

Public Document Pack

**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

9th September, 2021

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item(s) will also be considered at the hybrid meeting to be held at 5.00 pm on Tuesday, 14th September, 2021.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

- 6** (h) LA04/2020/1959/F - parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture on vacant land bounded by the Forthriver Industrial Park in the east, Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue, land at Springfield and the Junction of West circular Road & Ballygomartin Road.
(Pages 1 - 16)
- 7** (a) Response to 'Conservation Principles - Guidance for the sustainable management of the historic environment in Northern Ireland' (Pages 17 - 54)

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14/09/21	
Application ID: LA04/2020/1959/F	
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
Referral Route: Major application. Belfast City Council as applicant	
Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary: This application seeks full permission for proposed new parkland for Section 2 of the proposed Forthmeadow Community Greenway. It includes foot and cycle pathways, landscaping, lighting columns, new entrances and street furniture. The key issues in the assessment of the planning application are: <ul style="list-style-type: none"> • principle of development • impact on the character and appearance of the area • impact on natural heritage • access, movement and parking, including road safety • impact on built heritage • flood risk • other environmental matters <p>The site is located in west Belfast, north of the Springfield Road and east of the West Circular Road. The site is a large area of open space, characterised by planting and a variety of trees and includes the Forth River Ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are immediately adjacent to the site curtilage to the west. There is a large area of open space to the east of the site. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south. Further to the north, west and south of the site the area is mostly residential with a large Tesco Superstore to the north east. Therefore, the area comprises a mix of uses.</p>	

The site is located within an area zoned as industry and commerce in the Belfast Urban Area Plan 2001 (BUAP).

Part of the application site is zoned in the 2004 version of draft BMAP 2015 (dBMAP v2004) as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing – Lands to the south of Ballygomartin Road and to the east of West Circular Road. In addition, the application site is subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) – BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02.

Part of the application site is zoned in the 2014 version of draft BMAP 2015 (dBMAP v2014) as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The application site also falls within an uncommitted housing site WB 04/04 – Land between West Circular Road and Ballygomartin Road, either side of Forth river. In addition, the site is subject to two environmental designations: SLNCI - BT 084/26 – Springfield pond/Highfield Glen’ and a Community Greenway BT147/02.

BCC Environmental Health, Northern Ireland Water, BCC Tree Officer, BCC Landscape, Planning and Development team, DFI Roads Service, DFI Rivers Agency, Historic Environment Division (Historic Monuments); Historic Environment Division (Historic Buildings); DAERA Water Management Unit, DAERA Regulation Unit; Shared Environmental Services and DAERA Natural Environment Division have raised no issues of concern subject to conditions and the proposal is considered acceptable.

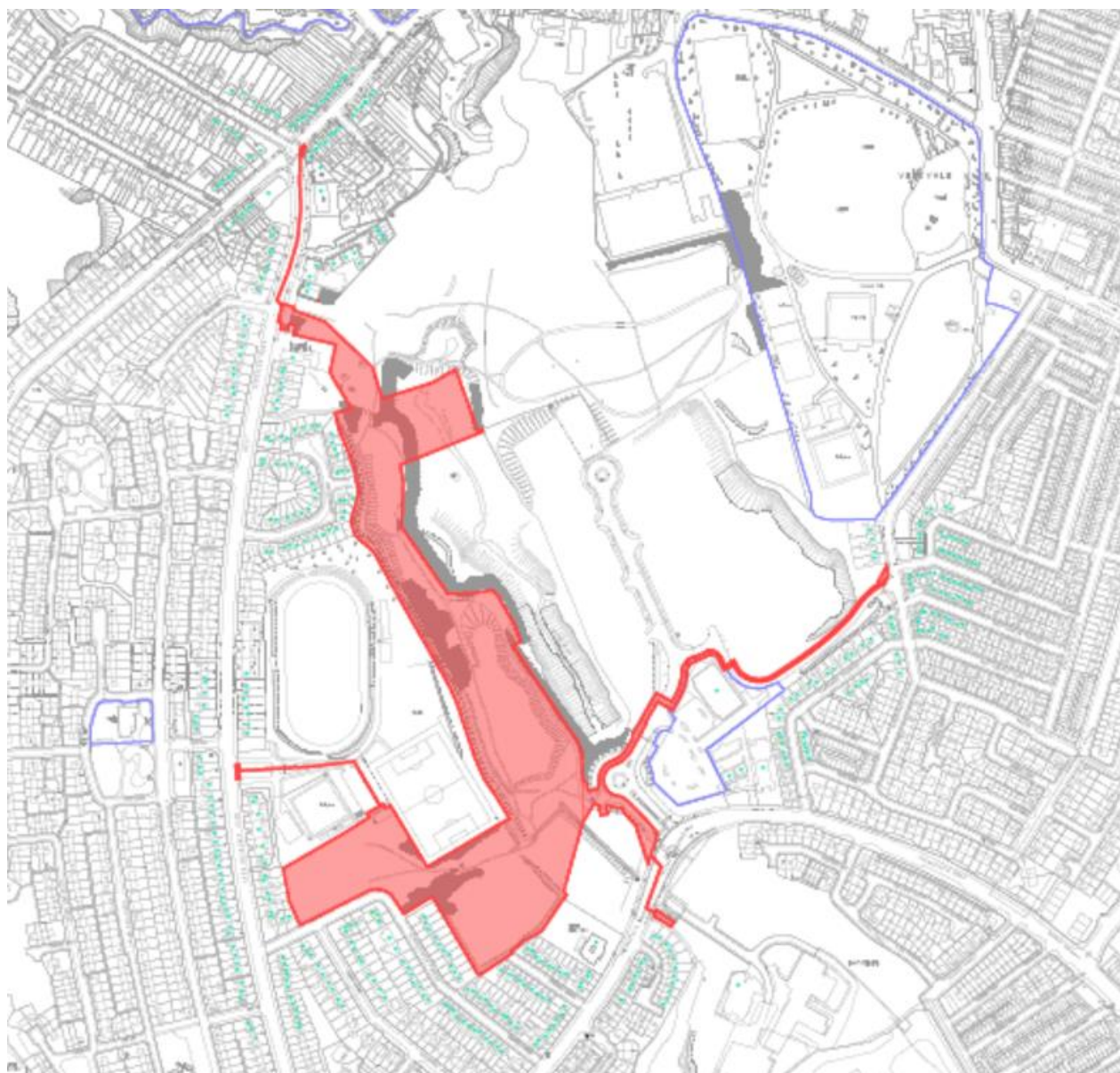
Two letters of support and three objections have been received. The issues they raise are set out in more detail in the main report.

The proposal has been assessed against the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), dBMAP v2004, dBMAP v2014, Planning Policy Statement 2, Planning Policy Statement 3, Planning Policy Statement 4; Planning Policy Statement 6, Planning Policy Statement 8, and Planning Policy Statement 15. Having regard to the assessment of the Development Plan and relevant material considerations, the proposal is considered acceptable.

It is recommended that planning permission is granted with the final wording of conditions delegated to the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Representations:

Letters of Support	Two received
Letters of Objection	Three received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

1.0 Description of Proposed Development

1.1 The application seeks planning permission for proposed new parkland. This is section 2 of the proposed wider Forthmeadow Community Greenway. The proposal includes foot and cycle

pathways, lighting columns, new entrances, street furniture and landscaping. The applicant is Belfast City Council.

2.0 Description of Site

The site is located in west Belfast, north of the Springfield Road and east of the West Circular Road. The site is a large area of open space, characterised by planting and a variety of trees, and includes the Forth River Ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are immediately adjacent to the site curtilage to the west. There is a large area of open space to the east of the site. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south. Further to the north, west and south of the site the area is mostly residential with a large Tesco Superstore to the north east. Therefore, the area comprises a mix of uses.

2.1 Within BUAP 2001, the application site is located within an area zoned as industry and commerce. It is also identified as being a simplified planning zone and an Area of Business Development Potential.

2.2 Part of the application site is zoned in the 2004 draft BMAP as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing – Lands to the south of Ballygomartin Road and to the east of West Circular Road. Furthermore, the application site is subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) – BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02.

2.3 The report by the Planning Appeals Commission (PAC) following the Public Local Enquiry into objections to dBMAP v2004, records two objections, one in respect of the LLPA designation and the other in relation to the community greenway. The PAC recommended that the BT 160 – LLPA designation be removed from within Zoning BT 010 and recommended no change in respect of the other elements of the objections that relate to this site. This recommendation was accepted by the Department with the LLPA designation subsequently removed from the dBMAP v2014.

2.4 Part of the application site is zoned in the draft BMAP v2014 as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The application site also partly falls within an uncommitted housing site WB 04/04 – Land between West Circular Road and Ballygomartin Road, either side of Forth river. Furthermore, the site is subject to two environmental designations: SLINCI - BT 084/26 – Springfield pond/Highfield Glen' and a Community Greenway BT147/02. These environmental designations overlap with the employment zoning.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

3.1 There is no recent relevant planning history on the site.

3.2 Since the proposal falls under the category of Major development, Pre-Application Community Consultation was carried out by the applicant following submission of a Proposal of Application Notice (reference LA04/2019/1869/PAN). Feedback from the public was generally positive, however, one objection set out concerns regarding the proposal for the redevelopment of the Mackie's site.

