
From:
Sent: 28 October 2020 08:59
To: Local Development Plan
Cc:
Subject: RE: Derry-Strabane LDP Notification Letter
Attachments: FW: DfC HISTORIC ENVIRONMENT DIVISION RESPONSE to draft PLAN STRATEGY and SUSTAINABILITY APPRAISAL (INCORPORATING the SEA) REPORT –DERRY CITY & STRABANE DISTRICT COUNCIL

Follow Up Flag: Follow up
Flag Status: Completed

Dear

In reference to your email below regarding reconsultation on the draft plan strategy, DfC Historic Environment Division confirm that we wish our original response to the DPS, and accompanying comments relating to the SA and other evidence bases to be carried forward as it is. In case it is required I have attached our original email of January this year which contains our responses to these and referenced attachments.

Should you have any queries about the content of this email, please don't hesitate to contact us via response or by the number below.

Grateful if you could acknowledge receipt of this email



Yours sincerely

MCifA

Senior Archaeologist | Heritage Records and Designations Branch

Historic Environment Division | Department for Communities

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

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Derry City & Strabane
District Council
Comhairle
Chathair Dhoire &
Cheantar an tSratha B\u00e1in
Derry C\u00edte & Str\u00e1bane
Deisek & Ceann

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LDP-PS-REP-79

From:
Sent: 27 January 2020 11:02
To: Local Development Plan
Cc:
Subject: FW: DfC HISTORIC ENVIRONMENT DIVISION RESPONSE to draft PLAN STRATEGY and SUSTAINABILITY APPRAISAL (INCORPORATING the SEA) REPORT –DERRY CITY & STRABANE DISTRICT COUNCIL
Attachments: Derry & Strabane – LDP – PS – Dec 2019 draft Plan Strategy – HED formalpdf;
Derry & Strabane – LDP – PS – Dec 2019 SA and SEA – HED formal respons....pdf;
Derry & Strabane-LDP-draft PS- policies Historic Environment - HED comme....pdf;
Derry & Strabane-LDP-draft PS- policies Tourism - HED comments 20190708.pdf;
HED DCSDC POP response 31.07.2017.pdf

Dear Sir/Madam,

DfC HISTORIC ENVIRONMENT DIVISION RESPONSE to draft PLAN STRATEGY and SUSTAINABILITY APPRAISAL (INCORPORATING the SEA) REPORT –DERRY CITY & STRABANE DISTRICT COUNCIL

Please find attached the Historic Environment Division responses to both the draft Plan Strategy and draft Sustainability Appraisal incorporating the SEA released for public consultation.

We have attached PDF versions of the following documents:

1. Derry & Strabane – LDP – PS – Dec 2019 draft Plan Strategy – HED formal Response - 20200127
2. Derry & Strabane – LDP – PS – Dec 2019 SA and SEA – HED formal response 20200127
3. HED DC&SDC POP response 31.07.2019
4. Derry & Strabane – LDP – draft PS – policies Historic Environment –HED comments 20190708
5. Derry & Strabane – LDP – draft PS – policies Tourism –HED comments 20190708

HED would like to commend Derry City and Strabane District Council on their engagement to date and on gathering and articulating the historic environment evidence toward informing plan strategies and policies. Upon review however, HED considers the draft Plan Strategy to be **unsound** in respect of the draft policies identified below, and proposed monitoring.

Soundness

In respect of Chapter 23: Historic Environment, HED considers that some of the policies and supporting amplification text does not align with the council's preferred option, which, as articulated in the Final Pop Representations Report, was to take the policies of PPS6 forward substantially unchanged. While much of the policy content is in accordance with PPS6, concerns remain that some of the gaps and inaccuracies in the context, policies and particularly the justification and amplification text for the historic environment policies, will lead to uncertainties, inconsistent application and reduced protection for the historic environment. Consequently, we advise that the scoring in the Sustainability Appraisal should be amended to reflect this.

Sections

HED considers the draft Plan Strategy to be **unsound** in respect of:
Chapter 23 Historic Environment – namely Policies HE1, HE2, HE4 and HE9 and proposed monitoring. (Soundness Tests **P2, C1,C3, CE1,CE2 & CE3**)

HED also considers the draft Plan Strategy to be **unsound** in relation to :
Chapter 28 Place Making and Design Policy for Strabane - SSDP 1 and (Soundness Test **C3**)
Chapter 12 Tourism Development – Policy TOU7 (Soundness Test **C3 & CE2**)

Chapter 15 Agriculture & Other Development in the Countryside – Policy AGR3 (Soundness Test AGR3)
Chapter 16 Housing in Settlements in the Countryside –Policy HOU8 (Soundness Test C3)

Where HED considers the draft Plan Strategy (dPS) to be **unsound** having regard to the tests of soundness, we have stated same and we have articulated comments and provided suggested corrections we consider necessary to make the dPS sound. Our responses relates primarily to impact of the dPS on the Historic Environment, and the associated policy suite. However, where we have had the opportunity, we have also framed some responses around other policies as we deem appropriate to impacting the historic environment. Our not having provided comment on other sections of the dPS document should not be considered as an endorsement of proposals as we would expect other consultees to provide detailed comment as relates to their areas of expertise.

Type of Procedure

HED would also request that our representation is considered in both **written** form and through **oral hearing** at the independent examination.

We look forward to **working** with Derry City and Strabane District Council through the LDP process and should you wish to discuss any of our comments provided in the documents attached, please contact us at the addresses below.

NOTE: Consent to Public Response

Under planning legislation we consent to the publication of our responses received in relation to the Plan Strategy. However, we ask that the names, contact numbers and e-mail addresses of individuals named are redacted. We are content for the details of the Department/organisation to be published.

I'd be grateful for acknowledgement of receipt for this email.

Yours sincerely,

| Senior Archaeologist | &

| Senior Architect |

Historic Environment Division | Department for Communities

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

Contact:

Contact:

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Historic Environment Division submission

**This representation relates to the following Development Plan Document:
Derry City and Strabane District Council Local Development Plan 2032 – Draft
Plan Strategy (December 2019)**

This submission responds to the following sections as identified in the Representation Form:

- Section H – Is the draft Plan Strategy Sound?
- Section I – Unsound
- Section J – Tests of Soundness
- Section K – Which Parts of the draft Plan Strategy are you commenting on?

DfC Historic Environment Division (HED) considers the Derry City and Strabane District Council Local Development Plan 2032, draft Plan Strategy to be **unsound** in relation to aspects of Chapter 23: Historic Environment; specifically policies HE1, HE2, HE4 and HE9, and proposed monitoring. The Design and Place making policy for Strabane and Policies TOU7, HOU8, and AGR3 are also considered to be **unsound**.

HED requests the council considers our response thoroughly, particularly in relation to the Historic Environment policies **cited above** and also where insertions/ amendments have been recommended to make policies 'more sound'.

HED has welcomed the engagement with the council to date, but is disappointed that comprehensive comments previously provided by HED, particularly in relation to draft Historic Environment policies (8.07.2019), which provide an important evidence source, have not been adequately taken into account. As presently drafted, HED advises that some of the policies and supporting amplification text does not align with the council's preferred option, which, as articulated in the Final Pop Representations Report, was to take the policies of PPS6 forward substantially unchanged. While much of the policy content is in accordance with PPS6, concerns remain that some of the gaps and inaccuracies in the context, policies and particularly the justification and amplification text for the historic environment policies, will lead to uncertainties, inconsistent application and reduced protection for the historic environment. Consequently, we judge that the scoring in the Sustainability Appraisal should be amended to reflect this. HED stresses the importance of heritage expertise in the drafting of heritage related policies and are concerned that our own expert comments, have not been sufficiently taken into account.

Upon review, it is clear that the council have utilised historic environment evidence to inform plan strategies and policies, however, possibly due to a lack of expertise in this area, some

of the interpretation of SPPS and the existing policy suite as reflected in the policy text is inaccurate and will cause problems with regard to implementation. HED again stresses the value of the engagement through the plan process and encourages further consultation as the plan moves forward to the Local Policies Plan stage.

Our comments in relation to the Place making and Design Studies and other historic environment related evidence bases, may be found in our response to the Sustainability Appraisal. They co-relate and should be read alongside our comments on the draft Plan Strategy.

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

HED Editorial note:

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

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

23. Historic Environment

HED advises council on the importance of consistent use of terminology throughout the draft plan strategy, which variously refers to "heritage assets", "historic assets", and "historic environment assets" when discussing both recorded and designated assets of the historic environment. For consistency through all policies and in line with wider practice, HED recommends using the term "heritage assets". Comments provided by HED on draft policies for the historic environment (08.07.2019), have also been attached, as they provide an important evidence base, but have not been taken into sufficient account.

Context

HED advises of unsoundness issues in relation to **Consistency test C3** and **Coherence and Effectiveness test CE2**.

23.1 To ensure consistency across the document, HED recommends the inclusion of the term '*heritage assets*' in the first line '*...built and archaeological heritage assets...*'

23.4 HED advises that Areas of Archaeological Potential are identified in plans, - they are not designated. Change "*designated*" to "*identified*" to accord with SPPS and maintain soundness in alignment with consistency test **C3**.

23.5 The reference to the Area of Archaeological Potential here relates to that which was identified in the Derry Area Plan 2011. Council should be mindful of the evidence provided by HED in relation to the Gazetteer of Historic Nucleated Urban Settlements, where HED have identified further AAP that can be referenced at Local Policies Stage. Better to read

"1 Area of Archaeological Potential, which was identified in a previous plan".

Last sentence reads

"Full details of all designations can be found on the HED Historic Environment Map Viewer".

HED caution council on the use of the term designations, which has specific implications as per SPPS and we advise that this sentence should be amended to read as below to accord with soundness tests **consistency C3** and **Coherence and effectiveness CE2**

"Full details of heritage assets recorded by HED can be found on the Historic Environment Map Viewer"

23.7 In order to provide more clarity and to make more sound in accordance with **Coherence and effectiveness test CE2** HED strongly advise that the insertion of a footnote after "settings" in Para 23.7 which references our Guidance on Setting and the Historic environment, would greatly aid those utilising these policies. <https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment> . We consider this an important reference to make at the outset of the policy suite so that those using the policies are aware of how setting is considered in relation to heritage assets. Alternatively we suggest the insertion of the following

Insert new item: *In determining applications for development affecting the setting of a heritage asset Council will have regard to the HED publication, 'Guidance on Setting and the Historic Environment'*

LDP Designations

HED advises of issues of unsoundness in relation to **Procedural test (P2)**, **Consistency test (C3)** and **Coherence and Effectiveness test (CE2)**.

