



Local Development Plan 2032

Draft Plan Strategy

Representation Form

Please complete this representation form online and email to LDP@lisburncastlereagh.gov.uk or alternatively print and post a hardcopy to:-

Local Development Plan Team
Lisburn & Castlereagh City Council
Lagan Valley Island
Lisburn
BT27 4RL

All representations must be received no later than 5pm on the 10th January 2020

SECTION A: YOUR DETAILS

Please tick one of the following:-

- Individual Planning Consultant / Agent Public Sector / Body
 Voluntary / Community Group Other

First Name

Last Name

Details of Organisation / Body

Address

Postcode

Email Address

Phone Number

Consent to Publish Response

Under planning legislation we are required to publish responses received in response to the Plan Strategy, however you may opt to have your response published anonymously should you wish.

Even if you opt for your representation to be published anonymously, we still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner appointed to oversee the examination in public into the soundness of the Plan Strategy. This will be done in accordance with the privacy statement detailed in Section C.

- Please publish *without* my identifying information
- Please publish with only my Organisation
- Please publish with my Name and Organisation

SECTION B: YOUR REPRESENTATION

Please set out your comments in full. This will help the independent examiner understand the issues you raise. *You will only be permitted to submit further additional information to the Independent Examiner if the Independent Examiner invites you to do so.*

What is your view on the Plan Strategy?

- I believe it to be **SOUND**

If you consider the Draft Plan Strategy to be sound, and wish to support the Plan Strategy, please set out your comments below:-

(If submitting a hardcopy & additional space is required, please continue on a separate sheet)

- CE3 Are there clear mechanisms for implementation and monitoring?
- CE4 Is it reasonably flexible to enable it to deal with changing circumstances?

DETAILS

Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

HED advise that we generally find the plan strategy to be sound, however we have identified a fundamental soundness problem in relation to policy HE1 and consider that the monitoring indicators need to be more robust and measureable in order to be sound. We have attached our narrative response in relation to the Draft Plan Strategy.

HED highlight that we have also provided comment in relation several other policies where we consider that these should be made more sound, as per Development Plan Practice Note 6

We would commend the council on the meaningful engagement we have had with them in relation to their development of the Draft Plan Strategy

MODIFICATIONS

If you consider the Plan Strategy to be unsound, please provide details of what changes you consider necessary to make the Plan Strategy sound.

Our suggested changes in relation to HE1 relate to the removal of a single line of text, as explained in the attached narrative.

We have also suggested changes in the narrative toward more robust monitoring and indicators within Appendix E.

In relation to other policies with the draft Plan Strategy we have provided on comments on changes to phrases and wording to ensure accuracy in line with evidence bases and to make these more sound.

I wish to attach supporting information with my representation e.g. map attached documents

OR

I believe it to be **UNSOUND**

PLAN COMPONENT - To which part of the Plan Strategy does your comment relate?

IF YOU WISH TO SUBMIT ANY FURTHER REPRESENTATIONS, PLEASE COMPLETE SECTION B FOR EACH INDIVIDUAL ISSUE

Part 1 – Plan Strategy

- Chapter 1 - Introduction
- Chapter 2 - Policy & Spatial Context
- Chapter 3 - Vision & Plan Objectives
- Chapter 4 - Strategic Policies and Spatial Strategy
- Chapter 4A - Enabling Sustainable Communities & Delivery of New Homes
- Chapter 4B - Driving Sustainable Economic Growth
- Chapter 4C - Growing our City, Town Centres, Retailing & Other Uses
- Chapter 4D - Promoting Sustainable Tourism, Open Space, Sport & Outdoor Recreation
- Chapter 4E - Protecting & Enhancing the Historic & Natural Environment
- Chapter 4F - Supporting Sustainable Transport & Other Infrastructure
- Chapter 5 - Monitoring & Review

Part 2 – Operational Policies

Operational Policy (Please State Individual Policy using Policy Reference e.g. HOU 1)

HE1

SOUNDNESS TEST:

Please identify which test(s) of soundness your representation relates to, having regard to Development Plan Practice Note 6 (available on the Planning Portal website at https://www.planningni.gov.uk/index/s/development_plan_practice_note_06_soundness_version_2_may_2017.pdf)

- P1 Has the Plan Strategy been prepared in accordance with the council's timetable and the Statement of Community Involvement?
- P2 Has the council prepared its Preferred Options Paper and taken into account any representations made?
- P3 Has the Plan Strategy been subject to sustainability appraisal including Strategic Environmental Assessment?
- P4 Did the Council comply with the regulations on the form and content of its Draft Plan Strategy and procedure for preparing the Draft Plan Strategy?
- C1 Did the Council take account of the Regional Development Strategy?
- C2 Did the Council take account of its Community Plan?
- C3 Did the Council take account of policy and guidance issued by the Department?
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?
- CE1 Does the Plan Strategy set out a coherent strategy from which its policies & allocations logically flow & where cross boundary issues are relevant it is not in conflict with the Plan Strategies of neighbouring councils?
- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?