4.0 Policy Framework

- 4.1 Belfast Urban Area Plan 2001 (BUAP)
- 4.2 Draft Belfast Metropolitan Area Plan (BMAP) 2015 (version 2004 and 2014)
- 4.3 Regional Development Strategy 2035
- 4.4 Strategic Planning Policy Statement 2015 (SPPS)
- 4.5 Planning Policy Statement (PPS) 2: Natural Heritage
- 4.6 Planning Policy Statement (PPS) 3: Access, Movement and Parking
- 4.7 Planning Policy Statement (PPS) 4: Planning and Economic Development
- 4.8 Planning Policy Statement (PPS) 6: Planning, Archaeology, and the Built Heritage
- 4.9 Planning Policy Statement (PPS) 8: Open Space, Sport and Outdoor Recreation
- 4.10 Planning Policy Statement (PPS) 15: Planning and Flood Risk
- 4.11 Developer Contribution Framework (2020)

5.0 Statutory Consultees

- 5.1 DFI Roads Service – No objection
- 5.2 Northern Ireland Water Ltd – No objection
- 5.3 DFI Rivers Agency – No objection
- 5.4 DAERA Natural Environment Division – No objection subject to conditions
- 5.5 DAERA Regulation Unit – No objection subject to conditions
- 5.6 DAERA Water Management Unit – No objection subject to conditions
- 5.7 HED Historic Monuments – No objection
- 5.8 HED Historic Buildings – No objection

6.0 Non Statutory Consultees

- 6.1 Belfast City Council (BCC) Environmental Health – No objection subject to conditions
- 6.2 BCC Tree Officers – No objection subject to conditions
- 6.3 BCC Landscape, Planning and Development – No objection
- 6.4 BCC Local Development Team – No objection
- 6.5 Shared Environmental Services – No objection

7.0 Representations

- 7.1 The application has been neighbour notified, advertised in the local press and made available on the NI Planning Portal. Five representations were received, two of which were supportive, however, there were three objections.
- 7.2 Two representations in support of the proposal were received. These were from a neighbouring resident and Belfast Hills Partnership. They outlined general support for the proposal but also bringing to the Council's attention there is invasive species on the site.
- 7.3 Three objections were received (one of which was addressed to Members of the Planning Committee). A summary of these objections is provided below.

Participation and the Practice of Rights (PPR):

- This section of the proposed community greenway is an anomaly as the other sections are in parkland whereas this is a brownfield site.
- The Council previously committed to resolving equality concerns but these have yet to be properly addressed. The previous screening [for the wider community greenway project] failed to acknowledge that the site is brownfield and capable of delivering development that will address equality at the site in line with the Council's obligations.
- People in Belfast are waiting on average 23 months for a home – the longest waiting time of any area. Nearly 3,000 people in West Belfast are in housing stress compared to only 401 homes allocated to new tenants. NIHE recognises that there is a supply issue. The proposal would set-aside a large windfall site in an area of the highest housing need.
- The potential use of brownfield land as parkland as potential equality impacts.
- The dimensions of the proposed site do not correspond with any specific need.

- The site has no surveillance by design and would be an unwelcoming and threatening space. A linear park with housing face it would be preferable.
- The proposal violates regional policy including the SPPS and PPS 4 which seek to protect zoned employment land. The land is zoned for employment in both the BUAP 2001 and draft BMAP 2015. Only the LDP process can redesignate the land. The PAC recommended removal of the LLPA designation as it would compromise the employment zoning. The LLPA was subsequently dropped.
- According to the PAC, draft BMAP 2015 has no material relevance.
- The proposal is premature to the new Belfast LDP and growth strategy.
- The proposal is contrary to the Council's Green and Blue Infrastructure Plan. It deviates from the established route in draft BMAP 2015, GBIP and draft Belfast Plan Strategy. It would also prejudice delivery of employment land.

Town and Country Planning Association:

- Supports the principle of community greenways but objects to this application.
- The land is zoned for employment in BUAP 2001 and draft BMAP 2015. The proposal is contrary to both the SPPS and PPS 4 which seek to protect employment land.
- The PAC recommended removal of the LLPA from draft BMAP 2015 as it would compromise the employment zoning.
- The proposal is premature as it would prejudice the outcome of the new Belfast Local Development Plan. The proposal would be prejudicial to the new LDP process.
- The proposal would prejudice the Council's own growth strategy which seeks to confine new housing and employment to within the boundary of the city.

7.4 With reference to the equality concerns, the recommendation to grant planning permission is the subject of an equality screening process, as defined in the Council's Equality Scheme. The information gathered to date indicates the recommendation would be screened out; with no adverse impacts identified.

7.5 In relation to the objection that the site and lands should instead be used for social housing, the Council must assess the proposal before it (the proposal is not for social housing). The Council cannot compel the landowner to bring forward an application for social housing. It will endeavour to use its powers as a Planning Authority to tackle social housing need through the new Belfast Local Development Plan, which includes specific planning policy provisions to address this issue and will consider the future zoning of land to address same through the next stage of the Plan process, the Local Policies Plan.

7.6 The remaining issues will be considered within the main assessment.

8.0 Other Material Considerations

8.1 Parking Standards (DOE, Feb 2005)

8.2 Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses – Planning Advice Note

9.0 Assessment

9.1 Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 45 of the Act states that the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which dBMAP v2014 had reached pre-adoption through a period of independent examination, the policies within the that

draft still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which dBMAP v 2014 had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). Paragraphs 2.1 – 2.4 outline the designations for the site.

9.3 The proposed development is for section 2 of the Forthmeadow Community Greenway. The proposal is a part of the Belfast PEACE IV Local Action Plan. The overall project aim is to provide paths through the city that will link up existing public spaces and in so doing, interconnect communities.

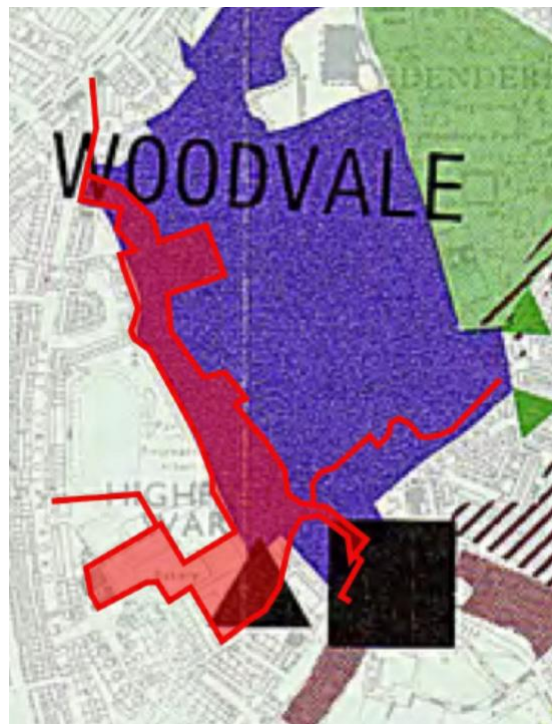
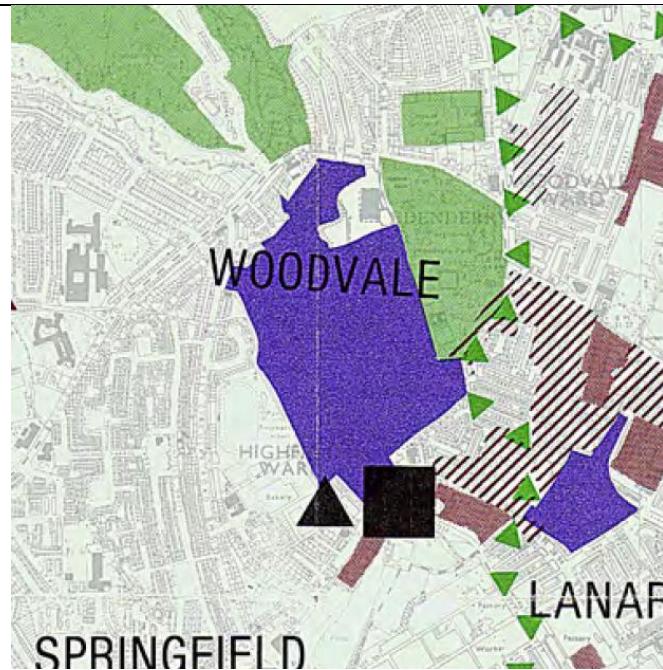
9.4 The key issues are:

- principle of development
- impact on the character and appearance of the area
- impact on natural heritage
- access, movement and parking, including road safety
- impact on built heritage
- flood risk
- landscaping
- other environmental matters

Principle of development

Belfast Urban Area Plan 2001

9.5 The site is within the development limits of Belfast in both BUAP and draft BMAP 2015 (both versions). Within BUAP 2001, the application site is located within an area zoned as industry and commerce (as shown below; the black square is a Simplified Planning Zone and black triangle an Area of Business Development Potential). Policies IND 4 'Simplified Planning Zones' and IND 6 'Land use policy for Industrial and Commercial area' apply. BUAP states: 'lands zoned for Industrial and Commercial use are reserved for appropriate types of development', but goes on to state that 'changes in the employment sector away from manufacturing and towards the service sector have resulted in the introduction of new uses', and that 'as a result of all these trends and changes it is necessary to allow flexibility in the use of industrial and commercial land'.



Draft Belfast Metropolitan Area Plan 2015 (v2004)

9.6 Part of the application site is zoned in dBMAP v2004 as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing – Lands to the south of Ballygomartin Road and to the east of West Circular Road. The application site is in part subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) - BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02 (as shown below). Development of the site should only come forward in accordance with an agreed masterplan.



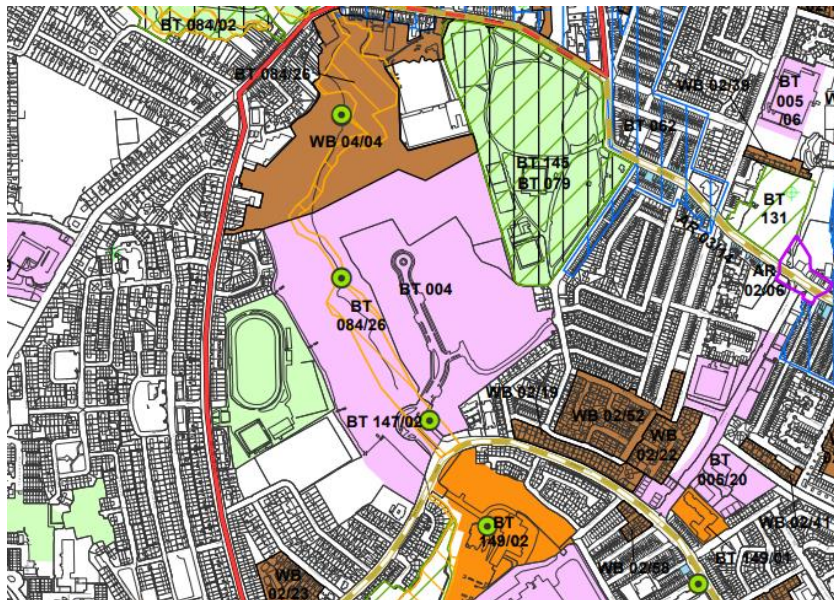
9.7 Policy ENV 2 of dBMAP v2004 applies. It states that planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated SLNCI. Policy ENV 3 (with respect to BT 160) also applies and states that in these areas planning permission will not be granted for development that would be liable to adversely affect those features, or in combination of features, that contribute to environmental quality, integrity or character. Policy OS 2 of PPS 8 states planning permission will not be granted for development either within or adjacent to a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route.

