



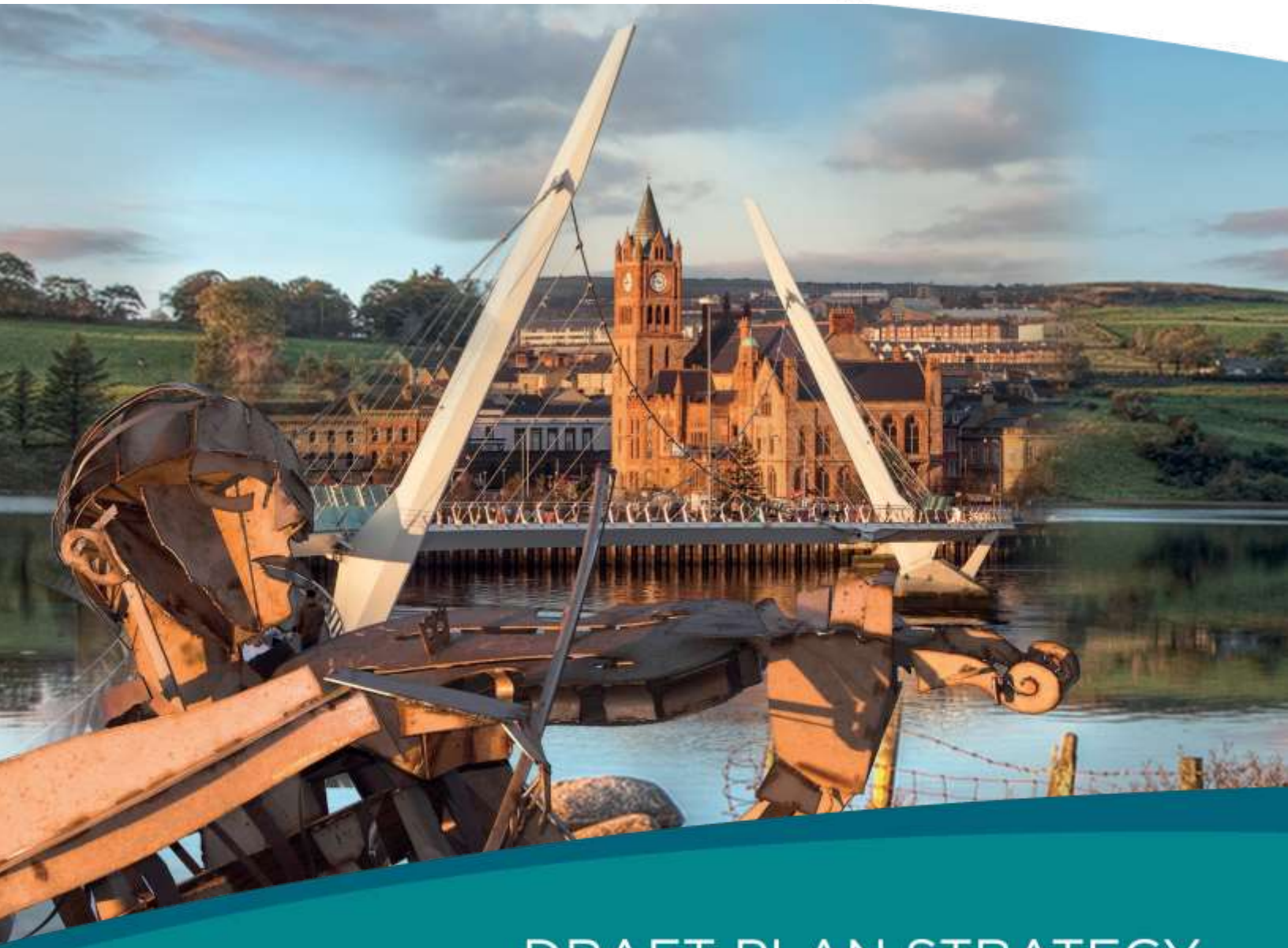
Derry City & Strabane
District Council

Comhairle Chathair
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DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY

Evidence Base Paper EVB 23: Historic Environment, December 2019

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



EVIDENCE BASE PAPER EVB 23
Historic Environment

This Document is one in a series which comprises the evidence base that informs the preparation of the Derry City and Strabane District Local Development Plan (LDP 2032) Plan Strategy.

It builds upon the suite of thematic Topic Papers prepared and published alongside the LDP Preferred Options Paper (POP), which established the May 2017 baseline position and identified the key issues that needed to be addressed by the LDP.

This Historic Environment Evidence Base paper updates the baseline POP position and sets out the evidence base that has informed the strategy, designations and policies within the draft LDP Plan Strategy. Evidence has been informed by feedback from public consultation, discussions with Elected Members, input from statutory consultees, stakeholder groups, from other Departments within the Council, liaison with adjoining Councils and through the iterative Sustainability Appraisal process.

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

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1.0 Introduction to Paper

- 1.1 The information presented in this Evidence Base has assisted the Council in developing an informed and innovative approach to setting clearly defined aims and objectives for the Historic Environment. It has taken account of the Council's overall objectives for the District as well as local circumstances in relation to the Historic Environment.
- 1.2 This paper sets out the Council's strategy for the Historic Environment. It also sets out the main evidence base and legislation / policy framework which has influenced our strategy and in turn the operational policies set out in the LDP Draft Plan Strategy (PS).
- 1.4 The Evidence Base relates to our historic environment i.e. our man-made surroundings and features, primarily involving our historic features of archaeology, monuments, listed buildings and areas of townscape. The historic environment also includes other more-modern buildings and areas within our settlements but this aspect is considered further in the Place-making Chapter. The paper provides an overview of the legislation and policy covering the historic environment, summarises our historic features and considers how they can influence and be integrated into the designations, zonings, proposals and policies of the new LDP for our District.
- 1.5 The key function of the Evidence Base which has been gathered throughout the preparation of the Local Development Plan (LDP) Plan Strategy is to provide a chronology of the feedback relating to Pre-POP Members Workshop, POP representations, engagement with a range key consultees (such as internal council sections, statutory bodies, a number of heritage Interest groups and Development Management (DM) Section and how they have helped to influence our policy direction in the Draft Plan Strategy.

2.0 Legislative and Policy Context

2.1 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 in the Regional Development Strategy (RDS) 2035 and Strategic Planning Policy Statement (SPPS).

2.2 Relevant UK and NI legislation is contained within the Planning Act (NI) 2011. Part 4 Chapter 1 of the Planning Act refers to Listed Buildings and Conservation Areas. Part 8 refers to Further Provisions as to Historic Buildings, Historic Monuments and Archaeological Objects (NI) Order 1995 (the 1995 Order). The Planning (Listed Buildings) (Amendment) Regulations (Northern Ireland) 2016

Regional Planning Policy

2.3 Regional Development Strategy (RDS): The RDS sets out the spatial strategy of the Executive. 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, exceptional landscape setting and unique walled core through sensitive development.

2.4 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.

2.5 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.

- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 Conservation Area Design Guidance: Each of the five Conservation Areas in the 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 Background and Statistical Data

3.1 The following historic environment features in the Derry City and Strabane District are summarised below and in the list at the Appendix 1. Maps showing the Conservation Areas and Historic Parks, Gardens and Demesnes can also be found at Appendix 2.

- Archaeological Sites and Monuments (State Care, scheduled and other);
- Areas of Archaeological Potential – areas within settlements where archaeological remains are likely to be encountered during development;
- Historic Parks, Gardens and Demesnes – a register of parks, gardens and demesnes of special historic interest is held by the Historic Environment Division (HED) (DfC, formerly DoE NIEA);
- Listed Buildings;
- Conservation Areas (CAs) – Areas of special architectural or historic interest;
- Areas of Townscape or Village Character – areas of unique identity within settlements (designated through the plan process);
- Industrial Heritage Assets;
- Shipwrecks;
- Battle sites

3.2 The Derry City and Strabane District has a considerable wealth in its historic environment. The District has 862 archaeological sites and monuments. These include the iconic Derry Walls - the largest monument in State Care in Northern Ireland. The monument means not only the city walls, but also the adjoining land and property and associated below-ground archaeology which forms its setting. Other notable scheduled monuments are the 14th Century Harry Avery's Castle (Newtownstewart) and the 15th Century Derg Castle (Castlederg). Other 'lower profile' sites include raths, burial chambers, lime kilns, etc which are spread throughout the District. Under the Historic Monuments and Archaeological Objects (NI) Order 1995 (the 1995 Order), the Department has a duty to compile and maintain a Schedule of Monuments. Monuments on the Schedule have statutory protection and inclusion is at the Department's discretion. Of the 857 sites and monuments on the current NI Sites and Monuments Record (NISMR) there are 128 Scheduled Monuments within this District, as well as 14 Monuments in State Care.

