

# **Built Heritage Investment Scheme**

**2018**

## **GUIDANCE CIRCULAR**

November 2017

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## **Abbreviations**

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ACA	Architectural Conservation Area
ACO	Architectural Conservation Officer
BHIS	Built Heritage Investment Scheme
DCHG	Department of Culture, Heritage and the Gaeltacht
DHPLG	Department of Housing, Planning and Local Government
LA	Local Authority
MCHG	Minister for Culture, Heritage and the Gaeltacht
NIAH	National Inventory of Architectural Heritage
RPS	Record of Protected Structures
SEAI	Sustainable Energy Authority of Ireland
SRF	Structures and Risk Fund

## **Appendices:**

- I Qualifying and Non Qualifying Works*
- II Form A – To be completed by Applicant*
- III Form B – To be completed by the Local Authority*
- IV Form C – To be completed by the Local Authority*

## **1. Background and Purpose of Scheme**

This guide provides local authorities with information in relation to the operation and administration of the **Built Heritage Investment Scheme (BHIS) 2018**.

### **1.1 Background**

The quality of our historic built environment profoundly affects our everyday lives. It contributes to the vitality of our cities, towns, villages and countryside, instils a sense of pride of place, and enhances the quality of our everyday lives.

The historic built environment makes a significant contribution to economic prosperity by attracting investment, providing direct and indirect employment, as well as sustaining a traditional skills base for wider application. Our built heritage is one of the main attractions for visitors to Ireland so its conservation also reinforces and promotes our tourism industry as well as contributing to the regeneration of urban and rural areas through adaptation, sustainable re-use and by providing a unique setting for appropriate new development - both private and publicly led.

The Government, local government bodies and other heritage stakeholders, both public and private, have identified that our historic built environment is at risk from a number of factors. Important elements of built heritage in both public and private ownership are being lost, allowed to deteriorate or being irretrievably damaged.

#### **The role of the Department of Culture, Heritage and the Gaeltacht**

The key areas of responsibility of Department of Culture, Heritage and the Gaeltacht (DCHG) regarding built heritage are to develop, promote and implement policies and legislation for its protection and to promote best practice in its conservation.

As set out in the Planning and Development Acts and Regulations, DCHG acts on behalf of the Minister of Culture, Heritage and the Gaeltacht (MCHG) in her function as a prescribed body for the purposes of architectural heritage protection, and performs a similar role with respect to archaeological and natural heritage protection.

The primary custodians of structures, protected under the Planning and Developments Acts, are their owners and occupiers, and they, along with the local authorities, are charged with the responsibility for their protection.

## 1.2 Purpose of Scheme

The Built Heritage Investment Scheme was developed to assist with the repair and conservation of structures that are protected under the Planning and Development Act 2000 (as amended). In certain cases, the scheme is also available for the conservation of structures within Architectural Conservation Areas (ACAs) where, in the opinion of the local authority, a need for works to enhance the character and appearance of an ACA has been demonstrated. The primary purpose of the scheme is to support privately owned properties in need of repair and conservation.

**This scheme seeks to leverage private capital for investment in a significant number of labour-intensive, small-scale conservation projects throughout the country and to support the employment of skilled and experienced conservation professionals, craftspeople and tradespersons in the repair of the historic built environment.**

**Local authorities are required to report to DCHG on the employment created under this scheme.**

## 1.3 Operation of the Scheme

This scheme will operate for the duration of 2018, with funding to be claimed within that calendar year. The scheme will be administered by the local authorities, with each allocated a fixed amount from the overall fund of €2m as determined by DCHG.

Projects that incorporate a traditional skills training scheme may also be supported by this fund. Any such projects will be identified in discussion with the relevant local authority and will require agreement with the DCHG.

## 1.4 Matching Funds

Under BHIS, the **total value of all public funding provided for individual projects must not exceed 50% of the total project cost**, including funding received from other public agencies including the SEAI, the Heritage Council, LEADER, other government departments and local authorities. Voluntary work (benefit-in-kind) or local authorities' own funds/contributions or funding from other exchequer sources cannot be used to satisfy the matching expenditure requirement.

In exceptional circumstances the LA may, with written agreement from DCHG, allocate funding to a project where the total public funding exceeds 50% of the total project cost. DCHG does not anticipate that such exceptional circumstances would arise for more than 20% of a LA's total allocation.

**The LA's overall allocation must be matched by an equal contribution from private funds.** For example, if a LA is allocated €50,000, a minimum of €50,000 of private funds must be spent.