9.8 The report by the Planning Appeals Commission (PAC), following the Public Local Enquiry into objections to dBMAP v2004 records two objections, one in respect of the LLPA designation and the other in relation to the community greenway. The PAC recommended that designation BT 160 – LLPA designation be removed from within Zoning BT 010 and

recommended no change in respect of the other elements of the objections that relate to this site. The recommendation to remove the LLPA designation was accepted by the former Department of Environment on the basis of the zoning of the land for employment uses and that the works that had already been undertaken had compromised this landscape. The second objection was to remove the community greenway designation. This was not accepted by the PAC, which concluded that it would not affect the business use of the lands.

Draft Belfast Metropolitan Area Plan 2015 (v2014)

9.9 Part of the application site is zoned in the dBMAP v2014 as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The north edge of the site partly falls within housing zoning WB 04/04- Land between West Circular Road and Ballygomartin Road, either side of Forth river. The site is also subject to two environmental designations: SLINCI - BT 084/26 – Springfield pond/Highfield Glen’ and a Community Greenway BT147/02 (as shown on the inset map below). Development of the site should only come forward in accordance with an agreed masterplan.



9.10 It is acknowledged that part of the site falls within BT 004 as an area of existing employment, however, environmental designations BT 084/26 and BT 147/02 overlap this land. Although the application site is subject to a number of planning policies, some of which seek to retain an industrial use of the site, Policy BT162 of dBMAP v2014 confirms that the use of the site as a Community Greenway is both acceptable and is actively promoted by the draft Plan. Supporting text within the Development Plan states that: ‘development shall be excluded from a landscaped corridor associated with the Forth River which traverses the site and is part of the designated Forth River/Glencairn/Ligoniel Community Greenway, Ref. BT 147/02’. It is considered that neither the proposal nor the absence of an agreed masterplan would prejudice the remainder of the land coming forward for employment uses. Furthermore, it is considered that the proposal would not prejudice the delivery of housing on the land to the north edge of the site. Significant weight should be given to the most recent version of dBMAP v2014 because of its advanced stage in the Development Plan process.

9.11 Furthermore, officers note that of approximately 133,000 sq. metres of land suitable for employment use within a 3km distance (30-minute walk) of the site, approximately 75,000 sq. metres is currently available within the Mackies zoning. The application proposal is likely to reduce the employment yield of this zoning by approximately 30%. However, given the

aforementioned policy position, this is considered acceptable. There is no objection to the proposal from Planning Service LDP team.

9.12 The issue of prematurity relating to the Draft Plan Strategy (dPS) 2035 has been raised by objectors. The Planning Service LDP team advises that independent examination has taken place in relation to the dPS and the Council is currently awaiting a report from the Planning Appeals Commission which must then be considered by DfI before the dPS can be adopted. It advises that: *'Prematurity is not considered to be justified in relation to this proposal because there is sufficient land within the plan area to deal with the city's employment requirements over the lifetime of the plan. The Plan Strategy has largely focussed on policy and not individual designations / zonings which will be considered at the next stage – the Local Policies Plan (LPP). In any case the development proposal does not go to the heart of the plan and is neither individually nor cumulatively so significant, that to grant planning permission would be to predetermine a decision which ought to be properly to be taken in the LDP context.'* Moreover, regard must be had to the environmental constraints of the land and landscaped corridor.

9.13 The aim of the proposal is to help create new connected shared civic spaces for use by all sections of the community, with high quality, safe, shared spaces and Greenway networks, enhancing linkages between communities and promoting sustainable transport opportunities. These are important material considerations which weigh in favour of the proposal. As well as providing new pathways within the site itself to allow for pedestrians and cyclists, the proposal will enhance and expand the ecology and habitats which exists on the site, such as the Open Mosaic Habitat. This is also an important material consideration.

9.14 Having regard to the above factors, the principle of development is considered acceptable.

Impact on the character and appearance of the area

9.15 The proposed park will have a series of 3m wide routes, finished in buff-coloured asphalt path suitable for use by pedestrians, cyclists, and disabled users. A steel framed elevated walkway is proposed to provide access over the existing wetland area. The site boundary will be defined by a 2.4m high palisade fence. A 1.2m high palisade fence will be used to prevent access to the Forth River Ravine, where there are steep slopes and areas of invasive species present. The proposed scale, form, design and materials are considered acceptable and would not adversely impact on local character.

9.16 The site comprises a mix of tree species which vary in age, size, health, condition and growing in small groups, clusters or stand alone. Initial consultation with both BCC Tree Officers and BCC Landscaping, Planning and Development team presented a number of concerns as well as requests for additional information. A Tree Protection Plan as well as Landscape Management and Maintenance Plan and detailed landscaping plans were submitted for review.

9.17 A total of 31 trees are proposed to be removed with 80 (of mixed species) to be planted. All retained trees will be protected using protective fencing during construction. On reviewing the latest submission neither BCC Landscape, Planning and Development nor BCC Tree Officers offered an objection. The BCC Tree Officer suggested a number of conditions to be included should approval be granted and these are recommended.

9.18 There is no objection to the landscape impact of the proposal from the Council's Landscape, Planning and Development team. It is considered that the proposal would not result in visual harm and that the character and appearance of the area would actually be enhanced.

Impact on natural heritage

9.19 As well as being within environmental designations previously listed, the application site is hydrologically linked to the Belfast Lough SPA and Belfast Lough Open Water SPA, which are

designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora); as well as the Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, which are declared under the Environment Order (Northern Ireland) 2002.

9.20 A Draft Preliminary Ecological Appraisal (PEA), Bat Survey, Habitats Regulation Assessment, Invasive Species Management Plan and OMH Creation and Management Plan were submitted as part of the application. DAERA NED were consulted regarding any potential impact the proposal could cause on any natural heritage assets on or adjacent to the site. NED responded requesting additional information mainly in order to assess any potential impact on the significant population of bats present on the site, both foraging and commuting, but also on whether there were badgers present. A finalised PEA; lighting plan and clarification of any tree removal were submitted, satisfying NED that the proposal was acceptable. NED also welcomes the plan set out within the Invasive Species Management Plan for the managed treatment of Japanese knotweed and Himalayan balsam present to eradicate stands and avoid further potential spread. NED have suggested three conditions should approval be granted which stipulated that a Construction Environmental Management Plan (CEMP) should be submitted and agreed in writing prior to the commencement of works; any necessary vegetation removal be completed outside of the bird breeding season (1st March – 31st August); and no development activity shall take place within 10 metres of the existing watercourse.

9.21 DAERA, Water Management Unit were also consulted and responded on 24th February 2021 confirming they had no objections to the proposal, as did Shared Environmental Services on 5th July 2021, subject to the submission and agreement in writing of a CEMP prior to the commencement of works. SES carried out a HRA screening and recommend that BCC as the Competent Authority adopts the HRA report. This found that the project would not have an adverse effect on the integrity of any European site.

9.22 The proposal is considered acceptable with regard to ecological and environmental issues having regard to PPS 2 and relevant policy.

Access, Movement, Parking and Transportation

9.23 Existing car parks are available at Paisley Park and Springfield Park, with on street parking available at the proposed entrance at West Circular Road. Deliberately there is no proposed dedicated vehicular access as the community greenway is specifically proposed for cyclists and pedestrians. DFI Roads responded with no objection to the proposal. The proposal is considered acceptable with regard to access, movement, parking and transportation issues having regard to PPS 3 and relevant policy.

Impact on Built Heritage

9.24 The application site is located within the vicinity of the Woodvale Park's Bandstand and its gate piers, gates and railings, both of which are Grade B2 listed under HB26/38/002 A and HB26/38/002 B respectively. Due to the nature of the proposal, as well as being removed from the listed structures HED Historic Buildings felt it would pose no greater demonstrable harm on their setting, and therefore satisfied paragraph 6.12 of the SPPS and Policy BH11 of PPS6.

9.25 An Archaeological and Cultural Assessment was carried out for the PEACE IV programme in its entirety. As well as listed structures, one recorded archaeological monument, four historic gardens recorded in the Historic Gardens Register, and eighteen sites within the Industrial Heritage Records were identified. HED Historic Monuments have confirmed that they have no objection to the proposal.

9.26 The proposal is considered acceptable with regard impact on built heritage having regard to PPS 6 and relevant policy.

Flood Risk

9.27 A Drainage Assessment has been submitted in accordance with Policy FLD 3 of PPS 15. DfI Rivers Agency were consulted and responded with no objection. The proposal is considered acceptable with regard to flood risk and draining having regard to PPS 15 and relevant policy.

Other Environmental Matters

9.28 A Preliminary Risk Assessment, Generic Quantitative Risk Assessment and accompanying Ground Investigation Report were submitted, relating to the risk of contaminated land on the site. The site investigation identified a human health risk from asbestos fibres in shallow soils and remediation measures were outlined. Whilst DAERA Regulation Unit responded with no objection to the proposal subject to certain conditions, BCC Environmental Health (EH) requested further detail, resulting in the submission of updated reports.

9.29 Asbestos was identified at 25 locations. BCC EH notes that the only potential risk posed to future site users is through direct exposure and as the proposed walking and cycling routes are to be surfaced with hardstanding a physical barrier will therefore break the direct exposure pathways. Future site users could potentially be exposed to contaminants in soils across non-hardstanding areas, therefore the impacted areas are to be provided with a capping layer of clean material. BCC EHO responded with no objection to the proposal subject to the agreement of a Verification Report prior to the operation of the development if approved. They also suggested the inclusion of an informative with respect to the proposed pole mounted LED lanterns and bridge lighting.

10.0 Conclusion and Recommendation

10.1 The proposal will support connectivity and linkage between communities and promote health and well-being to the surrounding area, which is to be welcomed. It is considered that the proposal would enhance the character and appearance of the area. There are no objections from consultees. The objections from third parties have been addressed in the report.

10.2 Having regard to relevant policy, representations and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted with the final wording of conditions delegated to the Director of Planning and Building Control.