IF YOU WISH TO SUBMIT ANY FURTHER REPRESENTATIONS, PLEASE COMPLETE SECTION B FOR EACH INDIVIDUAL ISSUE

SECTION C: DEALING WITH YOUR REPRESENTATION

Please indicate how you would like your representation to be dealt with.



Written Representation



Oral Representation

Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

SECTION D: DATA PROTECTION

In accordance with the Data Protection Act 2018, Lisburn & Castlereagh City Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure.

It should also be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure (DfI) as they will be considered as part of the Independent Examination process. For further guidance on how we hold your information please visit the privacy section at www.lisburncastlereagh.gov.uk/information/privacy

By proceeding and signing this representation you confirm that you have read and understand the privacy notice above and give your consent for Lisburn & Castlereagh City Council to hold your personal data for the purposes outlined.

Please note that when you make a representation (or counter-representation) to the Local Development Plan your personal information (with the exception of personal telephone numbers, signatures, email addresses or sensitive personal data) will be made publicly available on the council's website. Copies of all representations will be provided to DfI and an Independent Examiner (a third party) as part of the submission of the Local Development Plan for Independent Examination. A Programme Officer will also have access to this information during the IE stages of the Plan preparation. DfI, the Programme Officer and the Independent Examiner will, upon receipt, be responsible for the processing of your data in line with prevailing legislation. If you wish to contact the council's Data Protection Officer, please write to:

Data Protection Officer
Lisburn & Castlereagh City Council,
Civic Headquarters,
Lagan Valley Island,
Lisburn,
BT27 4RL

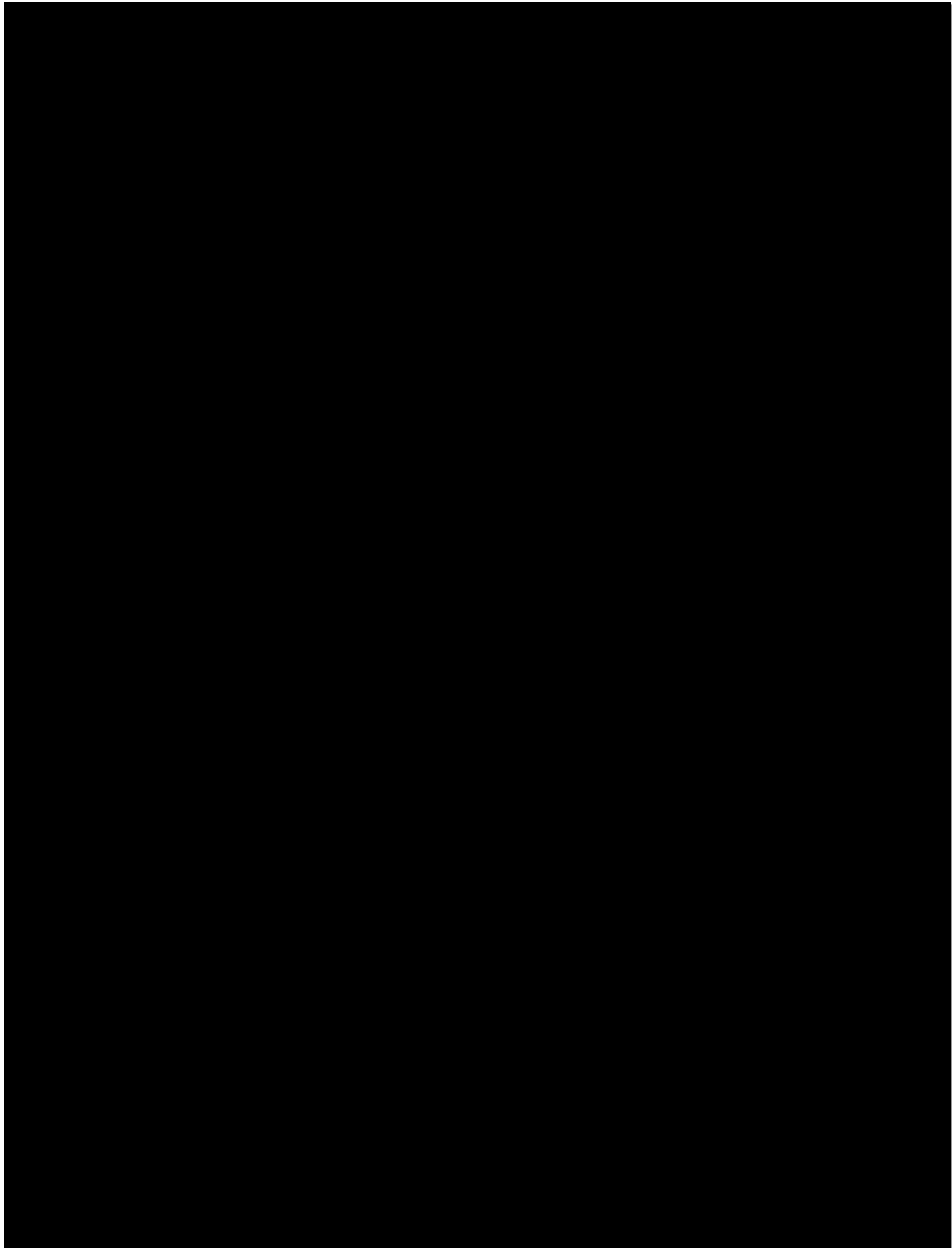
or send an email to: data.protection@lisburncastlereagh.gov.uk or telephone: 028 9244 7300.

