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To: Development Plan
Subject: National Trust Response to Proposed Changes to LDP Draft Plan Strategy
Attachments: National Trust Response to Proposed Changes to FandO DPS, FINAL Nov 2020.pdf

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Please find attached the National Trust's response to the proposed changes to the Fermanagh and Omagh DPS. Please contact me if you have any queries.

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As an important local stakeholder we welcome the opportunity to provide this response to the Fermanagh and Omagh Draft Plan Strategy.

We look forward to continued engagement and working with Fermanagh and Omagh District Council around modifications to the draft Plan Strategy and if required attendance at the independent public examination.

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05 November 2020

National Trust Response to Fermanagh and Omagh Local Development Plan Draft Plan Strategy – Proposed Changes Consultation

This submission is prepared by the National Trust for Northern Ireland (NI). We are an independent conservation charity actively promoting the protection of natural, built and cultural heritage - for ever, for everyone.

We look after some of the most valued landscapes, stretches of coastline and built heritage in Northern Ireland, Wales and England. In NI, this includes our only World Heritage Site (WHS) at the Giant's Causeway; our highest mountain, Slieve Donard; the internationally important and beautiful Strangford Lough, and houses and gardens including Mount Stewart and Rowallane in Co. Down, the Belfast Hills of Divis and Black Mountain and Florence Court in Co. Fermanagh.

We do this because places matter to people; our charity was first set up in order to ensure society didn't lose its much needed green open spaces in which to spend time and benefit from the outdoors, and that mission remains core to our work today. We have a significant interest in the natural environment and built heritage within the Fermanagh and Omagh District Council area, owning and managing some very special places including:

- Castle Coole;
- Florence Court;
- Crom Estate; &
- Tonregee Island

Please see our comments below regarding the proposed changes to the Draft Plan Strategy. Where we are silent on a particular proposed change, we have no comments to make. In addition to the comments below, our initial comments to the consultation on the Draft Plan Strategy still stand.

Change Ref	National Trust Response to Proposed Change
2.0 Legal Status and Policy Context	
1	We welcome the inclusion of a reference to UK Marine Policy Statement.
Draft Policy SP01: Furthering Sustainable Development	
5	We welcome this proposed change which takes on board our previous comments on the Draft Plan Strategy that Policy SP01 should clearly set out the demonstrable harm test in accordance with paragraph 5.72 of the Strategic Planning Policy Statement (SPPS). The Council has adopted the wording suggested by us which makes the plan consistent with the SPPS and more effective.
PART TWO	
1.0 Introduction	
13	We welcome inclusion of the text, "In determining planning applications, planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest." This proposed change makes draft policy SP01 consistent with paragraph 5.72 of the SPSS.
2.0 DEVELOPMENT AND DESIGN	
Draft Policy DE02: Design Quality	
17	The proposed amendment to provide a fuller definition of connectivity by different travel modes may have implications in relation to Draft Policy OSR02: Intensive Sports Facilities. See comments below in relation to proposed change 36.
Draft Policy DE08: Advertisements and the Historic Environment	
20	We welcome this clarification that "signage must be carefully designed" on buildings which are heritage assets.
3.0 PEOPLE AND PLACES	
Draft Policy HOU05: Shaping Our Houses and Homes	
25	We welcomed the retain or enhance policy test set out in draft Policy HOU05 as well as rest of the criteria (b) – (i) listed in the Draft Plan Strategy. We also welcome the additional proposed criterion (j) to provide 10% wheelchair standard units in developments of more than 20 units or developments of more than 10 units in smaller settlements.
Draft Policy HOU09: Rural Replacement Dwellings	
29	As stated in response to the DPS, we consider that whilst criteria (a)-(c) of Policy HOU9 generally accord with the SPPS, in order to make the policy more robust, applying an additional criterion is recommended which stipulates that any proposed replacement should have no significant adverse effect on the character or appearance of the locality, or on the amenities of nearby residents or other land uses.
Draft Policy OSR01: Protection of Open Space	

