

Killymallaght Energy Storage Facility Heritage Statement.

Land North of Trench Road County Derry.

On behalf of RES.

Date: 11/06/2024 | Pegasus Ref: P23-2714

Author: Jamie Henderson





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1	11/06/2024	Jamie Henderson Principal Heritage Consultant	L. Garcia Senior Director - Heritage	



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1. Introduction

- 1.1. Pegasus Group have been commissioned RES to prepare a Heritage Statement to consider the Battery Energy Storage Scheme (BESS) at Land North of Trench Road County Derry, as shown on the Site Location Plan provided at Plate 1.



Plate 1: Site Location Plan

- 1.2. The Site is located over two agricultural fields c2km south of Newbuildings, County Derry. Both fields are bounded

by mature hedgerows and slope from the north east to the south west.

- 1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in Section 6 of the Government's *Strategic Planning Policy Statement* (the SPPS) which stated:

"Planning authorities should seek all necessary information from applicants in making well informed planning judgements,"¹

- 1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraph 6.9 of the SPPS, any harm to the historic environment resulting from the proposed development is also described, and states that:

Development proposals which would adversely affect archaeological remains of local importance or their settings should only be permitted where the planning authority considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.²

¹ Department for the Environment (2015) *Strategic Planning Policy Statement*, Paragraph 6.10

² Department for the Environment (2015) *Strategic Planning Policy Statement*, Paragraph 6.9

2. Proposed Development

- 2.1. The application seeks full planning permission for the installation of a BESS with a maximum of 50mw import/export capacity, with associated landscaping and ancillary features.
- 2.2. The full schedule of works is as follows:
- Battery units;
 - Associated cabling and substation;
 - Associated landscaping; and
 - Associated infrastructure including a storage shed and access track.
- 2.3. The proposals are detailed on the following plans which form the application package and which this assessment considers:
- 05195-RES-LAY-DR-PT-001
- 2.4. **Section 7** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in **Section 6**.

3. Methodology

3.1. The aims of this Report are to assess the significance of the heritage resource within the Site/study area, to assess any contribution that the Site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

This assessment considers potential impacts on designated historic assets within the surrounds of the Site, via a change in setting.

Sources

3.2. The following key sources have been consulted as part of this assessment:

- The Historic Environment Record of Northern Ireland (HERoNI) for information on the recorded heritage resource within the vicinity of the Site;
- Historic maps available online;
- The Derry Archives online catalogue; and
- Other online resources, including Ordnance Survey Open Source data; geological data available from the Geological Survey of Northern Ireland, Google Earth satellite imagery; and LiDAR data from the Environment Agency.

3.3. Historic cartographic sources and aerial photographs were reviewed for the Site, and beyond this where professional judgement deemed necessary.

3.4. Heritage assets in the wider area were assessed as deemed appropriate (see Section 7).

Screened Zone of Theoretical Visibility

3.5. The Landscape Consultants for the project produced a Screened Zone of Theoretical Visibility (SZTV) figure which has been used to assist in the assessment of the scheme. This figure provides an indication of the likely areas within a given study area where the proposed scheme may be visible from. This figure takes into account existing topography and areas of well-established vegetation only and therefore does not take into account all vegetation or built form and thus presents a worst-case scenario.

3.6. The SZTV has been used to identify which heritage assets would not have visibility of the proposed scheme and could therefore be removed from assessment. It is acknowledged that setting is not a purely visual concept so those assets which do not have visibility of the scheme have been checked to ensure there are no historic, functional or other associations between the asset and the Site which could be sensitive to change.

Photographs

3.7. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions

of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the Site or development proposals nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note O6/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

3.8. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 3**. However, for clarity, this methodology has been informed by the following:

- ClfA's *Standard and Guidance for Historic Environment Desk-Based Assessment*;³
- Historic Environment Division (HED), *Conservation Principles: Guidance for the sustainable management of the historic environment in Northern Ireland* (January 2023).⁴

- HED, *Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures* (May 2019).⁵
- HED, *Development and Archaeology: Guidance on Archaeological Works in the Planning Process* (April 2019).⁶
- HED, *Guidance on making changes to Listed Buildings: Making a better application for listed building consent* (May 2016).⁷
- HED, *Guidance on Setting and the Historic Environment* (February 2018).⁸
- HED, *Historic Buildings of Local Importance: A guide to their identification and protection* (May 2017).⁹

³ Chartered Institute for Archaeologists (ClfA), *Standard and Guidance for Historic Environment Desk-Based Assessment* (revised edition, October 2020).

⁴ Historic Environment Division, *Conservation Principles: Guidance for the sustainable management of the historic environment in Northern Ireland* (January 2023)

⁵ Historic Environment Division, *Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures* (May 2019)

⁶ Historic Environment Division, *Development and Archaeology: Guidance on Archaeological Works in the Planning Process* (April 2019)

⁷ Historic Environment Division, *Guidance on making changes to Listed Buildings: Making a better application for listed building consent* (May 2016)

⁸ Historic Environment Division, *Guidance on Setting and the Historic Environment* (February 2018)

⁹ Historic Environment Division, *Historic Buildings of Local Importance: A guide to their identification and protection* (May 2017)

4. Site Description and Planning History

Site Description

- 4.1. The Site covers approximately 7.4ha and is located between 107m aOD and 97m aOD. It consists of two agricultural fields bounded by mature hedgerows. Trench Road bounds the Site to the south with the surrounding landscape dominated by arable agricultural land.

