

Fermanagh & Omagh District Council - LDP - draft Plan Strategy -
Consultation on Proposed Changes, October 2020. HED response

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Wed 02/12/2020 13:26

To: Development Plan <developmentplan@fermanaghmagh.com>

Cc: [REDACTED]@communities-ni.gov.uk>

📎 2 attachments (574 KB)

F&O - LDP - dPS Schedule of Proposed Changes Oct 2020 - HED Response.pdf; F&O -LDP - dPS Addendum to SA Report Oct 2020 - HED Response.pdf;

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Dear Sir/Madam,

HISTORIC ENVIRONMENT DIVISION RESPONSE to draft PLAN STRATEGY, - Consultation on Proposed Changes, October 2020

Please find attached the Historic Environment Division (HED) formal responses to both the draft Plan Strategy, Schedule of Proposed Changes and Addendum to the Sustainability Appraisal Report, October 2020.

- F&O - LDP - dPS Schedule of Proposed Changes Oct 2020 - HED Response
- F&O - LDP - dPS Addendum to SA Report Oct 2020- HED Response

HED has reviewed the Schedule of Proposed Changes and continues to have **significant concerns** for many of the historic environment draft policies and does not consider that they will successfully achieve the strategic objective or the objectives of the Regional Development Strategy and the SPPS. The direction being taken in the draft continues to reflect a significant divergence from policies in SPPS, which HED considers will lead to reduced protection and significant adverse effects on the historic environment. We are of the view that the policies in their proposed draft form would fail to meet our obligations in relation to International Conventions on Heritage to which the UK is a signatory (e.g. The Valletta Convention and The Granada convention).

In the context of the addendum to the Sustainability Appraisal, our overall view is unchanged from our original response (**DPS/113**), and we don't consider that it justifies the historic environment related policies within the draft Plan Strategy. Our original comments in relation to scoring of the historic environment policy suite still largely apply. HED also advise that the proposed changes fail to demonstrate a coherent and consistent approach to policy protection for the historic environment, particularly in regard to what we consider to be a selective account of HED evidence, approach to SPPS references and screening and assessment of the Sustainability Appraisal.

Changes which have taken account of HED comments as per DPS/113 are welcomed. In some cases, such changes have enabled a policy to become 'sound'. In other cases, HED notes that proposed changes only take partial account of the policy issues raised and in the majority of cases, policies remain unsound. HED suggested corrections have where appropriate, been included to assist make the policy 'sound' or 'more sound'. **Where proposed changes have failed to address**

issues raised as per HED representation DPS/113, comments and recommendations provided in the representation continue to apply.

HED will continue to engage with the Council through the LDP process and should you wish to discuss any of our attached comments, please contact us at the addresses below. We would be grateful for an acknowledgement of receipt for this email.

Yours Sincerely,

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'Supporting people, Building communities, Shaping places'



Date: 02/12/2020

Historic Environment Division submission

This representation relates to the following Local Development Plan Document: Fermanagh & Omagh District Council Local Development Plan 2030, Draft Plan Strategy, Schedule of Proposed Changes, October 2020.

Historic Environment Division (HED) has reviewed the Schedule of Proposed Changes and in accordance with para 2.2, comments have been limited to assessment of these changes against the soundness criteria as set out in Development Plan Practice Note 6, Soundness, May 2017.

Upon review of the Schedule of Proposed Changes, HED advise the proposed changes fail to demonstrate a coherent and consistent approach to policy protection for the historic environment, particularly in regard to what we consider to be a selective account of HED evidence, approach to SPPS references and screening and assessment of the Sustainability Appraisal.

Significant concerns for many of the historic environment draft policies remain and HED does not consider that they are sound or will successfully achieve the strategic objective or the objectives of the Regional Development Strategy and the SPPS. The direction being taken in the draft continues to reflect a significant divergence from policies in SPPS, which HED considers will lead to reduced protection and significant adverse effects on the historic environment. We are of the view that the policies in their proposed draft form would fail to meet our obligations in relation to International Conventions on Heritage to which the UK is a signatory (e.g. The Valletta Convention and The Granada convention).

HED has provided comments where changes relate to the HED DPS/113 representation, and also on changes which present potential impacts for the historic environment.

Changes which have taken account of HED comments as per DPS/113 are welcomed. In some cases, such changes have enabled a policy to become 'sound'. In other cases, HED notes that proposed changes only take partial account of the policy issues raised and in the majority of cases, policies remain unsound. HED suggested corrections have where appropriate, been included to assist make the policy 'sound' or 'more sound'. **Where changes have failed to address issues raised as per HED representation DPS/113, comments and recommendations provided in the representation continue to apply.**

