



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
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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	Appendices – Documents Attached
	<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 proportionally 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.

Appendix 2 – Conservation Principles – Guidance for the sustainable management of the historic Environment in Northern Ireland July 2021