

DERRY CITY AND STRABANE DISTRICT COUNCIL LOCAL DEVELOPMENT PLAN (LDP) 2032



POLICY REVIEW

PPS 6 Planning, Archaeology and the Built Heritage

PPS 6 (Addendum): Areas of Townscape Character

PPS 23: Enabling Development for the Conservation of Significant Places May 2017

This Document is one in a series, which builds up to form the 'evidence base' that informs the preparation of the Local Development Plan (LDP).

The afore-mentioned evidence base will be continually updated, to additionally include the latest information, input from public engagement, statutory consultees, stakeholder groups, Sustainability Appraisal and from other Departments within the Council, including Community Planning.

The Evidence Base is published as a 'supporting document' in accordance with Article 10(a) and 15(a) of the Planning (LDP) Regulations (NI) 2015



Purpose: To consider existing planning policies relating to Planning, Archaeology and the Built Heritage, and to consider alternative policies which will inform the forthcoming Preferred Options Paper (POP) as part of the preparation of the Local Development Plan (LDP).

Content: The paper will provide information on:

- (i) The Context of Archaeology and Built Heritage within Derry City and Strabane District and existing plan policies;
- (ii) Derry City and Strabane District Council (DCSDC) objectives for Archaeology and Built Heritage and the linkages between DCSDC objectives, Regional Planning Policy and Strategic Planning Policy objectives;
- (iii) Consider existing policies and consider preferred/alternative policy approaches for Archaeology and Built Heritage within the LDP.

Recommendation: The findings shall be used to inform the Preferred Options Paper (POP) and strategic policies in the LDP.

1.0 Introduction

- 1.1 The purpose of this paper is to consider current planning policies associated with Archaeology and Built Heritage and to determine whether or not they are compatible with the Council's overall objectives for the District and whether they need to be amended to take account of local circumstances through the new LDP.
- 1.2 This paper provides an assessment of how existing Archaeology and Built Heritage planning policies take account of the Regional Development Strategy (RDS), Strategic Planning Policy Statement (SPPS), Sustainability Appraisal themes and DCSDC objectives through the proposed LDP objectives.

Legislative Context

- 1.3 Article 5 of the Planning Act (Northern Ireland) 2011 states that the creation of planning policy as part of the Plan Strategy must be done with the objective of furthering sustainable development and in doing so, must take account of policies and guidance issued by OFMDFM, DOE and DRD such as the Regional Development Strategy (RDS) 2035 and Strategic Planning Policy Statement (SPPS).
- 1.4 Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 requires all NI Departments and District Councils in exercising their functions, to act in a way they consider to be best calculated to contribute to the achievement of sustainable development.

Sustainability Appraisal

Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA)

- 1.5 A sustainability appraisal is a systematic process which must be carried out during the preparation of a Local Development Plan in order to promote sustainable development by assessing the extent to which an emerging plan will achieve required environmental, economic and social objectives. All LDP strategic planning policies will be subject to SA incorporating Strategic Environmental Assessment (SEA).
- 1.6 DCSDC has commenced work on the preparation of the required Sustainability Appraisal and associated Strategic Environmental Assessment.

2.0 **Planning Policy Statement (PPS) Review Parameters**

- 2.1 In preparing the new LDP, the Council will have regard to several existing plans and documents that set out the main legal and policy context and considerations of what the LDP is required to do and can include, in relation to Archaeology and Built Heritage in the District.
- 2.2 **The Regional Development Strategy 2035 (RDS) 2012:** The RDS sets out the spatial strategy of the Executive. One of the aims of the RDS is to protect and enhance the environment for its own sake - protecting the environment is essential for enhancing the quality of life of current and future generations. Northern Ireland's environment is one of its greatest assets, with its stunning landscapes, an outstanding coastline, a complex variety of wildlife and a rich built and cultural heritage for the ecosystem services it provides, and its sense of place and history for all.
- 2.3 The RDS has a section on the Built Heritage, which highlights that we should:
- Identify, protect and conserve the built heritage, including archaeological sites and monuments and historic buildings.
 - Identify, protect and conserve the character and built heritage assets within cities towns and villages.
 - Maintain the integrity of built heritage assets, including historic landscapes.
- 2.4 Regional Guidance (RG) 11 states that we should conserve, protect and, where possible, enhance our built heritage and our natural environment
- 2.5 Spatial Framework Guidance (SFG) 7 in the RDS relates to strengthening the role of Londonderry as the principal city for the North West while respecting its heritage assets.
- 2.6 **Strategic Planning Policy Statement (SPPS) (September 2015).** The SPPS is the single most important document in guiding the requirements/content of the LDP. It states that in preparing LDPs councils shall bring forward a tourism strategy, together with appropriate policies and proposals that must reflect the aim, objectives and policy approach of the SPPS, tailored to the specific circumstances of the plan area landscape setting and unique walled core through sensitive development.
- 2.7 **Living Places** (August 2013): This Urban Stewardship and Design Guide aims to clearly establish the key principles behind good place making. It seeks to inform and inspire all those involved in the process of managing (stewardship) and making (design) urban places, with a view to raising standards across Northern Ireland. Living Places is a material consideration in determining planning applications.
- 2.8 **The Derry City and Strabane District Council's Draft Community Plan** recognises that Assets-based approaches to wellbeing are rooted in the belief that communities are more usefully defined by their strengths (their 'assets') than their weaknesses. The concern is that when we seek to improve wellbeing, we

align on what the data is telling us about deficits in a community – poor health, for example – and then design interventions to close the gap with the national average. On the other hand ‘assessing and building the strengths of individuals and the assets of a community opens the door to new ways of thinking about improving health’. In practical terms, such assets include:

- Our significant heritage assets – our buildings and our landscapes.

