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## Historic Environment Division

# Conservation Principles

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

Synopsis of Responses, March 2022





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# Section 1: Summary of the Consultation

## Introduction

1. On 13 August 2021 Historic Environment Division of the Department for Communities (described as the Department within this document) issued a public consultation on Conservation Principles, Guidance for the sustainable management of the historic environment in Northern Ireland. The consultation closed on 08 October 2021.

## Background

2. The purpose of the Conservation Principles document is to clarify the Department's position on 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.
3. The document was also designed to set out a best practice framework for provision of consistent advice on heritage assets to Councils and custodians, of particular importance in light of the Reform of Planning Administration in 2015 (transfer of the majority of planning powers from central government to 11 district councils, with the Department retaining regional responsibilities.)

4. Public Consultation was carried out to allow all audiences to comment on the proposal. Prior to the launch of the Public Consultation, the Department also consulted with the Department for Infrastructure, District Councils (Strategic Planning Group), the Historic Environment Stakeholder Group, and the Historic Building Council and Historic Monuments Council.
5. Twenty-five\* groups and individuals responded to the consultation and their views are summarised in Section 2. The Department's responses in light of the consultation replies are provided at Section 3. A list of respondents is provided at Appendix A.

\* Joint Nautical Archaeology Policy Committee (JNAPC) response dated after deadline, response at 2.7

## Context

6. The Conservation Principles are consistent with the conservation management approach by Historic England, Cadw, Historic Environment Scotland and the Department of Housing, Local Government and Heritage (Ireland). While all of these jurisdictions have slightly differing governance arrangements and legislative controls in place, the principles are consistent. This publication is tailored to the process through which the historic environment is managed in Northern Ireland.

7. The Conservation Principles have been developed to be consistent with international Conservation conventions, charters, legislation and British Standards for conservation.
8. The work of Historic Environment Division will be guided by these principles and criteria, and the document is intended to illuminate this for the understanding and usage of a wide audience.
9. It is intended that the Conservation Principles Guidance will be published by the Department following the consultation exercise, resultant review and alongside Part 2 document and resultant review.
10. The 'Part 2' document is a practical companion document which will describe How to Apply the Conservation Principles.

## **Consultation Document**

11. The consultation asked for general views on the proposal but also asked a number of questions on respective sections to focus responses.
12. The Department is grateful to all of the organisations and individuals who submitted responses.

## Section 2: Summary of Responses

### Nature of Responses

1. The responses were gathered by two means, 1) by online survey response and 2) by email. 13 responses were received by the first method and 12 by the latter method. Response by email meant that some responses did not answer all of the questions specifically.
2. Certain responses duplicated or referred to other responses for detail. The Northern Ireland Local Government Association (NILGA) and Belfast City Council responses were largely in duplication. Northern Ireland Environment Link (NIEL) endorsed Architectural Heritage Fund (AHF) and Ulster Architectural Heritage (UAH) comments in its response.
3. There were seven council responses received: Belfast City Council (BCC), Mid & East Antrim Borough Council (MEABC), Armagh City, Banbridge and Craigavon Borough Council (ABCBC), Mid Ulster District Council (MUDC), Ards and North Down Borough Council (ANDBC), Fermanagh and Omagh District Council (FODC) and Causeway Coast and Glens Borough Council (CCGBC). Six responses were from individuals, variously owners (of heritage assets), heritage professionals, and not stated. The remainder were from heritage bodies (six), a local group, an environmental body, a professional body, a council association representative body, an industry training board and a government advisory group.

### General Comments

4. It was encouraging that the general reception of the principles was one of support and agreement.
5. One individual respondent was concerned regarding the perceived onerous demands that the guidance would place upon asset owners. This was echoed by a number of council respondents and details are provided at the particular question sections below.
6. There was a general concern at where the Conservation Principles guidance fitted into the hierarchy of legislation and other guidance, and one council was further confused by the action of public consultation on the guidance as this had not been the case with guidance previously. These concerns can be summarised as relating to the guidance status and applicability.
7. There was misunderstanding regarding designated and non-designated assets, as to how or why this should or could be equally applied to both. This perception may stem from the concern above and the status or weight of the guidance which should be set out more clearly for the reader.
8. The supporting text for the consultation mentions Part 2 of the series which will focus on the application of the principles. A quarter of the responses mentioned this aspect and considered the second part vital to understanding and implementing the principles.

9. One response (National Churches Trust) referred to an earlier Public Consultation relating to Ecclesiastical Exemption (2016) and was encouraged that the new guidance would provide 'robust and consistent guidance' for a 'conservation led approach for the care of listed places of worship'.
10. Climate change and environmental sustainability was raised in a fifth of responses, with several responses considering it needed specific mention within the principles.
11. Issues around language were two-fold: one council raised the issue that 'significance' as a term is not embedded in strategic policy and that makes alignment with the guidance more difficult; secondly, one response felt that the language needed to be more accessible to the general public.
12. One District Council widened its comments to provide a general review and proposal for legislative heritage framework in NI, strategy, grants and funding, education and training, withdrawal of PPS23, public archive, and pilot project to augment council skills base.
13. One heritage body reflected on the previous centralised heritage management system and while calling it 'far from perfect' stated that [previous policy] 'In contrast, PPS6 was an established, comprehensive and well understood policy compiled, together with its associated guidance, by specialist expertise in Historic Environment and administered and interpreted centrally by similarly expert staff.'
14. A local environmental group referred to a specific proposal for car parking by a local council in a Conservation Area, and considered 'These principles need to be embedded in the legislation to prevent public bodies - also acting as developers - getting away with this.'



## Questions

15. There was a good range of responses across the nine questions. This section will summarise the points made in responses to each of the questions; Section 3 will then set out the Department's proposed way forward in light of the responses.

### Question 1

- 1.0 This question relates to the identity of respondents and summary is provided at 2.4, Section 2 above:

Question 1 asked **'Are you responding to this consultation on behalf of an organisation or as an individual? Please specify organisation.'** A full list of respondents (where identity stated) is provided at Appendix A.

### Question 2

- 2.0 Question 2 asked **'What connection do you/does your organisation have with heritage matters?'**

- 2.1 Fourteen of the twenty-five respondents provided detail for this question. Three of these were councils who detailed their responsibilities with respect to heritage. These were as follows:

1. Policy maker/preparation of Local Development Plans/allocating designations
2. Responsibility for statutory planning decisions
3. Owning and managing assets
4. Investigating breaches of planning control

5. Protecting, preserving and promoting the built heritage of the council area
6. Delivery of specific projects e.g. Carrickfergus Townscape Heritage Initiative

- 2.2 Three heritage bodies or groups provided detail on this question. One has a specific role within ICOMOS on the International Wood Committee; the other two bodies/groups were AHF and Historic Houses. Both of these groups stressed community at the heart of their missions, with AHF being an investor in heritage to revitalise same.