11.0 Draft Conditions

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to the operation of the proposed development, the applicant, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report entitled 'Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council' (dated May 2021 and referenced PM21-1032) and shown on the McAdam Design Ltd drawing entitled 'Section 2, Contaminated Lands Remediation Plan' (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (public open space (park)). It must demonstrate that the

identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance and must demonstrate that:

- a) A minimum 600mm clean capping layer has been emplaced in all required areas, as shown in the Pentland Macdonald Ltd report entitled 'Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council (dated May 2021 and referenced PM21-1032) and the McAdam Design Ltd drawing entitled Section 2, Contaminated Lands Remediation Plan (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021).
- b) The clean capping layer is formed from material is demonstrably suitable for use (public open space (park)) and is underlain by a geotextile membrane.

Reason: Protection of human health.

3. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Council in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health

4. The appointed contractor must submit a final site specific Construction Environmental Management Plan (CEMP) for approval by Belfast City Council Planning before commencement of any works on site. This plan should contain all the appropriate environmental mitigation as detailed in the NIEA WMU and NED responses dated 24/02/2021 and 29/06/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to protect hydrologically connected European Site features.

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. After completing the remediation works under Condition 5; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. A Construction Environmental Management Plan shall be submitted by the applicant/approved contractor to the Planning Authority prior to the commencement of works. This should identify the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. It should include;

- a. Construction Method Statement(s) - including details of construction and excavation;
- b. Pollution Prevention Plan ? including details of a suitable buffer of 10m between the location of refuelling, storage of oil/fuel/substrate/construction materials/machinery, concrete mixing and washing areas and any watercourses found on site.
- c. Site Drainage Plan; including details of Sustainable Drainage Systems (SuDS).
- d. Spoil Management Plan; including location of spoil storage areas out with the 10m buffer zone;
- e. Environmental Emergency Plan; including details of emergency spill procedures and regular inspections of machinery onsite;
- f. Water Quality Monitoring Plan;
- g. Details of the appointment of an Ecological Clerk of Works (ECoW), detailing their roles and responsibilities.

Reason: To protect designated sites and site selection features.

8. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

9. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials including vehicles/refuelling of vehicles, shall take place within 10 metres of the existing watercourse.

Reason: To protect/minimise the impact of the development on the biodiversity value of the name of the existing watercourse (former mill race) to the west of the proposed greenway route.

10. A full Construction Environmental Management Plan (CEMP) shall be submitted to the Council and agreed in writing following consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

11. All soft landscaping works shall be carried out in accordance with the approved details on drawing no xxxx, dated xxxx. The works shall be carried out prior to the completion of the dwelling unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area

12. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved

drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity

13. Prior to any work commencing all protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within British Standard 5837: 2012 - Trees in Relation to Design, Demolition and Construction - Recommendations (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

14. If roots are accidentally damaged the council must be notified and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.

15. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA of existing trees to be retained.

12.0	Referral to DFI Planning N/A
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Subject:	Consultation Response to “Conservation Principles – Guidance for the sustainable management of the historic Environment in Northern Ireland”
Date:	Tuesday, 14 th September 2021
Reporting Officer:	Keith Sutherland, Ext 3578
Contact Officer:	Dermot O’Kane, Ext 2293

Is this report restricted?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	Correspondence has been received from the Historic Environment Division (HED) of the Department for Communities (DFC), inviting the council to review and provide feedback on a guidance document, entitled ‘ <i>Conservation Principles – Guidance for the sustainable management of the historic Environment in Northern Ireland July 2021</i> ’.
1.2	The document has been made available for public consultation for an 8-week consultation period, commencing on 13 August and closing on 08 October 2021.
2.0	Recommendations
2.1	Committee is requested to: <ul style="list-style-type: none"> • note the contents of Appendix 2, which sets out the guidance document provided by HED with the Supporting Consultation statement from the Minister; and • consider and if appropriate approve the response to the <i>Conservation Principles</i> document as set out in Appendix 1.
3.0	Main report
3.1	The consultation document is provided in Appendix 2 and is the first part of a two-part publication on DfC’s Conservation Principles for the sustainable management of the Historic Environment. Part 2 will set out how to apply these principles, which will be provided to councils for comment in due course.
3.2	This document, Part 1, sets out the six key guiding Conservation Principles, providing a best practice conservation-led framework to inform all aspects of decision-making which affect our historic environment, and to reconcile its protection with the economic and social needs and aspirations of our communities.
3.3	Whilst the purpose of the guidance is to inform the exercise of HED in its primary functions the intention is that it would also to be referred to by owners, developers, policy makers and decision makers in central government when considering changes which impact on a designated or non-designated heritage assets.

3.4	<p>The specific applicability in relation to the the work of HED would be in respect of:</p> <ul style="list-style-type: none"> • <i>decision-making prior to undertaking work on sites in their ownership and care,</i> • <i>decision-making and in their advice to others,</i> • <i>informing their consultation advice to local councils on planning applications,</i> • <i>providing advice with regard to the marine historic environment for development, proposals either seaward, or exempt from, terrestrial planning,</i> • <i>contributing to Local Development Plans,</i> • <i>publishing guidance relating to the historic environment; and assessing applications, and</i> • <i>where they provide financial support.</i>
3.5	<p>The six key guiding principles are:</p> <ol style="list-style-type: none"> 1. <i>The historic environment is of value to us all</i> 2. <i>Everyone should be able to participate in sustaining the historic environment</i> 3. <i>Understanding the significance of heritage assets is vital</i> 4. <i>Heritage assets shall be managed to sustain their significance</i> 5. <i>Decisions about change shall be reasonable, transparent and consistent</i> 6. <i>Documenting and learning from decisions is essential</i>
3.6	<p>This publication whist reflective of guidance in other jurisdictions is tailored to the process through which the historic environment is managed in Northern Ireland. It seeks to provide a best practice conservation-led framework, the document will assist and guide those considering proposals or the development of policy affecting designated and non-designated heritage assets.</p>
3.7	<p>Whilst the Council could broadly support the approach to the guidance set out in the document there are a number of areas that would need to be clarified in order to ensure that the Part 2 document referred to in 3.1 above is both appropriate and proportionate.</p>
3.8	<p>The response set out in Appendix 1 of this report details the specific comments in response to the questions set out in the consultation documentations and Members are requested to consider and if appropriate support the submission of the document as the response to the consultation.</p>
3.9	<p><u>Financial & Resource Implications</u> None</p>
3.10	<p><u>Equality or Good Relations Implications</u> None</p>
4.0	<p>Appendices – Documents Attached</p>
	<p>Appendix 1: Proposed Response to Historic Environment Division Appendix 2: Conservation Principles – Guidance for the sustainable management of the historic Environment in Northern Ireland July 2021</p>

Appendix 1 – Proposed Response to Historic Environment Division

1. Do you agree with the overall approach to the Conservation Principles as outlined within its introduction?

Whilst the Council broadly welcomes the six Conservation Principles and the conservation- led framework for the heritage focussed work of the Department for Communities (DfC) and the Historic Environment Division (HED) there are some potential issues in relation to their status, proportionality and broader applicability. It is recognised that the consultation document, as set out in page 5, will ultimately be read alongside a Part 2 and this note of caution would also need to be considered in any guide in respect of “how to apply these principles”.

The document whilst focussed on the work of HED in the Introduction “encourages” other agencies and stakeholders to refer to the guidance although there is little distinction between the more narrowly prescribed “designated” and the potentially wide-ranging variety of “non-designated” assets in the subsequent narrative. This may be clarified in the second part of the guidance but the proportionality and full applicability of the assessment and management approaches, suggested in the second half of the document, need to recognise the difference in what may be both appropriate and practicable. There is clear recognition that for protected heritage assets the criteria for their designation is derived from the legislation (page 17) but the approach in respect of the guidance applicability for the range of other potential assets is left open or ill-defined.

The introduction whilst referring to the consistency with various conventions and legislation does not clarify the relationship or ultimate status that the proposed documents would have in the context of the range of existing relevant heritage guidance published by HED and DAERA when being considered by other bodies in the exercise of their statutory or other responsibilities. The responsibility for the formal introduction and designation several “Designated Heritage Assets” set out within the definitions in the document rests with the Council.

2. Do you agree or disagree with each of the proposed six key principles and their associated aims?

As indicated above the Council broadly welcomes the six Conservation Principles and the conservation- led framework for the heritage focussed work HED with the expressed caveats in relation to their overall status, proportionality and broader applicability. Where appropriate the specific comments in respect of the individual Principles are detailed below.

This “**Principle 1 - The historic environment is of value to us all**” is welcomed with the clear recognition of the potentially dynamic nature of the various environments and heritage assets. This evolving and non-finite characteristic is, however, lost in the narrative of subsequent Principles.

In “**Principle 2 - Everyone should be able to participate in sustaining the historic environment**” the interrelated custodial / education role of users and occupiers of heritage assets such as landscapes does not appear to be recognised with an over emphasis on “experts” referred to in Principle 4.

The explanation of “**Principle 3 - Understanding the significance of heritage assets is vital**” will need to be carefully articulated in the follow up document or refined as the opening paragraph is all-encompassing. The principle narrative omits the consideration of the landscape interest.

In “**Principle 4 - Heritage assets shall be managed to sustain their significance**” there is some inconsistency between the first two paragraphs- the focus should be on “managing change” to protect the asset significance . The final bullet of para 4.3 is not required and forms part of Principle 5.

The subsequent detail in respect of “**Principle 5 - Decisions about change shall be reasonable, transparent and consistent**” to address the issues of proportionality and applicability alongside the issue of the relationships between the different assets including their role as context. There are potentially significant practical implications that could arise from “**Principle 6 - Documenting and learning from decisions is essential**” in terms of the suggested requirements in final paragraphs. The existing approach recording and retention responsibilities for designated assets is recognised but it is not clear if this is to be expanded to include other assets -assessed by their “significance”.

3. Do you agree or disagree with the approach to Understanding Significance, and the three key interests of archaeological, architectural and historic?

Local Landscape Policy Areas are recognised as designated heritage assets and there may be other areas which could be considered on the basis of the interest arising from their natural and managed landforms. Although landscape is mentioned within the “Archaeological interest” the approach to assessment of potential assets is not distinct as the current focus is on the tree key “interests” irrespective of whether the landscape related heritage assets may contain other forms of Heritage assets.

As mentioned above there is clear recognition that for protected heritage assets the criteria for their designation is derived from the legislation but there is no detail on the expected approach to the utilisation of the guidance by other organisations or applicability for the range of other potential heritage assets that guidance suggests could come forward.