Planning History

- 4.2. There are no relevant planning applications lodged within the Site boundaries or its surrounds.

5. Policy Framework

Legislation

- 5.1. The *Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995* provides statutory protection for Scheduled Monuments.¹⁰ Whilst works to scheduled monuments are subject to a high level of protection, it is important to note that there is no duty within the Order to have regard to the desirability of preservation of the setting of a Scheduled Monument.
- 5.2. Listed Buildings and Conservation Areas are given statutory protection by the provisions of the Planning (Northern Ireland) Order 1991.¹¹ For any Listed Building, the Order sets out the requirement for "*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*."¹² With regard to any Conservation Area, the Order states "*the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in that area, of any powers under this Order*."¹³
- 5.3. Whereas the Planning (NI) Order 1991 provides statutory protection for the settings of Listed Buildings, there is no duty to have regard to the desirability of preserving the settings of Conservation Areas.

- 5.4. Listed Buildings and Conservation Areas are further protected by the provisions of the *Planning Act (Northern Ireland) 2011*.¹⁴
- 5.5. There are also elements of the Planning (General Permitted Development) Order (Northern Ireland) 2015 which relate to heritage assets.
- 5.6. Full details of the relevant legislation are provided in **Appendix 4**.

National Planning Policy Guidance

- 5.7. PPS 6 was published in March 1999 and outlines the main criteria that the Department for Communities will employ in assessing proposals which affect the archaeological or built heritage. This policy will be replaced with local heritage planning policies once each council has adopted a new Plan Strategy for the whole of their council area.
- 5.8. Full details of the relevant national policy guidance is provided within **Appendix 5**.

The Development Plan

- 5.9. Applications for Planning Permission are currently considered against the policy and guidance set out within

¹⁰ Northern Ireland Orders in Council, *Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995*, Articles 3–12.

¹¹ Northern Ireland Orders in Council, The Planning (Northern Ireland) Order 1991, Part V.

¹² Ibid, Part V, Section 45.

¹³ Ibid, Part V, Section 50.

¹⁴ Acts of the Northern Ireland Assembly, *Planning Act (Northern Ireland) 2011*, Part 4, Chapter 1.



the Derry City and Strathbane District Council Local
Development Plan 2023

- 5.10. Details of the policy specific relevant to the application proposals are provided within **Appendix 6**.

6. The Historic Environment

6.1. This section provides a review of the recorded heritage resource within the Site and its vicinity in order to identify any extant heritage assets within the Site and to assess the potential for below-ground archaeological remains.

6.2. A gazetteer of relevant heritage data is included as Appendix 1. Designated heritage assets and HER records are illustrated on Figures 1 in Appendix 2.

Previous Archaeological Works

6.3. The results of these works are discussed below, where relevant to the potential archaeological resource of the Site.

Topography and Geology

6.4. Bedrock geology across the Site is comprised of Lough Foyle Succession, comprising a mix of schist and grit with thin marble units¹⁵.

Archaeological Baseline

Prehistoric (pre-43 AD)

6.5. There are no prehistoric sites located within the Site boundaries or within the wider study area.

6.6. The earliest evidence of human occupation in Ireland date to between 12,800 and 12,600 BC at Alice and Gwendoline Cave near Ennis in County Clare where evidence of Palaeolithic nomadic groups were encountered with evidence from this site and others suggesting that these early populations travelled along coastal routes utilising waterways and food resources found in these areas¹⁶.

6.7. The Neolithic period saw an increase in human impacts on the landscape with inland areas, previously heavily wooded, subjected to clearance to provide room for crops and animal husbandry.

6.8. The Bronze Age saw an increase in quarrying and mining activities in Ireland along with the creation and use of new monument types and structures such as standing stones, wedge tombs and burnt mounds.

6.9. The arrival of the Iron Age in Ireland has traditionally been thought of as a period of incoming Celtic populations displacing the indigenous people. However, more recent evidence suggests the process of ‘celtification’ was carried out over a more prolonged period with technologies and styles being introduced gradually through increased trade and contact with populations on mainland Europe and Britain.

Early medieval and Medieval (410 AD – 1539)

¹⁵ <https://www.gsi.ie/en-ie/data-and-maps/Pages/Bedrock.aspx>

¹⁶ Dowd and Carden, 2016, 161

- 6.10. There are no early medieval or medieval assets located within the Site or the wider study area.
- 6.11. The early medieval period is largely defined by the introduction of Christianity across Ireland with population centres growing around monasteries including at Derry to the north of the Site. This process of urbanisation continued around Viking ports and settlements with these located along coastal stretches.

Post-medieval to Modern (1540 – Present)

- 6.12. There are no Post-medieval to modern assets located within the Site boundaries. Within the wider 1 km study area there are five heritage assets recorded, these comprise of a milestone (IHR01614:008:00) c.670m south west of Site and a railway bridge (IHR01614:007:00) located c.575m north west of the Site, both of which are associated with the decommissioned Strabane – Londonderry Narrow Gauge Railway.
- 6.13. Three Post-medieval dwellings are also recorded in the HERoNI, the closest of these being c.745m south of the Site (HB01/04/0006, HB01/04/0009 and HB01/04/0009).
- 6.14. The post-medieval period saw an increase in urbanisation with the depopulation of many rural settlements, these changes went hand in hand with the increase in the mechanisation of farming practices and the consolidation of smaller farms and land parcels.