- 2.3 NIEL is a networking and forum body for non-statutory organisations concerned with the natural and built environment of Northern Ireland. Members are involved in environmental issues of all types and at all levels from the local community to the global environment. NIEL brings together a wide range of knowledge, experience and expertise which can be used to help develop policy, practice and implementation across a wide range of environmental fields.

- 2.4 DAERA CNCC (Department of Agriculture, Environment and Rural Affairs, Council for Nature Conservation & the Countryside – advisory body) is primarily concerned with natural environments, but considers there to be a crossover with cultural landscapes.

- 2.5 CITB NI (Construction Industry Training Board NI) represents the amalgamated operations of the Construction Industry Training Board (CITB) and the



Sector Skills Council for construction, Construction Skills in Northern Ireland. CITB NI has been involved in research with partners into skills need analysis of the built heritage sector and provided specialist training as a result.

- 2.6 The Royal Town Planning Institute (RTPI) in Northern Ireland is the largest professional institute for planners in Europe, representing some 26,000 spatial planners. The Institute seeks to advance planning for the long-term common good and well-being of current and future generations. The RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.
- 2.7 JNAPC responded after the close of the consultation but advised 'At its meeting on 20th October 2021 the Joint Nautical Archaeology Policy Committee (JNAPC) noted the "Conservation Principles Guidance for the sustainable management of the historic environment in Northern Ireland", commended DAERA [DfC] on their proposals, and gave them their full support.'

**The following question on the online response facility only** provided the opportunity for respondents to provide their email address (optional)

### Question 3

- 3.0 The third question asked: **'Do you agree with the overall approach to the Conservation Principles as outlined within its introduction for the sustainable management of the Historic Environment?'**
- 3.1 Around half of the responses (12 out of 25) answered in the clear affirmative in agreement with the approach taken. A further 7 responses were positive with caveats, such as 'with slight modification' and 'broadly welcomes'. The remaining 6 responses either did not answer or did not express particular agreement or otherwise (ambiguous).
- 3.2 Whilst agreeing with the Principles and noting that 'the emphasis it gives to 'place', beyond individual buildings, is important in creating sustainable and high-quality places in Northern Ireland', the RTPI said that there were 'clearly potential implications for determining planning applications, therefore the status of the Conservation Principles as material considerations for planning should be set out'
- 3.3 One of the respondents expressed concern that two of the Principles could potentially be restrictive in the reuse of vacant historic buildings in particular.
- 3.4 Another respondent considered 'It is encouraging to see an overall proposal to have consistent regulations and guidelines for the protection and respect for heritage, particularly built heritage in Northern Ireland'
- 3.5 While it said that it 'broadly agree[d]' with the Principles, Belfast City Council also raised a range of concerns, which include the status of the Principles, their proportionality and broader applicability. It felt this needs clarification amongst existing guidance, for reference when carrying out statutory responsibilities. It considers that the Part 2 document is important to illuminate how to apply the

Principles, and that it will also need to recognise and illustrate appropriate and practicable management approaches with regard to designated versus non-designated assets. NILGA's comments duplicate those of Belfast City Council.

- 3.6 Another council (MUDC), also supportive, suggests the 'insertion of a clear statement of status and purpose is required, incorporating the draft documents function, role and remit' and also that says that although the document states it is 'tailored to the process through which the historic environment is managed in Northern Ireland' it does not set out the contrasting approaches in the other devolved UK nations or Republic of Ireland. It further suggests 'that the document needs to set out clearly and coherently within existing hierarchical government corporate strategy, policy and other published HED advice and guidance documents' and queries why other previous guidance documents have not undergone public consultation.
- 3.7 MUDC suggest the insertion of a 'Who's [Whose] role is it?' section which sets out which NI Department is responsible for 'sustainable management, maintenance and monitoring of all aspects of the Historic Environment'. It also considers the section which details existing corporate government strategy documents to be incomplete and makes a suggested list of ten documents for reference. It references BS7913:2013 as requiring clarification in terms of its legal status for use as a best practice publication in NI.

- 3.8 FODC is generally supportive of the approach, but considers it is 'essential that clarification is provided as to how they [Principles] will be applied to ensure that the approach is appropriate to all those involved with our historic environment'. While it understands this is not a policy document, it finds the relationship between planning policy and guidance documents to be unclear and suggests this 'could be made clearer in the opening section.' It considers Part 2 to be important in reading of the Principles.
- 3.9 DAERA CNCC is content with the approach though would defer to HMC and HBC (see links: **DfC Historic Monuments Council** and **DfC Historic Buildings Council** respectively) as having more relevant expertise. It raises the context and setting of heritage assets and suggests 'It could be helpful to give some more consideration to the context and setting of heritage assets in an historic and contemporary landscape context.' Another respondent, Mid & East Antrim Borough Council, suggests reference in the document to Historic Environment Division's Setting Guidance (**[Link to Guidance on Setting and the Historic Environment](#)**). CNCC suggests reference to the NI Peatland Strategy that is being developed in DAERA and stresses importance of 'climate change projections and policy interventions as part of the wider context in which these principles operate.'
- 3.10 UAH refer to missing references (from the introduction section). These include international charters relating to

industrial heritage, and Environmental Impact Assessment regulations from the Northern Ireland section. It notes the requirement under an EIA to assess cumulative loss, and for approval to be granted before any demolition takes place. It further states ‘Worryingly the NI administration has, of habit, tended to ignore international Conventions and Treaties, which the UK Government has signed on behalf of the whole of the UK. In addition, how NI in particular relates to at least some EU regulations post Brexit has yet to be defined, and the Department for Infrastructure has yet to deliver long promised guidance on the EIA regulations. These omissions merely store trouble and liability for the future, and as things stand, it is difficult to imagine any local council planning committee paying the slightest attention to their, now international, obligations given the absence of in house expertise and poor track record previously set by the Assembly and Departments.’

- 3.11 ABCBC Council agrees with the overall approach as set out within the introduction.
- 3.12 IHBC welcomes the guidance, and many of its comments are similar to those of Belfast City Council; it considers the document will need to be ‘underpinned by a robust legislative and policy context which would identify how the guidance fits within the existing hierarchy of government documents and should indicate what status documents have in determining impacts of proposed changes’ It comments that ‘Without a sound regulatory framework, the implementation and delivery of the

conservation principles on the ground will be limited’ Like MUDC, it considers ‘The introductory section would benefit from the insertion of a clear statement of status and purpose, indicating the functions of the document, its role and remit.’ But goes on to expand this and query ‘governance and accountability mechanisms for implementation, delivery and monitoring of the noted conservation principles’, who is legally responsible for implementation and delivery, and who will assess and determine significance, and ‘clarity on who will verify the quality of any assessment of significance nor how to achieve the submission of such an assessment in practice’.