4. Do you agree or disagree with the approach to Assessment of Significance?

No specific comments in addition to the general comments outline in respect of the first question.

5. Do you agree or disagree with the approach to Managing Change to a Heritage Asset?

No specific comments in addition to the general comments outline in respect of the first question.

6. Is there any other comment you would like to make on the document content?

For navigation and reference it would be useful for the document to have a consistent approach to paragraph numbering and for the references to the legislation (including those in the “Supporting Text” document) to be set out within an appendix -detailing the aspect or obligations to which they are considered to align. Whilst the document is focussed on the work of HED there is currently a potential element of uncertainty arising from the inclusion of Designated Heritage Assets for which councils have responsibility.

7. In responding to this consultation, please highlight any possible unintended consequences of the proposals and any practical difficulties you foresee in implementing them.

In Principle 6 whilst the intent of the final paragraph is welcomed there could be an unintended adverse impact arising from inaction or inability to satisfy the requirements in a situation where there are viability challenges and potentially little benefit to be derived other than reuse or retention of the general fabric. In such circumstances the requirements and responsibility (extract, record, archive) may result in abandonment or delays that have adverse implications for the assets.

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Commonities

Historic Environment Division

Conservation Principles

Guidance for the sustainable
management of the historic
environment in Northern Ireland

July 2021



Historic Environment Division (HED) aim

“Helping communities to enjoy and realise the value of our historic environment”

We do this by:

- Recording, protecting, conserving, advising, promoting and enhancing its value
- Utilising and growing our specialist knowledge and expertise in collaboration with a wide range of groups and individuals
- Contributing to the Executive’s objectives as laid out in the Programme for Government

Our historic environment provides authentic and attractive places which increase our pride, character and identity, lead to improved wellbeing and community engagement, and to prosperity through tourism, investment, skills, regeneration and creativity. It is a precious and finite resource available to present generations, and with appropriate management, to future generations.

Contents

Introduction	5
Context with strategic policy documents in Northern Ireland	6
Conservation Principles	7
Principle 1 - The historic environment is of value to us all	7
Principle 2 - Everyone should be able to participate in sustaining the historic environment	8
Principle 3 - Understanding the significance of heritage assets is vital	9
Principle 4 - Heritage assets shall be managed to sustain their significance	10
Principle 5 - Decisions about change shall be reasonable, transparent and consistent	11
Principle 6 - Documenting and learning from decisions is essential	12
Understanding Significance	13
Preamble	13
Archaeological interest	13
Architectural interest	14
Historic interest	15
Further suggested heritage interests	16
Assessment of Significance	18
Managing change to a heritage asset and its setting	20
Definitions	21
Appendix A	24
International Charters and Conventions	24

Introduction

Our historic environment is central to Northern Ireland's cultural heritage, providing us with a sense of place, identity and wellbeing. It is a resource to be protected, conserved and, where possible, enhanced for the benefit of present and future generations.

The Department for Communities (DfC) encourages these Conservation Principles to be referred to for guidance by the following when considering changes which impact on a designated or non-designated heritage asset:

- owners and people responsible for looking after heritage assets;
- developers and their consultant teams;
- policy makers and decision makers in central government and local authorities

Our historic environment is constantly changing, but each part of it represents a finite resource. The process of managing change to a heritage asset and its setting must be carried out in ways that best sustain its significance and retain character, distinctiveness, local identity and quality of the places in which we live and work, for present and future generations.

The purpose of this document is to set out a best practice conservation-led framework to inform all aspects of decision-making which affect our historic environment, and to reconcile its protection with the economic and social needs and aspirations of our communities.

This document is the first part of a two part publication on DfC's Conservation Principles for the sustainable management of the Historic Environment. This document, Part 1, sets out the six key guiding Conservation Principles. Part 2 will set out how to apply these principles.

The conservation principles within this guidance will inform the exercise by HED of its following functions, namely:

- in our decision-making prior to undertaking work on sites in our ownership and care;
- in our decision-making and in our advice to others;
- to inform our consultation advice to local councils on planning applications;
- when providing advice with regard to the marine historic environment for development proposals either seaward, or exempt from, terrestrial planning;
- when contributing to Local Development Plans;
- in publishing guidance relating to the historic environment; and assessing applications where we provide financial support.

The Conservation Principles have been developed to be consistent with:

- International Conventions:
 - United Nations Convention on the Law of the Sea (UNCLOS), 1982
 - The Protection of the Architectural Heritage of Europe (Granada Convention), 1985
 - The Protection of the Archaeological Heritage (Valletta Convention), 1992
 - The European Landscape Convention (Florence Convention), 2000

- Legislative requirements:
Protection of Wrecks Act 1973
Historic Monuments and Archaeological Objects (NI) Order 1995
Marine and Coastal Access Act 2009
Planning Act (NI) 2011
Marine Act (NI) 2013
- British Standards:
The British Standard 7913:2013 Guide to the Conservation of Historic Buildings.

The six conservation principles set out within this publication are consistent with the approach by Historic England, Cadw, Historic Environment Scotland and the Department of Housing, Local Government and Heritage (Ireland) to ensure a clear, shared approach across these islands. This publication is tailored to the process through which the historic environment is managed in Northern Ireland.

Context with strategic policy documents in Northern Ireland

The importance of our historic environment and its protection is recognised by the Northern Ireland Executive. The following are extracts from key strategic policy documents for Northern Ireland:

The **Regional Development Strategy 2035** includes the explicit objective to:

‘Protect and enhance the environment for its own sake’ [RDS aims, 2.10) and; ‘Conserve, protect, and where possible, enhance our built heritage and our natural environment’ [RG11] adding that, ‘The environment, both in terms of natural and built heritage, is one of Northern Ireland’s most important assets. Effective care of the environment provides very real benefits in terms of improving health and wellbeing, promoting economic development’

The **Strategic Planning Policy Statement 2015** includes the following Regional Strategic Objectives for archaeology and the built heritage:

‘Secure the protection, conservation and, where possible, the enhancement of our built and archaeological heritage; Promote the sustainable development and environmental stewardship with regard to our built and archaeological heritage; and Deliver the economic and community benefit through conservation that facilitates productive use of our built heritage assets and opportunities for investment, whilst safeguarding their historic or architectural integrity’

The **Investment Strategy** for NI 2011-21 also covers heritage:

‘We have a responsibility to present and future generations to protect and enhance our environment and to conserve the rich diversity that our natural and built heritage possesses.’

Conservation Principles

Principle 1 - The historic environment is of value to us all

- 1.1 Our historic environment contains a unique and dynamic record of human activity. It has been shaped by successive generations responding to the surroundings they inherited. It embodies lives, aspirations, skills and endeavour.
- 1.2 People value this historic environment as part of their cultural heritage. It reflects past societies' knowledge, beliefs and the traditions of diverse communities over time. It gives meaning, quality and context to the places in which we live and visit, providing a sense of continuity and a source of local identity and distinctive character. The historic environment helps to sustain and contribute to the social, economic and environmental requirements for present and future generations.
- 1.3 Each generation shapes and should sustain the historic environment in ways that allow people to understand, use, enjoy and benefit from it, without compromising the ability of future generations to do the same.
- 1.4 Heritage assets provide a link to the past and are therefore of public interest, regardless of ownership. The use of international conventions and charters, backed-up by appropriate legislation, policy and investment is justified relative to the value established to protect that public interest.
- 1.5 We should all recognise and understand the significance of heritage assets. Advice and assistance should be available from public sources to help owners and custodians protect, conserve and, where possible, enhance the heritage assets of which they are guardians for present and future generations.

Principle 2 - Everyone should be able to participate in sustaining the historic environment

- 2.1 Everyone should have the opportunity to contribute their knowledge of the significance of heritage assets and to participate in decisions about their future, including change. Engagement ensures that all viewpoints, as far as is practical, are given consideration in decisions in an open and transparent way.
- 2.2 Learning is central to sustaining the historic environment. It raises awareness and understanding of our heritage, including the varied ways it is perceived by different generations and communities. Learning encourages engagement, which informs and promotes active participation in caring for the historic environment.
- 2.3 Experts shall use their knowledge and skills to encourage and enable others to learn about, value and care for the historic environment. They play a crucial role in discerning, communicating and sustaining the significance of heritage assets, and in helping people to refine and articulate the values they attach to them.
- 2.4 It is essential to develop, maintain and pass on the specialist knowledge and skills necessary to sustain the historic environment.
- 2.5 Physical work shall not be carried out on a heritage asset without the appropriate consents and advice. In such cases interventions are to be carried out by persons with the appropriate qualifications, experience, knowledge and skills.

Principle 3 - Understanding the significance of heritage assets is vital

3.1 The historic environment is made up of individual heritage assets: archaeological sites, monuments and buildings, historic wrecks, as well as the townscapes or landscape/seascape settings in which they are found. Any part of the historic environment which has a distinctive historic association or identity can be considered to be a heritage asset and therefore holds a significance.

3.2 The significance of a heritage asset embraces all the diverse cultural interests that people associate with it. These interests tend to grow in strength and complexity over time, as understanding deepens and perceptions of a heritage asset evolve.

3.3 Understanding and articulating what is significant about a heritage asset is critical to inform decisions about its future, ensuring decisions made are well-informed and based on sound evidence.

3.4 To identify the significance of a heritage asset, the value of the heritage interests shall be considered, including how and why they may have changed over time:

- Archaeological interest
- Architectural interest
- Historic interest

These are explained in more detail within the 'Understanding Significance' section later.

Principle 4 - Heritage assets shall be managed to sustain their significance

- 4.1 Change in the historic environment is inevitable. This can be the result of decay by natural processes, the wear and tear of use, or the need to respond to social, economic, environmental and technological change. For example, the impact of climate change and/or energy efficiency regulations on heritage assets is a particular challenge. Finding a sustainable use after its former use is obsolete also needs to be carefully considered so as not to negatively impact its significance.
- 4.2 Conservation is the process of managing change to a heritage asset and/or its setting in ways that will best sustain its heritage interest, and protect, conserve and enhance its significance for present and future generations.
- 4.3 Conservation of a heritage asset, including its setting, is achieved by gaining and sharing an understanding of its significance, and using that understanding to develop and manage the conservation approach:
- Identify heritage interests which are vulnerable to change;
 - Define the constraints necessary to protect, conserve and enhance those interests;
 - Achieve a balanced view between the impact of different options on the interests and significance of the heritage asset;
 - Ensure consistency in decision-making which retains the significance of the heritage asset.
- 4.4 Not all heritage conservation action leads to interventions; at times the most appropriate approach may be to do nothing and monitor, for example when an ancient field monument remains stable and appreciated in a working agricultural landscape.
- 4.5 Where interventions are proposed, they are to be proportionate and justified by demonstrating that the benefits outweigh any resulting harm or loss to the heritage asset's fabric or setting. For example, improving access must not confuse our understanding of the past, but rather it should reveal or reinforce the significance of a heritage asset.
- 4.6 New work (interventions of any kind) shall respect the interest and setting of the heritage asset. It shall aspire to a high quality of design and execution, through the use of experienced crafts people and appropriate material selection, which may be valued both now and in the future. This neither implies nor precludes working in traditional or innovative ways.