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
5.0 ENVIRONMENT		
Historic Environment – Context & Justification		
64	Para 5.4	HED welcomes the reference to HED guidance and recommends the provision of a footnote alongside the proposed text linking to our relevant webpage https://www.communities-ni.gov.uk/articles/historic-environment-advice-and-guidance-planning-process
Draft Policy HE01: Historic Environment Overarching		
Policy deleted. HED considers this amendment to be sound.		
65	Policy HE01	Change amended as per HED DPS/113 consultation comments
66	Para 5.5 & 5.6	As above.
Draft Policy HE02: Archaeology		
HED note some changes to policy with which we agree but we advise that overall the policy remains unsound as it fails the Procedural test (P2) and Consistency test (C3) and Coherence and effectiveness tests (CE1 and CE2) . We refer back to our original representation HED DPS/113		
HED also advises that some of the paragraph referencing in this section of the proposed changes document appears to be inaccurate and highlight where we perceive this in italics below.		
67	5.6	<i>HED advises that this paragraph reference should read 5.7</i> HED is in agreement with moving this text
68	5.8	This text is unsound in stating ASAI are statutory designations, and therefore conflicts with strategic policy. Please refer back to our original representation DPS 113, and suggested wording for policy HE02. HED advise ASAI are not statutory designations. They are designated through the plan process – Constituent parts of them may be statutorily protected (i.e. scheduled monuments, state care monuments, listed buildings etc may be contained within an ASAI landscape). This is the thrust of the bracketed wording in SPPS 6.8. (Tests C3 and CE2 apply)
69	5.9	HED considers the proposed change makes the text sound.
70	5.11,5.12	HED refers back to the suggested wording in our response DPS 113. The Statements of Significance cited in the paragraph refer specifically to the two candidate ASAI put forward for designation through the plan and we consider that this needs to be made clear. The existing already designated ASAI are historic plan designations with existing policies – presumably these will form a basis for update at local policies stage HED suggested amended of relevant section of wording to demonstrate soundness in line with CE2 . “ Where they exist For Creggandevsky and Beaghmore this will build on the Statements of Significance
71	5.13	HED in agreement with the proposed change which makes it sound.
72	5.14	HED are in agreement with the proposed changes and consider the text to be sound.
73	Insertion of New paragraph s after 5.14	HED must strongly advise that the text of the first two paragraphs proposed for insertion should be framed as policy, and that its inclusion as clarification text rather than policy is unsound (soundness tests P2, C3, CE2 apply. HED therefore advise further amendment is required to

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
		<p>include this as policy text to make the policy sound as was highlighted in our representation DPS 113.</p> <p>Further, we refer back to our comments in relation to 5.5 and 5.6 in our original representation. -By its reduction to articulation as clarification text, HED advise that the weight of what is Strategic Policy (SPPS 6.10 and 6.11) for dealing with archaeological remains, is significantly diminished, The council has effectively provided no policy in relation to requests for further information to inform a planning decision (SPPS 6.10) or for archaeological mitigation and recording (SPPS 6.11). We further advise that additional suggested text included in our original representation provided clarification around implementation of these policies and legislative obligations in relation to reporting of archaeological remains uncovered during development. As presently drafted, even with the proposed changes, HED advises there is little clarity for applicants consulting the policy, of obligations around archaeological evaluation and mitigation. We have seen no robust evidence which would justify reducing these policies into clarification text only (CE2), and advise that the approach does not align with the preferred option. We highlight that council have been inconsistent in their approach to changes and note that wording has been moved from clarification text into policy to better align with SPPS across other policy areas in the document (-e.g. change ref 108 refers.). HED also considers that the approach will fail to meet our obligations under International Conventions for the protection of Archaeological Heritage, to which the UK is a signatory.</p>
Draft Policy HE03: Listed Building and their Settings		
<p>HED has reviewed the proposed changes and amendments in relation to Policy HE03 and remains of the view the policy is unsound in that it fails the Procedural test (P2), Consistency test (C1 and C3) and Coherence and effectiveness test (CE2).</p>		
<p>HED considers the draft policy and its clarification text in its current form, fails to provide adequate policy protection for listed buildings and does not take sufficient account of RDS RG11, notably 3.30,SPPS, notably 4.26, 5.9, 5.16, 6.4, 6.12, 6.13, 6.15 and 6.18 and representations made by HED from the evidence base we have provided to date.</p>		
74	Policy HE03 (a)	<p>HED reiterates its preferred option of four separate sub section headings for each criteria topic, to provide a sound policy approach, as per our representation DPS/113. HED considers the suggested headings would provide a more robust, legible and clear policy structure for assessing applications affecting listed buildings, as follows:</p> <ol style="list-style-type: none"> i. Alterations and extensions to a listed building, ii. Development in the setting of a listed building, iii. Change of use of a listed building and iv. Demolition of a listed building. <p>The policy changes however, retain amalgamated criteria topics. In the absence of evidence to support such an alternative approach, HED considers this to be a less robust option, as it potentially diminishes the weight of consideration for each criteria topic. (P2)</p> <p>The proposed amendments to the heading of policy sub section a), now includes '<u>development in the setting of a Listed Building</u>', but fails to include impacts of 'change of use' on a listed building.</p>