IHBC also comments that ‘The list of existing government strategy documents is incomplete and does not reflect the full range of NI strategies within which the historic Environment plays a vital role. In conjunction with a statutory framework a clear strategy for adequate financial investment into NI’s Historic Environment Heritage Sector is required.’

- 3.13 NIEL broadly welcomes the ‘six key guiding Conservation Principles... but emphasise that the application (i.e. Part 2) is absolutely critical’. NIEL echoes the concern raised by UAH in their consultation response that “guidance and principles cannot replace policy”.’ NIEL feels that the direction in the introduction which ‘encourages’ stakeholders to refer to the Principles is ‘insufficient given the ongoing losses to the historic environment.’

#### Question 4

- 4.1 The fourth question asked: **‘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)?’**
- 4.2 Of the 25 responses, 13 were provided through the online survey route. This enabled respondents to answer via radio button on the scale of 1-5 as above matrix. Eight of these thirteen respondents selected ‘Strongly agree’ for all 6 Principles; these eight respondents were made up of one council (MEABC), three individuals, one local group, one industry board (CITB NI), and two heritage bodies (ICOMOS International wood Committee and Architectural Heritage Fund). A further three online respondents provided a mix of Agree and Strongly Agree responses on the six Principles; these were all individuals, one of the three selected Agree to all six, the other two individual respondents selected Agree on one each of Principle 4: Heritage assets shall be managed to sustain their significance, Principle 5: Decisions about change shall be reasonable, transparent and consistent and Principle 6: Documenting and learning from decisions is essential. RTPI left these buttons unselected. The remaining online respondent (Historic Houses) selected radio buttons for ‘Neither agree nor disagree’ to Principles 2, 3 and 6 (Everyone should be able to participate in sustaining the historic environment, Understanding the significance of heritage assets is vital, and Documenting and learning from decisions is essential). They selected ‘Agree’ for the remaining 3 Principles.

Of the email respondents, only one council provided responses to this matrix; ABCBC responded that it agreed with all six Principles.

Opportunity was also provided for comment on the individual Principles. Three councils (BCC, MUDC, ANDBC), the local government association (NILGA), one heritage body (UAH), an environment group (NIEL) and a government department advisory body (DAERA CNCC) provided comment on each of the six Principles.

#### Principle 1: ‘The historic environment is of value to us all’

- 4.3 Two respondents, BCC and NILGA, felt that while the first Principle recognises the ‘potentially dynamic nature of the various environments and heritage assets’ that this ‘evolving and non-finite characteristic’ was ‘lost in the narrative of subsequent Principles’
- 4.4 In contrast, Mid Ulster District Council suggest the renaming of this Principle to ‘The historic environment is a finite shared resource for all’ which replicates the first Principle of Historic England’s 2008 Conservation Principles, with the addition of the word ‘finite’. The guidance describes the historic environment as a finite resource at other locations within the document.
- 4.5 UAH and NIEL suggest some rewording also with regard to the points under the Principle. UAH suggest the word ‘should’ is inserted to 1.2: People should value the historic environment as part of their cultural heritage, and naming Historic Environment Division within the Principles as a public source of advice. NIEL also

consider this is required at 1.5. They also feel that 1.4 is confusing in its wording for approach to conventions and charters, legislation and policy.

- 4.6 ANDBC makes a positive comment on this Principle, noting research and references its Local Development Plan: 'Considering the wealth of studies that have been carried out with reference to the economic value of heritage, its positive contribution to wellbeing, sustainability of heritage building reuse and impact of heritage on building communities and a sense of place, the Council agrees with this first principle, and this is recognised in the Preferred Options Paper prepared for the forthcoming Local Development Plan (LDP).'
- 4.7 DAERA CNCC strongly agrees with this Principle and points out links to the significance of the historic record contained within our peatlands, including the understanding of very long term climate change.
- 4.8 One respondent (Historic Houses) notes that the value of heritage to people and communities is appropriately noted by this Principle, but that the financial weight is not acknowledged. They feel that 1.5 (which refers to the availability of advice and assistance) is apt but that it is the regulatory framework that should be supportive and comments 'Overly complex and onerous procedures will frustrate, rather than facilitate, good heritage management.'

## **Principle 2: 'Everyone should be able to participate in sustaining the historic environment'**

- 4.9 Both BCC and NILGA (comments duplicated) commented that 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"' within this Principle. In comparison to this, the CITB mentions in particular Principle 2 referring to experts, specialists and skills (at 2.3, 2.4, 2.5) as important, given their work in championing the built heritage sector and potential to 'upskill' into this sector. Another respondent for a Heritage group, supports the mention of specialist skills but objects to the blanket 'no physical work can be carried out to a heritage asset without consent and a qualified expert', following this by a list of non-invasive/repair works which can be undertaken. As for Principle 1, this respondent is concerned at an 'overly heavy handed approach' which 'disincentivises historic building ownership and care.' A rephrasing of this (2.5) is suggested.
- 4.10 MUDC suggest the rewording of this Principle to include the term 'management' ie. 'Everyone should be able to participate in the sustainable management of the historic environment' suggesting it considers the Principle to be too broad in its scope. However this would suggest that the ownership of shared resource is restricted to those who 'manage', which is not the intended meaning.

- 4.11 Similarly, UAH disagrees with the concept presented, and suggests that ‘The concept of ‘everyone’ in NI being facilitated to (or wanting to) participate given the inadequacy of the current backup runs risk of further diverting scarce funding and attention away from core problems. Experience shows that community participation in historic environment discussion especially through the medium of developer or council consultation often leads to the loss of, or substantial degradation of local historic assets. Principle 2 requires rewriting to define its purpose.’
- 4.12 ANDBC considers the Principle content to be the logical outworking of a raised awareness and sharing of expert knowledge to educate. However it raises a point to suggest the broadening of scope where 2.5 says ‘physical work shall not be carried out on a heritage asset without the appropriate consents or advice’, to include reference to works in close proximity with potential to affect the setting, and ‘thus may require consent also’.
- 4.13 DAERA CNCC comment that ‘We would also like to emphasise that local intelligence can provide valuable insight into cultural landscape management’
- 4.14 IHBC said ‘Principle 2 refers to passing on of special knowledge and skills but does not give any indication of how that is to be achieved. It also refers to the need for interventions to be by appropriately qualified persons and again there is no explanation concerning how this assessment will be made.’