34	NT Welcomes this proposed change that open space will be protected, “irrespective of its physical condition and appearance”. This takes on board our previous comments in relation to the DPS and makes the plan consistent with paragraph 6.205 of the SPPS.
35	NT welcomes further clarification of the policy that in relation to playing fields and sports pitches in urban areas, redevelopment should have no adverse effect on the sporting potential or overall amenity value of the open space and be restricted to an area no greater than 10% of the total site. This exception will be applied only once.
Draft Policy OSR02: Intensive Sports Facilities	
36	<p>Policy DE02 of the DPS contains provisions relating to accessibility in new developments.</p> <p>The policy headnote of DE02 does not refer to the need for new developments to be accessible to public transport although reference is made to this in the justification to the policy. However proposed change Ref 17 suggests changing the text of the justification to DE02 to read: “The Council recognises that the importance of ensuring that all new developments within our settlements are well connected to existing public transport, cycling and walking routes, as well as providing facilities such as cycle parking and shower facilities to facilitate those using sustainable modes of transport.”</p> <p>Therefore, there is no reference requiring intensive sports facilities to be well connected to existing public transport, cycling and walking routes within the headnote of other Draft Plan Strategy policies and no requirement at all for this in the countryside. We suggest retaining criteria d) to ensure sufficient weight is given to this consideration and to ensure consistency with paragraph 6.213 of the SPSS.</p> <p>Our previous comments in relation to proposed policy OSR02 still stand that: Policy OSR02 should also explicitly state that the applicant must demonstrate specific locational need in order to make the policy effective. In addition, we suggest that the following criteria is added: ‘there is no adverse impact on the setting of the settlement’. This would enable Policy OSR02 to take into account paragraph 6.71 of the SPPS which states that ‘development in the countryside must not mar the distinction between a settlement and the surrounding countryside, or result in urban sprawl.</p>
Draft Policy OSR03: Outdoor Recreation in the Countryside	
38	<p>It is proposed that Policy OSR03 is deleted. We suggest that Policy OSR03 should be retained for clarity as clear policy direction on outdoor recreation is not contained elsewhere in the DPS. Inclusion of this policy is suggested in order to be consistent with paragraph 6.212 of the SPSS which states that, “LDPs should contain policy for the consideration of development proposals for outdoor recreation in the countryside.”</p> <p>Our previous suggestions also stand that this policy should also include the following criteria:</p> <ul style="list-style-type: none"> • It will have no significant adverse impact on features of importance to

	<p>natural or built heritage.</p> <ul style="list-style-type: none"> • It will have no significant adverse impact on visual amenity and can integrate into the landscape. <p>The above would strengthen the effectiveness of the policy.</p>
Draft Policy OSR04: Protection of Lough Shores	
40	<p>We welcome inclusion of recognition within policy that lough shores contain both areas of undisturbed woodland and wetland as well as existing access points associated with recreational activities such as fishing, boating, sailing, canoeing and marinas and it will also include existing walking and cycling trails.</p>
4.0 ECONOMY	
Draft Policy IB06: Agricultural and Forestry Development	
47	<p>Whilst we welcome further clarification in relation to ammonia emissions, our previous comments in relation to proposed policy IB06 still stand that: We suggest that the policy should include a criterion that development should not have an adverse impact, individually or cumulatively on visual amenity, landscape and biodiversity; and</p> <p>Whilst we welcome policy highlighting that proposals for intensive farming or animal husbandry must demonstrate that they do not result in significant adverse environmental effects. Assessment of individual and cumulative impacts should also be a prerequisite.</p>
Draft Policy TOU01: Protection of Tourism Assets and Tourism Development	
51	<p>Policy TOU01 reflects paragraph 6.262 of the SPSS in terms of tourism assets. We fully support this policy and the requirement to consider individual and cumulative impacts of existing and approved developments. We also endorse the policy to protect the loss of tourism developments and welcome the amendments that the Council will only permit the loss of any tourism amenity, or any development intrinsically linked to tourism, where it has been demonstrated that there is a sufficient supply of amenities within the area to satisfy demand and /or the facility has been marketed and proven to be no longer viable. This addition strengthens the policy.</p>
53	<p>Change ref 53 introduces further clarification of the information required to demonstrate that a facility has been marketed and that it is no longer economically viable. In some instances it may not be possible to actively market facilities on National Trust land e.g. due to covenants restricting ownership or use of that land. However, there may be a small number of instances where it is necessary to repurpose a tourism amenity on our property. We therefore suggest an addition to the policy that reads, "exceptionally where evidence has been provided it is not possible to actively market a facility, a marketing statement will not be required."</p>
55	<p>We support the restructuring of Policy TOU02 which provides additional clarity and welcome the introduction of criteria d) which means that the policy is now consistent with proposed policy IB05. We welcome the addition to the policy in relation to major tourism development in the countryside, in line with our previous comments.</p> <p>Some of the proposed tourist hubs include National Trust properties and in order to adequately protect these properties and their settings from inappropriate or excessive development and to be consistent with the SPSS, our previous comments in relation to proposed Policy TOU02 still</p>