Historic map analysis

- 6.15. The 1862 map of the area shows the Site split over eight fields with the small hamlet of Disertowen to its south bounded by trees.

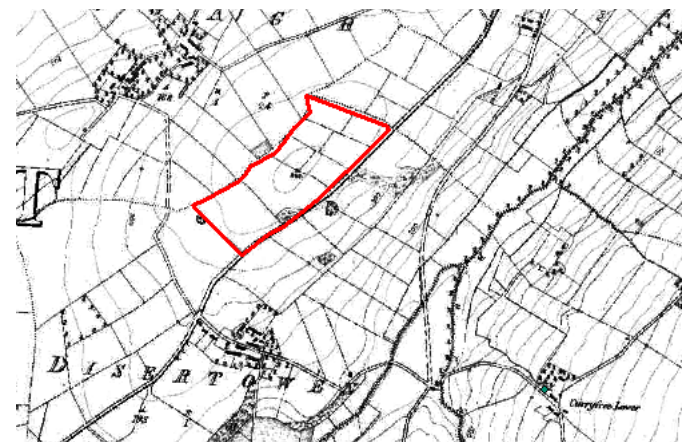


Plate 2: 1862 OS Map Site in red

- 6.16. The 1907 map of the area shows substantial field enlargement and consolidation in line with agricultural improvements during this period with similar trends noted in fields surrounding the Site.

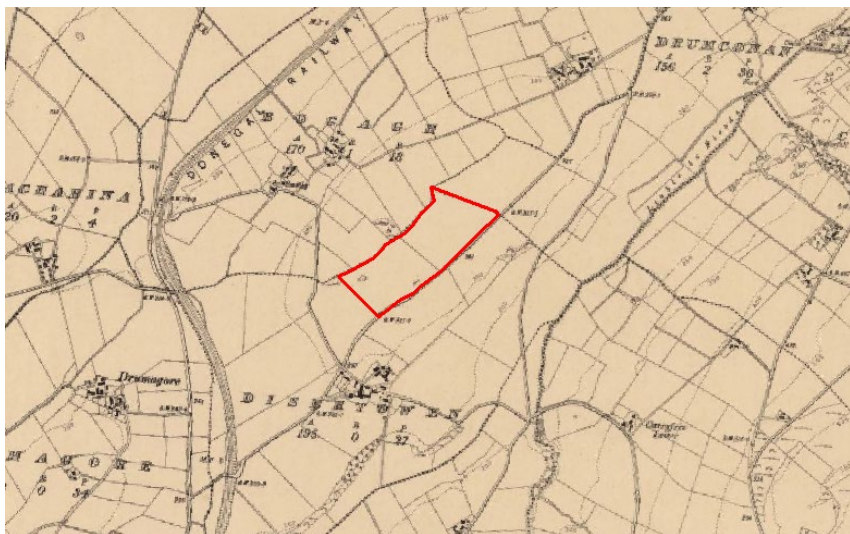


Plate 3: 1907 OS map Site in red

6.17. The field enlargements prevalent during the 20th-century are further noted in the 1937 map though no changes occur in the Site boundaries.

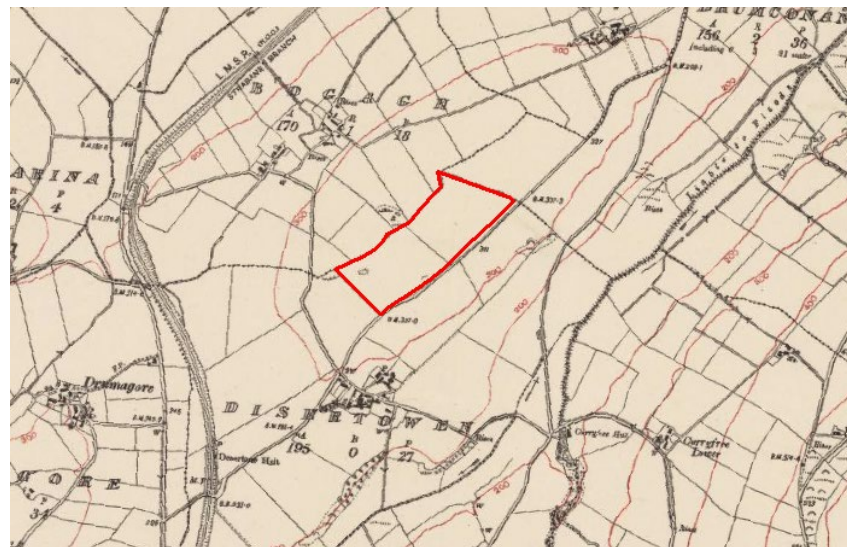


Plate 4: 1937 OS Map Site in red

Statement of Archaeological Potential and Significance

6.18. There are no known heritage assets within the Site boundaries with none noted from the prehistoric to medieval period in the Sites wider study area. Those assets recorded in the study area from the Post-medieval period relate to assets with a known location and confines, with any unknown assets from this period located within the Site boundaries relating to agricultural practices such as old field boundaries and would be considered of negligible historic significance.