- 3.3 In all cases the desirability of preserving an archaeological site or monument and its setting, whether scheduled or otherwise, is a material consideration in determining planning applications. Accordingly, in assessing the archaeological implications of a development proposal, the Council will consider whether it would damage or destroy the site or monument, result in inappropriate change to its setting or whether the existing quality and character of the site or monument would be retained. Within the DAP, an Area of Archaeological Potential for the Walled City and environs is identified. Within this area, site evaluation may be necessary to reach a planning decision and permission may be conditioned to minimise disturbance or to provide for archaeological recording which may include excavation.
- 3.4 There are 675 Listed Buildings within the District. They are legislated for under Article 80 of [The Planning \(NI\) Act 2011](#). Once a building is listed, Article 85 provides that consent is required for its demolition and any works, alteration or extension in any manner that would affect its character as a building of special architectural or historic interest.
- 3.5 In the past five years, a total of 14 buildings have been delisted within the District. The Built Heritage at Risk Northern Ireland Register (BHARNI) has been compiled in partnership with the Department for Communities, (DfC, formerly DoE). It highlights buildings and monuments of architectural and historic interest whose future seems threatened and may be suitable for restoration and repair. There are currently 56 properties on the Register from within our District.
- 3.6 There are 5 Conservation Areas located within the Council area, namely Sion Mills designated 1977, Newtownstewart (1993), Historic City (1977, Reviewed / extended 2006), Clarendon Street (1978 Reviewed / extended 2006) and Magee (2006).
- 3.7 Conservation Areas are areas of special architectural or historic interest designated by the Department under Article 104 of [The Planning \(NI\) Act 2011](#). Conservation Area designation introduces control over the demolition of unlisted property in the area and affords protection to trees as if a Tree Preservation Order was in place.
- 3.8 The prime consideration in assessing whether new development proposals are acceptable will be the desirability of preserving or enhancing the character and appearance of these areas. The Historic City and Clarendon Street Conservation Areas were reviewed in 2004 and both had their boundaries amended, whilst the Magee Conservation Area was designated in June 2006.

- 3.9 Areas of Townscape Character (ATCs) have been designated through the Development Plan process and have distinct character and intrinsic qualities, often based on the historic built form or layout. Proposed or designated ATCs introduce control over the demolition of an unlisted building. The potential exists for new ATC's to be brought forward during the preparation of the future LDP process.
- 3.10 In assessing planning applications within ATCs, the key consideration for the planning authority will be to ensure that development proposals respect the appearance and qualities of each townscape area and maintain or enhance their distinctive character. There are four ATC's identified in the Derry Area Plan 2011. These are Victoria Park, Bond's Hill, Eglinton and Culmore. This designation was not available at the time of the Strabane Area Plan in 1991. A Stage 1 Outline Assessment has been carried out to identify potential new designations.
- 3.11 The planned landscapes of the 17th Century onwards are protected under policy BH 6 of PPS6 and identified in Development plans. It is important that these valuable Historic Parks, Gardens and Demesnes (HPG&D) of our historic environment are protected from development which would harm their historic character – See Appendix 1 and 2 for details.
- 3.12 The Townscape Heritage Initiative (THI) is the Heritage Lottery Fund's grant giving programme for the repair and regeneration of the historic environment in towns and cities throughout the UK. Derry currently has a Townscape Heritage Initiative (THI), facilitated by the Walled City Partnership since 2002 in two Phases; there is potential for a third Phase application but the areas have not yet been decided.
- 3.13 Derry City and Strabane District Council has initiated an Empty / Dilapidated Buildings Working Group to work with the relevant agencies to ensure such buildings are identified and all appropriate Departmental legislation / Council powers are used to bring such properties back into a state of use and ensure they no longer pose a risk to a health and safety or detrimental to the character of a neighbourhood. Council is currently investigating possible initiatives to proactively bring vacant and derelict sites into civic use. The Council is also promoting the RESTORE initiative to provide funding in Derry for refurbishment of buildings, whilst Public Realm, Urban Villages and other projects also seek to improve the appearance of buildings and areas.

- 3.14 A number of studies that specifically consider the historic environment / physical regeneration of the main urban settlements in the District. This will provide the opportunity for the more in-depth analysis and identification of solutions for their mainstream townscape / place-making as well as maximizing the potential of their historic environment. Examples include the Derry Walls Management Plan 2018 and a Conservation Management Plan in 2019.

Historic Environment and our LDP

- 3.15 In line with the Community Plan, the LDP allows a consideration of how we want our future historic environment, both urban and rural, to look, as we seek to positively promote good standards of design and the protection of our historic environment.
- 3.16 It is necessary to consider how our historic environment features can affect our LDP designations, zonings, proposals and policies.
- 3.17 In preparing the LDP, the Council took into account the implications of local policies and proposals on all features of the archaeological and historic environment and their settings, and the implications of proposed land use zonings, locations for development and settlement limits on historic environment features within or adjoining the plan area. The LDP identifies the range of built and archaeological heritage features within the Plan area and brings forward appropriate policies and proposals for their protection, conservation and enhancement. These include the following:
- Archaeological Sites and Monuments (State Care, scheduled and other)
 - Areas of Archaeological Potential – areas within settlements where archaeological remains are likely to be encountered during development
 - Historic Parks, Gardens and Demesnes – a register of parks, gardens and demesnes of special historic interest is held by HED
 - Conservation Areas (CAs) – Areas of special architectural or historic interest
 - Areas of Townscape or Village Character – areas of unique identity within settlements (designated through the plan process)
 - Local Landscape Policy Areas (LLPAs) – features or areas within and adjoining settlements considered to be of greatest amenity value, usually of landscape quality or local significance but can also include historic environment features (designated through the plan process)

- Listed Buildings – buildings designated as being of ‘special architectural or historic interest’ (HED responsibility).

3.18 Where appropriate, the LDP PS shows, for information purposes, the statutory designations as provided by HED. These will be included on relevant maps and will be referred to in further detail at the LPP stage.

4.0 Preferred Options Paper

POP Representations and LDP Consideration

4.1 16 POP representations were received in relation to the Built Environment section and Council’s range of possible options, including the Preferred Option 1 (see Table 1). The options were developed recognising the unique contribution our historic environment makes to all aspects of the City and District. Collectively they sought enhanced clarity to policy wording to strengthen protection, ensure our historic environment is fully considered when considering development proposals and to facilitate archaeology and built heritage so that they could fully deliver their key role in terms of tourism and the economy within our District. Specific representations were as follows:

Table 1: POP Preferred Option 1

	Option 1	Option 2	Option 3
D - Built Environment / Heritage	Existing designated areas / buildings of historic environment importance will continue to be protected and development facilitated with policies in line with the SPPS	In addition to Option1, designate new areas / buildings of historic environment importance as part of LDP preparation and preclude all development likely to adversely impact on such sites / buildings or their setting	Protect only those designated areas / buildings and accommodate appropriate development where possible

- DfC, HED: supplied additional policy wording to help address potential policy gaps

The LDP PS policy wording has been reviewed and enhanced / clarified in line with the POP stage supplied comments provided by DfC.

- DfC, HED: Potential for Walled City, surrounding area & Ebrington to be managed in line with UNESCO Historic Urban Landscape approach;

The LDP PS considers that its proposed draft policy fully delivers the intent of the SPPS and PPS6 (& Addendum). If relevant guidance is brought forward to revise / upgrade existing regional policy documents to ensure delivery of UNESCO Historic Urban Landscape approach, these can be considered in due course and incorporated into subsequent LDP reviews.

- DfC, HED: Ensure those villages and towns with a strong historic character are nurtured and developed by the LDP;

All settlements within the LDP Settlement hierarchy that contain built heritage assets will see these protected and where possible enhanced with appropriate LDP policy & designations – ranging from Conservation Areas, Areas of Townscape Character and LLPA's along with general design principles to reflect the historic character of such settlements, at the LPP stage.

- DfC, HMC: Disappointed that Council has chosen not to take on task of identifying and considering 'locally significant' built heritage. This approach is at odds with other proactive approach for preferred options;

After consideration, it was felt that identifying such buildings as 'locally significant' could highlight the importance of these buildings, while not actually protecting them, and in doing so, could put them at risk of being damaged / destroyed prior to the submission of a planning application. There are other designations that will be detailed at LPP stage (ATC / AVC) that are considered more appropriate to protect the historic fabric of settlements.

- Natural Environment Division, DAERA: Clarity required. LLPA's policy required to be consistent with SSPS para 6.29/30;

LLPA policy has been reviewed and considered to be consistent with SSPS.