	<p>stand :</p> <p>Paragraph 6.254 of the SPSS defines sustainable tourism development as balancing the needs of tourists and the tourism industry with conserving the tourism asset. Policy TOU02 should apply the same terminology for consistency and specify at the outset that only sustainable tourism developments would be granted.</p> <p>We also note criterion (b) refers to siting tourism development at tourism hubs. We support tourism hubs but separate criteria-based policy for tourism hubs would be useful and in particular should include a requirement that individual and cumulative impacts of a tourist development proposal on sensitive rural landscapes and on built or natural heritage assets are assessed.</p> <p>To strengthen the policy and to reflect the ethos of the SPSS in conserving our rural landscape, we suggest that the beginning of the policy for the countryside section takes the following approach: “Proposals for sustainable tourist development in the countryside will only be permitted outside of Special Countryside Areas and the Lough shores in any of the following circumstances:”</p>
Draft Policy MIN01: Minerals Development	
60	<p>We welcome the introduction of criterion vii) which makes it clear that cumulative effects will be considered and the additional text that in considering a proposal for the extraction of valuable minerals where the site is within a designated area in the LDP due weight will be given to the reason for the statutory zoning and that there will be a presumption against their exploitation within designated Special Countryside Areas.</p> <p>We welcome the rewording of Policy MIN01 to set a clear presumption against mineral development in the ACDM.</p> <p>Our previous suggestions still stand that - Policy MIN01 should clearly state that mineral development in ACMD will only be permitted in exceptional circumstances; and the wording ‘one or more of the following criteria’ should be replaced with ‘the following criteria must be met’ as at least two of the criteria has to be met rather than just one.</p> <p>We welcome the proposed clarification to Policy MN01 that proposals for new or extended sites or renewal of extant permissions for commercial peat extraction shall not be permitted. However, our previous comments still stand that policy should clearly state that peat extraction will not be permitted within or outside Areas of Constraint on Mineral Development.</p>
5.0 ENVIRONMENT	
Draft Policy HE01: Historic Environment Overarching	
65	<p>The deletion of Policy HE 01 is proposed. We suggest that policy HE01 should be retained as it makes clear the requirement to conserve, protect and, where possible, enhance our built and archaeological heritage. This requirement, as set out in paragraph 6.4 of the SPSS, is not consistently set out in the policy headnotes of draft policies HE02 – HE09, and deletion of HE 01 would therefore make the plan less robust.</p>
71	<p>We welcome the addition of this paragraph which accords with paragraph</p>

	6.10 and 6.11 of the SPSS.
Draft Policy HE03: Listed Buildings and their Settings	
74	We welcome the removal of the word “normally” from policy HE03, as recommended in our previous comments on the DPS.
Draft Policy HE04: Conservation Areas	
79	We welcome this clarification which is consistent with the SPSS.
Draft Policy HE05: Areas of Townscape Character (ATCs: and Areas of Village Character (AVCs)	
80	We welcome this amendment that demolition of an Unlisted Building in a Conservation Area will only be permitted in exceptional circumstances . This provides more clarity and better reflects the SPSS.
Draft Policy HE06: Historic Parks, Gardens and Demesnes	
88	<p>We welcome inclusion in the policy headnote that proposed development should not adversely impact on the integrity and overall quality, understanding, experience and enjoyment of the Historic Park, Garden or Demesne. However we suggest that the policy wording should more closely reflect paragraph 6.17 of the SPSS to read: “the development would not adversely impact on the integrity and overall quality <i>and setting</i>, understanding, experience and enjoyment of views to, from and within, the Historic Park, Garden or Demesne.”</p> <p>We suggest that the policy clarification should also refer to paragraph 6.17 of the SPSS making reference to the fact that the integrity and overall quality and setting of the site includes its original design concept and other associated features, including contribution to local landscape character which should where possible be maintained.</p> <p>This would make the policy more robust and consistent with the SPSS and as a result better protect Historic Parks, Gardens and Demesnes.</p> <p>Our previous comments in relation to proposed Policy HE06 still stand that: We suggest separate criterion within policy headnote and reference in the policy clarification section that ‘particular account should be taken of the impact of the proposal on the archaeological, historical or botanical interest of the site’ to allow those issues to be given adequate weight when assessing future proposals. The criterion could be worded as ‘the development would not adversely impact on the archaeological, historical and botanical interest of the Historic Park, Garden or Demesne.’</p>
Draft Policy HE08: Enabling Development	
91	We welcome the proposed change to draft policy HE08 which reflects our previous comments on the DPS that in order to be consistent with government advice, the headnote for Policy HE08 should also highlight that enabling development would only be allowed in exceptional circumstances where it would be in the over-riding public benefit to the conservation of the significant place and its sustainable future use (as per paragraph 6.26 of the SPSS).
Draft Policy HE09: Change of Use, Conversion or Re-use of an Unlisted Locally Important Building or Vernacular building	
93	We welcome the proposed changes to draft policy HE09 which reflects

