (DACG, 1996). The inventory, which has to date concentrated on towns other than Dublin, is undertaken by Dúchas (see Chapter Five).

The Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999, placed the NIAH on a statutory basis with national standards and systematic recording of the architectural heritage. The act contains provisions regarding the following:

- The right for the Minister for Arts, Heritage, Gaeltacht and the Islands to designate categories of architectural heritage;
- Legal rights for officers appointed by the Minister to access property for the purpose of the establishment of the inventory;
- Penalties for obstruction against the rights to access property;
- Obligations of sanitary authorities in respect to registered historic monuments;

The categories designated for evaluation of the architectural heritage under the NIAH is based on a five-tiered structure including the following ratings: international, national, regional, local and record only. In order to determine the evaluation of a particular

structure or site, specific merits are assigned with codes such as: A (Architectural), H (Historic), T (Technical), V (Vernacular), *etc.* The attribution given to a structure is not fixed since societal values or judgement change over time (Dúchas, 1999).

Under Section 53 of the Planning and Development Act, 2000, the Minister may recommend buildings given international, national, and regional ratings for inclusion in the Record of Protected Structures of a local authority. However, a local authority can choose not to comply with the ministerial recommendations as long as they state the reason.

The objective of the NIAH is to achieve a comprehensive coverage of the built heritage. However, due to the time-consuming nature of a full inventory and the immediate need for inventories, in order for local authorities to establish Records of Protected Structures, Dúchas is currently carrying out an Interim County Survey. The aim is to record a county-based cross-section of the architectural heritage, more limited in scope compared to a full inventory, so that the Minister is able to provide recommendations to local authorities more quickly (Dúchas, 2001). As suggested by a Survey Manager interviewed for this research:

> 'We try to cover as broad a range of the heritage as we can, from monumental sites to the more modest, such as streetfurniture, waterpumps, vernacular architecture and bridges... We don't carry out comprehensive surveying of every building or site that should be protected by the local authorities. It is up to them to complete the lists. Although it is the goal of the National Inventory to carry out a comprehensive survey of the architectural heritage, it is not realistic to think that it is going to happen for a very long time' (National Body Representative 3, 2001).

It is the policy of the NIAH to continue to concentrate on places other than Dublin. This is based on the reasoning that Dublin has the longest tradition of conservation in Ireland and smaller inventories have been carried out as a result of voluntary initiatives. Many other local authorities lack such inventories completely.

With regard to the evaluation method of the NIAH certain aspects raise questions of quality and objectivity. For example, the same informant suggested the following:

> 'When we evaluate a building we just assign a code, like A for architectural *etc.* However, there has been reluctance in spelling out what, for example, A means. If you explain that a structure is a fine example of a neo-classical building, although the public would not necessarily know what a neo-classical interior is, someone can look it up in a dictionary. Then there is at least a chance that a person will start valuing a building. I think there

should be a duty to more clearly explain the reasons for a motivation. We should not give importance values if we cannot explain them' (National Body Representative 3, 2001).

Thus, a more socially critical approach to an appraisal of what is worth conserving recognises that evaluation judgements are always going to be subjective and therefore require a motivation. However, the same informant suggested that the reason why such an approach has not been adopted is due to the recent development of conservation as an applied discipline in Ireland, the time-consuming nature of more in-depth evaluation, combined with a general reluctance:

'There is an attitude amongst architects, for instance, that architecture is self-explanatory. There is a very flat way of thinking in terms of the way we evaluate buildings in Ireland. You have all these values and then you pick the one you want to assign. The way the Swedish system works is that you start by looking at the concrete values, the ones that are quite easy to assess...[43] Then you have a next set of values which are more abstract. Then you make an overall assessment of the building and come up with a motivation for why it should be protected. In Ireland, there is a view that it is possible to be objective about an evaluation. You are always going to be subjective when you evaluate and people depending on background will represent different things. There is nothing wrong with that as long as you are aware of it. To believe that we can be completely objective is naïve' (National Body Representative 3, 2001).

The interviewed Survey Manager also highlighted the dilemma of a national approach to inventorying, suggesting that there is a need for local co-operation and more locally-based conservation expertise. The following was explained:

'It is true to some extent that coming from the outside you can see and value things that you may be blind to if you are from an area, that you don't see the significance. But it is equally important to understand that coming from the outside you won't see everything that would be of importance for that area, that you as an outsider can never understand unless you engage with the local community. I would welcome if we as a central organisation were carrying out inventories with more direct engagement with the local community but one problem is the time frame. We are under pressure of getting the surveys out' (National Body Representative 3, 2001).

Furthermore, it was suggested that while it is important to have certain national standards it is more important to engage people at the local level in inventorying work. Nevertheless, one difficulty of achieving this in Ireland relates to a shortage of locally-based conservation education and expertise. Another identified shortcoming of the evaluation approach is the low priority given to social and cultural values:

'We do not take social or cultural values into consideration very well. I think that is one of the failures of the inventory. It is based on an external examination of the buildings and the valuation is made quickly based on visual inspection. Little in-depth research is carried out

[43] Chapter 6.1 discusses the overall approach to the evaluation system in Sweden.

and it is very rarely that we can go into a building. So our rating is based on what we see from the outside' (National Body Representative 3, 2001).

It was suggested that the reason for this is that Ireland does not have as long a tradition of conservation compared to countries such as Sweden:

'It seems to be the natural development of conservation, that you start with the physical fabric and then at a later stage you broaden your horizon by bringing in the social aspects of conservation. I think cultural and social values could be so much wider than it is used today' (National Body Representative 3, 2001).

### 4.3.3. Planning and Development Act, 2000

The Planning and Development Act, 2000, consolidates all planning legislation since the introduction of the 1963 Planning Act, including some new provisions. As described above, the provisions of the Local Government (Planning and Development) Act, 1999, have thus also been consolidated with the 2000 Act.

### 4.3.4. Opinions Expressed by the Interviewees

*The Granada Convention*

The informants were asked to elaborate on the reasons for the long delay, before the government initiated the process of producing the sort of conservation legislation which the Granada Convention required. One informant explained that the societal context in Ireland at the time meant that conservation was not a top priority:

'It was not something that was seen as a priority. We were too busy doing whatever we were doing. I suspect in 1985, we were not feeling very happy. We were still in a state where populations were drifting away and it looked as if we were heading to a loss of population, which would have been utterly unbelievable. We were not worried about conservation and stronger legislation. So what has happened since then is miraculous in the sense that we now have an unemployment rate of below five per cent' (Planner 1, 2000).

One informant referred to a general Irish tardiness and even reluctance in obeying international conventions combined with the nature of civil service administration:

'It is only the European Union that has forced Ireland kicking and screaming into a whole lot of things like equality legislation and the nature of bureaucracy in government departments. So it has nothing to do with architectural heritage at all. It has to do with a general reluctance to conform to international standards. The political management of the country is housekeeping and just watching over your shoulder for the next election rather than working to a long-term strategy. And the nature of civil service administration is to keep the system ticking. There is no reward for incentive or initiative. There is no incentive for somebody to come up with ideas. Most public administration runs on auto-pilot. If you

were to take away the managers it would actually continue to function' (Conservationist 2, 2000).

Another interviewee similarly explained that there had been a lack of commitment on behalf of the government with regard to implementation of the Granada Convention until recently:

'The Granada Convention and the Amsterdam and all of these sort of conventions, it is very easy to sign them but what do you do then? You come home with your bit of paper and nobody is interested in it. I remember once being at a conference in Brussels about the architectural heritage year in 1975 and in 1980 they had a kind of five years after meeting. I was there and Ireland had one of the largest representations in Europe at it, for the local authorities. There while sitting in the bar drinking in the hotel... a few people did go along to meetings, but it was pathetic. A lack of commitment is the reality of what I have been dealing with for 30 years of my life... And of course there will be delay about the implementation of the 1999 Act. Of that I am absolutely sure because they haven't people to enforce it' (Conservationist 4, 2000).

A similar viewpoint was expressed by another informant suggesting that:

'It was obviously a big step forward that we signed up to it. However, it still took time to percolate through to get any legislative changes. I would say at the beginning there was probably a sort of feeling, well we have signed up now we can forget about it. Then everything in conservation began to gather momentum and changes eventually came about' (Conservationist 3, 2000).

Moreover, it was explained that the delay in ratification of the Granada Convention was due to 'public service inertia' (Policy Advisor 1, 2000). The following was also suggested:

'Governments move very slowly. I think it is just inertia to the system that makes that sort of thing take a long time. There are interests involved and the state legislature is very wary about affecting property rights. So, it was due to a slow development of consciousness, slow legislative safeguards and not a lot of pressure from the operating authorities. Dublin would be unusual. A lot of other authorities would not know what a listed building was. There was not a huge effort. There is the confluence of the special amenity groups and what is happening in Europe. Some of the legislative changes probably come directly as a result of the influence of Europe' (Planner 2, 2000).

One informant considered that the long delay in implementing the Granada Convention was due partly to the weak economic disposition of Ireland until recently and general problems of enforcement:

'There was the recession until the middle of the 1990s. The Granada Convention provided for protection of ordinary buildings and that was never done. We still don't have protection for vernacular buildings or for ordinary buildings. The Granada Convention also makes clear that you have to protect buildings and under the current regime local authorities still have a discretion as to whether they list buildings. The Minister has a discretion to

> supplement the list that the local authority creates... It is still in breach of the Granada Convention which says local authorities, or the Minister have a duty to list any building of importance and that has not been done. Now they are all required to have a list but we are told that the National Inventory will take twelve years to complete, so we know that we won't comply with the Granada Convention until at the very earliest twelve years. We have admitted that as a nation we are not great at enforcing things... It is still all this stuff about priorities and economics' (Conservationist 1, 2000).

Another informant was less dismissive and suggested the following regarding the ratification of the Granada Convention:

> 'The Granada Convention was signed in 1985, when it was opened, but we did not ratify it until 1997. So while we said it was a good thing we were not as committed to the implementation. It's like the chicken and egg in the sense that we ratified it before the legislation went in. By combining the planning legislation and the monument legislation we were actually meeting the obligations of the Convention. We did not have powers to require owners to maintain properties and we did not have CPO powers. We did have CPO powers under the Monuments Act but not in particular to require them to maintain or to carry out works. So we ratified it with the exception to that which was allowed for under the convention. But we are now removing that because now we have the legislation. What you have to do to ratify the convention is to either have the legislation or to be seriously undertaking and put it into place. We were doing both. We were actually meeting the minimum requirements even if there were gaps in terms of the application. Secondly, we were seriously undertaking to actually change the system and to put in place the changes. So in that phase we ratified. Maybe there are gaps in the implementation but having it there is helpful. You're moving things gradually. Now we can use the ratification to say we must do the next thing' (Policy Advisor 2, 2000).

Finally, the same informant explained that the initiation of the process, first through the establishment of an inter-departmental working-group, which led to the development of new conservation legislation within the planning code, was due to the following:

> 'The government at the time made certain commitments. It gave a commitment to Local Government in 1994. Once you have that it makes it easier for everyone to operate. Then there was an opening in which we could do these things. There was a mechanism to fight for the ratification and for legislation. So things came together at a certain time. It is a gradual build up including simple things like the introduction of a government programme as a mechanism of the government stating their policy. If you get one sentence it can be worked up and allow for a lot of things to happen. We did it because the government made a commitment to have a printed programme. A number of things came together at the time. The climate had changed' (Policy Advisor 2, 2000).

*Towards a Broader Scope of Elements Worth Conserving*

With the introduction of the 1999 Planning Act the scope of protection has been broadened. Based on the Granada Convention of 1985, it includes mandatory protection of designated structures of architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest. The scope of the act also includes powers to designate architectural conservation areas. Thus, this piece of legislation reflects a shift towards a more holistic approach to conservation. The following observations were

voiced by two informants who had been directly involved in the drafting process of the legislation:

> 'The Granada Convention defines the architectural heritage and includes built monuments and sites. It declares that the architectural heritage is not just individual monuments. The two qualifiers that are not in the Granada Convention list are architectural and cultural. They were added in the political process as it went through the Dail but if you took those two out it is actually the same as the Granada Convention. We ratified the Convention in form of a basis of our policy to that extent. The ones that exist in the European Convention seemed a logical place to start' (Policy Advisor 2, 2000).

> 'There was a perception that they do things properly. They needed to adopt the European agenda. An Taisce tried to get a literary significance added. At a very late stage they added cultural in the progress of the Bill through the House of Parliament. There was a certain slowness in doing the right thing... For example, in the case of the Carson House, the house were Edward Carson was born in Harcourt Street, we tried to get it listed on the basis of its history. The Corporation said it was not important because of its history, it was important because of its historical associations. That was not enough to get it listed. Because listing was about architectural, historical or artistic importance. It would have been important had an event happened there or had a series of events happened there, or had it been an important building for a certain period. But the fact that somebody was born there was not enough. There are various other things like The Joyce House in Drumcondra. Literary association has not been regarded as enough to get buildings listed. We tried to get that literary association written into the legislation which would have included particularly a lot of Joycean buildings, because a lot of buildings are mentioned in the Ulysses. But they did not go with that, they just put in culture' (Conservationist 1, 2000).

Figure 4.4 depicts the Carson House which was registered as a historic monument in 1995 as a result of conservationist lobbying.




**Figure 4.4:** The Carson House at 3-4 Harcourt Street (Negussie, 2002).

*Expectations of the New Conservation Legislation*

Although the 1999 Planning Act had only recently been enacted when the interviews for this research were carried out, the interviewees were asked to express their expectations of the new legislation and whether they considered it to be the answer to successful protection of the built heritage. The general perception was that 'it would be if we used it' (Planner 2, 2000) or 'if implemented' (Conservationist 2, 2000). As explained by one informant:

> 'Legislation is never the answer to anything of course, it depends on how it is implemented. So it is really the enthusiasm and capability of it being implemented. It provides the possibilities but then the possibilities have to be acted on. It requires resources to be made available. It requires conservation staff and conservation officers' (Policy Advisor 1, 2000).

According to one informant, a lack of resources to back up the legislative measures was currently a problem for many local authorities:

> 'I think the big issue with the legislation is that the resources are just not there to implement and enforce it. If you have an area like Kilkenny where there is no Conservation Officer, the planners are trying to deal with listed buildings, or the planning applications, then there is little space for forward planning. Architectural conservation areas are not even on the agenda for local authorities. I have heard a few towns saying can the Heritage Council support us because we want an architectural conservation area. I don't get the sense that there are many at all and it is an effect of pure lack of resources' (National Body Representative 1, 2001).

Similarly, another interviewee stated the following:

> 'There are still loopholes but it is a huge step forward. It is almost now a question of money and manpower. The act says that every local authority should have a Conservation Officer. If and when that comes about, it is a huge, huge, step forward... They are trying to speed up the inventory of the entire country which has happened very slowly. Some County Councils don't have enough money to pay a Conservation Officer, but they are adjoining with maybe their adjoining local authority. But until all that comes into place, with expert people attached to local authorities, there are still going to be loopholes mainly through acts of ignorance' (Conservationist 3, 2000).

However, this was not regarded as so much of an issue for Dublin:

> 'There is more implementation in Dublin than in the rest of the country. So we've got conservation staff put in place and a development plan with conservation emphasis. A fair quantity of buildings is protected structures but I would be very concerned about other locations such as Limerick, as well as country towns. The effect will be very uneven' (Conservationist 2, 2000).

Another informant suggested that while it is impossible to make predictions about the future, given the problems related to implementation of legislation in the past there may still be challenges ahead:

> 'The 1999 Act has introduced the concept of protected structures and these will be given a higher level, it seems, of protection. Then when you think in terms of the old acts you wonder whether in practice they will have the machinery and will to enforce the new acts. Given our experience in the past and the difficulties in getting that legislation enforced, I think it is very reasonable to say that we can't come to a conclusion at this stage' (Conservationist 4, 2000).

Another informant listed a number of issues regarding the 1999 Act, which may prove problematic. First,

> 'You can say that there is mandatory listing but you don't have to list buildings of a certain age or quality, for example, so I would say that will be a major problem. We are told that it will take twelve years before the National Inventory is complete. Dublin City is reasonably advanced, partly as a result of An Taisce having, over the last twenty years, been suggesting buildings for listing' (Conservationist 1, 2000).

Secondly,

> 'The nature of the security afforded listed buildings is protection rather than preservation which means to a considerable extent, that provided you apply for planning permission, the determining authority has a degree of flexibility. For example, the legislation says that demolition should only be possible under exceptional circumstances. But we have yet to see what exceptional circumstances mean. I think that there is a major problem because demolition will only be allowed in exceptional circumstances but it does not say how wholesale alterations are to be distinguished from demolition. Except that An Bord Pleanála and local authorities are obliged to have regard to the protected status of a building. It is not certain what that will mean. Exceptional circumstances is probably a reasonable criterion, especially if it is elaborated through the guidelines in a way that precludes economic arguments as allowing demolition. The exceptional circumstances criterion only applies to demolition, in other words full demolition of a building. It is not clear in what circumstances somebody will be allowed to retain just a facade of a building, or to gut a building, or to mess around with the interior. It does not say in the act in what circumstances those things will be allowed. However, to some extent the loopholes could be closed up in the guidelines' (Conservationist 1, 2000).

However, with regard to potential loopholes in the new legislation it was found that the main issue was related to levels of resources:

> 'It is not so much loopholes as unless resources are provided. Local authorities may say well we don't have the resources to enforce or to do monitoring work and even if we do have funds it is going to be a difficulty in the future in terms of salary scales. If the acts were to be implemented, as they should be, it requires a very large monitoring and inspection staff. It is not in place at the moment and even if the jobs were advertised in the morning would people with the necessary qualification be available to take it? Those people could be working on more lucrative things in large architects firms within the private sector' (Conservationist 2, 2000).

Another informant suggested that the fact that old conservation areas which had been included in the development plan as a zoning objective in the past, do not benefit from the new protection:

> 'Conservation areas don't benefit from the new protection. There are architectural conservation areas but that will not import automatically areas that are now described as conservation areas. It could be dangerous for conservation areas, that you might find developers arguing, well there is this statutory concept of an architectural conservation area and the conservation areas in Dublin haven't been designated as those. There are major loopholes in the enforcement regime and local authorities may deem buildings to be endangered but they don't have to. Limerick Corporation said that that it can't take action under that heading' (Conservationist 1, 2000).

Nevertheless, with the adoption of new measures to enforce conservation, future demolition and alteration of historic buildings may be avoided. The new legislation also gives scope for a more area-based approach to conservation that may fulfil the need for further recognition of the historical context of buildings in order to maintain the character of entire areas.

## 4.4. URBAN RENEWAL POLICY SINCE 1986: PROPERTY-LED REGENERATION

Regeneration of the historic built environment in Dublin City during the 1980s and 1990s was facilitated through private-sector-led urban renewal. While conservation objectives have formed part of local area action plans and the recently introduced integrated area plans, redevelopment has often been prioritised over refurbishment. This section provides an overview of urban renewal policy and its implications for conservation in Dublin City since the introduction of the first urban renewal scheme in 1986. In particular, it discusses the renewal of Temple Bar, initiated in 1991.

*Background*

Since the 1930s, like many other European cities, Dublin experienced an almost continuous reduction in its inner-city resident population (Horner, 1985). Slum clearance, the decanting of inner-city communities to peripheral housing estates and the more voluntary relocation of middle-class residents to suburban owner-occupied areas resulted in the inner-city resident population falling from the 1960s while, at the same time, the wider metropolitan population grew to over 1 million. During the 1970s, an inner-city economic crisis was created by a sharp reduction in industrial employment associated with the relocation of activities to suburban industrial estates. Inner-city

unemployment was further exacerbated by changes in cargo handling in the port, with unemployment rates exceeding 35 per cent in inner-city areas. Simultaneously, the service sector increased its share of employment, resulting in even greater demands for office space and displaced industrial activities (MacLaran, 1993). It became imperative for the government to address this inner-city crisis and it attempted to do so in the mid-1980s through the vehicle of property-led regeneration.

### 4.4.1. Designation of Areas for Urban Renewal: Urban Renewal Act, 1986

In the mid-1980s, an Urban Renewal Programme was formally introduced by the government in response to the urgent need for revitalisation of inner-city areas that had fallen into physical, social and economic decay. The programme targeted the cities of Dublin, Cork, Limerick, Waterford and Galway. The Urban Renewal Act, 1986, empowered the Minister of the Environment to designate urban areas in need of renewal and to allow special tax relief to encourage private sector-led redevelopment in such areas. The Finance Act, of the same year, allowed special remissions of rates including capital allowances for commercial development, subsidies to occupiers by means of rates remissions and additional rent allowances for commercial activities, and special income tax allowances for residential owner occupiers (An Foras Forbartha, 1986).

The Urban Renewal Act, 1986, also provided for the establishment of an independent development body, the Custom House Docks Development Authority, to be in charge of the development of the designated Custom House Docks. Other areas to be designated in Dublin under this act were tracts in the north inner-city, along the north and south quays of the river Liffey and around Christchurch Cathedral at the heart of medieval Dublin (Dublin Corporation, 1986). The areas were later expanded to include wider tracts of the inner-city area that were in need of renewal. These are depicted in Figure 4.5.

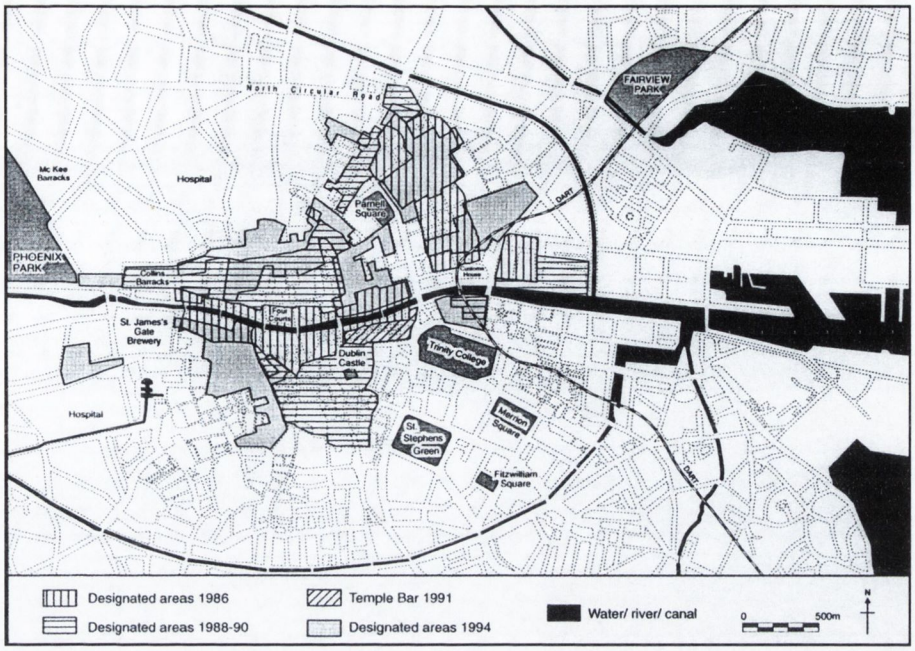



**Figure 4.5:** Designated areas for urban renewal in Dublin's inner city, 1986-94 (Source: MacLaran, 1996).

The incentives were introduced at a time when the property development sector was about to enter a phase of intense development activity in response to rapid economic growth. Furthermore, the thrust of the incentives often had a negative impact on the built heritage as they tended to be geared towards new construction rather than the rehabilitation of older buildings. The poorly developed legal framework for conservation contributed to the creation of major difficulties, particularly in secondary areas that became an important focus for office development. Only belatedly was there any attempt to reorientate the thrust of the incentives towards the encouragement of renovation.

*Evaluation*

There was a general perception amongst the informants that the 1986 Urban Renewal Scheme mainly had negative implications for conservation of the built heritage and that, as suggested by one interviewee, 'it was overwhelmingly anti-conservation and destructive in its effect' (Conservationist 2, 2000). It was explained that it had rarely favoured conservation since 'it was not geared even in a minor way towards conservation' (Policy Advisor 1, 2000). Furthermore, the following was noted:

> 'I think it is generally admitted now that it was not targeted at conservation and that it tended to favour renewal. I don't think it was a great help in terms of conservation. If it had been written in such a way to favour renovation and sensitive restoration - any emphasis on that would have helped' (Planner 2, 2000).

Another informant stated that while the initial urban renewal scheme worked against conservation, the tax incentives under subsequent schemes had gradually been improved in this regard: 'they gradually changed the tax incentives. They changed them in Temple Bar and in the 'Living over the Shop' scheme[44] and in the Integrated Area Plans' (Conservationist 1, 2000).

However, while the 1986 Urban Renewal Scheme had negative implications from a built heritage conservation point of view, it was also suggested that it had overall positive implications in reviving urban areas:

> 'I think we lost and we gained. If we had not got it we might have lost more through neglect. I think it was cut just on time before it swept too far... It certainly brought about urban renewal which just was not happening under the planning acts. On the south quays, for instance, we got an application for a filling station and this was the firsts application that we had got for any redevelopment or refurbishment on the south quays between Capel Street Bridge and the Guinness's for something like ten years. We were faced with a situation where we could not turn it down, because there seemed to be no other use that was going to pay to go on to that site. It was derelict on either side of it. Funnily enough, since then, apart from the urban renewal things, development was beginning to move in that direction... I remember one of the first re-developments on the quays near Wellington Quay beside Capel Street Bridge. There was a block built there by the Irish Life, and they actually told me later that it was a disaster from their point of view because they had hoped that its rental values would increase and that it was going to start a developing trend in the area. Instead the rental values remained static. So the result of the 1986 Finance Act was to reinforce these little glimmers of redevelopment potential. The tax incentives worked in stimulating development but they worked against conservation' (Planner 1, 2000).

Similarly, another informant suggested that 'it helped in a sense of renewing the city but not in terms of conservation' (Planner 2, 2000). In Dublin, many buildings on the quay frontages to River Liffey had been lost as a result of the renewal scheme. This was for example the case at Arran Quay where a row of houses had been knocked down and replaced with an office block. The following was explained by the same informant:

> 'Areas within the urban renewal schemes were by nature areas that were going down a bit. They were all under-used and had a lot of old buildings in them... The idea was knock and build because restoration is relatively expensive, no matter what people say' (Planner 2, 2000).

Furthermore, another interviewee stated that it resulted in the gutting of a large amount of the building stock but at the same time it gave life to urban centres:

> 'It was not a conservation driven piece of legislation. It was about economic development and structural development within urban centres. Unfortunately the heritage protection legislation was not strong enough to cope with the type and speed of development within

[44] See Chapter Five.

those areas. It had some positive effects in terms of revitalisation of urban centres... but regrettably had a negative impact in pure architectural heritage terms. A lot of buildings have been lost or altered. That has happened legitimately and it has been funded which is unfortunate. Obviously development is for a whole range of reasons and one of the issues on the table was conservation. That interest area was not adequately protected by legislation and therefore it lost. It was not that individuals were acting outside the law, they were doing what they were doing within the law' (Policy Advisor 2, 2000).

The Urban Renewal Scheme had damaging effects on conservation of the built heritage due to the lack of conservation policy and quality standards:

'The 1986 Urban Renewal Act was nothing but damaging to conservation and it did not provide any qualitative standards or any standards relating to conservation. It resulted in a number of conservation debacles especially on the quays. It was not in any way linked to quality standards. It was about new build. There was no added incentive for conservation. It worked against conservation because it was regarded that if it was a tax incentive then it was government policy to favour redevelopment in those areas... The 1986 incentives mainly affected the quays and Gardiner Street and they were disastrous from a conservation point of view' (Conservationist 1, 2000).

Another informant similarly noted that the scheme was negative for conservation since it was not accompanied by a strategic policy:

'What happened was that it led to site acquisition. What should have happened was that if we take a street like Capel Street... before it was designated for special tax incentives there should have been a strategic policy for it. It was a good idea but it was not thought through enough' (Conservationist 3, 2000).

The same informant suggested that since the scheme involved area-based renewal it also meant that areas outside of designated zones became exposed to further neglect:

'Supposing it was Capel Street having tax incentives and Talbot Street did not, Talbot Street then became even more run down and neglected because all the focus of developers and everybody was where they could get the tax incentives. While that was not such a huge problem in Dublin, it created major problems in cities around Ireland... But I would think that in some ways it did work in favour of conservation, obviously people were putting money into these areas' (Conservationist 3, 2000).

Finally, one interviewee observed that:

'The late 1980s were an economic slump period. It was a politically unstable period with lots of Italian-type short governments. There was a terrible air of dereliction of large amounts of the city to the extent that you had foreign correspondents who would say that Dublin must have been bombed like the North, they could not distinct it from Belfast. The effects of the road plans sterilised the quays from development for the previous thirty years... So something was needed and the general perception was that what was done was fine: tax relief to encourage developers whom previously wanted to go to Ballsbridge, into investing in the city centre and to go along with residential development. But they failed to link that with any incentive for refurbishment... There are a lot of elements of that package of incentives that discriminated against conservation. For instance, if you wanted to get tax

relief on an apartment, then in order to meet all other regulations it had to qualify as a new structure. That favoured facade retention or total demolition' (Conservationist 2, 2000).

The same informant suggested that in Dublin, there had been a failure by the local authority to use its own importantly located buildings as flagship projects to the private sector:

'The scandalous thing was that the Corporation used their own buildings for site assembling to sell joint property which is a huge waste of opportunity. The worst case was when Linders, the car dealer on the quays, on a Friday afternoon in 1989 started demolishing a terrace of buildings and it turns out that the only reason that had been possible was that the Corporation had just sold one of them to Linders to make their demolition possible. The Corporation is very much like an octopus with different arms doing different things. The development arm of the Corporation has been selling off properties and entering schemes with developers which the planning authority might not agree with' (Conservationist 2, 2000).

Figure 4.6 portrays the terrace of buildings prior to the demolition by Linders, while Figure 4.7 depicts the 'pastiche' Georgian buildings which replaced it.