- Invest NI: Built Heritage – can continue to contribute towards economic growth and vitality. Can either serve as modern industrial use with sympathetic restoration or where not possible could potentially serve as office / workspace provision;

The LDP PS recognises the importance of bringing back such buildings into productive use to contribute towards the economic regeneration of our District.

- DfI: Preferred option should not preclude the protection of additional built heritage assets through the LDP process;

The LDP at LPP stage will consider the need for specific heritage related designations within settlements such as ATC / AVC's.

- MLA: Option 1 Too restrictive in application. Protection of built heritage is important but it should not be a barrier to sensible and sensitive proposals to support economic development;

The LDP PS direction is now more reflective of POP Option 2 which will permit additional local designations. The LDP PS recognises the importance of showing some flexibility for businesses but also the value of good quality design standards to contribute towards the economic regeneration of our District.

- Woodland Trust: The Woodland Trust prefer Option 2 as it would provide positive impacts over and above Councils Preferred Option 1.

After consideration, it was felt that identifying such buildings as ‘locally significant’ could highlight the importance of these buildings, while not actually protecting them, and in doing so, could put them at risk of being damaged / destroyed prior to the submission of a planning application.

- Planning Agents / Individuals:
 - (1) In addition to option 1, designate new areas/buildings of historic importance and preclude all development likely to adversely impact on such sites/buildings on their settings. Protect collective unlisted built heritage (including boundary walls) through ‘local listing’ processes now available to the Council – especially in inner city/town areas;
 - (2) Prefers option 2 over preferred Option 1;
 - (3) There needs to be a city architect with special powers to safeguard the LDP and built heritage of the city;
 - (4) An historic city will not be attractive to tourists or prolong their stay with roller shuttered vacant shops.
 - (5) Boomhall has a unique place in the social history of the city so the estate should now be preserved.

PS Response to Planning Agent / Individual POP Representations:

(1) The LDP PS will ensure that all settlements within the LDP Settlement hierarchy that contain built heritage assets will be protected and where possible enhanced with appropriate LDP policy & designations – ranging from Conservation Areas, Areas of Townscape Character and LLPA’s along with general design principles to reflect the historic character of such settlements.

(2) The LDP PS direction is now more reflective of POP Option 2 which will permit the designation of additional local designations.

(3) Planning officials have considerable experience and expertise in assessing and advising on such matters, as well as the usual Historic Environment consultees for advice, plus the Council also has internal resources - CA officers, THI architects and opportunities to work with MAG in relation to Built Heritage proposals. The need for, or benefit from, having a City Architect / Urban designer can be considered by the Council as part of any future Urban Design / Regeneration strategy.

(4) The LDP PS seeks to tackle shutters and has many policies that will contribute towards the economic regeneration of our District. (5) The specific planning needs of individual sites will be covered at the LPP stage

Consultee Liaison

4.2 Following the Preferred Options Paper (POP), a letter was sent to HED in March 2018 seeking their views. In summary, HED advised:

1. The importance of our Historic Environment in line with SPPS strategic objectives;
2. Provide further Evidence Base clarification how the strategic hierarchy of heritage designations will aid the LDP in finalising zoning / policies etc;
3. Cautioned against excessive amalgamating of PPS policies. HED feel this could result in changes in meaning and emphasis;
4. New policies must provide same level of protection as currently afforded;
5. Reminded of the importance of our historic assets in the countryside and their potential to benefit community cohesion, vitality and tourism.
6. Overall reminder of the importance of utilising the historic environment.

LDP Response:

4.3 The above responses reiterated POP consultation responses and the Council has considered these in drafting the Historic Environment Chapter and associated policies. The Council is fully aware of the importance of our heritage assets across the District and their contribution to civic life. The Evidence Base has been further reinforced to demonstrate how the historic environment baseline evidence was utilised to inform and influence LDP decision making.

4.4 Concerns over PPS 6 policy merging (as per SPPS) have been addressed by providing appropriate clarity, where considered necessary, in the policy or J & A text to ensure that the same policy strength and intent is maintained.

- 4.5 The Council recognises the need to protect our locally distinctive and important vernacular architecture, particularly in our countryside that contributes to localities' historic character and sense of place. Appropriately worded policy has been drafted to address this issue (HE 8).

Selected Stakeholder Engagement – 4th April 2014

- 4.6 The main issues arising from the April 2017 Stakeholder event were to ensure the protection and enhancement of our historic environment across the District and ensure they contribute fully to the tourism and economic regeneration of our District.

Member Round-Table Discussions (RTD)

- 4.7 No RTD meeting was requested by the Members for the Historic Environment. However, a Paper on Historic Environment was presented to the Members at the 2016 series of Workshops. A summary of Members thoughts at this stage was as follows:

- Vigorous need to protect our built heritage;
- Robust fines for those who do not follow policy;
- Extend THI scheme;
- A balanced approach to built heritage policy to avoid it appearing too restrictive.

LDP Response: Those views which were within the remit of the LDP to deliver have been fully considered and incorporated into the Historic Environment Chapter and policies.

Senior Planners / Development Management Input

- 4.8 Development Management colleagues stated that while the policies in PPS 6, PPS 6 Addendum and PPS 23 were working relatively fine, there was felt to be some scope for minor amendments. It was considered that the amount of policies could be reduced and some of the policies could be amalgamated.
- 4.9 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 (PPS6) 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.

- 4.10 There is no policy relating to Industrial or Defence Heritage – it was suggested that a new policy should be included or wording amended to include reference. It was suggested that vernacular buildings are best dealt with under the rural policy.

Senior Leadership Team (SLT) Input

- 4.11 The importance of our Historic Environment was raised specifically in terms of the distinctive identity, tourism and economic benefits to the District. It was considered essential that the LDP PS complements and supports the Council’s recently published Tourism Strategy and the SGP priorities.

5.0 Key Considerations

- 5.1 All relevant legislation, policy and guidance was considered in the development of the Historic Environment section for the LDP PS. This section acknowledges the importance of our historic environment and its key role in the District's tourism and economic strategies.
- 5.2 The proposed strategy of the LDP reflects the regional strategy as set out in the RDS, SPPS and relevant PPSs. The strategy has also been influenced by the aims of the District's Strategic Growth Plan (our Community Plan) as well as the Council's published Tourism Strategy. It recognises that the District contains a wealth of heritage assets across both our urban areas and countryside - such as evidence of our early prehistoric sites, vernacular homesteads, historic Walls, fine architecture, industrial and more recent defence heritage.
- 5.3 The protection and enhancement of our heritage assets requires a careful balance when considering the simultaneous need for urban regeneration. The Council has undertaken a Settlement and Place-Making Study as part of the PS preparation. This will set a place-making framework which will complement the policies contained in the Historic Environment Chapter and seek to protect and enhance our heritage assets. A similar thrust will apply to the built heritage and vernacular buildings in our countryside.
- 5.4 The LDP PS has taken into account the POP representations, input from Members and key consultee responses in drafting the Historic Environment chapter, strategy and associated policies.
- 5.5 The development of the Chapter has seen a move away from Preferred Option 1 to take in the additional potential benefits associated with POP Option 2. While both are similar, Option 2 provides for the designation of additional areas at LPP stage, if appropriate, in the interests of safeguarding our historic environment.
- 5.6 Most historic environment designations are made by central government – DfC Historic Environment Division i.e. Listed Buildings, Scheduled Monuments, Historic Parks, Gardens & Demesnes. Conservation Areas are declared outside of the LDP process and no new ones are currently proposed

- 5.7 The LDP PS makes provisions for the future designation of ATCs – following an outline assessment of potential locations, and these will be detailed at the LPP stage. The LDP is not proposing to review and make ‘local listed buildings’; however, this can be reviewed during the LDP period, especially if legislation is brought forward that would actually protect them.
- 5.8 The Area of Archaeological Potential (AAP) referenced within the current DAP 2011 will be brought forward. This HED designation is associated with Policy BE 8 in the DAP 2011 (Monuments in State Care pg. 45) and applies to the defined Historic City Conservation Area and a portion of land immediately to the south and east. Policy HE 1 in the LDP PS allows for the subsequent LPP designation of Areas of Significant Archaeological Interest (ASAI) within settlements, where appropriate, in conjunction with HED. Boundaries of the ASAI’ will also be detailed at the LPP stage.