	our previous comments on the DPS that the policy should explicitly highlight that extensions, alterations or modifications should have no adverse impact on the locally important/vernacular building.
94	We welcome this clarification that sympathetic conversion of a locally important and/or vernacular building should involve the minimum of work and should maintain or enhance the existing character of the building and its setting.
Draft NE01: Nature Conservation	
95	We fully support Policies NE01 and welcome the proposed amendment which more closely reflects the wording of the SPSS.
Draft Policy NE02: Protected Species and their Habitats	
96	We welcome the amendment which more closely reflects the wording of the SPSS, in line with our previous comments.
Draft Policy NE03: Biodiversity Other Habitats, Species or Features of Natural Heritage Importance	
97	We fully support this policy and welcome the additional reference to active peatland.
Draft Policy L01: Development within the Sperrin AONB	
99	<p>We welcome recognition within the policy headnote that AONBs are designated not only for special character including landscape character, visual amenity, natural, historic or cultural heritage and that development that would adversely affect these features will not be permitted.</p> <p>In order to further strengthen the policy and ensure protection of these special features, our previous comments still stand that:</p> <p>The policy should therefore be expanded upon to apply a series of robust policy tests for the Sperrin AONB to cover its special distinctive character, quality of landscape, heritage and wildlife, for example:</p> <ul style="list-style-type: none"> (a) Openness of the landscape and its sensitivity to development; (b) Maintain a sense of remoteness, wildness and tranquillity; (c) interdependency between the special qualities of the landscape and the natural functioning of the environment taking into account internationally and nationally important nature conservation sites and associated ecosystems, species and habitats;& (d) Maintain the significance of archaeological and built heritage assets and their settings within the AONB. <p>We welcome inclusion within the policy headnote of the requirement to take account of the Landscape Character Assessments and any other relevant guidance including an AONB Management Plan and local design guides, which is consistent with the SPSS.</p>
6.0 INFRASTRUCTURE	
Draft Policy FLD03: Development Using Sustainable Drainage Systems (SuDs)	
109	NT welcomes this proposed change to increase the use of SUDs.
Draft Policy RE01: Renewable and Low Carbon Energy Generation	
116	<p>We welcome the inclusion of a criterion that renewable energy proposals should have no adverse impact on the historic environment and its setting in line with our previous comments.</p> <p>We also welcome the introduction of criterion i) that any renewable energy</p>

	<p>development on active peatland will not be permitted unless there are imperative reasons of overriding public interest.</p> <p>Our previous comments in relation to proposed Policy RE01 still stand that: To make the policy more effective and to avoid any detriment to the region’s cultural and natural heritage assets, further rigorous policy tests on heritage and landscape considerations should be applied to wind turbine proposals across the Council area such as:</p> <ul style="list-style-type: none"> (i) no unacceptable adverse effects on long and medium range views to and from sensitive landscapes, such as AONBs; and (ii) no unacceptable adverse effects on important recognised outlooks and views from or to heritage assets where these are predominantly unaffected by harmful visual intrusion, taking into account the significance of the heritage asset and its setting. <p>The Wind Energy Strategy in Appendix 7 states that the landscape objective of Cuilcagh and Marlbank LCA is to maintain it as a landscape with no wind turbines (page 260 – para 2.3.2) whereas then the plan suggests there is residual capacity for very localised small-scale development in lowland fringes. This is an inconsistency of the plan; the landscape objective should take precedence.</p>
118	NT welcomes this amendment highlighting the importance of active peatland and presumption against renewable energy development on active peatland, which aligns more closely with the SPSS
120	NT welcomes this clarification that, in relation to wind energy development the number, scale, size and siting of turbines may have an unacceptable impact on visual amenity or landscape character.
122	NT welcomes this clarification that both the direct and indirect impacts of renewable energy proposals on European and Ramsar designated sites will be a priority consideration and scrutinised through EIA and HRA where applicable. This is consistent with paragraph 6.175 of the SPSS. In order to be consistent with paragraphs 6.176 and 6.177 of the SPSS it is suggested that the policy wording makes it clear that this will apply to both the individual and cumulative impact of such development. We therefore suggest the following policy wording: “Renewable energy production, either individually or in combination with existing and/or proposed plans or projects, can have direct or indirect impacts...”
PART THREE – APPENDICES	
138	NT welcomes additional protection for the setting of Florence Court in line with our previous comments.

Addendum to HRA Report: Habitats Regulations Assessment of the LDP Draft Plan Strategy, July 2020

There are no changes to our previous comments in relation to the HRA of the DPS as a result of this addendum. We welcome the statement that draft policies IB06, MIN01 and FLD05 will be considered further through appropriate assessment and mitigation implemented if necessary in relation to impacts on international sites.