23.10 HED again cautions council with regard to the use of the term *designations*. We advise that there are fundamental factual inaccuracies in part of this paragraph which presently reads

(HED – within the Department for Communities) is responsible for designating much of the District's archaeological and built heritage assets such as Scheduled Monuments / Scheduled Monuments in State Care; Areas of Significant Archaeological Interest (ASAs); Areas of Archaeological Potential (AAPs); Listed Buildings and Historic Parks, Gardens and Demesnes (HPGDs). Where appropriate, the LDP will show such statutory designations for information purposes.

Scheduled monuments, state care monuments and listed buildings are statutory designations. HED advises the council of the need to accord with SPPS 6.29 whereby "all other sites and monuments located in the plan area" should be identified along with those that are scheduled and those in State Care. Areas of Archaeological Potential and Historic Parks, Gardens and Demesnes are recorded heritage assets, which exist on inventories and gazetteers maintained by HED. Importantly, Areas of Significant Archaeological Interest might be identified by HED, but they are designated by councils through the LDP process. The paragraph should be amended to take account of these issues, and to maintain soundness in alignment with SPPS and evidence base – (Soundness test **C3** and **CE2**)

HED suggests the following amendment to make the text sound.

".....HED (within the Department for Communities) is responsible for recording and designating much of the District's archaeological and built heritage assets. In line with strategic planning Policy the LDP will identify the main heritage assets where they exist in the plan area for information purposes....."

23.11 The second line states 'Should appropriate legislation come into effect during the life of the LDP, the Council may undertake a review for 'local listing' of other non-designated heritage assets such as unlisted vernacular buildings or historic buildings of local importance.'

Local listing is not a statutory function. It is an opportunity for councils in conjunction with their communities, to add to the suite of heritage protection of their area. This is a discretionary power which councils may wish to apply. There are however alternative options through which a 'historic building of local importance' can be protected, as referenced under comments relating to policy HE8. (Soundness tests **P2** and **C3** apply)

HED suggests the following amendment to make the text sound;

'The Council may undertake a review for 'local listing' of other non-designated heritage assets such as unlisted vernacular buildings or historic buildings of local importance, *should* monitoring identify a need for further protection. Appropriate protection for such assets will also be reviewed at the Local Plan Policies Stage.'

- **HE1 Archaeology and Upstanding Remains**

HED must advise that the policy and amplification is **unsound** in relation to **Procedural Test (P2), Consistency Test (C3) and Coherence and Effectiveness Test (CE2)**.

HED advises that this policy title should be amended to achieve alignment with SPPS 6.8 and 6.9. The term “**upstanding remains**” creates some uncertainty about how the SPPS policy is interpreted and how this policy will operate. HED advises that many sites of both regional and local importance will survive as below ground remains.

HED advises that in order to make the policy title sound it should read.

HE1 Archaeological Remains of Regional and Local Importance

HED advises that the policy text as outlined, does not take sufficient account of the distinct and separate hierarchical policy outlined in SPPS 6.8 and 6.9, and that the policy contains gaps in relation to sites which would merit scheduling but which are not yet scheduled. In order to make the policy text sound we advise that it should be amended as follows.

- a) **Archaeological Remains of Regional Importance**
Planning permission will not be permitted where a development proposal would adversely affect archaeological remains of Regional importance. **These include Monuments in State Care, Scheduled Monuments, other important sites and monuments that would merit scheduling 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.
- b) **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 **unless the Council, having consulted with Historic Environment Division, considers that the need for the proposed development or other material considerations outweigh the value of the remains.**

HED had expressed concern over the approach of amalgamation of policies at Preferred Options Stage, don't consider that our comments have been taken into full account -P2. The above changes provide soundness in that that they provide the distinctive separation articulated in SPPS and in PPS6 recognising that there are two separate policy matters here -P2, and also give full alignment with policy articulated in SPPS 6.8 and 6.9 as they address gaps in content -C3. Defined as distinct entities in a) and b) they will also aid in implementation and interpretation of the policy and take account of the evidence base- CE2 .

Justification and Amplification Text.

HED advises that there are inaccuracies and gaps in relation to this text and that the following amendments, in line with comments HED has previously provided, are required to make the policy sound -CE2 and take account of the evidence base. HED advises that Areas of Significant Archaeological Interest are not statutory designations and that they are not designated under the Historic Monuments and Archaeological Objects (NI) Order 1995, as is presently articulated in the draft plan strategy.

23.13 Archaeological Remains of Regional Importance' include monuments in State Care, Scheduled Monuments, sites that would merit scheduling and Areas of Significant Archaeological Interest (ASAI). Such sites, or constituent parts of them benefit from statutory protection. ASAI are distinctive areas of the historic landscape which are likely to include a number of individual and related sites and monuments and may be distinguished by their landscape character and setting.

23.14 This item does not elucidate in what circumstances development may be permitted which adversely impacts remains of regional importance. In order to make the policy sound and accord with existing evidence (CE2) in PPS6 and the councils preferred option of taking forward these policies substantially unchanged, HED advise that the following amendment should be made to the last line of the paragraph.

..... The Council will operate a presumption against proposals which would adversely affect such remains and their settings, and exceptions to this policy are likely only to apply to proposals of overriding importance in the Northern Ireland context.

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

The first sentence of para 23.17 is unsound as it doesn't recognise that monuments currently understood to be of local importance may eventually be suitable for scheduling (CE2) if new evidence or information is brought forward. It is therefore factually inaccurate and doesn't represent a solid understanding of the evidence base. HED advise that the terminology "while not suitable for scheduling" must be removed.

23.17 While they are not scheduled monuments "Archaeological Remains of Local Importance" are capable of providing valuable evidence about our past.

HED advises that the above amendments would make the policy sound and accord with both provisions in the SPPS and the legislative requirements of the Historic Monuments and Archaeological Objects (NI) Order 1995.

- **HE 2 Archaeological assessment, evaluation and mitigation**

HED has significant concerns around the policy text as presently articulated in one block, which reduces the distinctive aspects and differences between the Strategic Policies SPPS 6.10 and 6.11. We are very concerned that our previous comments in relation to policy drafting (CE2) do not appear to have been sufficiently taken into account in evidence and highlight that the drafted policy, the amplification text and the sustainability appraisal highlight a lack of understanding and expertise as to how these strategic policies operate and can be implemented. The draft policy and associated text is **unsound** in relation to Consistency test **C3** in that it does not take sufficient account of strategic policies in **SPPS** notably **6.10** and **6.11**, or of relevant policies and amplification text in PPS6 BH3 & BH4, or the guidance in Development Plan Practice Note 5 – The Historic Environment, and therefore does not align with the preferred option of retaining the policies substantially unchanged. It is also unsound in relation to **procedural test P2**, in that we do not consider that our representations at POP have been taken into sufficient account, and **Coherence and Effectiveness Test CE2**, in that we do not consider that there is a solid understanding of the evidence base and consequently the policy approach is unrealistic. Some of the content in the Sustainability Appraisal of the policies illustrates this point – see our separate comments in relation to the Summary of policy in the Appraisal Matrix table for these policies, (which are referred to in section 3.5.5 of the SA) where the summary of policy demonstrates gaps in relation to understanding of policy content.

HED advises that the existing policy text needs to be amended to frame two distinct policies within the block, as per **SPPS 6.10** and **6.11**. SPPS 6.10 aims to seek further information to inform a planning decision. SPPS 6.11 is about mitigating the impacts of a planning decision through conditions (One is a policy to enable the decision making and one is a policy for post-decision conditions). The impression given in the present form (HED had expressed concerns around amalgamation in our feedback to the POP) in the draft approach is that the understanding of those drafting the policy is that both items simply relate to excavation work and should therefore should be treated as one. This is implicitly not the case and the following amendments to both the policy wording and the amplification text are essential to make the policy sound.

a) Archaeological Assessment and Evaluation

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;

b) Archaeological Mitigation

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, or licensed excavation, recording and archiving of the archaeology before development commences.

HED advises that the above amendments, inserting headings and separation allow interpretation and application of the above policies as two distinct entities as articulated in the SPPS, and accord with soundness tests **P2 –preferred option of taking forward policies substantially unchanged, C3, take account of SPPS policy - and CE2**, take account of evidence provided by HED in the form of comments in previous engagement.

Justification and Amplification Text

We highlight problems in the ordering and the approach articulated in the draft plan strategy which in itself should be hierarchical and reflect each of the two SPPS policies. There are also gaps in the text that mean that no clarity is given to users on how each policy operates. Given the level of misunderstanding that we perceive and the potential problems of the approach HED have redrafted the entirety of the justification text paragraphs, and highlight that numbering and re-ordering of the paragraphs as laid out below will be required to achieve soundness. We advise that paragraph 23.24 must be dropped in its entirety as it creates an unsound inference that evaluative work will only be required in relation to the existing Area of Archaeological Potential. It also confuses the two aspects of evaluation and mitigation. The text is unsound and the changes below will make it sound and accord with **(P2)**, in that they follow the council's preferred option, take due account of policy and guidance in SPPS and demonstrate understanding of the evidence base in these **(C3)** and show account of evidence submitted by HED including of responses and comment in previous engagement **(CE2)**. The amendments will enable the policy to be implemented in line with the intention of strategic policies SPPS 6.10 and 6.11.

Reordering and renumbering (text from Para 23.23 should come first)

Developers need to take into account archaeological considerations and should deal with them from the beginning of the Development Management process. The needs of archaeology and development can often be reconciled, and potential conflict avoided or much reduced, if developers discuss their proposals with the Council and HED at an early stage.

23.19 *It is therefore in the developer's own interest to establish whether a site is known or likely to contain archaeological remains as part of their own assessment. The first step is to consult the Historic Environment Record of Northern Ireland which contains database information on recorded heritage assets and which is maintained by HED. Informal discussion with HED will also help provide advice in relation to the archaeological sensitivity of a site.*

New Item - In certain cases the council may use its powers under the Planning Act (NI) 2011 to request further information in the form of an archaeological assessment or evaluation. These can help determine the importance, character and extent of any archaeological remains that may exist in the area of a proposed development and indicate the weight which should be attached to their preservation. They will also provide information that may be useful in developing options for minimising or avoiding damage. Such information will enable the council to make an informed and reasonable planning decision.

HED strongly advises that the above paragraphs relate most specifically to the amplification and implementation of policy **HE2 a)** and are essential to maintain soundness and implement policy, taking account of SPPS 6.10. The paragraphs below relate to **HE2 b)** and relate to mitigation.

23.18 *The preferred approach to archaeological remains affected by development is:*

i) Preservation of remains in situ;

ii) Licensed excavation¹ and recording examination and archiving of the archaeology before development commences.