### **Principle 3: ‘Understanding the significance of heritage assets is vital’**

- 4.15 Both BCC and NILGA (comments duplicated) commented that the follow up document (Part 2) will need to carefully articulate this Principle as it is ‘all encompassing’. They also note that the list omits ‘landscape interest’ as a component. Similarly DAERA CNCC put forward the suggestion to include ‘landscape interest’ in this section, as a component value.
- 4.16 Mid Ulster District Council again suggested a rewording from the above to ‘Understanding the heritage values and Significance of place is vital’ which changes the emphasis from the asset to place and includes mention of the cumulative values which contribute to the collective significance, and therefore does not need to be an additional phrase within the title.
- 4.17 Both UAH and NIEL suggest that Principle 3 should reference ‘Industrial Heritage’ and emphasise the significance of cumulative loss. UAH says ‘Principle 3 is valid but ignores HED/DfC’s diminishing role and fails to include consideration that cumulative loss of historic asset is leaving some NI settlements and areas of landscape devoid of historic interest.’
- 4.18 ANDBC notes that Principle 3 introduces the concept of significance for the first time in the document, and notes the use of this is established in determining weight to ‘certain factors’ to assess planning proposals. It has noted that the Principle calls for this understanding as ‘critical to inform decisions about its (the asset’s)



future' but the council goes on to cite an example of renovating a listed property and the 'deliverability/realism of this principle...in some cases there is unlikely to be a level of interest in exploring the wider 'significance' of the building when submitting a planning application/consent and this would not necessarily result in an unacceptable submission. The principle could be expressed more clearly in how it will be delivered.'

- 4.19 MEABC supports the Principle and introduces the term 'informed conservation' aligning with the idea that by understanding and articulating the 'significance of a place you will make better decisions about its future.'
- 4.20 One respondent suggests intangible heritage significance should be referenced within Principle 3. 'The three aspects of significance mentioned (archaeological, architectural and historic) infer a strong emphasis on tangible heritage, so reference to both tangible and intangible may improve the understanding and interpretation of this Principle.' They mention that, while this is covered in Section 7, the Principles are 'what most people will refer to'.

**Principle 4: 'Heritage assets shall be managed to sustain their significance'**

- 4.21 Both BCC and NILGA (comments duplicated) consider there is inconsistency in the first two points of this Principle, and that the points should better reflect the headline by referencing 'management' more explicitly rather than causes for change. They also comment that 4.3 'Ensure consistency in decision-making which retains the significance of the heritage asset' belongs in Principle 5.
- 4.22 Both UAH and NIEL consider the inclusion of 'deliberate/accidental damage' as a reason to manage change should be included in 4.1 where reasons for change are listed. NIEL lends its support to the AHF position that this Principle should include reference to established conservation guidance that directs "minimum intervention and maximum retention" as the default position when considering work on a heritage asset. UAH, however, comments that 'Principle 4 is valid but given the current prospect of 11 different local council heritage policies administered by inadequately skilled and motivated planning committees this principle in the NI context is completely unrealistic.'
- 4.23 MUDC consider the wording should be revised to: 'The heritage values of a heritage asset including significant places must be retained and managed in a sustainable way' The Department has considered this proposal, but on balance does not consider this adds to the understanding of the principle's intention.
- 4.24 One respondent (DAERA CNCC) recognises the reference to climate change as a challenge within this Principle but considers it needs further exploration, and points out that 'appropriate interpretation can contribute to understanding significance and the rationale for protection'. Another respondent (MEABC) suggests bringing forward 'specific guidance for the adaptation to and mitigating against climate change impacts on heritage asset.'



4.25 ANDBC supports the Principle but queries the language in the final paragraph which ‘refers to ‘the use of experienced craftspeople’. The Council queries this as a necessity, as it ultimately depends upon the nature and extent of the work being carried out. Use of this language could result in reinforcing the false assumption that listed buildings are always too costly to maintain for the average person and could potentially discourage owners from getting repairs done and carrying out the vital maintenance of a property.’

4.26 One respondent (Historic Houses) raises the concern that 4.4 and 4.5 present a bias against sensitive change, and as a balance point presents the necessity for new commercial uses to provide income for upkeep and social and economic benefit to local communities ‘through the creation of jobs, boosts to local supply chains, and providing new access to previously disused sites.’

**Principle 5: ‘Decisions about change shall be reasonable, transparent and consistent’**

4.27 Both BCC and NILGA consider Principle 5 detail ‘should address the issues of proportionality and applicability alongside the issue of the relationships between the different assets including their role as context.’

4.28 MUDC suggest rewording the Principle to read ‘Decisions about change must be reasonable, transparent and consistent (with Historic Environment NI Act)’. This is not an extant Act.

4.29 DAERA CNCC agree with the Principle and suggest that ‘there is some exploration of scenarios involving potential conflict between natural and built/archaeological value so there is an opportunity to explore the issues and potential mitigation measures with relevant experts without the time pressure of a specific case that must be resolved. The SACs could assist with scoping these out.’

4.30 ANDBC expresses concern over the alignment of ‘significance’ with the language of planning policy regarding listed buildings which is primarily concerned with ‘special interest’ and ‘essential character’ (The Planning Act (NI) 2011)’. It notes ‘Significance is considered to be a much broader term which can be difficult to quantify. While this broader term no doubt represents a move towards a policy direction to be aspired to, this term is not in place yet to align directly with this principle in legislation or policy.’ We would note here that ‘significance’ as a term and concept is widely used in policy makers’ guidance **(Development Management Note 12 – DfI)**

4.31 UAH raises concerns that the Principle may be misappropriated/misinterpreted by parties involved in development to ill effect: ‘The Department for Infrastructure’s failure to monitor and regulate the 11 council planning system and its adherence to planning policy in its formative 6 years, has allowed bad ‘custom and practice’ to embed within the system to the detriment of

the national heritage asset. Worse still, elements of the Principle 5 text will be seized upon and selectively interpreted by some developers as an aid to remove elements of heritage seen as a hindrance or as limiting profits.’ It notes use of the imperative ‘shall’ but questions its ability to influence outcomes.

4.32 NIEL welcomes the substance of this principle, but would like this to have a more specific influence, ‘so any decisions made regarding these assets should be documented and posted online or made available upon request.’ It also notes ‘the importance of timely, and well planned community engagement’ and directs to DfI findings on their ‘Planning Engagement Partnership, which is reviewing community engagement and making a range of recommendations. HED should have some consideration of that report when complete.’