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		<p>Should sufficient evidence support the approach of amalgamating criteria topics, as a minimum, to align the policy with para 6.13 of the SPPS (C3), sub section (a) should be revised. HED suggested correction:</p> <p>a) <u>Change of use, alterations and extensions to a Listed Building and development in the setting of a Listed Building.</u></p> <p>The proposed changes to bullet points 1-4 are welcomed and have followed recommendations as per HED DPS113 consultation comments. To assist referencing, HED recommends each point is numbered i.e. (i), (ii) etc.</p> <p>Proposals for change of use should also be considered against its potential to secure the sustainable reuse and ongoing viability and upkeep of the listed building as per SPPS 6.13. (C1 & C3) HED suggested correction to bullet point 4 :</p> <ul style="list-style-type: none"> • <u>'where a change of use is proposed, the use is compatible with the fabric, appearance, setting and character of the building and secures its ongoing viability and up keep.'</u>
75	Policy HE03 (b)	<p>HED continues to have very significant concerns that policy sub section b) and the clarification text does not provide the required protection for listed buildings against proposals for demolition and considers the policy to be 'unsound'. (C1, C3 and CE2)</p> <p>Comments provided as per HED representation DPS/113, have not been fully addressed. HED reiterates, policy sub section b) should be revised to clarify the presumption in favour of retaining listed buildings, in line with the intent of the RDS, RG11 and SPPS 6.4, and 6.15. (C1, C3 & CE2) HED recommended correction: <u>'There will be a presumption in favour of retaining listed buildings. The total or part demolition of a listed building will only be permitted...'</u> (Comments on the first sentence of Change Ref 77 relate)</p> <p>HED notes that the proposed change deletes only part of the second bullet point. HED advises the remaining text 'demolition is desirable or necessary' should be omitted, as it is open to misinterpretation, when read out of context with SPPS 6.13 (C3&CE2). This strategic policy emphasises the need for proposals to be based on a clear understanding of the importance the listed building, the impacts of the proposal and explain how the proposals are justified, for works of alteration, extension or demolition.</p> <p>The last line of the policy remains unsound in that it fails to clarify demolition of a listed building will be <u>conditional</u> on prior arrangements for redevelopment of the site, in accordance with SPPS 6.15. The current policy text provides a lesser policy test than that required by strategic policy. (C3 & CE2 apply) HED therefore reiterates DPS113 comments recommending that the second half of the second sentence be omitted and an additional bullet point inserted. HED suggested correction:</p>

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
		<ul style="list-style-type: none"> ▪ “in such cases...building prior to demolition and for the timely redevelopment of the site; and ▪ <u>Where consent for the total demolition of a listed building, or any significant part of it, is granted, this will be conditional on prior agreement for the redevelopment of the site.”</u> <p>(Comments under Change Ref 77, third sentence, relate)</p>
76	Para 5.15	Change amended as per HED DPS/113 consultation comments.
77	Para 5.16	<p>HED notes the first line has been deleted but not included in the policy text, as per HED DPS 113 recommendation. HED considers the omission of this sentence from the policy text unsound, in that it fails to support the intent of RDS, RG11 and SPPS 6.4 & 6.15. See comments under Change Ref 75. (C1, C3 & CE2)</p> <p>The second line has been amended as per HED DPS113 comments and proposed changes to this line are considered sound.</p> <p>The proposed additional third sentence, has been included to confirm the ‘...SPPS requirement for use of condition to secure redevelopment’. HED must strongly advise that its inclusion as clarification text rather than policy, is unsound (C3 & CE2) and would diminish the weight of the policy test. HED therefore recommends this text is included within the policy wording as per Change ref 75 suggested correction.</p> <p>HED also notes that comments as per DPS 113 representation, relating to the issue of necessary evidence, when seeking the demolition of a listed building, have not been addressed. This additional clarification is considered necessary to make the policy sound.(CE2)</p>
78	Para 5.17	Minor change noted.
Draft Policy HE04: Conservation Areas		
<p>HED has reviewed the proposed changes and remains of the view the policy is ‘unsound’ in that it fails the Consistency Test (C3) and Coherence and effectiveness test (CE1 & CE2).</p> <p>HED considers the draft policy and its clarification text in its current form, fails to provide adequate policy protection for conservation areas and does not take sufficient account of SPPS, notably 4.26, 5.9, 5.16, 6.15, 6.18 and 6.19 and representations made by HED from the evidence base we have provided to date.</p>		
79	Policy HE04 (a)	<p>Proposed changes in relation to bullet point three are considered to be in accordance with the requirements of para 6.19 of the SPPS.</p> <p>HED comments as per DPS/113 in relation to the opening sentence and first bullet point of Policy item (a) remain unaddressed.</p>
80	Policy HE04 (b)	<p>The proposed changes have considered HED DPS/113 consultation comments in part, but fail to include additional policy text outlining the requirements for new development to support the conservation area ‘guiding principles’ as per Para 6.18 of the SPPS.</p> <p>HED reiterates suggested corrections: ‘Development proposals involving the demolition of an Unlisted building in a Conservation Area will only be permitted in exceptional</p>