Designated Heritage Assets

6.19. There are no designated heritage assets located within the Site boundaries or within the wider study area.

7. Setting Assessment

- 7.1. Stage 1 of the methodology recommended by the Department of Communities: Historic Environment Division Guidance on Setting and the Historic Environment (see 'Methodology') is to identify which heritage assets might be affected by a proposed development.¹⁷
- 7.2. Development proposals may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage asset or where they interfere with an element of a heritage asset's setting that contributes to its significance, such as interrupting a key relationship or a designed view.
- 7.3. Consideration was made as to whether any of the heritage assets present within or beyond the 1km study area include the Site as part of their setting, and therefore may potentially be affected by the proposed development.
- 7.4. No assets of which the setting was a material consideration were encountered within the Site or the study area.

¹⁷ Department of Communities: Historic Environment Division (2018) Guidance on Setting and the Historic Environment

8. Conclusions

- 8.1. The Site covers approximately 7.4ha and consists of two agricultural fields with a mix of fence and hedge boundaries with the south of the Site bounded by Trench Road.
- 8.2. The archaeological baseline found no known historic assets within the Site boundaries however there were a small number of known heritage assets identified within a 1km study area. These comprised six HER assets, five Post-medieval features and one natural feature, with no designated heritage assets found within the study area.
- 8.3. The baseline identified a low potential for the Site to contain unknown archaeological resources due to the lack of known heritage assets within the Site boundaries, and the lack of known heritage assets within the Site's vicinity.
- 8.4. Setting was not a material consideration for any of the assets encountered in the study area, therefore the impacts of the Site on known assets is considered No Change with the potential for unknown heritage assets to be low.

Sources

Legislation
UK Public General Acts, Ancient Monuments and Archaeological Areas Act 1979.
UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.
UK Public General Acts, Planning and Compulsory Purchase Act 2004.
UK Public General Acts, Town and Country Planning Act 1990.

Policy and Guidance
Chartered Institute for Archaeologists (CIfA), <i>Standard and Guidance for Historic Environment Desk-Based Assessment</i> (revised edition, October 2020).
Historic Environment Division, <i>Conservation Principles: Guidance for the sustainable management of the historic environment in Northern Ireland</i> (January 2023)
Historic Environment Division, <i>Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures</i> (May 2019)
Historic Environment Division, <i>Development and Archaeology: Guidance on Archaeological Works in the Planning Process</i> (April 2019)

Historic Environment Division, <i>Guidance on making changes to Listed Buildings: Making a better application for listed building consent</i> (May 2016)
Historic Environment Division, <i>Guidance on Setting and the Historic Environment</i> (February 2018)
Historic Environment Division, <i>Historic Buildings of Local Importance: A guide to their identification and protection</i> (May 2017)

Court and Appeal Decisions
Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137.
Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin).
Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697.
Jones v Mordue [2015] EWCA Civ 1243.
Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor [2020] EWHC 2292 (Admin).
Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061.
R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).