- 2.9 One of the Objectives of the **Derry City & Strabane District Council Corporate Plan and Performance Improvement Plan 2016/17** is to protect our environment and deliver physical regeneration, which includes commencing the final Townscape Heritage Initiative capital projects and pursuing further funding for heritage led regeneration schemes.
- 2.10 **Planning Policy Statement 6 (PPS 6), Planning, Archaeology and the Built Heritage** (March 1999): Sets out the regional planning policies for the protection and conservation of archaeological remains and features of the built heritage. It embodies the Government’s commitment to sustainable development and environmental stewardship.
- 2.11 **PPS6 (Addendum) - Areas of Townscape Character** (August 2005): The Addendum provides additional planning policies relating specifically to Areas of Townscape Character, for demolition of buildings, new development and the control of advertisements.
- 2.12 **PPS 23 – Enabling Development** (April 2014): sets out planning policy for assessing proposals for Enabling Development in support of the re-use, restoration or refurbishment of heritage assets such as historic buildings, scheduled monuments, industrial heritage and historic parks, gardens and demesnes. It also provides a policy to maintain and enhance the standard of a wide range of community facilities in Northern Ireland including cultural, educational, social, health, built heritage and leisure facilities and the restoration and creation of wildlife habitat
- 2.13 **Strategic Planning Policy Statement for Northern Ireland (SPPS)** (September 2015): States that LDPs should identify the main built and archaeological heritage features within the plan area, and bring forward appropriate policies or proposals for their protection and conservation and enhancement. The LDP should also take into account the implications of its other local policies and proposals on all features of the archaeological and built heritage and their settings.
- 2.14 **Derry Area Plan (DAP) 2011**: An objective of the plan promotes the sustainable development of the Derry City Council area by making provision for economic development while protecting its natural assets and man-made heritage for the enjoyment of future generations.

- 2.15 **Strabane Area Plan (SAP) 1986-2001:** Contains the relevant text for conservation and states that the conservation of the natural and man-made environments has been a major consideration in the formulation of the plan policies and proposals.
- 2.16 **Conservation Area Design Guidance:** Each of the five Conservation Areas in the Council District has its own design guide which provides information on the planning context, character appraisal and historic development, as well as giving guidelines for future development proposals.

3.0 Existing Policy

- 3.1 Derry Area Plan (DAP) 2011: An objective of the plan promotes the sustainable development of the Derry City Council area by making provision for economic development while protecting its natural assets and man-made heritage for the enjoyment of future generations.
- 3.1 The DAP contains eleven specific policies relating to the Built Heritage, including
- Policy BE 2 Listed Buildings
 - Policy BE 3 Buildings at Risk
 - Policy BE 4 Conservation Areas
 - Policy BE 5 Development Adjacent to The Walls
 - Policy BE 6 Environmental Improvements to the Walls
 - Policy BE 7 Archaeological Sites and Monuments and Historic Landscape
 - Policy BE 8 Monuments in State Care
 - Policy BE 9 Industrial Archaeology
 - Policy BE 10 Historic Gardens Parks and Demesnes
 - Policy BE 11 Access to Buildings for People with Disabilities
 - Policy BE 12 Areas of Townscape Character
- 3.2 **Strabane Area Plan (SAP) 1986-2001**: Contains the relevant text for conservation and states that the conservation of the natural and man-made environments has been a major consideration in the formulation of the plan policies and proposals.
- 3.3 **Planning Policy Statement 6: Planning Archaeology and the Built Heritage**: Sets out the regional planning policies for the protection and conservation of archaeological remains and features of the built heritage. It embodies the Government's commitment to sustainable development and environmental stewardship. There are 15 policies in PPS 6:
1. Policy BH 1 The Preservation of Archaeological Remains of Regional Importance and their Settings
 2. Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings
 3. Policy BH 3 Archaeological Assessment and Evaluation
 4. Policy BH 4 Archaeological Mitigation
 5. Policy BH 5 The Protection of World Heritage Sites
 6. Policy BH 6 The Protection of Parks, Gardens and Demesnes of Special Historic Interest
 7. Policy BH 7 Change of Use of a Listed Building 23
 8. Policy BH 8 Extension or Alteration of a Listed Building 24
 9. Policy BH 9 The Control of Advertisements on a Listed Building 26
 10. Policy BH 10 Demolition of a Listed Building 27
 11. Policy BH 11 Development affecting the Setting of a Listed Building