6.0 Draft Plan Strategy Stage

- 6.1 Policies have been developed in line with regional policy, the Strategic Growth Plan, Council's Tourism Strategy and specific consultee and Member feedback.
- 6.2 The LDP strategy in relation to our District's historic environment is to protect, conserve and where appropriate, enhance our assets, while promoting sustainable development. The Council proposes policies to protect and manage development in relation to our listed buildings, monuments, archaeology and historic designed-landscapes, as well as facilitating the re-use of our unlisted vernacular buildings. Policies will manage development within the five conservation areas whilst a number of new areas of townscape character will be identified at LPP stage, with appropriate policies to manage their development.
- 6.3 The following policies have been developed in line with the Council's LDP Strategy for the Historic Environment, regional policies and consultation feedback received from key consultees throughout the plan production.
- 6.4 The proposed policy wording for the Historic Environment policies are as follows:

HE 1 Archaeology and Upstanding Remains

Archaeological Remains of Regional Importance

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

Archaeological Remains of Local Importance

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

- 6.5 Policy HE 1 is an amalgamation of PPS 6 BH 1 & 2, with some additional clarity text based on current SPPS wording. It is considered that the amalgamation does not dilute the intent of either policy. The J&A has been shortened and is based on the relevant supporting PPS 6 text, with additional clarity provided with SPPS text.

HE 2 Archaeological Assessment, Evaluation and Mitigation

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

- 6.6 Policy HE 2 is an amalgamation of Policies BH 3 & 4 from PPS 6 with a short section of J&A clarification provided from the SPPS.

HE 3 Development adjacent to the Walls

Planning Permission will not be granted for a development near to or within sight of the Walls that would adversely affect the Monument or integrity of its setting.

The Council will carefully control the demolition of properties located against, overlooking or opening onto the Monument. A compelling case will need to be demonstrated that a proposed demolition will be to the ultimate benefit and enhancement of the Monument.

- 6.7 HE 3 is a replication of BE 5 from the DAP 2011 with enhanced text to provide additional clarity on the Council's desire to carefully control and retain the historic fabric that surrounds the Walls.

HE 4 Listed Buildings and their Settings

Change of Use of a Listed Building

Planning Permission will be granted, in consultation with the relevant statutory authority, where the change of use 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.

Extensions and Alterations to a Listed Building

Planning permission will only be granted, in consultation with the relevant statutory authority for development proposals, for the extension and alteration of a listed building where the following criteria are met:

- *The essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;*
- *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*
- *The architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.*

The Control of Advertisements on a Listed Building

Advertisement Consent will only be granted, in consultation with the relevant statutory authority, for advertisements and signs on a listed building where they

are carefully designed and located to respect the architectural form and detailing

of the building and meets the requirements of the strategic policy in the Signage &

Outdoor Advertising chapter.

Demolition of a Listed Building

There will be a presumption in favour of retaining Listed Buildings. The Council, in consultation with the relevant statutory authority, will not permit the total demolition or any significant part 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 before its demolition.

- 6.8 HE 4 is an amalgamation of PPS 6 Policies BH 7 – 11 with appropriately shortened J&A. Some minor text clarity is provided via the SPPS. It is considered that the amalgamation does not dilute the intent of policy that relates to all aspects of Planning and Listed Buildings.

HE 5 Conservation Areas

- a) *New development within or affecting the setting of a Conservation Area Planning Permission will be granted for a proposal that enhances the character or appearance where the opportunity to do so exists or to preserve its character or appearance where an opportunity to enhance does not arise. Any proposal for new development in or adjacent to a Conservation Area should:*
- *be sympathetic to the characteristic built form of the area;*
 - *respect the characteristics of adjoining buildings in the area by way of its scale, form materials and detailing;*
 - *not result in environmental problems such as noise, nuisance or disturbance;*
 - *protect important views within, into and out of an area;*
 - *protect trees and other landscape features contributing to the character or appearance of the area;*
 - *protect the Conservation Area public realm – including street furniture, light fixtures and traditional paving surfaces and patterns;*
 - *conform with the guidance set out in the Conservation Area design guides; and*
 - *only consider the demolition of an unlisted building where Council deems that the building makes no material contribution to the character or appearance of the areas and subject to appropriate arrangements for the redevelopment of the site.*
- b) *Demolition in a Conservation Area*
The Council 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.
- c) *The Control of Advertisements in a Conservation Area*
The Council will not normally grant consent for the display of an advertisement 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 in accordance with Chapter 14: Signs & Outdoor Advertising.

6.9 Policy HE 5 is an amalgamation of SPPS and PPS 6 text that strengthens the Councils considered importance of CA's within our District. It reinforces the requirement to 'enhance' the character of the CA in the first instance, with 'preserving' its character only when the opportunity to enhance does not arise. This requirement was stressed in HED responses.

HE 6 Areas of Townscape / Village Character (ATCs / AVCs)

a) Demolition in an Area of Townscape or Village Character

The Council will operate a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character (ATC) and its setting. The Council will normally only permit the demolition of an unlisted building within an ATC 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.

b) New Development in an Area of Townscape or Village Character

The Council will 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 Council will 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.

c) The Control of Advertisements in an Area of Townscape Character

The Council will only grant consent for the display of an advertisement in an area of Townscape Character where:

- it maintains the overall character and appearance of the area; and*
- It does not prejudice public safety*
- The advertisement is in accordance with Chapter 14: Signs & Outdoor Advertising.*

6.10 Policy HE 6 is an amalgamation of the three relevant policies in PPS 6 Addendum along with a reduced corresponding J&A. It is considered that the amalgamation does not dilute the intent of policy that relates to all aspects of Planning and Areas of Townscape / Villagescape Character.

HE 7 Historic Parks, Gardens, Demesnes and their Settings

The Council 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

- 6.11 Policy HE 7 is a replication of the relevant policy (BH 6) as contained within PPS 6. The supporting J&A has been shortened slightly to provide clarity.

HE 8 Conversion and re-use of Locally Important Unlisted Vernacular Buildings

The Council will 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. Proposals for conversion will normally be required to meet all 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 a 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) Any new extensions are modest in size relative to the existing building, is visually subservient to it, does not harm the character or appearance of that building and uses sympathetic design, details and materials; and*
- e) Access and other necessary services are provided without adverse impact on the character of the locality.*

- 6.12 This is a replication of Policy BH 15 from PPS 6 along with its corresponding J&A. A short additional paragraph of J&A text has been inserted into the Chapter at

24.43 to stress the need for this policy to be read in conjunction with associated residential policies applicable in a Greenbelt or Countryside Policy Area. It follows the intent of para. 6.24 in the SPPS.

HE 9 Enabling Development

The Council will only permit proposals involving enabling development where all of the following criteria is demonstrated by the applicant in a submitted Statement of Justification to accompany an application for Planning Permission:

- a) the principal development to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;*
- b) the principal development 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 principal proposal. The setting and any potential visual impact of the proposed enabling development will be important considerations;*
- e) sufficient subsidy is not available from any other source; and*
- f) the public benefit decisively outweighs the dis-benefits of setting aside other Planning policy.*

Enabling development may be considered in the following historic environment circumstances:

- The refurbishment of an Historic Building*
- The refurbishment of industrial or defence heritage*
- The restoration of an historic park, garden or demesne*

In addition, proposals involving enabling development and which relate to the re-use, restoration or refurbishment of significant places, i.e. any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic building (both statutorily listed or of more local significance) together with any historically related contents, industrial or defence heritage, conservation areas or an historic park, garden or demesne, will be required to demonstrate all of the following in its Statement of Justification:

- (i) it will not materially harm the heritage values of the significant place or its setting;*
- (ii) it avoids detrimental fragmentation of the management of the significant place;*
- (iii) it will secure the long term future of the significant place and, where applicable, through sympathetic schemes for their appropriate re-use; and*
- (iv) 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. In considering enabling development proposals, developers are encouraged to enter into pre-application discussions with the Council. The public benefit to be derived from the principal proposal will be secured either by conditional grant of Planning Permission or conditional grant accompanied by a Planning Agreement.*

6.13 HE 9 is a replication of the policy contained within PPS 23 with a shortened J&A section. It follows the intent of para. 6.25 in the SPPS.

6.14 It is considered that these policies meet the strategic direction of the relevant documents relating to the historic environment, as well as contributing to the LDP Vision and objectives for this District.