Appendix 1: Gazetteer

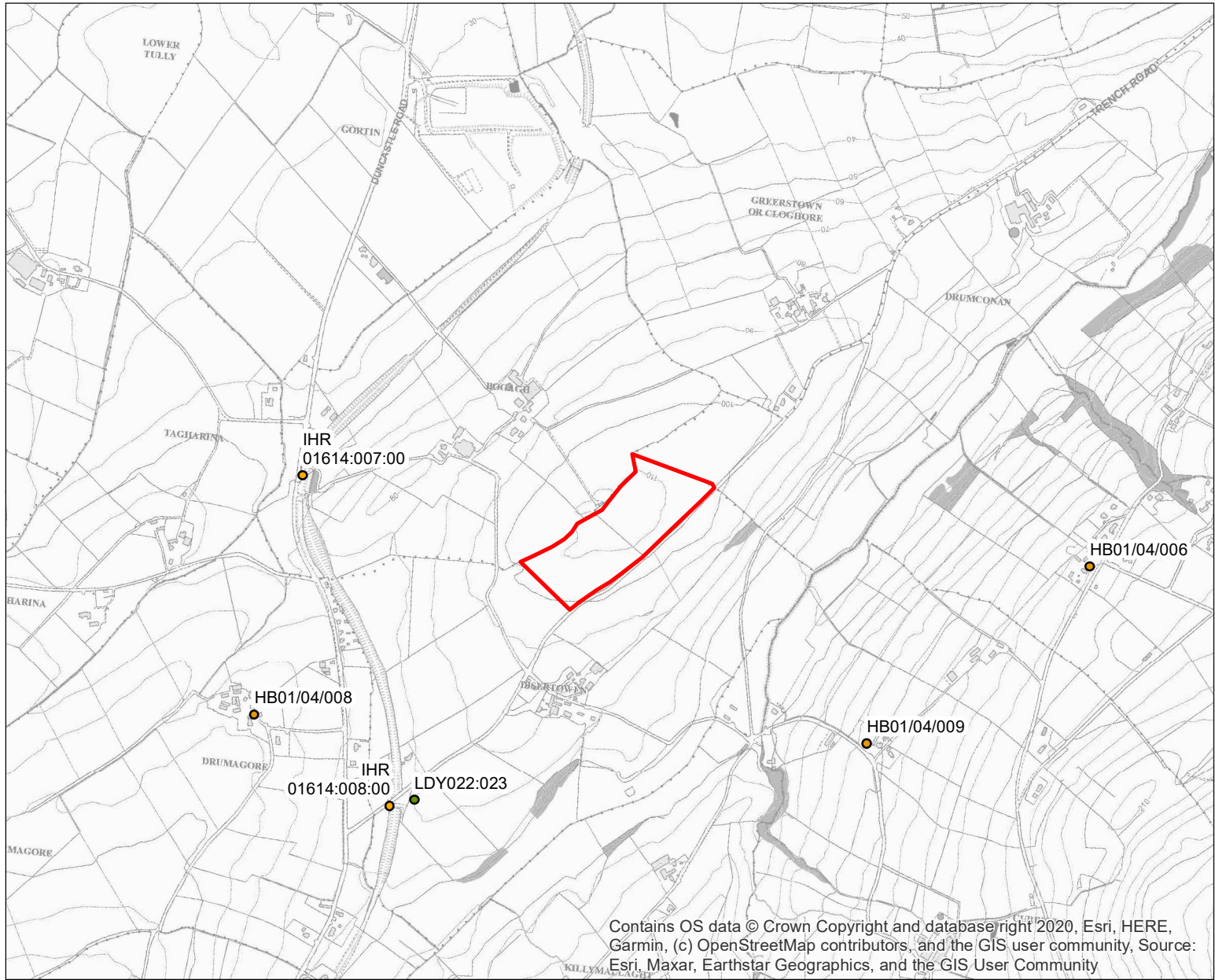
Heritage Data

HER Monument Data

Mon UID	Pref Ref	Name	Mon Type	Period
HB01/04/006	HB01/04/006	25 CURRYFREE ROAD DRUMAHOE CO.LONDONDERRY	House (Demolished)	Post Med
HB01/04/008	HB01/04/008	Former House at Drumcraig Road Prehen Drumagore TD County Londonderry	House (Demolished)	Post Med
HB01/04/009	HB01/04/009	22 Disertowen Road Curryfree Lower TD Prehen County Londonderry	House (Demolished)	Post Med
241670	241670	DISERTOWEN	Natural feature	Post Med
IHR 01614:007:00	IHR 01614:007:00	Strabane - Londonderry Narrow Gauge Railway	Bridge	Post Med
IHR 01614:008:00	IHR 01614:008:00	Strabane - Londonderry Narrow Gauge Railway	Milepost & Bridge	Post Med



Appendix 2: Figures

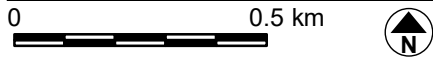


- KEY**
- Natural feature
 - Post Medieval
 - ▭ Site boundaries

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**Figure 1: Heritage assets
KILLYMALLAGHT
ENERGY STORAGE**

Client: RES Limited
 DRWG No: P23-2714_HTS_01 Net No: - REV: -
 Drawn by: JLH Approved by: LG
 Date: 22/02/2024
 Scale: 1:15,000 @ A4



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Appendix 3: Assessment Methodology

Assessment and Levels of Significance

In planning policy, the terms ‘significance’ and ‘importance’ are applied interchangeably to articulate the value of Northern Ireland’s heritage assets.

In HED’s *Development and Archaeology*, archaeological significance is defined as the expression of the cultural value afforded to a place, site, or item. Significance may change over time and with use, or as the result of new information.

With regard to archaeological remains, PPS 6 identifies two categories of significance:

- **Archaeological remains of regional importance:** these comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling.¹⁸
- **Archaeological remains of local importance:** these comprise sites or monuments which do not meet the criteria for scheduling but possess significance because of their appearance, quality, folklore/historical interest, group value and/or rarity.¹⁹

It is also acknowledged within PPS 6 that some archaeological remains will not be of a significance to warrant assessment as being of local importance but may nonetheless possess a level of

significance whereby it would be desirable to preserve such remains and their settings.²⁰

The non-statutory criteria used for assessing the importance of archaeological sites and monuments and considering whether scheduling is appropriate is as follows:

(a) period – *all types of monuments that characterise a category or period should be considered for preservation.*

(b) rarity – *there are some monument categories which in certain periods are so scarce that all surviving examples which still retain some archaeological potential should be preserved. In general, however, a selection must be made which portrays the typical and commonplace as well as the rare. This process takes account of all aspects of the distribution of a particular class of monument in a Northern Ireland context.*

(c) documentation – *the significance of a monument may be enhanced by the supporting evidence of historical records, or contemporary written accounts, or reports of previous investigations.*

(d) group value – *the value of a single monument may be greatly enhanced by its association with related contemporary monuments or monuments of different periods. In some cases, it is preferable to protect the*

¹⁸ PPS 6, Policy BH 1.

¹⁹ PPS 6, Policy BH 2 and paragraph 3.9.

²⁰ PPS 6, paragraph 3.10.

complete group of monuments, including associated and adjacent land, rather than to protect isolated monuments within the group.