**Figure 4.6:** Arran Quay in 1985 prior to demolition of eighteenth century housing (Maclaran, 1993).

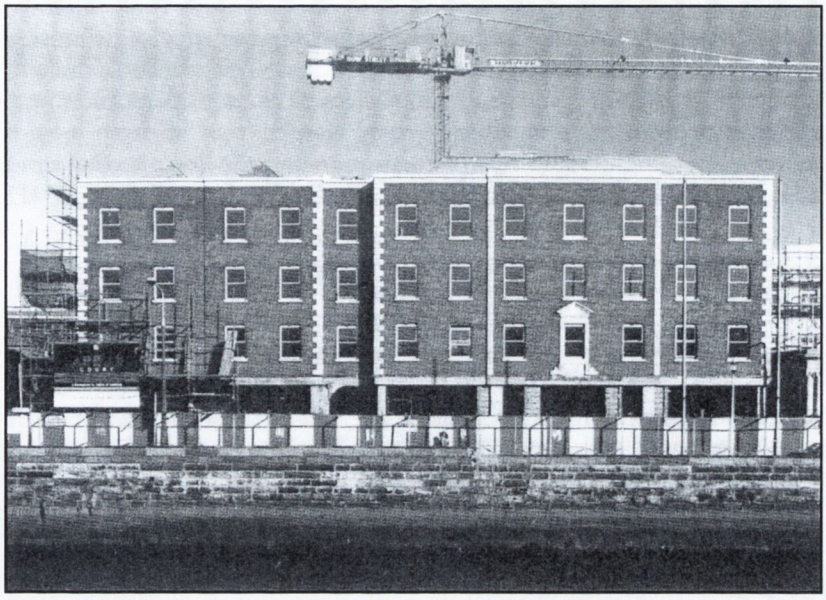


**Figure 4.7:** Arran Quay in 1990 after redevelopment by Linders (Maclaran, 1993).

### 4.4.2. Urban Renewal in Temple Bar: A Case Study

The renewal of Temple Bar is an example of cultural-led regeneration facilitated by a market-oriented approach to planning in order to attract private sector investment. This 'entrepreneurial' form of planning has been employed in many other European cities throughout the 1980s and 1990s. It has emerged due to a shift from an emphasis on local-authority based planning to central authority planning facilitated by the drawing up of 'general planning frameworks' that promote the private sector (McGuirk, 1994). Furthermore, it has been suggested that this new 'market-sensitive' form of planning changes the relations between planning and market and produces interactions between the two of them instead of oppositions (Healey, 1992). Although conservation policies formed a major part of the initial project scheme for Temple Bar, it has proved more successful in terms of contemporary architecture, the creation of residential space and the development of cultural and tourist activities, often at the expense of the built heritage.

*Background*

The Temple Bar area is situated in the centre of Dublin on the southern bank of the River Liffey. According to the Roque's map of 1756, many of the street names that exist today can be traced back to this period and much of the medieval pattern remains the same. Most of the old built features originate from the eighteenth century, with Georgian houses and warehouses traced from this time. The area was formerly

important for port-related warehouse functions with some streets leading directly to the river (An Taisce, 1985a). It was also a place for entertainment including theatres and a Music Hall. During the nineteenth century the commercial activities of the area took precedence over the residential. Furthermore, port-related functions moved further downstream. However, the most important changes took place in the 1950s when the area began to lose many of its traditional businesses (Liddy, 1992). The area was subject to further decline and dereliction when the national transport company (CIE) started to buy property in order to secure the site for a planned bus station. From a conservation viewpoint, the plans for a bus station spelled disaster. Over a period of many years, site assembly took place, important buildings were left to decay as maintenance was terminated. Meanwhile, in order to achieve some rental income from its slowly growing property portfolio, CIE established short-term leases to a wide variety of traders and artists, resulting in a new spontaneous mixture of cultural and semi-commercial activities. In 1986, the Temple Bar Study Group, a voluntary interest group led by students and conservationists, was set up to examine the transportation plans and their possible impact on the environment. The group lobbied the planning authority to withdraw its support for the bus station by listing buildings in Temple Bar, by refusing to permit the demolition of buildings and by promoting the restoration of buildings not in ownership of the national transport company. It was further suggested that an action area plan for Temple Bar should be formulated in order to provide scope for a more sensitive approach to the protection of the area (Temple Bar Study Group, 1986). In 1991, the plans for the bus station were withdrawn and Dublin Corporation formulated an Area Action Plan for Temple Bar. This was of special importance to groups with conservation interests, especially to An Taisce which had outlined a strategy for Temple Bar through campaigning and undertaking a building inventory of the area. Nevertheless, MacLaran (1993) suggests that the abolition of the transportation plans, was the result of financial constraints rather than as evidence of sympathy to conservation.

*Government Action for Renewal*

In 1991, the importance of maintaining Temple Bar as a cultural quarter was recognised by the designation of the area as a European Urban Pilot Project following a successful application by Dublin Corporation and a local business initiative called 'Temple Bar 91' (Smith and Convery, 1996). This arose in response to the nomination of Dublin as the European 'City of Culture' for that year (European Commission, 1994). In addition, two

companies were established by the government under the Temple Bar Area Renewal and Development Act, 1991: Temple Bar Renewal Limited and Temple Bar Properties Limited (TBP). The former was set up to assess and approve the payment of financial incentives in order to assure a certain mixture of cultural activities. With the company's approval, an owner would be entitled to fiscal incentives as defined in the Finance Act, 1991. Temple Bar Properties was established as a quasi-state development company acting on behalf of the government for the compulsory acquisition of land in the Temple Bar area. It was to act as a landlord-developer of the area and took over the property owned by the CIE. Its specific aims were the implementation of safety and aesthetics considerations; the renewal and restoration of the streetscape and the building pattern of the area; and the redevelopment of derelict or vacant sites in a way which complimented the conservation of the area[45].

The tax incentives provided under the Finance Act of 1991 were similar to those forming part of the 1986 Urban Renewal Scheme. However, this time they were designed to support building renovation. Tax incentives under this scheme provided a 100 per cent tax allowance for refurbishment and a maximum of 50 per cent for construction of new buildings intended for specific approved uses (MacLaran, 1993). The developments carried out by TBP were estimated to cost approximately £100 million under the first five-year implementation period and the private sector was expected to invest about the same amount (DoT, 1994). The budget of TBP was financed by the sale and renting of properties, from European funding and a tax incentive scheme financed by loans from Irish and European banks (TBP, 1992).

*The Plans for Temple Bar*

A Development Programme was produced by TBP as a guidance document indicating how the area should be developed. The initial statement indicated a strategy to build on what had already taken place spontaneously in the area, recognising the unique mixture of cultural activities and small businesses which had then characterised the area (TBP, 1992). Thus, the aim was to use this as a basis for further development of cultural, residential and business activities over an implementation period of five years. The project relied on a marketing-strategy that promoted a certain image of Temple Bar as 'alternative' or 'unique' and as being an area of economic development. As a result of

[45] Temple Bar Area Renewal and Development Act, 1991.

an architectural competition held by TBP, an Architectural Framework Plan was formulated by 'Group 91 Architects'. The plan emphasised the importance of pedestrianisation, the creation of public squares and the up-grading of the buildings along the river Liffey quays. Furthermore, it presented a strategy for the conservation of the built environment that suggested 'minimal demolition' and 'imaginative refurbishment'. It also proposed that new buildings should be modern in style and scaled in their context to enrich the existing architecture (TBP, 1991). The Framework Plan had to follow the guidelines set up in the Area Action Plan produced by local authority planners in Dublin Corporation. The physical objectives of this plan aspired 'to conserve the streetscape, layout and building pattern of the area; to retain, through refurbishment, as many of the existing buildings as is practicable; to encourage infill development of a type that complements the scale, height and general appearance of existing buildings; to continue the improvement of pavements, street surfaces and street furniture through a programme of physical conservation' (Dublin Corporation, 1991, 284). Thus, two plans formed the basis of the overall renewal strategy: a flexible architectural framework plan and a statutory local authority action plan.

*Aspects of Conservation*

The approach to the integration of new buildings in Temple Bar has been the use of contemporary architecture at the scale of the historic buildings rather than imitation of the old. A significant feature of Temple Bar is that the historic structure of the area was conserved: the width of the streets and the scale of the buildings were retained with a sharp contrast between old and new, in the historic setting (see Figure 4.8).

While the use of contemporary architecture has been successful, the approach to refurbishment has been less convincing. A study by An Taisce identified that twenty distinctive buildings, including a terrace of eighteenth-century houses on Essex Quay, had been totally or substantially demolished by TBP. Furthermore, it stated that several buildings had been destructively treated involving the retention of facades and the removal of important interior features (Smith and Convery, 1996).



**Figure 4.8:** Temple Bar: the corner of the new Art House and Georgian buildings in Eustace Street (Negussie, 1999).

The building of a Children's Cultural Centre, located around the new Meeting House Square in Eustace Street, involved façade retention and partial demolition of a listed building in order to make way for a pedestrian passageway (see Figure 4.8). The retention of facades rather than entire buildings has been identified as a widespread problem throughout the urban renewal schemes in Ireland (KPMG, 1996). Figure 4.9 illustrates Meeting House Square, which in spite of these concerns was successful in creating urban civic space.

There are various examples of adaptive reuse of historic buildings in Temple Bar, some of which have been more successful than others. The most controversial example is the conversion of St. Michael's and St. John's Church, the oldest Pre-Emancipation Catholic Church in Dublin. It was converted into a Viking Museum by TBP and Dublin Tourism with the assistance of IR £3 million funding from the European Regional Development Fund (Negussie, 1996). The action was condemned by An Taisce in a letter to the *Irish Times* by highlighting the fact that all the original plaster and joinery features of the church interior had been removed with the exception of the ceiling and some of the window surrounds (O'Sullivan, 1995). In reply, Temple Bar Properties claimed that they were restoring the fabric of an important group of buildings in a manner that would consolidate their use in a sustainable way for the future (Magahy and Magee, 1995). This controversy of appropriate and sensitive reuse of historic churches is not only confined to Temple Bar. Elsewhere in Dublin, there is constant pressure to find new appropriate uses for redundant churches as a result of a decline in numbers attending services.

The Development Programme for Temple Bar aspired to achieve a socially mixed community of around 2000 residents. Although gentrification has occurred to a large extent due to raised property prices, there is one example of action taken to protect a socially mixed neighbourhood. In 1998, Dublin Corporation decided to purchase 54 flats known as the Crampton Buildings in order to prevent gentrification of this particular neighbourhood. Nevertheless, the aspirations to achieve a socially mixed community have failed, except for a limited number of local-authority owned housing.

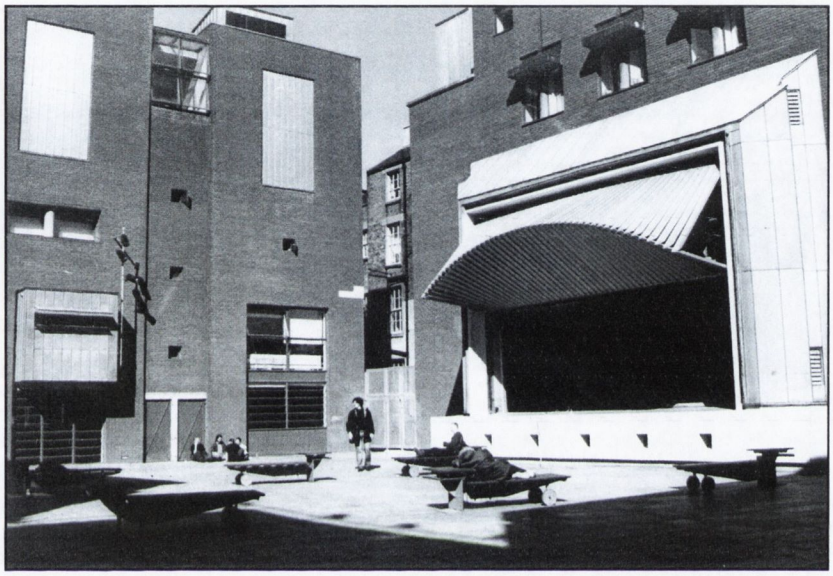


**Figure 4.9:** Temple Bar: Meeting House Square (Negussie, 1999).

*A Successful Approach to Conservation?*

Towards the mid-1990s, there were differing views amongst local planning officials regarding the actions that had taken place within Temple Bar. For example, it was argued that many new developments did not correspond to the 1991 Dublin City Development Plan. It was debated whether a good balance had been achieved between conservation and renewal. Moreover, conservation groups expressed the opinion that conservation per se had been of low priority with too much renewal at the expense of real conservation, with the tax incentives having worked against conservation resulting in the retention of facades rather than the conservation of whole buildings. Furthermore, conservationists were critical of the fact that the marketing of Temple Bar as a tourist attraction and a cultural centre had actually threatened important buildings in addition to the atmosphere of the area (Negussie, 1996).

The government-commissioned Study on Urban Renewal Schemes in 1996, concluded that incentives under the scheme had significantly contributed to the regeneration of

Temple Bar with private sector investment estimated at £73.3 million by 1996. It also pointed out that the scheme was unique in relation to other urban renewal schemes in Ireland as the control of tax incentives was restricted to specific uses, thereby guaranteeing some mixture of activities. Furthermore, it showed that 72 per cent of the overall investment was in refurbishment while the average investment in all urban renewal schemes was as low as 11 per cent. At the same time it recognised that proper conservation through refurbishment had not been enforced partly as a result of modern building regulations (KPMG, 1996).

In 1996, An Taisce observed that the conservation record in Temple Bar had been poor due to a number of reasons (Smith and Convery, 1996), for example:

- a lack of specific reference to how conservation should be approached;
- a scarcity of conservation expertise;
- a lack of a proper inventory of the area;
- the continued availability of tax allowances for developments replacing demolished buildings;
- the lack of a grants scheme to sponsor long-term conservation works; and,
- an absence of any local community partnership.

*Evaluation*

During the course of the interviews for this research different opinions were expressed in relation to the way in which conservation was approached during the renewal of Temple Bar. According to one informant, the renewal of Temple Bar had both good and bad implications: 'I would say good with a couple of black spots. They demolished a couple of buildings and they did a bit of facadism' (Conservationist 3, 2000). Another interviewee suggested that the renewal of Temple Bar stimulated extensive debate on the conservation perspective and there was a lot of concern raised by the voluntary sector, An Taisce in particular. However, it was emphasised that the renewal had involved varying approaches:

> 'It is a fairly subjective discussion in some ways. I suppose projects have been to a greater or lesser extent successful from a conservation perspective depending on your viewpoint. Obviously there have been some quite controversial cases like St. Michael's and St. John's Church. I think people felt TBP should have met their architectural conservation concerns more than just as a basic legal requirement. They should have been going beyond that I think. They did rehabilitate a large number of buildings and some were much more straightforward conservation, like the Landmark Trust building in Eustace Street. There were obviously some buildings which were primarily façade retention. There were varying degrees of approaches, so there is not a single Temple Bar approach. It raised a huge amount of issues in terms of how you use buildings, or what kind of level of intervention you allow and in what way you drive the process' (Policy Advisor 2, 2000).

In relation to conservation and the dilemma of finding appropriate use for historic buildings, it was suggested that in some cases better alternatives could have been found. For example:

> 'There was a lot of tension between conservation and new elements of architecture which were pretty radical in their style and were stitched into the older area. The younger architects thought they were great. I think they were not in every instance but in general though I think it worked. There was a warehouse which has been turned into a music centre and that is a total sham. It appears to be a warehouse on the outside but it is not. That was one of those where they could have done better. That missed conservation totally. We also had a terrible battle with them (TBP) about the Viking Centre. In fact, funnily enough, the music centre would have fitted into that church perfectly... I remember trying to get them to think differently. Put the music centre down there and put something else in the warehouse and give them a bit of land across the way to build a proper Viking Centre... I think we would have ended up with the church conserved, back as a music centre and you would have kept the warehouse. Now we have a church that has been messed around and a Viking Centre that has been forced into doing all sorts of things and no warehouse. So we lost two conservation battles in that one' (Planner 1, 2000).

With regard to the role of Temple Bar Properties and Temple Bar Renewal the following was explained by the same informant:

> 'There was a bit of confusion between the two bodies. TBP were bitterly trying to arrange for redevelopment to take place and then TBR were the ones that were to approve... I was on the TBR at one stage and you really had no brief. You had no input into the TBP decisions as to whether this was the right place for this at all or not. You were really only looking whether it met certain criteria relating to return and things like that. The actual operation of the TBR company was a bit unsatisfactory. On the other hand I think it was useful to have some form of split that you did not give the entire power to TBP to do what they liked totally. I think you would need something that they had to at least pay lip-service to us. Part of the area that it got a bit complicated in was when they had their own properties, or when there were other properties coming in. In other words you were dealing with sites that TBP were promoting and then there were other sites that were coming in from the private sector looking for funding. It was a bit messy to be quite honest. However, it was one way of getting the politicians and the DoE, the management and the planning department to have some role in responding to the planning ideas of the TBP' (Planner 1, 2000).

Concern was raised about Temple Bar Renewal and its approach to granting of tax relief. However, it was argued that its brief should have included considerations for refurbishment. Instead, it became a rubber stamping body:

> 'Temple Bar Renewal was a rubber stamping body which never said no to any development that I can recall except in its latter stages to a few pub developments. But its remit was limited exclusively to uses. It said that you could not build offices in Temple Bar, but not that you couldn't demolish buildings. The regime in Temple Bar allowed you to demolish although it provided a better incentive if you refurbished rather than demolished. But refurbishment was interpreted to allow facade retention and people got full tax incentives. The tax incentives were better (compared to the 1986 urban renewal scheme) but rather than precluding or stopping demolition, they just said that you get a lower tax incentive for demolition. They did not adequately define what refurbishment meant. So TBR finished up as a rubber stamping body. Instead of just saying no offices,

> they should have said no to too many pubs, to developments that did not have an adequate mix of commercial, residential and retail and they should have said no to developments where conservation was not adequate. There was a lost opportunity there. It was just inaptitude and incompetence. They did not enshrine the legislation adequately. Subsequently the KPMG report acknowledged that' (Conservationist 1, 2000).

Furthermore, it was suggested that TBR had approved far too many public houses, which had taken precedence over other commercial uses in the area:

> 'I would have to say that the overall result architecturally is very handsome but nobody would have predicted the dominance of pubs, the highest economic land use and the fact that the refurbishment of pubs attracted 100 per cent tax relief. So publicans who had changed the pubs in other parts of the city suddenly wanted a pub in Temple Bar because it was a way of getting tax relief. We are somewhat bitter about that. It was an unnecessary form of public subsidy. Tax relief is no different from giving somebody a bunch of cash in their hand. Temple Bar Renewal was really the lame duck of the whole system. It was never given the teeth' (Conservationist 2, 2000).

It was observed that Temple Bar Properties itself became a major public house developer and got involved in a number of controversial demolition cases:

> 'TBP became a major pub developer but worst of all they demolished five houses on Essex Quay and they got involved with Dublin Tourism in the Viking Disney Scheme as I call it. It was something interesting, an early-Catholic church, which became something silly. It was just inappropriate. It involved too much at the loss of the church building to create a Viking Centre which could have gone into the basement of the Civic Offices instead. It was an aberration of its own brief. They took conservation as a key point out of the Framework Plan' (Conservationist 2, 2000).

Similarly, another informant stated the following:

> 'In Temple Bar you were finding that people where doing a lot of demolition that we felt unnecessary (the planners). They restored the house in Eustace Street but I would question what happened to the Children's Centre. I would have taken another approach to that. It was an old Presbyterian meeting hall and if conservation is high on your agenda you would have looked at other possibilities. TBP were somewhere between being developers and conservationists. But they did, generally, bring back life to the area. But on individual buildings we had our problems, it would not necessarily be with Temple Bar Properties, but maybe Temple Bar Renewal which was a separate company' (Planner 2, 2000).

Another issue raised was that in the Development Programme, which was adopted after that of the Framework Plan, the initial emphasis on conservation was diminished:

> 'Temple Bar Properties produced a Framework Plan which was very good and rated conservation very highly. But that plan had no teeth. That is the big Irish problem. We are not interested in enforcing things, we are not interested in making sure that things we aspire to are actually achieved. The plan was very good, everybody said yes. After the plan had succeeded, they then produced the Development Programme, which is the document that actually dictated the way that the area was developed and that took conservation out of the equation. The aspiration of the Framework Plan was very good on conservation, but if you check the difference between the five principle aspirations of the Framework Plan and

> the five principle aspirations of the Development Programme, conservation is omitted and that had a tangible effect. The Development Programme was what determined the fate of Temple Bar and it determined the quality of the development. Conservation was not really a factor' (Conservationist 1, 2000).

Furthermore, the loss of a substantial number of historic buildings and the degree to which façade retention had been allowed was unfortunate considering the fact that tax incentives had still been approved:

> 'There was at least 25 Georgian buildings demolished on the quays. I am not saying it would not have happened had the tax relief not been available, but what I find galling was that the new buildings on that site were given tax relief. The tax relief system is subsidising the on-going destruction of the city. An Taisce invented Temple Bar in 1985 and the concept of giving tax relief to the area to encourage special sort of development to a special plan. That was our concept. We all came up with the suggestion that to encourage refurbishment should get a higher tax relief level than new built. But unfortunately no guidelines were drawn out which led to a lot of facade retention in Temple Bar, which got refurbishment tax relief' (Conservationist 2, 2000).

Overall, it was observed that the renewal of Temple Bar resulted in too much development pressure and commercialisation at the cost of the initial plans to maintain the area as a Latin Quarter:

> 'A bitter lesson that we learnt from Temple Bar was that when you introduce tax relief into an area you actually increase development pressure on the area also. You are driving up property values and funding investment into that area and unless you match that investment with a good conservation plan then you have serious conflict and that happened in Temple Bar' (Conservationist 2, 2000).

Furthermore, another informant stated the following:

> 'The idea was that Temple Bar should become a Latin Quarter of Dublin. That in itself was good because it was already the beginnings of that with shops and that sort of thing. I think we all hoped that the area would have developed within that sort of structure encouraging small shops and repair places, jewellery and hand made things. A certain amount is there and that is very good. There is a cinema centre, gallery of photography…these are all very fine things. But on the other hand they went over the top in the line of public houses and bars on a scale that was totally unnecessary in relation to the area. That was a big mistake. TBP think they showed themselves moving away from the concept of maintaining a Latin Quarter into becoming developers' (Conservationist 4, 2000).

Finally, another interviewee elaborated on the effects of over-funding and the consequent process of gentrification:

> 'The redevelopment of Temple Bar was dictated primarily by the availability of European funding which was tapped and targeted and was about spending as much as possible on particular projects. In a great many cases buildings were gutted or demolished, for example, St. Michael and St. Johns. That was very poor conservation practice and a misuse of European funds. It resulted in the area instead of being a bohemian becoming an over-

> expensive area. An Taisce's vision which was a bohemian counter-cultural area became an expensive mainstream commercial area. They could have learnt from experiences elsewhere. There was no effort made to provide space for students, or bohemians or artists, they were pushed out. That would have been okay, except that they spent state money doing that. If it had been an area where the primary impetus was commercial you could have understood what happened although you would not have excused it. But in fact, it was an area that was driven by state funding and still it became an area where market prices determined what happened. That was a major failure' (Conservationist 1, 2000).

It may be concluded that the Temple Bar project has proved successful in terms of revitalisation, new developments, and economic and cultural regeneration. Nevertheless, aspects of urban conservation have been under pressure. The standard of conservation work has been compromised in many cases, especially by the introduction of new uses for historic buildings. Thus, a non-restrictive approach to conservation has enabled commercially compatible uses in Temple Bar. The enhancement of older areas usually involves adaptation to modern circumstances. A pertinent question has been raised in this respect: 'should the existing urban forms be adapted or reconstructed to accommodate the new functional demands, or should these demands be constrained to fit into the existing forms?' (Burtenshaw *et al.*, 1991, 140). While the Temple Bar project has resulted in a dynamic mix of uses, it seems that the commercial and tourist aspects of the project have been prioritised at the expense of conservation. The marketing of Temple Bar has to a large extent relied on the tourist sector, which has in turn posed a threat to the conservation of the area. The key question is whether this kind of large-scale profit-oriented urban renewal sits well with conservation objectives. It remains to be seen whether the introduction of a more integrated area-based approach to planning, as through more recent urban renewal schemes and afforded by the strengthened statutory footing for heritage protection, will resolve the negative effects of large-scale urban renewal.

### 4.4.3. Dublin Docklands Development Authority Act, 1997

The Dublin Docklands Development Authority (DDDA) was established as an independent special purpose authority under the Dublin Docklands Development Authority Act, 1997, with the objectives of securing (DDDA, 1997, 1):

- 'the social and economic regeneration of the Dublin Docklands Area on a sustainable basis;
- the improvement of the physical environment of the Dublin Docklands Area; and
- the continued development in the Custom House Docks Area of services of, for, in support of, or ancillary to the financial sector of the economy'.

The act stipulated a number of conservation issues that where to be addressed in the Master Plan for the Dublin Docklands Area. First, identification of areas with detailed proposals for where redevelopment, renewal and conservation would be appropriate. Secondly, the setting out of urban design guidelines, including such that relate to urban and building conservation. Thirdly, to include proposals for conservation of the streetscape, layout and building pattern. Finally, to include proposals for the conservation of the architectural heritage (*Ibid.*).

Conservation was one amongst several objectives of the Dublin Docklands Area Master Plan, 1997. The Civic Design Framework stipulated eleven conservation objectives in line with those established under the 1991 Dublin City Development Plan, *e.g.* preservation and protection of listed buildings, encouragement of reuse of older buildings and the retention of buildings significant in terms of local character or community identity (*Ibid.*).

In 1996, the Dublin Docklands Development Authority commissioned the School of Architecture, University College Dublin, to undertake inventory of the architectural and industrial archaeological heritage in the Dublin Docklands Area. The survey included a review of buildings and structures listed under the 1991 Dublin City Development Plan. The study completed inventories of 61 streets and 188 buildings together with 430 industrial archaeology sites (School of Architecture, UCD, 1996).

*Evaluation*

The interviewees were asked to express their opinions on the management of the built heritage, especially the industrial heritage by the Custom House Docks Development Authority, which later became the Dublin Docklands Development Authority, in the area which it oversees. One informant, referring to the latter, suggested 'very good in my opinion. They seem to have conservation very high on their agenda' (Conservationist 3, 2000). Another interviewee suggested that it varied:

> 'They conserved a few of the buildings of the old dock. They are turning one into a restaurant with modern extensions on it and one or two other things. They have the Dock Master's House, which is now a public house. They also kept the shipping basins. They reduced one a bit inside but they kept most of that. In terms of buildings it was very limited. Some old walls are being kept and things like that' (Conservationist 4, 2000).

It was suggested that the designation of the Dublin Docklands Area for new offices had taken development pressure out of areas where the built heritage had previously been under threat:

> 'The positive thing about the Custom House Docks was that it took the heat out of the rest of Georgian Dublin. Because there was a 100 per cent tax relief, while there was not in Stephen's Green and Ballsbridge. It meant that pressure on those areas was immediately relaxed. That was a very positive thing' (Conservationist 2, 2000).

However, the renewal project had also involved demolition controversy over a particular warehouse building listed for protection:

> 'The negative thing about the Custom House Docks Authority was the fact that they repudiated their own brief. The one conservation element that was meant to be there, a brick-walled warehouse called Stack C was demolished. That was a very sad architectural loss, particularly as it was part of their brief to restore it' (Conservationist 2, 2000).

> 'They demolished what is under Stack B, which is an important warehouse building. The plan had no teeth. The plans for the Customs House Docks had all sorts of waterfalls, public open spaces, residential, and museum, but nothing really happened. Except offices and then in the end a little bit of residential. There was very high expectation and very good aspiration but very little of it took place. There was also no engagement with the community, it was entirely left out of things' (Conservationist 1, 2000).

With regard to the industrial heritage it was suggested that 'there was so little of it at the start' (Conservationist 2, 2000). Furthermore, the following was stated:

> 'We are not talking about much built heritage. We're talking about docks which were kept, a warehouse, which was demolished... I think they had a positive impact in trying to keep a sense of balance and quality to the key frontage, because if you left it entirely to speculative people you would not know what sort of quality would come out. There was not much to conserve, indifferent warehouses, sheds, etc. What was of architectural worth down there was surveyed by the Custom House Docks Development Authority' (Planner 2, 2000).

However, it was considered that there had been a difference in approach to conservation and community aspects by the Dublin Docklands Development Authority and its predecessor the Custom House Docks Development Authority and. For example:

> 'Compared to the CHDDA the DDDA, to be fair to them, have been much more community conscious and they set the lead for instance in requesting a 20 per cent social housing element. Certainly what is disappointing about the Docklands development is the monolithic big blocks of offices... Office areas that become deserted and unsafe places at night and that end up being gated off rather than multi-functional... They had the opportunity to do something really exciting to create a vibrant urban quarter there but they failed that' (Conservationist 2, 2000).

> 'The Custom House Docks Authority was changed into the Docklands Authority. It was given charge of continuing on and brought in local communities to get rid of the democratic deficit. There were social exclusion issues, social housing, physical form. Mistakes were made in London were communities felt alienated so this was an attempt to address that... The first one was commercial. The other one is also commercial but it has a broader brief for involvement by local communities' (Planner 2, 2000).

Furthermore, the first charter, under which the CHDDA operated did not have any straight forward conservation requirements, while the DDDA did:

> 'In the Docklands legislation there is a clearer obligation on them to protect the heritage. The government decision that set up the Docklands Authority required them to carry out an inventory. At least to some extent conservation was written along with the other objectives that they had more effectively than in the previous legislation. If people know what they have, then there is a better chance they might protect. However, thrown in with conservation was all the other issues, the social issues, the economic issues' (Policy Advisor 2, 2000).

### 4.4.4. Urban Renewal Scheme of 1998: Towards Integrated Area Planning

In the mid-1990s major public concern was expressed regarding the negative impact of urban renewal in terms of its lack of sensitivity towards conservation and community issues. Consequently, in 1996, a consultant Study on the Urban Renewal Schemes was commissioned by the Department of the Environment and Local Government to evaluate the results of the Urban Renewal Programme. The study found that while it had proved successful in attracting private sector investment into areas of physical decline, it had in many cases been unsuccessful in terms of architecture, design, conservation and social aspects. The study concluded that there was a need for a more integrated approach to urban renewal (KPMG, 1996).

In 1998, the government responded by the introduction of a new urban renewal scheme with specific guidelines on integrated area planning. A new programme of integrated area plans was launched to address the physical, economic, environmental and social aspects of planning (DoE&LG, 1997). In Dublin, there now exist five such plans: the North East Inner City; O'Connell Street; Historic Area Rejuvenation Project (HARP); the Liberties/Coombe; and Kilmainham/Inchicore. The aim of the local authority is to achieve conservation within these areas through local plans developed in co-operation with local communities and environmental groups (Dublin Corporation, 1999).

*Evaluation*

The interviewees concluded that it was too soon to evaluate the overall effect of the scheme with regard to conservation and the integration of community aspirations and influence over conservation matters in Dublin City. However, some concerns were raised. For example, scepticism was expressed due to the private-sector development-led nature of urban renewal and to the low priority given to conservation in general. For example:

> 'It is still development-led. Community aspirations were supposed to be represented in it but it is turning out in most cases to be developer-led. Any of the major schemes that have community input seem to be publicly financed or sponsored but not necessarily conservation oriented. Conservation is not high on the agenda at all' (Planner 2, 2000).

Nevertheless, the same informant also explained that the areas that were designated under the 1998 Scheme are areas that have suffered from major decay and dereliction and where conservation is not the primary objective. 'They are not areas where conservation would have been on the agenda for redevelopment anyway because their sites have gone downhill. They are very ragged sites that are derelict almost and conservation were not really one of the main objectives' (Planner 2, 2000). Furthermore,

> 'The Integrated Area Plans were really designed to address all the problems in the previous schemes and on paper everything in the IAPs is very good. My worry is that IAPs depend on a partnership structure, the Corporation working with the community. The Corporation has not established a great record in community participation... We just hope that the management by the Corporation and the IAP objectives are going to filter through and achieve results... The HARP area, an earlier version of one IAP, has seen a very high destruction of historic buildings spread across the area' (Conservationist 2, 2000).