23.20 *In some circumstances, it will be possible to permit development proposals which affect archaeological remains to proceed provided that appropriate archaeological mitigation measures are in place which preserve the remains in the final development or ensure excavation recording prior to destruction.*

23.21 *Mitigation may require design alterations to development schemes which avoid disturbing the remains altogether or minimise the potential damage through measures such as careful siting of landscaped and open space areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future, even though they remain inaccessible for the time being.*

23.22 *The excavation and recording of remains is regarded as a second best option to their physical preservation. The science of archaeology is developing rapidly and excavation means the total destruction of evidence (apart from removable objects) from which future techniques could almost certainly extract more information than is currently possible. Excavation is also expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation in-situ of important archaeological remains is always the preferred course of action.*

New Item - There will be occasions where archaeological remains are of lesser importance, where the value of the remains is not sufficient when weighed against all other material considerations, including the importance of the development, to justify preservation in situ. In these cases developers will be required to prepare and carry out a programme of

¹ Excavations are licensed by Historic Environment Division under the Historic Monuments and Archaeological Objects (NI) Order 1995

archaeological works, working to a brief detailed in HED statutory consultation responses and advice.

New Item - Offers of facilitation of excavation by developers will not justify a grant of planning permission for a development which would damage or destroy archaeological remains whose physical preservation is desirable because of their importance, and feasible

New Item (to align with SPPS 6.29) and to provide for flexibility in the identification of further Areas of Archaeological Potential in the Local Policies Plan. Referring to Areas of Archaeological Potential, rather than in para 23.61 places them in the correct policy context.

Areas of Archaeological Potential (Heading)

Areas of Archaeological Potential (AAP) are those areas within settlements where on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change. Currently the entirety of the Historic City Conservation Area, which includes the Walled City, and certain lands outside but immediately adjacent to the south and east of the Conservation Area boundary, are recognised as being an AAP. Further AAPs will be identified in the Local Policies Plan.

New Item (to take account of the legislative provisions around discovery of archaeological remains)

Discovery of Previously Unknown Archaeological Remains (Heading)

New Item Discovery of previously unknown archaeological remains can result in a material change which could affect the nature of the development permitted. Occasionally archaeological remains are only discovered once development commences. In such circumstances it is a statutory requirement that these are reported to HED².

On rare occasions the importance of such remains may merit scheduling, in which case the developer would need to seek separate scheduled monument consent before they continue work. In most cases it should prove possible for differences to be resolved through voluntary discussion toward agreement of a mitigation strategy for a satisfactory compromise to be reached. Applicants should consider the potential need for a contingency plan to deal with unexpected archaeological discoveries.

- **HE3 Development Adjacent to the Walls**

HED considers that the walls could sufficiently be protected under HE1 and are not certain of the need for a separate policy. However we advise that the following amendments to justification and amplification text would make the policy **more sound**, to align with CE2, if it is to be included in the plan strategy

23.28 Amend first line to begin

As a historic monument in State Care, no works can be carried out to the monument without the permission of the Historic Environment Division of the Department of Communities (DfC). The primary legislation relating to this is the Historic Monuments and Archaeological Objects (NI) Order 1995, and the Historic Monuments (class consents) Order (Northern Ireland) 2001

² The Historic Monuments and Archaeological Objects (NI) Order 1995 requires the reporting of the discovery of any archaeological object.

HED recognises that we have drafted significant suggested corrections to the draft plan strategy policies on archaeology above, but we must emphasise that our expert concerns in relation to problems in how the policies on archaeology will actually function moving forwards are significant and that we have articulated these changes in order to aid the council in making the policies sound.

- **HE4 Listed Building and their Settings**

HED considers the policy is **unsound**, when considered against **Procedural Test (P2) Consistency Test (C3) and Coherence and Effectiveness Test (CE2)**.

HED has reviewed the policy text and the accompanying justification and amplification text for HE4. The policy text is considered to generally align with the related SPPS policies (6.12-6.15) but can be made 'more sound' with suggested amendments below.

The justification and amplification text however is insufficient to enable the orderly and consistent application of the policy (C3) and fails to align with the preferred option to take forward PPS6 substantially unchanged (P2). Comprehensive comments provided by HED in relation to this draft policy have also not been taken into account and therefore HED deems the policy to be 'unsound'.

Policy HE4 Listed Buildings and their Setting, merges the five listed building policies of PPS6 (BH7-BH11) into one single listed building policy. HED had previously advised (10.04.2018) that merging policies must be carefully considered, as this can result in changes in meaning and emphasis. It was also highlighted that while it may be possible to reduce the wording in the current PPS6 policies justification and amplification text, '...it is important to ensure the essential content and meaning of the wording associated to each policy applies' This advice has not been applied in relation to policy HE4. HED therefore recommends the following corrections, insertions and additional text to the justification and amplification paragraphs, to make the policy 'sound' and accord with the *General Development Principle 8 Development Principles: Preserving and Enhancing the Historic Environment*.

Policy Text Comments

The body of the policy text is considered to be in accordance with the SPPS, and effectively repeats the policy text included within the respective PPS6 listed building policies (BH7-BH11).

To apply the respective regional strategic objectives (SPPS 6.4) and the requirement to understand the importance or significance of the listed building prior to undertaking any work (SPPS 6.13), HED recommends the insertion of the following policy wording, applicable to all applications impacting on listed buildings, above the proposed policy text to make it 'more sound' (C3).

All proposals affecting a listed building must ensure the works protect, conserve and where possible, enhance the heritage asset. All proposals must be based on a clear understanding of the importance of the heritage asset and should support the best viable use that is compatible with the fabric, setting and essential character of the building.

To provide ease of reference, HED recommends the five policy sub-headings are annotated with respective letters i.e. (a), (b), (c) etc as all of the policy content will not always apply to each planning / listed building consent application.

(a) Change of Use of a Listed Building

To make the policy text 'more sound' HED suggests the following insertions/ deletions to the first line of the policy text, to align with SPPS 6.4, SPPS 6.13 and legislative requirements:

Planning Permission will be granted, in consultation with the relevant statutory authority, where the change of use secures its upkeep and survival, and the essential character and special architectural or historic interest of the building.

(c) The Control of Advertisement on a Listed Building

This policy text aligns with the requirements of SPPS 6.14. It also however refers to the Signage and Outdoor Advertising chapter, which includes a specific policy AD2 Advertisements and Heritage Assets. It is important that the policies are aligned and provide adequate justification and amplification text. Refer to comments under the 'Signage & Outdoor Advertising' chapter and below, under the respective HE4 justification and amplification text.

(e) Development affecting the Setting of a Listed Building

HED notes that the accompanying suite of listed building policies (a)-(d) includes the wording 'in consultation with the relevant statutory authority'. Reference to consultation requirements has however been omitted from the policy text relating to **Development affecting the Setting of a Listed Building**. To ensure alignment and consistency across the policy, to make the policy 'more sound' (C3), HED advises that either:

- The phrase 'in consultation with the relevant statutory authority' is omitted from all the policy text sub-headings, as consultation requirements are outlined in the respective legislation, Schedule 3 of the General Development Procedure Order (NI) 2015 and Regulation 6 (1) The Planning (Listed Buildings) Regulations (Northern Ireland) 2015 or
- The policy text relating to 'Development affecting the Setting of a Listed Building' is amended to include the consultation requirement as follows: **Planning Permission will only be granted, in consultation with the relevant statutory authority, for a development proposal which would not adversely affect the setting of a listed building.**

Justification and Amplification Text

HED considers the supporting justification and amplification text is 'unsound' when considered against:

- **Procedural Test (P2)**, as the HED comments provided at the POP stage have not been sufficiently addressed and the preferred option to take forward the respective PSS6 policies substantially unchanged, has not been adequately applied,
- **Consistency Test (C1)**, as the limited justification and amplification text can result in reduced policy protection and undermine the aims of the RDS, RG11.
- **Consistency Test (C3)**, as policy HE4 has not taken appropriate account of the justification and amplification text contained with the Departmental policies BH7- BH11 of PPS6,
- **Coherence and Effectiveness Tests (CE1 & CE2)**, as policies should be consistent between themselves and HE4 has not taken account of representations from HED in relation policy drafts. (Comments provided on 08.07.2019)

To facilitate the consistent interpretation and application of the policy text and to ensure that sufficient account of the evidence base, notably SPPS, PPS6 and HED advice/guidance/comments, has been taken, HED recommends the following changes and insertions. Where applicable, soundness tests have been referenced to comments.

To provide ease of reference, HED recommends the inclusion of the respectively annotated policy sub-headings, within the justification and amplification text to articulate and align with the relevant policy text. i.e. above para 23.34 provide sub-title (a) Change of Use of a Listed Building etc.

23.31 The introductory text provides a focus on listed buildings within Derry. While it is recognised that there is concentration of listed building in the city's historic core, the second sentence could be misinterpreted to read that the focus is on retaining buildings these buildings, in lieu of applying equal weight for the protection, conservation and enhancement of all listed buildings across the Council District. HED therefore recommends the following amendments to make the text 'more sound' (C3):

The District contains a wealth of listed buildings; the greatest concentration being within Derry's historic core within the vicinity of the City Walls. These buildings add to the quality of our lives and contribute to the local distinctiveness, character and appearance of the Districts city, towns, villages and countryside. It is therefore important to conserve, protect and enhance these buildings, in accordance with the Historic Environment policy suite and GDP8.

23.32 HED recommends the following amendments (C3):

Listed buildings are designated by the Department for Communities, as being of 'special architectural or historic interest' under Section 80 of the Planning Act (NI) 2011. They are key elements of our historic environment and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are based on a clear understanding of the importance of the building, as well as the rarity of the type of structure and any other features of special architectural or historic interest which it possesses.

23.33 This point relates to consultation with HED for the display of advertisements, but fails to acknowledge the consultation requirements for all LBC applications and planning applications, impacting on a listed building and its setting. Should HE4 (e) be amended as suggested, HED advises this item can be omitted. Should Council wish to retain this item, HED recommends replacing the existing text with the following statement:

The Council will consult with the relevant statutory authority when determining Listed Building Consent and planning applications which impact on a listed building and/or its setting, in accordance with legislative requirements.

If so desired, Council may wish to include a footnote, referencing 'Schedule 3 of The Planning (General Development Procedure) Order (NI) 2015 as amended 2016 and Regulation 6 (1) of The Planning (Listed Buildings) Regulations (Northern Ireland) 2015 as amended 2016.'

Insert subheading: (a) Change of Use of a Listed Building

23.34 To avoid the potential for misinterpretation, HED recommends the omission of the phrase '*sections of the community*'. The punctuation after the word '*designed*' in the second sentence should be replaced with a comma, in lieu of a full stop to read coherently.

Insert new item: Proposals for the conversion of a listed building to a new use should be based on a clear understanding of the special interest of the building, its historic fabric, setting and essential character. It should also be noted that this may not necessarily be the

most profitable use. It is important to acknowledge that at times a building is so sensitive that it cannot sustain any alterations to keep it in viable economic use, but its future may nevertheless be secured by charitable or community ownership.