(e) survival / condition – *the survival of a monument’s archaeological potential, both above and below ground, is a particularly important consideration and should be assessed in relation to its present condition and surviving features.*

(f) diversity – *some monuments may be selected for scheduling because they possess a combination of high-quality features, others because of a single important attribute.*

(g) potential – *in some cases, it may not be possible to specify the precise nature of the archaeological evidence, but it may still be possible to document reasons anticipating its existence and importance and so to demonstrate the justification for its scheduling. This may particularly apply to sites where there are no distinctive above-ground remains.*

(h) fragility / vulnerability – *certain important archaeological remains may be particularly vulnerable or fragile and therefore benefit from the statutory protection scheduling confers.²¹*

Listed Buildings are designated on the basis of their special architectural and historic interest.²² Listed Buildings are divided into four grades, as follows:

- **Grade A:** buildings of greatest importance to Northern Ireland including both outstanding architectural set-pieces and the least altered examples of each representative style, period and type.
- **Grade B+:** high quality buildings that because of exceptional features, interiors or environmental qualities are clearly above the general standard set by grade B1 buildings. Also, buildings which might have merited Grade A status but for detracting features such as an incomplete design, lower quality additions or alterations.
- **Grade B1:** good examples of a particular period or style. A degree of alteration or imperfection of design may be acceptable. Generally, B1 is chosen for buildings that qualify for listing by virtue of a relatively wide selection of attributes. Usually these will include interior features or where one or more features are of exceptional quality and/or interest.
- **Grade B2:** special buildings which meet the test of the legislation. A degree of alteration or imperfection of design may be acceptable. B2 is chosen for buildings that qualify for listing by virtue of only a few attributes. An example would be a building sited

²¹ Historic Environment Division, *Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest, with associated procedures* (May 2019), pp. 5–6.

²² PPS 6, Section 6; SPPS, paragraph 6.12.

within a conservation area where the quality of its architectural appearance or interior raises it appreciably above the general standard of buildings within the conservation area.²³

More detailed criteria used for the listing of buildings is set out in the HED's *Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest*.²⁴

Conservation Areas are designated on the basis of their character and appearance, and Historic Parks, Gardens and Demesnes are primarily assessed according to their archaeological, historical and/or botanical interest.²⁵ Non-designated heritage assets are described as unlisted vernacular buildings or historic buildings of local importance that generally pre-date 1925 and are not statutory listed but have been identified by the council as an important part of Northern Ireland's heritage, due to their local architectural or historic significance.²⁶

Setting and Significance

According to the HED's *Guidance on Setting and the Historic Environment*:

“The term ‘setting’ applies to the physical space that is part of – and contributes to – the significance and distinctive character of a heritage asset, and through

which the asset may be seen, experienced, understood and enjoyed.”²⁷

With regard to setting and significance, the HED guidance states:

“Heritage assets derive their significance and distinctive character from a range of factors, cultural traditions and meanings, many of which will comprise aspects of their setting. These factors may include perceived social, spiritual, historic, artistic, aesthetic, natural, scientific or other cultural values. They may also derive significance and distinctive character from physical, visual, spiritual and other cultural contexts and relationships, for example with other assets or the surrounding historic, natural or urban environment. These relationships can result from planned acts, spiritual beliefs, historical events, or through a cumulative process of use and cultural traditions over time.

The significance and distinctive character of a heritage asset is embodied in the physical fabric of the asset, as well as in its use, meanings, associations and relationships with other assets, places and objects. Our understanding of significance may change over time as a result of new information and research, or as a result of use and community values.

²³ Historic Environment Division, *Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest*, pp. 17–18.

²⁴ Ibid., pp. 12–16.

²⁵ SPPS, pp. 39–41.

²⁶ Ibid., paragraph 6.24 and fn., p. 41; also see Historic Environment Division, *Criteria for the Scheduling of Historic Monuments and the Listing of Buildings of Special Architectural or Historic Interest*, p. 18.

²⁷ Historic Environment Division, *Guidance on Setting and the Historic Environment* (February 2018), 2.1, p. 7.

The context of a heritage asset can describe any relationship, both perceived and designed, between the asset and other heritage assets.”²⁸

The HED guidance divides aspects of setting into three categories:

- **Physical aspects** – including man-made structures; historic streetscapes; historic buildings and building groups; designed landscapes; airspace, coastlines and seascapes; topography, natural features and interactions with the natural and historic environment; rivers and route-ways within the surrounding area of the heritage asset or used in association with it.
- **Visual aspects** – including a variety of views of, across, or including the heritage asset; views of the surrounding area from or through the heritage asset; and views along route-ways, or towards designed vistas such as borrowed landscape, planting, or built features. These may incorporate views towards and the settings of numerous other heritage assets.
- **Functional aspects** – including the aesthetic, architectural, commemorative, historical, social, spiritual, symbolic, technological, traditional knowledge and/or other tangible or intangible values associated with human activity. These may include designed or perceived interactions with the natural environment or with other heritage assets in the surrounding landscape.²⁹

²⁸ Ibid., 2.2, p. 7.

²⁹ Ibid., 2.4, p. 9.