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
		circumstances where it is demonstrated that the <u>existing building</u> makes no material contribution to the character or appearance of the area, and where it is demonstrated that the <u>new building enhances the character or appearance of the area.</u>' In such cases appropriate arrangements must be in place for the redevelopment of the site. (C3 & CE2)
81	Para 5.19	<p>HED notes the deletion of the second and third sentence of para 5.19.</p> <p>Related comments as per HED representation DPS/113, emphasises the need to apply a proportionate approach to policy requirements, appropriate to the heritage designation, setting out a hierarchy of policy tests, between listed buildings and conservation areas.</p> <p>In lieu of including respective clarification text to Policy HE03, the second sentence of para 5.19 text has been deleted.</p> <p>Change 81 also includes the deletion of the third sentence of Para 5.19. HED considers deletion of this text fails to provide adequate clarification on what 'appropriate arrangements' should involve, with regard to redevelopment of a site following demolition of an unlisted building in a Conservation Area. (C3 & CE1) To make this paragraph sound, HED recommends the third line is retained.</p> <p>It must also be demonstrated that appropriate arrangements are in place for the prompt redevelopment of the site (secured by condition).</p>
82	Enniskillen CA Map	Change noted.
Draft Policy HE05 – Areas of Townscape Character (ATCs) and Areas of Village Character (AVCs)		
HED advises that the policy can be made ' more sound '.		
83	<u>Policy HE05</u>	<p>HED notes that Change 83, removes text relating to development affecting the 'setting' of an ATC/AVC, to align with the SPPS. (Para 6.21)</p> <p>Item 5.21 of the Policy Clarification text however identifies the 'setting' of buildings within an ATC, as a contributing factor to their distinctive character. To make the policy 'more sound' to ensure that the overall character of the area is maintained or enhanced, HED recommends the retention of the deleted text as per Change Ref 83, so that new development in the setting of an ATC respects its built form. (SPPS 6.21)</p>
84	<u>Policy HE05(a)</u>	<p>HED notes the proposed change, which now aligns with SPPS para 6.22. HED however reiterates previous advice, as per HED DPS/113 consultation comments to make the policy 'more sound.'</p> <p>HED suggested correction: 'Any trees, townland or parish boundaries or other landscape features are protected...'</p>
85	<u>Policy HE05 (b)</u>	Change noted.
86	5.21	Change amended as per HED DPS/113 representation recommendation.
87	5.22	Change amended as per HED DPS/113 representation recommendation.
Draft Policy HE06: Historic Parks, Gardens and Demesnes		

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
HED considers the proposed changes make the policy 'sound.'		
88	Policy HE06	Change amended as per HED DPS/113 representation recommendation.
Draft Policy HE07: Local Landscape Policy Areas (LLPAs)		
HED considers the policy remains 'unsound' in that it fails Consistency Test (C3) Coherence and effectiveness test (CE2).		
HED considers the draft policy and its clarification text in its current form, does not take sufficient account of SPPS , notably 6.29 and representations made by HED from the evidence base we have provided to date.		
89	Policy HE07	HED considers that the policy should retain the word "historic" alongside environmental in the draft text. We highlight that Strategic Policy in SPPS consider LLPA within the Built Heritage Suite and that definition of what may be included in these zones specifically considers historic environment attributes. A very large proportion of these tend to be focused around heritage assets, HED advises referring back to the proposed wording suggested in our representation DPS 113 to meet soundness test CE2 .
90	Para 5.25	This interpretation of Local Landscape Policy areas as being buffer areas is unsound , (C3 and CE2 apply) and does not align with strategic planning policy articulated in SPPS. HED has concerns that this interpretation could lead to adverse impact on management of development in and around LLPA and reiterate our position that this paragraph should be omitted to achieve soundness. To make the clarification text sound, HED reiterates the recommendation as per DPS/113 representation, that Item 5.25 in its current form is to be omitted.
Draft Policy HE08: Enabling Development		
HED considers the policy remains 'unsound' in that it fails Consistency Test (C3) and Coherence and effectiveness test (CE2).		
HED considers the draft policy and its clarification text in its current form, fails to provide adequate policy protection for heritage assets considered under enabling development proposals and does not take sufficient account of SPPS , notably 5.9, 5.16, 6.25 and 6.26 and representations made by HED from the evidence base we have provided to date.		
91	Policy HE08	The new insertions as per HED DPS/113 comments are welcomed, though concerns remain that the use of the word 'future' e.g. 'secure the future conservation' is open to misinterpretation, and has the potential to leave the conservation of the heritage asset open ended i.e. with no time limit for when the works are to be completed. Changes also fail to incorporate the recommended criteria as per HED DPS/113 consultation comments. Enabling Development as a complex planning consideration, requires more detailed policy direction to ensure consistent decision making in line with the SPPS. HED therefore reiterates previous recommendations. (C3 & CE2)
92	Para 5.28	HED welcomes the inclusion of the additional bullet point but reiterates the recommendation as per DPS113, that bullet points under this item must be included within the policy text to make the policy sound. (C3 & CE2)

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
		HED also highlights the Planning Policy Statement relating to Enabling Development is PPS23 and not PPS6 as cited. The additional bullet point as per the change includes policy text from PPS23 Policy ED 1, criterion c, not clarification text.
Draft Policy HE09: Change of use, Conversion or Re-use of an unlisted Locally important building or Vernacular Building		
HED considers the proposed changes make the policy 'sound.'		
93	Policy HE09	HED welcomes the new insertions as recommended by DPS/113 representation and now considers the policy text to be 'sound.'
94	Para 5.33	HED welcomes the new insertions as recommended by DPS/113 representation and now considers the policy clarification to be 'sound.'