## 2. Eligibility

### 2.1 Types of Eligible Structures

**Protected structures.** Structures included in the Record of Protected Structures (RPS) of each Local Authority area

**Proposed Protected Structures.** Structures proposed for inclusion in the RPS but not yet formally approved. Such structures must be added to the RPS by 31 December 2018

**Structures in Architectural Conservation Areas (ACAs), or within the amenity of a National Monument,** where exceptional circumstances are deemed by the Department to apply

### 2.2 Public Authority Ownership/Occupation

**A maximum of 20% only** of each LA's overall funding allocation can be used for structures in public ownership/occupation

**The LA's overall allocation must be equally matched by private funds.**

### 2.3 Applicants in receipt of related Tax Relief

Where applicant has received tax relief under **Section 482** of the *Taxes Consolidation Act, 1997* (as amended), (formerly Section 19 of the *Finance Act, 1982*) and/or where the owner/occupier has received tax relief under the **Home Improvement Scheme** or the **Living City Initiative**. The onus, however, is on the owner/occupier in receipt of the aforesaid tax reliefs to inform the Revenue Commissioners of any funding received through this scheme. DCHG will provide the Revenue Commissioners with a list of successful applicants under this scheme.

### 2.4 Funding of Projects

The minimum funding awarded for successful projects will be **€2,500** up to a maximum of **€15,000**. The LA shall allocate funding for projects based on a proper assessment process (see Section 3). Priority should be given to small-scale, labour-intensive projects. Projects should demonstrate a range of conservation skills, and should not be concentrated in a particular geographical area or on a particular type of structure.

### 2.5 Statutory Requirements

**Statutory Requirements:** grant-approved works must meet all statutory requirements, including planning permission. Where works are proposed to sites/monuments protected under the *National Monuments Acts 1930-2004*, the statutory requirements for notification or for Ministerial consent under those Acts must be complied with.

Where an applicant seeks a declaration under Section 5 or Section 57 of the *Planning and Development Act 2000* (as amended), to exempt specific works from planning control that are the subject of a grant application, the request should be processed as quickly as possible by the relevant local authority. Only works that would not materially affect the character of the structure, or any element of it which contributes to its special interest, may be exempted from a requirement to obtain planning permission in this way.

**An applicant will be required to submit copies of all relevant permissions, declarations, notifications or consents when making a claim for a grant.**

The onus is on the applicant to comply with all other relevant statutory requirements, such as the Wildlife Acts, foreshore licenses (if applicable), Safety, Health and Welfare legislation, and environmental and employment legislation. The attention of the local authority is drawn to: *(DAHRRGA 2012) Strict Protection of Animal Species: Guidance for local authorities on the application of Articles 12 and 16 of the EU Habitats Directive to development/works by or on behalf of a local authority*. The publication *Bat Mitigation Guidelines for Ireland* (2006) is available on DCHG's website at:

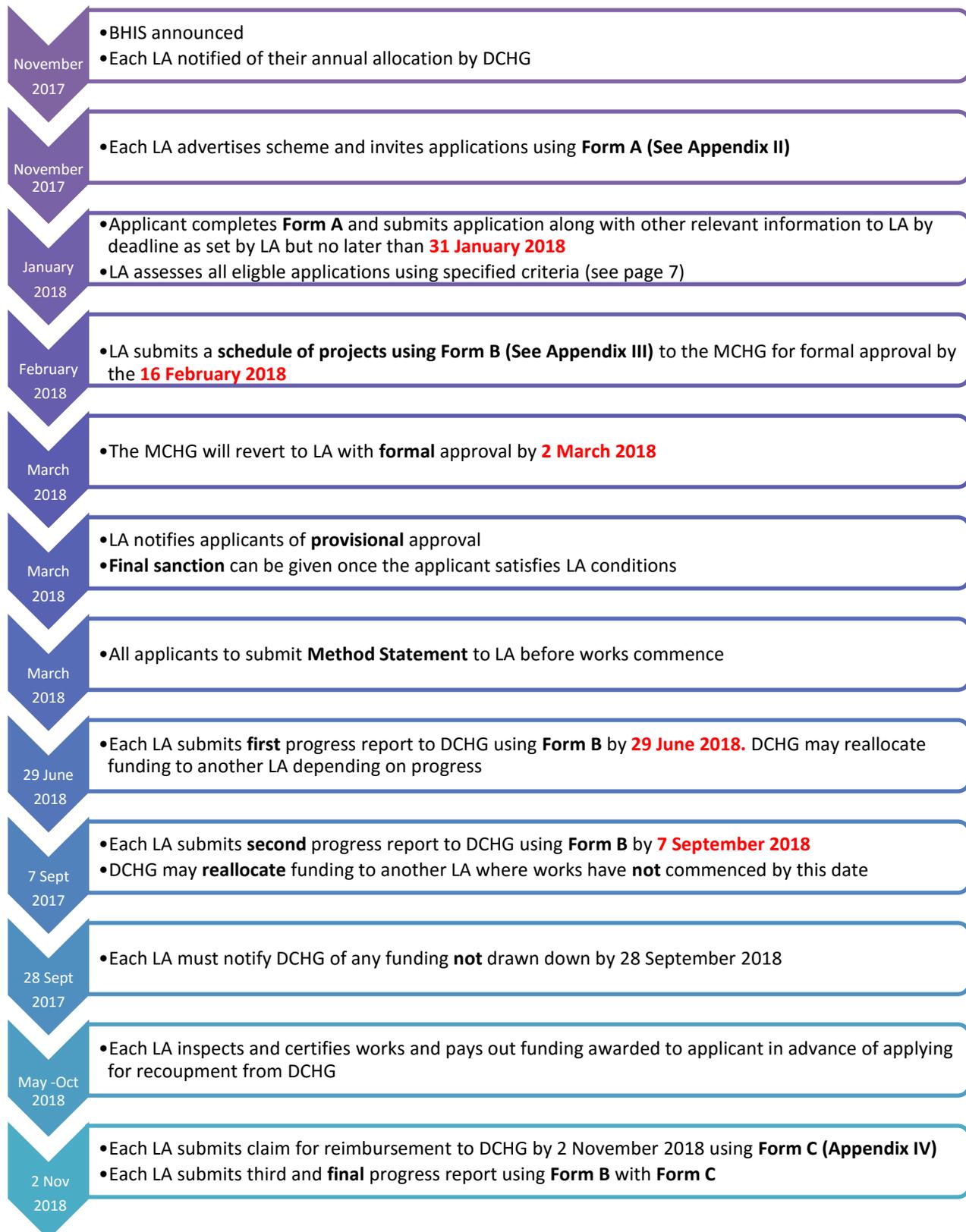
<https://www.npws.ie/publications/search?title=bat+mitigation&keyword=&author=&series=All&year=&x=0&y=0>

## **2.6 Qualify and Non Qualifying Works**

**Qualifying and Non Qualifying Works are as set out in Appendix 1 to this Circular.**

### 3. The Application and Assessment Process

#### Overview of Process



### 3.1 Overview

Each LA shall advertise, assess and approve applications under the scheme and inspect and certify that works have been completed in accordance with best conservation practice.

The LA should post an electronic copy of this circular, the public information leaflet and the relevant application form on its website.

*LAs shall also ensure that conservation works proposed by the applicants will be **designed, specified and overseen on site by appropriately qualified and experienced building conservation professional(s)**. DCHG recognises that there may be exceptions to this given the scale and nature of works being proposed or where the specific expertise lies with the practitioner, e.g. a thatcher or stone mason. LAs must ensure all necessary certifications will be required as appropriate while works are in progress and on completion.*

LAs shall assess each application using the criteria set out in **Section 3.4**.

### 3.2 The Application Process for Owners/Occupiers

Applications must be made to the relevant LA (using **Form A**) by a deadline set by the LA but no later than **31 January 2018**.

Where an applicant is not the owner of an eligible structure, the applicant will need to accompany **Form A** with a letter from the owner declaring that the applicant has the owner's permission to carry out the work.

Where the structure is in the ownership of a LA, or where a LA is providing financial assistance for works to an endangered structure under Section 59, 69 and/or 70 of the Planning and Development Act 2000 (as amended), the application can be made by a designated officer of that LA countersigned by the relevant Director of Services.

As this is a leverage scheme targeted at job creation it is essential that applicants supply details to the LA regarding the **employment benefit** of the scheme including the estimated **total number of days** (a day is defined as 8 hours for the purposes of this scheme) of employment required for the duration of the project (to include construction, professional staff and others) and also the estimated amount of **privately leveraged matching funding**.

Proposed works should be fully in accordance with best practice standards as outlined in the Department's [Architectural Heritage Protection Guidelines for Planning Authorities \(2011\)](#) and [Advice Series](#) publications. Consideration must also be given to the Archaeological and the Planning Process guidelines issued by the National Monuments Service, and guidance leaflets issued by the National Parks and Wildlife Service (NPWS) in relation to habitats and species where appropriate.