4.33 One council (MEABC) said that alienation can be the result with some of the most important supporters of heritage (difficulty accessing information) and suggested that contact details should be included at 5.1

4.34 Principle 5 has been interpreted by one respondent as an opportunity for new build in lieu of any change to an historic asset ‘This overlooks the fact that delivering benefits through adaptation of a historic building has the added benefit of investment to the building itself, whilst delivering the same project through new build is a far less sustainable solution which does not benefit the long term survival of the heritage asset.’ It is not clear if this has been read with a particular set of circumstances in mind; but it is not the meaning which is intended.

#### **Principle 6: ‘Documenting and learning from decisions is essential’**

4.35 Both BCC and NILGA consider there could be ‘significant practical implications’ arising from this Principle because of suggestions to record and archive information, the associated cost and who will bear it. Their concerns also focus on an asset’s status, whether designated or non-designated and if the Principles will expand to cover both classifications.

4.36 MUDC suggest rephrasing, which like Principle 5 is region specific, ‘Maintaining, managing and monitoring the Historic Environment NI Archive, as an Educational and Learning resource is essential to decision making.’ While the particularity of this is noted, mention of Northern Ireland’s archive (HERoNI) within the principle is contrary to the idea of the overarching course. This also limits any activity to one body (HED) rather than promoting the principle as best practice for everyone involved.

4.37 DAERA CNCC grasps the final paragraph of Principle 6 which details ‘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’ and suggest a more detailed exploration, as ‘there may be useful parallels with environmental governance and public interest’. It considers the public should have access to these decisions and learning.

- 4.38 The Principle concerning documenting of decisions is considered by ANDBC to be already well embedded within the planning system in relation to the historic environment through the use of case officer reports and planning conditions recommended by HED. However the council envisages that where 'building loss is the direct result of human intervention ...this element of the principle could be problematic. In some cases, it could be very difficult to determine who the exact benefactors would be and to hold them accountable financially. It could be likely for the most part that there will be direct planning enforcement and other legal implications ongoing which could invariably determine who has benefitted from the change and who is responsible to bear the costs. It is considered the principle would benefit redrafting in a way which deals with this comprehensively.' It is understood from this response that ANDBC read 'human intervention' at 6.5 as malicious or unauthorised activity.
- 4.39 UAH responds that 'This is a valid principle, but ironically little has been learned in the 6 years since RPA where heritage loss has accelerated and the second survey of historic buildings has continued to be starved of funding, with a backlog of 1600 buildings awaiting final assessment for listing and HED/DfC apparently increasingly unable to assert its remit as the responsible authority for the historic environment.'
- 4.40 NIEL consider this to be a very important Principle 'Where mistakes have been made in the past, these should be learnt from and avoided in the future. Correcting the damage inflicted by inappropriate development is difficult, expensive and often impossible to reverse', recognising how this Principle can be applied constructively to sustain and educate.
- 4.41 One respondent has concerns regarding information that would be made available through e.g. local authorities, and urges careful handling to avoid heritage crime. As this respondent has also raised on other Principles, there is a concern at the proportionality of applying them, in this case with respect to investigation, analysing and archiving (loss) and that 'minimum eligibility criteria [should be] in place, to avoid owners being burdened with these requirements every time a rotten roof is replaced, or modern addition removed. It is also not clear how the costs for this process will be covered, and creates a great burden on owners who oversee the management of historic agricultural buildings, many of which are now disused.'

## Additional Comments on the six Conservation Principles

- 4.42 One council (MUDC) set out a series of bullets to consider. One was in relation to layout which its comments suggest is unclear or illogical and does not clearly explain the purpose of the Principles. Furthermore it suggests adopting wording, definitions and phrasing of other ICOMOS state charters, UNESCO convention, legal definitions from legislation and other devolved nation guidance.
- 4.43 RTP1 consider that ‘managing the historic environment in a changing climate should be recognised within the Principles. There needs to be a clear statement that the historic environment will need to adapt to a changing climate in its maintenance and management. This is likely to require a new approach to management of historic buildings and places in the future.’
- 4.44 IHBC states that ‘These are all internationally accepted conservation principles for best practice. The draft guidance does not reflect the established ICOMOS Conservation Principles. The ICOMOS conservation principles approach to sustainable management accords with the NI Executive’s Programme for Government (PfG) ‘Outcome-based approach’ which puts a focus on achieving real world impacts on the Environment which the public have informed the government are important to them. The draft document also needs to clearly articulate the status of BS 7913:2013 Guide to the Conservation of Historic Environment, within NI. This is the UK recognised standard for all conservation works. Other professional standards

should be referenced in terms of their status within NI.’ The reference to status within NI of BS 7913:2013 and other professional standards echoes that of MUDC in their comments on the introduction. The British Standard is valuable best practice guidance rather than something with obligatory weight. The comment on ‘outcome-based approach’ needs to be considered in the content of the Principles as an umbrella framework. It is envisaged that Part 2 will better illustrate how this will determine good outcomes. The suggestion of a flowchart on process is made by IHBC.

- 4.45 FODC outlines both tangible and intangible heritage and note that the six Principles align with their Local Development Plan objectives ‘Our historic environment is particularly vulnerable to change, and in the context of our planning powers, the Council’s role is to ensure these assets and the integrity of their setting, are protected, conserved and where possible, enhanced through the promotion of sustainable development and environmental stewardship.’

## Question 5

- 5.0 The fifth question asked: **‘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)’**
- 5.1 Twelve of the twenty-five respondents answered in the affirmative to this question; thirteen left it unanswered, eleven of these being email responses. Thirteen respondents provided further comment.