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
2.0 DEVELOPMENT & DESIGN		
Policy DE08 – Advertisements and the Historic Environment		
HED has reviewed the proposed changes and remains of the view the policy is unsound when considered against Consistency test (C3) and Coherence and effectiveness test (CE2) .		
HED considers the policy to be unclear as it does not take sufficient account of SPPS notably 4.26, 6.14, 6.20, 6.23, 6.58, 6.59 and 6.60 , and representations made by HED from the evidence base provided to date.		
20	Policy DE08	HED reiterates comments provided in relation to policy DE08 as per DPS/113 representation, in respect of the hierarchy of policy tests relative to designation and the requirement to control advertisements in an ATC/AVC. It is also noted that the policy can be interpreted as applying to all 'heritage assets', designated and non-designated. HED suggested corrections and new items are recommended to make the policy sound. (C3 & CE2)

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
3.0 PEOPLE & PLACES		
Policy HOU9 – Rural replacement dwellings		
HED has reviewed the proposed changes and remains of the view the policy is unsound when considered against Consistency test (C3) and Coherence and effectiveness test (CE1 & CE2) .		

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
HED considers the policy to be unclear as it does not take sufficient account of RDS RG11, notably 3.30 and SPPS notably 6.24 , and 6.73 (bullet points) , and representations made by HED from the evidence base provided to date.		
29	Para 3.37	<p>HED notes the deleted text (para 3.37), as per HED representation, DPS/113 recommendations.</p> <p>Change Ref 29 however also proposes the insertion of new replacement text to para 3.37. HED considers this change reads contradictory to the policy test which makes clear that the only circumstance permitting the replacement of an unlisted vernacular dwelling is where it 'is structurally unsound and incapable of conversion or sympathetic refurbishment with adaptation'. It is therefore unclear how the existing structure could be retained and incorporated into a scheme for replacement, as suggested by the proposed additional text. (C3 & CE1)</p> <p>As per HED representation DPS/113, HED recommends this item is omitted as it could be considered in conflict or create confusion with draft Policy HE09 (Change of Use, Conversion or Re-use of an Unlisted Locally Important Building or Vernacular building).</p> <p>HED comments as per representation DPS/113, in relation to Policy HOU09 and Policy Clarification, items 3.38, 3.39 and 3.41, remain outstanding. (C3 & CE2)</p>
Policy HOU10 – Replacement of Other Rural Buildings		
HED has reviewed the proposed changes and remains of the view the policy is unsound when considered against Consistency test (C3) and Coherence and effectiveness test (CE2) .		
HED considers the policy to be unclear as is does not take sufficient account of SPPS notably 6.67 , 6.69 and 6.73 (bullet points) , and representations made by HED from the evidence base provided to date.		
30	Policy HOU10	<p>HED welcomes the inclusion of the word 'all' in the opening policy statement to provide a more robust and coherent policy test.</p> <p>Additional recommendations made as per the HED DPS/113 response, however remain unaddressed. HED therefore reiterates comments in relation to Policy items c), d) and f). (C3 & CE2)</p>
Draft policy OSR5 Development adjacent to a Main River		
41	OSR5	<p>HED is disappointed to note removal of criterion c) as this provided important cross reference to historic environment interests. Given the evidential lakeland and riverine nature of much of the council area's heritage we considered that inclusion of this criterion was in line with soundness criteria CE2.</p> <p>HED suggest retention of criterion c) as worded in the DPS.</p>
Draft Policy IB05 – Farm Diversification		
46	Policy IB05	<p>HED notes the removal of criteria c) <i>'It does not have an adverse impact on the natural or built heritage;'</i> and raises concern that its removal will reduce the weight of consideration given to the impacts on the historic rural environment, with its rich vernacular heritage when considering applications for farm diversification. HED considers that the removal of criterion c could lead to uncertain or less negative outcomes in relation to the natural and historic environment.</p>

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
		<p>To align with soundness test CE2, HED proposes the inclusion of the following criteria text to policies IB05 & IB06:</p> <p>HED suggested insertion: <u>c) 'It does not have an adverse impact on the natural or historic environment.'</u></p>

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
4.0 ECONOMY		
Tourism Strategy		
54	Para 4.51	<p>HED notes Para 4.51 should be included under the heading of Tourism Strategy, in lieu of TOU2 Tourism Development in Settlements.</p> <p>HED notes that additional clarification text has been included in relation to 'Tourism Hubs', with cited examples.</p> <p>The cited examples primarily relate to, or have potential impacts on heritage assets of regional or international significance. HED raises concerns that the strategy for tourism development in the countryside to be 'directed towards tourism hubs' could therefore impact on the significance of heritage assets, of which setting is a key consideration.</p> <p>HED recommends addition text is provided to align with the para 6.262 & 6.262 of the SPPS.</p> <p>HED suggested insertion: <u>'Tourism proposals should be sustainable, in accordance with the LDP, and result in high quality forms of development, safeguarding the tourism asset from unnecessary, inappropriate or excessive development.'</u></p>
Draft Policy TOU02 – Tourism Development		
<p>HED has reviewed the proposed changes and remains of the view the policy is unsound when considered against Consistency test (C1 & C3) and Coherence and effectiveness test (CE1 & CE2).</p> <p>HED considers the policy to be unclear as it does not take sufficient account of RDS RG11, notably 3.30, and SPPS, notably 3.9, 6.253, 6.254, 6.255, 6.256 (bullet points 3 & 5) 6.262 & 6.265 and representations made by HED from the evidence base provided to date.</p>		
55	Policy TOU02	<p>HED notes the proposed amendments and insertions to the policy text. Concerns relating to the soundness of the policy however remain unaddressed as the changes do not take sufficient account of potential for adverse impacts on heritage assets and their settings, which may often form a tourism hub/attraction, as outlined in the proposed definition in para 4.51. HED therefore reiterates comments as per DPS/113</p>