This insertion is fundamental to the appropriate implementation of the policy and coherent application of SPPS6.13 and PPS6 BH7 policies and is required to make the policy sound under P2, & C3, CE2).

Insert subheading: (b) Extension and Alterations to a Listed Building

Insert new item: Many listed buildings can tolerate some degree of thoughtful alteration or extension to accommodate continuing or new uses. Extensions should be of a high quality design, subservient to, and in keeping with, the essential character of the listed building and its setting. Successive applications for alteration or extension, or minor works of indifferent quality, should be carefully considered, as such works can cumulatively reduce a listed buildings special interest.

This insertion highlights the importance of high quality design and the consideration of the cumulative impacts of the proposals on a listed building and its setting and is required to make the policy 'sound' under P2 & CE2.

23.35 HED welcomes the inclusion that alterations or extension will be assessed based upon their impact on the elements that make up the special interest of the building. The published listing criteria can provide further amplification on the listing criteria and Councils may wish to include as a footnote. <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-hed-scheduling-of-historic-buildings.PDF>

23.35 In assessing the effect of any alteration or extension, including applications to provide inclusive access under DDA requirements, consideration will be given to the elements that make up the special interest of the listed building in question. They may comprise not only of the obvious visual features such as decorative facades and its setting or, internally, staircases or decorative plaster ceilings but also the spatial layout of the building, the archaeological or technological interest of the surviving structure and the use of materials. Any intervention should also be based on a clear understanding of the structure of the listed building, because it is vitally important that new work does not weaken the structural integrity of the building. Applicants should justify their proposals, in an accompanying Design and Access Statement, demonstrating how decisions have been made and why the proposed change is desirable or necessary. All proposals should seek to conserve the maximum amount of historic fabric with minimum intervention. While British Standards are not statutory, the Council would commend the advice and guidance set out in BS 7913: 2013 'Guide to the conservation of historic buildings' when considering works of alteration or extension.

The HED suggested corrections/ additional text above are strongly recommend to make the policy 'sound' under P2, C3 and CE2 and provide appropriate policy protection to align with the requirements of the SPPS 6.13 and legislative requirement for DAS to accompany all LBC applications (See comments under TAM 1)

23.37 Insert Subheading (c) The Control of Advertisement on a Listed Building

HED suggested corrections/ additional text: (In lieu of first line)
Many heritage assets are in commercial use and already display signs or advertisements of some sort. These in themselves may be of historic interest or of some artistic quality, and where this is the case, the council will not normally permit their removal or significant alteration.

Insert new item: New signs and advertisements can have a major impact on the appearance and character of a listed building and its setting. The cumulative impact of new advertisements should not clutter or adversely impact on existing historic advertisements, and should enhance the listed building and its setting.

Insert new item: Where a proposal to display signs on a listed building is considered to be acceptable in principle, they should be of a high design standard and complement the age and architectural style of the building, carefully located not to obscure, overlap or cut into any architectural detailing or structural divisions. These considerations will to a large extent dictate the scale, size, proportions and position of any signage. Illuminated signs and advertisements will not normally be acceptable. Materials, detailing and finishes should also respect the essential character of the listed building and its setting contributing to a quality environment. Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoors advertising.

The above amendments are recommended to make the policy sound under P2, C3, CE1 and CE2.

23.38 Insert Subheading (d) Demolition of a Listed Building

Insert new item: The demolition of a listed building should be wholly exceptional and will require the strongest justification. Consent will not be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and where these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable; or that redevelopment would produce substantial regional benefits which would decisively outweigh the loss resulting from demolition.

Format item: While it is acknowledged that very occasionally demolition of a listed building will be unavoidable, consent will not be given simply because redevelopment is economically more attractive to the developer. Where proposed works would result in total demolition of a listed building, or any significant part of it, consideration will be given to:

- (i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use;
- (ii) the adequacy of efforts made to retain the building in use;
- (iii) the merits for alternative proposals for the site.

Insert new item: The onus will be on the applicant to demonstrate and justify the need for demolition. Evidence will be required to indicate alternative options for stabilisation of the existing structure have been considered in efforts to retain the listed building. Reports submitted for consideration on the integrity of the building, including structural integrity, must be submitted by suitably conservation experienced engineers, architects, building surveyors and so on. Structural issues will not be given substantive weight when making a case of demolition where these have arisen due to neglect of a listed building through lack of maintenance or failure to secure by current or previous owners. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight will be given to the costs of repair

Insert new item: Proposals for the demolition of a listed building will not be considered in isolation from proposals for subsequent redevelopment. Detailed drawings illustrating the

proposed redevelopment of the site should therefore accompany a listed building consent application for full or partial demolition. Where exceptionally, consent is granted for the demolition of a listed building, conditions should normally include:

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

To make the policy sound, the justification and amplification text should clearly set out the tests against which an application for the full or partial demolition of a listed building should be assessed and the information required to inform decision making. The detail provided within the supporting justification and amplification text is however insufficient to enable the consistent assessment of such proposals and HED advises the policy in its current form could result in reduced policy protection. The above insertions and amendments are therefore strongly recommended to make the policy 'sound' under P2, C1, C3 and CE2.

23.38 Insert Subheading (e) Development Affecting the Setting of a Listed Building

HED suggested corrections/ additional text: The setting of a listed building is often an essential part of the buildings character, as it enables the heritage asset to be understood, seen, experienced and enjoyed within its context. Any proposal for development, which by its character or location may have an adverse impact on the setting of a listed building, will require very careful consideration. The design of new buildings planned to stand alongside historic buildings must be of a high quality, designed to respect their settings and follow fundamental principles of scale, height, massing, proportion and alignment, with use of appropriate sustainable materials.

Insert new item: The extent to which proposals will be required to comply with the criteria will be influenced by a variety of factors: the character and quality of the listed building; the proximity of the proposal to it; the character and quality of the setting; and the extent to which the proposed development and the listed building will be experienced in juxtaposition.

Insert new item: Development proposals some distance from the site of a listed building can sometimes have an adverse affect on its setting e.g. where it would affect views of an historic skyline. Applications that may affect the setting of a listed building will therefore normally require the submission of detailed contextual drawings and visuals which illustrate the relationship between the proposal and the listed building and demonstrate how they will be seen in juxtaposition.

Insert new item: In determining applications for development affecting the setting of a listed building, Council will have regard to HED publication 'Guidance on Setting and the Historic Environment'.

HED advises the current item 23.39, which relates to development affecting the setting of a listed building, effectively repeats the policy text but does not provide any further justification or amplification text to explain how the policy should be applied HED therefore advises the policy in its current form could result in reduced policy protection and strongly recommends above insertions to make the policy 'sound' under P2, C1, C3 and CE2

- **HE5 Conservation Areas**

Policy Text Comments

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

HE5 (a) New Development

HED recommends the insertion of a sub heading '**New Development**' under Policy HE5 (a) to align with structure afforded throughout the remainder of the policy.

HED also notes a typo under the second bullet point and recommends the insertion of a comma as follows to aid understanding of the text '**...scale, form, materials and detailing;**'

To avoid repetition, HED recommends the omission of the last bullet point relating to the demolition of the unlisted buildings as this is already covered under the subsequent sub heading (b) Demolition in a Conservation area.

Justification and Amplification Comments

HED considers the proposed justification and amplification text is insufficient to enable consistent application and recommends the following insertions/ amendments/corrections, to make the policy '**more sound**' under **Consistency Test C3** and **Coherency and Effectiveness test (CE1)**.

23.40 HED suggested corrections/ additional text to first line. *Conservation Areas are areas of special architectural or historic interest. Under Section 104 of The Planning Act (NI) 2011Act, the Council may designate a Conservation Area where it is desirable to preserve or enhance the character or appearance of such areas.*

Insert: (a) New development within or affecting the setting of a Conservation Area

23.41 HED suggested corrections/ additional text. Omit phrase 'In deploying the principles of preserve, conserve and enhance,..' and insert new item from 'The Council will encourage the sympathetic restoration of unlisted buildings...'. New item is also recommended from 'The Council will seek the retention and enhancement of the Conservation Area public realm....'

Insert: (b) Demolition in a Conservation Area

23.42 HED suggested corrections/ additional text: *The Council will operate a presumption against the demolition of unlisted buildings of townscape quality which contribute to the character of an area. In determining proposals for the demolition of unlisted buildings, corroborating information will be required to demonstrate its part played in the architectural or historic interest of the area and the wider effects of the demolition on the buildings surroundings and on the conservation area as a whole.*

Insert new item: The onus will be on the applicant to demonstrate and justify the need for demolition. Evidence will be required to indicate alternative options for stabilisation of the existing structure have been considered in efforts to retain the building. Reports submitted for consideration on the integrity of the building, including structural integrity, must be submitted by suitably experienced conservation engineers, architects, building surveyors and so on. In assessing proposals, the Council will have regard to the same broad criteria as policy HE4 for the demolition of listed buildings.

The demolition of an unlisted building in a Conservation Area will not normally be considered in isolation from proposals for its subsequent redevelopment. Where demolition is deemed appropriate, for example where a building does not make any significant contribution to a conservation area, the Council will require detailed drawings illustrating the proposed redevelopment of the site.

Where the Council decides to grant consent for the demolition of an unlisted building in a conservation area it will be conditional on prohibiting demolition until planning permission has been granted and contracts signed for the approved redevelopment in order to prevent the streetscape from being marred by gap sites, and appropriate recording of the building.

Insert: (c) The Control of Advertisements in a Conservation Area

Insert new item after 23.42 Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoors advertising.

- **HE6 Areas of Townscape / Village Character (ATCs / AVCs)**

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

Policy Text Comments

To align with the structure and sequencing of issues as addressed in historic environment policies HE4 & HE5, HED recommends switching the subheadings (a) and (b) so that 'New Development..' reads first, and 'Demolition...' second.

HED also notes that the policy headnote refers to Areas of Townscape/Village Character, though the policy text relates only to Areas of Townscape Character. HED recommends the policy text is augmented to include reference to Areas of Village Character.

Justification and Amplification Comments

23.43 The first item is written from a negative stance i.e. phrases like '...second tier conservation areas...' may undermine the thrust of the policy, to 'maintain and enhance the overall character of the area and respect its built form.' (SPPS 6.21) HED therefore recommends this item is omitted.

Insert new item: Areas of Townscape and Village Character (ATC/AVCs) exhibit a distinct character normally based on their historic built form or layout. For the most part, this derives from the cumulative impact of the area's buildings, their setting, landscape and other locally important features.

Insert item 23.45 under this text: There are currently four ATCs in the District at Victoria Park, Bond's Hill, Eglinton and Culmore. Further designations may be brought forward by the Council following assessment at the Local Plan Policies stage.

Insert item 23.44 under new sub heading (a) New Development in an Area of Townscape or Village Character

Insert new item under subheading (b) Demolition in an Area of Townscape or Village Character.