Signature

[Redacted Signature]

Date

9th Jan 2020



Historic Environment Division submission

This representation relates to the following Development Plan Document: **Lisburn & Castlereagh City Council Local Development Plan 2032 – Draft Plan Strategy (October 2019)**

DfC Historic Environment Division considers the Lisburn and Castlereagh City Council Local Development Plan 2032, draft plan strategy to be **unsound** in relation to **policy HE1**, and **Appendix E the Monitoring Framework for Plan Objective E**, but otherwise generally sound in respect of the remaining policies relating to the historic environment. We ask that the council considers our response thoroughly, particularly in relation to **policy HE1** and also where we have advised that policies ought to be made '**more sound**'.

Overall, the Council is commended on the comprehensive strategic approach, structure and format of the document and use and application of their historic environment evidence to inform plan strategies and policies. HED has welcomed the engagement through the plan process to date and encourages further consultation as the plan moves forward to the Local Policies Plan stage. HED would however advise that further work is required with regard to the Countryside Assessment and Landscape Character Assessments to inform appropriate consideration of land zoning proposals, at the next stage of the plan. Our comments on this and other historic environment related evidence bases, may be found in our response to the Sustainability Appraisal, sent separately.

Our response has been provided in a narrative format. Where it is considered that some of the draft policies can be made "more sound", a rationale is provided against the soundness criteria and suggested amendments and/ or comments provided, for review by Council.

HED Editorial note:

The following key has been applied throughout the response when indicating suggested corrections and/or amendments to the text:

- Policies – Policy text is **emboldened**. Where we have suggested corrective text to make the policies sound this is **emboldened** and underlined.

- Justification and Amplification text – Justification text is in *italics*. Where we have suggested corrective text to make the justification text sound this is in *italics* and underlined.
- Within the justification and amplification text for clarity, amendments and/or corrections to the existing items are provided in the first instance, with proposed new additional items inserted thereafter. However, this does not imply a preferred order of preference.

PART 1: STRATEGIC POLICIES

Strategic Policy 18: Protecting and Enhancing the Historic Environment and Archaeological Remains

HED advises that we consider that significant amendments are required to the amplification text and that in order to make the policy text itself 'more sound' (**consistency tests (C1) (C3)**) the order of points a and b in the policy text should be reversed to achieve alignment with the hierarchical approach of the strategic policy within SPPS toward the historic environment. Similarly HED considers that the hierarchy articulated in the accompanying amplification text should be restructured to achieve alignment with the SPPS hierarchical approach in relation to the historic environment. Text should be amended as follows:

The Plan will support development proposals that:

- a) protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential**
- b) protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character**
- c) promote the highest quality of design for any new development affecting our historic environment.**

Page 125. HED advises that factual inaccuracies in some of the content on this page, need to be corrected, (**consistency test (C3)**).

We advise that "scheduled sites" (HED recommends the term "**scheduled monument**" for accuracy and consistency through policy content) should be considered within the paragraph relating to archaeological remains, rather than with listed buildings. See SPPS 6.8 and 6.29

The language in the paragraph in relation to Archaeological Remains is not accurate in reference to ASAI and does not consider the plethora of archaeological sites in the council's district, concentrating instead only on remains of regional importance. This paragraph presently reads

Archaeological Remains: Archaeological remains of regional importance include monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAI). Such sites benefit from statutory protection.

The last sentence is factually inaccurate and HED considers that it makes this amplification text **unsound** and should be removed. Please refer to SPPS 6.8 in relation to ASAI "...such sites, or constituent parts of them may benefit from statutory protection". HED advises that ASAI, while regionally important as per SPPS 6.8, are not themselves statutorily protected, - they are designations of particularly distinctive historic landscape (SPPS 6.29), made through the LDP by local authorities. Given their scope, they usually do contain scheduled or state care monuments which do have statutory protection.