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
		<p>recommending the inclusion of the suggested correction (C1, C3 and CE2.)</p> <p>HED also notes that criterion d) as per the proposed changes, includes reference to the reuse of adaption of buildings under draft policy IB05. To enable a consistent approach to create opportunities for the sympathetic reuse of unlisted vernacular and locally important buildings, HED recommends that policy HE09 is also cited under criterion d). (CE1)</p> <p>The sentence relating to a major tourism development, requires amendment to read coherently.</p>
Draft Policy TOU04 – Holiday Parks, Touring Caravan and Camping Sites		
<p>HED has reviewed the proposed changes and remains of the view the policy is unsound when considered against Consistency test (C1 & C3) and Coherence and effectiveness test (CE1 & CE2).</p> <p>HED considers the policy to be unclear as it does not take sufficient account of RDS RG11, notably 3.30, and SPPS, notably 3.9, 6.253, 6.254, 6.255, 6.256 (bullet points 3 & 5) 6.262 & 6.265 and representations made by HED from the evidence base provided to date.</p>		
58	120	<p>Policy item a) Concerns relating to the soundness of policy item a) as outlined in HED representation DPS/113, have not been addressed. HED remains of the view the policy fails to take sufficient account of the potential for adverse impacts on heritage assets and their settings, which may often form a tourism hub/attraction. HED therefore reiterates the requirement to provide a cross reference to the historic environment policy suite, as per representation DPS/113. (C1,C3,CE1 & CE2)</p> <p>HED suggested correction: <u>New item: 'Where tourism development is being sought due to association with a heritage asset, any proposal must be in line with the appropriate Historic Environment policy suite and adopt a heritage led approach.'</u></p> <p>Policy item c) HED notes the proposed amendments and insertions to the policy text. Should the recommended new item, as above, be included within the policy text, HED considers the proposed change addresses concerns in respect of policy item c).</p>
59	Para 4.69 and 4.47	HED welcomes the relocation of the indicated text to para 4.47.
Draft Policy MIN01 – Minerals Development		
<p>HED has reviewed the proposed changes and remains of the view the policy is unsound when considered against Consistency test (C3).</p> <p>HED considers the policy to be unclear as it does not take sufficient account of SPPS, notably 6.152 (second bullet point).</p>		
60	Policy MIN01	<p>HED considers that the policy remains unsound, test C3 refers. The proposed changes fail to address the concerns raised as per HED DPS/113 consultation comments, in relation to the inclusion of the word '<i>unacceptable</i>' in the opening statement, which weakens the thrust of the strategic policy, as per para 6.152 SPPS. HED therefore reiterates the recommendation to remove the word '<i>unacceptable</i>'. (C3)</p>

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
		<p>HED advise that the following proposed change text requires amendment in that it does not consider decision making in relation to statutory policy areas out with the plan designations (e.g. statutory designations such as scheduled monuments and listed buildings). Test C3 applies and para 6.157 of SPPS refers.</p> <p><i>"In considering a proposal for the extraction of valuable minerals including metalliferous minerals, where the site is within a designated area in the Local Development Plan <u>or other statutory designation</u>, due weight will be given to the reason for the statutory zoning. There will be a presumption against their exploitation within designated Special Countryside Areas."</i></p> <p>HED also highlights a perceived inconsistency with regard to council's approach to changes. (Change Ref 39 refers) where the word "significant" has been removed from Policy OSR04, in order to ensure policy alignment with SPPS.</p>
61	Para 4.80	Proposed changes noted.
62	Additional Para	<p>HED advise that the proposed paragraph should take greater consideration of SPPS 6.158, in that the text should consider areas that have been proposed for designation as well.</p> <p>We suggest the following amendment to accord with test C3</p> <p><i>"In considering a proposal where the site is within <u>or close to a designated site (or site proposed for designation)</u>, due weight will be given to the reason for the designation"</i></p>

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on proposed changes
6.0 INFRASTRUCTURE		
Policy RE01 – Renewable and Low Carbon Energy Generation		
HED considers the proposed changes make the policy 'sound.'		
116	Policy RE01	HED welcomes the proposed changes to policy item c) to provide the consistent use of the term 'historic environment' across other policies.
Draft Policy TR06 Disused Transport Routes		
131	6.54	HED note these changes but would highlight that the examples described in the text are heritage assets recorded on the Historic Environment Record of Northern Ireland. We consider that acknowledgement of their heritage value is merited in policy to accord with soundness test CE2