### 3.3 Photographs

LAs should seek from the applicant good quality digital photographs of the project before works commence, which may be used later for a 'before and after' comparison for reporting purposes. Please note that DCHG may use any or all images supplied by either the applicant or LA to advertise or publicise the BHIS. Applicants and LAs are advised to obtain permission to use images (if necessary) before they submit them to DCHG.

### 3.4 The Assessment Process

Applications should be assessed by an expert panel within the LA, including the Architectural Conservation Officer, or, where an ACO is not employed, by a member of the LA's professional staff competent to undertake this function. Where an application form is not complete, an applicant should be notified as soon as possible and requested to submit any outstanding information. Applications should be assessed under the following equally weighted criteria:

**1. Significance of the Structure**

**2. Efficacy of the Works**

Applicants should explain how the amount of funding sought demonstrates **value for money** and makes a **significant contribution** to eliminating risks and preventing further deterioration of the structure, thus ensuring its survival into the future.

**3. Employment Benefits**

The **value of job creation** for the particular project should also be taken into consideration including the estimated total number of days of employment.

### 3.5 Schedule of Projects

The LA is required to submit a provisional schedule of projects to DCHG using **Form B** by **16 February 2018**. **This form must be verified and accompanied by a cover note signed by the relevant Director of Services.**

### 3.6 Notification of Funding Awarded

Following formal approval by the Department, LAs should notify successful applicants of **provisional** offers of funding. This should set out the level of funding approved, the timeline for the completion of works, and the terms and conditions of the award. Final sanction can be given by the LA once the applicant satisfies any outstanding conditions including provision of a method statement, if requested.

Projects awarded funding under this scheme will be published on the DCHG website and should also be published on the LA's own website.

### 3.7 Regular Progress Reports (Form B)

LAs are required to update and submit **Form B** at regular intervals to include:

- the progress of works
- the amount of funding claimed (if any)
- the amount of private funding leveraged (if any), and,
- the amount of days of employment generated (if any)

**Form B** must be submitted to DCHG on **29 June 2018, 7 September 2018** and **2 November 2018**. In all cases, **Form B** must be submitted with a Progress Report Declaration signed by the relevant Director of Services.

### 3.8 Monitoring of Project Progress

The LA shall monitor progress of projects to ensure that works will be completed and the claim for funding is submitted by the required deadlines. Where works are not proceeding in accordance with the deadlines, the LA may, at its discretion, withdraw the funding and reallocate to another project. DCHG must be informed of all reallocations of funding. If a local authority wishes to reallocate funding to a project not initially approved for this scheme, this will be subject to approval by the DCHG.

Please note that DCHG may carry out inspections of structures being considered for funding or inspections of structures approved for funding if deemed necessary.

### 3.9 Reallocation of Funding

Where works have not commenced works by **28 September 2018** this should be indicated in **Form B**. Following consultation with the relevant LA, DCHG reserves the right to reallocate funding to another LA, including to projects meeting the criteria for the scheme where an urgent need has arisen in the course of the year.

Where funding that is not yet drawn down by applicants by **29 September 2018** this should be indicated in **Form B** when submitted to DCHG.

The Department may, at its discretion, reallocate unused funds under the scheme to works proposed by LAs where an urgent need has arisen after the application closing date and the works would otherwise have qualified for the scheme.

### 3.10 Method Statement

A **Method Statement**, drawn up by a competent conservation professional(s) – see section 3.1 - should be submitted by all applicants who have received provisional approval of funding before works commence. If a Conservation Plan or Method Statement has already been commissioned, the LA may at its discretion accept this as part of an application. It is up to the LA to determine whether supplementary material is required (e.g. dendrochronology reports, archaeological reports, technical research, materials analysis, analytical and three-dimensional drawings, detailed historical research, bat-surveys, etc.)

**Brief Guidance Note on Method Statements**

The Method Statement should describe the condition of the structure and detail the conservation methodology that will be used. It should be appropriate to the nature and scale of the proposed works e.g. a method statement in relation to re-thatching will not require as much detail as one for structural or masonry repairs.

Proposed works must adhere to **best conservation practice** as outlined in the **Architectural Heritage Protection Guidelines**. Works should be based on a proper understanding of the structure, and make use of appropriate materials. Their overall aim should be to arrest further deterioration by addressing what is causing risk to the structure. Replacement of original material should be kept to a minimum and should only be carried out when absolutely necessary. The Method Statement should include:

**1. Existing structure**

A description, noting all its salient features, its appearance, setting, form, condition, present function, significance, brief architectural history (if available), and the materials it is constructed of. A site location map of suitable scale and quality **clearly marked** must also be provided.