7.0 Sustainability Appraisal

- 7.1 Throughout their formulation, the policies contained within the Historic Environment Chapter have been subject to an ongoing internal sustainability appraisal (SA). This is in addition to the wider external SA, conducted by Shared Environmental Service as part of the wider suite of impact assessments / appraisals required under the Planning Act (Northern Ireland) 2011. The internal appraisal was carried out with the fourteen objectives of the external appraisal in mind (refer to the full wider SA for more information).
- 7.2 The process of sustainability appraisal aims to ensure that the Council's approach towards the Historic Environment is the most sustainable of all reasonable options available i.e. having considered any reasonable alternatives. It was considered that a policy framework to protect the historic environment and its heritage assets in line with regional and local legislation and policy was the only realistic and feasible option available to the Council.
- 7.3 With regard to the degree of sustainability of each the resulting proposed policies, this is outlined below:
- 7.4 The policies were predicted to deliver positive outcomes for most of the social sustainability objectives and several of the environmental objectives as well as one of the economic objectives. These positives were predicted based upon the policies enabling change of use to housing and conversions that could help bring residents into areas that could benefit. Positive effects were also predicted for delivery of the sustainable economic growth objective, as the policies would help to create a variety of job types linked to conservation skills and heritage led works whilst at the same time maintaining local vitality and vibrancy by protecting assets that people want to visit and enabling new or increased uses for buildings.
- 7.5 The City Walls would also be protected as a tourist feature. Together, the positive effects of the policies are predicted to deliver likely significant positive outcomes in the longer term. Minor positives were predicted across all timeframes for the natural resources objective based upon the policies protecting and conserving areas with natural features and semi natural land cover present but the Walls and older buildings are very likely to also have local biodiversity evident.
- 7.6 Together the policies will help to maintain and add to local green / blue infrastructure. Significant positive outcomes were also predicted for delivery of the environmental objectives to maintain and enhance landscape character; and to protect, conserve and enhance the historic environment and cultural resources.

- 7.7 These positives were based upon the policies helping to retain, protect and conserve local setting, local distinctiveness and local character. Potentially affected locations may have listed buildings that are a key aspect of that location. The policies can help to protect those key features and their settings. Likewise, parks and gardens are likely to be an intrinsic part of their locality and local landscape character.
- 7.8 The policies are directed at protecting the historic environment and cumulatively they enable protection, conservation and enhancement of it as a resource that can help to retain local identity as well as provide for educational/research purposes. The approach of the policies to conserve the historic environment also helps to protect a sense of place.
- 7.9 A draft Habitats Regulations Assessment (HRA) has also been undertaken and published for consultation with the Draft Plan Strategy. It similarly determines possible adverse effects on the integrity of European sites (Special Areas of Conservation and Special Protection Areas) as a result of the policies within the LDP. This assessment also includes Ramsar sites under the provisions of the Ramsar Convention.

8.0 Equality Impact Assessment

- 8.1 The historical environment policies aim to protect our heritage assets from unsuitable development. The policies themselves do not have any adverse effect on the Section 75 groups however it could be argued that designed ATCs / AVCs or Conservation Areas within areas that are of predominantly one religion or one political identify could possibly add a degree of restriction in terms of development potential. However, as such designations are made only where they meet all the specific planning and architectural criteria, it is considered unlikely that such designations will adversely affect Section 75 Groups. The Council is satisfied that there will be no adverse impact on any Section 75 groups as a result of the Historic Environment Policies.

9.0 Rural Needs Impact Assessment

- 9.1 The Rural Needs Act 2016, requires District Councils and other Public Authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans, and when designing and delivering public services.
- 9.2 To 'have due regard' means that a public authority must consciously consider the needs of people in rural areas. How much 'due regard' depends on the circumstances and, in particular, on the relevance of rural needs to the decision or function in question. The greater the relevance and potential impact for people in rural areas, the greater the regard required by the duty.
- 9.3 The strategic thrust and the policies in the chapter are considered to be equally applicable both within the urban setting and countryside. No significant impacts are perceived on fairness and equitableness when considering urban / rural inhabitants. These policies are District wide in their application.

APPENDICES

Appendix 1: Historic Environment Assets within the Derry City and Strabane District

Monuments

- 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 Battle sites

Listed Buildings:

- 675 Listed Buildings

Conservation Areas:

There are 5 Conservation Areas within the District, namely:

- The Historic City Conservation Area;
- The Clarendon Street Conservation Area;
- The Magee Conservation Area;
- Sion Mills Conservation Area;
- Newtownstewart Conservation Area.

Areas of Townscape Character:

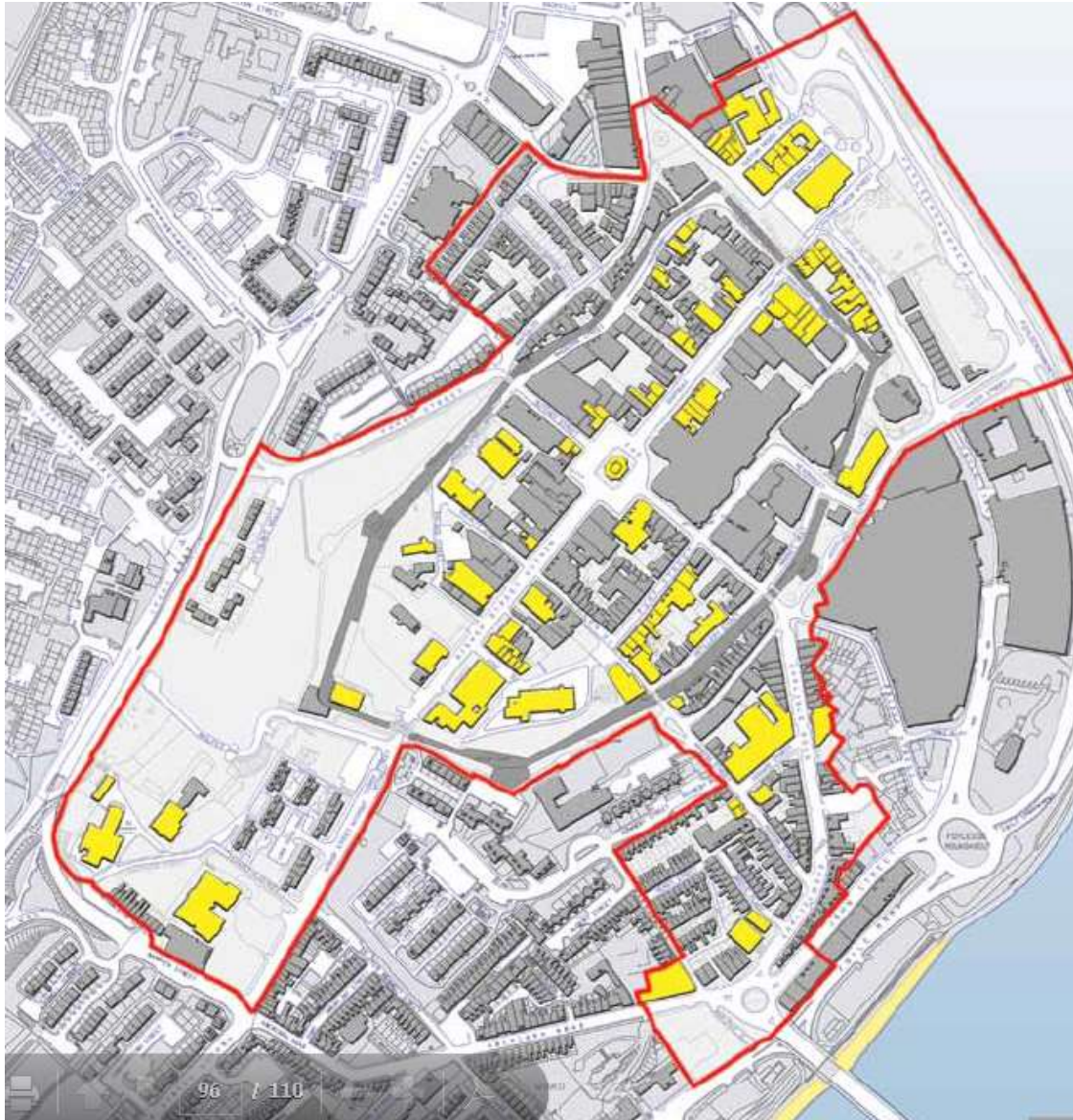
- Victoria Park;
- Bonds Hill;
- Eglinton;
- Culmore