- 5.2 Two of the respondents expressed concern at the potential misinterpretation of aspects of significance; one citing this might be selective, and another, whilst supportive, suggesting ‘there should be guidance to accompany and support this, particularly for guiding stakeholders outside planning’ with particular mention of the further heritage interests mentioned, ‘authenticity, communal, economic, scientific, social, scientific and symbolic’ interests. The first of these two respondents saw a problem with harmful interpretation in light of ‘inadequately funded heritage monitoring, protection and enforcement and the fractured heritage responsibilities stemming from RPA’ which it felt had accelerated neglect and harm to assets. This respondent also felt the section should ‘address the significance of cumulative heritage loss’.
- 5.3 Section 7.4 describes that the ‘cessation of [an original] activity can potentially alter...interest’. This has been misinterpreted in a negative sense by one respondent rather than being a statement of fact as it is intended.
- 5.4 Having mentioned Local Landscape Policy Area’s (LLPA’s) under Archaeological Interest comment, BCC and NILGA raise in duplication with respect to landscapes that ‘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.’ The document does not seek to set out criteria for taking forward plan designations, such as LLPA’s, but rather seeks to outline the key high level interests – Archaeological, Architectural and Historical – which can provide the framework for understanding the significance of a heritage asset, whether it be building, monument, site, place, area or landscape. Point 7.26 also outlines that, in some cases, it may also be appropriate to consider other interests and provides some guiding examples, which are not exhaustive.<sup>1</sup>
- 5.5 Two respondents focus on the definition and application of ‘significance’ in the Department’s work. MUDC requests that it is clearly articulated what ‘the assessment criteria used by DfC, HED to determine the ‘significance’ of the authentic built fabric be that above or below ground [is]. To that end, the term ‘significance’ must be a legal definition, with the source of said definition clearly referenced’. FODC queries how the approach will be applied to ensure it is appropriate and how the Assessment of Significance will relate to the planning process under strategic policy and retained policy. This is another comment relating to the document’s status.
- 5.6 DAERA CNCC ‘stress the value that environmental history as a discipline can bring to our understanding of both archaeological and natural heritage within a landscape and suggest this could be promoted’. They cite place names with an historic land use cue as a good example of the crossover between intangible cultural heritage and landscape.

<sup>1</sup> The Strategic Planning Policy Statement for Northern Ireland para 6.29 refers, Local Landscape Policy Areas are plan designations and may be defined to include aspects of the historic environment and/or aspects of the natural environment.

5.7 IHBC makes a suggestion to separate the terms integrity and authenticity as these are not mutually exclusive; 7.26 Authenticity interest – valued because it is unique and has an integrity which must be safeguarded. This is noted. It also suggests substitution of ‘rare’ for ‘unique’ in this description which will be explored. A valid point is made at 7.26 on the preface of ‘local’ to communities, in that a community may not always be geographically local to embody the term.

### Question 6

6.0 The sixth question asked: **‘Do you agree or disagree with the approach to Assessment of Significance? (Please provide any comments to explain your answer)’**

6.1 There were thirteen comments provided under this question. Only two of the respondents stated that they disagreed with the approach. These were because i) they felt that the ‘Assessment is likely to place more restrictions on more heritage which is currently leading to loss of heritage in Northern Ireland. There must be benefits if further restrictions are added or we will rapidly lose more heritage under this proposal and not protect it. This is incredibly important to rectify’ and ii) the absence of mention of ‘intangible’ heritage. The first of these points would indicate concern that the assessment or understanding is restrictive rather than a tool which allows balanced decisions to be made. The second is noted; however intangibility is described as an interest which contributes to an asset’s significance.

6.2 One respondent queries the accessibility of the language here and elsewhere; for example in this section “‘identify heritage interests which are vulnerable to change” - does that mean special characteristics/features that could be under threat? If principles are to be applied, there needs to be a broad understanding of what they mean.’

6.3 Three respondents pick up on a similar point, namely that the provision of an Assessment of Significance (or Heritage Impact Assessment or Statement) is not a legal requirement when considering change. One additionally points out that there is no ‘legal requirement to engage appropriately accredited conservation professionals nor conservation craftspeople to implement any works’. These points in part return to the issue of the status of the guidance. The language of ‘significance’ within planning legislation is not established but is a tenet of conservation, and included in Departmental guidance, which also outlines the requirement to provide a Design & Access Statement with applications for Listed Building Consent.<sup>2</sup>

6.4 MEABC agrees with the interest based approach, but wishes to note that ‘that the identification of non-designated heritage assets at Local Authority level will have both financial and staff resource implications’. (Document point 8.9) It also suggests reference to **HED Historic Buildings of Local Importance A guide to their identification and protection.**

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<sup>2</sup> Development Management Practice Note 12 Design and Access Statements (infrastructure-ni.gov.uk)



6.5 On another point of language one respondent felt that 'should' would be better than 'must' given the status of document (8.1).

### Question 7

7.0 The seventh question asked: **'Do you agree with the approach to Managing Change to a heritage asset and its setting?' (Please provide any comments to explain your answer)**

7.1 There were ten comments provided under this question. None of the respondents said they disagreed with the approach.

7.2 One respondent agrees particularly with 9.3 & 9.4 which set out that change is inevitable and supporting retention of economic viability. This respondent reiterated their concerns expressed at other questions; namely, their interpretation that the principles would encourage new build over reuse, require onerous investigations and recording, and that even very minor changes would require them to consult with HED.

7.3 Another respondent, along similar lines, considered that 'This is critical that heritage sites are allowed to evolve as they have done for generations. Making them economically viable brings in funds to protect the heritage.' Also in this vein, one respondent commented 'Well done for using the definition "conservation is the management of change". Not enough people get that.'

7.4 There are some misunderstandings expressed such as 'If buildings have been added to in same style for 250 years why now do we insist on different materials to stand out? Policy must change on this.' While there are occasions when this may be appropriate, there is not one systematic acceptable approach to change.<sup>3</sup>

7.5 One respondent felt that this section is not 'controversial' but that Part 2 is critical to the overall piece.

7.6 AHF suggests linking to guidance which expands on the challenges of energy efficiency, and that there should be an acknowledgement that historic buildings in particular are inherently sustainable.

7.7 One individual supports the aim that decisions on change are transparent, but questions who makes these decisions. Another suggests the processes for statutory decisions needs specific mention within the text.

7.8 A reference to community plans is made by one respondent: 'Yes [agree with approach], but all this does need to be undertaken with an overall and projected plan for the local community in which any change may be introduced.' Planning reform has allowed for councils to control much of the activity in their jurisdiction and the principles are a structure for this work.

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<sup>3</sup> Microsoft Word - Article 22 New Work 8-10-13 (icomos.org) , 'Reconstruction should be identifiable on close inspection or through additional interpretation'



7.9 MUDC says ‘The Council supports the adoption of practical methods of conservation’ but goes further to support the adoption of a ‘Legal requirement for conservation accredited professionals both architects and archaeologists to be engaged to assess significance and to consider any proposed changes or alterations.’

### Question 8

8.0 The eighth question asked: **‘Is there any other comment you would like to make on the document content?’**

8.1 Sixteen of the twenty-five respondents provided further comment. Final comments varied widely, from missing references (to particular international ICOMOS charters), to highlighting the need for heritage funding. The synopsis below is arranged into comments relating to the draft guidance, 8.2 - 8.6; and comments outside of guidance content, 8.7 – 8.9.

8.2 NILGA & BCC comment that the numbering should have a more consistent approach and that references to legislation should be set out in an appendix ‘detailing the aspect or obligations to which they are considered to align’. They raise a potential uncertainty with the ‘inclusion of Designated Assets for which councils have responsibility.’ This would appear to be recurring, in that the Principles themselves are not anchored in responsibilities (other than to the historic environment itself) and the purpose is not to disseminate responsibility.