However, one informant suggested that combined with the new planning legislation, the 1998 Urban Renewal Scheme has the potential of being a more successful scheme in terms of conservation:

> 'Certainly the ideology and the concept behind the IAPs and the Town Renewal Scheme, which is for smaller towns, is aware of the concerns that were addressed in relation to the earlier urban renewal schemes. There certainly is a greater conservation orientation in them. I think it is too soon to see the effectiveness of that. It still requires an interrelationship with planning obviously because that is where the control mechanisms and the development within the local authority takes place' (Policy Advisor 2, 2000).

The same informant noted that a major problem under the previous schemes lay in the fact that tax incentives and planning permission were granted independently:

> 'Planning control was the primary control in relation to controlling urban renewal development. The tax incentives were granted separately. Developers were claiming tax incentives but the planning control is still through the normal planning control procedures' (Policy Advisor 2, 2000).

Thus, unless buildings were listed and afforded with adequate protection they were exempted from control within the planning process:

> 'The identification of buildings of architectural heritage merit and a protection mechanism were not put in place in advance of the tax incentives. In an ideal situation you identify it, you protect it and then you give them tax incentives for doing the work but it did not work in that order. Until the legislation is working properly to protect them through planning control, I don't see it working that effectively' (Policy Advisor 2, 2000).

Another issue raised was that conservation objectives within integrated area plans are limited to certain sites, which may be seen as a weakness:

> 'The problem with integrated area plans is that they are limited to sites. The strength is that they are area specific but they don't affect the areas outside the designated sites. You can wreck buildings outside the sites providing it complies with the building legislation' (Conservationist 1, 2000).

The same informant suggested that during the first phase of the HARP project, one of the Integrated Area Plans for Dublin, there were signs of priority being given to social and community aspects over conservation and environmental concerns:

> 'The way they are interpreting it is that if developers provide the social and community benefits that are required under the IAP, they get the tax incentive but don't have to comply with the environmental or conservation requirements. For example, in the case of Smithfield there is a development being proposed and the IAP says that it should be four stories with a seven-story tower feature. The developer has proposed 23 stories and my understanding from the Corporation is that they say that provided it provides the necessary amount of social housing and other community benefits, the fact that it does not comply with the environmental and architectural dimensions prescribed does not make a difference. I suspect when it comes to the IAPs it won't make very much difference for conservation. They have quite strong community goals which is important but they are not very good on environmental goals. (Conservationist 1, 2000).

In addition, it was suggested that there is a problem of interpretation of integrated area plans amongst different authorities:

> 'Different authorities around the country are interpreting the IAPs in different ways. Some authorities are saying that once the local authority grants permission they automatically should benefit from the IAP... But it could be recognised that you have not complied with the IAP and therefore you would not get tax incentives. I can see it now, and it is as obvious as it was in the case of the 1986 urban renewal incentives or in the case of Temple Bar how it is going to go wrong. It has had an impact on the integration of community aspirations but whether it has had an impact on community aspirations over conservation matters is a different matter' (Conservationist 1, 2000).

effective in regard to conservation of the built environment compared to the previous schemes.

## 4.5. FINANCIAL INCENTIVES TOWARDS CONSERVATION OF THE BUILT HERITAGE

The history of financial state incentives for conservation of the built heritage in modern Ireland may be summarised to a number of key developments. With regard to tax incentives, the most important development was the provisions introduced under the Finance Act, 1982, for buildings of significant scientific, historical, architectural or aesthetic interest. Nevertheless, as discussed above, tax relief for refurbishment costs under the more recent urban renewal schemes had the potential of being beneficial to historic houses but they often proved disadvantageous. In 1988, the National Heritage Council was established as the first national grant-giving body with the task of allocating grants to privately owned buildings. This function was later transferred to the current Heritage Council in 1995. During the 1990s, European and government funding towards urban conservation projects, initiated by local authorities or conservation bodies, comprised the most important financial public support towards conservation of the built heritage. In 1999, Ireland's first comprehensive national Conservation Grant Scheme was introduced. However, in Dublin City, in the absence of a national funding system, smaller local authority grants for listed buildings were introduced in 1979, drawn from Dublin Corporation's own budget.

### 4.5.1. Tax Incentives of Direct Advantage for Refurbishment of Historic Property

Until recently, the only government sponsored support towards historic property existed through a limited framework of tax incentives. Convery (1988) distinguishes between tax incentives and grants discriminating against or in favour of existing buildings. In Ireland, many tax incentives and grants towards buildings discriminate against existing buildings by encouraging redevelopment rather than refurbishment of old buildings. For example, a stamp duty of 4-6 per cent applies to residential purchases of existing property, while new property is exempted from this tax duty. However, a limited range of tax incentives has in the past and currently provided financial support towards the existing building stock (*Ibid.*), for example, those under the more recent urban renewal schemes.

Furthermore, under Section 19 of the Finance Act, 1982, owners of buildings regarded by the Commissioners of Public Works as being 'intrinsically of significant scientific, historical, architectural or aesthetic interest' and which are open to reasonable public access, may treat expenditure on repair, maintenance and restoration as a loss under the income tax code. Under Section 29 of the Finance Act, 1993, a similar provision for gardens was introduced. Under Section 18 of the Finance Act, 1994, the term 'reasonable public access' was substituted with the requirement of public access for 60 days, including not less than 40 days during the period between 1 May and 30 September.

These provisions were later incorporated and amended under Section 482 of the Tax Consolidation Act, 1997, under which the Minister for Arts, Heritage, Gaeltacht and the Islands is responsible for determining whether a building or garden is intrinsically of significant scientific, historical, architectural or aesthetic interest. The requirement of public access has made the tax relief less suitable for domestic houses in private ownership.

Between 1983 and 2002 (April), 84 buildings in Dublin received a determination as specified under Section 19 under the 1982 Finance Act and Section 482 of the Tax Consolidation Act. Nationally, a total of 394 structures have been determined to be of interest for the purpose of Section 482[46]. Thus, these provisions have been granted to a very limited number of buildings. In the inner city of Dublin, for example, certain buildings in Stephen's Green, Merrion Square and North Great Georges Street have benefited from such designation. The record of Section 482 buildings in Dublin shows that a significant amount are important landmark buildings, *e.g.* the Gaiety Theatre, the Incorporated Law Society in Blackhall Place, and the Powerscourt Townhouse. In addition, many of the buildings have been restored or campaigned for by conservationists, groups or individuals. This suggests that this tax incentive has been relatively unknown to the general public. It was described by one interviewee as 'a very favourable regime of tax incentives' although limited to 'only some hundred buildings countrywide' (Conservationist 1, 2000).

---

[46] Information retrieved from Dúchas – The Heritage Service, Dublin 2002.

### 4.5.2. Conservation Grants through the Heritage Council

In 1988, the National Heritage Council was established as a heritage awareness raising body within the Department of the Taoiseach (Prime Minister) (see Chapter Five). Part of its mission was to distribute funding allocated for a broad range of heritage work, subject to the approval of the Taoiseach (National Heritage Council, 1989/90). For the first time, government grants were made available for restoration and repair works to buildings, undertaken by public organisations as well as by private individuals. Prior to that, government funding towards architectural heritage conservation projects had mainly concerned buildings owned by the state through the Office of Public Works. During 1989-90 the National Heritage Council allocated funding to 41 projects in the region of £775,000, drawn from its budget of £ 1 million funded by the National Lottery. The grants were distributed widely and were not solely allocated for the built heritage (*Ibid.*). Table 4.3 shows projects of direct relevance to conservation built heritage in Dublin that received grants from the National Heritage Council between 1988-1991.

| | |
|---|---|
| 1989/90 | An Taisce: towards the cost of an architectural survey of post-1600 buildings (£2,500) |
| | Verney Farm, Kilternan: restoration of thatched dairy structure (£1,000) |
| | An Taisce: restoration work on Drimnagh Castle and gardens (£25,000) |
| | University Church, St. Stephen's Green: repair of roof (£7,500) |
| | Na Piobairi Uilleann: restoration of plaster work on ceilings at 15 Henrietta Street (£4,500) |
| | St. Doulagh's Church, Balgriffin: restoration work (£20,000) |
| 1990/91 | An Taisce: repair work to Tailor's Hall (£20,000) |
| | Our Lady of Refuge Church: interior decoration (£25,000) |
| | Pillar Room, Rotunda Hospital: repair works to ceiling (£40,000) |
| 1991/92 | Pavee Point Trust: repair works to former Free Church in North Great Charles Street (£15,000) |
| | An Taisce: increased grant towards repair work to Tailor's Hall (£2,500) |
| | Green Street Trust: restoration of former Debtor's Prison (£30,000) |
| | St. Audeon's Church: restoration works (£20,000) |
| | St. Stephen's Church: repairs of roof (£20,000) |
| | Knocklyon Castle: repair of roof (£9,000) |
| | Rathmines Church Sacristy: repair works to ceiling (£9,350) |

**Table 4.3:** Conservation grants allocated for Dublin by the National Heritage Council 1988-1991 (Sources: National Heritage Council, 1990, 1991 and 1992).

In 1995, the National Heritage Council was placed on a statutory basis and renamed the Heritage Council. As an independent statutory state-sponsored body, the Heritage Council has a discretionary grant-giving function. Since 1997, the Heritage Council has continued to allocate grants, funded by the National Lottery, for a wide range of community-based heritage projects, as well as architectural grants towards restoration

and repair works to buildings in both public and private ownership. An annual amount in the region of £700,000 has been allocated for architectural grants, distributed nationally. In addition, a 'Buildings at Risks Grant Scheme' was introduced in 1998. In the year of 2000, approximately £1.5 million was allocated to 32 buildings on the Council's Buildings at Risk Register (Heritage Council, 2000).

### 4.5.3. EU Funding towards Conservation Projects

During the 1990s, there were two main programmes under which built heritage conservation could be funded: the Operational Programme for Tourism and the Operational Programme for Local and Rural Development, 1994-1999. Under the former, funding was not targeted specifically to urban conservation but to tourism-related projects, heritage towns, *etc.* The latter, was a joint financial programme between the Irish Government and the European Commission established in order to address needs for social and economic development at the local level (DoT, 1994). The Urban and Village Renewal Sub-Programme was designed specifically to promote sustainable physical, social and economic revitalisation of urban centres in Ireland. It consisted of five measures: Five Major Initiatives, Urban Improvements, Village Renewal, Urban Conservation and the Temple Bar Cultural Quarter. The Programme aimed at encouraging initiatives by local authorities and voluntary conservation bodies, and with regard to conservation, the objective was 'to rehabilitate the built environment... through the conservation and restoration of urban architecture and heritage buildings' (*Ibid.*, 84-87). In the period of 1994-1999, a total of 150 public conservation projects were funded with grants and matching finance of a total of £7 million, including a wide-range of projects *e.g.* market houses, churches and Georgian buildings (DoE&LG, 1999a).

In 1999, the Heritage Council concluded that while EU sources of funding constituted an important share of heritage and heritage-related expenditure, the integration of heritage funding into economic development programmes has involved a number of problems (Heritage Council, 1999):

- a confusion between heritage and tourism projects, the latter often being economically driven without defined heritage objectives;
- the fact that heritage conservation and economic development objectives can be contradictory;

- overlap in EU instruments and sources can lead to conflicting objectives of different measures, which may have opposing effects on heritage conservation;
- lack of monitoring mechanism to evaluate effectiveness.

The informants consulted for this research were asked to what extent funding under the Urban and Village Renewal Sub-Programme was utilised for conservation of the built heritage in Dublin. One informant suggested that, overall, 'European funding has gone into roads infrastructure, water sewage, *etc.*, very little has gone into urban funding and even less into conservation' (Conservationist 2, 2000). It was observed that this was due to the nature of European funding which is to be used for public orientated rather than private projects such as housing refurbishment. However, the same informant explained that it had proved useful in a series of voluntary driven conservation projects:

> 'There was one strand of the Urban and Village Renewal Programme, which was crucial for the Dublin Civic Trust-project. Local authorities or public agencies like the Trust could qualify and the Dublin Civic Trust used that to very great advantage in the restoration of 21 Aungier Street and No. 4 Castle Street. It proved good in a series of examples' (Conservationist 2, 2000).

Another interviewee suggested that a significant amount of funding has been released to conservation organisations under the 'Urban Conservation' initiative:

> 'It was dedicated to conservation so it was used for conservation. It was a grant fund. Then there were other areas... there was funding given for town renewal schemes, which amounted to streetscape and paving. So the Operational Programme was used in that context. Quite a lot of money was given to towns in the country and in areas of Dublin for that basis' (Policy Advisor 2, 2000).

Another informant stated that in order to manage funding applications for various conservation projects, the Department of Environment established a conservation advice committee:

> 'The Department of Environment felt they did not have enough in-house expertise to sort out applications, so they got a group from various conservation bodies and individuals. They had something like three-quarters of a million (£) to disperse. It was up to us to go through the applications and give recommendations. Then it was up to the Minister to decide' (Conservationist 3, 2000).

Nevertheless, while this funding had been widely utilised there had been a lack of monitoring to ensure that it was properly used:

> 'I think that funding was probably utilised a great deal but there was not a great deal of monitoring done. You had to send in a method statement but there was no monitoring or follow up as to what had actually taken place due to lack of manpower. I think in general

> everything was all right but we had a few difficulties. For example, somebody would come back to the Committee and say did you see what they did to that clock tower... You would have given them x amount of money and they would have done something absolutely appalling. But in general it was excellent' (Conservationist 3, 2000).

This was supported by another informant who also suggested that there might have been cases where funding was not ideally used from an architectural heritage perspective:

> 'Some of it might have been used in areas that we might not consider, from an architectural heritage perspective, to have been the best solution in terms of what was done but again in the absence of conservation-orientated planning... Sometimes it was done not in an anti conservation mode but just without consciousness of the conservation mode' (Policy Advisor 2, 2000).

It was also explained that certain cultural sites in Dublin received funding under the Operational Programme for Tourism:

> 'There was quite a lot of cash that went into heritage tourism as such that was operated totally separately by the Department of Tourism... Some of that funding would have been transferred to the Department of Arts, Culture and the Gaeltacht and delivered through a number of areas. Dúchas, for example, would have had a number of sites where funding would have been made available for the conservation of a site' (Policy Advisor 2, 2000).

### 4.5.4. Local Authority Grants towards Conservation in Dublin City

In 1979, Dublin Corporation introduced a system of grants towards maintenance of listed buildings, drawn from its own general budget. Initially, the annual amount available under the scheme was £30,000. However, this sum was gradually raised to £130,000 before it was abolished in 1999, when a government funded conservation grants scheme for local authorities was introduced. According to one informant 'it was really just to pat people on the head and say good on you, to encourage things' (Planner 1, 2000). Another interviewee stated: 'I would give credit to the Corporation for having done that. It would have made a difference in achieving quality and it was entirely local-authority funded' (Conservationist 2, 2000). The following was also noted:

> 'It was purely Corporation money and it had a very good take-up. Repairs to mostly non-privately owned properties, churches and communities and occasionally a private and distressed building would be helped. It mostly went to roofing, pointing, railings, the things that you see from the street. The fact that there was a fund sort of gave us respectability. You are asking for things to be kept and now you had a little fund and 5000 would go a long way in those days to a church roof. It did have a significant effect, more so than the sum suggests' (Planner 2, 2000).

### 4.5.5. Towards a National Conservation Grants Scheme

Ireland's first comprehensive national conservation grants scheme came into operation on 26 May 1999, forming part of the new legislative framework for protection of the architectural heritage as discussed above. Consequently, an annual grant-aid scheme was established for the carrying out of preservation and conservation works on protected structures. Initially, approximately £4 million were to be distributed annually to all local authorities, administered by the borough and county councils. The introduction of the scheme reflected the government's acceptance of its financial responsibilities for the maintenance and rehabilitation of the built heritage. An amount of almost £1 million was allocated to Dublin Corporation for the year of 1999. However, the annual figures indicate a decline in the amount of allocations by 2002. Table 4.4 shows the allocation of grants nationally and for Dublin City Council between 1999 and 2002.

| Year | Overall National Amount | Dublin City Council |
|---|---|---|
| 1999 | £3.9 M (€4.95M) | £976.674 (€1.24M) |
| 2000 | £4.125 M (€5.24M) | £1.035 M (€1.31M) |
| 2001 | £4.482 M (€5.69M) | £1.125 M (€1.43M) |
| 2002 | €3.0 M (£2.36M) | €710.000 (£560.000) |

**Table 4.4**: Allocation of grants for the conservation of protected structures (Source: Information retrieved directly from the DoE&LG).

Under the scheme local authorities have been given the right to adopt their own criteria for how to prioritise grant applications and the Conservation Officer is responsible for assessment of these. However, a standard criterion was established that grants should amount to 50 per cent of the cost of works up to a maximum of £10,000, and in exceptional circumstances, 75 per cent of the cost of works up to a maximum of £20,000. Works qualifying under the scheme include the following (DoE&LG, 1999b):

- works necessary to secure the stability of a structure or part of a structure;
- works necessary to make a structure weather-proof or damp-proof;
- works necessary to conserve or repair external walls or internal features; and
- works consisting of temporary repairs, where it is necessary to protect a structure from immediate risks.

However, certain works do not qualify under the scheme, for example, if they in the opinion of a local authority:

- consist of maintenance, alterations or improvements;
- are not necessary to secure the conservation of the structure;
- amount to less than £1,500;
- are subject to Section 482 tax relief under the Taxes Consolidation Act, 1997;
- are not essential to reduce an immediate risk to the safety or survival of a structure (*Ibid.*).

Four years after the introduction of the scheme, a survey on the implementation of the 1999 Planning Act by local authorities, based on a 50 per cent response rate, concluded that the Conservation Grants Scheme was working 'fairly well'. Difficulties involved included shortages of skilled craftsmen to carry out works to buildings, a lack of appropriate staff to deal with the Scheme, lack of interest from owners and a relatively low level of funding for grants. For Dublin City, the approximate number of received grants applications between 1999-2001 was 700, with a number of 390 awarded grants (Negussie, 2002).

The informants were asked to express their opinions on extent to which the grant scheme reflects a new commitment to conservation by Central Government. One informant suggested that 'it does represent a lot of a conservation commitment. It did not exist before at all' (Planner 2, 2000). Another respondent voiced the opinion that:

> 'It obviously reflects it very well, and it will help but it is probably designed and maybe quite rightly, to help the smaller house owner because the cap is £10,000. You are not going to do a huge amount of restoration with £10,000. But for a small house, it might be God sent. It is good. Cork Corporation, which would be big, now I think was given a £120,000 to disperse in grants, so if you divide that by 10, only 12 people are going to be helped. But it is better than not having it. It is moving in the right direction' (Conservationist 3, 2000).

From a more critical point of view it was suggested that 'the grant scheme is significantly smaller than it was proposed initially and for a lot of local authorities there is building an enormous administrative burden' (Conservationist 2, 2000). Similarly, one interviewee made the following critical observations:

> 'It is much lower than is needed and significantly lower than what was recommended in the inter-departmental report and what the Heritage Council recommended as a minimum. It is still not a priority. I think the Heritage Council envisaged that there will be 30,000 buildings listed countrywide and reckoned that you need £15 million a year to deal with that as a minimum. It was envisaged originally that there would be grants and also tax incentives and they did not provide any tax incentives at all. The inter-departmental report is five years old, so inflation would have increased the amount recommended. Plus the economy means that we can afford much more than as projected there' (Conservationist 1, 2000).

Nevertheless, years of work towards achieving conservation legislation is finally being reflected in the government's acceptance, in a limited way at least, of its financial responsibilities for the maintenance and rehabilitation of old buildings.

## 4.6. CONCLUSION

This chapter explored policy, legislative and financial frameworks for conservation of the built heritage from a temporal perspective with specific reference to Dublin City. Prior to the introduction of the Local Government (Planning and Development) Act, 1963, the National Monuments Acts, 1930-1954, operated by the state, were the only legal instruments for protecting the built heritage. However, a number of weaknesses of the acts, the organisational structure under which national monuments were cared for and a general bias against post-1700 buildings historically, resulted in them having little impact in protecting the built heritage in Dublin City, except for a limited number of buildings, *e.g.* medieval churches. Not until the 1990s, after the introduction of the 1987 National Monuments Amendment Act, did the acts have somewhat more of an impact through the designation of a limited number of pre- and post-1700 houses as 'historic monuments', this mainly as a result of voluntary lobbying. However, although the 1987 amendment to the National Monuments Acts broadened the term monument to include groups of buildings, this provision has never been used in Dublin City.

The Local Government (Planning and Development) Act, 1963, provided local authorities with powers to preserve buildings of artistic, architectural or historical interest. In Dublin City, a listing system was introduced as a result. However, the act and the listing system lacked teeth in protecting the built heritage for several reasons. For example, the act lacked guidance on how to approach conservation and the listing of buildings, and the matching of financial and administrative resources. The act was interpreted as offering protection merely to the facades of listed buildings. The distinction between lists with different priority resulted in flexible attitudes towards protection for the majority of the listed buildings (included under List 2). Furthermore, local authorities were not obliged to protect historic buildings. Also, the act did not provide a statutory basis for conservation areas. A number of developments were exempt from planning permission under the act, which impinged negatively on conservation. For a long time only a small proportion of the historic building stock was listed which in theory implied that a significant number of buildings could be

demolished without planning permission. The 1963 Planning Act also lacked provisions for local authorities to enforce building maintenance. Also, the act was introduced in a societal climate where pro-development attitudes prevailed and where redevelopment was prioritised over conservation. Furthermore, the empirical findings indicated contradictory opinions on the importance of the provisions for public participation in relation to conservation. Also, prescribed bodies under the 1963 Planning Act have exercised varying degree of influence over conservation issues in Dublin over time.

Over the years amendments were made to the 1963 Planning Act in order to strengthen the legal basis for protection of the built heritage. For example, the 1976 amendment to the act introduced provisions for the protection of building interiors. The same amendment also imposed restrictions on exempted developments. Furthermore, the 1976 Amendment Act provided planning authorities and the general public with more effective enforcement powers. The 1990 Planning Act changed the legal basis for compensation in favour of conservation. Also, the 1994 Planning Regulations introduced further restrictions on the exemption for demolition of buildings not listed. Under the 1992 Amendment Act fines for illegal damage to listed buildings were increased.

In addition to the planning code, other pieces of legislation have indirectly contributed to the conservation of historic. The Housing Act, 1969, introduced during a time of housing shortage, has provided some degree of protection for residential historic buildings, mainly by having contributed to conservation of the built heritage unintentionally and by having a deterrent effect on demolition. The Derelict Sites Act, 1990, provided local authorities with stronger powers to prevent buildings and sites from becoming derelict. However, the act has not been used extensively to protect the built heritage from dereliction. A number of reasons for this were identified. Firstly, the act was not driven by a conservation ethos and was concerned mainly with keeping sites 'tidy'. Secondly, it had a limited effect due to the restricted definition of 'derelict'. Thirdly, a general reluctance of the planning authority to promote its use and to interfere with private-sector interests was also identified. It is thought that the act could technically have been applied in the context of protecting the built heritage had conservation been of higher priority during the 1990s. As a result of economic boom during the second half of the 1990s, there are now few derelict sites remaining in Dublin.

The introduction of environmental impact assessment in the planning process under the European Communities (Environmental Impact Assessment) Regulations, 1989, provided new opportunities for evaluation of environmental impact of new development in urban and rural environments. However, the EIS instrument has so far had little effect in relation to conservation of the built heritage in Dublin City. A number of reasons for this have been identified. Firstly, EIS are not carried out by independent expertise and are therefore often biased in favour of developers. Secondly, they have been considered to make planning applications more difficult to deal with for environmental organisations. Thirdly, they are thought to have been improperly transposed into Irish law in regard to urban settings since developments under two hectares do not require an EIS. Fourthly, there has been a perception that EIS do not relate to the architectural heritage. At the same time, environmental impact assessment is about a process rather than a regulatory instrument and it has been suggested that the instrument has been important in creating environmental awareness.

Other pieces of legislation, such as the Local Government (Sanitary Services) Act, 1964, have worked against conservation. Although the act is concerned primarily with public safety, it provided local authorities with powers to require owners to undertake necessary works to their buildings, not necessarily by demolishing them. However, such notices have usually left the owners with the choice to either 'take down or make safe' a building inclined to being dangerous. In the past, owners who wished to have their listed buildings demolished have allowed them to fall into a state whereby a dangerous building notice had to be served. However, under the 1999 Planning Act, regard must now be taken to the protection status of a building deemed dangerous. The Building Control Act, 1990, resulted in the issuing of nationally applicable building regulations which have generally affected building conservation negatively by their degree of insensitivity. From a conservation point of view the fire regulations need to be made more flexible. Initiatives have recently been taken by the Department of Environment and Local Government in order to produce special building regulations for protected structures.

In spite of gradual improvements in the legislative regime, it remained rather weak until the introduction of a comprehensive legislative framework for conservation of the built heritage in the late 1990s. It resulted in two pieces of legislation: the Local Government (Planning and Development) Act, 1999, later consolidated in Part IV of the Planning

and Development Act, 2000, and, the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999. It also resulted in a commitment by Central Government to provide funding for conservation on an annual basis, including a conservation grants scheme, support to local authorities to employ conservation officers and towards the National Inventory of Architectural Heritage.

With regard to urban renewal policy and its impact on the conservation of the built heritage in Dublin City, it was found that redevelopment has often been prioritised over refurbishment, even where conservation objectives have formed part of local area action plans. Financial incentives under the 1986 Urban Renewal Programme tended to be geared towards new construction rather than the rehabilitation of older buildings. The poorly developed legal framework for conservation contributed to the creation of major difficulties. It has generally been agreed that the 1986 Urban Renewal Scheme was not geared towards conservation in any way and consequently destructive in its effect. In addition, it had damaging effects on conservation of the built heritage due to the lack of conservation policy and quality standards. At the same time, it has been admitted that the scheme had overall positive implications in reviving urban areas. However, while the first urban renewal scheme worked against conservation the tax incentives under subsequent schemes were improved.

The renewal of Temple Bar is an example of entrepreneurial and cultural-led regeneration facilitated by a market-oriented approach to planning in order to attract private sector investment. Tax incentives under this scheme were similar to those under the 1986 scheme, although this time they were designed to support refurbishment by providing a 100 per cent tax allowance for refurbishment and a maximum of 50 per cent for new development. The project proved successful in terms of revitalisation, the use of contemporary architecture, economic and cultural regeneration and a dynamic mix of uses. However, commercial and tourist aspects were often prioritised at the expense of conservation. The Dublin Docklands Development Authority Act, 1997, stipulated a number of conservation issues to be addressed in the renewal of Dublin's docklands. Also, it imposed a new requirement, which had been lacking under previous schemes, namely, the undertaking of an architectural and industrial archaeological heritage inventory prior to redevelopment. There are varying opinions on the degree to which conservation objectives have been achieved under this scheme and it has involved both innovative reuse of historic buildings and controversial demolition of buildings.

The Urban Renewal Scheme of 1998 was introduced in order to address lack of sensitivity towards conservation and community issues under previous urban renewal schemes. Although it was too soon to evaluate its overall effects on conservation when this research was carried out, scepticism was expressed by informants due to the private-sector development-led nature of urban renewal.

The use of financial state incentives for conservation of the built heritage has been limited, at least until recently. With regard to tax incentives the most important development was the provisions introduced under the Finance Act, 1982, later consolidated under Section 482 of the Tax Consolidation Act, 1997, under which owners of a building or garden declared of significant scientific, historical, architectural or aesthetic interest could receive tax concessions. However, only a limited number of buildings in Dublin City have received a determination under the act. Tax incentives of relevance to conservation have also been provided under the later urban renewal schemes as mentioned above. State conservation grants were introduced towards the end of the 1980s and were allocated by the National Heritage Council mainly for restoration and repair works to buildings undertaken by public organisations and private individuals.

However, the first comprehensive national conservation grant scheme came into operation in 1999. While the introduction of the scheme reflected the government's acceptance of its financial responsibilities for the maintenance and rehabilitation of protected structures, the level of funds allocated to the scheme was significantly smaller than what was initially proposed. Also, four years after its introduction the annual budget allocated for the grant scheme was reduced significantly. Furthermore, during the 1990s, EU and government funding towards urban conservation projects initiated by local authorities or voluntary bodies comprised the most important financial public support towards conservation of the built heritage. However, it has been suggested that relatively little funding has been allocated to conservation in a strict sense. The funding had been restricted to public orientated rather than private projects such as housing refurbishment. A major difficulty involved was the lack of monitoring to ensure that it had been properly used. In the absence of any real national conservation grants for protected structures prior to 1999, Dublin Corporation introduced a system of grants towards maintenance of listed buildings in Dublin City, operated between 1979 and 1999 and allocated from its own budget.

The following chapter deals in further detail with the role of national and local authorities, local planning policy and implementation and the role of the voluntary sector in built heritage conservation.

# CHAPTER FIVE

# BUILT HERITAGE MANAGEMENT AND IMPLEMENTATION OF URBAN CONSERVATION IN DUBLIN CITY

This chapter explores built heritage management and the implementation of urban conservation in Dublin City from a temporal perspective. There is a certain overlap with the previous chapter in that it discusses implementation of legal protection instruments at the local level. First, it explores the role of national authorities and other agencies with responsibilities for built heritage conservation. Secondly, it investigates the role of local authorities and examines local planning policy in relation to conservation of the built heritage in Dublin City. Thirdly, it discusses the role of voluntary conservation bodies and special interest groups concerned with urban conservation.

## 5.1. THE ROLE OF NATIONAL AUTHORITIES AND AGENCIES IN SAFEGUARDING THE BUILT HERITAGE

The planning system in Ireland is a centralised system with national government enacting legislation and planning regulations and local government being responsible for the production of development plans and for deciding on planning applications for permission to develop. Since 1976, a politically independent planning appeals board, An Bord Pleanála, forms part of the planning system to which planning decisions can be appealed.

The main responsibility for developing and implementing policy on the urban built heritage lies with the Department of the Environment and Local Government (DoE&LG) and the Department of Arts, Heritage, Gaeltacht and the Islands (DAHGI)[1]. The former is responsible for policy on the urban environment through the local government system, *e.g.* urban renewal, land-use planning and environmental protection.

---

[1] This department ceased to exist after the general election in 2002. At the time of the writing its heritage responsibilities were being transferred to the DoE&LG.

The latter department is responsible, through Dúchas - the Heritage Service, for the National Inventory of Architectural Heritage and for management of national monuments in state care. The two government departments have jointly developed the new legislative framework for conservation of the built heritage, as discussed in the previous chapter.

A number of special-purpose development agencies are concerned with renewal and redevelopment of inner-city areas. These are not concerned firstly with conservation. However, they are crucial actors in heritage management since they can exert direct or indirect influence over the way in which the historic built environment is shaped in designated urban renewal areas, *e.g.* the Dublin Docklands Development Authority and Temple Bar Properties Limited and Temple Bar Renewal Limited (see Chapter Four).

Other state bodies have played a direct role in built heritage conservation in the past. For example, the Office of Public Works was responsible for built heritage protection under the National Monuments Acts (1930-94) until 1996. It still carries responsibility for the conservation of state owned historic property. An Foras Forbartha (the National Institute for Physical Planning and Construction) provided an important research and advisory service on conservation from 1964 until its abolition in 1988. In 1988, the National Heritage Council was established as a heritage advisory body to the government. The body was reconstituted and given statutory status in 1995, when it became known as the Heritage Council.