Historic Parks, Gardens and Demesnes

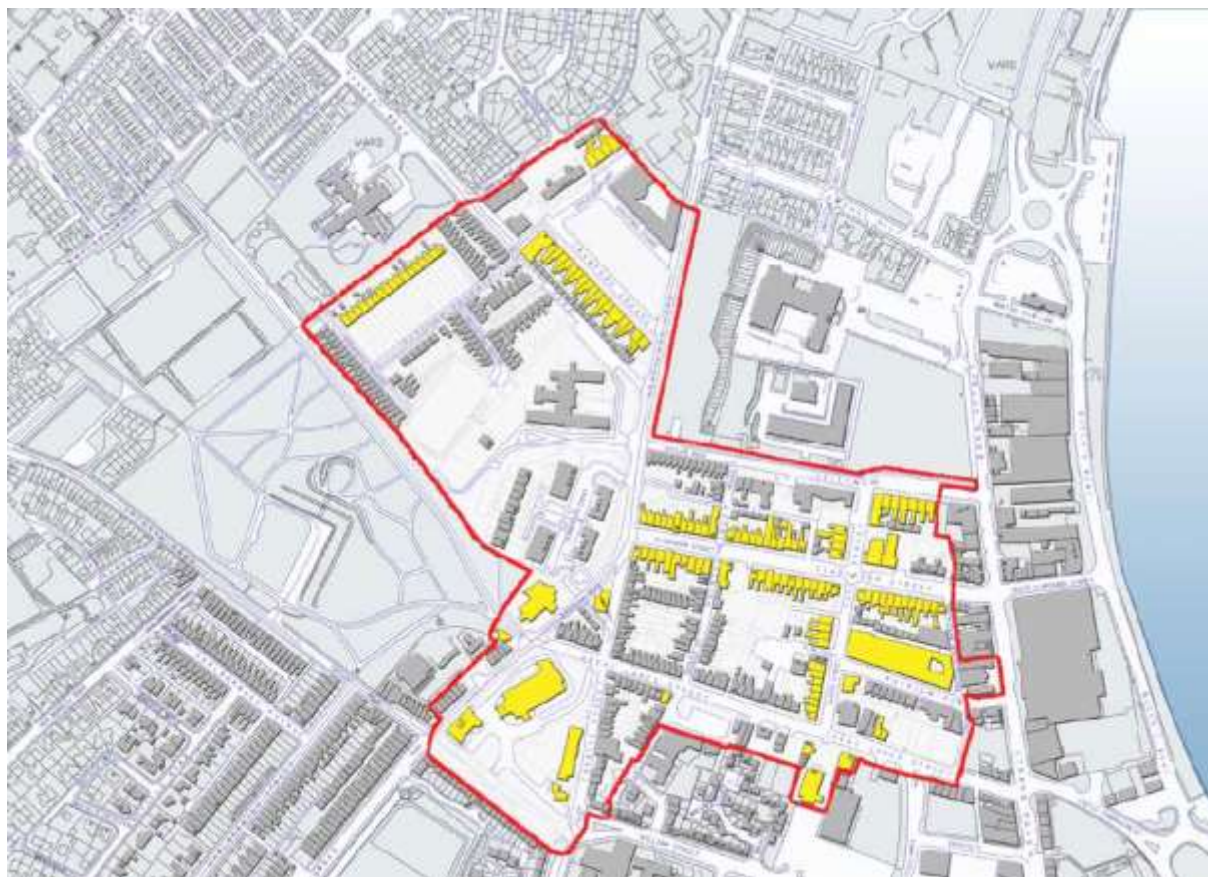
- 9 Historic Parks, Gardens and Demesnes (Registered)
- 13 Historic Parks, Gardens and Demesnes (Supplementary List)

Appendix 2

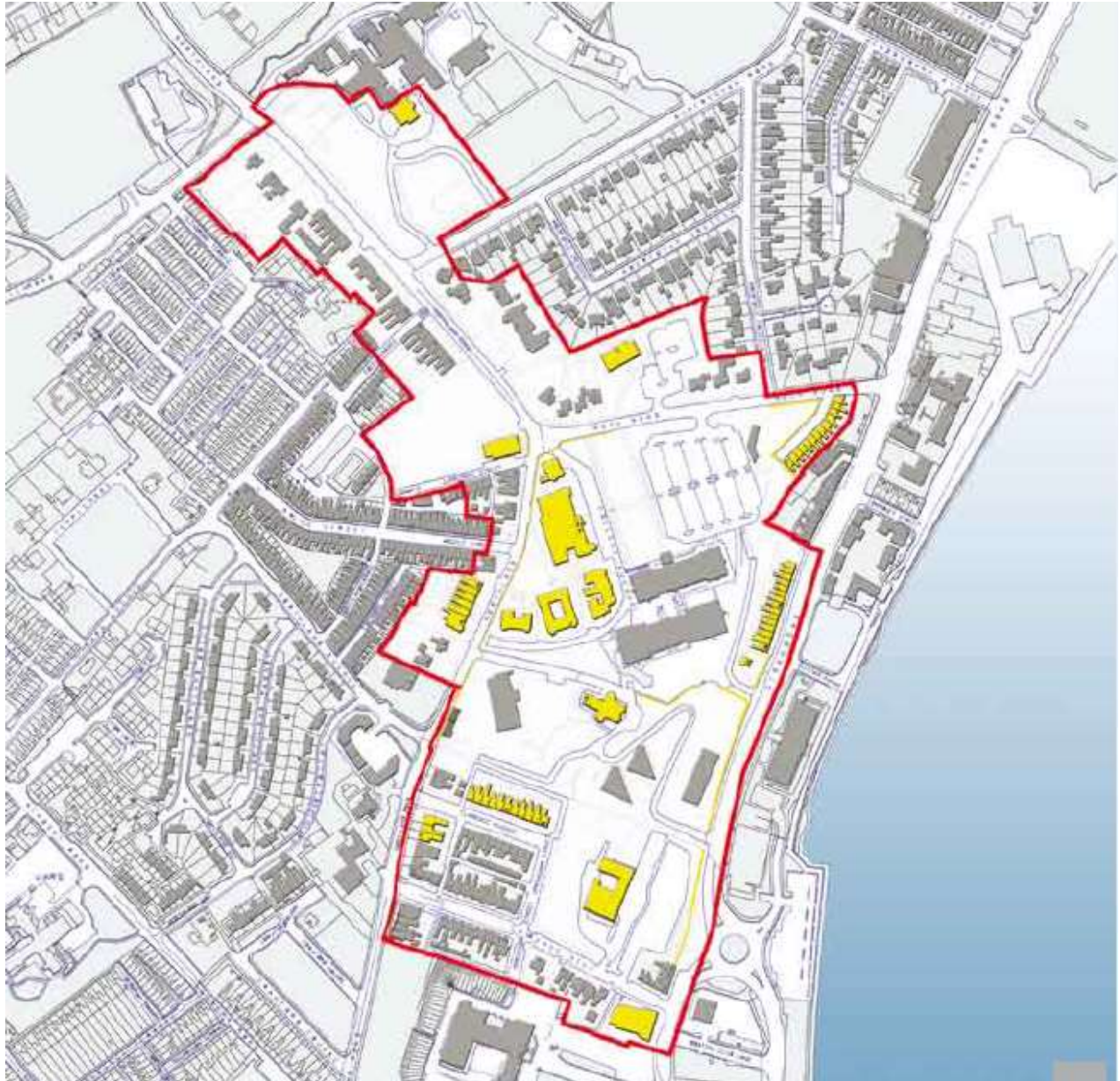
Conservation Area Maps within the Derry City and Strabane District Council Area