**2. A concise description of the works proposed**

This should identify the issues that are causing risk, what remedial works are proposed, how the work will be done, what materials will be used, and how the fabric of the building will be conserved. It must include relevant plans, drawings and supporting visual media such as photographs or other illustrations and should typically include the following issues:

- a) Are the works temporary or permanent?
- b) What types of repairs are being proposed and at what locations?
- c) What treatment/replacement of damaged fabric is envisaged?
- d) What replacement materials (if any) will be incorporated?
- e) Details of on-site supervision and monitoring
- f) A brief schedule or sequence of works
- g) An estimated project cost

**3. An impact statement and proposed mitigation measures (if applicable)**

Any likely impact of works on a structure and ways of mitigating adverse impacts. Mitigation may include design, timing and methodology (i.e. roof repairs timed to avoid interfering with bat colonies or rendering works timed to allow lime mortar to set), reversibility, careful choice of materials, etc.

## **4. The Recoupment of Funding**

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### **4.1 Overview of Recoupment process**

Local Authorities LAs are responsible for payment of funds under the scheme; to successful applicants **in advance** of seeking recoupment from DCHG. **All works must be completed and certified by the LA** before the applicant can seek the payment of funding.

Recoupment Claim Form C must be completed, signed and returned to the Department by **2 November 2018**. The form **must** be accompanied by a final Form B along with proof of payment of funding to all successful applicants e.g. printout from Agresso or similar financial system (showing both the applicant's name and the date of payment). DCHG LAs should submit clear good quality digital photographs of works (before and after) for a representative sample of projects and to accompany this with a short summary report of completed project works.

**Any funding unclaimed by the due date will be forfeit.**

## Recoupment Process



## 4.2 Other Exchequer Funding

Projects may be eligible to receive funding from more than one publicly funded scheme. To ensure that matching funding requirements for BHIS are met, information provided by the applicant should be cross-checked by the LA in respect of funding from other schemes. In particular such as :

- (a) The Thatching Grant Scheme administered by the DHPLG (if relevant)
- (b) Conservation grants administered by the Heritage Council
- (c) Built Heritage Programmes administered by the DCHG (including SRF)
- (d) Energy Improvement schemes operated by SEAI (if relevant)

Where an applicant has applied for or has received funding from other schemes co-financed by the EU (e.g. LEADER Programme) for works approved under this scheme, the cumulative total of such funding **and** the funding under this scheme **must not exceed the limits as set by such European Funding schemes**

## 4.3 Eligible Expenditure

**Value Added Tax (VAT)** is allowable under this scheme. Only for that portion of capital works being funded and only in circumstances where such VAT is not recoverable under this scheme by any other means.

**Professional Fees** are allowable in respect of that portion of capital works being funded by the scheme.

#### 4.4 Refunds

If a protected structure awarded funding is **deleted from the RPS**, is sold, or the ownership transferred within a period of 5 years from date of payment of funding under the scheme, the LA reserves the right to 'claw-back' some or all of the funds awarded to that project. In the event of transfer of ownership prior to the payment of funds under this scheme, the LA may make arrangements to transfer the funding to the new owner of the property.

For **proposed protected structures** awarded funding and **not added to the RPS** by 31 December 2018, the Department reserves the right to seek a refund.

Any funding provided to a LA which is subsequently recovered under Section 70 of the Planning and Development Act 2000, from the owner/occupier of the funded structure, must be **refunded** to DCHG.

### General information

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It is a matter for the LA to ensure that proper procedures are followed in respect of planning permission, financial management requirements, tax clearance procedures, and management and accountability for grants from exchequer funds.

#### Annual Report and Publicity

Each LA should include information on its operation of the scheme in its Annual Report. The contribution of DCHG should be publicly acknowledged in all advertisements and publicity in relation to this scheme.

#### Freedom of Information Act

Applications for funding under this scheme may be subject to the *Freedom of Information Acts*.

#### Document Retention

Proper documentation regarding this scheme must be kept on file for at least 7 years. Documentation should be made available to DCHG on request.

#### Appeals Procedure

The decisions of the MCHG and LA are final. Any issues regarding the administration of this scheme should be addressed in the first instance by the LA. In the event of a complaint, applicants should be made aware of their rights to refer to the Office of the Ombudsman.

#### Contact

For further information regarding the operation of this scheme, applicants should refer to the relevant section of the LA in the first instance. LAs may contact the **Built Heritage, Architectural Policy & Strategic Infrastructure** section of the Department.

\*Tax requirements may be subject to change by the Revenue Commissioners