7.0 MONITORING AND REVIEW

Topic Area: Historic Environment		
HED has reviewed Appendix 3- Indicative monitoring framework and welcomes the inclusion of indicators 16-19 but requires the following changes to make the policy sound under the requirement of Coherence and Effectiveness Test (CE3) .		
HED reiterates comments as per HED DPS/113 in relation to additional recommended indicators.		
Indicator Ref	Indicator	HED Comments
16	Number of listed buildings demolished	<p>While HED welcomes the monitoring of listed building consents involving demolitions, the target and trigger raises concerns as they are limited to applications relating to Heritage At Risk, failing to comprehensively capture the full extent of listed building demolitions. Reduced trigger/ target percentages would also prompt closer monitoring of decision making with regard to demolition of listed buildings, to ensure alignment with the presumption against demolition, as per para 6.15 SPPS.</p> <p>HED suggested correction: Target: Less than 5% of LBC applications involving demolition of a listed building granted over a 5 year period Trigger: More than 5% of LBC applications involving demolition of a listed building granted over a 5 year period (Note these figures can be analysed to drawn down stats for 'Heritage At Risk'.)</p>
17	Number of demolitions within Conservation Area & Areas of Townscape /Village Character	HED considers the percentage should be reduced from 10% to 5% to prompt the trigger, to ensure appropriate monitoring of the effectiveness of policies to protect buildings which contribute the character and appearance of CAs and ATCs/AVCs from demolition.
18	The number of non-designated heritage (in CA,ATC or the countryside) assets demolished or replaced.	<p>HED welcomes the inclusion of this indicator as recommended by our representation DPS/113, but considers the percentage should be reduced from 10% to 5% to prompt the trigger, to ensure appropriate monitoring of the effectiveness of policies to protect non-designated heritage assets from demolition.</p> <p>As per DPS/113, positive monitoring of approved applications for the sympathetic reuse or conversion of a non-designated heritage asset is also encouraged, to review the effectiveness of the policies.</p>
19	Condition and record of changes within area of significant Archaeological Interest (ASAI)	HED welcomes inclusion of this monitoring indicator, but suggests more detail is required as to nature of monitoring. (e.g. the number and type of new developments within ASAI landscapes, particularly where statutory advice has recommended refusal due to adverse impacts on the ASAI)
28	Number of planning applications approved and refused by development type	HED welcomes inclusion of this monitoring indicator to review development type trends within the council area. This information may also help to inform required supplementary planning guidance.

PART 3 - APPENDICES

136	Appendix 1	Appendix 1 should emphasise a presumption against LED lighting/ digital displays on or within the setting of a Listed Building, Scheduled Monument, State Care site, Conservation Area or Area of Townscape Character, as such illuminated advertisements are likely to detract from their essential character, appearance and setting. SPPS paragraphs 6.8, 6.14, 6.20, 6.23 refers.
137		HED welcomes the proposed omission but recommend including a link to the HED website. See comments under Change Ref 64.
138		HED welcomes the inclusion of the term 'setting'.

Historic Environment Division

Klondyke Building
Cromac Avenue
Gasworks Business Park
Malone Lower
BELFAST BT7 2JA

Date: 02/12/2020

HISTORIC ENVIRONMENT DIVISION COMMENTS ON ADDENDUM TO SUSTAINABILITY APPRAISAL FOR PROPOSED CHANGES TO FERMANAGH AND OMAGH DRAFT PLAN STRATEGY

DfC Historic Environment Division (HED) operate via a Service Level Agreement with colleagues in DAERA in relation to SEA, whereby, we provide authoritative comment and advice in relation to matters of Cultural Heritage including archaeological and architectural heritage.

HED advise that having examined the proposed changes we still consider the historic environment policy suite in the draft plan strategy to be unsound. In the context of the addendum to the Sustainability Appraisal our overall view is unchanged from our original responses, and we don't consider that it justifies the historic environment related policies within the draft plan strategy (test P3 applies). Our original comments in relation to scoring of the historic environment policy suite still largely apply.

With regard to screening HED note inconsistencies in the approach to decision making as to whether a policy should be subject to appraisal again or not. This is elaborated on further in our comments on the document. For example in some cases when a policy is amended to align with SPPS SA is required, in other cases where the same type of amendment is made, it is deemed unnecessary to appraise again, and there's a lack of clarity as to why this may be the case. This needs to be outlined more clearly in respect of the potential environmental effects as opposed to effects on the SA itself.

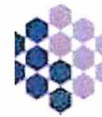
We have provided comments below specifically in relation to the SA addendum and scoring (and sometimes absence of scoring) in relation to proposed changes that we consider relevant to historic environment considerations.

HED consider that the removal of certain policies in some cases will change how the implementation of the strategy impacts the historic environment. These impacts can be positive as well as negative. HED consider that greater clarity is required in the screening explaining as to why changes entailing removal of a policy don't merit appraisal, specifically as regards the potential for environmental effects, rather than effects on SA.