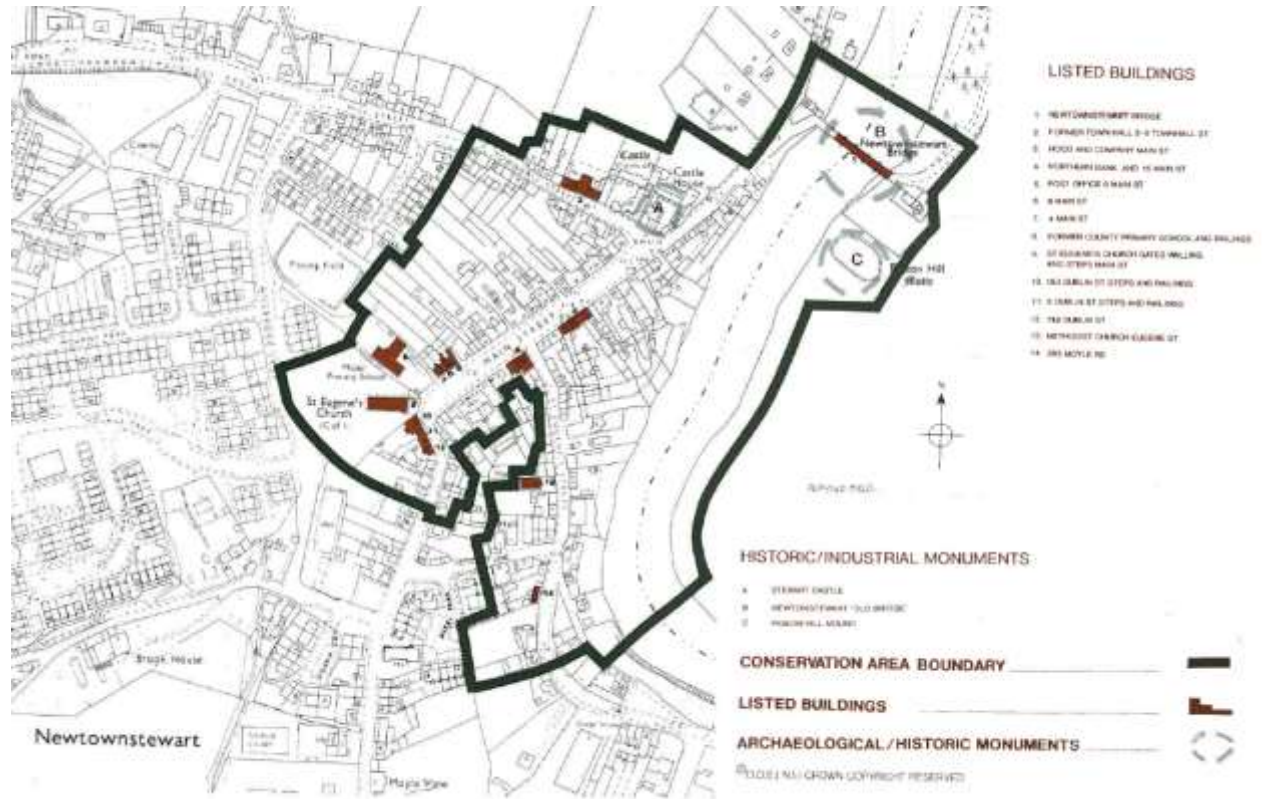
Map 1: Historic City Conservation Area



Map 2: Clarendon Street Conservation Area



Map 3: Magee Conservation Area

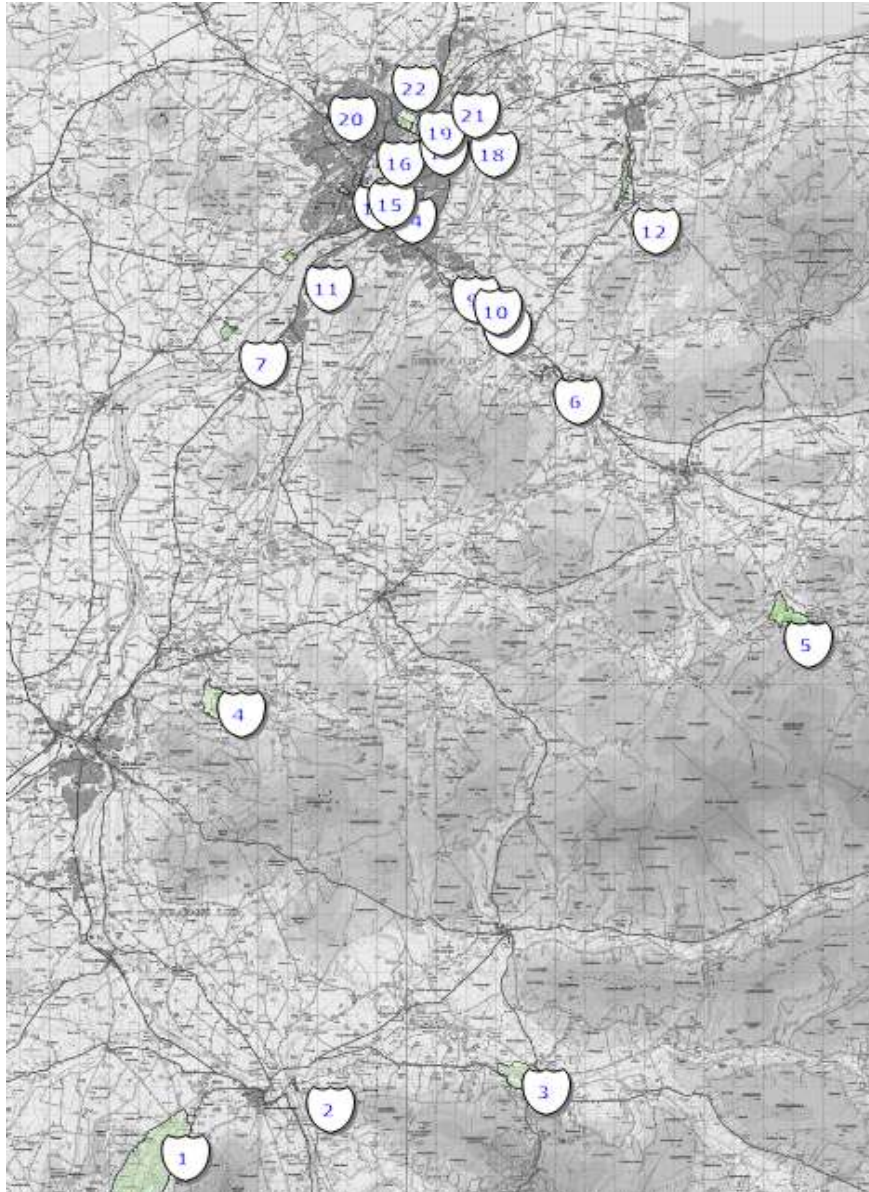


Map 4: Newtownstewart Conservation Area



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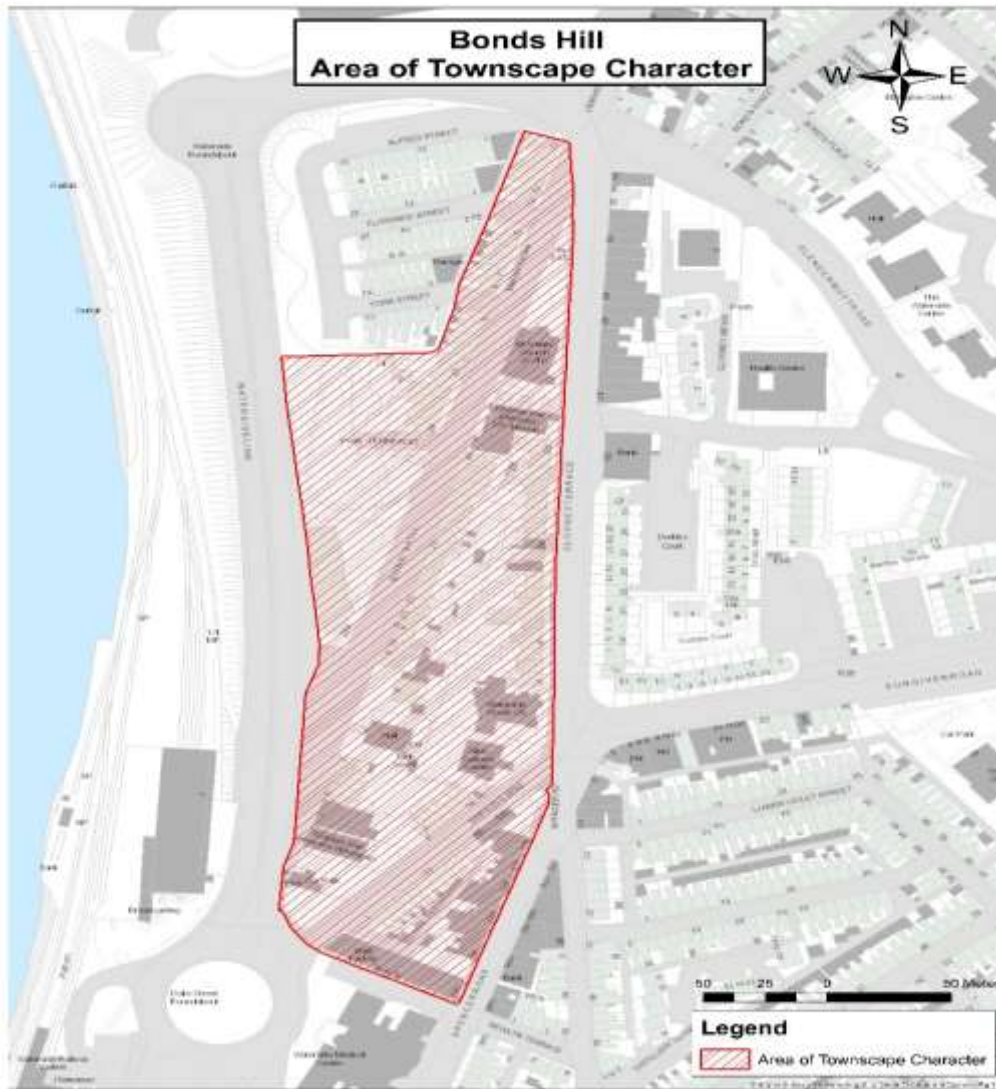
Map 5: Sion Mills Conservation Area