Principle 5 - Decisions about change shall be reasonable, transparent and consistent

- 5.1 Owners, managers and occupiers of heritage assets are encouraged to seek advice and examples of best practice in preparing their conservation proposals.
- 5.2 The level of assessment and public engagement shall be sufficient to inform and justify the decision to be made, but efficient and proportionate in the use of resources.
- 5.3 Decisions about change in the historic environment demand the application of expertise, experience and judgement in a consistent, transparent process led by international conventions and charters, backed-up by appropriate legislation, policy and guidance throughout the process.
- 5.4 When assessing the impact of a proposed change, determining authorities shall give due regard to the significance and impact (present and proposed) of the heritage asset and its setting.
- 5.5 Potential conflict between sustaining the significance of a heritage asset and delivering other important public benefits is to be avoided or minimised by considering other ways of delivering those benefits.
- 5.6 If conflict cannot be avoided, the weight given to a heritage asset when making the decision shall be proportionate to the significance of the heritage asset, and the impact the proposed change will have on the significance of the heritage asset and its setting.

Principle 6 - Documenting and learning from decisions is essential

- 6.1 The information gathered in the understanding and assessing of significance shall be retained by the owner or manager of a heritage asset, and where appropriate placed in a public archive. This will ensure future generations will benefit from the knowledge gained.
- 6.2 The information and documentation for the justification of conservation decisions and the actions that follow them are crucial to maintaining a cumulative account of what has happened to a heritage asset. This will ensure an understanding of how and why its significance may have been altered and inform future decisions.
- 6.3 Owners and managers of heritage assets, and responsible public bodies, should monitor and evaluate the effects of change resulting from decisions and policies, and use that information to inform future decisions and policies.
- 6.4 In the exceptional case where all or part of a heritage asset will be lost, whether as a result of inevitable natural process or a decision, the opportunity to extract and record that information about the past must be realised. This requires investigation and analysis, followed by archiving and accessibility of the results, all at a level that reflects its significance.
- 6.5 Where such loss is the direct result of human intervention, the costs of this work shall be borne by those who benefit from the change, or who initiate the change in the public interest.

Understanding Significance

Preamble

7.1 We value the historic environment for many reasons, such as its distinctive archaeology, architecture or landscape, the stories it can tell us about our past, its physical connection with notable people or events and because we find it beautiful or inspiring. It may play a role as the focus for a community, and represent both tangible and intangible heritage. All of this we want to enjoy and sustain for the benefit of present and future generations.

7.2 The idea of ‘significance’ lies at the core of these principles. Understanding of a heritage asset’s significance, be it a building, an archaeological site or a larger historic area such as a whole village or landscape, is achieved by evaluating and assessing the heritage interests to enable and allow for the effects of proposed changes to be fully considered. This necessitates the application of a systematic and consistent process.

7.3 Tangible heritage – physical evidence produced by human activity and passed from one generation to the next, e.g. artistic creations such as monuments, structures and buildings.

7.4 Intangible heritage - traditions or living expressions inherited from one generation to the next, such as oral traditions, social practices, or knowledge and skills.

7.5 Significance – the collective term for the sum of all the heritage interests attached to a heritage asset, including its setting. The following provides a summary of the

core heritage interests, which apply to the significance of a heritage asset and may be expressed under one or more of these headings:

Archaeological interest

7.6 Archaeological interest of a heritage asset derives from the embodied evidence of past human activity. The evidence may sometimes be visible and relatively easy to access, but can also be less apparent (below ground remains and artefacts, palaeoenvironmental evidence, submerged marine heritage, or hidden beneath later built fabric) and therefore, obtained through careful investigation. The potential for evidence from occupied or vacant buildings must not be overlooked and is often an important driver for conservation decisions.

7.7 Physical remains of past human activity, including landform, are the primary source of evidence about the substance and evolution of a place, and of the people and cultures that made them. Landform includes monumental landscapes, with its deliberate connections from one monument to another or a prominent point in the landscape. These remains provide the primary evidence for when and how a heritage asset was made or built, what it was used for and how it has changed over time. The unrecorded loss of historic fabric represents the destruction of finite primary evidence.

7.8 Heritage assets will vary in how much they can contribute to our understanding

of our history and are vulnerable to inappropriate methods of gaining this knowledge. The use of good practice and appropriate techniques will ensure that information can be gained without causing unnecessary damage to potentially vulnerable structures. Any activity which prejudices future archaeological investigation harms the heritage asset. This can mean that some heritage assets, or parts of them, are very sensitive to change. Therefore, the use of good practice and appropriate techniques will ensure, that when unavoidable, information can be gained without causing unnecessary damage to potentially vulnerable structures. Expert advice must be sought to identify those sensitivities, and through suitable assessment or evaluation, informed decisions can be made on how best to proceed. Non-intrusive investigation is preferable to intrusive work to obtain the evidence without physical harm to the archaeology.

- 7.9 Additional evidence can be gained from documentary sources (historical records, contemporary written accounts, or reports from previous investigations), pictorial, maps or cartographic records, archaeological archives or museum collections. To assess the significance of this aspect of a heritage asset, all this evidence needs to be gathered in a systematic way and any gaps in the evidence identified.
- 7.10 Tangible and intangible evidence plays a vital role in helping us understand the past. The retention of as much of the primary evidence as possible, including local knowledge and tradition,

is critical in aiding our ability to properly understand its realities. The ultimate aim of archaeological investigation is to obtain the evidence to increase knowledge and our understanding without damage to the heritage asset. Where an impact on the historic fabric is unavoidable, this is kept to the absolute minimum necessary. This is not always possible, particularly when the requirement for investigative work arises as a final recourse to record archaeological remains in advance of destruction through development. However, identifying gaps in evidence through research and surveys can help inform small scale limited evaluation to answer specific conservation questions; these can be beneficial in informing objectives to conserve and protect the integrity of an asset, or ensure its preservation in situ.

Architectural interest

- 7.11 Architectural interest derives from the ways in which people draw sensory and intellectual stimulation from a heritage asset. It includes the style, character and ornamentation, the plan form and functionality of the physical structure, and how it is understood within its setting. It is an interest in the art or science, including the artistic endeavour of construction, craftsmanship, detailing and decoration of buildings or structures of all types. This can be through formal design or the seemingly incidental outcome, or both, of how the heritage asset has evolved over time.
- 7.12 Architectural interest of a building, structure or landscape as a whole embraces composition (proportions, form, massing, silhouette, views and

vistas as well as circulation) and includes materials or planting. Architectural interest also includes; setting, spatial organisation, technological innovation, interiors, alterations, group value and arrangement of spaces or landscape.

- 7.13 Formal design can be categorised by a designed concept, be it architecture, structures, including industrial and defence structures, or landscape reinforced by human embellishment; design created through detailed instructions (such as by a known patron, architect, gardener or craftsman).
- 7.14 Incidental design can be can categorised as vernacular, that is, the result of a succession of responses within a particular cultural identity. They include, the relationship of buildings and structures and their materials to their locality; a harmonious, expressive or dramatic quality in the juxtaposition of buildings and structures with their setting; or the seemingly organic form of an urban or rural landscape.
- 7.15 The physical structure and composition of a heritage asset may have changed over time. Earlier visual records and written descriptions may be more powerful in people's minds than what survives today. Important vistas may be lost or screened, or access to them altered or temporarily denied. Therefore, the compiling of evidence of the past and present form of the heritage asset will inform our understanding, enabling decisions on the protection and conservation of the heritage asset.

- 7.16 Aesthetic interest resulting from the action of nature and time on buildings or structures, may overlie and enhance the interest of a conscious design (man-made) and may influence how we respond to the heritage asset. While the passage of time may simply add to the range and depth of the significance of the whole, on occasion nature may be in conflict with the heritage asset, and have the potential to cause harm, for example, vegetation rooting in masonry joints.

Historic interest

- 7.17 Historic interest derives not only from the ways in which past people, events and aspects of life can be connected through the fabric of a heritage asset to the present, but to a heritage asset's age, rarity and authenticity. Historic interest tends to be illustrative or associative.
- 7.18 Illustrative – the physical story of past historical events, people or distinctive aspects of life. The illustrative value of heritage assets tends to be greater if the historic fabric incorporates the first, or only surviving, example of an innovation derived from consequence, whether related to design, technology or aspects of social or cultural organisation.
- 7.19 Associative – the association with a notable person, family, movement or event. The place where something momentous happened can increase and intensify understanding through clear linking of historical accounts of events with the fabric of the heritage asset where they happened – provided the heritage asset still retains some semblance of its appearance at the time.

7.20 When these stories, illustrative or associative, form part of the identity or collective memory of a place for a community it can hold a social interest. Such values tend to change over time, and sometimes may be important for remembering positive or uncomfortable events, attitudes or periods in our history.

7.21 The functions of a heritage asset are likely to have changed over time, but the historic interest can be easily diminished when its history is concealed or not acknowledged.

7.22 Original fabric is a primary evidence source, and where it is associated with a notable individual or event it can expand our understanding and ability to illustrate our past.

7.23 The change from one style or fashion to another that a heritage asset may exhibit, will provide historic interest. For example, how an individual built or designed a garden, or created a settlement, may provide insight into their personality, or demonstrate their political or cultural affiliations. It can suggest aspects of their character and motivation that extend, or even contradict, what they or others wrote, or are recorded as having said, at the time.

7.24 The use of a heritage asset for its original purpose, for example as a place of recreation, defence, worship, or manufacture, illustrates the relationship between design and function, and so may make a major contribution to its historical interest. If so, cessation of that activity can potentially alter that interest. Conversely, abandoned historic

settlements for example, may illustrate important historic events.