HED advises that this content should be amended to read as follows:

Archaeological Remains: *Archaeological remains of regional importance include monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAI), and sites that would merit scheduling. Archaeological remains of local importance include other sites recorded on the Sites and Monuments Record, the Industrial Heritage Record and the Defence Heritage Record.*

Areas of Archaeological Potential.
This section presently reads

Areas of Archaeological Potential: *There are six areas of Archaeological Potential in Dundonald, Dromara, Hillsborough, Lisburn, Drumbo and Glenavy which are also afforded protection through this Local Development Plan.*

HED notes the articulation of existing Areas of Archaeological Potential in this section. We advise that as per SPPS 6.29 these are identified as opposed to protected. We advise that we have provided evidence to the council in relation to having identified further areas of archaeological potential from the Gazetteer of Nucleated Historic Settlements which we would expect to be utilised at Local Policies Stage. We are concerned that this paragraph lacks flexibility (**coherence and effectiveness test (CE4)**) and that it may imply that only the existing 6 AAPs will be identified in the plan and that historic environment evidence supplied may not be utilised. To achieve soundness we would suggest amending this paragraph to read.

Areas of Archaeological Potential: *There are presently six areas of Archaeological Potential in Dundonald, Dromara, Hillsborough, Lisburn, Drumbo and Glenavy, which are identified in this plan and more may be identified at Local Policies Stage*

HED further advises that the footnote 51 should be amended to read Listed Buildings, Scheduled Monuments and State Care Monuments are designated by Historic Environment Division, Department for Communities.

It is inaccurate to state that we designate Historic Parks and Gardens (we identify these and place them on a Register), and ASAI, (we may identify these but do not designate).

STRATEGIC MIXED USE POLICIES

SMU 01 West Lisburn/Blaris.

HED considers that this policy would be **more sound (consistency test C4)**, in that evidence from related plans and policies for the district has not been adequately taken into account. Refer to BMAP District Proposals for Lisburn page 24 -25. The amplification text for

this site included that “Detailed consultation with Northern Ireland Environment Agency (Built Heritage), DOE, will be required with regard to the identification and treatment of buried archaeological remains”.

HED considers that this concern referred to in the original zoning has not been carried forward (or discussed as evidence) in relation to the zoning in the draft Plan Strategy. In order to address the likely impact on previously unidentified below ground archaeological remains within the zoning we advise that the following sentence should be inserted at the end of the amplification text for SMU 01.

Detailed consultation with DfC Historic Environment Division, will be required with regard to the identification and treatment of buried archaeological remains

APPENDIX E: Monitoring Framework for Plan Objective E.

HED considers the indicators relating to the Monitoring Framework for Plan Objective E to be ‘**unsound**’ when considered against the **Coherence and Effectiveness test (CE3)**. At present, the indicators are insufficiently robust (e.g. in relation to archaeological remains which are not articulated at all) and fail to provide numerical measurements to prompt Trigger points for review.

To effectively monitor the performance of the plan, indicators need to be targeted and measurable. The table below provides an example of how this may be achieved.

Indicator	Monitoring Target	Trigger Point
Number of demolitions/ conversions of listed buildings	Less than 5% of applications for demolition / conversion of listed buildings recommended for approval, contrary to the advice from DfC- Historic Environment Division, over a 5 year Period	More than 5% of applications for demolition / conversion of listed buildings recommended for approval, contrary to the advice from DfC- Historic Environment Division, over a 5 year Period

HED advises the proposed three indicators relating to the Historic Environment are therefore revised accordingly and that further indicators are devised in order to make monitoring more robust. We consider that the language used in the SA indicators with regard to monitoring, should be carried forward into the draft Plan Strategy. (i.e. ‘...proposals permitted involving heritage assets contrary to the advice from DfC- Historic Environment Division...’)

HED also recommends the inclusion of the following general indicator relating to the historic environment:

- a) Number of planning decisions which go against the advice of HED in relation to impacts on all heritage assets, including archaeological remains and their settings

Monitoring of ‘non-designated’ heritage assets will also be particularly pertinent, to review the effectiveness of the related policies – HE13, COU3, COU4, & TOU3. (Note: Refer to comments overleaf in relation to Development in the Countryside)

HED therefore recommends the addition of the following indicator for non-designated heritage assets:

- b) The number of non-designated heritage assets¹ re-used/enhanced, demolished or replaced.

The draft Plan Strategy also fails to provide monitoring in relation to archaeology and should also consider effects on monuments of regional importance, local importance and their setting.