### 5.1.1. An Foras Forbartha

An Foras Forbartha, the National Institute for Physical Planning and Construction Research, was established by the government in 1964, in order to undertake research and to provide training and expertise on physical planning and urban and rural development. Its establishment was 'the major institutional venture in relation to environmental conservation during the 1960s' (Mawhinney, 1989, 100). Daly (1997) further suggests that a growing awareness of the relationship between economic and physical planning in the 1960s, during the era of economic development in Ireland, 1957-73, was reflected both in the introduction of the 1963 Planning Act and the establishment of An Foras Forbartha.

The organisation played a significant role in publishing research and guidelines on planning for local authorities. As stated by one interviewee, 'they produced hundreds of publications during their existence' (National Body Representative 2, 2001). During the 1960s, the Planning Division of An Foras Forbartha published two main documents in the field of conservation and amenity planning: 'Planning for Amenity and Tourism' (1966) and 'The Protection of the National Heritage' (1969). The latter, as suggested by one interviewee 'set out a whole scheme for conservation of the natural and the cultural heritage and included the recommendation for the establishment of the Heritage Council' (Policy Advisor 1, 2000). The document was prepared by the Nature and Amenity Conservation and Development Committee and reviewed the national heritage and the existing financial, legal and administrative protection instruments. As a result of recommendations made in this document, An Foras Forbartha initiated and published a series of heritage inventories during the 1970s (Mawhinney, 1989). 'The State of the Environment' (1985) constituted the first comprehensive national report on key environmental concerns in Ireland. For example, the following was recognised:

> 'An aspect of the urban physical environment which has created much public concern and controversy has been the destruction of items of special cultural value – buildings and structures of architectural interest, and sites of archaeological interest. A major problem is the lack of financial aids or incentives to conserve these buildings and sites' (Cabot, 1985, 32).

Furthermore, it stated that 'the listing, description and evaluation of architecturally important buildings have been completed by An Foras Forbartha for Cobh, Kinsale, Carlow, Tullamore, Bray, Ennis, Dun Laoghaire, Drigheda, Dundalk and Waterford'. With regard to Dublin, it stated that 'an inventory of interiors of buildings has been completed by An Foras Forbartha' (*Ibid.*, 32).

In addition to the carrying out of heritage surveys for buildings, archaeological sites and natural heritage of scientific interest, a Conservation and Amenity Advisory Service (CAAS) was established in order to provide advisory service on planning issues to local authorities throughout the country in the beginning of the 1970s. For example, a local authority lacking specialised conservation expertise had the option of referring any planning application which had an impact on a building of historical or architectural interest to the CAAS, which then produced a brief report on the case (Policy Advisor 1, 2000)

However, in 1987, a government decision was taken to abolish An Foras Forbartha and by 1990, the organisation had ceased to exist. However, the Environmental Research Unit became an interim organisation, described by one interviewee as 'a shrunken version of An Foras Forbartha', which continued some of its work within the Department of Environment until 1993 (Policy Advisor 1, 2000). A substantial share of the work of An Foras Forbartha was taken up by two new organisations: the National Roads Authority, established in 1993, and the Environmental Protection Agency, established in 1992. However, an equivalent body for planning was never established (Policy Advisor 1, 2000).

The interviewees were asked to state their views on the significance of the organisation in terms of conservation and whether it had any direct impact on conservation of the built heritage in Dublin and if so in what ways. The general perception was that An Foras Forbartha had played a significant role in conservation overall, especially in raising awareness of the built heritage. For example, one informant stated that 'it was a good organisation, especially towards the end of its remit. It proposed buildings for listing and did good research. It is regarded as a major loss' (Conservationist 1, 2000). An Foras Forbartha was considered a useful organisation especially in terms of education and awareness raising (Planner 1, 2000). Furthermore,

> 'Its general brief was to raise awareness. For instance they organised lectures on conservation. They brought in people from abroad to tell of the experience of other countries. It was very much an educational process. It was important in communication and education, spreading the word and to some extent, especially outside Dublin, helping as to how you do it, how to prepare a development plan, how to go about listing buildings. So it had a very strong influence that way. Still it did not get all that far because it was wound up in the late 1980s' (Planner 2, 2000).

> 'First of all they collected data and they examined data. The sheer availability of information is bound to have an impact. And they were commissioned and used an awful lot by local authorities for specific works. They definitely were a very good organisation and put a lot of information and assistance through the system. As a general rule I would say that they had a very beneficial role' (Policy Advisor 2, 2000).

However, with regard to Dublin City it had exercised relatively little direct influence. For example, it was suggested that:

> 'Within the planning area they were more concerned to assist the rest of the country, because it was reckoned that the planning authority in Dublin was well staffed in relative terms compared with other parts of the country' (Policy Advisor 1, 2000).

Another informant similarly stated that the organisation had 'very little impact in Dublin' although 'in country places it did'. Furthermore, it was suggested that 'they gave a lot of advice, it is a pity that they disappeared' (Conservationist 4, 2000). This was reinforced by another informant who described the work of the organisation as one of the milestones in conservation:

> 'It certainly had an impact on conservation. I think it was very important around the country. They undertook the first attempt at an inventory, which of course is absolutely basic and needed. They probably did not get anywhere very quickly but it would have definitely been one of the stepping stones that led to the increased awareness' (Conservationist 3, 2000).

Similarly, another interviewee stated that it carried out the first national scale building inventory:

> 'They were responsible for the first national inventory, which was the county one, undertaken in the early 1970s. They did those county surveys of listed buildings and certainly that would have raised awareness as well. At that time they did the surveys where the local authorities actually asked, if they got a request from a particular local authority. They did not impose themselves really. Some local authorities had no listed buildings. They were involved in various places but I can't say that any of them had any major effects on Dublin' (National Body Representative 2, 2001).

Another interviewee explained that the organisation had an important impact in terms of planning guidelines. However, it had little direct impact on Dublin since it was better disposed in conservation compared to the rest of the country:

> 'It would have issued guidelines as to how one prepares a development plan. Obviously, how one goes about listing buildings would have been part of that. It would have had more impact outside Dublin, because there were a lot of provincial towns that had nothing. They did some architectural studies of provincial towns and villages in the countryside and that was quite influential. Dublin was at a level of development in this sort of area which was ahead of the others' (Planner 2, 2000).

This statement was reinforced by another informant who similarly explained that it had less impact in Dublin compared to local authorities around the country:

> 'Dublin Corporation would have had some in-house expertise because they had a City Architect. Although they were demolishing Georgian buildings they at least had in-house people who had some knowledge of the city and of architecture. But around the country An Foras did very good work in photographing the country and making listing for the local authorities. Most rural local authorities were given lists from An Foras Forbartha. They were very conservative lists and we would now be acting for ten times more of them. But in the context of the time they were good pieces of work. There was lots of hostility to accept a list' (Conservationist 2, 2000).

Thus, the organisation played an important role in assisting county planning authorities in undertaking inventories of the built heritage:

> 'In the 1970s, An Foras Forbartha carried out surveys of buildings of architectural interest in each of the counties in order to assist the county councils as planning authorities, to include lists for conservation/preservation in the plans. We did not do it for Dublin because we reckoned Dublin had enough planners there to be able to' (Policy Advisor 1, 2000).

The only survey undertaken by An Foras Forbartha for Dublin was the 'Survey of Dublin Buildings Interiors of Architectural and Artistic Value' (1983), commissioned by Dublin Corporation:

> 'In respect of buildings, Dublin did not ask us for much. However, we did carry out a survey of building interiors for them. This was the first time Dublin Corporation wanted to know about the interiors of buildings and tried to preserve them. That probably was the single most, maybe even the single project that we did for Dublin Corporation. It paid us money for it because it was a much larger project than we normally undertook. Otherwise they would have looked after their own' (Policy Advisor 1, 2000).

> 'When the listing of internal structures came up, the Corporation commissioned the Foras to carry out a survey of the interiors of buildings. A major study was undertaken by one individual (William Garner). It was a very useful study. He came up with some sort of criteria. It was so big and so large and so cumbersome that in effect the Corporation decided to take the best 100 of his listings. That happened to be a coincidental figure that he had come up with, roughly a hundred Class A interiors and we listed those... We paid the Foras and they commissioned him to do it' (Planner 1, 2000).

The informants were asked to elaborate on the reasons for the abolishment of An Foras Forbartha[2]. It was found that the abolishment of the organisation formed part of a general downsizing within the public sector during the 1980s. For example, it was suggested that 'the Government at the time decided to get rid of any quasi or semi-state organisation. They got rid of regional planning organisations at the same time. It was a disgrace' (Planner 1, 2000). Furthermore, it was stated that 'there was a fiscal crisis and there had to be a big clamp on public expenditure. It was part of a general government cut back' (Conservationist 2, 2000). Similarly, another interviewee suggested that it was 'to save money which seems a shame. Those who were working in it and were permanent were moved to the Environmental Research Unit in the Department of Environment. Some of them subsequently retired' (Planner 2, 2000). Similarly, 'there were major cut backs in the 1980s and conservation was regarded as an easy target of obscurity' (Conservationist 1, 2000). Furthermore,

---

[2] Browner, G. (1997) specifically deals with this topic in 'An Foras Forbartha and its role in the protection of buildings 1964-1987', unpublished thesis, University College Dublin, Dublin.

> 'It was a political decision and it was part of a cost-cutting exercise within the public services to reduce the numbers in the public service. One of the ways of doing it was to shrink the size of state bodies. In the case of An Foras Forbartha they decided to abolish it' (Policy Advisor 1, 2000).

The abolition of An Foras Forbartha reflected a marginalisation in the late 1980s not only of conservation planning, but also of land use planning in a broader sense.

### 5.1.2. Office of Public Works

The Office of Public Works (OPW) is a government office responsible for providing, constructing and maintaining property used by the state. The origin of the OPW dates back to the seventeenth century, to the office of the Engineer and Surveyor General of the Royal Works, responsible for construction and repairs of forts and fortifications and the construction of state buildings. The Barrack Board and Board of Works, founded in 1762, may be seen as the first recognisable predecessor of the contemporary OPW. In 1831, the Board of Public Works was established which, towards the second half of the twentieth century, became known as the Office of Public Works (Gibney, 1999).

In terms of conservation of the built heritage, the OPW is responsible for maintaining Government owned buildings (see Chapter Three). Until 1996, the OPW was the main government agency responsible for conservation through its powers under the National Monuments Acts, 1930-94. The Commissioners of Public Works were, under the Department of Finance, responsible for national monuments, protection of historic property and archaeological heritage. As discussed above, its involvement with the post-1700 built heritage under the National Monuments Acts has in the past been minimal. However, in 1991, the OPW established the National Inventory of Architectural Heritage (see Chapter Four) in order to record the built heritage from the post-1700 period and to complement the earlier dating Archaeological Survey of Ireland.

*National Monuments Advisory Council*

The National Monuments Advisory Council (NMAC) was established as an advisory body for national monuments under the National Monuments Acts. It also had a prescribed function under the 1963 Planning Act, which implied that it was to be notified of any planning applications affecting archaeological objects and buildings of artistic, architectural, or historical interest:

> 'It was composed of voluntary people appointed by the government and they met every few weeks to discuss planning issues regarding national monuments and the architectural heritage generally, but it was really about the pre-1700 built heritage. There was an archaeological element as well. The archaeologists and the architects were feeding into the same system as they still do in terms of planning' (National Body Representative 2, 2001).

As a result of the establishment of the National Heritage Council in 1988, the NMAC ceased to exist in 1990. However, after the abolishment of the NMAC, its previous planning advice service continued on an informal basis within the OPW. Parallel to this was a shift in the personnel dealing with the planning applications, which continued to be sent to the OPW after the NMAC ceased to exist. Prior to 1990, mainly planning applications relating to medieval monuments were monitored. However, after 1990, a new emphasis was placed on planning matters relating to the post-1700 built heritage (National Body Representative 2, 2001). Conservation planning matters continued to be dealt with by one OPW architect, who had a personal interest in post-1700 buildings, although on a non-statutory basis.

> 'From March 1990 it was on a non-statutory basis. So in other words, we could not force local authorities to notify us with planning applications other than for National Monuments. But any local authority that wrote to us we would happily give them advice, subject to manpower. A lot of local authorities were not aware that the National Monuments Advisory Council had ceased to exist so they were still writing to the NMAC c/o OPW. So we just continued to provide reports to them. There were a lot of local authorities which did not have, and still don't have, conservation skills and that were quite happy to get advice. In fact they wanted us to help with the planning applications. But there were other local authorities that did not contact us at all and we could not force them to do so' (National Body Representative 2 , 2001).

Nevertheless, in 1994 the OPW became a prescribed body under the 1994 Planning Regulations:

> 'For the first time, the OPW became a prescribed body under the planning acts which meant that any planning application regarding a listed building had to be referred to us. Before the regulations came in, the service that was offered was on a discretionary basis. Suddenly that became an official function of the OPW. The local authorities were obliged to notify us. We were not obliged to give an opinion on every case but we had a status that we did not previously have. Clearly if something went to an appeal and we had said something then An Bord Pleanála would take our views into consideration' (National Body Representative 2, 2001).

There had been an opportunity for the OPW to become a prescribed body under the Planning Acts already in 1963:

> 'When the 1963 Planning Act was being framed, the Commissioners of Public Works in Ireland were asked did they want to be a prescribed body and said no. I think it was for political reasons. At the time, and this is what I am told, the Commissioners would have been very republican nationalist. They regarded post-medieval buildings as being

> essentially British. That is well known, for example, Desmond Guinness was called a belted earl by politicians and all those sort of things. In fact, I am told that one of the chairmen of the OPW in those days would not even list castles, he would only deal with the early Christian cause he was counting the Normans as British as well. So they did not get involved under the 1963 Planning Act as a result' (National Body Representative 2, 2001).

Nevertheless, the OPW no longer has a prescribed function under the Planning Acts. This function was transferred to the Minister for Arts, Culture and the Gaeltacht by a government order in 1996. Thus, the OPW was a prescribed body under the Planning Acts only for a short period of time.

### 5.1.3. Dúchas

In 1996, the tasks and the staff of the National Monuments and Historic Properties Service of the OPW were transferred to the Department of Arts, Culture and the Gaeltacht (DACG). Subsequently, Dúchas – the Heritage Service, was established under the same department as a special organisation for heritage protection in a broad sense. Its responsibilities include architecture, archaeological heritage, national parks and wildlife, and inland waterways. With regard to the built heritage, Dúchas is responsible for the National Inventory of the Architectural Heritage. In addition, it carries out duties on behalf of the Minister of Arts, Heritage, Gaeltacht and the Islands[3] under the planning acts and with the associated regulations. Dúchas also provides an Architectural Heritage Advisory Service to planning authorities in relation to protection of the built heritage. This service is a continuation of the planning service which was first established under OPW.

### 5.1.4. The National Heritage Council

The National Heritage Council was established on a non-statutory basis under the Department of the Taoiseach in 1988, with the following tasks:

- to formulate policies and priorities to identify, protect, preserve and increase awareness of Ireland's heritage, including archaeology, architecture, flora, fauna, heritage gardens and inland waterways;

---

[3] Formerly named the Department of Arts, Culture and the Gaeltacht.

- to make recommendations to government departments, planning authorities, and public bodies regarding the heritage;
- to distribute funding for heritage projects subject to the approval of the Taoiseach; and,
- to advise the government on legislation to establish a statutory Heritage Council (National Heritage Council, 1990).

Nevertheless, the National Heritage Council became mainly a grant-giving body as discussed in the previous chapter.

### 5.1.5. The Heritage Council

Under the Heritage Act, 1995, the Heritage Council was established as an independent statutory body. The Act established mandatory and discretionary functions of the Heritage Council. The mandatory functions are to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage, including a wide brief ranging from heritage gardens, archaeological and architectural heritage to flora, fauna and wildlife habitants, and, in particular to:

- promote interest, education, knowledge and pride in, and facilitate the appreciation and enjoyment of the national heritage;
- co-operate with public authorities, educational bodies and other organisations and persons in the promotion of the functions of the Council; and
- promote the co-ordination of all activities to the functions of the Council[4].

In addition, it has a function to give advice to the Minister for Arts, Heritage, Gaeltacht and the Islands if requested by the Minister. The discretionary functions include grant giving[5], its role as a prescribed body[6] under the planning legislation and a general advisory role, which means that it is free to give advice about anything to anyone (National Body Representative 1, 2001).

The Heritage Act, 1995, introduced the concept of 'heritage building'. Under Section 10, the Heritage Council has a discretionary function of giving advice with regard to

---

[4] Section 6, Heritage Act, 1995.
[5] See Chapter Four.
[6] This role was written into the 1997 Planning Regulations (S.I. No. 121/97). However, the Heritage Council had a prescribed body function since it assumed the powers of the NMAC under the Heritage Act, 1995.

heritage buildings owned by public authorities. The Minister of Arts, Heritage, Gaeltacht and the Islands may on the advice by the Heritage Council and in consultation with the responsible authority designate a heritage building, defined as:

> '...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, and includes the amenities of any such building'[7].

Such a designation implies that a public authority must consult with the Heritage Council before works are carried out to the building, *e.g.* alteration and demolition. To date this instrument has rarely been used.

In 1996, the Heritage Council decided to review its role in the planning process. The resulting report concluded that (Heritage Council, 1998, 7):

> 'In pursuing its role in the planning process, the Heritage Council will provide advice to Central Government, regional authorities and planning authorities on the preparation of their policies, plans and programmes as they relate to the national heritage, subject to available resources. The Council, at the same time, retains the right to become involved in individual cases of development control'.

However, the role of the Heritage Council in the planning process is rather limited:

> 'There is only one planner and one architect, so there is no way that the Heritage Council is going to have anything meaningful to say about individual planning applications. That disappointed a number of people and groups who saw the Heritage Council as the body that was going to support them in their case. In 1997, the Heritage Council carried out a review of how it would discharge its role within planning and decided that it would concentrate on the section of the regulations where local authorities have to refer the development plans to the Heritage Council. The Council said it would be more effective in looking at development plans rather than development control but reserved the right to become involved in individual planning applications under certain criteria' (National Body Representative 1, 2001).

Thus, the Heritage Council makes observations on development plans and comments on approximately 15 to 20 planning applications a year for the country. An appraisal methodology has been developed in order to help make observations to development plans more efficient, with indicators facilitating proper heritage evaluation of the development plan:

> 'In our experience heritage tends to be sort of two pages at the back of the development plan. What we want to do is to get heritage and conservation stitched into the Plan and this

[7] Section 2, Heritage Act, 1995.

> methodology would measure that. This is proving very successful and the Planning Institute has taken that methodology onboard. So we are trying to be more effective in that way. It is a very useful tool and it is beginning to becoming more mainstream now. People are recognising the value of it' (National Body Representative 1, 2001).

In 1998, the Heritage Council established a 'Buildings at Risk Register'. The initial intention was to base it on models as they exist in the UK, which usually involve a 'naming and shaming' approach. However, this initial idea was not implemented fully:

> 'We were going to do that but we got legal advice that said that with the Constitutional arrangements in this country we could be held up for defamation. If we had information on a file that said that so and so is neglecting their building we could be sued. It could get very messy. So we decided that the reason we wanted to do it in the first place was to identify the extent to which the architectural heritage was under-funded, the scale of the problem and the amount of money needed. The other reason was so that we could prioritise our own grants. So we asked owners to fill out a simple form submitted with a photograph stating why their building is at risk. Since 1998, we have 700 buildings on the register. Some people say that it is not a real buildings at risk list because you are not naming people, but through it we have really saved a substantial number of important buildings which we would have otherwise missed' (National Body Representative 1, 2001).

The evaluation of whether a building is at risk is determined by two criteria: the significance of the building, which can be a vernacular building or a grand house, and the degree to which it is at risk. For example, this could include the risk of the total loss of a building, or the loss of part of a building fabric, or the risk of inappropriate works being done to a building unless the Heritage Council takes action. However, few buildings in Dublin are included in the Buildings at Risk Register since 'Dublin is better looked after and has had more control compared to the rest of the country' (National Body Representative 1, 2001). With regard to types of building considered at risk, the same informant suggested:

> 'The kinds of building that we tend to include are churches that just have not had money spent on them. And middle sized houses which might have a roof that has been there for 200 years, which have been patched and repaired over the past 50 years, but that need bigger steps to be taken. Literally we are trying to get roofs back on buildings and get roofs fixed and stop them from leaking'.

Furthermore, the Heritage Council has adopted a conservation plan methodology based on Australian and English models. The methodology is a four-stage process, which includes the understanding of a place, identification of vulnerability of issues having an impact on the significance of a place, leading to the adoption of policies to protect the significant features of a place. The methodology has been applied in a limited number of cases, *e.g.* Port Law in County Waterford:

> 'We have commissioned a conservation plan for the town of Port Law, which is the first such conservation plan in Ireland for a whole town. Port Law was a designed industrial town and like some of the industrial towns in England it was a social experiment. A Quaker family built the town with a radial street pattern. They built the doctor's house, the hospital, the courthouse, the factory, everything. It is a very interesting industrial place. What we found in other cases was that the whole community certainly started to take a lot of pride in their place. So the conservation plan will involve a lot of consultation and looking at the urban form, the landscape and hopefully developing policies that would influence development. I think it is going to be a very good way of engaging people in looking at the whole place that they live in and how important it is. We are doing it in partnership with the local authority. It is jointly funded although the Heritage Council is paying for most of it' (National Body Representative 1, 2001).

### 5.1.6. An Bord Pleanála

An Bord Pleanála is a politically independent planning appeals board to which planning decisions taken by a planning authority can be appealed. It was established under the Local Government (Planning and Development) Act, 1976. Its establishment implied a shift of power to decide on planning appeals from the Minister for the Environment to the new appeals board. Initially, the chairman was government-appointed, while ordinary members of the Board were appointed by the Minister for Local Government[8]. The primary reason for the establishment of an independent appeals board was the objective to de-politicise the appeals process. However, the appointment provisions under the 1976 Act proved inadequate from this point of view. As stated by McDonald (2002, 11):

> 'The establishment of An Bord Pleanála in 1977 was seen as a move to restore public confidence in the appeals process by taking politics out of planning. When politics crept back in again after a series of appointments to the Board in 1981 and 1982, it became clear that the Board itself would have to be reconstituted'.

Consequently, the Local Government (Planning and Development) Act, 1983, introduced radical reforms in the appointment procedures of the Board's members (Mullally, 2002).

A unique feature of the Irish planning system is the legal right of third parties to appeal decisions, thereby providing opportunities for environmental lobby groups to intervene in the planning process (MacLaran, 1993). As discussed in the previous chapter, any person may appeal against a granted or refused planning permission. For example, the appellant may be the planning permission applicant (first party appeal), or a neighbour

[8] The Department of Local Government changed name to Department of the Environment in 1977.

or an environmental lobby group (third party appeal). During the appeals process, any party may request an oral hearing. However, the Board has absolute discretion on this matter and normally only permits an oral hearing where its understanding of a complex case is helped (Scannell, 1994; Grist, 1999). Under the 1963 Planning Act, the right of appeal was not restricted in any specific way. However, the 1992 Planning Act introduced time restrictions in order to speed up the appeals process (Grist, 1999). The restrictions were imposed in response to a major criticism of delays in getting decisions on appeals (Scannell, 1994). More recently, the Planning and Development Act, 2000, introduced further restrictions with regard to planning appeals. In order for a third party to have the right to appeal to the Board, it must have made either a submission or observation to the planning authority prior to the appeal (Mullally, 2002).

McDonald (2002, 11) observes that in the past the Board tended to rule in favour of 'those with significant interest at stake'. However, towards the mid-1990s 'there was a perceptible shift in the Board's thinking towards sustainable development, pre-dating the re-formulation of proper planning and sustainable development in the Planning Act, 2000' (*Ibid.*, 11).

Based on interview findings the following discusses the role of An Bord Pleanála and its overall approach to conservation related appeals in Dublin City. The interviewees were also asked whether they perceived any changes in the Board's approach to conservation issues since its establishment. In general, one informant explained that the establishment of an independent appeals board had been of great significance to public interests such as conservation:

> 'Before the 1976 Act, the situation was you objected to a local authority about something. Then you could go to the Minister for Local Government and he would act as the appeals body and that was very unsatisfactory. With the political and other influence you would not know what was at work there. To meet the public interest the planning appeals procedure was put in position. Sometimes it works well, other times it is unsatisfactory' (Conservationist 4, 2000).

Furthermore, it was suggested that the Board's approach to conservation reflects the degree to which conservation is considered in the development plan:

> 'It is important for conservation in so far as something is in the development plan. The Board is very conservative in relation to what is in the plan. I am happy with An Bord Pleanála actually, at least in recent times' (Planner 1, 2000).

This was reinforced by another statement:

> 'I would say where the Corporation had any decision, where it wanted something kept, the Board was quite supportive in most cases. There were some legal problems from time to time where the Board felt it could not support us on what we were trying to get. They are generally supportive' (Planner 2, 2000).

In addition, it was explained that prior to the reform of the appointment procedure, the Board lacked credibility with regard to its taking a public stance:

> 'An Bord Pleanála has been wildly inconsistent. Initially, Bord Pleanála was appointed by ministerial appointees. That was changed in the 1980s. There was a Fianna Fail government that lost an election with a Fine Gael one coming in... If you are a Minister and your government is defeated you are not supposed to make decisions during the period between the time of the general election and the establishment of the new government. However, the Minister for the Environment appointed two of his party fund-raisers in his own constituency as members of An Bord Pleanála after the elections. That got such a reaction An Bord Pleanála was reconstituted' (Conservationist 2, 2000).

This was supported by another interviewee who similarly distinguished between the Board's approach to public interests before and after its reconstitution:

> 'There were major problems with An Bord Pleanála in that it was regarded as corrupted and they had to revamp it in the early 1980s. A Minister put a number of his cronies into Bord Pleanala and there were a few scandals associated with it. They introduced a new regime with a new mechanism whereby all the delegates to An Bord Pleanála had to be chosen by a complex system of nomination involving conservationists and others. I think after that it has been generally accepted that Bord Pleanála has functioned better. But until then it was full of people who were very pro-development and there was a major suspicion of An Bord Pleanála. The Minister could just appoint the nominees. It was very damaging. Even up until the 1980s it was approving wholesale office blocks up and down the quays on the basis that we just needed economic development. It was pretty bad all through the 1980s. Even in 1991 it granted permission for 16-storey towers on George's Quay and they granted demolition for development on Arran Quay. It was pretty bad, although you can see where it was coming from, it just took an economic perspective entirely' (Conservationist 1, 2000).

One informant explained that An Bord Pleanála is restricted by the legal framework in which it operates. Thus, the lack of a strong legal framework for conservation in the past meant that the extent to which the Board could act in favour of conservation was limited:

> 'There is no question that the legal framework on which it operates within was not strong enough to protect the architectural heritage in the past and therefore it was not given sufficient weighing. That weakened An Bord Pleanála's decisions very considerably. Their ability to enforce conservation is hampered by the legislation in which it operates. It has to look at the case in terms of the legal rights of the individual. They could operate within a certain context but they were also hampered by the lack of protection because if people were operating legitimately it was difficult for An Bord Pleanála to go against it even though it may not be the best solution in terms of architectural conservation. The Board has

> to look at all of the issues on the table. It has to operate in the context of national policy. So if it is not given a conservation framework that is favourable to conservation it is quite difficult for the Board to be that capable in a conservation sense' (Policy Advisor 2, 2000).

Furthermore, since the Board's decisions are taken from a national perspective, especially in the past, this has meant that appeals against developments in favour of conservation have often been rejected:

> 'An Bord Pleanála looks at national issues. It looks at things from a national perspective rather than a local perspective. To the greatest extent when they were initially set up, were local residents opposed a development, An Bord Pleanála would have been more inclined to say that the national interest required that demolition should go through, or that development should be allowed' (Conservationist 1, 2000).

Furthermore, until recently there was inconsistency in the decisions taken by the Board:

> 'I would be very critical of An Bord Pleanála, it is a very strange body. While it must work in accordance with the planning acts and must have regard to the local authority development plan, it has no great mission statement and it is a very unaccountable body. Up until recently, the inspectors' reports were not available. There is a very obvious inconsistency but I think it is changing now. There is inconsistency in that, say, there would be an application for demolishing a Georgian house for an office block in two different locations where the houses were the same sort of quality or status they would grant one and refuse the other. There was never any logic. You could never see any consistency in An Bord Pleanála in the past but that is changing now. There is a more obvious consistency now, in the last five years, in An Bord Pleanála's decisions' (Conservationist 2, 2000).

The general perception amongst the informants was that there had been a gradual change in the approach to conservation issues since the establishment of An Bord Pleanála. For example, one informant suggested that 'at one stage it was very party-politically orientated. It was not good in those days. Now it is quite good. It has the right values and orientation' (Local Politician, 2001). Another informant stated 'I can't say there was any dramatic change' (Planner 1, 2000). However, other interviewees confirmed that there had been a gradual change and improvement in the Board's approach towards conservation issues during the 1990s. For example,

> 'In some of the recent decisions, in the 1990s, there seems to be a greater awareness of environmental factors and social factors. Indeed they do take social factors if they can into account. I think it is part of the growing public awareness. I won't overstate the scale of it but one example would be the rejection of the development on George's Quay' (Conservationist 4, 2000).

Another informant similarly observed that there had been a significant change in the Board's overall approach to conservation related appeals, especially from the mid-1990s onwards:

> 'I do see a major change. It has gradually improved. The membership improved, as a result of reform and scandals, which attracted public scrutiny. It gradually reflected public opinion that became more aware of conservation. From the early 1990s and on you could argue that its decisions made a certain amount of sense, but again they would have been primarily economically driven. From the mid-1990s and on they started to take a slightly conservation oriented approach. In the last two years the Board has announced that in view of the economic boom that we can now afford to take a harder line on conservation issues. There have been a number of developments that the Corporation approved, which have been turned down by An Bord Pleanála. I can mention ten or twelve such cases. For example, this year we have had a couple of decisions that have been quite strong, including an office block to the rear of a Presbeterian Church in Adelaide Road which has been very good, they turned it down primarily on conservation grounds. The decision on George's Quay was very good on conservation grounds... I believe from 2000 on they will take a very hard line on conservation through the fact that they are reflecting government legislation which is now strong. The distinction between An Bord Pleanála and local authorities is that they take a national perspective. With the new legislation they would have to recognise that conservation is an important issue. We've already seen a few decisions that are good. An Taisce now has a very high success rate with An Bord Pleanála. It is reflecting government opinion' (Conservationist 1, 2000).

Furthermore, it was believed that this change reflects the overall enhancement of conservation awareness in Irish society:

> 'Like with planners, professionals, governments, anybody, the level of awareness of the importance of conservation slowly got momentum and it is now much better than in the early days. During the 1970s the Board's decisions reflected the current trend of that time. It is only in the late 1980s, 1990s, that the whole mind-set of everybody has changed and all of a sudden conservation is the buzzword. It has been for most of the 1990s. The inspectors of the Board, like everybody else, would be well aware and more up to date about conservation issues now. I am not saying that they would tend to favour conservation but they would certainly pay attention to the conservation issues' (Conservationist 3, 2000).