12. Policy BH 12 New Development in a Conservation Area 31
 13. Policy BH 13 The Control of Advertisements in a Conservation Area 34
 14. Policy BH 14 Demolition in a Conservation Area
 15. Policy BH 15 The Re-use of Non-listed Vernacular Buildings
- 3.4 It also contains a section in relation to Industrial Heritage, which contains no specific advice.
- 3.5 There is also a separate addendum **PPS 6 (Addendum): Areas of Townscape Character**, which contains the three following policy:
1. Policy ATC 1 Demolition Control in an Area of Townscape Character
 2. Policy ATC 2 New Development in an Area of Townscape Character
 3. Policy ATC 3 The Control of Advertisements in an Area of Townscape Character
- 3.6 **PPS 23 – Enabling Development –**
1. Policy ED1 Enabling Development

4.0 Councillor Workshop – Built Heritage

- 4.1 A paper was prepared by Council officers in relation to the Built Heritage within the District in order to stimulate discussion and get members feedback. This paper was presented to Members at a Workshop held on the 25th July 2016.
- 4.2 The paper provided Members with an overview of the legislation and policy covering built heritage, summarised our built heritage features and considered how they can influence and be integrated into the designations, zonings, proposals and policies of the new LDP for our District.
- 4.3 Discussion at the workshop included a need to vigorously protect our built heritage and that there was a need for robust fines, where people did not follow policy. There was a suggestion to try to extend the Townscape Heritage Initiative. One Councillor asked if there were too many restrictions, and states that there needs to be a balance.
- 4.4 There was recognition that our gateways into our communities need to be attractive and that publicly visible vacant / gap sites need to be cleaned-up or better still, sensitively re-developed. Improvement in standards of design was also discussed especially at key pedestrian / vehicular junctions, adjacent in views to the City Walls and along our riverside frontage.

5.0 Development Management Meeting

5.1 Development Management (DM) are responsible for the interpretation and application of the policy provisions of PPS 6, its Addendum and PPS 23 and their input is integral to determining what aspects of this policy needs to be re-examined. A meeting was held with some members of the Development Management section of the Planning Office in relation to the Policy Review on the 13th March 2017 regarding PPS 6, PPS 6 Addendum and PPS 23.

5.2 Development Management colleagues stated the general thrust of the policies was acceptable, however the following points were raised:

- It was considered that the amount of policies could be reduced and some of the policies could be amalgamated.
- It was suggested that the regulations for when demolition is required could be inserted into the demolition policy.
- There was discussion regarding the “preserve or enhance” wording of BH12 and whether this could be strengthened to ensure that the Conservation Area is improved, especially where the existing building is not of a high standard.
- There is no policy relating to Industrial Heritage – it was suggested that a new policy should be included.
- It was suggested that Vernacular Buildings are best dealt with under the rural policy.
- With regards to ATCs – it was considered that a more detailed character description of the ATC should be included, as this would help inform the design and the interpretation of the policy.

6.0 Approaches for Policy Approach

6.1 The Derry City and Strabane District has a considerable wealth in built heritage and archaeological designations including:

- 675 Listed Buildings
- 862 on the Sites and Monuments Register
- 128 Scheduled Monuments
- 14 State Care Monuments
- 21 Areas of Archaeological Potential
- 964 Industrial Heritage Assets
- 70 Defence Heritage Assets
- 62 Shipwrecks
- 33 Battlesites
- 5 Conservation Areas within the District, namely:
- 4 Areas of Townscape Character:
- 9 Historic Parks, Gardens and Demesnes (Registered)
- 13 Historic Parks, Gardens and Demesnes (Supplementary List)

6.2 PPS 6, Planning Archaeology and the Built Heritage, sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage. These individual policies, as well as those found with the Addendum to PPS 6, PPS 23 and the Area Plans will be considered and reviewed, and preferred approaches regarding the built heritage will be provided.

6.3 **PPS 6 Planning Archaeology and the Built Heritage Policy BH 1 The Preservation of Archaeological Remains of Regional Importance and their Settings** and states that there will be a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

6.4 The SPPS is similar in that it states that archaeological remains of regional importance include monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Such sites (or constituent parts of them) benefit from statutory protection. Development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances.

- Approach 1 Retain existing policy
- Approach 2 Retain existing policy BH 1 with minor amendments to incorporate the SPPS.

- 6.5 **Preferred Approach 2** - The SPPS is in general conformity with BH 1, with reference made to ASAs rather than “other important sites and monuments which would merit scheduling” as per BH1. BH1 also states that there will be a presumption in favour of the physical preservation insitu of archaeological remains”. This is not mentioned in the SPPS but should be kept so that any archaeological remains are retained where they are found in the first instance.
- 6.6 **Policy BH 2 relates to the Protection of Archaeological Remains of Local Importance and their Settings** and states that development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where its considered the importance of the proposed development or other material considerations outweigh the value of the remains in question.
- 6.7 The SPPS is very similar in wording, with only a small amendment in that it states that material considerations outweigh the value of the remains and/or *their settings*”. The setting was not part the justification of the BH2 although it was part of policy.
- Approach 1 Retain existing policy
 - Approach 2 Retain existing policy BH 2 with minor amendments to incorporate the SPPS.
- 6.8 **Preferred Approach 2** - The SPPS is in conformity with BH 2, with only a small amendment to the wording to include “setting”.
- 6.9 **Policy BH 3 relates to Archaeological Assessment and Evaluation** and states that where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, developers will normally require to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Department will normally refuse planning permission.
- 6.10 The SPPS has a very similar approach stating that planning authorities should seek all necessary information from applicants in making well informed planning judgements, particularly where the impact of a development proposal on archaeological remains is unclear, or the relative significance of such remains is uncertain. Should an applicant fail to provide a suitable assessment or evaluation on request, the planning authority should adopt a precautionary approach and refuse planning permission.
- 6.11 **Policy BH 4 relates to Archaeological Mitigation** and states that where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions

to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

- 6.12 The SPPS retains the thrust of BH4, but adds this may involve the preservation of remains in situ, as well as the examination and archiving of the archaeology by way of planning conditions.
- Approach 1 – Retain Policy Approach of BH3 and BH4 – Given the importance of the Archaeology in the District, it is vital that the necessary information is provided to Council to accompany any planning application to allow the planning office to assess. This policy allows Council to seek such information and refuse permission where insufficient information has been submitted.
 - Approach 2 – Combine the policies BH3 and BH4 to form one policy. Discussion with Development Management has highlighted that the reduction of the number of policies would be helpful for them as well as applicants, resulting in more simplified and succinct policy.
- 6.13 **Preferred Approach 1** – These are two very separate issues – involving the information submitted to Council and mitigation measures of the impacts of the development. The combining of these policies may be confusing and it is considered that the policy should be retained.
- 6.14 **Policy BH 5 relates to the Protection of World Heritage Sites** and states that there will be a presumption in favour of the preservation of World Heritage Sites. Development which would adversely affect such sites or the integrity of their settings will not be permitted unless there are exceptional circumstances.
- 6.15 The thrust of the SPPS in relation to the protection of World Heritage Sites is similar in that it states that development that would adversely affect the Outstanding Universal Value of a World Heritage Site (WHS) or the integrity of its setting must not be permitted unless there are overriding exceptional circumstances.
- Approach 1 – Retain Policy Approach
 - Approach 2 – Remove Policy
- 6.16 **Preferred Approach 2** – There are no World Heritage Sites within the District, it is therefore considered that this policy is not required within the LDP at this time.
- 6.17 It is noted that there has been an application made for the Derry Walls to become a World Heritage Site in the past and while not successful at that time, that is not to say another bid for the Walls, or elsewhere in the District, may be successful in the future. It is suggested then that this policy is removed from the LDP at this

time. If such a policy is required in the future, a separate subject plan could be produced, specific to the designated World Heritage Site.

- 6.18 **Policy BH 6 relates to the Protection of Parks, Gardens and Demesnes of Special Historic Interest** and states that the Department will not normally permit development which would lead to the loss of, or cause harm to, the character, principal components or setting of parks, gardens and demesnes of special historic interest. Where planning permission is granted this will normally be conditional on the recording of any features of interest which will be lost before development commences.
- 6.19 The SPPS is similar to BH 6 and its justification and states that planning permission should not be granted for development that would lead to the loss of, or cause harm to, the overall character, principal components or setting of Historic Parks, Gardens and Demesnes. In assessing applications for development in or adjacent to Historic Parks, Gardens and Demesnes, particular account should be taken of the impact of the proposal on the archaeological, historical or botanical interest of the site. The integrity and overall quality and setting of the site including its original design concept and other associated features, including contribution to local landscape character, should where possible be maintained. In cases where approval is to be granted, the planning authority should seek to ensure the accurate recording of distinctive features that will be lost as a result of the development, by way of planning conditions.
- Approach 1 – Retain Policy
 - Approach 2 – Update Policy in accordance with SPPS
 - Approach 3 – Introduce a more restrictive policy so that no development can occur that would affect the character of the Historic Parks, Gardens and Demesnes.
- 6.20 **Preferred Approach 2** – While it could be considered that Approach 3 would have the least negative impact on the Historic Parks, Gardens and Demesnes by allowing no development, it may be that this policy direction would be too restrictive and would mean that even appropriate development would not be permitted. This may be detrimental to the Historic Parks, Gardens and Demesnes in that required appropriate development and those that may generate income would not be permitted.
- 6.21 It is considered therefore that Approach 2 is the preferred Approach in this instance.
- 6.22 Policies BH7 – BH11 of PPS 6 relate specifically to Listed Buildings and will be reviewed in the following section:
- 6.23 **BH7 relates to Change of Use of a Listed Building** and states that the Department will normally permit the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic

interest of the building would be preserved or enhanced. Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.