HED therefore considers it may be appropriate for monitoring to also include:

- c) Number of consultations where evaluations to inform decisions are recommended by HED, but which instead receive approval with planning conditions for archaeological work. (Failing to identify some of the potential archaeological impacts in these cases in advance, can result in negative outcomes for the historic environment, and also potentially have financial consequences for developers who may have to deal with complex archaeological sites.)
- d) Numbers of scheduled monument consents in relation to development work initiated through the planning process
- e) Monitoring of applications in various AAPs to which archaeological conditions applied;

¹ Vernacular buildings and locally important buildings

PART 2: OPERATIONAL POLICIES

9. Historic Environment and Archaeology

- **HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings**

HED must advise that due to certain wording included in the amplification text, that this policy is **unsound** in relation to **Consistency Test (C3)** and **Coherence and Effectiveness Test (CE2)**.

The paragraph of amplification beginning "Scheduled Monument Consent" presently reads

Scheduled monument consent is required from DfC for any works affecting the scheduled monument. Accordingly where applications for planning permission are submitted which involve works affecting a scheduled monument the Council will encourage the submission of an application for scheduled monument consent in order that these may be considered concurrently, having been subject to prior engagement with DfC Historic Environment Division. In the majority of cases it should prove possible for differences to be resolved through voluntary discussion and for a satisfactory compromise to be reached.

HED advises that the last sentence in this paragraph aligns with a section in PPS6, page 18, which relates to a completely separate issue, specific to discussions taking place in relation to previously unknown archaeological remains which have been discovered during the course of an already approved development. Its use in the context of decision making in relation to scheduled monuments generally in the plan strategy as articulated above, creates an inference that scheduled monument consent is likely to be approved following discussion with HED. HED advises that this approach is unsound and does not align with SPPS 6.8 or existing PPS6 policy or (Development Plan Practice Note 5, para. 9.13 and 9.14). The Historic Monuments and Archaeological Objects (NI) Order 1995 is focused on the curation and protection of archaeological remains and is separate and distinct from planning legislation. We strongly advise that there is no presumption in favour of the granting of scheduled monument consent and that this sentence **must be removed** in order to achieve soundness. The remainder of the paragraph is sound. See amendment to make sound below (removal of last sentence)

Scheduled monument consent is required from DfC for any works affecting the scheduled monument. Accordingly where applications for planning permission are submitted which involve works affecting a scheduled monument the Council will encourage the submission of an application for scheduled monument consent in order that these may be considered concurrently, having been subject to prior engagement with DfC Historic Environment Division.

- **HE6 Change of Use and/or Extensions or Alterations to a Listed Building**
HED considers the policy could be made **more sound**, to better meet the **Consistency Test (C3)** and **Coherence and Effectiveness Test (CE1)**.

To make the policy '**more sound**' and align with requirements of the SPPS para 6.13 which states 'Development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the ongoing viability and upkeep of the building,' HED suggests the inclusion of the word 'normally' as follows:

'The Council will normally permit the change of use and/or extension or alteration of a listed building where this will secure its upkeep and survival.'

This enables a balanced consideration of the proposal in terms of the appropriateness of the use/extension or alteration against the remaining policy requirements i.e. respecting the essential character, *special* architectural or historic interest and conserving features of special interest.

HED also recommends the inclusion of the word '**special** architectural or historic interest of the building..' as this aligns with the legislative test of a 'listed building' under Section 80 of the Planning Act NI 2011.

Policy HE9 includes criteria that new development impacting on the setting of a listed building should be appropriate in terms of detailed design, material and techniques. Policy HE7 justification and amplification text also refers to the use of 'quality materials'. To ensure alignment between the suite of HE policies, HED recommends the inclusion of the following text at the end of para 1.

The works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building.

To provide greater clarity, HED suggests omitting '**building/place**' from the second paragraph as these terms are included in the definition of a '**heritage asset**'. Refer to Glossary for recommended definition of 'Heritage Asset'.

In paragraph 5 of the justification and amplification text, HED recommends the omission of the last 2 lines, (*'...because it is vitally important that new work does not weaken the structural integrity of the building'*) as the significance of the building is not restricted to its structural system; it is a comprehensive assessment of its special interest.

- **HE7 Control of Advertisements on a Listed Building**

HED considers the policy could be made **more sound**, to better meet the **Consistency Test (C3)** and **Coherence and Effectiveness Test (CE1)**.

To give more weight to the consideration of remainder of the policy wording and align with policy text in para 6.14 of the SPPS, HED suggests the addition of the word 'only' as follows:

The Council will grant the consents necessary for advertisements or signs on a listed building only where these are carefully designed and located to respect the architectural form and detailing of the building, amenity of the locality and which are not detrimental to public safety.

- **HE8 Demolition or Partial Demolition of a Listed Building**

HED considers the policy could be made **more sound**, to better meet the **Coherence and Effectiveness Test (CE1)**.