In order to prevent demolition damaging the distinctive character and appearance of an ATC, the Council will operate a presumption in favour of retaining any building which makes a positive contribution to the character of the area. The onus will be on the applicant to demonstrate and justify the need for demolition as to why a building does not make a material contribution to the ATC/AVC.

Insert new item relating to demolition conditions:

Where the Council decides to permit demolition of an unlisted building in an ATC/AVC, conditions will normally be imposed:

- requiring the redevelopment of the site to be based on previously agreed detailed proposals; and
- prohibiting demolition of the building until contracts have been signed for the approved redevelopment of the site.

Insert new item under sub-heading (c) The Control of Advertisements in an Area of Townscape or Village Character

Insert new item after 23.45 Applications for the display of advertisements will be assessed against this policy and the policy requirements of Chapter 14: Signs and Outdoors advertising.

- **HE8 Conversion and Reuse of locally important unlisted vernacular building**

HED advises the policy can be made 'more sound', when considered against Procedural Test (P2) and Consistency Tests (C1 & C3) and Coherence and Effectiveness Test (CE2).

The General Development Principle GDP8 'Preserving and Enhancing the Historic Environment' recognises 'The District contains an extensive wealth of historic environment assets which represent a finite, non-renewable resource in terms of local distinctiveness.' Principles (ii) and (iv) reinforce a general policy intention to protect, conserve, enhance and reuse heritage assets³ in accordance with the RDS, RG11 and SPPS 6.4.

Policy HE8 provides policy protection for 'unlisted vernacular buildings', through their sympathetic conversion and reuse. It does not however provide policy to include the wider scope of 'non-designated heritage assets' such as 'historic buildings of local importance'. This presents a policy gap for the protection of such heritage assets.

It is acknowledged from the Evidence Base Paper EVB 23: Historic Environment, that the Council has chosen not to create a 'local list' for such heritage assets due to concerns that their formal identification, '...could put them at risk of being damaged / destroyed prior to the submission of a planning application.' (EVB23 p.13) Should the Council have sought to take forward such a list, this concern could have been addressed through the use of an 'Article 4 Direction.'⁴

As noted in the HED POP response, protection for historic buildings of local importance can be applied through four separate routes. Recognising the Council's preference not to pursue

³ Heritage Asset can be defined as a 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.'

⁴ Article 4 of the Planning (General Permitted Development) Order (NI) 2015

the creation of a 'local list' at this time, HED strongly encourages the Council to provide protection for these heritage assets through Local Development Plan policy, enabling assessment of the asset on a case by case basis as it arises through a planning application⁵, as is presently undertaken for 'vernacular' buildings. It should also be noted, as previously clarified in item 23.11, 'local listing' is not a statutory function but a discretionary power which councils may wish to apply.

The proposed policy HE8, is framed around Policy BH15, PPS6. While this policy provides protection for 'vernacular' buildings, it fails to provide protection for those non-designated heritage assets which are locally important due to their architectural or historic interest, as per 6.4, SPPS. The publication of PPS21, namely Policy CTY4, however introduced policy protection for such heritage assets through the conversion and reuse of a 'suitable building', which can be interpreted as a 'historic building of local importance', for a variety of alternative uses, including use as a single dwelling. SPPS 6.73 also encourages the conservation and reuse of such buildings; bullet point 6 relating to residential use and bullet point 12 relating to non-residential uses. These policies only however relate to development within the countryside, and create a policy gap for appropriate protection for heritage assets of local importance in settlements, which are not subject to area designation such as a CA, or ATC zoning. HED therefore recommends one single comprehensive policy relating to the protection of non-designated heritage assets, which focuses on the aim of conserving and protecting the heritage asset, rather than piecemeal protection through a range of policies related to use class, would enable a more robust form of policy protection for non-designated heritage assets.

The suite of policies relating to 'vernacular buildings' or 'suitable buildings' within the dPS presently include:

- **TOU 4 Hotels, Guest Houses, B&Bs and Tourist Hostels in the Countryside**
p.190
- **AGR 3 The conversion and reuse of existing buildings for agricultural and other uses** p.216 (Ref:-CTY4 PPS21)
- **HOU 20 Restored and Replacement Rural dwellings**
p.264 (Ref:- CTY3, PPS21)
- **HOU 21 The Conversion and Re-use of Other Rural Buildings**
p.267 (Ref:- CTY4, PPS21)
- **HE 8 Conversion and Reuse of locally important unlisted vernacular buildings**
p.359 (Ref:-BH15, PPS6)

Comments in relation to HE8 are outlined below. The other identified policies, are considered under the respective Chapter headings.

Considering the points raised above, to make the policy '**more sound**' under soundness tests **P2, C1, C3** and **CE2**, align with RDS, RG11, 3.30, SPPS 6.4, 6.24 and GDP8, and the Council's desire to provide protection for Industrial and Defence heritage, (para 4.10 ENV23) HED therefore recommends the following amendments to policy HE8, to include protection of 'non-designated heritage assets', through local development plan policy.

Policy Headnote amendment:

HE 8 Conversion and Re-Use of Non-Designated Heritage Assets

The proposed policy headnote enables the extended application of this policy for a range non-designated heritage assets/ buildings, including unlisted vernacular buildings and locally

⁵ Refer to HED publication 'Historic Buildings of Local Importance – A Guide to their identification and protection, Chapter 3)

important buildings, which have significance due to their heritage interest. This aligns with the thrust of the related policies HOU21 and AGR3. The last two paragraphs have been added for consistency between these policies.

Policy Text Amendments:

The Council will permit the sympathetic conversion and reuse of non-designated heritage assets, such as an unlisted vernacular buildings or historic buildings of local importance to other appropriate uses, where this would secure their upkeep and retention, while ensuring no harm or loss to the significance of the heritage asset.

Proposals for conversion will normally be required to meet all the following criteria:

- a) The building is of permanent construction, 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 maintains or enhances the form, character and architectural features, design, materials 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 high quality design, details and materials; and
- e) Access and other necessary services are provided without adverse impact on the character of the locality
- f) Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

Green Belt Policy Area

Within the Green Belt, Planning permission will be granted for proposals seeking the conversion / re-use of other rural buildings, subject to the above criteria. In particular, criteria d (scale of new extensions) will be strictly applied.

(Note: reference to Listed Buildings has been omitted as Listed Buildings is covered under HE4)

Justification and amplification

23.49 HED suggested corrections/ additional text. *Changing patterns of life mean that some traditional vernacular or historic locally important buildings are no longer needed for their original use. These heritage assets can include former mill complexes, school houses churches, former dwellings and traditional barns or outbuildings. Their vacancy puts them at risk of eventual dereliction. Such buildings represent a valuable historic resource which contributes to local distinctiveness. Their appropriate re-use would contribute to sustainable development and may encourage the social and economic regeneration of particular areas.*

Insert item: Reports to demonstrate the building is structurally sound and capable of conversion must be submitted by suitably experienced conservation engineers, architects, building surveyors and so on. Where structural issues have been identified, such reports should provide sympathetic alternative options for stabilisation of the existing structure, to facilitate its retention and reuse.

23.50 HED suggested corrections/ additional text. Insert at the end of the item:- 'A sense of loss- The survival of rural traditional buildings in Northern Ireland.' Chapter 2, provides a definition and complete list of the characteristics of rural vernacular dwellings.

Insert new item: 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.' SPPS 6.24. Such buildings can include more formally designed, churches, schools, community halls etc.

23.51 HED suggested corrections/ additional text: The Council will encourage the re-use of such non-designated heritage assets by sympathetic renovation or conversion for a range of appropriate uses. This may include proposals for tourism or recreation use, small-scale employment uses or new rural enterprises. All development proposals for the conversion of a vernacular building or historic building of local importance should involve a minimum of work and should maintain or enhance the existing character of the building and its setting.

New Item: In some instances there will be archaeological interests with regard to a historic structure proposed for conversion and re-use and in these instances the relevant Historic Environment policies will apply.

23.53HED suggested corrections/ additional text: For proposals related to residential use, this policy should be read in conjunction to LDP Policy HOU 21: The Conversion and Re-use of other Rural Buildings. Great care will be necessary in assessing proposals for conversion to residential use as this can be particularly detrimental to the fabric and character of certain buildings. In the countryside, and particularly in Green Belts and Areas of High Landscape Importance (AHLIs), the Council will normally only consider a relaxation of its normal planning policies for residential development, where:

- residential use is compatible with the conservation of a vernacular or historic building of local importance which comprises an important element of the landscape;
- the conversion scheme involves minimal alteration or extension; and
- the overall scale of the proposal and intensity of use is appropriate to the locality and would not prejudice the objectives behind Green Belt and AHLI designation

- **HE 9 Enabling Development**

HED considers the policy is **unsound**, when considered against **Procedural Test (P2)**, **Consistency Tests (C1 & C3)** and **Coherence and Effectiveness Test (CE2)**.

HED considers the draft policy and its clarification text, in its current form, does not align with the preferred option and does not take sufficient account of RDS, RG11, notably 2.10 (notably 6th bullet), 3.30, SPPS, notably, 6.4, 6.25, and representations made by HED. See our comments on SA in relation to assessment and scoring.

Policy Text Comments

The preferred option for the Enabling Development policy, as outlined in the POP was to retain the existing policy (PPS23) substantially unchanged. The proposed policy text however, appears to separate the policy in two parts; one related to enabling development

for a 'principal development' and the second related to a 'significant place.' (As defined by Footnote 12 SPPS)

Enabling Development is the setting aside of established planning policy, where development in its own right would not be permitted. The SPPS 6.25 clarifies that such a proposal may be '*...allowed where it will secure the long term future of a 'significant place', and will not materially harm its heritage value or setting.*' SPPS 6.25.

Should the Council wish to propose an Enabling Development policy for schemes '*...of significant regional or sub-regional benefit,*' (Item 23.56) HED recommends that this is addressed as a separate policy outside of the Historic Environment policy suite. The intention to develop such a policy has not however been identified in the 'Preferred Options Paper'.

To make the policy text and justification and amplification text '**sound**', to accord with preferred option (P2), RDS, RG11, SPPS 6.4, 6.25 (C1 & C3) and evidence base, namely PPS23 and HED representations (CE2), HED recommends the following corrections, amendments and additions:

Council will only permit proposals involving enabling development relating to the re-use, restoration or refurbishment of significant places where it is demonstrated by the applicant in a submitted 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. 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.**
- g. **it will not materially harm the heritage interests 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, through sympathetic schemes for their appropriate re-use; 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.**

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.

Justification and Amplification Comments

Insert item above 23.56: '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 a proposal for the long term future of a significant place. For the purposes of this policy, a significant place means any part of the

historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutorily listed or of more local significance) together with any historically related contents, industrial heritage, conservation areas or a historic park, garden or demesne.