HED COMMENTS ON ADDENDUM TO SUSTAINABILITY APPRAISAL SCREENING REPORT AND SCORING IN LIGHT OF PROPOSED CHANGES TO THE DRAFT PLAN STRATEGY

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on screening decision reasons and on SA scoring
20	Policy DE08	HED agree that no further SA is required, however we refer to our original comments associated with DPS 113 on the scoring.
29	Para 3.37	HED agree that no further SA is required
30	HOU 10	HED agree that no further SA is required
41	OSR 05	HED consider further SA would be required as the proposed change reduces the policy protection for the historic environment and creates potential for negative or less certain environmental effects.
46	IB 05	HED consider further SA would be required as the proposed change to the policy reduces protection for the historic environment and creates potential for negative or less certain environmental effects. HED advise as per our comments on the proposed changes that we still consider the historic environment policies to be unsound.
54	4.51	HED agree that no further SA is required
55	TOU2	HED agree that SA is required – however we disagree with the scoring afforded. See our comments on SA associated with our original representation DPS 113. HED considers the included ref to policy IB05 but omission of HE09 fails to provide a consistent approach and has a negative impact on the historic environment.
58	TOU4	HED agree that no further SA is required, however we refer to our original comments associated with DPS 113 on the scoring.
59	Para 4.69 & 4.77	HED agree that no further SA is required
60	MIN 01	HED agree that SA is required however we disagree with the scoring afforded and consider this proposed change to the policy to have potential for negative impacts on the Historic Environment as the policy test is weaker than the SPPS.
64	Para 5.4	HED agree that no further SA is required
65	HE01	<u>HED advise that we consider a clearer explanation is required in screening considering the effects on the environment and on the sustainability objectives.</u>
68	Para 5.8	HED advise that the relevant policy should be referred to here in the screening report (HE 02). We also refer to our comments in relation to the proposed change.
73	Insertion of new text after para 5.14	We refer to our comments in relation to this proposed change, and our original representation comments in DPS 113. We consider that this change does merit SA, - it is a poor analysis. The change is more than clarification and problematically articulates strategic policy from SPPS as clarification text, reducing its weight in decision making. We consider a significant negative score appropriate here in relation to effects of the change on the historic environment
74	Policy HE03 a)	HED agree SA is required. See our comments on the proposed changes – the policy fails to align with the requirements of SPPS. 'Change of use',

Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on screening decision reasons and on SA scoring
		a key criteria topic for considering impacts on a listed building has not been included in the policy sub section heading. The policy also fails to include the requirement for COU applications to support a sustainable reuse which would secure the ongoing viability and upkeep of the building. HED disagree with the scoring afforded and would consider this policy to have a significant negative outcome for the historic environment.
75	Policy HE03 b)	HED has major concerns with regard to the soundness of this policy which fails to align with the requirements of SPPS. See comments on the proposed changes. The proposed change however is not considered to require an additional SA. HED refers to our original comments associated with DPS 113 on the scoring.
76	Para 5.15	HED agree that no further SA is required
77	Para 5.16	HED agree that further assessment is required. We disagree with the proposed scoring and consider that the deleted and additional clarification text should be included within the policy text. HED considers this will have a significant negative outcome in relation to the protection of listed buildings against demolition.
78	Para 5.17	HED agree that no further SA is required
79	<u>HE04 a)</u>	HED agree that no further SA is required
80	<u>HE04 b)</u>	HED agree that further SA is required, however we disagree with the proposed scoring. Policy HE04 b fails to support the guiding principles as outlined in SPPS 6.18. HED considers this will have a negative outcome in relation to the character and appearance of the CA and effects on the historic environment.
81	<u>Para 5.19</u>	HED has concerns that the proposed change, namely the deletion of the third sentence, fails to provide sufficient direction to enable consistent application of policy. HED consider SA is required, given the potential for negative effects on the historic environment
84	HE05 a)	HED agree that no further SA is required.
85	HE05 b)	HED agree that further SA is required. We agree with the proposed scoring
86	Para 5.21	HED agree that no further SA is required
87	Para 5.22	HED agree that no further SA is required (See comments re HE 06 below)
88	HE 06	HED highlight again the need for clarity in the reason given in the screening. We note this proposed change is toward better alignment with SPPS and requires SA, In other instances similar changes to align with SPPS do not require SA. We consider there needs to be greater clarity in the comments as to why some changes to align with SPPS policies are perceived to have greater potential effects on the environment and sustainability objectives than others.
89	HE 07	HED advise that the proposed change relates to the omission of the word 'historic' thereby reducing consideration of the historic environment, which in many cases is the main reason for the application of the designation. HED considers a SA is required.
91	HE08	While we agree that no SA is required HED refer to our original comments on SA associated with our representation DPS113.



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Proposed Change Ref	Policy/ Para/ Table Number etc	HED comments on screening decision reasons and on SA scoring
92	Para 5.28	HED agrees that no SA is required and refers to our original comments on SA associated with our representation DPS 113.
93	HE09	HED agree SA is required and highlight the potential for positive effects in relation to the historic environment. We agree with the proposed scoring
94	Para 5.33	HED agree that no further SA is required
116	RE 01	HED highlight the potential for the proposed change to have positive effects with regard to the historic environment, and suggest that this should be reflected in the scoring.
134	Table 7 Monitoring Indicators	HED advise that we consider that SA would be appropriate with regard to this change. Monitoring relates to the review of the effectiveness of the draft plan strategy policies in terms of meeting sustainability objectives and the changes to indicators have potential to effect understanding of these impacts.