To provide ease of reference, HED suggests the assessment criteria, as set out in the third paragraph of the justification text, is annotated with letters i.e. a, b, &c in lieu of bullet points.

HED also suggests amendments to the second bullet point as follows, to give greater explanation in relation to retaining/ finding new uses:

- *the adequacy of efforts made to retain the building in use or to find compatible new or alternative uses*

HED also recommends that the last line of the justification and amplifications text is augmented as follows, to align with the policy text requirement to record the listed building prior to its demolition, where exceptionally LBC is granted:

Where exceptionally, consent is granted for the demolition of a listed building, conditions should normally include:

- *A Section 76 Planning Agreement to ensure the site is subsequently redeveloped for the purpose granted and*
- *Appropriate recording of the building prior to its demolition, typically consisting of a drawn, photographic and written record.*

- **HE9 Development affecting the Setting of a Listed Building**

HED considers the policy could be made **more sound**, to better meet the **Coherence and Effectiveness Test (CE1)**.

Note Typo: First policy word should read '**Proposals**'

To ensure alignment between the suites of HE policies in respect of materials/ details and techniques, HED recommends the following revision to reference b):

The works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building.

DfC Consultation requirements on development proposals are set out under Schedule 3, 1(b) of the Planning (General Development Procedure) Order (NI) 2015. Councils must

consult DfC (HED) 'where a development proposal is likely to affect the... setting of a listed building...'

HED therefore suggests the following amendment to the first two lines of the justification and amplification text:

The Council will consult DfC where a development proposal is likely to affect the setting of a listed building. Development which by its character or location may have an adverse affect on the setting of a listed building will require very careful consideration, even if the development would only replace a building which is neither itself listed nor immediately adjacent to a listed building.

To align the suite of HE policies with the requirement under SP02 for 'quality design' and HE10 for '...a very high standard of design..', HED requires the following amendments to second line of the third paragraph as follows:

'Such buildings must be of a very high standard of design, which respects their setting in terms of scale, height, massing and alignment, with the use of quality materials.'

- **HE10 New Development in a Conservation Area or Area of Townscape Character/Area of Village Character**

Policy HE10 states the means by which a CA and ATC is designated. This text does not provide policy direction and therefore may be best placed within the justification and amplification text.

Should the Council wish to retain the policy text, HED requires the following changes to the first para to make the policy 'more sound' to meet the **Consistency Test (C3)** as per Section 104 of the Planning Act (NI) 2011 and SPPS p.43.

The Council may designate Conservation Areas based on their historic built form or layout as 'areas of special architectural or historic interest within its district the character or appearance of which it is desirable to preserve or enhance'.

HED also recommends replacing the word 'respects' with 'preserves' in the third line of the first para of the justification and amplification text, to adhere with legislative and strategic policy text.

- **HE11The Control of Advertisements in a Conservation Area or Area of Townscape Character/Area of Village Character**

HED considers the policy could be made 'more sound', to better meet the Coherence and Effectiveness Test (CE1).

To ensure the policy reads coherently, HED suggests that the last line of the policy text is reworded to clarify the requirement for advertisement consent applications in a Conservation Area to also satisfy operational policy AD1.

In Areas of Townscape Character (ATC) or Areas of Village Character (AVC) consent for the display of an advertisement should only be granted where the overall character and appearance of the area will be maintained.

All proposals should also meet the requirements of operational policy AD1 the Control of Outdoor Advertisements.

- **HE12 Demolition or Partial Demolition in a Conservation Area or Area of Townscape Character/Area of Village Character**

HED considers the policy could be made 'more sound', to better meet the **Coherence and Effectiveness Test (CE1)**.

HED suggests the first line of the second para of the justification and amplification text is reworded as follows to emphasize that the test for demolition in a Conservation Area, ATC or AVC is to prove the building makes no material contribution to either the character or appearance of the area (CA) or distinctive character of the area (ATC or AVC). The current text refers to 'the need for demolition' rather than an assessment of its 'material contribution'. HED suggests the following alternative wording:

'The onus will be on the applicant to demonstrate and justify why the building makes no material contribution and satisfies the test for demolition.'

- **HE13 The Conversion and Reuse of Non-Listed Buildings**

HED considers the policy could be made 'more sound', to better meet **Consistency Test (C3)**.

The justification and amplification text provides guidance on what is meant by 'vernacular buildings'. Vernacular buildings tend to be simple in their architectural style and traditionally constructed, using readily available materials sourced close to their location. Locally Important Buildings are those which have a degree of architectural or historic significance.

To ensure consistency and make the policy 'more sound', HED recommends that footnote 30 provides the definition of a 'locally important building' as per SPPS 6.24, footnote 11 and reference to the DfC publication 'Historic Buildings of Local Importance – A Guide to their identification and protection' May 2017, is included in the justification and amplification text.