Item 23.56: Omit the term '...scheme of significant regional or sub-regional benefit...'

Item 23.57 HED suggested corrections/ additional text: *Enabling development will often be located close to the 'significant place'.*

Item 23.58 HED suggested corrections/ additional text: *To fully address the requirement to provide a Statement of Justification as required by Policy HE 9, the Council will expect the developer to:*

1st bullet point - Omit the word 'built', to read as 'heritage asset'.

5th bullet point - provide the planning authority with clear, comprehensive proposals, including sufficient, detailed financial information supported by further relevant and adequate information on the likely impact of the information;

Insert new item under bullet points: The information provided on the enabling development component should be sufficiently detailed to allow the planning authority to validate the need for, and assess the scale of the enabling development; and consider the impact on private concerns where this coincides with the public interest.

Insert new item: The information supplied by the developer should cover all the financial aspects of the proposed enabling development, in a sufficient degree of detail to enable scrutiny and validation by the planning authority in consultation with its economists. This applies both to the assessment of need and the assessment of the scale of the enabling development necessary to meet that need. The onus is on the developer to demonstrate that sufficient funds are not available from any other source, such as grant aid.

Insert item: Assessing Enabling Development' (published by Central Government – DOE April 2014) is the relevant Best Practice Guidance to Enabling Development, and will be applied by Council when determining enabling development applications, related to significant places.

Items 23.61 HED considers this item can be omitted and covered more appropriately elsewhere in the DPS as per our previous comments. AAP's are identified in the plan from records held by HED. See our comments in relation to HE2. Also see comments in relation to ASAI and HE1.

Part A – Contextual Chapters

Environment

2.24 "The monument means not only the city walls, but also the adjoining land and property and associated below-ground archaeology which forms its setting".

HED advises that the above statement is inaccurate and **unsound**. The setting of the walls extends far beyond adjoining land and property and associated below ground archaeology, and includes views to and from the walls, routeways and approaches etc.

We advise that this sentence should be amended, along the following lines in order to make it sound in accordance with coherence and effectiveness test (CE2). – We specifically refer across to our Guidance on Setting and the Historic Environment which is referenced in the SA Scoping Report. HED advise that the scheduled and state care monument area is defined, in line with the statutory protection, as the built fabric of the walls themselves and the ground on which this is sited. This monument has a setting which extends beyond it.

The city walls are integrated with associated below ground archaeological remains, and as an integral part of the cityscape have a setting which includes among other matters, landscape and topography, adjacent and adjoining structures, streetscape and approaches and important visual contexts incorporating views to and from the walls.

LDP links with other Council Plans / Strategies, other Masterplans and Guidance Documents

3.29 We advise that given the articulated importance of the walls in the draft plan strategy the Derry City Walls Conservation Plan ought to be included in this list of related documents in order to make the plan more sound in relation to Consistency Test C4 and Coherence and Effectiveness Test CE3 This document includes important content on planning, access and traffic.

Part B – Overall Strategy

6.18 HED recommends the following amendments to make the strategy 'more sound' under Consistency test (C3) and accord with language in relation to designating LLPA of SPPS 6.29.

Local Landscape Policy Areas (LLPAs) will be identified and defined at LPP Stage. These consist of those features and areas of greatest amenity value, landscape quality or local significance, in terms of the natural and historic environment, within or close to settlements. New LLPA's identified at the LPP stage will replace the existing AoLNCAI in the current DAP, as well as those LLPAs subsequently identified and included as part of settlement analysis in the forthcoming LPP (see Policy NE 8). Areas of Townscape / Village Character (ATCs / AVCs) may also be defined, to protect areas of quality built form and layout (see Policy NE 8).

- **Designation GB 1 Green Belts (GBs)**

To make the policy 'more sound' under Coherence and Effectiveness test CE1, HED suggests the following amendments to the third bullet point:

- **The conversion and the re-use of existing buildings for non-residential use where it does not significantly intensify the use or significantly increase the footprint of the existing buildings. Proposals must also accord with policy HE8, and other relevant policies relating to the non-residential use.**

HED advises that Figure 11 depicts the setting of Strabane as green shaded areas, and considers this a very limited approach, which doesn't include river scape and other visuals. We note that Figure 10, shows similar shaded areas for Derry-Londonderry and describes these as "hillside setting". We advise that if this is what was meant by the shaded areas on Figure 11 it should be annotated accordingly as otherwise this would provide a very limited interpretation of the setting of the town.

- **GDP 2 Climate Change**

To make the policy 'more sound' under **Consistency Test (C3)** to accord with SPPS 6.4, HED suggests the following amendments to bullet point (v)

- (v) supporting the sustainable reuse and adaption of existing buildings to reduce energy use, including listed buildings and those located within conservation areas, providing there is no adverse impact on special architectural and historic interest and essential character or appearance.

Also see comments below in relation to GDP8, bullet point (vi)

- **GDP 8 Development Principles: Preserving and Enhancing the Historic Environment**

HED welcomes the thrust of the general development principles but advises, to make the principles 'more sound' sound under **Consistency Tests (C1 & C3)**, HED recommends the following amendments:

Policy head note should read as follows to accord with RDS RG11, and 6.2 & 6.4 of the SPPS.

- **GDP8 Development Principles : Conserving, Protecting and Enhancing the Historic Environment**

HED recommends the following amendments to bullet point (ii) and (viii) to align with the RDS and SPPS. HED also recommends that (vi) is removed from GDP8 and as it sits more appropriately within GDP2 Importance of Ecosystem Services, and certain renewable energy initiatives may be at odds to the aims of the principle to conserve, protect and enhance the historic environment.

HED suggests the following amendments to bullet point (ii) to align with SPPS 6.4:
(ii) secure the protection, conservation and where possible, the enhancement of our built and archaeological heritage

HED suggests the following amendments to accord with SPPS 6.4 and 6.13.
(viii) promote sympathetic improvements in accessibility of the historic environment, which respect the importance of the heritage asset, for all people regardless of age, gender, religious belief, political opinion or ethnicity

Part C – Economy, Strategy, Designations and Policies

11. Transport and Movement

- **TAM 1 Creating an Accessible Environment**

HED advises that the policy could be made 'more sound' in accordance with **Consistency test (C3)** and recommends the following changes to the justification and amplification text:

11.52 In the case of listed buildings, it may often be possible to plan suitable access for all without adversely impacting on the building's special architectural or historic interest. All proposed changes to a historic or listed building, should be based on a clear understanding of the significance of the building, be of high quality design, and use sympathetic materials, details and finishes, in keeping with the buildings essential character.

11.55 *In the case of existing buildings, particularly historic buildings, such a statement would enable a designer / developer to state why the proposed change is necessary, identify the constraints posed by the existing structure and its immediate environment and to explain how these have been overcome, through informed and high quality design solutions. Design and Access Statements⁶ must accompany all Listed Building Consent applications⁷.*

- **TAM 9 Car Parking and Servicing**

HED advises that the policy's justification and amplification text could be made more sound in accordance with Coherence and Effectiveness test CE2 if the opening sentence of para 11.116 were amended as follows

In assessing developments affecting Conservation Areas, Areas of Townscape Character or the surroundings of heritage assets and their settings, it may not always be possible or desirable to provide the full standard of parking provision.....

The sentence as articulated presently in the draft plan strategy refers only to listed buildings and does not consider the implications for the wider suite of heritage assets.

12. Tourism Development

- **TOU 1 Safeguarding of tourism assets**

As per our previous comments (dated 08/07/2019) and in order to make the policy more sound in light of that evidence (test CE2 applies). HED advises that the following new item would be an appropriate addition to the amplification and justification text for this policy

Where development is being sought due to association with a heritage asset the proposal must be in line with the appropriate historic environment policy suite and adopt a heritage-led design approach.

The above item will help ensure that the tourism development is led by the asset and that the significance of the asset and its integrity remain intact as a tourism offering.

- **TOU 2 Tourism Development in Settlements**

In our previous comments HED had recommended a change to the policy text in paragraph 1. We consider that this change is required to make the policy more sound in accordance with Coherence and Effectiveness test CE2, along with changes to amplification text.

Suggested amendment

Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement, provided it is of a nature appropriate to the settlement and respects the site context, character and setting in terms of scale, massing, design. All proposals must meet the General Development Principles & Policies set out in Chapter 7, in terms of Sustainable Development and also the normal Operational Planning criteria including residential amenity, traffic generation, etc.

⁶ Refer to Departmental Guidance Development Management Practice Note 12: Design and Access Statements, April 2015

⁷ Regulation 4, The Planning (Listed Building) Regulations (Northern Ireland) 2015, (amended 2016)

Justification and Amplification text

12.16 HED has previously highlighted the need to elucidate how the "substantial benefits" referred to in this paragraph will be determined.

We suggest this text should be amended to articulate as follows and ensure soundness in line with the principles of development articulated in the RDS/ SPPS and in accordance with soundness test C3

In Derry City and Strabane District, the current tourism offering is strongest in relation to heritage and culture, of which the historic City Walls are the most striking feature. It is important to recognise that any proposals for tourism development are of a high quality to ensure that there are substantial environmental, social and economic benefits derived from them and that they will have a positive impact in Derry City, Strabane Town and our key settlements. They have the potential to continue to develop our heritage, improve our buildings and waterfront assets and more recently our cultural renaissance that has taken place in urban areas such as world class events and festivals throughout the year. In addition to 'tourism' developments, it is important to ensure that other types of development should contribute, or not harm, the attractiveness of the settlements for visitors, including a rich shopping offer, culture / nightlife, murals, broadband, pedestrianisation, parking, buildings / townscape, etc. Refer to Chapters 26 - 31 on Place Making and Design for Local Towns, Villages and Small Settlements

- **TOU 4 Hotels, Guest Houses, B&Bs and Tourist Hostels in the Countryside**

HED considers changes are required to make the policy more sound in accordance with **Consistency test (C3) and Coherence and Effectiveness tests (CE1 & CE2).**

To avoid potential confusion with respect to the proposed policy annotation, HED suggests items identified as (a) and (b) under subheading **Expansion of Existing Hotels, Guest Houses, B&Bs and Tourist Hostels** are renamed as (i) and (ii) respectively to avoid confusion with the latter a & b references for new tourist facilities.

To align with suggested changes under TOU2, HED recommends the following insertions (C3 & CE1 apply):

(i) new or replacement building(s) are subsidiary in terms of scale and massing to the existing building(s) and will integrate with the existing character and setting as part of the overall development;

(ii) any extension or new building should respect the scale, massing, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have

HED recommends the insertion of a Subheading '**Proposals for new hotel, guest house, B&B, and tourist hostel** to provide clarity between policy text related to existing tourist facilities and that related to new tourist facilities.