- 6.24 **Policy BH 8 relates to the Extension or Alteration of a Listed Building** and states that the Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:
- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
 - (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
 - (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.
- 6.25 The SPPS states that 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. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. Proposals should be based on a clear understanding of the importance of the building/place/heritage asset, and should support the best viable use that is compatible with the fabric, setting and character of the building. Applicants should justify their proposals, and show why alteration or demolition of a listed building is desirable or necessary.
- 6.26 The thrust of the SPPS is similar to the policy in that it is important to respect the original building. The onus is on applicants to justify their proposal and this would be helpful in the assessment of such applications.
- 6.27 **Policy BH 10 relates to the Demolition of a Listed Building** and states that there will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where, exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.
- 6.28 The SPPS reiterates policy BH10 almost verbatim.
- 6.29 **Policy BH11 relates to Development affecting the Setting of a Listed Building** and states that the Department will not normally permit development which would adversely affect the setting of a listed building. Development

proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

- 6.30 The setting of the listed building is not separated out but rather is enmeshed throughout the Listed Buildings section of the SPPS
- Approach 1 – Retain individual policies BH 7, BH 8, BH10 and BH 11
 - Approach 2 – Simplify and combine the above policies
 - Approach 3 – Simplify and combine policies BH7, BH8 and BH11 and keep BH10 (Demolition of a Listed Building) separate.
- 6.31 **Preferred Approach 3:** Discussion with Development Management has highlighted that the reduction of the number of policies would be helpful for them as well as applicants, resulting in more simplified and succinct policy.
- 6.32 The combination of the existing BH7, BH8 and BH11, which relates to the change of use, extension and alteration of a Listed Building and works that would affect its setting are very much intermeshed. It is considered that the policy relating to the demolition of a Listed Building should be a separate entity because of the different tests that has to be met and the preventative nature of the policy.
- 6.33 **Policy BH 9 relates to the Control of Advertisements on a Listed Building** states that the Department will normally only grant consent for advertisements or signs on a listed building where these are carefully designed and located to respect the architectural form and detailing of the building.
- 6.34 The broad thrust of this policy is retained in the SPPS which states that consent for the display of advertisements or signs on a listed building should only be forthcoming where these are carefully designed and located to respect the architectural form and detailing of the building, and meet the requirements of strategic policy on the Control of Outdoor Advertisements.
- Approach 1 – Retain Policy and update in accordance with SPPS
 - Approach 2 – Retain and expand policy.
 - Approach 3 – Combine policies relating to Control of Advertisements in relation to Listed Buildings, Conservation Area and Areas of Townscape Character
- 6.35 **Preferred Approach 3** – the listing of a building and the designations of special areas as Conservation Areas and Areas of Townscape Character reflects their

importance and as such a higher quality of design in relation to signage is expected. Combining the policies, results in more simplified and succinct LDP. Poor signage can have a detrimental effect on the specific buildings and special areas. It is also suggested that a more specific guidance is provided within the LDP regarding appropriate designs, materials etc, including diagrammatical information to inform and guide applicants in this matter.

- 6.36 Policies BH12 to BH14 deal specifically with development within Conservation Areas.
- 6.37 **Policy BH12 relates to New Development in a Conservation Area** and states that the Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:
- (a) the development preserves or enhances the character and appearance of the area;
 - (b) the development is in sympathy with the characteristic built form of the area;
 - (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
 - (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
 - (e) important views within, into and out of the area are protected;
 - (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
 - (g) the development conforms with the guidance set out in conservation area documents.
- 6.38 The SPPS is very similar in its stance relating to new development in CAs, including the criteria for assessing applications. The wording of the policy was different in that while BH12 states that the development should preserve or enhance the character and appearance of the CA, the SPPS states that the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise.
- 6.39 **BH14 relates to Demolition in a Conservation Area** and states that the Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.
- 6.40 The SPPS stance is very similar to BH14, stating that the demolition of an unlisted building will only be considered where the planning authority deems that

the building makes no material contribution to the character or appearance of the area and subject to appropriate arrangements for the redevelopment of the site.

- Approach 1 – Retain individual policies BH12 and BH14
- Approach 1 – Retain individual policies BH12 and BH14 with modifications
- Approach 2 – Simplify and combine the above policies

- 6.41 **Preferred Approach 2:** Discussion with Development Management has highlighted that the reduction of the number of policies would be helpful for them as well as applicants, resulting in more simplified and succinct policy.
- 6.42 It is considered that the nature of these policies are very different in that BH12 is a permissive policy, while BH14 is more prohibitive. It is considered that the policy relating to the demolition of a building within a Conservation Area should be a separate entity because of the different tests that has to be met and the preventative nature of the policy.
- 6.43 As well as keeping the policies separate, it has been suggested by Development Management that the wording of BH12 should be strengthened so that any new proposal should *enhance* the conservation area, making the policy more positive. The SPPS states that there should be desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. It is considered that this wording should be used and that an applicant should provide, as part of their application, how their proposal enhances the Conservation Area.
- 6.44 **Policy BH 13 relates to The Control of Advertisements in a Conservation Area** and states that the Department will not normally grant consent for the display of advertisements in or close to a conservation area which would adversely affect the character, appearance or setting of the area or which would be detrimental to public safety.
- 6.45 The SPPS has a very similar stance and wording to BH13.
- Approach 1 – Retain Policy and update in accordance with SPPS
 - Approach 2 – Retain and expand policy.
 - Approach 3 – Combine policies relating to Control of Advertisements in relation to Listed Buildings, Conservation Area and Areas of Townscape Character
- 6.46 **Preferred Approach 3 – See above BH 9**
- 6.47 **Policy BH 15 relates to the Re-use of Non-listed Vernacular Buildings** and states that the Department will normally permit the sympathetic conversion of non-listed vernacular buildings to other appropriate uses where this would secure their upkeep and retention. In the countryside conversion to residential use will normally only be considered appropriate where the building to be converted is an important element in the landscape and of local architectural merit or historic

interest. All proposals for conversion will normally be required to meet all of the following criteria:

- (a) the building is structurally sound and capable of conversion;
- (b) the scheme of conversion will not have an adverse effect on the character or appearance of the locality and safeguards the form, character and architectural features, design and setting of the existing building. This will involve retention of existing door and window openings and minimising the number of new openings. Details such as door and window design, external surfaces, rainwater goods and means of enclosure should be of traditional or sympathetic design and materials;
- (c) the new use would not cause unacceptable adverse effects on the amenities of nearby residents or other land uses;
- (d) normally no new extensions are involved; and
- (e) access and other necessary services are provided without adverse impact on the character of the locality.

- 6.48 The SPPS has a section on Non-Designated Heritage Assets, which amalgamates non-listed vernacular buildings with historic buildings of local importance and states that the effect of an application on these non-heritage assets should be taken into account in determining the application. In weighing up applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Councils may wish to bring forward bespoke local policies for such buildings. (N.B. A historic building of local importance, is a building, structure or feature, whilst not statutory listed, has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.)
- 6.49 **Industrial Heritage** - PPS 6 recognises the importance of the industrial heritage and states that identifying and protecting buildings and other features which reflect the development of our industrial society is part of the Department's responsibility in caring for the built heritage. Identification surveys and archaeological studies of particular industries and processes require specialist scientific and technical knowledge and work on information about our industrial heritage is at an early stage. Nevertheless many important features of this unique heritage are already subject to existing protection measures, that is, as archaeological sites or monuments or as listed buildings.
- 6.50 The SPPS recognises that industrial heritage Archaeological and built heritage assets such as tombs and ring forts, historic and vernacular buildings, planned parklands, buildings and features associated with industrial heritage, are all important sources of information about our past, and are often significant landmarks in the present townscape and countryside.
- Approach 1 Retain Policy BH15
 - Approach 2 Retain Policy and incorporate SPPS amendments, i.e. to include historic buildings of local importance

- Approach 3 Remove policy and rely on policy CTY3 – Replacement of Dwellings
- Approach 4 Retain Policy BH15, and incorporate industrial heritage
- Approach 5 Retain Policy and incorporate industrial heritage, SPPS amendments, i.e. to include historic buildings of local importance

- 6.51 **Preferred Approach 4 / Approach 5:** It was suggested that Vernacular Buildings are best dealt with under the rural policy CTY3. However, it is considered that this would be inappropriate, as not all vernacular buildings are located within the countryside and not all are dwellings, either existing or proposed.
- 6.52 Many of our important industrial heritage features are already subject to existing protection measures, that is, as archaeological sites or monuments or as listed buildings. However those that do not have a specific statutory designation, will be afforded protection if contained within this policy.
- 6.53 Should it be considered that Lists of Local Importance are included within the LDP (see paragraphs 6.87 -6.89 below), then Policy BH15 should be retained with SPPS amendments, otherwise retention of BH15 is recommended.

PPS 6 (Addendum): Areas of Townscape Character

- 6.54 **Policy ATC 1** of the Addendum of PPS 6 relates to the **Demolition Control in an Area of Townscape Character** and states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site
- 6.55 The SPPS thrust is the same as ATC1, stating that the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.
- 6.56 **Preferred Approach 1:** Retain Policy ATC 1
- 6.57 **Policy ATC 2** relates to **New Development in an Area of Townscape Character** and states that the Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development

- 6.58 The SPPS reiterates the premise of ATC 2, although does not require the protection and integration of trees, archaeological and landscape features which contribute to the character of the area.
- 6.59 **Preferred Approach 1:** Retain Policy ATC 2
- 6.60 **Policy ATC 3** relates to **Control of Advertisements in an Area of Townscape Character** and states that the Department will only grant consent for the display of an advertisement in an Area of Townscape Character where:
(a) it maintains the overall character and appearance of the area; and
(b) it does not prejudice public safety.
- 6.61 The SPPS reiterates policy ATC 3 but states that the proposal meets the requirements of strategic policy on the Control of Outdoor Advertisements, rather than specifically public safety only.
- Approach 1 – Retain Policy and update in accordance with SPPS
 - Approach 2 – Retain and expand policy.
 - Approach 3 – Combine policies relating to Control of Advertisements in relation to Listed Buildings, Conservation Area and Areas of Townscape Character
- 6.62 **Preferred Approach 3** – See above Policy BH 9
- PPS 23 – Enabling Development**
- 6.63 The objective of this Planning Policy Statement is to provide the flexibility to accommodate unforeseen imaginative proposals for the maintenance, major repair or conversion to the viable use of a significant place where this is greater than its value to its owner or market value.
- 6.64 **Policy ED1 of PPS 23** relates to Enabling Development and states proposals involving enabling development relating to the re-use, restoration or refurbishment of significant places will only be permitted where it can be demonstrated by the applicant in the submission of a Statement of Justification to accompany an application for planning permission that all of the following criteria are met:
- a. the significant place to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;
 - b. the conservation of the significant place would otherwise be either operationally or financially unviable;
 - c. the impact of the enabling development is precisely defined at the outset;
 - d. the scale of the proposed enabling development does not exceed what is necessary to support the conservation of the significant place;
 - e. sufficient subsidy is not available from any other source;
 - f. the public benefit decisively outweighs the disbenefits of departing from other planning policies;

- g. it will not materially harm the heritage values of the significant place or its setting;
- h. it avoids detrimental fragmentation of the management of the significant place;
- i. it will secure the long term future of the significant place and, where applicable, its continued use for a sympathetic purpose; and
- j. it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.