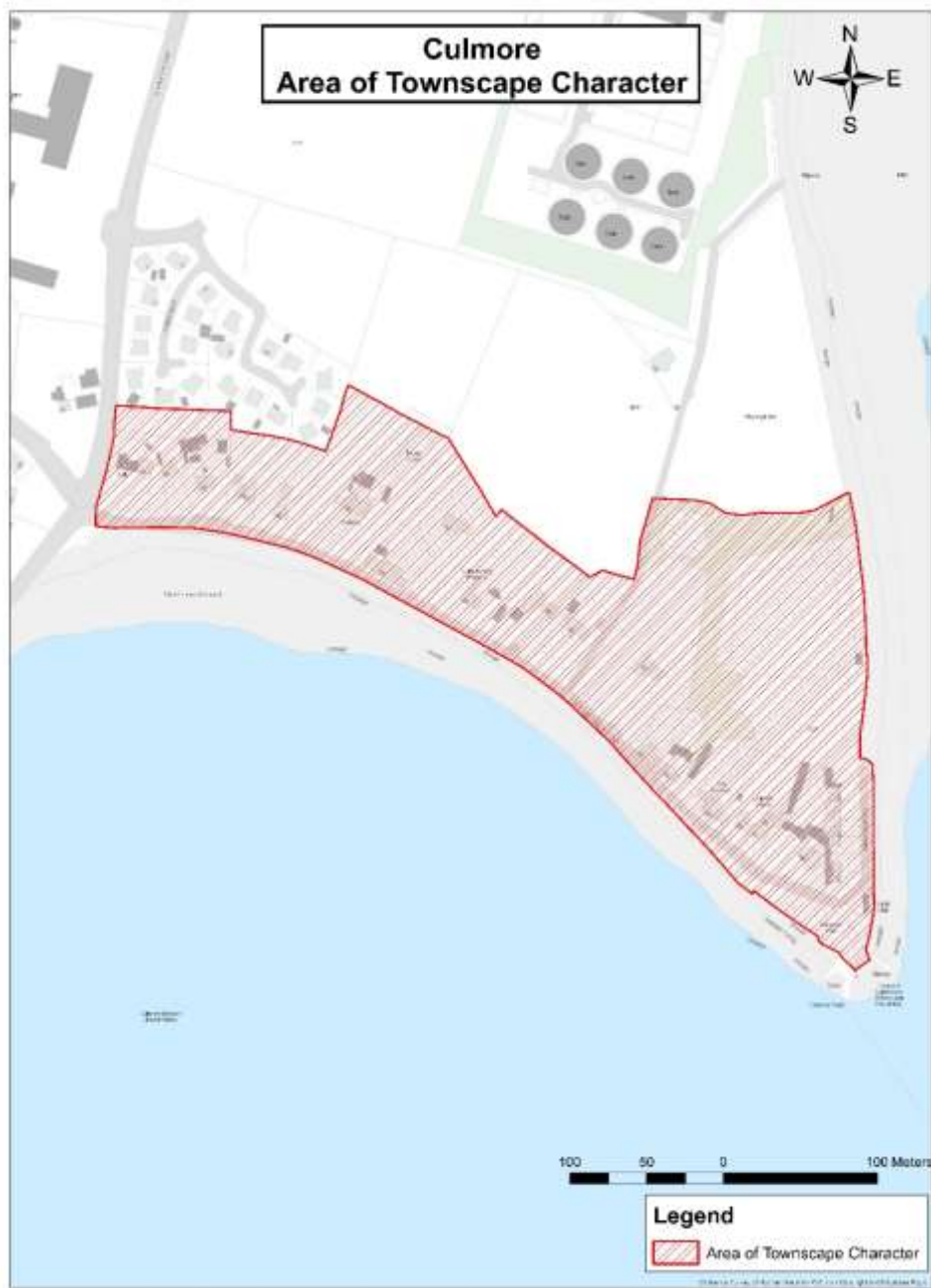
- 1. BARONS COURT
- 2. MOYLE HOUSE
- 3. BELTRIM CASTLE (Omagh)
- 4. HOLY HILL
- 5. LEARMOUNT
- 6. THE OAKS
- 7. MOLEMAN HOUSE
- 8. ARDMORE
- 9. ASHBROOK
- 10. BEECH HILL
- 11. GOVERNMENT HOUSE
- 12. TEMPLEMOYLE HOUSE
- 13. BROOK PARK
- 14. ST COLUMBS
- 15. ABERFOYLE
- 16. BELMONT HOUSE
- 17. BOOM HALL
- 18. ENAGH HOUSE
- 19. BROOK HALL
- 20. GLENGALLIAGH HALL
- 21. THORNHILL
- 22. BALLYARNET

Map 6: Historic Parks and Gardens

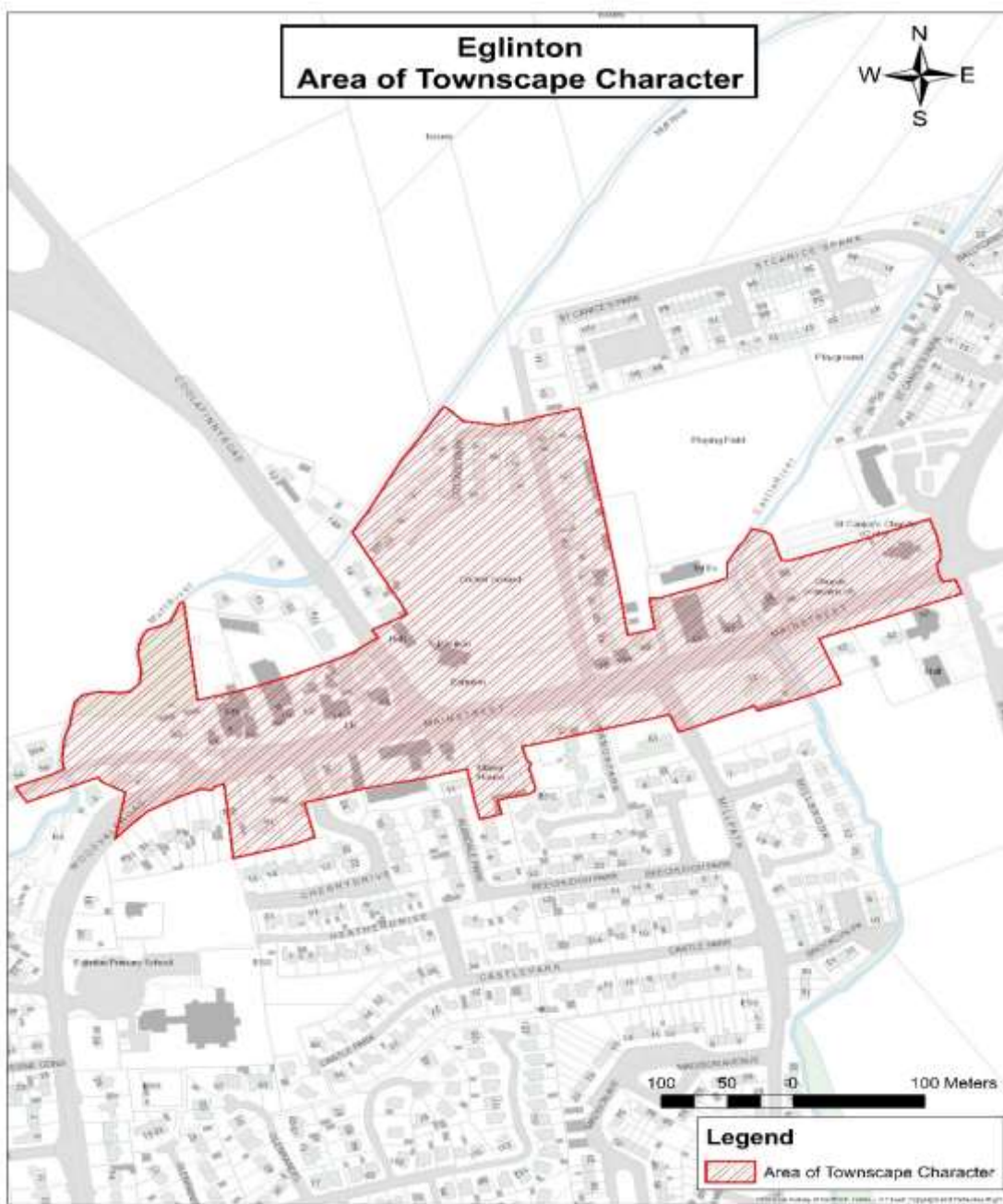
Map 7: Bonds Hill ATC – DAP 2011



Map 8: Culmore ATC – DAP 2011



Map 9: Eglinton ATC – DAP 2011



Map 10: Victoria Park ATC – DA