Under Sub heading **(a) Replacement of an Existing Rural Building**, HED recommends the following insertions/ amendments to make the policy 'more sound'.

A proposal to replace an existing building with a hotel, guest house, B&B or tourist hostel will be permitted subject to the following specific criteria:

Bullet point 4:

- where the existing building is a vernacular building or historic building of local importance and is considered to make an important contribution to local heritage or character, replacement will only be approved where it is demonstrated that the building is not reasonably capable of being made structurally sound or otherwise improved;

HED advises reference to AGR3 is omitted and replaced with reference to HE8 as follows: **Refer to Chapter 23, HE8 The conversion and re-use of non-designated heritage assets.** Also refer to HED comments under AGR 3 and HE8.

Justification and amplification text

12.22 HED recommends changing the subheading to align with the policy text as follows and recommends the following changes to make the Justification and amplification text more sound, under CE2 : Replacement of an Existing Rural Building:

The Council will encourage the sustainable and sympathetic reuse of non-designated heritage assets, such as vernacular buildings or historic buildings of local importance. The potential for the conversion and re-use of such rural buildings for tourism uses, including use as a hotel, guest house, B&B or tourist hostel, will be assessed under this Policy and Policy HE8 (The conversion and reuse of non-designated heritage assets).

Redevelopment of appropriate building(s) for such uses, will only be favourably considered in circumstances where the environmental benefit of full or partial replacement will outweigh the retention and conversion of the building....

- **TOU 5 Major Tourism Development in the Countryside – Exceptional Circumstances**

To make the policy 'more sound' under **Coherence and Effectiveness Test (CE2)** HED recommends the following insertions/ amendments to the justification and amplification text:

12.28 Bullet point 3

• Justification for the particular site chosen and illustrative details of the proposed design and site layout. Design quality and sympathetic integration of the proposals within the existing context and setting. will be critical considerations.

- **TOU 6 Self-Catering Accommodation in the Countryside**

HED notes that criteria (c) relates to *the restoration of an existing clachan, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries.*

To accord with policy SPPS 6.4, and align with the proposed policy HE8, HED recommends the following insertions/ amendments to make the policy 'more sound' under **Consistency test (C3)**, an **Coherence and Effectiveness test (CE1)** HED recommends the following insertions/ amendments to the justification and amplification text:

12.13 Policies that relate to the restoration of an existing clachan, through conversion, reuse and / or replacement of existing buildings, will be assessed under this policy and policy HE 8 Conversion and Re-Use of Non-Designated Heritage Assets. Proposals relating to farm or forestry diversification may provide other opportunities for small scale, including single unit, self-catering accommodation in the countryside. See Chapter 15, Policy AGR 1 Farm and Forestry Diversification.

- **TOU 7 New and Extended Holiday Parks**

HED advise that the policy text is currently **unsound** and advise the following amendment in order to make it sound and take account of non- designated heritage assets. The text of item 4 of the policy presently reads

The location, siting, size, design, layout and landscaping of the holiday park proposal, including proposals for glamping accommodation, must be based on an overall design concept that respects the surrounding landscape, rural character, site context and does not impact on any adjacent and designated built or natural heritage features.

HED again cautions the council in relation to the use of the word designated as many heritage assets, do not have statutory designation and are not designated through local development plans. These include for example Historic Parks, Gardens and Demesnes, a register of which are compiled and maintained by HED. The policy is not sound in that the use of the word **designated** in para 4 does not take account of other historic environment assets which are protected through Strategic Planning Policy. Soundness tests **C3** and **CE2** applies. HED considers that the following amendment would make the policy sound, as it takes a fuller account of the SPPS policies in relation to the historic environment and the evidence base.

The location, siting, size, design, layout and landscaping of the holiday park proposal, including proposals for glamping accommodation, must be based on an overall design concept that respects the surrounding landscape, rural character, site context and does not impact on any adjacent heritage assets or natural heritage features.

12.33 Holiday parks are important for the domestic tourism market in terms of the volume of rural tourism bed spaces they provide and the economic benefits that flow from this scale of tourism activity. It has been identified that there has been under provision of caravan and holiday park accommodation in both rural and urban parts of the District.

In relation to the above cited paragraph HED note the comment on EVB12 para 2.35 that a baseline audit had been carried out on camper and caravan provision. We have not been able to access this audit document and suggest that as part of the evidence base for the statement above it should have been available for consideration alongside other plan documents. .

13. Minerals Development

- **MIN 1 Mineral Development**

Justification and Amplification

13.11 HED advise on the importance of consistent terminology and that the justification text should be amended in this paragraph to be **more sound** in accordance with soundness test **CE1** & **CE2**. The text presently reads

Historic Environment – Minerals exploration and working may impact sites and structures of unknown archaeology and historic interest. The early identification of such sites, structures and remains liable to be affected by proposed minerals developments is important. Applicants must ensure that their proposals accord with the physical preservation of important nature conservation sites, historic buildings and ancient monuments along with their setting. Minerals development within or in close proximity to areas which

have been or are to be designated, scheduled or listed because they contain features of archaeological or historic interest will not normally be given permission where they would prejudice the essential character of such areas (see chapter 23 Historic Environment).

We advise that as natural environment is covered in paragraph 13.10, nature conservation sites should be referred to there. We advise amending as follows in order to make the policy more sound. Soundness test CE1 & CE2 applies

Historic Environment – Minerals exploration and working may impact sites and structures of unknown archaeology and historic interest. The early identification of such sites, structures and remains liable to be affected by proposed minerals developments is important. Applicants must ensure that their proposals accord with the physical preservation of heritage assets along with their setting. Minerals development within or in close proximity to areas which have been or are to be designated, scheduled or listed because they contain features of archaeological or historic interest will not normally be given permission where they would prejudice the essential character of such areas (see chapter 23 Historic Environment).

14. Signs and Outdoor Advertising

- **AD 2 Advertisements and Heritage Assets**

HED advises the policy can be made 'more sound' to better meet the requirement of **Procedural Test (P2), Consistency Test (C3) and Coherence and Effectiveness Tests (CE1 & CE2).**

HED welcomes that the policy applies to both designated and non-designated heritage assets. It is however important this policy AD2, to cite related policies within the Historic Environment suite, namely, HE4(c), HE5(c) and HE6(c).

Policy Text comments

HED recommends the phrase **in consultation with the relevant statutory authority** is omitted as planning consultations for Advertisement Consent applications are 'non-statutory'. Advice on when to consult HED on advertisement consent application is included in Chapter 1.2 of the 'Consultation Guide- A guide to consulting HED on development management applications' <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/consulting-hed-development-management-applications-consultation-guide.pdf>

HED also advises that '**Listed Building**' is cited before '**Conservation area**' to align with the hierarchy of policy protection afforded to such heritage assets and that related Historic Environment policies are cross referenced. Recommended changes to the policy text are as follows, to make the policy more sound (C3 & CE1) to meet the requirement of 6.59, SPPS.

Advertisement Consent will only be granted, for the display of an advertisement on or adjacent to a Scheduled Monument, Listed Building, Conservation Area, or an Area of Townscape/ Village Character where:

- **The signage or advertising is in keeping with the historic and architectural form and detailing, does not detract from the character or setting of the monument, building or location, does not cause or add to clutter in the area, adequately controls illumination, is not detrimental to public safety and is in accordance with the relevant advertisement policies within Chapter 23: Historic Environment, where applicable.**

HED suggests the above text may benefit from bullet point formatting.

Justification and Amplification text

14.13 The Council is aware that our Scheduled Monuments (including the City Walls & Star Fort walls at Ebrington Barracks), Conservation Areas and many of our Listed Buildings are to be found in key commercial locations where the normal range of signage and advertisements is to be expected and is essential for commercial activity.

To make the policy 'more sound' under P2 & CE2, HED requires the addition of the following justification and amplification text as per PPS17. This supporting guidance is crucial as the related policies HE5(c) and HE6(c) do not provide any supporting Justification and Amplification text and further direction is required to enable consistent implementation.

Insert new item: *In assessing the impact of an advertisement or sign on amenity the Council will take into account all of the following matters: the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest:*

- (b) the position of the advertisement on the host building and its scale and size in relation to that building;*
- (c) the cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;*
- (d) the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;*
- (e) the design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;*
- (f) in the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located; and*
- (g) the impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.*

HED advises that the justification and amplification text should be amended in order to make the policy 'more sound' in relation to scheduled monuments. Para 14.15 only references the City Walls in relation to scheduled monument consent, when it would apply to a plethora of other scheduled monuments as well. Soundness test CE2 applies. The following amendment would make the policy sound and in accordance with legislative provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995. Reference to the related Listed Building policy HE4 has also been included within the item to make the policy 'more sound' under soundness test CE1.

14.15 Scheduled Monument Consent may be required for applications on the Derry Walls and other scheduled monuments under the Historic Monuments and Archaeological Objects (NI) Order 1995. The consideration of signage proposals on Listed Buildings are frequently included as part of applications seeking to undertake changes to the interior or exterior of the Listed Building. Such works require Listed Building Consent under the Planning Act (NI) 2011. However, the Council may undertake consultation with HED for an application seeking permission for only a specific advertisement proposal. An application for advertisement consent on a Listed Building will be assessed against this policy and policy HE4 The Control of Advertisement on a Listed Building.

16. Housing in Settlements and in the Countryside

Policies for housing in Urban Areas

- HOU 8 – Quality in New Residential Developments

HED advises that the policy text is currently **unsound** when considered against the **Consistency test C3**. HED recommends the following amendments, in order to make it 'sound' and take account of Section 104 (11) of the Planning Act (NI) 2011, SPPS 6.18 and proposed dPS policy HE5:-

Planning permission will be granted for new residential development where it is demonstrated that the proposal will create a high quality and sustainable residential environment and meets the following criteria:

- a) The design and layout respects the landscape, local character, historic and natural environment (including trees), appearance and residential amenity of the surrounding area in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped hard surfaced areas and level access requirements;**
- b) In Conservation Areas, housing proposals will be required to enhance, or where the opportunity to enhance does not arise, preserve its character. In Areas of Townscape / Village Character, housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas, proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances;**
- c) Heritage assets are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;**

Policies for Housing in the Countryside

HED considers that the justification and amplification text could be made **more sound** under **Consistency and Effectiveness Tests (CE1 and CE2)** if the following amendments are made.

16.121 The rural landscape contains the majority of identified archaeological sites, and a plethora of other heritage assets, and is a product of thousands of years of human interaction to shape it. It is therefore important that this evidence is taken into account in the policy text. Soundness test **CE2** applies.