- 6.65 The Best Practice Guidance ‘Assessing Enabling Development’ accompanying this PPS will be taken into account in considering proposals. In considering enabling development proposals developers are encouraged to enter into pre-application discussions with the planning authority. In all cases proposals must not prejudice road safety.
- 6.66 The benefits to be derived from the conservation of the significant place will be secured either by conditional grant of planning permission or conditional grant accompanied by a planning agreement.
- 6.67 The SPPS echoes the sentiment of the ED1, which states that Enabling Development is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure the long term future of a significant place and will not materially harm its heritage value or setting. Enabling development typically seeks to subsidise the cost of maintenance, major repair, conversion to the optimum viable use of a significant place where this is greater than its value to its owner or market value.
- Approach 1: Retain Policy ED1
 - Approach 2: Remove this policy Enabling Development.
- 6.68 **Preferred Approach 1:** It is considered that by removing this policy, this may have a negative impact on the some built heritage features. This policy may help safeguard some of the District’s assets that may otherwise not be viable and therefore vulnerable. The policy explicitly states that any proposal will not materially harm the heritage value or setting. It is suggested that Policy ED1 is retained.

Derry Area Plan 2011

- 6.69 Policies **BE 2 Listed Buildings, BE 4 Conservation Areas, BE 7 Archaeological Sites and Monuments and Historic Landscape, Policy BE 8 Monuments in State Care, Policy BE 10 Historic Gardens Parks and Demesnes, and Policy BE 12 Areas of Townscape Character** of the Derry Area Plan are encompassed within those corresponding Policies of PPS 6 and have been adequately considered within this paper.

- 6.70 **Preferred Approach 1:** It is suggested that these policies are removed and superseded by the equivalent policy as detailed throughout this paper.
- 6.71 There are however other policies within the DAP 2011 that do not have equivalent policies in PPS 6 and therefore have to be considered separately.
- 6.72 **Policy BE 3 Buildings at Risk**, which states that The Department will encourage the sympathetic restoration of buildings of historic/architectural interest particularly where they are at risk from dereliction or demolition.
- Approach 1: Retain Policy
 - Approach 2: Remove Policy
 - Approach 3: Incorporate into Policies BH 1, BH 2 and BH 8.
- 6.73 **Preferred Approach 3:** The Register compiled in partnership with the Department for Communities, (DfC) and the Ulster Architectural Heritage Society (UAHS) and highlights buildings and monuments of architectural and historic interest whose future seems threatened and may be suitable for restoration and repair. As these buildings are already statutorily protected, there is already a presumption to preserve and restore as per Policies BH 1, BH 2 and BH 8. It is suggested therefore that this specific policies is not required, but could be incorporated into Policies BH 1, BH 2 and BH 8.
- 6.74 **Policy BE 5 Development Adjacent to The Walls** states that the Department will normally permit development adjacent to the Walls provided it is in accordance with the guidelines set out in Appendix 3. With the justification going on to say that The Department considers that it is important to retain the surviving street pattern in the vicinity of the Walls and Conservation Area powers will be used to control demolition.
- 6.75 Appendix 3 of the DAP relates to Guidelines for Development in the Vicinity of the City Walls and is broken up into three sections, General, External and Internal.
- 6.76 **General:** The Department will require that all proposals treat the elevations onto and facing the Walls as an important part of the streetscape and will require the highest quality urban design solutions. A number of buildings outside, and backing onto the Walls, detract from the visual enjoyment of the streetscape as viewed from the Walls. In the past such buildings have treated the Walls as part of their backland. No access onto the Walls in the form of fire exits, delivery or service routes will be permitted.
- 6.77 A distinction is drawn between development proposals adjacent to the external face of the Walls and those internal to the Walls.

External

6.78 In proposals adjacent to the external face of the Walls, in addition to the general guidelines, the Department will require that development:

- makes access provision for the maintenance of the Walls; and
- ensures that building works do not alter or damage the physical fabric of the Walls.

Internal

6.79 Internally much of the townscape is separated from the Walls by the existing street pattern. There are, however, a number of opportunity sites close to or adjacent to the Walls at East Wall, Bishop Street Within and Palace Street (Map 3 Central Area). On these sites, in addition to the general guidelines, the Department may permit development which:

- abuts directly onto the internal face of the Walls where this reflects an earlier building pattern;
- provides appropriate pedestrian access onto the Walls from the buildings; and
- is compatible with the character and amenity of adjoining uses.