Assessing Change Through Alteration to Setting

In the HED’s setting guidance, a staged approach is advocated when considering the impact, a proposed development or land-use change will have on the setting of a heritage asset:

- **Stage 1:** identify the heritage assets that might be affected.
- **Stage 2:** define the setting by establishing how the surroundings contribute to the significance of the heritage assets in the ways they are understood, appreciated and experienced.
- **Stage 3:** assess how any change would impact upon that setting.³⁰

Stage 2 requires consideration of how the setting of an asset contributes to its significance and it is recommended that the following issues should be considered in any analysis:

- the contribution of the surrounding area to our ability to appreciate and understand the heritage asset;
- any changes to the surrounding area over time and how this affects how the asset is experienced;
- the location of the heritage asset in relation to other, not necessarily contemporary, assets;

³⁰ Ibid., p. 10.

- key vistas to, from and across the heritage asset and its setting, including interactions with other heritage assets and natural features in the surrounding landscape;
- the contribution of the heritage asset to our ability to appreciate and understand its surroundings, for example as a local landmark;
- historic, artistic or community traditions or values associated with a heritage asset.³¹

The HED's setting guidance also recommends that regard is given to the *Northern Ireland Landscape Character Assessment* and the *Northern Ireland Regional Landscape Character Assessment* when analysing the setting of heritage assets.³²

Stage 3 requires the impact of a proposed development on the setting of a heritage asset to be understood and analysis of the following factors are recommended:

- the visual impact of the proposed change relative to the scale of the heritage asset and the key attributes of its setting;
- the presence, extent, character and scale of the existing man-made structures within the surroundings of the heritage asset, and how the proposed development compares to this;

- the individual and cumulative effects of the proposed change. Sometimes relatively small changes, or a series of small changes, can have a major impact upon our ability to appreciate and understand heritage assets;
- the ability of the setting of the heritage asset to absorb new development without eroding its key characteristics;
- the effect of the proposed change on qualities of the existing setting, such as sense of remoteness, evocation of the past or specific events, interactions with the surrounding area and other assets, sense of place, cultural identity and spiritual responses.³³

Appendix A of the HED's setting guidance provides a non-exhaustive list of factors to consider when assessing the potential impacts of development upon the setting of a heritage asset.

Assessment of Harm and Benefits

There is no clear policy or law in Northern Ireland for articulating harm or benefits to the significance of heritage assets as a result of development proposals which affect their physical remains/fabric and/or setting.

The HED advocates the use of ICOMOS' *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*.³⁴ The ICOMOS guidance sets out a methodology for assessing the scale or

³¹ Ibid., 3.2, p. 11.

³² Northern Ireland Environment Agency, *Northern Ireland Landscape Character Assessment* (2000); idem, *Northern Ireland Regional Landscape Character Assessment* (2015).

³³ Ibid., 3.3, p. 12.

³⁴ Ibid., p. 12.

severity of direct and indirect impacts in relation to the value of a heritage asset in order to conclude a significance of effect (or overall impact). The significance of effect can be either adverse or beneficial.³⁵

It should be noted, however, that the ICOMOS guidance has since been replaced and superseded by UNESCO's *Guidance and Toolkit for Impact Assessment in a World Heritage Context*.³⁶ This guidance is not prescriptive when it comes to evaluating impacts on heritage assets; it recognises that there are a number of tools or methodologies that can be used to evaluate such impacts and recommends that professional judgement be applied.³⁷ With specific regard to evaluating impacts on World Heritage Sites, it states that evaluation should result in a clear conclusion about whether the likely impacts of a proposed action are acceptable or not, recognising that impacts can be negative or beneficial and the scale of harm or benefit can vary. For example, a negative impact may result in a negligible level of harm that would raise no concern.³⁸

The assessment methodology applied in this Statement follows a qualitative approach rather than relying on a matrix or scoring system. A qualitative approach enables a systematic assessment in the form of a clearly expressed and non-technical narrative argument. In the first instance, the significance of a heritage asset will be clearly described, including any contribution from its setting. Afterwards, the impact of the development proposals will be assessed having regard to the effect (if any) of the proposals on the

identified elements of an asset that contribute to its significance. Any harm or benefits to significance will be clearly articulated.

Harm to heritage assets will be articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified. For clarity, it is considered that negligible harm would equate to a level of harm that would have such a minimal impact on significance that this would raise no concern (in line with the ICOMOS guidance). On the opposite end of the scale, major harm would be considered to equate to a level of harm where the significance of the asset would be very much reduced.

It is also possible that development proposals will have a neutral impact/cause no harm to the significance of a heritage asset, thereby preserving its significance. It is widely accepted in the field of heritage conservation that preservation does not mean no change; it specifically means no harm.³⁹

[If harm is considered to occur, key considerations will then be:

- Whether the development would affect the integrity of the setting of an asset (SPPS)?
- Whether the development would have an unacceptable adverse impact on the built heritage interests of the asset (PPS18)?]

³⁵ ICOMOS, *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties* (2011), Section 5, pp. 8–11.

³⁶ UNESCO, *Guidance and Toolkit for Impact Assessment in a World Heritage Context* (2022).

³⁷ *Ibid.*, p. 42

³⁸ *Ibid.*, p. 44.

³⁹ See Historic Environment Division, *Applying the Conservation Principles: Guidance for the sustainable management of the historic environment in Northern Ireland* (January 2023), para. 4.6.7, p. 26.

Appendix 4: Legislative Framework

The *Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995* provides statutory protection for Scheduled Monuments.⁴⁰ Whilst works to scheduled monuments are subject to a high level of protection, it is important to note that there is no duty within the Order to have regard to the desirability of preservation of the setting of a Scheduled Monument.