8.3 Several comments relate to the tone, layout, length and accessibility as a document. NIEL concurs with AHF which feels the document requires enlivening by illustrations and refers to Cadw’s document. It also has concerns regarding length and layout but these may possibly be addressed by image insertion to illustrate good exercise of the principles in reality.

8.4 Historic Houses has concerns with the tone being too abstract and theoretical as it feels that it does not give a sense that ‘assets are vital, lived in places whose stories continue to develop.’

8.5 On a similar note, RTPi considers the document includes concepts and definitions not easily understandable by those not working in the historic environment. They consider there needs to be a statement setting out who the principles are aimed at, and accompanying guidance to assist communities and stakeholders. It is intended the accompanying Part 2 can fulfil this brief, see also note at Way Forward (11) on technical nature.

8.6 The National Churches Trust, who referenced the retention of Ecclesiastical Exemption, welcomes the principles to support efficient decision making as part of a denominational permissions system.

- 8.7 The responses were broadly positive except for one heritage body which felt that 'It is difficult to see how this document will contribute in any significant way to the sustainable management of the historic environment of Northern Ireland. This is not a reflection on its authors but rather as a consequence of reorganisation that has dismantled and dispersed what was previously [prior to RPA], and certainly in comparison, a sound and sustainable system of NI historic environment management.'
- 8.8 One respondent said 'It is refreshing to see a document that is presented with such great thought and sensitivity to the care of our shared heritage', but went on to question accountability for decisions i.e. 'quis custodiet ipsos custodes?' [Who guards the guards?]. The comment therein described the role of the HBC and HMC as Statutory Advisory Councils to DfC.
- 8.9 One council (CCGBC) was supportive but wished to highlight the necessity of adequate funding being made easily available to avoid assets becoming a 'financial burden on the affected property owners'. It was also concerned that the proposals be 'fully inclusive' for every community and cited those living within a World Heritage Site (Giant's Causeway). It is important to highlight that the Principles encompass and set out established means to manage the historic environment rather than make any changes to how it is dealt with.

## Question 9

- 9.0 The ninth question asked the respondent to: **'Please highlight any possible unintended consequences of the proposals and any practical difficulties you foresee in implementing them'**
- 9.1 There were twelve respondents who provided comment at this section, much of which is reflective of earlier question responses.
- 9.2 The unintended consequences foreseen by respondents were as follows:
- a. Some places/buildings may be overlooked or regarded as insignificant and thus would not benefit from having principles applied to decisions concerning them
  - b. The principles will bring more restrictions than benefits to historic assets
  - c. Application would add more cost and time to process, causing an imbalance which means work becomes economically unviable
  - d. Will lead to loss of more heritage than it is designed to help
  - e. Lack of education and training in the heritage field (which mention of within the document would help to support)
  - f. Without a body to scrutinise, there is doubt over their successful implementation

- g. Dearth of conservation accredited professionals and skilled craftspeople are a constraint for those embarking on conservation-led projects (under these principles)
- h. Makes adaptation increasingly complex and uneconomically viable
- i. Principle 6 may have an unintended consequence arising from inaction or ability to satisfy requirement where there are viability challenges and no sustainable benefit.
- j. Requirements to 'extract, record, archive' may result in abandonment and delays which have an adverse impact on assets.
- k. Without sound regulatory framework the implementation and delivery of benefits is limited.
- l. (Positive consequence) Use of the Principles as a basis to promote 'community champions' for heritage.

- 9.3 Issues raised which were connected to the success of practical implementation were raised as follows:
- a. Funding of practical building conservation
  - b. Practical support for stakeholders with regard to financial implications
  - c. Practical training and support for stakeholders in preparation and proportionality of Statements of Significance
  - d. Support for a conservation skill base
  - e. Pro-active evaluation and assessment of assets at listing stage
  - f. Lack of knowledge in Northern Ireland around heritage – requirement to increase awareness at senior government level about the management of our heritage

## Section 3: Conclusion and Way Forward

### Conclusion

1. Twenty-five groups and individuals responded to this public consultation. Many of the comments received were detailed and reflected a range of views and opinions. Key stakeholders in heritage were represented as well as the views of some individuals. The Department has carefully considered all of the comments made.
2. In summary, it is clear that while there is widespread support for a set of guiding principles, there are some areas of confusion perhaps arising from a lack of clarity, as well as specific concerns on what the principles may mean for the individual owner or stakeholder.
3. The first subsection of comments can be grouped as pertaining to the purpose, status and place of the guidance amongst and alongside existing guidance and policy. The principles are best practice guidelines for conducting work which affects heritage assets and are not policy (which is the remit of the Department for Infrastructure<sup>4</sup>). These are the comments falling within this grouping:
  - Hierarchy/status of document – weight, material considerations
  - Purpose
  - Roles and responsibilities
  - Governance and accountability for implementation
  - Reference to further strategy, policy, guidance
4. A second group of comments related to how these are used in practice:
  - How to use the guidance?
  - How to implement the principles?
  - Part 2 is vital to understanding how to use the guidance
  - Proportionality in application
  - Difficulties around Statement of Significance provision in practice within NI system
  - Misunderstanding with regard to designated and non-designated assets application
  - Public availability of decisions
5. A third group of comments related to results of applying the principles and potential (negative) outcomes:
  - An increase in restrictions, cost and bureaucracy
  - Failures to adhere to or apply principles because of cost and ‘hassle’
  - Envisaged additional restraints the principles would cause
  - Pushing stakeholders to take other routes such as new-build (vs. conservation) because of perceived additional restraints
  - Failure to address malicious or unplanned damage/loss

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<sup>4</sup> DfI consulted in the course of issuing this public consultation

6. The language and terminology of the document was queried for a range of reasons:
- Query the use of the term ‘significance’ as this is not a term holistically used in planning policy in relation to heritage
  - There should be a ‘values’ section (as Historic England 2008 document)<sup>5</sup>
  - Add ‘should’ to some of the statements such as People should value the historic environment
  - Query over use of ‘must’ as appropriate language rather than ‘should’ (more appropriate)
  - Query some of the phrasing and general accessibility (in tone) and limited appeal of the document because of this, to the range of audience for whom it is intended
7. There was a strong element of the returns which looked at the wider strategy for the historic environment ongoing, some expressing dismay at its current state and inadequacies. Comment with regard to the document was that there was no confidence that the principles could have any material effect if the framework above it was not suitably robust and effective.
8. The remaining notable comments fall broadly under the following headings and, while they all merit mention, their more detailed inclusion falls outside of the scope of the principles:
- Adequate resources are needed within district councils to advance heritage recognition and improve management
  - Not enough mention of training and education in heritage/increase skills and qualification
  - Intangible heritage not adequately addressed
  - Further reference to landscape interests
  - Increased reference to climate change and embodied energy
  - Provide clear direction to people within DfC who can advise (contacts)
9. Despite the above summarised concerns, there was general agreement in the responses to the publication of such guidance which highlights consideration and management of heritage.