- Approach 1 Retain Policy
- Approach 2 Remove Policy
- Approach 3 Retain Policy with amendments

6.80 **Preferred Approach 3:** The Derry Walls is a monument in state care and therefore any applications affecting it or its setting will be assessed under Policy BH1. However, as the Walls are the largest monument in State Care in Northern Ireland and an iconic focal point within the City it is suggested that a separate policy regarding the walls is retained and that elements from BH1 are included within the Policy to supplement BE 5 and make it more robust.

6.81 There are a number of gap sites and back lands that adjacent to the walls that may be developed in the future. The LDP may also identify areas that are particularly sensitive to development.

6.82 **Policy BE 6 Environmental Improvements to the Walls** and states that the Department will continue to undertake small scale environmental improvements and maintenance to the fabric of the Walls as appropriate. It goes on to say that an ongoing programme of conservation and environmental improvements has upgraded both the structural integrity and visual amenity of the Walls. Such schemes will be judged against Conservation Area and Historic Monument policies.

- Approach 1 Retain Policy
- Approach 2 Remove Policy

6.83 **Preferred Approach 2:** As the justification for policy BE 6 states any such schemes will be judged against Conservation Area and Historic Monument policies as will Policy BE 5. It is therefore considered that Policy BH 1 adequately deals with this matter and Policy BE 6 is not required.

6.84 **Policy BE 9 Industrial Archaeology** states that the Department will encourage the beneficial re-use of historic industrial buildings and sites where they make a significant contribution to the townscape or the locality.

- Approach 1 Retain Policy
- Approach 2 Remove Policy
- Approach 3 Incorporate Policy with BH 15 as detailed above.

6.85 **Preferred Approach 3** There are many examples of important buildings which are reminders of past industrial development, such as the shirt factories, canal, and mills throughout the District, which contribute to the heritage of the District. It is considered that such buildings and features are retained. It is considered that Policy BE 9 is incorporated into Policy BH 15, as detailed above.

6.86 **Policy BE 11 Access to Buildings for People with Disabilities** states that the needs of people with disabilities will be taken into consideration in the determination of planning applications for the development of buildings to which the public have access.

- Approach 1 Retain Policy
- Approach 2 Retain Policy with amendments and incorporate into Policies BH 7, BH8, BH 9, BH 12 and ATC 2.

6.87 **Preferred Approach 2 Retain Policy** – while this policy does not relate specifically to the built heritage it is within the Built Environment Section of the DAP. It is considered that the need of people with disabilities should always be considered in determining planning application. In relation to Listed Buildings and buildings within the Conservation Areas, such proposals should be sensitively designed so as to meet the needs of the users and be in keeping with the character of the Listed Building/Conservation Area/ATC.

Additional Approaches:

6.88 **Historic Building of Local Importance:** A historic building of local importance, is a building, structure or feature that has been identified by the council as an important part of their heritage, due to its local architectural or historic significance.

6.89 While there is no statutory requirement for the Council to identify buildings of local importance and compile a list of such features, there is an option to do so and include the list within the LDP.

- Approach 1: Identify and compile lists within the LDP regarding Lists of Local Importance
 - Approach 2: Do not include Lists of Local Importance within the LDP
- 6.90 **Preferred Approach 2:** There is some debate with regards to Lists of Local Importance. There was consideration given as to whether the identification of such buildings within the LDP could make some more vulnerable given that there is no statutory protection. Without statutory protection such lists could therefore be seen as counterproductive. It is suggested therefore that historic building of local importance are not highlighted within the LDP
- 6.91 **Areas of Townscape Character:** ATCs are designated during the LDP process. There are four existing ATCs within the District.
- Approach 1: Retain Existing ATCs
 - Approach 2: Re-examine existing ATC and remove/amend where required
 - Approach 3: Assess other areas for the possibility of designating new ATCs and reassess existing ATCs.
- 6.92 **Preferred Approach 3:** The opportunity exists at this time for the existing ATCs to be reassessed to ensure that their character in the intervening years since the publication of the DAP has been maintained to a sufficient standard to maintain their designation.
- 6.93 The LDP also provides the prospect of designating new ATCs within the District. ATCs were not legislated for during the preparation of the SAP, therefore no ATCs exist in the former Strabane District. The preparation of the LDP for the District now provides the opportunity for the designation of ATCs within the former Strabane District for the first time and well as any further prospective ATCs within the former Derry District that would be warrant this designation.
- 6.94 SAP 2001 contains a very brief section on Conservation Area and Listed Buildings. The section refers to the designation of the Sion Mills Conservation Area

7.0 Conclusion

- 7.1 In line with the Community Plan, the LDP allows a consideration of how we want our future built environment, both urban and rural, to look, as we seek to positively promote good standards of design and the protection of our built heritage.
- 7.2 It is necessary to consider how our LDP designations, zonings, proposals and policies can affect our built heritage features.
- 7.3 In preparing the LDP, the Council will take into account the implications of local policies and proposals on all features of the archaeological and built heritage and their settings, and the implications of proposed land use zonings, locations for development and settlement limits on built heritage features within or adjoining the plan area and bring forward policies or proposals for their protection and conservation and enhancement

In light of the review of the policies contained with PPS 6, as well as discussion held with Members and Development Management, it is considered that the majority of the policy will be retained, albeit with some amendments.