7.25 While physical heritage assets offer clear and obvious insight to our past, the historical treatment and naming of the landscape, place names and townlands, also gives a sense of place and identity that is deeply embedded in our society, local culture and traditions. Intangible cultural heritage is an equally important part of the heritage interest and identity.

Further suggested heritage interests

7.26 In some cases it may be appropriate to consider other aspects of interest such as:

Authenticity interest – valued because it is unique and has an integrity which must be safeguarded. Such safeguarding can impose a significant constraint on project decision making; or

Communal interest - derives from the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory; or

Economic interest – providing a valuable source of income or employment, for example a historic landscape may be sought out for enjoyment for private reflection or social events which could generate economic income for the surrounding locality; or

Scientific interest - may be important for its scientific content or as a source for scholarly study; or

Social interest – may contribute towards social stability, social interaction and community cohesion, helping to identify the group values that make the community a desirable place to live and work; or

Spiritual interest – emanating from religious beliefs, or reflecting present-day perceptions of the spirit of place; or

Symbolic interest – may convey meaning and information that helps local communities to interpret identity and assert cultural personality.

The above headings are not exhaustive, and are provided as guidance in the assessment of 'significance'. Many of the named heritage interests will apply to the assessment of the significance of statutorily protected heritage assets. Criteria for their designation is however derived from legislation.

Assessment of Significance

- 8.1 Significance is evidence based, and new evidence can be uncovered at any time which modifies our understanding of a heritage asset. To identify significance, the heritage interests of an asset, its history, fabric and character, must be correctly understood. The different heritage interests of the asset must be researched, assessed and outlined in a Statement of Significance.
- 8.2 A Statement of Significance is a succinct assessment of the heritage asset. For example, it should cover the heritage interests in detail through consideration of:
- the heritage asset's origins;
 - contextual relationship with other heritage assets;
 - the surrounding natural and built environment;
 - how and why it has changed over time;
 - the form and condition of its constituent elements and materials;
 - the technology of its construction;
 - the function it provided or provides;
 - any habitats it provides; and
 - comparison with similar heritage assets in the locality, region or even nationally.
- 8.3 It is desirable to protect, conserve and enhance all the identified heritage interests of a heritage asset; but on occasion, what is necessary to sustain some interests will conflict with what is necessary to sustain others. Therefore, understanding significance is essential to objective decision-making.
- 8.4 An assessment of significance will need to identify how particular parts of a heritage asset and different periods in its evolution contribute to, or detract from, each identified heritage interest, producing a chronological sequence of its evolution.
- 8.5 Engaging with appropriate professional expertise to undertake this work is important to ensure the consistency and validity of this assessment.
- 8.6 Sources of information may include:
- Historic Environment Record of Northern Ireland (HERoNI)
 - Documentation underpinning any existing statutory designations
 - Historical and archaeological archives (museum records)
 - Published research frameworks
 - Public Record Office of Northern Ireland (PRONI)
 - Personal recollections / dialogue
 - Specific programmes of archaeological survey and investigation
- 8.7 Part of the assessment will normally be illustrated by maps, plans or photographic record showing the age and relative significance of the components or character areas of the heritage asset. When a scheme of work proposes potential change, it is important that the elements directly affected are addressed at an appropriate level of detail, but always in relation to the heritage asset as a whole.

- 8.8 Designation at an international, national or local level is an indicator of the importance of a particular heritage asset. However, non-designated heritage assets may represent monuments, buildings or landscapes which are locally important. Therefore, the absence of statutory designation does not necessarily imply lack of significance. Detailed research and analysis may reveal new evidence about any heritage asset and therefore, enable its review within current selection criteria for designation or the application of protective policies.
- 8.9 The fact that a heritage asset does not meet current criteria for formal designation does not negate the heritage interests it may have in creating a distinctive character or local identity for particular communities. Such interests shall be taken into account in making decisions about their future through the local authority and marine planning systems.
- 8.10 It could be argued that no Statement of Significance can ever be complete or totally objective. However, it must try to express the heritage interests identified fairly and not be influenced by consideration of any changes being proposed. Different people and communities may attach different weight to the same heritage interests of a heritage asset at the same time. Judgements about heritage interests, especially those relating to the recent past, tend to be influenced by current perspectives, which will likely evolve over time. Therefore, it is important to acknowledge that Statements of Significance can change with time as new evidence emerges, or perceptions of the historic context of the heritage asset change.

Managing change to a heritage asset and its setting

- 9.1 Conservation involves the management of change in ways that will best protect, conserve and, where possible, enhance the significance of a heritage asset and the contribution its setting makes on that significance.
- 9.2 Factors to consider in assessing the impact of change include:
- the relative contribution to significance of the elements affected (where appropriate, by reference to criteria for national or local designation), including the contribution of its setting;
 - how the proposed change would affect these elements;
 - the extent of any uncertainty about its heritage interests (particularly in relation to potential for hidden or buried elements); and
 - any tensions between potentially conflicting interests.
- 9.3 Change to heritage assets is inevitable. The passage of time, natural forces and regular use will lead to erosion of historic fabric impacting the archaeological or architectural interest. Ensuring the long term future of our heritage assets often requires adaptation and change, which may be acceptable provided such interventions respect the recognised heritage interest and significance of the heritage asset. Owners and managers of heritage assets should not be discouraged from adding further layers of potential interest and value, provided that the existing recognised significance is not eroded or compromised in the process. It is acknowledged that work of successive generations often contributes to significance.
- 9.4 Retaining the economic viability or the social functions of heritage assets will sustain their survival and encourage their regular maintenance. For example, many archaeological sites can be maintained under sympathetic farming or forestry regimes, or as with historic parks, gardens or demesnes which form part of dynamic systems, they can benefit from continuous management practices. Lapses in management and maintenance regimes may lead to accelerated deterioration of heritage assets.
- 9.5 Decisions about change to heritage assets will involve balancing the significance of the heritage asset against the anticipated positives and negatives of the proposed intervention.
- 9.6 Managing appropriate change of a heritage asset balances a sound understanding of the significance of the asset with the requirements and aspirations of the current generation and a long term view for its protection for future generations. Only through this process, will we create a sustainable management of the historic environment.

Definitions

Includes words used in a specific or technical sense.

Alteration	Work intended to change the function or appearance of a heritage asset or part thereof
Authenticity	Those characteristics that most truthfully reflect and embody the cultural heritage interests of a heritage asset
Built Heritage	A collective term for heritage assets of local, regional or international significance because of their heritage value(s)
Conservation	The process of managing change to a heritage asset in its setting in ways that will best sustain its heritage values, while recognising opportunities to reveal or reinforce those values for present and future generations
Conservation area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, designated under the Planning Act (Northern Ireland) 2011
Cultural heritage	Inherited assets which people identify and value as a reflection and expression of their evolving knowledge, beliefs and traditions, and of their understanding of the beliefs and traditions of others
Context	Any relationship between a heritage asset and its setting, including other places and its past, relevant to the values of that heritage asset
Designation	The recognition of particular heritage interest(s) of a heritage asset by giving it formal status under legislation or policy intended to sustain its significance
Designated Heritage Asset	A World Heritage Site, State Care Monument, Scheduled Monument, Area of Significant Archaeological Interest, Listed Building, Conservation Area, Area of Townscape/Village Character, Local Landscape Policy Area or Protected Wreck Site.
Fabric	The material substance of which places are formed, including geology, archaeological deposits, structures and buildings, construction materials, decorative details and finishes and planted or managed flora

Harm	Change for the worse, here primarily referring to the effect of inappropriate interventions on the heritage interest of a heritage asset
Heritage	All inherited resources which people value for reasons beyond mere utility
Heritage asset	A building, monument, site, place, area or landscape identified as having cultural significance
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and deliberately planted or managed flora
HERoNI	The Historic Environment Record of Northern Ireland (HERoNI), holds information on all elements of Northern Ireland's historic environment and heritage assets in the form of databases, written records, maps, photographic, drawn and digital material
Integrity	A measure of the wholeness and intactness of a heritage asset and the survival and condition of those elements that contribute to its significance
Intervention	Any action which has a physical effect on the fabric or appreciation of a place
Maintenance	Routine work necessary to keep the fabric of a place, including its setting, in good order
Preserve	To keep safe from harm
Proportionality	The quality of being appropriately related to something else in size, degree, or other measurable characteristics
Public	Of or concerning the people as a whole
Renewal	Comprehensive dismantling and replacement of an element of a place, in the case of structures normally reincorporating sound elements

Repair	Work beyond the scope of maintenance, to remedy defects caused by decay, damage or use, including minor adaptation to achieve a sustainable outcome, but not involving restoration or alteration
Restoration	To return a heritage asset to a known earlier state, on the basis of compelling evidence, without conjecture
Reversible	Capable of being removed so that the previous state is restored without loss of historic fabric. Here primarily referring to the effect of inappropriate interventions on the heritage interest of a heritage asset
Setting	The immediate and extended environment that is part of – and contributes to – the significance and distinctive character of a heritage asset, and through which a heritage asset is understood, seen, experienced and enjoyed
Significance	The value of a heritage asset to past, present and future generations because of the sum of its embodied heritage interests. Those interests may be archaeological, architectural, historic or others. Significance also derives from its setting
Sustain	Maintain, treasure and affirm significance
Sustainable	Capable of meeting present needs without compromising ability to meet future needs
Transparent	Open to public scrutiny
Value-based judgement	An assessment that reflects the values of the person or group making the assessment

Appendix A

International Charters and Conventions

The importance of conserving and protecting heritage assets is recognised in a number of international conventions and charters. Conventions are normally international treaties. Once the United Kingdom has ratified a convention it has obligations to implement its requirements. Charters are statements of internationally recognised best practice that shall be taken as guidance.

Conventions

United Nations Convention on the Law of the Sea (UNCLOS), 1982

Convention for the Protection of the Architectural Heritage of Europe (Granada Convention), 1985.

European Convention on the Protection of the Archaeological Heritage (Valletta Convention), 1992.

European Landscape Convention (Florence Convention), 2000.

Charters

The International Charter for the Conservation and Restoration of Monuments and Sites (Venice Charter), 1964.

The Preservation of Historic Gardens (Florence Charter), 1981.

The Charter on the Protection and Management of Underwater Cultural Heritage (ICOMOS), 1996

ICOMOS Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas. (Xi'an Declaration), 2005.