Similar conclusions were drawn by another informant who suggested that gradual improvements within planning was reflected also in the Board's approach to conservation:

> 'Conservation when the Board was established was less an issue in the sense that it was not as high in the psyche of planners and generally in the system. Conservation has only become a high consciousness factor in very recent years. The Board would run in parallel with say the local authority and the public. I have no reasons in general terms to think that they were not running in parallel with the conservation consciousness of planners generally. I would say in recent times they have taken in people who are very good on the conservation area' (Planner 2, 2000).

The informants were also asked the extent to which they considered conservation interests to have been protected through the system of third-party appeals. The general perception was that it has been of great significance in relation to conservation in Dublin City. For example, the following was stated: 'very well, it is an excellent system' (Planner 2, 2000) and 'very much so, if that ever went it would be a disaster' (Conservationist 3, 2000). Furthermore, it was suggested that 'third-party appeal has been vital, the appeals have overturned quite a lot of decisions' (Conservationist 2,

2000). Furthermore, it was believed that the existence of third party appeal has had a deterrent impact in that 'developers would be worried that if they put in a development that involved demolition' it might invoke a third-party appeal (Conservationist 1, 2000). Finally, one informant observed the following:

> 'I think the third party appeal is the one way in which the public voice can be heard in planning. You can see a local councillor but you cannot depend on them for a public voice. From time to time they alleged that it had been misused or over-used but I doubt that. I have never seen any evidence that it has been over-used. I think what is needed is more staff, not changing the law' (Conservationist 4, 2000).

### 5.1.7. Bord Fáilte

The Tourist Traffic Act, 1955, established Bord Fáilte (The National Tourist Board) as a statutory tourist body. Under the Act it was given certain powers relating to built heritage protection, namely:

> 'To protect and maintain and to aid in protecting and maintaining historic buildings, sites and shrines and places of scenic, historic, scientific or other interest to the public and to facilitate visitors thereto by the provision of notices and the provision and improvement of means of access'[9].

Mawhinney (1989) suggests that the Bull Island controversy in the late 1940s, which involved controversial development plans for the North Bull Island in Dublin Bay, contributed to 'the realisation in tourist development philosophy that the conservation of Ireland's cultural and natural heritage was of paramount importance to the successful growth of tourism' (*Ibid.*, 95).

Nevertheless, according to the interviewees consulted for this research the powers of Bord Fáilte to protect historic buildings and sites have not been used extensively:

> 'At first it looked as if the Tourist Board was going to play quite a role in doing such things as providing pathways up to historic remains, usually prehistoric or early Christian. In that sense they did a certain amount of work. Sign-posting and things like that. But in the end they stepped back from this role. The whole tendency of the Board has been to move from infrastructure to selling and to marketing. I can't put any exact date on it, but it certainly would have been 20 years ago. The tendency was to move to marketing and leaving the other things. In a sense one can understand it, but given the fact there were so few agencies concerning themselves with the protection of buildings any contribution would have been welcome' (Conservationist 4, 2000).

---

[9] Tourist Traffic Act, 1952, 5 (2) f.

However, Bord Fáilte has been involved in retaining major buildings such as castles, *e.g.* Bunratty Castle and Malahide Castle, mainly for the tourist market. Nevertheless, its main heritage focus has centred at the creation of interpretative centres and reconstructed heritage towns.

Bord Fáilte was designated a prescribed body under the 1963 Planning Act. However, as discussed in the previous chapter its function as a prescribed body was never exercised extensively in relation to conservation.

By the end of the 1980s, Bord Fáilte identified history and culture as a major area of economic growth. Through the operational programmes for tourism 1989-93 and 1994-99 a substantial amount of its EU-funding was attracted in support for tourism-related heritage projects. In 'Heritage Attractions Development' (Bord Fáilte, 1992, 8) it presented a strategy to interpret Ireland's history and culture for tourism, stating that:

> 'The scale of the natural and built heritage of Ireland is such that it is unlikely the nation will ever be able to afford the level of expenditure on conservation which would be desirable. The programme supported by ERDF has been focused on developing visitor facilities and interpretation, and this has also necessitated significant support for conservation work in many instances'.

However, critical concerns have been raised in relation to the marketing emphasis of Bord Fáilte during the 1990s. For example:

> 'The investment and marketing that is going into tourism in Ireland is highly destructive. You have the Temple Bar phenomenon and the principle marketing image of Ireland is pubs. You have the seaside holiday tax resort thing scattered around the coast... Ancient monuments used to be a big part of their marketing image of Ireland, whereas more recently it is the sort of 'Ceol agus craic', people having a good time in the pub. It is the image that is sold of Ireland at the moment... They are quantity conscious and driven just by a quantity agenda of millions of people coming in to Dublin Airport' (Conservationist 2, 2000).

Another informant similarly suggested that 'in general Bord Fáilte is driven by a narrow vision of short-term potential for attracting tourists rather than a long-term vision of creating an environment that tourists are going to like' (Conservationist 1, 2000).

## 5.2. THE ROLE OF LOCAL AUTHORITIES: LOCAL PLANNING POLICY AND IMPLEMENTATION OF URBAN CONSERVATION IN DUBLIN CITY

Local authorities are responsible for enforcing planning legislation at the local level and are the principal bodies responsible for conservation of the built heritage. They also have certain powers to protect the built heritage under the National Monuments Acts, although these have not been exercised extensively. In Dublin City Council, the Planning Department is traditionally responsible for adopting conservation policy. The appointment of a Conservation Officer within the Development Department of the local authority in 1999, marked the first such appointment at an Irish local authority. Since then, a small Conservation Research Department has been established with a small number of assistant conservation officers. The conservation record amongst local authorities in Ireland is quite uneven. The local authority for Dublin City has for long been regarded as the most advanced in terms of conservation planning.

Dublin Corporation (now Dublin City Council) was one of the few local authorities to draw up a planning scheme under the Town and Regional Planning Act, 1934. The first planning scheme for Dublin City was the Sketch Development Plan of 1939, prepared by Abercrombie and Kelly (O'Brien, 1967). A major objective of the plan was the establishment of a green belt and the importance of development control to limit urban expansion. The plan included new transportation proposals and promoted housing and conservation of inner-city areas. In order to limit the urban expansion, self-sufficient satellite towns were to be created in the green belt area four to six miles outside the city centre (Horner, 1985). The plan was never implemented since it was thought that it lacked consideration for local and administrative conditions. In particular, there was a fear that the satellite towns would create transport, or commuting problems. Nevertheless, the plan was revised and approved by Dublin Corporation in 1957 (The 1957 Planning Scheme) (Bannon, 1984?). However, the green belt proposal was restricted since the Corporation did not have powers over the County Council area. Thus, a strategy for the whole region could not be developed (Horner, 1985).

As discussed in the previous chapter, the contemporary planning system is based on the Local Government (Planning and Development) Act, 1963. Since the introduction of the 1963 Act, four development plans have been adopted officially for Dublin City: in 1971, 1980, 1991 and 1999. There has been a growing awareness of conservation within

the local planning authority in Dublin since the first development plan was adopted in 1971 (Negussie, 1996).

The following reviews the evolution of conservation policies adopted by the local authority. Furthermore, it explores attitudes towards what has been considered worth conserving in Dublin City, from an official point of view, as reflected in the types of building which have been afforded preservation status in the development plan. This discussion is based on a detailed comparison of the Preservation List (List 1) and a general review of the Protection List (List 2). However, these have been amalgamated into one Record of Protected Structures (RPS) under the current development plan, giving equal protection status to all the buildings included. Thus, the overall progression of listings as found in the four adopted development plans is reviewed, excluding the draft development plans published in between these.

### 5.2.1. The 1971 Dublin Development Plan

Conservation policies embodied in the 1971 Dublin Development Plan, the first to be adopted formally, were poorly developed, reflected in a relatively small number and very limited range of types of building listed for protection. The plan was prepared and adopted during a time of economic prosperity and widespread acceptance of modern architectural idioms. The following statement concludes the overall approach to conservation as found in the 1971 Plan:

> 'The Planning Authority is aware of the great quality and value of Dublin's architectural heritage and in particular of those buildings, streets and squares which constitute a unique example of eighteenth century street architecture. It is also conscious of its responsibilities to secure the preservation of this heritage which constitute an essential element in the character of and historical development of the City... The Planning Authority is appreciative of the valuable contribution which has been made in this field by An Taisce in their Study of Amenity Planning Issues in Dublin and of the special interest of other groups and individuals in regard to preservation and conservation' (Dublin Corporation ,1971, 23-24).

*Listing:*

The plan contained different lists of objects in order to secure the conservation objectives of the planning authority. List B included structures, buildings and groups of buildings, where preservation was to be *secured*, while List A contained structures, buildings and groups of buildings for which preservation was to be *considered*. List C

comprised buildings in state ownership, for which the Office of Public Works were responsible and which the planning authority *wished* to preserved. However, as discussed in the previous chapter, the 1963 Planning Act provided a number of exempted developments which was noted in the 1971 Development Plan:

> 'Only those works which affect the interior of the building or other structure or which do not materially affect its external appearance so as to render such appearance inconsistent with the character of the structure or neighbouring structures, may be undertaken without planning permission' (*Ibid.*, 24-25).

Compared to the subsequent development plans for Dublin City the conservation objectives and policies of this plan were rather vague and the number of listings was low. List B only secured 68 structures, buildings or groups of buildings for the whole city. List A contained 101 structures, buildings or groups of buildings. However, decisions regarding proposals to alter or demolish structures under List A, were to be based on 'ad hoc consideration' of issues such as quality and state or repair of a building, costs of repair and availability of funding, and, compensation liability (*Ibid.*). Finally, List C contained 25 listings of buildings in state ownership.

*Scope of Elements Worth Conserving:*

The 1971 Plan was limited in its scope with regard to listed buildings which the planning authority intended to 'secure' for preservation (List B). The preservation list of the development plan reflected a concern mainly for old churches, from the medieval up to the nineteenth century period, eighteenth century Georgian landmark buildings, (*e.g.* Tailor's Hall, City Hall, the Mansion House, Powerscourt House and March's Library), and a limited number of terraced eighteenth-century buildings in the Georgian core of the city, (*e.g.* buildings in Henrietta Street, Mount Street, Lower Baggot Street, Fitzwilliam Street, Ely Place, Hume Street, Merrion Square, Fitzwilliam Square and Stephen's Green). In addition, a few Victorian terraces in the inner suburbs were listed for preservation, (*e.g.* Mount Pleasant Square, Manders Terrace and Old Mount Pleasant). A restricted number of nineteenth-century Victorian landmark buildings were also included, (*e.g.* Broadstone Station and the Dublin Savings Bank). Overall, buildings considered worth securing for preservation mainly concerned old churches, a limited number of Georgian landmark buildings and a restricted number of Georgian and Victorian terraces.

State owned buildings which the planning authority 'wished' to have preserved reflected a similar profile of exclusive landmark buildings, (*e.g.* the General Post Office, Custom House, Leinster House and Dublin Castle) and a small number of terraced Georgian buildings (*e.g.* in Merrion Street, Merrion Square and Fitzwilliam Square).

Buildings that the planning authority intended to 'consider' for preservation (List A) included churches and other landmark buildings, especially from the Victorian period (*e.g.* the Corn Exchange Buildings, the South City Markets (see Figure 5.1) and Harcourt Street Station). Georgian terraced buildings were also placed on this list (*e.g.* in Eccles Street, North Great George's Street, Mountjoy Square and Harcourt Street). Residential streets and squares in the inner suburbs, mainly from the Victorian period, were also to be considered for preservation (*e.g.* Grosvenor Square, Belgrave Square, Dartmouth Square, Wellington Road and Waterloo Road).




**Figure 5.1:** South City Market (Negussie, 2002).

The preservation list (List B) of the 1971 Dublin Development Plan largely reflected recommendations made by An Taisce in its Amenity Study of Dublin and Dun Laoghaire in 1967. The study was a pioneer building survey prepared by An Taisce, in order to assist the two local authorities concerned in classifying buildings and areas of specific amenity value. The study proposed a 'major schedule' of buildings of architectural and historic value meriting permanent preservation (*app.* 9) (An Taisce, 1967). The majority of this list was incorporated into the preservation list of the

development plan, with a few exceptions that became listed under subsequent development plans. The study also identified areas of 'Major Architectural Merit', of which the majority were also incorporated into the preservation list, (*e.g.* Merrion Square and Fitzwilliam Square). Furthermore, the study identified areas of 'Distinctive Dublin Character'. Parts of these areas were placed on the protection list (List A).

*Opinions of the Interviews:*

The interviewees consulted with for this research were asked to elaborate on the reasons for the small number of listings in the 1971 Plan. It was suggested that the low priority given to conservation was a reflection of the overall lack of conservation awareness and the pro-development climate at the time. For example:

> 'At the beginning, conservation had a very low priority with everybody except the committed. It is a process. It evolved into being an element to be taken into planning along with everything else' (Conservationist 3, 2000).

Furthermore, the local authority was 'dependent on the voluntary sector for the buildings that it would list' (Conservationist 1, 2000). The listing of buildings for preservation was also 'perceived as something that could lead to legal challenge' due to the perception of the rights of property (Conservationist 1, 2000). The approach to listing was described as 'the most unscientific procedure. It was the kind of listing you would do going around on a bicycle' (Conservationist 4, 2000). Another informant stated that the reason for the small number of listings was that it was all that was recommended in the study produced by An Taisce:

> 'I remember An Taisce produced a huge list for the next development plan. A lot more information was coming to hand. In fact I had a concern that what was happening was that we were now reaching a point where fifty per cent of the pages in the development plan, as a document, were lists of buildings, and fifty per cent were planning policies. I felt that was wrong, that we really should have the conservation policies clearly as part of the development plan, but that you should have a different book with all of the listed buildings which should have been expanded to explain why each building was listed' (Planner 1, 2000).

Similarly, another interviewee explained that the approach to listing by conservation bodies at this stage was rather modest, which thus explains the low number of listings:

> 'An Taisce and the Irish Georgian Society were very modest in their listing activities in those days. They were not really going beyond the main squares. It is only as time passed that appreciation widened of the value of conservation. People took nineteenth-century terraced suburban housing for granted. It was only gradually that they saw the value of the quality of the brick and the material. The Irish Georgian Society would themselves have

> been very limited in the early days with big Georgian streets. However, there was always a situation of preservationists being ahead of the planning authority in terms of how much they wanted to conserve' (Conservationist 2, 2000).

The same interviewee stated that the local authority itself was mainly orientated towards redevelopment:

> 'The Corporation mainly saw the planning acts as a way of regulating development and for them development was construction and on-going reconstruction of the city. Under the 1963 Act it was conceived that local authorities themselves would become major developer agencies. Apart from being the regulators of development, processing the planning applications and involved in making the decisions, as site owners, by CPO or by partnership, they would be building stuff themselves. They owned land but they would also compulsorily purchase land for big sites to sell them on or to remain in partnership, which they did with the ILAC Centre. Dublin Corporation remains the freeholders and they get a proportion of the rent' (Conservationist 2, 2000).

### 5.2.2. The 1980 Dublin City Development Plan

Several features indicate that urban conservation had become a more important issue by the time the 1980 Development Plan was adopted. First, the listing system was reorganised. Secondly, the number of listed buildings was increased. Thirdly, the plan introduced the designation of conservation areas as a policy objective, although without any statutory support. Thus, the 1980 Development Plan 'went beyond the legal parameters of the Planning Act in having conservation areas in an attempt to deal with the urban environment' (McCarron, 1986, 16). Furthermore, under the policy section for the inner city, it was recognised that 'it is an area subject to a wide range of powerful forces for change and redevelopment which must be reconciled with the requirements of conserving its unique character' (Dublin Corporation, 1980, 57). The 1980 Development Plan concluded its overall approach to conservation in the following way:

> 'It is the policy of the Planning Authority to preserve and protect buildings, features and sites of historical, architectural, artistic or archaeological interest which contribute to the character of the city. The urban character has unique and varying qualities embracing the medieval core, with its characteristic street pattern and historic sites, 18th century 'Georgian' architecture, fine commercial buildings and buildings of historical significance' (Dublin Corporation, 1980, 47).

*Listing:*

Lists B, A and C were replaced by the designations 1, 2 and 3, in order to reflect 'a more logical and realistic manner the degree of priority and emphasis applying to each category' (Dublin Corporation, 1980, 47). List 1 (formerly B) was extended with 49

new listings, with 117 buildings, structures or groups of buildings. Approximately 35 of these had been transferred from List A of the 1971 Plan, which recognised that a greater priority should be given to the structures concerned. List 2 (formerly A) was extended with 68 new listings, including 169 new buildings, features and groups of buildings.

The 1976 amendment to the 1963 Act imposed restrictions on previously exempted developments which implied that demolition or material alteration of listed buildings would not be permitted without planning permission. However, five years after the adoption of the 1980 Plan, An Taisce reported, in 'Georgian Dublin – Policy for Survival' (1985b), that there existed major inadequacies in relation to the operation of the listing system and the scope of listed buildings. First, it found that of the 704 houses listed for protection on List 2, in the Dublin 1 and 2 areas, 80 houses had either been demolished or granted permission for demolition. In addition, 50 listed buildings had been seriously materially altered. Secondly, it identified an imbalance in the geographic distribution of listed buildings: of the 613 houses placed on the preservation list (List 1) only 23 were situated in the north inner city. Thirdly, it highlighted that in spite of Dublin's wealth of ornamented interiors, none had been listed for preservation. Fourthly, it identified an overall failure to consider mews and gardens as an integral part of the concept of a Georgian terrace, noting that while the situation in south-side Georgian areas was more fortunate, few original mews buildings had survived intact in the north-side Georgian areas. The report concluded that (An Taisce, 1985b, 1):

> 'The 1980 Dublin City Development Plan has failed to halt the continued destruction of the Georgian terraces of central Dublin... while the City Planning Authority has been ineffectual in implementing the conservation objectives which it does contain'.

In order to alleviate the inadequate listing situation, the same report made recommendations for a minimum requirement of List 2 houses to be transferred to List 1 in the forthcoming development plan. The majority of the recommendations made by An Taisce were taken on board in the succeeding development plan. Unlisted buildings that were recommended for List 1 placement were placed either on List 1 or List 2.

*Conservation Areas:*

The 1980 Plan introduced the concept of 'conservation area' as a policy objective. Without any statutory standing, these areas were outlined as areas of conservation interest on the development plan maps. This reflected the recognition, at least, of the

importance of unlisted buildings in between the listed buildings. As stated in the 1980 Plan, conservation areas were:

> 'Areas in which there are extensive groupings of mainly residential buildings and associated open spaces having an attractive quality of architectural design and scale. Many of the listed buildings are within such areas, but despite the protection which listing affords, the overall quality of the area can be sufficiently important to require special care in dealing with development proposals which affect unlisted buildings (Dublin Corporation, 1980, 49).

The policy of the local authority was to consider proposals for development within conservation areas based on the following criteria:

- the effect of a proposed development on listed buildings within the area;
- the impact of developments on streetscape in terms of design and intensity of site use; and
- the impact of developments on existing amenities.

*Scope of Elements Worth Conserving:*

The 1980 Dublin City Development Plan reflected a somewhat broadened scope of types of building to be preserved compared to its predecessor. The number of churches included in the preservation list (List 1) was doubled compared to the previous development plan. New listings of structures from the medieval period were included (*e.g.* the City Wall). The preservation list also reflected a significant increase in landmark buildings from the nineteenth century such as Victorian banks (*e.g.* the Hibernian Bank Building and Allied Irish Bank at College Green). Additional Georgian terraces in the south inner city and Victorian terraces in the south inner suburbs were also added to the preservation list.

State owned buildings which the planning authority 'wished' to have preserved (List 3) reflected a similar profile of exclusive landmark buildings as under the previous development plan.

Buildings that the planning authority intended to 'consider' for preservation under the List 2, reflected extensions in both numbers and categories of built structures (*e.g.* pub-fronts, shop-fronts, terraced cottages in the outer city, nineteenth-century theatre buildings such as the Olympia and the Gaiety, and industrial warehouses in Distillery Road and Grand Canal Harbour). Furthermore, turn-of-the-century buildings (*e.g.* the Royal Victoria Eye and Ear Hospital and the Sunlight Chambers) and early twentieth

century buildings in O'Connell Street (*e.g.* banking houses and Cleary's Department Store) were for the first time listed for protection. The protection list was also extended with additional churches, nineteenth-century landmark buildings, Georgian terraces in the inner city and Victorian houses in the inner suburbs.

With regard to the industrial heritage, the 1980 City Development Plan reflected a low number of listed industrial structures. Amongst the limited examples were the Guinness Brewery (List 1), Power's Distillery (List 2), the Conical Tower, a former windmill of the Guinness Brewery (List 1)[10]. List 1 of the 1980 Plan included one warehouse, the Former Excise Building in Mayor Street. In addition, two warehouses in Distillery Road and on Grand Canal Harbour were included under List 2. Railway stations were also afforded List 1 status (*e.g.* Broadstone Station[11], Connolly Station, Heuston Station and the former railway station in Harcourt Street). The nineteenth-century CIE Goods Depot and the British Railway Hotel were also protected under List 2 in the 1980 Plan.

*Opinions of the Interviewees:*

During the course of the interviews it was stated that the concept of conservation area 'was an idea directly transferred from England' (Conservationist 1, 2000). However, 'they were not mandatory and they did not have any statutory basis as in the UK, so it was a policy device of the Corporation' (Policy Advisor 1, 2000). Furthermore,

> 'They copied it from England but without any statutory backing. Conservation areas were very significant to be fair to Dublin Corporation. Given that they had no statutory basis the Corporation has used conservation areas where it suits them. An Bord Pleanála, to be fair to it, treats Dublin Corporation conservation areas reasonably seriously, for instance, with regard to uPVC window replacements even if the building is not listed. It was a significant and useful planning tool. It was a rather brave thing to do considering that it had no statutory back up' (Conservationist 2, 2000).

Another informant suggested that by not having a statutory basis they were arguably illegal:

> 'If I were a developer who was held up by the argument that the development proposal is in a conservation area, I would have challenged that on the basis that conservation areas do not have any statutory backing. Initially they had little enough effect in so far as... the quays were under the conservation area and that made no difference. There are only two pre-1800 buildings left on the south quays, which is a conservation area. Lately, in the last five years, it has begun to make a little bit of difference since An Bord Pleanála started referring to conservation areas. For example, putting in PVC windows in conservation

[10] Also included under List B of the 1971 Dublin Development Plan.
[11] Also included under List B of the 1971 Dublin Development Plan.

areas required planning permission. The Bord started referring to the fact that buildings in conservation areas was an important factor' (Conservationist 1, 2000).

Similarly, another interviewee also noted that while the designation of conservation areas in Dublin City had been beneficial and allowed for a more local emphasis, they had been weakened by the fact that they were not statutory instruments:

'It has been weakened by the fact that they did not have the statutory basis for it and therefore they had no further planning control really within those areas other than a policy issue. Now that the conservation areas have come in as a statutory concept there are some additional powers like the ability to control demolition within a conservation area. Or an ability to control the works to unlisted buildings that are not protected structures within a conservation area. It would not have had those powers, straightforward powers. Certainly the thoughts behind them were good in terms of where they were going and they were trying to work the system to the best of their ability to actually achieve it' (Policy Advisor 2, 2000).

Nevertheless, the introduction of conservation areas was considered important as an awareness-creating exercise. For example, it was suggested that 'they were more a recommendation than a policy. It was a good idea, it was a help that people were even thinking of conservation areas and streetscapes' (Conservationist 4, 2000). Furthermore:

'I suspect the only trick they may have done really was to create perhaps a little bit more of an awareness that some of these areas had a character which had to be respected. In actual fact, it did not or should not have influenced development control to any extent, because we should have taken all those considerations into account anyway. But it was an effort to try and draw attention. It was also an effort that perhaps at some stage if funding did become available, that grants might become available for work in a conservation area, which would enable at better quality of development to take place with some assistance in terms of grants. It was also of course a bit of a reflection on what was happening in the UK at the time' (Planner 1, 2000).

Another informant considered that conservation areas were useful in that they strengthened development control within these areas to some degree. For example:

'The very fact that you mentioned them in a decision and that you called down the power of the plan to say this has to be carefully designed, this is a conservation area. The fact a conservation area is in what is a statutory document gave them a lot of serious thought and An Bord Pleanála was quite supportive in lots of the cases' (Planner 2, 2000).

Thus, by virtue of forming part of a statutory planning document, conservation areas did carry a certain weight:

'You can almost say it has got legal weight by being in a legal document. The development plan is a statutory document and things that are in it have statutory force. The fact that the state had not defined conservation areas is not entirely conclusive that it did not have some power if you put it into your plan. The only problem was that conservation areas said you

have to do local policies related to those conservation areas, so the weakness is we did not have those policies done for those local areas' (Planner 2, 2000).

It was proposed that the planning authority could have strengthened the concept by producing specific local policies for those conservation areas outlined on the development plan map:

'We have weakened our own position by not following it through. If you just name them and don't do anything about them, then that weakens our position. We promised we would follow through with detailed polices in conservation areas but we did not in fact do it... From the time it was put into the Plan until now we don't really have conservation area policies. Now with the architectural conservation areas put in I think we will be obliged to have them. But it helped nonetheless' (Planner 2, 2000).

Furthermore, lack of enforcement had weakened the position of this planning instrument:

'There is the problem of lack of planning enforcement so, conservation areas, while good on paper they were farcical by lack of enforcement even of the Corporation's own planning decisions. There is the same attitude to planning enforcement as there is to tax compliance. You publicly state your allegiance to the state but you avoid paying tax to the state if you can. You hide your money in one of the British satellite tax islands like the Isle of Man... I just think it is part of the Irish thing of purporting to represent one thing and doing another' (Conservationist 2, 2000).

The interviewees were asked to elaborate on the reasons for the continuing demolition of buildings listed for protection in the development plan. This was mainly due to the two-tier listing system, which allowed for a more flexible approach to List 2 buildings. One informant stated that List 2 was 'almost a licence to kill at times because you could make a case of it' (Conservationist 4, 2000). In addition, the following was noted by another interviewee:

'The Corporation adopted almost an apartheid system, a double-tier listing system of List 1 and List 2. Most of the north side of Georgian Dublin and streets like Harcourt Street, one of the finest streets in the city with its great curve and quality and scale were all lumped into List 2. It was like a game almost, pretending that we had this listing system but in fact pulling the rug under half of it, or like creating a second class status for half of the list. There was a very serious loss of List 2 buildings in the early 1980s' (Conservationist 2, 2000).

This was reinforced by other statements:

'It was mainly because buildings on List 2 were not provided with as much protection as List 1. You would need a very good reason to be allowed to demolish a List 1 building, whereas List 2 were considered expendable if there was a very good reason put forward. I am sure there were a couple of List 1 buildings also demolished, but I would say that the

majority of listed buildings demolished were probably on List 2. Even very recently permission has been given to demolish List 2 buildings' (Conservationist 3, 2000).

'List 2 allows you to demolish a building, but you have to get planning permission. The vast majority of listed buildings were on List 2. They did not demolish List 1 buildings... In one or two cases they did, for example, in the case of the Children's Centre in Temple Bar and the Convent of Mercy in Baggot Street. List 2 was interpreted as allowing either pastiche development or facade retention. Although rarely enough did they allow full demolition of List 2 buildings, but they did on occasions. The statutory regime was not powerful enough. There was a division of List 1 and List 2. They should all have been on List 1. List 2 was probably illegal anyway. The 1963 Act only allows for preservation listing and List 2 was a protection listing. Therefore it is not mandated under the legal regime' (Conservationist 1, 2000).

Furthermore, due to lack of building monitoring invalid listings continued to be made in the development plan:

'The 1980 Plan appeared in draft form in 1976. By the time the 1980 Plan was passed nobody noticed that about 70 of the List 2 buildings had actually been demolished. They were listing reproduction office blocks and they continued to do so in the 1991 Plan. They were listing buildings that had been listed first in 1976, demolished by 1980, but instead of correcting the mistakes in 1991 they left them in the plan and nobody noticed' (Conservationist 2, 2000).

Similarly, another informant explained that this had often been the case also in relation to the listing of interiors under the subsequent development plan:

'We have listed fireplaces and things that were gone when we listed them. There was no monitoring. We only knew, because people told us: why are you listing that fireplace? It is gone, or, the windows have been replaced or the staircase has been taken out. Really what we did was that we took... send William Garner out, got his list, put the list in and then whatever it took, eight years later the list became law. In the meantime, we might even have given permission for some of the buildings that those listed things were to be demolished. We did not even check to that extent. There was nobody to do it, lack of staff and lack of resources... Governments are great in passing laws without taking any account how are they going to be administered or enforced' (Planner 1, 2000).

Another factor that contributed to the continued demolition of listed buildings was lack of a proper maintenance code. As explained by one informant 'people neglected the buildings and let them get into a bad condition and then they had to be pulled down' (Conservationist 4, 2000). Similarly, the following was stated:

'About 50 or so were lost, mainly List 2 buildings and occasionally List 1. They were probably in a pretty shabby condition when they were put in and there might have been dangerous building issues. There was one famous List 1 building in 29 Clare Street which was lost, which became dangerous eventually because it was neglected. There was no compulsion of people to retain those buildings. However, there was still a substantial number of listed buildings in the 1980 Plan. There were groups of houses as well. The north side of Eccles Street for instance was lost, because the Mater Hospital demolished them. There was a convent there that was very well looked after which is a major loss. But

> relative to the length of the list and to what might have been under threat I don't think there was a huge loss' (Planner 2, 2000).

*'Conservation: Dublin Corporation Development Plan Review, 1986'*

The document was prepared as part of the development plan review process. It recognised that:

> 'There is a growing desire to conserve not only the unique qualities of the national, natural and manmade heritage, but also, those aspects which were formerly considered humble and commonplace and which are now being recognised as important in terms of heritage and the quality of life' (McCarron, 1986, 1).

The local authority document called for stronger guidelines on height restrictions in order to protect the low profile of Dublin's skyline. It highlighted the wealth of Victorian and Edwardian shop fronts in the city and recognised that awareness needed to be raised in order to protect these, which had been diminished as a result of insensitive alterations or replacements. The document also emphasised the need to find new uses for old buildings and stated that this is where problems of implementation can be found. Furthermore, it recognised the need to review the listing procedures and assessment of the composition of the lists. For example, it suggested that buildings dating later than the Victorian period should also be considered for listing. With regard to the concept of conservation area, it recognised that 'while the general listing objectives have substantially been responsible for the preservation and conservation of much of the building stock the concept of Conservation Area has not had the impact hoped' (*Ibid.*, 8). Furthermore, while 'current thinking on conservation embraces a shift towards a wider concept of listing to include the protection of the setting of buildings… it is an opportune time to promote the idea that conservation area or such similar measure should have legal standing as this would go beyond the confined limits of purely listing buildings' (*Ibid.*, 17).