Note: Footnote 29 will require amendment to reference COU4 only, should COU14 be omitted. (See comments relating to Development in the Countryside)

- **HE14 Enabling Development**

HED considers this policy text to be 'sound.' It is however recommended that the justification and amplification text in the fifth paragraph is amended to include the requirement for applications to outline the significance of the place, in a conservation statement.

This statement should include a conservation statement or plans and sufficient, detailed financial information as is necessary to allow the Council, and or its consultees to make an informed decision upon the application.

3. Development in the Countryside

- **COU3 Replacement Dwellings**

HED considers the policy could be made **more sound**, to better meet the **Coherence and Effectiveness Test (CE1)**.

HED advises the insertion of a sub-heading '**Non-listed vernacular dwellings**' before the third paragraph within the policy text would be helpful to aid interpretation and application.

To ensure that the suite of policies relating to 'non-listed vernacular dwellings' are consistent, HED recommends that the Policy COU3 includes reference to Policy HE13 '*The Conversion and Reuse of Non-Listed Buildings*' as follows:

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with Planning Policies COU4 and HE13.

Note: It is also helpful to underline policy sub headings to give structure to the policy text.

The Conversion and Reuse of Buildings and related policies

Three policies relate to 'The Conversion and Reuse of Buildings' as follows:

- **COU4 The Conversion and Reuse of Buildings for Residential Use**
- **COU14 The Conversion and Reuse of Buildings for Non-Residential Use**
- **HE13 The Conversion and Reuse of Non-listed Buildings**

HED notes there is substantive overlap between the above three policies, in relation to the conversion and reuse of non-listed vernacular buildings and locally important buildings. HED considers this could potentially lead to some confusion with regard to policy application and assessment of where weight is to be afforded. To make the above suite of policies '**more sound**' under the requirements of **The Coherence and Effectiveness tests (CE1) and (CE3)** HED suggests that policy COU14 is omitted (as the policy text is very similar to HE13) and the following changes made to COU4. This will effectively result in one policy for residential and non-residential uses. Comments in relation to HE13 have been included in the Historic Environment policies response section.

- **COU4 The Conversion and Reuse of Buildings for Residential Use**

HED considers the policy could be made more sound, to better meet the **Coherence and Effectiveness Tests (CE1)**.

As per comments above, HED recommends amending the COU4 policy head note to read – **The Conversion and Reuse of Buildings.**

The first paragraph and criteria a) - e) of the policy text is a duplication of policy HE13. HED therefore recommends omitting the duplicate text and in lieu, cross referencing HE13 as follows:

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a non-listed vernacular building or a suitable locally important building (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be

required to be of a high design quality and meet all of the criteria specified under Policy HE13.

HED advises the last para relating to Listed Buildings could be omitted, as this is already covered under the suite of Historic Environment policies; HE6, HE8 and HE9.

1. Minerals Development

- **MD1 Environmental Protection**

To make the policy 'more sound' under the **Coherence and effectiveness Test (CE1)**, HED requests the insertion of '**built**' heritage, as noted below, to augment the policy intent, which refers to the historic environment.

Minerals development within or in close proximity to an area that has been designated, or is proposed for designation to protect its landscape, scientific, natural or built heritage significance will not normally be granted permission (with the exception of valuable minerals as set out in policy MD4) where this would prejudice the essential character of the area and the rationale for its designation.

7. Tourism

- **TOU1 Tourism Development in Settlements**

HED considers the policy to be generally 'sound' but advises the fourth paragraph of the justification text could be augmented as follows to identify other key designations:

There is a requirement for high quality design and high quality service provision particularly in areas with other relevant designations such as Scheduled Monuments, Listed Buildings, Historic Parks gardens and Demesnes, Conservation areas, Areas of Townscape or Village Character.

- **TOU2 Proposals for Tourism Amenity in the Countryside**

HED notes that the justification and amplification text refers to the requirement for a tourism benefit statement to '*...demonstrate the value of the proposals in terms of its revenue and employment provision*'. HED advises the text could be augmented by a statement to clarify that this information will be balanced against the other policy provisions in the LDP.

- **TOU3 Proposals for Tourist Accommodation in the Countryside**

HED considers the policy could be made 'more sound' when considered against the **Coherence and Effectiveness Tests (CE1)**.

Policy text under item d) Replacement of an Existing Rural Building, reads;

'd) where the existing building is a vernacular building or is a suitable locally important building, replacement will only be approved where it is demonstrated that the building is not reasonably capable of being made structurally sound or otherwise improved'

The corresponding Justification and Amplification text however reads;

'The retention and conversion of a vernacular building for such uses, will be favourably considered where the environmental benefit of full or partial replacement will outweigh the retention and conversion of the building. The retention of vernacular buildings are therefore encouraged. The condition of the building and the economic feasibility of repairing and maintaining it will be assessed for such proposals.'