Listed Buildings and Conservation Areas are given statutory protection by the provisions of the *Planning (Northern Ireland) Order 1991*.⁴¹ For any Listed Building, the Order sets out the requirement for "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."⁴² With regard to any Conservation Area, the Order states "the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in that area, of any powers under this Order."⁴³

Whereas the *Planning (NI) Order 1991* provides statutory protection for the settings of Listed Buildings, there is no duty to have regard to the desirability of preserving the settings of Conservation Areas.

Listed Buildings and Conservation Areas are further protected by the provisions of the *Planning Act (Northern Ireland) 2011*.⁴⁴

There are also elements of the *Planning (General Permitted Development) Order (Northern Ireland) 2015* which relate to heritage assets.

⁴⁰ Northern Ireland Orders in Council, *Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995*, Articles 3–12.

⁴¹ Northern Ireland Orders in Council, *The Planning (Northern Ireland) Order 1991*, Part V.

⁴² *Ibid*, Part V, Section 45.

⁴³ *Ibid*, Part V, Section 50.

⁴⁴ Acts of the Northern Ireland Assembly, *Planning Act (Northern Ireland) 2011*, Part 4, Chapter 1.

Appendix 5: National Policy Guidance

Planning Policy Statement 6 (PPS 6)

PPS 6 was published in March 1999 and outlines the main criteria that the Department for Communities will employ in assessing proposals which affect the archaeological or built heritage. This policy will be replaced with local heritage planning policies once each council has adopted a new Plan Strategy for the whole of their council area.

PPS 6 states at Paragraph 3.3 that:

“In all cases the desirability of preserving an archaeological site or monument and its setting, whether scheduled or otherwise, is a material consideration in determining planning applications. Accordingly in assessing the archaeological implications of a development proposal, the Department will consider whether it would damage or destroy the site or monument, result in inappropriate change to setting, or whether the existing quality and character of the site or monument would be retained.”

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Paragraph 3.4 states that the case for preservation of archaeological remains and their settings “will be assessed on the individual merits of each case, taking into account all relevant planning policies and material considerations”.

Policy BH 1 ‘The Preservation of Archaeological Remains of Regional Importance and their Settings’ states:

“The Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.”

Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings states:

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

Policy BH 3 Archaeological Assessment and Evaluation states that:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Department will normally refuse planning permission.

Policy BH 4 Archaeological Mitigation states:

Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Section 6 of the SPPS contains a sub-section on 'Archaeology and Built Heritage' (paragraphs 6.1 to 6.30).

Strategic policy in relation to archaeology is set out in paragraphs 6.8 to 6.11, as follows:

"6.8 Archaeological remains of regional importance include monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Such sites (or constituent parts of them) benefit from statutory protection⁴⁵. Development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances. The scheduling programme is an ongoing process and there are archaeological remains of regional importance yet to be scheduled. In order to make sure that the most up to date information is taken into

account when determining applications, this policy approach should also apply to such sites which, whilst not scheduled presently, would otherwise merit such statutory protection.

6.9 Development proposals which would adversely affect archaeological remains of local importance or their settings should only be permitted where the planning authority considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

6.10 Planning authorities should seek all necessary information from applicants in making well informed planning judgements, particularly where the impact of a development proposal on archaeological remains is unclear, or the relative significance of such remains is uncertain. Should an applicant fail to provide a suitable assessment or evaluation on request, the planning authority should adopt a precautionary approach and refuse planning permission.

6.11 Where a planning authority is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, it should ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development. Where appropriate, this may involve the preservation of remains in situ, or a licensed excavation, recording

⁴⁵ Scheduled sites are protected under the Historic Monuments and Archaeological Objects (NI) Order 1995.



examination and archiving of the archaeology by way of planning conditions⁴⁶.”

⁴⁶ Archaeological excavations may only be carried out under the provision of a licence granted by the Department under the provisions of the Historic Monuments

and Archaeological Objects (NI) Order 1995.

Appendix 6: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within County Derry are currently considered against the policy and guidance set out within the Draft Derry and Strabane Local Development Plan submitted in May 2022.

The Drefit LDP contains the following policies:

***HE 1 Archaeology and Upstanding Remains
Archaeological Remains of Regional Importance
Planning permission will not be permitted where a development proposal would adversely affect archaeological remains of Regional importance such as Monuments in State Care, Scheduled Monuments, and Areas of Significant Archaeological Interest (ASAI).
Development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances.***

Archaeological Remains of Local Importance

Planning permission will not be granted for a development proposal which would adversely affect archaeological remains of local importance or their settings. Planning permission will only be granted where Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and or their setting.

HE 2 Archaeological Assessment, Evaluation and Mitigation

Planning Permission will not be granted where the impact of a development on important archaeological remains are unclear, or the relative importance of the remains is uncertain. The Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not provided, a precautionary approach will be adopted and Planning Permission will be refused; Where Planning Permission is granted for development which will affect sites known or likely to contain archaeological remains, the Council will impose conditions to ensure preservation in situ, and archiving of the archaeology before development commences.

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

Edinburgh

1 Lochrin Square | 92 98 Fountainbridge | Edinburgh | EH3 9QA
T 0131 385 9091
Edinburgh@pegasusgroup.co.uk
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