### 5.2.3. 1991 Dublin City Development Plan

The first major change in attitude towards conservation reflected in the development plans for Dublin City can be traced to the 1991 Dublin City Development Plan. The policies for conservation were more clearly formulated than in any of the previous development plans for Dublin, reflecting overall improvements in conservation awareness. For example, it recognised that 'the built fabric of the city is a valuable

economic resource to be conserved' and declared clearly that it aimed at encouraging renovation and reuse of older buildings rather than demolition of them (Dublin Corporation, 1991, 47). It also expressed a slightly improved approach to conservation areas through the introduction of 'residential conservation zones'. In addition, the distribution of conservation grants, introduced in 1979, was established as a policy in the 1991 Plan. The extension of listings between 1980 and 1991, was more dramatic than previously and the establishment of a separate list for interiors finally demonstrated that some acknowledgement of the importance of the extensive range of valuable interiors in the city (Negussie, 1996). The overall approach to conservation in the 1991 Plan is as follows:

> 'The urban character of Dublin has unique and varying qualities embracing the medieval core characterised by its street pattern and historic sites, the 18th Century Georgian architecture and squares, fine commercial buildings and buildings of historical significance. The preservation of the elements of our heritage that contribute to the present is important as is the need to maintain the qualities of the environmental context or setting' (Dublin Corporation, 1991, 47).

*Listings:*

Under the 1991 Plan, 89 new listings were added to List 1. However, 32 of the new building features had been listed under List 2 in the previous plan. List 2, with its 726 listings, was extended significantly with 560 new listings. Furthermore, List 3 included 33 listings, compared to 20 in the previous plan. A separate list was established for interior fixtures and fittings to be preserved with a total of 101 listings. In addition to the listing of buildings, the 1991 Plan introduced separate lists, which outline stone setts in streets, granite paving and kerbing. Another new feature of relevance to conservation under the 1991 Plan was the Temple Bar Area Action Plan, which aimed at conserving and protecting one of the oldest areas of Dublin.

| Category | 1971 | 1980 | 1991 |
|---|---|---|---|
| List 1 (B) | 68 | 117 | 206 |
| List 2 (A) | 101 | 169 | 726 |
| List 3 (C) | 25 | 20 | 33 |
| List 4 | - | - | 101 |

**Table 5.1:** The progression of listings in the development plans for Dublin City. (Sources: Dublin Corporation, 1971, 1980 and 1991).

*Residential Conservation Zones:*

The 1991 Development Plan introduced the concept of 'residential conservation zones', which incorporated conservation areas as a zoning objective. While the conservation

area is a non-statutory concept, the concept of zoning has legal backing in the planning legislation. Under the previous plan, an 'A1' zone existed for protection of residential areas, while the 1991 Plan introduced 'A2' as a zone to protect and/or improve the amenities of a residential conservation area. Thus, the 1991 Plan contained conservation areas, as a policy objective, and residential conservation zones as a zoning objective. Figure 5.2 portrays a sample of residential conservation zones on the development plan map.

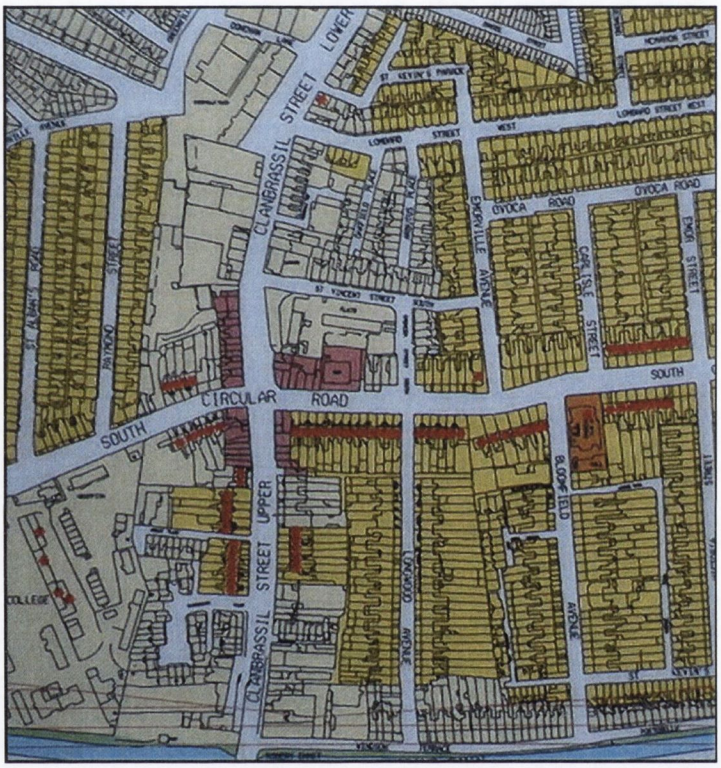



**Figure 5.2:** Residential conservation zones (marked yellow) outlined on the 1999 development plan map (Dublin Corporation, 1999).

*Scope of Elements Worth Conserving:*

In general, the 1991 Development Plan reflected a broadened scope of elements to be conserved. The introduction of new separate lists for interiors, stone setts and paved areas and streets, as well as a growing emphasis on the protection of streetscapes indicated a further shift towards a more holistic approach to conservation.

The preservation list was extended with two churches, a small number compared to the 1980 Development Plan. Furthermore, the same list was extended with further landmark buildings from the eighteenth century (*e.g.* Collins Barracks) and from the nineteenth century (*e.g.* Sir Patrick Dun's Hospital). The preservation list also reflected several

new listings of landmark buildings and built structures from the early twentieth century (*e.g.* the Sunlight Chambers, the Iveagh Markets, buildings in O'Connell Street and the Memorial Park). This reflected something of a shift towards concern for more recent architecture. With regard to terraced Georgian houses, several buildings were up-graded from protection to preservation status, especially in the north inner city as recommended by An Taisce in 1985 (*e.g.* buildings in Mountjoy Square, North Frederick Street, North Great George's Street, Eccles Street and Belvedere Place).

The protection list (List 2) of the 1991 Development Plan reflected a new awareness for the industrial heritage, including warehouses, mill buildings, bridges, *etc.*, found in the Dublin docks area. The protection list was also extended to include buildings on the Liffey Quays, which had been suffering from decay and neglect up until the late 1980s due to former road-widening plans. Listings of street sequences, in commercial districts (*e.g.* in Grafton Street, Dame Street and Capel Street) and in the inner suburbs reflected further emphasis on streetscape conservation. The protection list also reflected a significantly increased number of listed houses and landmark buildings in the outer city.

The 1991 Development Plan also extended List 3 of State owned buildings which the planning authority 'wished' to have preserved. The list reflected a similar profile of exclusive landmark buildings under the previous development plans, but saw a number of additions.

The Industrial Heritage:

With the 1991 Development Plan there was a growing recognition of the importance of the industrial heritage, reflected in the increase of buildings meriting listed building status in the Docklands area, and, for example, the increase in numbers of warehouses listed for protection under List 2.

The 1991 Development Plan comprised at least 30 warehouses under List 2, most of them dating from the nineteenth century (*e.g.* Stack A, and Stack C on Custom House Dock). The former was converted into office-use in 1996 while the latter was demolished in the 1990s (School of Architecture, UCD, 1996). Other examples of warehouses to be listed were located in Barrow Street, Britain Quay, Grand Canal Quay, Grand Canal Way and Hanover Quay.

Former mill buildings such as Boland's Warehouse/Mill and Dock Mill at Grand Canal Dock were also listed for protection under List 2. Furthermore, malt houses, such as the nineteenth century malthouse on Grand Canal Quay and the eighteenth century Malthouse at Hanover Quay, both converted to office use in the mid-1990s (School of Architecture, UCD, 1996), were also listed for protection.

Railway bridges such as Victorian cast-iron bridges were listed for protection under List 2 (*e.g.* the Loopline Bridge in Beredsford Place, Amien Street and Westland Row, and nineteenth century lime stone bridges in Barrow Street, Erne Street and Sandwith Street). Bridges over rivers included the George's Dock Swing Bridges and the Royal Canal Swing Bridges, both built in the early twentieth century.

Commercial industrial buildings were also protected under List 2 in the 1991 Plan, for example, the former Irish Glass Bottle Company and the Ringsend Shelbourne Pierrot Club at Ringsend Road, both Art Deco styled twentieth century buildings. Furthermore, the Tropical Fruit Co. at 30-32 Sir John Rogerson's Quay, a turn-of-the-nineteenth-century building which was converted into offices in the 1990s, and the British and Irish Steam Packet Co. Ltd on North Wall Quay (School of Architecture, UCD, 1996) were also included. Other examples of built industrial structures protected under List 2 included:

- Victorian Westland Row Station;
- Hailing Station on Britain Quay;
- Victorian chimney stacks in Forbes Street;
- former nineteenth century gas-holders on South Lotts Road;
- Tripple Sea Locks at Grand Canal Dock;
- Granite canal locks from the Georgian period;
- Bell tower on North Wall Quay;
- the IDA Enterprise centre, a Victorian industrial building - converted into enterprise centre in the 1980s; and
- the Point Depot on North Wall Quay - converted into a theatre in 1985 (*Ibid.*).

Cottages:

The only cottages that were listed prior to the 1991 Development Plan had been the terraced crescent cottages in Raheny, the estate cottages on Shelbourne Road and the

Old Bailey Cottages in Howth, first protected under the 1980 Development Plan[12]. However, this building category was extended under the protection list of the 1991 Plan. For example, the following listings of cottages were made[13]:

- thatched cottage in Foxe's Lane on Howth Road;
- stone cottages in the grounds of the Kings Inns, Henrietta Street;
- the lock keeper's cottage at Newcomen Bridge;
- a stone house cottage on North Circular Road;
- terraced estate cottages on Northumberland Road; and
- the Towson's Cottage at Main Street in Finglas.

While cottages listed for protection mainly concerned estate cottages (*e.g.* on Northumberland Road and Shelbourne Road) which historically formed part of the Pembroke Estate, numerous single-storey cottages exist in Dublin City. In many cases they were built by philanthropic or semi-philanthropic organisations such as the Dublin Artisans' Dwelling Company during the nineteenth century. Although not listed for protection, some of these have been afforded protection status through forming part of residential conservation areas.

*Opinions of the Interviewees:*

During the course of the interviews the informants were asked to elaborate on the significant increase in number of listings in the 1991 Development Plan. The perception was that this was due to a general change in the conservation climate. For example, it was stated that 'the awareness has been a growing factor the whole time. It was a general widening of awareness of the environment' (Planner 1, 2000). Furthermore, it was observed that 'it was partly due to the lobbying of conservation and partly due to more interest at the government level and within the Corporation itself. A new break in the mind set. It is all part of the evolution of it all' (Conservationist 3, 2000). Similarly, it was stated that 'it is part of the general climate and has been reflected in the development plans. It is a gradual awareness that is on every level of activity' (Policy Advisor 2, 2000). Another informant suggested that it was due to a combination of factors, partly to heavy lobbying by An Taisce and as a response to the Dublin

[12] The later was listed for preservation, while the two former cottages were listed for protection.

[13] No further specified cottages were listed under the 1999 Development Plan at the time it was adopted, except for the Hibernian Cottage in Phoenix Park which received List 1 status after the amalgamation of List 1 and former List 3. Nevertheless, Farrelly's Cottages, at Finglas Bridge have been added to the RPS since the adoption of the 1999 Development Plan.

millennium year in 1988 and the European City of Culture Year (Conservationist 2, 2000). Furthermore, a range of contributing factors such as the Dublin Crisis Conference, the formation of a new city council in 1991, the introduction of a progressive city charter, a mood of idealism, and the books by Frank McDonald were also cited (Conservationist 1, 2000). It was also due to 'a combination of internal consciousness by the team doing the plan and external pressure from the growth of bodies outside whose message was becoming clearer and much more permeating' (Planner 2, 2000).

However, it was observed that in spite of improvements in planning policy on conservation, the situation was far from ideal: 'in 1991 there was a more positive reaction to conservation, but still it was not adequate. There were 101 interiors listed in a city where the interiors are the most important things. It is the equivalent of Merrion Square' (Conservationist 1, 2000).

With regard to residential conservation zones it was noted that these were introduced as an attempt to strengthen the legal force of conservation areas:

> 'In theory there should have been a more sensitive approach because we introduced a new idea of an A2 Residential Conservation Zone which should have been more fully implemented. The 1980 Plan did not have residential conservation zones. Conservation areas did not have any standing in law. The only thing that has any standing in law is zoning. I decided to combine the conservation objective into the zoning objectives so that you got a residential conservation zone. I felt that would be a more powerful tool if we wanted to use it. But planning is always as good as the people who operate it and I am afraid it was not operated very satisfactorily, probably due to lack of resources, lack of commitment, and the shortcomings of individuals working in the planning department. That commitment is developing but it was not necessarily there... The net result was like everything in Irish law, it is there on the statute book, it is there in the plan and it is there in the statement, but it is not necessarily operated to the extent to which one intends and should have been. So that is the problem, quality and lack of commitment' (Planner 2, 2000).

Nevertheless, the same informant explained that these zones have made an impact:

> 'I must say it helped. The way it was used was quite strong and quite reinforced by the decisions by An Bord Pleanála. Where it was used and where it was a serious issue and residential conservation area objective we usually found An Bord Pleanála quite supportive. And where it is used by the planning department through development control' (Planner 2, 2000).

Other informants also confirmed that these zones had greater impact during the 1990s through stricter enforcement of development control. For example, it was stated that 'development control in the earlier days was very poor. It started to become stricter,

particularly in the residential areas where the residents' associations themselves started to become very active' (Conservationist 2, 2000). Furthermore:

> 'There were residential conservation areas and other conservation areas... There is progress. However, they did allow a situation to arise where for example five of only seven pre-1800 buildings on the quays were demolished in 1995. But by the end of the 1990s, they were refusing permission for antennas on the roof of the Ormond Hotel because they were in a conservation area. There were some good things and some bad things but there was a general progress towards recognition of the importance of conservation areas. Towards the end of the 1990s there was a definite recognition of the need to avoid over-scaled developments in conservation areas' (Conservationist 1, 2000).

Another informant made the following evaluation, suggesting that that the effect of conservation areas has gradually increased:

> 'It took a while to move the shift from conservation in terms of single buildings to conservation in the larger context. Obviously the areas that they designated were an attempt to shift the focus from individual buildings although they did not actually have the means to actually control planning in that way. But by designating them into changing priorities for them, allows for greater planning control when it comes to looking at individual cases. So gradually I think they have had more and more effect. It is a very positive development, and it certainly was an attempt by Dublin to use the development plan to the best of their advantage when they were not quite getting the support that was required from the legislation to do it' (Policy Advisor 2, 2000).

### 5.2.4. The 1999 Dublin City Development Plan

The Dublin City Development Plan of 1999 reflects conservation policies, which indicate further integration of the historic built environment into planning compared to the previous plans. This is partly reflected in the increased number of listings. The number of listings is approximately 2200. However, it is estimated that the 1999 Development Plan contains a total of 9000 protected structures. In the current development plan there is also an expression of commitment to greater use of conservation expertise. The appointment of a Conservation Officer in 1999, marked the first such appointment at an Irish local authority. Furthermore, the 1999 Development Plan expresses greater acknowledgement of the importance of co-operation with voluntary conservation bodies in the identification of buildings without any protection status, *e.g.* through the Historic Heart of Dublin project (see below), in order for such buildings to be afforded protection status.

The 1999 Development Plan also expresses a greater commitment of encouraging rehabilitation, renovation and reuse of unlisted older buildings which may be considered

of artistic, architectural or historical merit compared to earlier plans. In addition, it requires the use of appropriate materials and techniques. With regard to conservation areas and residential conservation areas it is the policy to prepare conservation plans and guidelines for these. Another new policy feature is that to preserve and restore historic items of street furniture. In addition, the conservation policy section also places new emphasis on the preservation of traditional shop-fronts and, where replacement is necessary, certain quality standards are imposed, *e.g.* use of plastic material is not allowed in conservation areas. With the introduction of integrated area plans there is now an opportunity for the integration of a wider range of issues, including conservation. The overall approach to conservation is described as follows:

> 'Dublin Corporation is committed to retaining the Georgian city and to protecting its original character in terms of the scale, features, streetscape, setting and material... While much of the architectural character of Dublin is attributable to the inner city, there are also areas of architectural importance in the outer city. As well as imposing nineteenth- and early twentieth-century suburban housing, there are areas of the outer city which have developed around former historic villages and settlements. The site assembly of groups of Georgian, Victorian and Edwardian buildings for the purpose of development where it would undermine their conservation is not acceptable' (Dublin Corporation, 1999, 65).

*Urban Design Policies and the Integration of New Development*

The Dublin City Development Plan, 1999, places greater emphasis on urban design compared to the previous plans. It outlines a general Civic Design Framework with stress on the Liffey quays, a civic thoroughfare, nodal spaces, the integration of large-scale redevelopment areas, pedestrian linkages and radial market streets. Local urban design plans are prepared within the context of the integrated area plans and other local area plans. The general guidelines to these plans are based on 'the development of key urban spaces', 'the use and design of buildings' and 'the development of a strong network of streets'. Concerning the integration of new buildings 'it is the aim of the Corporation to promote a modern architectural expression which is innovative, forward-looking, technically efficient and flexible' (Dublin Corporation, 1999, 77). The 1999 Development Plan also states that new buildings and conservation projects must be respectful to the context. In addition, a mixed-use strategy is encouraged in order to achieve a dynamic mixture of uses. With regard to high buildings, the policy is to protect the existing skyline of the inner city, while at the same time recognising that high buildings may be appropriate in certain areas. This slightly ambiguous approach to height policy, and the pressure for high-rise developments in the inner city, has led to intensive debate as to what standards should be accepted.

The design guidance provides a framework for what Dublin City Council intends to achieve within the development plan parameters concerning density, height, use and design. These are then implemented through negotiation with developers on their applications for planning permission to develop. In some cases, especially for the redevelopment of the public domain, international design competitions may be held. These are also based on the general design guidelines as stated in the development plan. One such competition was held for the development of the urban space at Smithfield. This area forms part of the Historic Area Rejuvenation Project (HARP), which is one of five integrated area plans in Dublin, in the north-west sector of the inner-city (McDonnell, 1996). The renewal of Smithfield involves the adaptive reuse of buildings and spaces and the positioning of new traffic routes. The adopted design solution is expected to act as a catalyst for commercial development in an area that contains both historic buildings and derelict sites. In Smithfield Village for example, old distillery buildings have been adapted as hotels and apartments. However, rather than attempting to imitate the old buildings, new construction incorporates design elements which are adopted from the older buildings, turning them into contemporary features (City Architect, 1999).

While recent developments in Smithfield demonstrate interesting design solutions, they also indicate major changes in the scale and character of the area. The integrated area plan approach aims at strengthening the local character of the area and benefiting the indigenous community. However, the new developments have contributed little to the indigenous community. There is a risk that the speed of development and change may threaten the cultural continuity of the neighbourhood, an area of economic decline and physical decay but also renowned for its fruit and vegetable markets and a horse market held every first Sunday of the month. It remains to be seen whether the traditional qualities in Smithfield will be lost at the expense of innovation and development.

*Living over the Shop*

The 1999 Development Plan expressed a commitment to demonstrating best design and conservation practice through pilot schemes, including the subdivision of a Georgian house, and Living over the Shop and old warehouse conversions. In 1999, plans were initiated for a Living over the Shop pilot scheme using two eighteenth-century local

authority-owned buildings at 2 and 3 Capel Street[14]. Figure 5.3 illustrates the buildings prior to their refurbishment. The aim was to demonstrate how conservation could be combined with appropriate use of historic buildings by providing a model. In 2001, the government launched specific tax incentives to support Living over the Shop schemes in Dublin and other cities (DoE&LG, 2001). Figure 5.4 depicts the buildings after the completion of the refurbishment.

Such an approach has been deemed necessary to introduce new life and a better mixture of uses in central retail areas. Surveys have suggested that the proportion of under-used upper floors above retail outlets is high. A study undertaken in 1991 showed that 23 percent of 198 upper floors surveyed in the George's Street area and South Anne Street, two centrally located commercial streets, were vacant while another 10 percent were in nominal storage use (Dublin Chamber of Commerce, 1994). Considering the high demand of housing in Dublin's inner city and the rate of new construction to meet these demands, there is a need for utilisation of such under-used floor space.

*Listing – Towards a Record of Protected Structures:*

Under the 1999 Plan, List 1 and List 2 were amalgamated into one list. However, the grading system was operated until the new conservation legislation, which makes no distinction between protected buildings came into force. State owned buildings previously placed on the separate List 3 were all transferred to List 1 status. Since January 2000, all listed buildings are referred to as protected structures and merit the same degree of protection. This implies that the previous List 2, which contained a larger number of listings compared to List 1 in the past, including whole terraces of houses and buildings in the outer city, are now to be guaranteed preservation rather than considered for preservation. Furthermore, under the new legislation a protected structure must be protected in its whole. Thus, while only a restricted number of interiors were listed under the previous plan, the interiors of all protected structures automatically merit protection.

[14] In 2002, six apartments over shops at 2 and 3 Capel Street were displayed and placed on the market by the Dublin City Council.




**Figure 5.3:** Numbers 2 and 3 Capel Street prior to the refurbishment (Negussie, 2001).

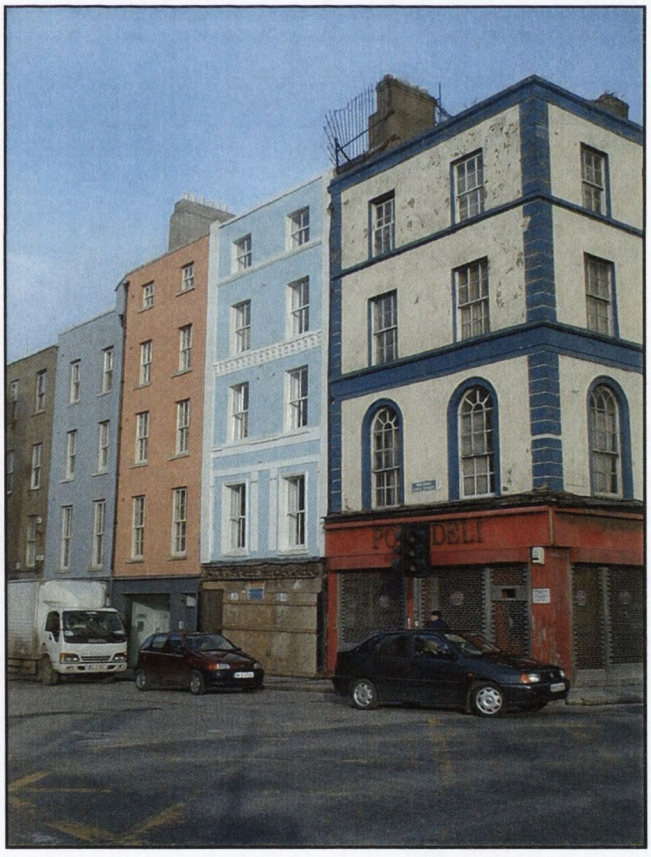


**Figure 5.4:** Numbers 2 and 3 Capel Street after the refurbishment (Negussie, 2002).

*Scope of Elements Worth Conserving:*

Prior to the amalgamation of the lists, additional listings had been made which deserve some attention in order to compare the progression between 1991 and 1999. For example, List 1 was extended to include street monuments as a new category of

structures to be preserved (*e.g.* the Henry Grattan monument at College Green, the Thomas Moore monument in College Street and monuments in O'Connell Street such as the O'Connell and Sir John Gray monuments). Buildings meriting List 1 status were also extended to include more industrial buildings (*e.g.* a former Railway Parcels Office in Amien Street, the Islandbridge Mills complex on South Circular Road and the former Jameson's Distillery). In addition, it contained a significantly increased share of buildings from the twentieth century, especially recent buildings. In addition to new listings, several buildings were up-graded from List 2 to List 1 status in the inner city as well as in Victorian residential areas (*e.g.* Leeson Street, Waterloo Road and Wellington Road).

A number of mews buildings were also listed in the 1999 Plan. Mews were for the first time specified in the 1991 Plan, namely, at 83A Harcourt Street (List 1). However, in the 1999 Plan, another two listings for mews were included: 57 Adelaide Road (List 2) and 5 Leinster Street South (List 1).

Towards protection of Twentieth Century Buildings: 'Art Deco' and 'Modern':

Art Deco style buildings have been protected under both the 1991 and 1999 development plans for Dublin. However, it may be argued that a shift towards protection of these buildings is reflected to a greater extent in the 1999 Development Plan, *e.g.* through increased numbers and higher protection status. The Art Deco style evolved during the 1920s and was adopted by Irish architects in the 1920s and 1930s (Rothery, 1991). One example is the Dublin Gas building in D'Olier Street (1928) which acquired List 2 status in the 1991 Development Plan and was later upgraded to List 1 status in the 1999 Plan. The former College of Domestic Economy in Cathal Brugha Street (1938-39) was also afforded List 2 status in the 1991 and 1999 development plans. Another example is the Burton Chambers at 19-22 Dame Street (1928-30) (Figure 5.5) which was also given List 2 protection under the 1991 and 1999 development plans. Furthermore, the Refuge Assurance Company Building (1935) in Kildare Street, was designated List 2 status under the 1991 and 1999 development plans. The Camden De Luxe Hotel in Camden Street, which has an Art Deco-style façade from 1934, was placed on List 1 under the 1999 Development Plan.




**Figure 5.5:** The Burton Chambers at 19-22 Dame Street (Negussie, 2002).

The number of protected buildings dating from after the 1930s is very low. Archer's Garage (1940s), located in Fenian Street, before it was demolished in 1999, first became protected in 1991 as a List 2 building but was later upgraded to List 1 status in the 1999 Development Plan. The Central Bus Station in Store Street, Busaras (1944-53), designed by the internationally renowned Irish architect Michael Scott (Figure 5.6), became protected under List 2 in the 1991 and 1999 development plans. Another example is the Carroll's building on Grand Parade (1962-4), which merited List 2 status under the 1999 Development Plan (Figure 5.7). The Berkeley Library (1960s) and the Arts Block (1970s) of Trinity College were afforded List 1 protection in the 1999 Development Plan. All these buildings now enjoy the same degree of protection status as protected structures.



**Figure 5.6:** Bus Áras by the famous architect Michael Scott (Negussie, 2002).



**Figure 5.7:** The Carroll's building (Negussie, 2002).

*Opinions of the Interviewees:*

As illustrated above, conservation policies in the 1999 Development Plan reflect a significantly greater commitment to conservation at local authority level. However, a number of points were made by the informants in relation to what is further required at a planning and management level in terms of further integration of conservation with planning. Enforcement and forward planning were highlighted as the most important areas for further improvements. For example, the following was suggested by a planner:

'Most laws in Ireland operate, if they do operate, on a sort of a voluntary acceptance of the law. But there is always an area where there are people who will not voluntarily accept it. That is the area where you need the enforcement powers to be adequate. But you also need the people to be able to use those powers. In relation to the planning acts, they had never really matched resources on the ground of what is expected of the Act or the development plans. There is very little forward planning done. Planning authorities even now are running like mad, to just deal with the day to day planning applications. Very few people have the luxury doing research and thinking about things in planning authorities, or getting ready for the next development plan. It is the real problem. People who were on the development plan and were deeply involved with coming up with wonderful policies, as soon as the plan was passed, were pulled off and were put back onto development control' (Planner 1, 2000).

Another planner similarly explained that planning in Dublin is more about development control than forward planning:

'Part of the policy is to develop policies for conservation areas and integrated area plans. Development control is implementing the development plan on the basis of planning applications. But there are other things to be implemented and they are called forward planning and local planning and community planning, brief writing and conservation area policy definition and details. All those sort of things are also implementation, but development control, which is literally controlling development of proposals by the private sector, seems to monopolise. If the resources are there they tend to go to the most urgent one which is development control. If you are going to talk seriously about doing forward planning you just need more staff and more skilled staff. Nobody has time to do that at the moment because of the huge development pressures' (Planner 2, 2000).

The need for further resources in order to enforce conservation was also emphasised:

'I think the basis of most of the things one would want for conservation is now in place. In other words, there are the directives from the government that local authorities should have conservation officers. There is a national inventory in place. They are giving local authorities money for grants. Before they had the power to list buildings but no obligation, but now they have the power and the obligation. Up until now, if you had an old building you could allow it to fall into disrepair. You are not allowed to do that now and they have the powers to enforce it. But to do all these things they need people. So the basis is there but there is still a lot more to be done. Local authorities could do with a lot more staff' (Conservationist 3, 2000).

Furthermore, improvement in the areas of information and conservation expertise were highlighted:

'I think every application relating to a certain age should be referred to somebody with conservation expertise. There are not enough people with a conservation background... Owners should be told about the importance of their buildings and encouraged to go to meetings to discuss what they have and to be given seminars about shopfronts and the difference between fake and real' (Conservationist 1, 2000)

The same informant suggested that there is a need to reconsider the hierarchy of planning areas:

> 'There is a need for undoing the perception that there is an unwritten hierarchy with economic considerations at the top and environmental at the bottom. There is a need for plans with teeth, providing a standard for things like height and sensitivity of in-fill development... The whole thrust of rejuvenation is now site specific through the integrated area plans. Specific sites are getting designations, but the environmental aspects of those IAPs are not being treated with the same degree of seriousness as the economic and social aspects' (Conservationist 1, 2000).

The same informant suggested that there is need for a change of attitude at management levels to turning conservation into being seen as something positive and dynamic rather than as a financial burden:

> 'Management needs to understand the idea of minimal intervention, that conservation it is not about sterilising buildings. Conservation should be about making them live in an exiting dynamic way, not about straightening every angle and spending a vast amount of money, or saving a building that looks like it is new and taking everything out that was old and replacing it with fake replicas. I think they need to change their attitude to conservation to not regard it as an unexciting, expensive burden, but as something dynamic and exciting and refreshing' (Conservationist 1, 2000).

In addition, height policy was identified as an area which needs to be resolved:

> 'There is a survey on height underway that could be very damaging to the city if it goes the wrong way. There is a problem with applications that will be dealt with prior to the resolution of the height survey. The Corporation at a management level has been pushing for high rise... Management has been pushing an agenda separate from the agenda of the planning department. That is in George's Quay, Spencer's Dock and Smithfield. Throughout the IAPs when they emerged, there was constant reference to tower features in as many developments as possible. At oral hearings, the City Architect would say that he thinks Dublin, the city centre, is boring and that it needs punctuation. I think it has its integrity, I don't think it needs punctuation' (Conservationist 1, 2000).

## 5.3. URBAN CONSERVATION AND THE ROLE OF THE VOLUNTARY SECTOR IN DUBLIN CITY

Voluntary conservation bodies have played, and continue to play a crucial role in Ireland in the context of built heritage conservation. Voluntary conservation activities usually arise in order to complement the activities of the state. In Ireland, the modern voluntary conservation movement has since long played a role in conservation, which in many other European countries has been pursued more actively by the state. Although the conservation movement in Ireland has its origin in the early twentieth century, it was not until the 1960s and 1970s that they began to receive more serious public attention. Kearns (1983, 82) opines:

> 'It is difficult to determine at what stage the concerted efforts of various preservation groups constitute a bona fide preservation movement. In sociological terms, a social movement is simply a purposeful and collective attempt to change or remedy a situation they perceive as unjust or that violates their rights as citizens. Dublin's preservation efforts sprouted from precisely this sort of embryonic process'.