New Zealand ICOMOS Charter for the Conservation of Places of Cultural Heritage Value, 2010.

The Australia ICOMOS Charter for Places of Cultural Significance (Burra Charter), 2013.

Other guidance

Conservation Principles, Policies and Guidance, for the sustainable management of the historic environment (Historic England, 2008)

Conservation Principles for the sustainable management of the historic environment Wales (Cadw, 2011)

Architectural Heritage Protection, guideline for planning authorities (Dept. of Culture, Heritage and the Gaeltacht, 2011)

Historic Environment Policy for Scotland (Historic Environment Scotland, 2019)

British Standard Guide to the Conservation of Historic Buildings BS 7913:2013 (British Standard Institution, 2013)

Conservation Professional Practice Principles (Institute of Historic Buildings Conservation, 2017)



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Commonities

Helping communities to enjoy and realise the value of our historic environment

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Front Cover Image:

Aerial view of Ardglass





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Public Consultation Paper

Conservation Principles

Guidance for the sustainable
management of the historic
environment in Northern Ireland

Contents

1. Minister's Foreword	4
2. Background	5
3. Consultation Details	6
4. Proposals - HED Conservation Principles (Consultation) Paper	8
5. Questions	9
6. The consultation process and how to respond	10

1. Minister's Foreword



It is important to appreciate the contribution that heritage makes to our communities and to our social and economic wellbeing. All heritage assets are a product of a rich and complex history that has made our landscape, villages, towns and cities unique and special.

To understand and appreciate the significance of these heritage assets is fundamental in realising the full potential of our historic environment. Making good decisions and managing our assets is something we can work together on, ensuring that they are well maintained and protected for future generations

We are in a difficult time, and it is vital that we all support communities, people and places to improve lives through the recovery from Covid-19 impacts. The Department wants to support communities at all levels, to ensure that heritage at the heart of communities is cared for and adapted sustainably, so that it can continue to have positive impacts for the people it connects.

I would very much value your consideration of the Conservation Principles framework document. My Department wants to work together with key stakeholders to ensure that appropriate decisions can be made in relation to heritage assets, and I hope the conservation framework for this work will ensure we provide this support consistently.

A handwritten signature in black ink that reads "Deirdre Hargey". The signature is fluid and cursive.

Deirdre Hargey MLA
Minister for Communities
28 March 2021

2. Background

Northern Ireland currently has around 52,000 recorded heritage assets, and approximately a quarter of these are protected by formal designation. The Department for Communities also has responsibility for 190 monuments in state care.

The Department's Historic Environment Division (HED) has drafted a paper entitled 'Conservation Principles; Guidance for the sustainable management of the historic environment in Northern Ireland'.

The principles within the document are based on internationally established conservation doctrine, and align with our obligations under Council of Europe Conventions on the protection of heritage, and ICOMOS (International Council on Monuments and Sites) charters laying out good practice and guidance for conservation of the historic environment.

The Conservation Principles guidance sets out a best practice conservation framework for all aspects of decision-making affecting our historic environment. It is intended that by setting out these overarching principles, our process and consistency in decision-making

and advice is transparent; it will clarify the Department's position on important matters affecting heritage assets across Northern Ireland, including those in relation to its statutory obligations as set out in the Historic Monuments and Archaeological Objects (NI) Order 1995, Planning Act (NI) 2011 and The Planning (General Permitted Development) Order (NI) 2015.

The six conservation principles set out within this publication are consistent with the approach by Historic England, Cadw (Wales), Historic Environment Scotland and the Department of Housing, Local Government and Heritage (Ireland) to ensure a clear, shared approach across these islands. This publication is tailored to the processes through which the historic environment is managed in Northern Ireland.

The well-informed change management and care of our heritage assets is essential to supporting outcomes within the Department's five year strategy (Building Inclusive Communities 2020-2025) and also has parallels in the draft Programme for Government and Regional Development Strategy 2035 (RDS).

3. Consultation Details

In this consultation document the Department for Communities (“the Department”) sets out a proposal for a Conservation Principles framework for the sustainable management of the historic environment in Northern Ireland.

The purpose of this consultation is to seek the views of all interested parties on the Department’s proposal. The consultation will run for eight weeks. The Department will give due consideration to all responses and a synopsis of responses will be published as soon as practicable following the consultation period.

Copies of this consultation document may be made without seeking permission. This document is also available in alternative formats; please contact us to discuss your requirements. The document is published on the Department’s website.

If you have any queries regarding this consultation please contact the Heritage Advice and Regulation team by e-mail, by post to the address below or by telephone through our enquiries line on (028) 9081 9226.

How to Respond

Early responses are encouraged but all responses should arrive no later than 5pm on 08 October 2021.

Complete the questions in the online survey found at **<https://consultations.nidirect.gov.uk/dfc/hedconservationprinciples-publicconsultation>**

Alternatively, responses may be sent by email to **HED.ConservationPrinciples@communities-ni.gov.uk** or by post to:

Conservation Principles Consultation

Historic Environment Division
Department for Communities
Ground Floor
9 Lanyon Place
Town Parks
BELFAST, BT1 3LP

When responding please state whether you are responding as an individual, or representing the views of an organisation. Before you submit your responses please read the “Confidentiality of Consultations” section below, which gives guidance on the legal position.

Equality Screening

Section 75 of the Northern Ireland Act 1998 requires that public authorities have due regard to equality issues in carrying out functions relating to Northern Ireland. We have completed an equality screening of the document being consulted upon and have concluded that they do not impact on equality of opportunity for any of the nine categories specified in section 75 (religious belief; political opinion; race; age; marital status; sexual orientation; men and women generally; disability; and dependants).

We have not identified any evidence of higher or lower participation or uptake by different groups; that different groups have different needs, experiences, issues and priorities in relation to the particular proposal; that there is an opportunity to better promote equality of opportunity or better community relations by altering the proposal or working with others in government or the community at large. Engagement with relevant groups, organisations or individuals has not indicated that particular proposals create problems that are specific to them.

The Equality Commission will receive copies of this document as part of the consultation exercise. We will take into account any comments the Commission might have.

Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights (“the Convention”) and makes it unlawful for a public authority to act in a way that is incompatible with these rights.

The proposed framework will have a positive impact with regard to human health, public safety and environmental quality. The new document will enhance rather than be detrimental to applicants’ Convention rights. There is no obligation to avail of the benefits available under the new framework. The Department’s view is that the document is fully compliant with Convention rights.

The Human Rights Commission will receive copies of this document as part of the consultation. We will take into account any comments the Commission may make.

Rural Needs Impact Assessment

The Rural Needs Impact Assessment (RNIA) is a process to ensure that all relevant Government outputs are examined carefully and objectively to determine whether or not they have a different impact in rural areas from that elsewhere, because of the particular characteristics of rural areas. Where necessary the process should also examine what adjustments might be made to reflect rural needs and in particular to ensure that, as far as possible, public services are accessible on a fair basis to the rural community. The Department has considered this framework in relation to the rural community and has found no potential differential impacts.

Confidentiality of Consultations

For this consultation, we may publish all responses, withholding personal information such as names, email addresses, postal addresses and phone numbers from responses, but apart from that we may publish them in full. For more information about what we do with the information please see our privacy notice: [Link to DfC GDPR Privacy Notice](#)

Responses to this consultation may be disclosed in accordance with Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR); however all disclosures will be in line with the Data Protection Act 2018 and the General Data Protection Regulations EU 2016/679.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority (the Department in this case). This right of access to information includes information provided in response to a consultation.

The Department cannot automatically consider information supplied to it in response to a consultation, as confidential. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity, should be made public or treated as confidential.

This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances.

DfC is the data controller in respect of any personal data that you provide and DfC privacy notice gives details in respect of your rights in respect of handling your personal data: [Link to DfC Privacy Notice](#)

5. Questions

- Q1:** Are you responding to this consultation on behalf of an organisation or as an individual? Please specify organisation.
- Q2:** What connection do you/does your organisation have with heritage matters?
- Q3:** Do you agree with the overall approach to the Conservation Principles as outlined within its introduction? (Please provide any comments to explain your answer)
- Q4:** Do you agree or disagree with each of the proposed six key principles and their associated aims on a scale of 1-5, 1 (strongly disagree), 2 (agree), 3 (neutral), 4 (agree) to 5 (strongly agree)?

Please provide any comments to explain your answer and indicate to which Principles (1-6) your comments refer.

- Q5:** Do you agree or disagree with the approach to Understanding Significance, and the three key interests of archaeological, architectural and historic? (Please provide any comments to explain your answer)
- Q6:** Do you agree or disagree with the approach to Assessment of Significance? (Please provide any comments to explain your answer)
- Q7:** Do you agree or disagree with the approach to Managing Change to a Heritage Asset? (Please provide any comments to explain your answer)
- Q8:** Is there any other comment you would like to make on the document content?
- Q9:** In responding to this consultation, please highlight any possible unintended consequences of the proposals and any practical difficulties you foresee in implementing them.

6. The consultation process and how to respond

FRAMEWORK FOR CONSULTATION	SUMMARY DETAIL
Topic of this consultation	Introduction of a Conservation Principles document is to set out a best practice conservation framework to inform all aspects of decision-making affecting our historic environment.
Scope of this consultation	The consultation will help inform and refine the Conservation Principles document
Audience	Anyone with an interest in this area is welcome to respond. The Department encourages central government, local authorities, heritage asset owners, developers and their agents/advisers to refer to these Conservation Principles when considering changes which impact on a designated or non-designated heritage asset.
Body responsible for the consultation	The Department for Communities
Duration	The consultation will run for 8 weeks. It will begin on 13 August and will end on 08 October 2021
Enquiries	e-mail: HED.ConservationPrinciples@communities-ni.gov.uk telephone: (028) 9081 9226
How to respond	<p>Please respond to the consultation in one of the following ways:</p> <p>Complete the questions in the online survey at: https://consultations.nidirect.gov.uk/dfc/hedconservationprinciples-publicconsultation</p> <p>By email to HED.ConservationPrinciples@communities-ni.gov.uk including CONSULTATION RESPONSE in the title line</p> <p>By post to: Conservation Principles Consultation Historic Environment Division Department for Communities Ground Floor 9 Lanyon Place Town Parks BELFAST, BT1 3LP</p>
After the consultation	The views and advice expressed in responses to this consultation may be placed in the public domain. Each response will inform the Department in its consequential publication.