This text fails to provide coherent amplification text to augment the policy intent and fails to refer to 'locally important buildings'. To make the policy 'more sound' HED suggests the following amendments:

'The retention and conversion of a vernacular building or a suitable locally important building for such uses, will be favourably considered and assessed under HE13 and COU4 as appropriate. Where it is demonstrated the environmental benefit of full or partial replacement will outweigh the retention and conversion of the building, proposals should be accompanied by a report on the condition of the building and the economic feasibility of repairing and maintaining it for assessment.'

Glossary

HED recommends including a definition for a 'Heritage Asset' as follows:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.

HED also recommends amending the following definitions as below:

Listed Building:

A listed building is a structure which the Department for Communities has included in a statutory list of buildings of special architectural and/or historic interest.

Historic Park, Garden or Demesne of Special Historic Interest:

An identified site of international or regional importance within Northern Ireland, included in the Register of Parks, Gardens and Demesnes of special historic interest, maintained by the Department of Communities.

Design and Access Statement:

A Design and Access Statement [D&AS] is a single document that explains the design thinking behind a planning application. It provides a framework for applicants to explain and to justify how a proposed development is a suitable response to the site and its setting.

Scheduled Monuments

Statutory designations of archaeological sites or other heritage assets of national importance protecting them from damage or disturbance.

Supplementary Planning Guidance

HED welcomes the inclusion of the Supplementary Planning Guidance, Annex E, in relation to the Historic Environment, which is an adaptation of PPS6, Annex E. While most of this guidance is helpful for applicants, listed building owners and planning authorities when considering listed building consent applications, it is now outdated in terms of best practice conservation principles. As such, it would be helpful for Annex E Historic Environment Chapters to be amended as follows:

General Considerations

Omit the following text from this section. *'While British Standards are not statutory the Council would commend the advice and guidance set out in BS 7913:2013 "The Principles of the Conservation of Historic Buildings".'*

Note: Reference to BS7913: 2013 is included in the following section.

The Guiding Principles for Conserving Historic Buildings

International recognition of the importance of building conservation is outlined through the following ICOMOS charters and guidelines;

- *International Charter for the Conservation and Restoration of Monuments and Sites (The Venice Charter 1964) ICOMOS*
- *The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance) 1999*
- *Guidelines for education and training in the conservation of monuments, ensembles and sites, ICOMOS 1993*

The 'BS 7913:2013 'Guide to the conservation of historic buildings' has been developed based on these principle and provides '...best practice in the management and treatment of historic buildings.' (p.4 BS 7913:2013) While British Standards are not statutory, the Council would commend its advice and guidance.

Further Departmental guidance in relation to the Historic Environment is available on the Department for Communities Historic Environment Division website.

<https://www.communities-ni.gov.uk/topics/historic-environment>

Building Elements

Amend the last line as follows: Those seeking more detailed information should Department for Communities Historic Environment Division website. <https://www.communities-ni.gov.uk/topics/historic-environment>

General Comments

8. Required information to accompany planning / consent applications

It is noted that for some of the HE policies, the justification and amplification text outlines requirements in terms of what information is required to accompany applications. In some cases this reads inconsistently across the Historic Environment policies.

E.g. Policy H10, **New Development in a Conservation Area or Area of Townscape Character/Area of Village Character**, under para '*Information to accompany all Planning Applications*', refers to Design and Access Statements (DAS) and the required accompanying analysis. The submission of a DAS is a statutory requirement for all LBC applications (Reg 4, The Planning (Listed Building) Regulations (NI) 2015) yet this has not been cited in the corresponding HE policies (HE6, HE7 or HE8). It is however cited in the strategic policy SP05 Good Design and Positive Place-Making under footnote 16.

HED welcomes the inclusion of essential required information within the justification and amplification text, but advises there should be parity across the policies with regard to the level of detail included.

Council may also wish to refer to the HED publication '*Consultation Guide: A guide to consulting HED on development management applications*' <https://www.communities-ni.gov.uk/publications/consultation-guide-guide-consulting-hed-development-management-applications>.

9. Consistent terminology

Terminology in relation to an unlisted / non-listed building should be reviewed across all dPS documents to ensure the use of consistent terminology to avoid ambiguity or misinterpretation.

10. Referencing

To aid ease of reference when citing operational policies justification and amplification text, supplementary planning guidance and technical supplements, paragraphs should be numbered in a coherent manner. Referencing bullet points is also recommended.

11. Grammar

Check documents for use appropriate application of the terms 'affect' and 'effect'.