Furthermore, in the early 1980s, Kearns argued that although they often operate in different spheres, preservationists in Dublin share the common philosophy that the loss of Dublin's eighteenth architectural heritage is a social injustice. This sentiment is rooted in the conviction that 'the Georgian buildings are a common inheritance to be cherished and safeguarded as a collective societal custody' (*Ibid.*). Furthermore:

> 'Preservationists are united by both philosophical and pragmatic ideals. Yet it would be an error to mould all Dublin preservationists into one neat stereotyped image. Dubliners initially tended to perceive them as middle-class do-gooders or wealthy antiquarians embarked on a mission to revive moribund historic relics for their own self-gratification. This myth, though considerably weakened, unfortunately still persists. In truth, Irish preservationists represent a healthy socio-economic cross-section of society…'

The following discusses, from a temporal perspective, the role of voluntary conservation bodies in safeguarding the built heritage in Dublin. First, it provides an introduction to the most significant conservation groups. Secondly, it reviews the overall role of the conservation movement and important conservation battles in Dublin City. Finally, it discusses the changing and contemporary role of voluntary conservation bodies in relation to conservation of the urban built heritage.

### 5.3.1. An Taisce

An Taisce, the National Trust for Ireland, was founded in 1948. It is a non-governmental organisation with charitable status, its principal objectives being the promotion of the conservation of both natural environmental aspects and buildings of historic and artistic importance. During its early years the organisation was mainly concerned with matters of nature conservation (Mawhinney, 1989). As suggested by one interviewee 'it tended, to begin with, to be very much a birds and bees organisation' and 'was concerned with protecting the nature and wildlife' (Conservationist 4, 2000). However, the organisation experienced an expansion throughout the 1960s as part of a reaction to the many demolition controversies of that time. This growth is reflected in its membership figures, which grew from 450 in 1966 to 2500 in 1969 (Mawhinney, 1989). Thus, 'it started having significant influence in the 1960s' (Conservationist 2, 2000). Similarly, Kearns (1983, 97) notes that 'in its early years An Taisce exerted little influence. But with the development controversies of the sixties it matured and expanded its role and functions'. As suggested by one informant:

> 'It started with a strong emphasis on the rural scene, but in the 1960s a number of people like Joe McCullough and Kevin Fox and several others joined it. They turned the attention, by no means away from the rural scene, but increasingly to the problems of Dublin. They issued their first statement on what should be conserved in the Amenity Study of Dublin and Dun Laoghaire, a setting of principles rather than an inventorial description' (Conservationist 4, 2000).

Another interviewee explained that in its early days, An Taisce was perceived as a 'an earnest but ineffective' organisation:

> 'It was established by people like Sean McBride, who was a big political player at the time. He was involved in government from 1948-51 and in setting up An Taisce in 1948. But I suspect that to the greatest extent it was a lofty, middle-class organisation. It was an upper middle-class organisation at that time. It would have been perceived as a bunch of do-gooders, earnest people not very effective, naïve, and aristocracy... However, the organisation must have been respected amongst policy makers to the extent it was made a prescribed body under the 1963 Planning Act' (Conservationist 1, 2000).

Another informant similarly stated that:

> 'An Taisce at that stage was very much the dilettante people who had money taking an interest in things. They were listened to. Against them there was also a more down to earth type of people and they were much more aggressive. They must have come in in the 1960s. They were much more aggressive and nitty-gritty. An Taisce were rather organised people and perhaps would not have been too aggressive' (Planner 1, 2000).

Under the 1963 Act, An Taisce was given prescribed body-status. This increased its role and influence in the planning process and 'made it focus on the planning process, making planning arguments instead of public interest arguments' (Conservationist 1, 2000). Furthermore, 'it gave it standing and a statutory recognition so that it was able to speak with more authority and did not have to excuse itself. Its amenity study stemmed from that recognition' (Policy Advisor 1, 2000). However, the fact that it was given prescribed body status may also be regarded as a statement by the state that it was leaving some of its responsibilities for the voluntary sector to deal with:

> 'The designation was a recognition of its importance. It had developed an important role. But it was also an acknowledgement by the state that they were leaving it to voluntary groups rather than setting up anything themselves. They were saying here is this group doing it so why should we set up another group, let them do it, we will recognise them. Their support entirely involved subscription and they were giving their time freely and willingly. So the state in a sense, giving that role to an entirely self-financing body was in one sense a tribute to them. In another sense you would wonder "that is a bit much too depend on the voluntary sector, why are they not funding them" and so on. Maybe it worked out to the better because if you had formalised it at that stage it might have stultified it and made it less proactive, it might have been less effective. At least if you are independent and financed you are not depending on people or any sort of returns. They can speak freely, so it is good and bad. It has turned out to be quite good. Official bodies, certainly in those days would have been very slow to do anything and they might have been inadequately funded anyway' (Planner 2, 2000).

According to one informant 'being a prescribed body is a burden An Taisce has never been able to fill adequately. The organisation would like to be able to respond systematically to all planning applications referred to it but still it doesn't have the resources to do so' (Conservationist 2, 2000).

Throughout the years, An Taisce has published a range of important documents in the field of conservation in Ireland. *The Amenity Study of Dublin and Dun Laoghaire* (An Taisce, 1967) was a pioneer conservation document, which outlined An Taisce's view of Dublin in relation to conservation in the built environment:

> 'An Taisce made a major contribution in the case of Dublin and Dun Laoighaire because they actually classified the areas of the city, in the Amenity Study of Dublin and Dun Laoghaire. It was very seminal to the whole planning process of Dublin and conservation. It was a small booklet, but very informational' (Planner 2, 2000).

Nevertheless, the study was rather limited in scope. According to one interviewee:

> 'The study centred on the south-side Georgian area, because a lot of the people in An Taisce would have been from the south-side. It suggested buildings for listing and it included all of Leeson Street and Fitzwilliam Square and Merrion Square, but it did not

> deal with the north inner city which was a terrible failure of An Taisce at the time. Because they would have been middle class and south-side based they didn't recognise the truth which was that the north-side had older and more magnificent buildings than the south-side. It is probably a failure of conservation bodies that those buildings on the south-side were better treated than Mountjoy Square and Gardner Street. They regarded the north-side as a terrible bore. Nobody cared about the north at that time' (Conservationist 1, 2000).

The 'Urbana study' (An Taisce, 1982) was a continuation of the amenity study. It was confined mainly to buildings on List 1 of the 1980 Dublin City Plan and attempted to identify practical steps to secure the preservation of the buildings concerned. *Georgian Dublin: Policy for Survival* (An Taisce, 1985b), published by the Dublin City Association of An Taisce, constituted another landmark document in the history of conservation in Dublin City. It brought attention to the inadequacies of the listing system in Dublin especially in protecting the Georgian built heritage. Furthermore, in the same year, the Dublin City Association of An Taisce published *The Temple Bar Area: A Policy for its Future* (An Taisce, 1985a).

One of the initial intentions of the organisation was to develop An Taisce as a property owning trust. During the 1960s there was debate within the organisation on whether it was to concentrate on its role as a watchdog-body, or as a property-owning trust (McCullough, 1997). One informant made the following observation:

> 'They modelled their constitution on that of the National Trust for England and Wales. It is a very similar type of constitution with provision for owning property but it never developed into a property owning trust like the national trust in England, or in Scotland. The name An Taisce simply means the treasure house and the idea was to treasure and protect our environment. However, it really became what in England would be called a civic trust. They have a small amount of property, but very small. An Taisce is very much an opinion building-up organisation and that is really where it has done its best work' (Conservationist 4, 2000).

An Taisce is based on a two-tier structure, with the national organisation at the top and various local associations concerned mainly with local issues. Its local associations have been considered 'An Taisce's strength', enabling participatative democracy (Mullaly, 1997, 23). Nevertheless, concern has been raised of the dichotomy of the national and local levels. For example, one interviewee opined:

> 'One of the problems about An Taisce is that while in Dublin it has a status and there is a full time involvement of certain people, in the country it is very much individual and one does not know who they are actually speaking for. As a prescribed body you are a national body and local groups should not be able to just put in planning objections as An Taisce, without getting some endorsement of their action from head officers at work. So, they have more or less indicated to various local organisations that they are not to appeal things without getting the agreement and I think that is fair enough. There have been appeals I am

pretty sure that were not endorsed. Such appeals may appear to be good objections from a local group of interests which has its own validity but they should not be taken as necessarily the view of the prescribed body, the national body of An Taisce. So there is a little bit of a problem there, since it is a voluntary group and nobody can work madly all over the country' (Planner 1, 2000).

The contemporary role of An Taisce remains to conserve the best of the built and natural environment in Ireland. Its work involves activities to influence policy makers and it continues to provide its planning service which has grown steadily, especially during the 1990s. In addition, the organisation undertakes educational and awareness-raising projects. It owns and leases a limited number of historic properties, *e.g.* Tailors' Hall and Howth Court House, and is seeking to develop its role as a property holding trust. Figure 5.8 portrays Tailor's Hall prior to its restoration. It became An Taisce's national headquarters in 1984.




**Figure 5.8:** Tailor's Hall prior to its restoration by conservationists in the 1960s (Dublin Civic Museum, no date).

### 5.3.2. Irish Georgian Society

The Irish Georgian Society (IGS) was established in 1958, with the principal objective of preserving Georgian architecture in Ireland (Mawhinney, 1989). In its early days, the main concern and efforts of the IGS lay with important Georgian country houses at the risk of deterioration. However, gradually the Society turned its attention to the 'relatively humble Georgian terraces of Dublin' (Kearns, 1983, 96). As described in the previous chapter there has been a further shift of emphasis towards other elements of the built heritage during the 1990s. The following quotation provides a brief background to the foundation of the IGS:

> 'There was originally a Georgian Society way back in the beginning of this century and they published five or six volumes of illustrations and descriptions of Georgian buildings, principally in Dublin, but the society kind of died. Desmond Guinness and his then wife Mariga established the Irish Georgian Society. At first it was a very small organisation but it gradually grew and it is now quite a significant body. It started giving grants to people to repair houses and structures of the eighteenth and early nineteenth century. Quite a number of houses throughout the country received grants from the Irish Georgian Society. The IGS was the only organisation doing much in that respect for a long time. Not big grants, but grants' (Conservationist 4, 2000).

During the 1960s, the IGS played an increasingly significant role in raising awareness of conservation of the Georgian built heritage: 'they drew attention to the built heritage and to buildings and started to create a climate of appreciation of the built heritage in Ireland, including Dublin' (Policy Advisor 1, 2000). Furthermore:

> 'They raised the consciousness of Georgian architecture and things like Fitzwilliam Street and Hume Street. They had been around for a few years but had not made any impact, but did so once these controversies started. They had a direct influence on the built heritage. Georgian Dublin became an issue in the public arena as a result of partially them classifying it as Georgian Dublin. They have been very articulate and well-known people' (Planner 2, 2000).

The IGS exercised direct influence in saving historic buildings through anti-demolition lobbying, by giving grants and involvement in restoration work:

> 'There were some buildings saved, which would not have been saved, which is a very direct influence. It was slightly more a militant organisation in those days. People virtually lying down in front of the bulldozers. I would say that it had quite a lot of influence but the fruits of it would only have come a bit later. But there were definitely buildings saved like Tailors Hall, Castletown and the Swiss Cottage' (Conservationist 3, 2000).

One informant argued that the IGS had significant influence in the field of conservation since the 1960s:

> 'The Irish Georgian Society had a huge influence. There was a slightly hippie element to it. The protest movement meant the preservation movement... The building preservation people can often be quite tweedy and boring. Whereas the IGS was very lively, very photogenic, young attractive people. Lots of weekends with hanky-panky apart from repairing roofs and houses. So, it was very lively and a lot of the people are still alive. It attracted people in that generation, which I find odd at the present. They accommodated a large cluster of people within a particular age group in the 1960s and 1970s, which has not been repeated' (Conservationist 2, 2000).

Another interviewee suggested that 'they were very influential and regarded as eccentric' (Conservationist 1, 2000). Furthermore, the following was noted:

> 'They lost some cases, but they certainly would have assisted in creating the environment where about preservation was important. They would also have possibly brought certain buildings to ones notice that you might not have known about. They came and went. They were very much a sort of a personal interests... there would be certain individuals who would have been to the fore for two or three years then they went away or something' (Planner 1, 2000).

In the 1980s, the IGS began to assume a role in the planning process but unlike An Taisce not as a prescribed body:

> 'It was in the 1980s that the Irish Georgian Society began to think about becoming much more involved in the planning process. The first planning officer came here in 1991 and it was around that time that the society decided it would systematically monitor the weekly applications to Dublin Corporation. We expanded the remit of the society into the planning area and it has been very successful' (Conservationist 3, 2000).

In the mid-1990s, the Society began to acquire a more influential role in terms of policy matters. For example, like An Taisce it was part of the advisory committee established by the DoE in order to give recommendations for grants to the Minister. It also produced a series of 'Conservation Guidelines' (DoE, 1996) in partnership with the Department of Environment:

> 'This was the outcome of the conservation committee with the DoE. It was decided that we should not be handing out grants without guidelines, so these were the results and I edited them. They were each written by different experts and they have been a huge success. They were sent to all local authorities. While they don't have any legal binding, it is another very good tool' (Conservationist 3, 2000).

Another useful publication service provided by the IGS in the late 1990s, was its Traditional Building and Conservation Skills Register of Practitioners, which is a register of building contractors with architectural conservation skills:

> 'This is another way the IGS changed. All through the years it has been trying to raise money and trying to save the bits of mortar and we always produced an annual academic journal. In the 1990s, we saw that you can't have conservation if you don't have the people

> to do it. For the last two years we have organised weekends to display traditional building skills, showing people carving wood, cutting stone, using lime plaster and doing ironwork. They have been successful beyond our wildest dreams from the point of view of people passing through. We had it in Dublin first and over 6000 people came through over two days. Then we held it in Cork last year and another 7000 people came through. It broadened our scope' (Conservationist 3, 2000)

### 5.3.3. Dublin Civic Trust

The Dublin Civic Trust (DCT) was established in 1992 with support from An Taisce, as a response to the continuing decline and demolition of historic buildings in Dublin. The Trust has charitable status and its primary aim is that of establishing funds for the acquisition and restoration of buildings. By providing the public with practical examples of building restoration the Trust has aimed to demonstrate the economic significance of historic buildings and to promote and develop skills in building conservation. Strategic projects have been selected in Dublin City, where buildings considered at risk have been restored, *e.g.* 10-11 South Frederick Street, 21 Aungier Street and 4 Castle Street. Although the DCT has been successful in purchasing and restoring a limited number of buildings through the establishment of a revolving fund, escalating property prices during the second half of the 1990s seriously constrained its ability to do so at a wider scale.

However, the work of the DCT has also involved attempts to influence policy-makers, *e.g.* in improving the legislative framework for conservation in Ireland. What distinguishes it from other voluntary conservation bodies is its policy of working in partnership with the local authority:

> 'The DCT has all to do with partnership and developing things behind the scene without troubling the public. The DCT has achieved a lot more than might seem to be the case. The DCT has prevented things from happening that might otherwise have happened but can't go around saying that too loudly. It is sort of a diplomatic way of going about. It has always been the case that voluntary conservation organisations are on the other side of the fence. However, the DCT was the first attempt for a conservation organisation to work in partnership with the local authority. Particularly when it secured the joint application to the Historic Heart of Dublin project' (Conservationist 2, 2000).

The Historic Heart of Dublin-project (HODD) arose from a successful joint application made by the DCT in partnership with Dublin Corporation to the European Commission in 1996 for an Article 10 Urban Pilot Project. The aim of the EU-sponsored project was to 'act as a catalyst for constructive change and innovative intervention by fostering partnership structures that record and protect the remaining historic fabric of the city'

(DCT, 2001, 3). The project involved a number of objectives, including identification of the historic building stock through compiling an inventory in two pilot areas of the inner city. Another objective and outcome of the project was the development of a permanent conservation advice and exhibition centre at 4 Castle Street, restored by the DCT (Figure 5.9). Furthermore, the project involved advice and financial assistance to community groups to facilitate restoration of historic elements of buildings used for community purposes in association with FAS, the state agency concerned with job training and placement. An important outcome of the project was the provision of demonstration projects for the purpose of finding new uses for old buildings. It resulted in extensive conservation and restoration of three historic buildings: No. 2 Andrew Street (Figure 5.10), No. 9 Merchant's Quay and No. 4 Castle Street (DCT, 2001).




**Figure 5.9:**Number 4 Castle Street, Dublin (Negussie, 2001).



**Figure 5.10:** Number 2 Andrew Street (Negussie, 2001).

One issue raised by the interviewees consulted for this research was that of partnership versus independence of voluntary conservation bodies. For example:

> 'The DCT is an idea of a voluntary body that has grown and done very active things like restoration in Aungier Street and South Frederick Street and they have done a great job in Number 4 Castle Street. They actually did things by restoring buildings. It is really a very influential body and the partnership can make it more effective. Although a voluntary body in a sense is a stand-alone body and whether they should be in partnership with local authorities to that extent is another question. When you take funding in a sense if you become an absolute partner there are restrictions. Obviously you are taking the money and your independence is somewhat under scrutiny. Having said that what they have done is extremely important and rewarding for the city' (Planner 2, 2000).

The same informant suggested that in a long-term perspective, potential funding from central government sources could compromise the ability of voluntary conservation bodies to act independently: 'that is one of the beauties of An Taisce, it is a stand-alone self-financed body. The independence of mind and advice is a very important factor in planning' (Planner 2, 2000). This argument was reinforced by another informant who stated that the partnership approach sometimes proved 'painful and problematic' (Conservationist 2, 2000). Another interviewee explained that 'people from the conservation sector engaged with the Corporation have found that their conservation perspective has had to be watered down' (Conservationist 1, 2000). Thus, this creates a

dilemma where on the one hand there is need for co-operation, while on the other hand the agenda of conservationists is compromised.

### 5.3.4. Other Conservation-Orientated Groups and Foundations

In addition to the major conservation bodies as described above other smaller voluntary groups have contributed in context of conservation in Dublin. For example, the Dublin Civic Group was established in the mid-1960s. Like An Taisce and the IGS it developed an important awareness raising role by reacting to the demolition of buildings and monitoring of planning applications in Dublin City. The Dublin Living City Group was formed in 1972, with the aim to defend communal life in Dublin, which had increasingly become threatened by private enterprise destruction and expulsion of inner city residents to new housing outside the city (*Irish Builder*, 1972). The North Great George's Street Preservation Society was formed in 1979 by residents concerned with the deteriorating state of buildings in North Great George's Street (Kearns, 1983). Historic property-owning foundations have also played a role in conservation, although mainly concerned with property outside Dublin City, *e.g.* the Alfred Beit Foundation and the Castletown Foundation. However, the establishment of foundations has been described as an important aspect of conservation efforts by the voluntary sector:

> 'The Alfred Beit Foundation was the first one. The next one was the one established for Castletown. Desmond Guinness was told by the tax people that he had to hand it over to a foundation. It eventually gave the house to the government but we still own the contents. The third one was the Irish Georgian Foundation, which is the money-holding end of the Irish Georgian Society. They are the main ones. Most were outside Dublin, or very close to it. These foundations have the same status as companies but they are not subject to taxes. So they were quite an important substitute for a National Trust in a way' (Conservationist 4, 2000).

In addition, student activists have played a significant role through lobbying in order to raise public awareness. According to Kearns (1983) students in the early 1960s often supported the pro-development interests and took the side of developers and planners in conservation disputes. However, there was a dramatic shift in their standpoint manifested in the battle of Hume Street in 1969. Students constituted an important conservation force also in the late 1980s, when Students Against the Destruction of Dublin (SADD) was formed in response to destructive road-widening plans (McDonald, 1989a). The Green Street Trust, founded in 1990 by ex-members of SADD, undertook restoration of a 200-year old Debtor's Prison in the north inner city of Dublin. The aim

of this project was to contribute to the enhancement of a run-down area through conservation and adaptation of a historic building for working, residential and community uses (Cuffe, 1995).

Another vehicle of voluntary organisations concerned with conservation is that of residents' associations, which grew in numbers during the 1970s. According to one informant 'they are marginal to the wider context but they do serve a purpose' (Conservationist 4, 2000). The most significant in the context of conservation of the built heritage is the Upper Leeson Street Area Residents' Association. It was formed in 1968 as a result of a controversial proposal to rezone the residential Upper Leeson Street area for office developments. The controversy involved a city council proposal for the re-zoning of 88 houses around Upper Leeson Street, an inner suburban area of Dublin developed mainly during the Victorian period, from residential to office use:

> 'There was a move on to rezone 88 houses for offices. We did not want that, we wanted the area to stay residential because we liked the houses and the environment which we were living in. So, we mounted a campaign to oppose this rezoning of the 88 houses and we were successful. What happened then was that a lot of other places in the city had similar problems and they wanted to know how we had fought our campaign. How we had battled, how we had been successful. I used to go out to different parts of the city talking to different groups and telling them what we had done, how we had campaigned and how we had been successful. And they wanted to do the same thing' (Local Politician, 2001).

The success of the Upper Leeson Street Residents' Association was partly due to its intense level of campaigning and the fact that its work was undertaken by people with certain professional backgrounds:

> 'There were very enlightened people involved in the residents' association, and they were very copped on about environmental matters. Generally speaking we launched a good campaign to oppose the rezoning. We went around to all of the houses getting people to sign to say that they did not want the rezoning of the 88 houses concerned. We had very good people, a high court judge, a barrister, an architect *etc.* Five of us mounted a great campaign' (Local Politician, 2001).

### 5.3.5. The Changing Role of Voluntary Conservation Groups

The 1950s witnessed little organised voluntary activity in relation to protection of the built heritage in Dublin City, mainly since it was a period of economic stagnation and consequently little redevelopment in the city:

> 'One of the things about the 1950s is that very small things were happening in the city. What was happening was that old buildings were being left, you did not touch an old

> building because you could build a new one much cheaper without messing around... There were always people who were interested in conservation and perhaps were regarded by some people as odd. They would have varied from being the Anglo-Irish aristocracy but also the ordinary people. But there was very little marriage whereby they could get an impetus going I would think' (Planner 1, 2000).

However, the 1960s saw a rise in voluntary conservation lobbying by organised bodies, the principal being An Taisce and the IGS, as well as by sporadic student groups campaigning against the widespread demolition of buildings in the city. Thus, in contrast to the 1950s, voluntary conservation bodies began to exercise some influence: 'the 1960s were when they were beginning to come into the scene and they had quite a significant effect in raising concern in educated circles' (Conservationist 4, 2000). Furthermore:

> 'By the 1960s the voluntary bodies began to have some influence. The interesting thing was the influence that the students were beginning to have to some extent. It was an age of student discontent in the 1960s and early 1970s, so it wasn't surprising that several of the architectural students got involved with us in these things' (Conservationist 4, 2000).

Similarly, another informant suggested the following:

> 'There was a great change. Up until the 1960s the voluntary organisations tended to be either people who were coming from specific interests, or professionals, people from academic background or so. Gradually through the 1960s it became more widespread and people got involved in things. They widened their circles and obviously the 1963 Act had an influence in that context. The conservation groups would have had a varying degree of influence. They lost as many battles as they won at least, but they would have had individual victories. They may be quite small, but they are incremental in changing attitudes' (Policy Advisor 2, 2000).

The rise in voluntary lobbying arose as a result of the change in urban environments brought about by redevelopment:

> 'In the 1950s, there was stagnation so buildings were not being affected apart from the fact that they were just decaying. With the 1960s came the first wave of development and buildings in areas of cities and towns began to be affected. So conservation bodies became more influential. An Taisce's report, the Amenity Study of Dublin and Dun Laoghaire was a pioneering document. They were going out being positive, not just reacting to things. They were trying to get appropriate policies put into development plans' (Policy Advisor 1, 2000).

One planner considered that voluntary conservation bodies and students' groups were 'very significant' and were even 'the main source of influence on planners, city managers, professionals and developers' during the 1960s:

> 'There would have been very few professionals in the architectural field who would have been conservation minded. They would have had the potential skill, but not a developed

> skill until it became part of the agenda. Architectural training at the time would not have been very much oriented towards conservation. Archaeology was conservation and there has been a bias in the legislation towards the natural environment rather than the built environment in Irish legislation because of the rural nature of the country. Irish towns were not really valued all that much. The Tidy Towns Competition, the IGS and An Taisce had an influence and the fact that not very nice things were happening to Dublin's streetscape (had an impact). We were losing a lot of buildings. The conservation bodies did influence and then the professionals came along later' (Planner 2, 2000).

One informant observed that in particular three sit-in protests, Hume Street in the 1960s and Molesworth Street and Pembroke Street in the early 1970s, had been important in raising of awareness: 'they were very effective and changed public opinion and influenced the wider climate' (Conservationist 2, 2000). Furthermore, during this period 'the Irish Georgian Society got lots of magazine features with nice pictures of young attractive people. The image of Georgian architecture was colonial and British and they changed that by turning it into showing the worth of it' (Conservationist 2, 2000).

Furthermore, one informant thought that voluntary conservation bodies were not influential in the sense that they were actively invited to take part in planning matters. However:

> 'The very fact that the voluntary conservation bodies were there and stomping their feet up and down and yelling, without any doubt would have had an impact. It would have made more people think. Again, you would not know which way it would go. Conservation did not figure largely within planners, management, professionals and developers during the 1960s. However, there was a growing awareness of the conservation lobby. The students obviously had an effect in Hume Street but did not get anybody anywhere' (Conservationist 3, 2000).

The controversies over Fitzwilliam Street and Hume Street are examples of two important conservation battles during the 1960s[1]. The former concerned the demolition of sixteen Georgian houses in Fitzwilliam Street and was one of the first and most famous conservation controversies in Dublin. The Electric Supply Board (ESB) had acquired offices in Fitzwilliam Street in 1927. In 1955, the Dangerous Buildings Section of Dublin Corporation determined that the buildings were extremely dangerous. Consequently, in 1961, the ESB decided to demolish the buildings and by 1962, permission for rebuilding of the houses had been granted. The Irish Georgian Society came to play an important role in the controversy. It emphasised the importance of preserving Georgian Dublin and also based its arguments for conservation on the fact that it was inappropriate to demolish and locate offices in this area in times of housing

[1] McDonald (1986a) deals with this in greater depth.

shortage (ESB, 1972). Figure 5.11 portrays the demolished Georgian houses. Figure 5.12 illustrates the modern office block with remaining Georgian houses.



**Figure 5.11:** Fitzwilliam Street prior to the redevelopment by ESB (Rossemore Collection, National Libraries, no date).



**Figure 5.12:** The replacement of a Georgian terrace with a modern office block in Fitzwilliam Street (Negussie, 1999).

The latter involved the demolition of Georgian buildings in Hume Street. What made this case particularly controversial was that the government had plans to sell No. 1 Hume Street to private developers which would facilitate the building of a major office block at this location. The building concerned, recommended for preservation in An Taisce's amenity study, had been included for preservation under List C in the 1967 Draft Development Plan, the list of state owned buildings of which the local authority wished to preserve. In the case of Hume Street, all conservation bodies, including An

Taisce, IGS and the Dublin Civic Group, as well as Dublin Corporation, took a strong stance against demolition. The Royal Institute of Architects of Ireland also supported the preservation of the entire Hume Street (*Irish Builder*, 1970).

An issue of An Taisce News in 1969 noted that 1500 people turned up at a protest meeting in July 1969, at which the exhortation used was 'citizens save your city!' (An Taisce, 1969, 3). In addition, it also caused students to occupy one of the buildings of which the developers had started to gut. After several months of occupation, the developers revised its proposals and buildings with neo-Georgian facades were erected (O'Dwyer, 1981). Nevertheless, as suggested by one informant:

> 'By the time of Hume Street there was a significant contingent of people who were mobilised in opposition to demolition. Students from Bolton Street were involved. That became quite fashionable. Garret Fitzgerald was there who became a Taoiseach and Charlie Haughey even sent a hamper to the students. So they were obviously making an impact by the time of Hume Street' (Conservationist 1, 2000).

With regard to student lobbying one informant suggested that 'as time went on from the 1960s, after Hume Street, the student lobbies disappeared again. The issues were not quite as dramatic but they would have been there for Wood Quay' (Planner 1, 2000).

In the 1970s, the activities of voluntary conservation groups continued to increase. As noted by the same informant 'An Taisce was a major contribution to the listing of buildings' (Planner 1, 2000). Furthermore, the decade has been described as 'one of the most successful ones for the IGS and in terms of the best publicised occupations of buildings' (Conservationist 2, 2000). However, during this decade attempts were made to create a less confrontational relationship between the voluntary groups and the local authority. For example:

> 'Conservation, or preservation, tended to be confrontational, which was unfortunate because then people were afraid to talk to each other. However, in one period in the 1970s, the Corporation had an unofficial little think-tank run by the planning office. Certain members of An Taisce, the Irish Georgian Society, the Dublin Civic Group and others would come together to have an off the record discussion about issues with the planning officer. If I remember rightly there were no notes taken. It was one of these things, let's get together and talk. And you're not going to go away and say what we were talking about outside. It was trying to reach a point that at least these four or five people around the table could understand where they were coming from and accommodate the difficulties of the other side. I suppose that went on for a few years but unfortunately it sort of fell. But that sort of atmosphere was beginning to develop, rather than having constant rows. It was a way of influencing things without going through the confrontation all of the time and it worked quite well. It was a very useful exercise' (Planner 1, 2000).

The controversies over Pembroke Street and Molesworth Street constituted important conservation battles in the 1970s[2]. The former, which was one of the successful battles, involved 'a very lively protest' (Conservationist 2, 2000). The buildings concerned were listed for preservation in the development plan. However, in 1975 the Minister for Local Government over-ruled a local authority decision and granted Bord na Mona (The Turf Board) permission to demolish five Georgian buildings in Pembroke Street. The decision coincided with the European Architectural Heritage Year, which made it even more controversial. Nevertheless, the buildings were saved as a result of public reaction. It first involved appeals by An Taisce, the Dublin Civic Group, the Living City Group and student activists. When demolition work began, students from various building disciplines occupied the buildings and began to reinstate the damage done (An Taisce, 1976).

The latter involved the demolition of St Ann's Schools and Hall in 1978, two nineteenth century buildings in Molesworth Street. The buildings concerned had not been listed for preservation, and, in 1974 the Minister for Local Government granted planning permission for demolition (O'Dwyer, 1981). Figure 5.13 illustrates the old Victorian school buildings prior to their demolition while Figure 5.14 depicts the buildings replacing them. In addition to the principal voluntary bodies, the Victorian Society, a smaller conservation group not in existence anymore, campaigned for the conservation of the buildings (Local Politician, 2001).



**Figure 5.13:** Former Victorian school building in Molesworth Street (Unknown source, no date).

[2] See McDonald (1986a).