### Way Forward

10. The Department considers it is clear from responses received that Part 2 of the document or ‘Applying the Principles’ is essential to give context ‘in action’ to the principles. While application of the principles may be clearly understood by those working in the sector on a regular basis, the second part should illuminate and ground the principles for those less familiar. As it has been perceived as an essential part, the Department now intends to publish ‘Part 2’ simultaneously with the principles document. This part will not be subject to public consultation as the content will consist of detail and clarification to support and accompany the six conservation principles. Detailed technical advice remains outside the scope of the Conservation Principles guidance; this is provided through our website and updated as new guidance becomes available.

<sup>5</sup> Values’ term used within Burra Charter 2013 (ICOMOS Charter) and BS 7913:2013

11. The Department will review the document to ensure language and phrasing used is easily understood, but considers that Part 2 will provide guidance for practical application to give context to the principles, including reference to well established conservation tenets such as ‘maximum retention of historic fabric, minimum intervention’ and so on. The field of work is technical in nature; however the guidance has been written to be as accessible to a non-technical audience as is possible.
12. The Department will revisit the use of language to ensure it aligns with language appropriate to guidance where possible – removing ‘must’ for example and replacing with ‘should’ to denote recommendation rather than an obligation.
13. The use of the term ‘significance’ will remain, as this is evident in relation to heritage in the SPPS NI. It is also a term used across the UK and Ireland, and understanding its meaning is fundamental to understanding how to approach management of conservation proportionally and appropriately. Use of the term can be justified due to the status of the principles as best practice guidance.

The terms ‘value’ and ‘interest’ are both used within the SPPS (NI) although not consistently. Values and interests are facets of significance and overlap; collectively they contribute to significance. The guidance has listed a range of interests which is not exhaustive. Intangible interest is often intrinsic to assets but this is a broader subject than can be explored within the current publication.

14. The introductory section will be reviewed to:
- Ensure the purpose is clearly described
  - Include brief overview of application and outcome objective (Part 2 will address detail).
  - Describe key terms used in the document (this is in addition to the Glossary at rear)
  - Clarify through description where the guidance sits within hierarchy of legislation, policy, charters/ conventions, LDPs and other guidance\*
  - Clarify application is appropriate to heritage assets whether designated or not.<sup>6</sup>

\* A number of additional texts were suggested for inclusion. HED acknowledges, for example, that there are additional charters and conventions, and intend to include references of broad source to address given the list of such texts is extensive.

15. With regard to the reservations expressed for the principles in over-complicating the process, including for example a perception of additional cost burden, it is intended that by ensuring the purpose is clear at introduction and headed as such, ensuring the language used is clear, and providing a Part 2 on application, that both councils, broader stakeholders and individuals will be reassured. With regard to recording in relation to enforcement for example, statutory processes already allow for proportional measures to be decided between the parties; this may be as straightforward as a photographic record in some instances. With respect to

<sup>6</sup> Councils have responsibility for non-designated assets; there is no statutory process with DfC in their management

recording generally, the principles detail and promote the framework under which the Department carries out their work; this includes the robust documenting and archiving of change.

16. In the same vein, the statutory planning process provides transparency on how decisions have been made with respect to listed buildings. Information on Scheduled Monument Consent decisions is available through Freedom of Information request to the Department. Councils remain the determining body for all Listed Building Consent applications.
17. The guidance is intended to be used to manage planned and positive change, rather than reactively managing accidental or deliberate damage. Addressing heritage loss and reporting on the state of Northern Ireland heritage falls outside of the scope of the principles. However, the principles can provide a framework for proposing a course of action following such damage for use by councils or other stakeholders.
18. The issue of proportionality in applying the principles was raised both in regard to repairs to buildings and in making applications for changes perceived as less significant. Reference to proportionate application is

described at 5.2, 5.4 and 5.6 which reference resources, 'due regard to the significance' and decision 'proportionate to the significance of the heritage asset'. The purpose of the process is to ensure balanced decisions on change are made.

19. There are some misunderstandings of the purpose expressed in responses; while the principles are designed to be as accessible and comprehensive as possible, for example, it falls outside of their scope to expand on detailed approaches to conservation, or to fully describe the statutory processes under which they operate where this applies. Furthermore, their publication and implementation will not lead to an additional layer of approvals and there will not be a new role created to oversee their successful application.

As best practice guidance, it is expected that they will increase understanding of how work in the historic environment is carried out by the Department and assist others in best practice. The inclusion of appendices is for further reading and understanding around the subject.



## Appendix A – List of respondents who provided comments

No	Response From	Response date
1	Private Individual	2021-08-13
2	Mid and East Antrim Borough Council	2021-09-13
3	Private Individual	2021-09-17
4	Belfast City Council	2021-09-24
5	Environmental Group Portaferry – ‘Stop the Chop’	2021-09-27
6	Private Individual	2021-09-27
7	Private Individual	2021-09-28
8	Construction Industry Training Board NI (CITB NI)	2021-09-29
9	The Royal Town Planning Institute (RTPI) in Northern Ireland	2021-10-05
10	Private Individual	2021-10-06
11	ICOMOS International Wood Committee	2021-10-06
12	Causeway Coasts and Glens Borough Council	2021-10-06
13	Mid Ulster District Council	2021-10-06
14	Fermanagh and Omagh District Council	2021-10-06
15	Private Individual	2021-10-07
16	DAERA CNCC (Council for Nature Conservation & the Countryside)	2021-10-07
17	Architectural Heritage Fund	2021-10-08
18	Organisation – Historic Houses	2021-10-08
19	National Churches Trust	2021-10-08
20	Ards and North Down Borough Council	2021-10-08
21	Ulster Architectural Heritage (UAH)	2021-10-08
22	Armagh City, Banbridge and Craigavon Borough Council	2021-10-08
23	Institute of Historic Building Conservation (IHBC)	2021-10-08
24	Northern Ireland Local Government Association (NILGA)	2021-10-08
25	NI Environment Link (NIEL)	2021-10-08
	<b>Response after close of consultation</b>	
26	JNAPC (Joint Nautical Archaeology Policy Committee)	2021-11-11



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

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