**Figure 5.14:** The replacement with a modern office block in Molesworth Street (MacLaran, no date).

The battle of Wood Quay marks a landmark series of events in the history of voluntary environmental lobbying. An editorial of An Taisce's journal in 1978 observes that 'the campaign to save Wood Quay has grown into a massive popular movement, the first of its kind on a conservation issue in Ireland' (An Taisce, 1978, 3). Although concerned mainly with the conservation of an urban archaeological site at Wood Quay, one of the most important early Viking settlements in Europe, it became an important awareness raising controversy in general. The site was served with a preservation order under the National Monuments Acts. Nevertheless, a proposal to rebuild the site for local authority offices (the Civic Offices) took precedence over the pro-conservation arguments for full excavation and preservation of the site which contained remains of the old city wall. McDonald (1986a, 288) refers to the Wood Quay saga as 'the most potent symbol of the Corporation's determination to have its way with the city, regardless of the cost or the consequences'. Figure 5.15 depicts the archaeological excavations prior to the building of the Civic Offices. Figure 5.16 illustrates the Civic Offices at Wood Quay which were built on the site in spite of the long and intense protests. Figure 5.17 portrays the local authority offices built in the 1990s, covering the view of the old Civic Offices.



**Figure 5.15:** Excavations at Wood Quay, Dublin (*Irish Times*, no date).

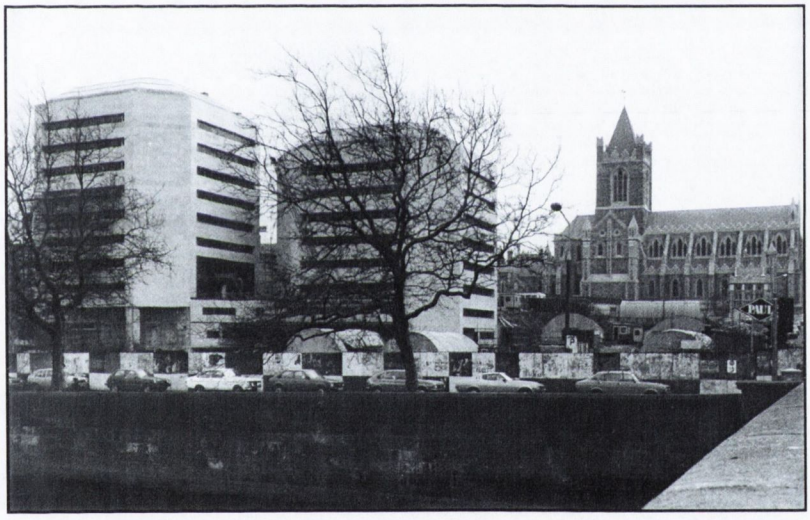


**Figure 5.16:** The Civic Offices at Wood Quay (MacLaran, c. 1988).

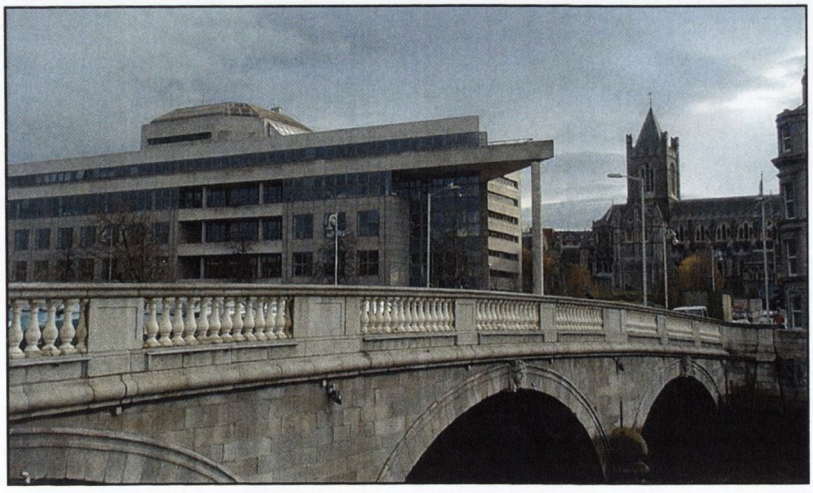


**Figure 5.17:** The new local authority offices covering the view of the Civic Offices, Dublin (Negussie, 2002).

During the course of the interviews the informants were asked to elaborate on the significance of the battle for Wood Quay and the lobbying by voluntary groups in relation to raising of conservation awareness amongst the public. According to one informant:

> 'The whole process of public involvement was to reach its maximum expression in the great agitation about Wood Quay. The Wood Quay issue was one of the first to focus on a wide range of people's interests and the way in which planning was being handled, or not being handled by the Dublin Corporation. By and large there was no great enthusiasm for conservation in local authorities' (Conservationist 4, 2000).

Furthermore, it was explained that in general the government and the City Manager at the time were not interested in saving Wood Quay:

> 'They had the plans to build the civic offices and they were not going to allow anything to interfere. They just speeded ahead with the proposals and the government was not forthcoming. They did not do anything to help us. It was the City Council ultimately who made the decision and they were not interested in saving Wood Quay. The local politicians had a major role and they did not vote in favour. But ultimately the decision was with the government and the government said no, we are going to go ahead and build the offices and we won't save Wood Quay. But the protests and the demonstrations and the campaign and the marches for Wood Quay were bigger than anything else we had ever known' (Local Politician, 2001).

Another informant suggested the following:

> 'There were a lot of things going on in that period like tax marches down O'Connell Street. Wood Quay was the largest. It was an astonishing march I was in it myself. It was really a huge crowd swarming through the city centre indignant at the destruction of the birthplace of the city. What really galled people was the monstrosity style of the Civic Offices built on top of the place. It looked so horrible beside Christchurch so people were indignant about these ugly blocks packed into Christchurch' (Conservationist 2, 2000).

Furthermore, it was suggested that the Wood Quay demonstrations gave expression to other concerns than for conservation per se:

> 'Wood Quay interestingly was perhaps a syndrome of a getting at the Corporation by a lot of people. They did not like or trust the Corporation. It was not a popular body. It was a remote body and I think some people felt that it was a great thing to be able to go out in the street and lobby against it. Because there was no way you could personally influence the councillors who had very little power themselves. So you had this great, big, anonymous body run by the City Manager. With all of these paid officials who never listen to anybody. So Wood Quay was a mixture of a whole lot of things. It was not just purely a conservation issue... While there was a major environmental lobby, there was also a certain degree of having a go at the Corporation as *them*. Why don't they do things, or, they have been doing things we don't like. I don't know why we came to that view, but I remember it seemed to us more or less at the time, that there was more to it than just conservation' (Planner 1, 2000).

There is a general perception that the scale of the voluntary campaigning at Wood Quay in the early 1970s and the failure in preventing development from taking place, in spite of the public outcry, had two effects. While it raised public awareness of environmental issues in the city, it also resulted in disillusionment with the effects of voluntary campaigning:

> 'Wood Quay was really a disaster. There were marches and demonstrations and all sorts of things to save Wood Quay and Wood Quay was not saved. Wood Quay was destroyed. I think that was a great disaster in the whole of the conservation history. Because more people turned out to support Wood Quay than ever before and then the whole thing was a disaster. That was very frustrating for campaigners and they lost heart. They gave up and said look we all campaigned and marched for Wood Quay and look what happened. So there was no enthusiasm and in the next campaigns, people said we are wasting our time, because Wood Quay was a disaster. I feel very strongly about that, that Wood Quay really was the most important and yet disastrous event in the whole conservation campaigning' (Local Politician, 2001).

This was reinforced by another interviewee who also thought Wood Quay had a damaging effect on the enthusiasm for conservation amongst the public:

> 'Because it was not successful, it had a bit of a damaging effect on the enthusiasm of people. They felt they had done everything they possibly could for Wood Quay and still they got nowhere. So a lot of people said they were hitting their heads against a stone wall and got slightly turned off. What is the point of protesting when we never get anywhere? So it had very negative effects I think, not so much on voluntary groups themselves who always would have continued. Wood Quay brought out thousands of people who were not concerned with voluntary bodies and probably would not have heard of the Irish Georgian Society or An Taisce. I think a lot of those people were turned off (who thought) planners can do what they want' (Conservationist 3, 2000).

Furthermore, the following was stated in support of this:

> 'Wood Quay had the effect of being a huge public disillusionment. There was an atmosphere that no matter what you say or do, they will do it anyhow won't they? It was a very widely remaining attitude. Including myself, I was in that Wood Quay occupation in 1979. It cuts both ways. A certain euphoria develops when you have a large protest movement but if it fails then there is a big disillusionment. The protest coincided with the local elections for the city council and the majority of councillors, including Mary Robinson who was a labour councillor of Rathmines, were anti proceeding with the Civic Offices at Wood Quay. The election campaign was fought on an anti office ticket and the majority of councillors decided to pledge to overturn the city to build the offices. But when they were nearly elected they found that their predecessors had signed a building contract. If they were to do that they had to pay compensation and the City Manager said that not only would the Corporation have to pay compensation, but the Corporation would then have to recover the money from the individual councillors. That really got them scared. So Wood Quay ended up going ahead and the two buildings were Sam Stephensen's major mistake' (Conservationist 2, 2000).

Nevertheless, the controversy over Wood Quay was still described as 'a seminal event in terms of raising awareness amongst the public. It showed that conservation of the

heritage was an important player in the game and was here to stay' (Policy Advisor 1, 2000). Furthermore, 'it raised a general awareness amongst the general public' (Policy Advisor 2, 2000) and 'put the business of the archaeological heritage on a new footing' (Planner 2, 2000). The following was also observed:

> 'I think Wood Quay was a turning point. Voluntary bodies attracted some credibility from then on. By then, An Taisce would have had the Dublin City Association, instead of just a national organisation. Wood Quay encouraged public imagination. By that stage you had an élite which became very conservation minded, people living in Dublin 4, maybe even the richer suburbs by that stage. They started to realise that there was a crisis in conservation. Strangely enough a lot of those people have since then lost that interest. They think things are now fine and they are also making money and they prefer to make money than to be conservationists' (Conservationist 1, 2000).

The beginning of the 1980s witnessed a less dramatic type of conservation lobbying by voluntary bodies, partly due to a property slump:

> 'The 1980s gradually get quieter until the late 1980s. There was a recovery (in the economy) after the oil crisis and then there was a very long slump in the late 1970s and also the 1980s. So slumps always take pressures off. When there is a slump there is less development and there is less planning controversy hence less public reaction. It was all the controversy of the road plans in the late 1980s that brought out the movement again' (Conservationist 2, 2000).

As suggested by another informant, 'the voluntary bodies were there to inform people and to encourage things but they did not change very significantly at that stage' (Conservationist 4, 2000). One informant suggested that 'the IGS lost cutting edge about the issues' while 'An Taisce was systematically responding to everything, not necessarily being heard but always in there' (Conservationist 2, 2000).

The Dublin Crisis Conference, in 1986, was a landmark event in the course of voluntary initiatives to raise environmental awareness in the city of Dublin. The interviewees consulted for this research were asked to elaborate on the extent to which this voluntary initiative was important in affecting policy makers, planners, *etc.* The general perception was that this had indeed been a crucial event at the time, particularly in bringing attention to the destructive effects of the road plans for the city. As noted by one informant, 'they all met and discussed the issues and considered they were important, so it was a consciousness-raising exercise. It had a strong influence' (Planner 2, 2000). In addition, it was stated that 'we are now coming into the big moves in perception and awareness, the end of the 1980s and the beginning of the 1990s, so I would imagine that it had a considerable effect' (Conservationist 3, 2000). Furthermore:

> 'It had the effect of galvanising attention on the roads issue. The Dublin Corporation was providing road space without realising that it was going to encourage more cars. They would not provide for the alternative public transport investment that was needed. So that was the main effect of the Crisis Conference, focusing on that issue very successfully and turning that issue into a media issue with Frank McDonald virtually using the Irish Times as a platform' (Conservationist 2, 2000).

Another informant stated the following:

> 'It made a big difference. I would say that made the difference rather than the introduction of the tax incentives. It was unnatural that people were not living in the city centre and that the population declined from 260 000 to 80 000. Demographics suggested that people would want to come back. The fact that people had been abroad and they would have seen what it was like to live in the city centre... It did not need the tax incentives. They could have done it other ways, for example by not rezoning land in the suburbs. It could have forced people back to the city centre' (Conservationist 1, 2000).

Furthermore, one informant stated that it was difficult to evaluate the effects of the crisis conference. However, the following was suggested:

> 'Garret Fitzgerald was now speaking as a person who was in control, or should have been in control and was concerned about the city and what was going on. He seemed at the end of the day to be saying I cannot do anything about it. There was too much inertia in the various departments and what needed to be done was such a radical upheaval of upsetting the local authorities, either giving them more power, or taking more power away... Where do all these voluntary people fit in, of course we should be talking to them, but how do we make them responsible? It is easy enough to be saying the right thing, and being very radical when you don't actually have to implement it. If you are going to implement it, then other things crop up and it is not as easy sometimes as the voluntary sector would have you believe. And yet what they are saying is right. You should be trying to do it but you are coming from a different sort of agenda. It is your own inertia. Will you be supported? Are you sticking your neck out? Is it politically on to devote so much attention to say Dublin when all the rest of the nation is looking for money, or resources of one kind or another, *etc.*' (Planner 1, 2000).

In addition, the 1980s witnessed a revival of student campaigning for the conservation of Dublin's built heritage. The Students Against the Destruction of Dublin (SADD) became active in campaigning for the protection of the built heritage during the late 1980s:

> 'The student protests in the late 1980s certainly raised the temperature. They were among the most dramatic and imaginative protests in terms of publicity. If you want to get in the front of a paper you dress up as something and hang balance in exciting places. So they were very successful in that respect, not on their own but they added to the climate of media coverage on the roads issue' (Conservationist 2, 2000).

One informant who had been directly involved in the activities of the SADD described it as 'the last of the great student lobbying'. Furthermore:

> 'We all became civil servants. A generation grows into the next wave, that is a natural progression... I don't know what has happened, you would not get students out on sites anymore. It is difficult to see how you ever get that back. It was there in the 1960s, 1970s and 1980s. Yet people are involved in a lot of other things. Historically the voluntary sector has filled the official gaps and it is very important that that continues. There are always gaps. There is a balance to be struck, you have to fight and raise the issues and you also have to know when to strategically compromise to move things forward. On the attack always as a sole mechanism does not work' (Policy Advisor 2, 2000).

However, another interviewee representing the voluntary conservation sector had a contradictory opinion:

> 'The SADD burnt itself out pretty bad. It decided that rather than being confrontational they would get involved in a positive project which is the Green Street Trust. That did not work out and some of the best people have been sapped by that initiative. They did not have any energy for campaigning. Since then, for a long time students have wanted to get involved in conservation and they would have said we'll go to SADD and SADD actually was not functioning. There has not been a student movement in conservation since the demise of SADD. They decided that things were so good that they could afford to do a positive project rather than being negative. There was still scope for people being negative and the major issue was the general policy rather than the need to do something that was a model. Some of them went into politics... It is easy to decide that things have changed enough that you are the first generation that can afford to not impose anything. In fact I think that they were wrong' (Conservationist 1, 2000).

Furthermore, it was suggested that the reason for the lack of a continuation of student lobbying during the 1990s, was partly because they became part of mainstream thinking:

> 'In the 1990s there was not such a great need for them in a sense because they have become part of mainstream thinking. You don't necessarily now have to have a group of students occupying a building. Another aspect is that students have become very conservative, all dressing in striped suits. The students of the 1990s are a very conservative bunch. They are not people with turtleneck sweaters. There is a lot of concerned people coming in, students would do history of art and do the conservation course, but they would not be people protesting in the streets. They are very sincere but the mainstream activists don't exist any longer, except people like Michael Smith, Ian Lumley, Councillor Ciaran Cuffe and Geraldine Walsh... But there are no huge numbers of terribly concerned activist students. That is a bit of a problem. So the educated middle-class student is staying as an educated middle-class student, who has their eye on getting into good income positions themselves. They don't really want to rock the boat. It is their own boat. It is part of prosperity, the middle class and Irish society. Maybe it is good that you don't need it, or maybe you need it I don't know. Since the socialist system collapsed they disappeared too' (Planner 2, 2000).

During the late 1980s and the 1990s lobbying by voluntary conservation bodies, mainly through the planning process, concerned demolition proposals under the urban renewal schemes (see Chapter Five). During these periods facadism became widespread. The controversy over Harcourt Terrace illustrates the case. The battle concerned demolition of Nos. 6 and 7 Harcourt Terrace, the centre pieces of a Regency style terrace listed for preservation (List 1), with the exception of the front facades. The battle was fought by

An Taisce's Dublin City Association, the Dublin Civic Group, the Living City Groups as well as the Harcourt Terrace Defence Association (An Taisce 1985c). However, the buildings were eventually demolished and replaced with a complex of flats and offices behind the retained facades (McDonald, 1986a). Figures 5.18 and 5.19 illustrate the retained facades and the buildings today.



**Figure 5.18:** The retained façade at 6-7 Harcourt Terrace (MacLaran, 1989).



**Figure 5.19:** Numbers 6-7 Harcourt Terrace after redevelopment (Negussie, 2002).

A general perception expressed during the course of the interviews was that during the 1990s, voluntary conservation bodies became more established, influential and respected. For example:

> 'They have become more established and more formidable. We (planners) deal directly with them and take into account what they are saying. Their bona fides, their legitimacy is now obvious and they have also through various court actions, high profile planning appeals, through various statements and conferences and thorough monitoring and setting up a planning service become quite influential. They are very reinforcing and important' (Planner 2, 2000).

Similarly, as suggested by one of the conservation group representatives:

> 'The IGS now has a much higher profile, which means that everything it used to do it does more of. People listen to us now. I would quite often have a developer or an architect coming to me saying we are putting in a planning application to do this, are you going to object? Quite often after discussion if we ask for some changes, they might incorporate the changes. There is a lot more consultation going on. It appears to us that submissions from us on planning applications are now regarded quite seriously. We are more and more into education and trying to produce publications' (Conservationist 3, 2000).

A similar viewpoint was expressed in relation to An Taisce who considered that there has been a change in public perception of the organisation since 1995:

> 'There used to be a perception in Dublin that An Taisce was about single-minded, sometimes fashionable opposition to bad schemes. By the time of the late 1990s, there was a perception that An Taisce was very vice versa, that it was unduly effective. There was no longer a perception in Dublin that it was élitist in any way. After the time that I got involved it was sometimes ridiculed and sometimes criticised, but it was no longer perceived as Anglo-élitist and bourgoisie. It is often criticised for being aggressive and too effective as it was for being hands off and unreal. Too effective rather than not effective at all... By the late 1990s we were exploiting all the opportunities available, including European law. Developers had a perception that if they applied for major schemes involving large demolition, there would be long delay and possible legal actions and European angles and so on. That has been building up from the mid-1980s. The developers did not have any respect for what we were doing, but they at least believed that there was a danger that they might have their developments delayed' (Conservationist 1, 2000).

The end of the 1990s witnessed a more aggressive yet formal approach to conservation action in Dublin City. Conservation-driven individuals who saw a need for legal challenges to development proposals threatening the built fabric of the city, established a company named Lancefort as a platform for legal pursuit of planning matters. Co-operation was not seen as the right instrument for successful prevention of developments impinging negatively on the built heritage. For example, one interviewee suggested that 'antagonism rather than co-operation has been the right approach during the 1990s, although it is important to retain good relations with authorities, which is gradually improving' (Conservationist 1, 2000). Furthermore, the following was explained:

> 'To say that everything had been fine if everybody had been engaged in co-operation is a mistake. There is a perception that we (the activists) are subversive in Ireland. The courts were very antagonistic generally, in fact, the Supreme Court never once found in favour of

environmentalists, even when there were very strong European points made. But while we were regarded as outcasts and subversives in the domestic arena, we are regarded as taking the legal perspective established by the European Commission. For example, we had a complaint against the Hilton Hotel, which involved demolition or facade retention of between seven and eleven buildings on College Green. We also lodged complaints against HARP and Temple Bar. I believe very strongly that the Irish Government is going to lose that complaint. I don't believe that co-operation was the most effective and appropriate route for people who were concerned with the environment in the 1990s. If you have an interest in protecting the built environment the most noticeable thing is not the opportunity for co-operation' (Conservationist 1, 2000).



**Figure 5.20:** View of Westmoreland Street (Dublin Civic Museum, c. 1908).

Figure 5.20 portrays Westmoreland Street c 1908, the site of re-development for a new hotel. Figure 5.21 illustrates the façade retention at College Street. Despite vigorous conservation lobbying and a third-party appeal to the planning appeals board, developers were granted permission for either demolition or alteration of fourteen historic buildings.

Thus, towards the end of the 1990s, conservationists found that by appeals to the European Court of Justice, they were able at least to put pressure on national authorities to pursue conservation:

'The opportunities for co-operation were best rejected in favour of the opportunities for at least registering what the law was, especially what the European law was. The results of that will be manifested in a couple of years after they have progressed through the European Commission and the European Court of Justice. We are out of step with Europe. We are not in compliance with the Granada Convention and we are not in compliance to the EU requirements relating to environmental impact assessments. The European Commission is going to uphold our complaints at least regarding EISs regarding the architectural heritage' (Conservationist 1, 2000).




**Figure 5.21:** Façade retention at College Street (Negussie, 1999).

During the course of the interviews the informants were asked whether they anticipated any change in terms of role, authority and perceptions of voluntary conservation groups in the future. Certain contemporary tendencies were observed which were considered to have future implications. For example, it was suggested that a major challenge for voluntary conservation bodies is to involve the younger generations:

> 'The voluntary sector is now under enormous pressure. The new generation of people in their twenties are not joining the organisations, apart from the more radical road protesters but they have been a very small minority. So you have a generation that is driven by climbing up to the top of the job ladder and enjoying the good time atmosphere of the current moment and wanting to follow the swim of fashion. The environmental message with this grim, old-testament prophesies of global warming saying if you don't behave yourselves is very unfashionable' (Conservationist 2, 2000).

Furthermore, the same informant noted a trend of professionalisation of voluntary conservation groups who are required to respond more professionally in the planning process, something which implies serious funding difficulties:

> 'With the new planning legislation voluntary organisations have to be more professional in their response. It means you have to have somebody with the intellectual calibre of the expensive barristers representing the organisations... Dermod Desmond spent way in excess of An Taisce's entire operating budget to pay for his professional team at the Spencer Dock hearing. So the voluntary organisations have to become more professional and are facing enormous funding difficulties' (Conservationist 2, 2000).

This was reinforced by another informant who also observed an emerging professionalisation of An Taisce as an organisation, which was seen as becoming 'more goal-orientated' and 'more business like' compared to in the past:

> 'We are hoping for Central Government to provide An Taisce with planners. It is not going to lose the voluntary aspect but it will be democratic and representative. The new professionalisation accounts for other groups as well. Otherwise, they will not get coverage and members. We have to be careful about authority and to make sure that we carry some authority. We now have a higher rate of success and I can see us having a very high rate of success in the future' (Conservationist 1, 2000).

Another informant suggested that for voluntary conservation groups to become part of the establishment involved a certain risk:

> 'The real risk for them would be to become part of the establishment. The radicalism of students has disappeared. There is nobody to represent what might be regarded as an extreme position now. It is a temptation (for groups to become part of the establishment) and they should never give in to it. I think it is very reassuring to find Michael Smith, the chairman of An Taisce. That is good and a whole rebirth of the organisation in a way, because his bona fides are so obvious. Then there is a few of his associates who are legally trained and very good. Okay, they might put a cross on what I am doing in terms of working in a local authority. It is awkward when suddenly they start taking action against you, but I know why they are doing it and they are doing it for the best reasons' (Planner 2, 2000).

One informant suggested that voluntary conservation bodies 'might even get less significant if the state takes on its obligations more effectively in the field of conservation' (Policy Advisor 1, 2000). However, the same interviewee suggested 'I think there will always be a place for them'. Furthermore, another informant explained:

> 'I would think that the role of the Irish Georgian Society as a watchdog would always be there and for education in the form of seminars and publications, books and advice centres. If all the great and good initiatives that have been started came to fruition, it would lessen the load of things we have to deal with' (Conservationist 3, 2000).

However, the same informant explained that there is an inherent ethos in the new planning legislation, the Planning and Development Act, 2000, towards the elimination of third party appeals, which would have implications for voluntary conservation bodies in the planning process. If third parties are unable to make submissions at local authority level, then they cannot appeal to An Board Pleanala:

> 'Now it is going to be disastrous for us because it is going to force us into being more systematic around the country. At the moment quite a number of the phone calls that we would get is about the local authority has given permission for this will you appeal to An Bord Pleanála, will you help us? And we would not be able to do that unless we have put in an objection when a development was first proposed. That is going to be really, really bad for us. It will cost us money, but we will certainly pay the £20 fee... There is lots of pressure on the government to get rid of the third party appeal. It is one scenario that could come in 10 years. If that happened, we would no more be allowed to appeal. I suppose the pressure is mostly from developers and even overworked planning departments. There just seems to be, I may be wrong and I hope I am wrong, but there seems to us to be a slight trend towards lets get rid of third party appeals. It would be an infringement of the

> individual right. It would mean that if a building is infringing on your building you can object but I cannot object in your support' (Conservationist 3, 2000).

Another informant explained that 'the new fee is due to a perception that too many developments have been held up, which is rubbish. Local authorities do not want that fee' (Conservationist 1, 2000). Such a course of direction could have serious implications for a body like An Taisce, which makes planning submissions in relation to a wide range of environmental concerns. Nevertheless, during the course of the interviews it was suggested that as a prescribed body with an increased role under the new planning regulations 'An Taisce will probably escape the new fee of £20 when making submissions to a local authority' (Conservationist 1, 2000).

## 5.4. CONCLUSION

To conclude, the role and performance of national authorities in built heritage conservation has been sketchy in the past. For a long time, the Office of Public Works was the main government agency responsible for conservation trough its powers under the National Monuments Acts. The National Monuments Advisory Council was established as an advisory body within the OPW. However its involvement with the post-1700 built heritage was minimal, partly for political and cultural reasons. Not until 1991 did the OPW establish a National Inventory of Architectural Heritage. The late 1980s saw the establishment of the National Heritage Council as a non-statutory advisory and grant-giving body operating under the Prime Minister's department.

Established in 1964, An Foras Forbartha provided national leadership in planning issues and played a significant role in environmental conservation, especially in awareness raising, research and policy advice. Its abolition in the late 1980s, mainly due to downsizing in the public sector, reflected a marginalisation of land use planning and thereby also conservation. The establishment of An Bord Pleanála in 1976, as a politically independent planning appeals board, was of great significance to protecting public interests in the planning process, including conservation, especially after reform of its appointment procedure in the 1980s. Since the establishment of the Board there has been a gradual improvement in its approach to conservation issues, mainly due to generally improved cultural attitudes, a strengthened legal framework for conservation

and a better economic climate in which the Board considered that a stricter stance on conservation could be afforded.

The mid-1990s saw the forming of new institutional arrangements and gave birth to what may be referred to as a national heritage sector in Ireland. The Heritage Council was established as an independent statutory body. Although its role in the planning process is rather limited it has an important role in funding and awareness raising for the heritage in a broad sense. Furthermore, the forming of Dúchas as a special state organisation for heritage protection constituted an important institutional venture.

The role of the local authority for Dublin City in implementation of built heritage conservation has gradually developed since the introduction of the Local Government (Planning and Development) Act, 1963. The 1971 Dublin Development Plan reflected poorly developed conservation policies with a small number of buildings listed for protection. Buildings considered worthy of preservation mainly concerned old churches, Georgian landmark buildings and a restricted number of Georgian and Victorian terraces. The preservation list largely reflected recommendations in the Amenity Study of Dublin and Dun Laoghaire, a pioneer building survey prepared by An Taisce. The low priority given to conservation was a reflection of overall lack of awareness and the pro-development climate in which the 1971 Development Plan was adopted. The listing of buildings was perceived as something which could lead to legal challenge due to private property rights. Also, the local authority itself was mainly oriented towards redevelopment. Furthermore, the local authority was dependent on the voluntary sector for recommendations on what to protect.

The 1980 Dublin City Development Plan demonstrated an increased number of listings and the introduction of conservation areas as a policy objective. Although without any statutory support, the designation of conservation areas contributed to raising awareness of area-based conservation. The plan also reflected a somewhat broadened scope of types of building to be preserved. However, in spite of some policy improvements, there was a continuing demolition of listed buildings, mainly due to the two-tier listing system and lack of enforcement. In addition, due to lack of monitoring, the plan contained invalid listings of buildings that had been demolished prior to its adoption.

The 1991 Dublin City Development Plan reflected the first major change in attitudes towards conservation. Conservation policies were more clearly formulated. Also, residential conservation zones were introduced as a zoning objective and carried more legal weight in contrast to conservation areas. The extension of listings was more dramatic than before and separate lists for interior, stone setts and paved areas and streets were introduced. The plan reflected a growing emphasis on the protection of streetscapes, indicating a further shift towards more area-based conservation. The plan also reflected a broadened scope of types of building to be preserved, *e.g.* industrial buildings and cottages.

Finally, the 1999 Dublin City Development Plan reflected further integration of conservation of the built heritage and planning. With the introduction of new conservation legislation, the two-tier listing system was replaced with a record of protected structures with equal protection status for all buildings included and automatic protection for interiors. By using pilot schemes through the Living over the Shop-scheme, the Dublin City Council, for the first time, pursued a more active leadership role in conservation. In addition, the plan reflected greater emphasis on urban design. It also expressed a commitment to greater use of conservation expertise and co-operation with voluntary bodies in the identification of buildings without any protection status. The scope of structures to be conserved was broadened including, for example, street monuments and buildings from the twentieth century. Nevertheless, in spite of significant progress in local authority conservation policy, enforcement, resources, and forward planning remain areas that need further improvements.

In Ireland, the modern voluntary conservation movement has played a role which has been pursued more actively by the state in many other European countries. From a temporal perspective, the 1950s witnessed little organised voluntary activity in relation to protection of the built heritage in Dublin City, mainly due to economic stagnation and lack of redevelopment. However, as a result of change in urban environments brought about by redevelopment, the 1960s witnessed a rise in voluntary conservation lobbying by organised bodies such as An Taisce and the Irish Georgian Society and by sporadic student groups. In the 1970s, lobbying by voluntary conservation groups continued to increase and attempts were also made to create a less confrontational relationship between voluntary groups and the local authority. The beginning of the 1980s saw a less dramatic type of conservation lobbying, partly due to economic slump. However, the

end of the 1980s witnessed a short-lived revival of student conservation campaigning, mainly as a result of destructive road-widening plans for the city. Since the 1980s, voluntary conservation bodies became increasingly involved in the planning process and during the 1990s, they became more established, influential and respected. However, the end of the 1990s also witnessed a more aggressive and confrontational approach to voluntary action with individuals taking legal challenge to development proposals threatening the built fabric of the city. Conservationists were also able to put pressure on national authorities by making appeals to the European Court of Justice.

In the light of the cultural and legal contexts discussed in the previous chapters, this chapter discussed heritage management in Dublin City based on a temporal discussion of the role of national and local authorities and voluntary conservation bodies. The following three chapters explore the approach to urban conservation in Sweden through a case study of Stockholm City.