16.121 The LDP Strategy for Housing in the Countryside is to manage the amount, type and location of rural housing to achieve appropriate and sustainable patterns of development which delivers the required 1,100-1,400 homes and supports a vibrant rural community while protecting the landscape, heritage assets and natural resources of the rural area. The strategy for housing in the countryside also seeks to ensure that houses are sited, designed and landscaped to integrate into the countryside and that they do not mar the distinction between individual settlements and the countryside. The policy approach is to cluster, consolidate and group new houses with existing established buildings and promote the re-use of previously-used buildings, ensuring high standards of design and integration. The categories of acceptable types of housing in the countryside are set out in policies HOU 18 to HOU 26 below.

16.122 To ensure the policies are consistent between themselves under soundness test CE1, HED advises this item should cross reference to Chapter 23: Historic Environment as well as the other named chapters, as there is an obvious linkage in relation to assessment of impacts on heritage assets and their settings, and in particular with conversion or replacement of older structures.

- **HOU 20 Restored and Replacement Rural Dwellings**

HED advises that the policy text can be made 'more sound' when considered under Consistency test (C1 and C3).

To align with the RDS, RG11, (Conserve, protect and where possible, enhance our built heritage and our natural environment') and SPPS 6.4, HED recommends changing the word 'restored' in the policy headnote to 'conservation' as follows:

HOU 20 Conservation and Replacement of Rural Dwellings

To ensure the first paragraph accounts for the protection of unlisted vernacular buildings, HED recommends the following amendment to the policy text:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum, all external structural walls are 'substantially' intact. The retention and conservation of unlisted vernacular dwellings will be encouraged in preference to their replacement.

Note: Typo in the last paragraph of policy text on p.264 – 'provide' should read 'provided'

HED recommends that the policy paragraph related to 'Listed dwellings' is omitted, as policy relating to Listed Buildings is covered under the related policy HE4. HED also highlights that the error of policy reference, 'BH4', makes the policy less sound.

Justification and Amplification

HED also suggests changes to the amplification text, to align the approach toward heritage assets in the RDS and SPPS. (Soundness tests C1 and C3 apply)

16.150 HED recommends that the first sentence of this paragraph is removed to address concerns that this phrasing empowers replacement over conversion, which would not be in line with the sustainability principles of the SPPS and the policy aims. The paragraph would then be articulated as below.

All permission for a replacement dwelling granted under this policy will be subject to a condition requiring demolition of the existing dwelling or restricting its future use if it is to be retained as part of the overall development scheme.

16.153 HED recommends replacing the word 'upgrade' with 'conserve' to align with proposed policy headnote and the RDS, RG11 and SPPS 6.4 as follows: *There is growing concern that the tendency to replace, rather than conserve, older dwellings is depleting our vernacular rural dwellings, which is increasingly viewed as an important element of our built heritage. Accordingly, this policy seeks to help retain vernacular houses and promote their sympathetic renovation and continued use rather than replacement. In order to encourage the retention/refurbishment of such houses, the council will look positively on imaginative proposals to restore and extend these dwellings.*

Insert new item: Reports to demonstrate if the building is structurally sound and capable of conversion must be submitted by suitably experienced conservation engineers, architects, building surveyors and so on. Where structural issues have been identified, such reports should provide sympathetic alternative options for stabilisation of the existing structure, to facilitate its retention and reuse.

Insert new Item: In some instances there will be archaeological interests with regard to a historic structure proposed for conversion and re-use and in these instances the relevant policies will apply.

16.157 HED recommends this item is omitted, as its inclusion may compromise the intention of the policy to safeguard those vernacular dwellings which make an important contribution to the heritage, appearance or character of the locality.

- **HOU 21 The Conservation and Reuse of Other Rural Buildings and**
- **AGR3 the Conversion and Reuse of Existing Buildings for Agricultural and other uses.**

The above policies both relate to the conversion and reuse of rural buildings for ‘...a variety of alternative uses.’ HOU21 also includes policy text relating to residential use (dwellings).

HED notes there is considerable duplication between the two policies, exhibiting identical criteria (a-g) with aligned structure/ headings. Descriptions of a ‘suitable buildings’ to which the policies will apply, outlined in the accompanying Justification and Amplification text also both refer to ‘...former schoolhouses, churches and older traditional barns and outbuildings.’ Both policies are framed around the policy content of CTY4, PPS21.

Aside from the policy head note in AGR3, and an additional criteria (h) to accord with the Natural Environment chapter, there is little supporting text to show why these policies cannot be merged into one single policy. HED recognises that both policies have been included to address differences in the use class. The thrust of the policies, as identified through the headnote however relates to the appropriate ‘conservation and reuse’ of ‘a suitable building,’ to ‘secure its upkeep and retention’; i.e. non-designated heritage assets/ buildings which contribute to local character and local distinctiveness. HED suggests that use class related to the proposed reuse/conversion, can be addressed in one single policy; as both policies already cite ‘a variety of alternative uses’.

HED therefore encourages council to adopt one comprehensive policy to enable the coherent application and eliminate opportunities for misinterpretation. HED suggests the policy intent of HOU21 and AGR3 could therefore be included within policy HE8, (provided HED recommended changes are included– See comments under HE8)

Should however Council wish to retain HOU 21 and ARG3 as separate policies, HED provides individual policy comments as follows:

- **HOU 21 The Conservation and Reuse of Other Rural Buildings**

HED considers this policy can be made ‘more sound’ when considered against soundness test Coherence and Effectiveness test (CE2).

Policy Headnote comments:

The policy head note refers to ‘Other Rural Buildings’. This when considered on its own merits, the proposed wording suggests that it reads in tandem with another related policy.

HED suggests the policy headnote is amended to read **'The Conversion and Reuse of Rural Buildings'**.

Policy Text comments:

HED recommends the following insertions to criteria (c) in line with GDP8 as follows:

- (c) **Any new extensions are of high quality design and sympathetic to the scale, height, massing and architectural style and finishes of the existing building.**

Note: The policy sub heading relating to Listed Buildings, cites **Historic Environment Policy BH4**. The relevant historic environment policy in the dPS is **HE4**. HED however advises this para could be omitted as proposals related to the reuse of listed buildings are already covered under HE4.

Justification and Amplification comments:

HED suggested corrections/ additional text to make the policy 'more sound' under CE2.

16.159 Due to changing patterns of rural life, there are a range of heritage assets in the countryside, including some that have been listed, that are no longer needed for their original purpose. These can include former mill complexes, school houses, churches, former dwellings and traditional barns or outbuildings. The re-use and sympathetic conversion of these types of buildings can represent a sustainable approach to development in the countryside and for certain buildings may be the key to their preservation.

Insert new item after 16.160 *Reports to demonstrate the building is structurally sound and capable of conversion must be submitted by suitably experienced conservation engineers, architects, building surveyors and so on. Where structural issues have been identified, such reports should provide sympathetic alternative options for stabilisation of the existing structure, to facilitate its retention and reuse.*

New Item: *In some instances there will be archaeological interests with regard to a historic structure proposed for conversion and re-use and in these instances the relevant policies will apply.*

16.161 In particular, any building to be converted to a dwelling must be of traditional construction, usually of masonry structure, with slate / tiled roof, with existing openings and be of architectural or historic merit, that makes a positive contribution to the locality. Any proposed extensions should be subservient to the existing building and be of high quality sympathetic design. See Chapter 23: Historic Environment, Policy HE 8 on conversion of non-designated heritage assets. Reference should also be made to 'Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside' in terms of sympathetic rural site layouts and building designs.

16.163 The Council would stress the importance of high quality design in all such cases and in particular, care needs to be taken for proposals involving the conversion of traditional buildings to ensure that their character is not lost in the overall scheme of redevelopment.

- **AGR3 the Conversion and Reuse of Existing Buildings for Agricultural and other uses**

HED considers this policy is **'unsound'** when considered against **Coherence and Effectiveness Test (CE1 & CE2)**.

HED considers the draft policy and its justification and amplification text, in its current form, does not take sufficient account of RDS, RG11, notably 2.10 (notably 6th bullet), 3.30, SPPS, notably, 6.4, 6.24, PPS21, CTY4.

The policy head note relates to conversion and reuse of existing buildings for **agricultural and other uses**. The policy text criteria is a replica of policy HOU21 (with the addition of criteria to accord with Natural Environment Chapter) and is similar to criteria identified in policy HE8. HED considers this policy is **unsound**, as it does not provide sufficient and 'appropriate' justification and amplification text to enable orderly and consistent application of the policy and does not cross reference related policy HE8. (Also see HED comments above related to the proposed amalgamation of the three identified policies HOU21, HE8 and AGR3)

Policy Text comments:

Should council wish to retain policy AGR3;

HED recommends the following insertions to criteria (c) in line with GDP8 as follows:

(c) Any new extensions are of high quality design and sympathetic to the scale, height, massing and architectural style and finishes of the existing building.

HED advises the policy sub heading relating to Listed Buildings could be omitted, as proposals related to the reuse of listed buildings are already covered under HE4.

To make the policy '**sound**' under **CE1 & CE2**, HED recommends the following changes to the justification and amplification text:

Justification and Amplification comments:

15.18 Provision will be made for the conversion and re-use of heritage assets for agricultural and other suitable rural uses. Sympathetic conversion and re-use of a suitable rural building (such as former mill complexes, school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses, will be encouraged where this would secure its upkeep and retention, and where the nature and scale of the proposed use would be appropriate to its countryside location.

15.19 The application of this policy will be considered equally together with the requirements under policy HE 8 Conversion and Re-Use of Non-Designated Heritage Assets. This policy should also be read in conjunction with a number of policies included in the Plan Strategy including AGR 1 Farm and Forestry Diversification, relevant Retail policy, Economic Development (Countryside) policy, Natural Environment, Tourism policy and Community Infrastructure.

New Item: In some instances there will be archaeological interests with regard to a historic structure proposed for conversion and re-use and in these instances the relevant policies will apply.

- **CI 1 Community Infrastructure –**

Edit note Cross references to GDP 1 – This should read GPOL 1

RED 1 HED highlight this policy as an example of the consistency issue in relation to terminology for the historic environment we perceive in the DPS. In one part of the policy historic environment assets are referred to, and then further in the same policy block text to

heritage assets. HED advise use of the term heritage assets for consistency in the document.

26. Placemaking and Design Vision for the District

Principle Design Objectives

PDO 1 Protect and Promote the Built Environment and Townscape Features

As articulated, HED considers that 26.11 represents an **unsound** approach which does not take sufficient account of Strategic Planning policy, because it focuses on historic buildings only, and presents a flawed and weak interpretation as to what “setting” constitutes in relation to heritage assets

26.11 Place-making & Design Principle 3 (PDP 3) - Protect the Setting- Often the setting of our built heritage is as valuable as the structures themselves. It will therefore be important to take into consideration the environs of heritage assets, as well as views to and from them. Sometimes key views can be inadvertently obstructed, thereby depreciating the overall quality of place. The setting of entire settlements is also an important consideration where pronounced topography and other natural features are integral to their character.

We strongly recommend for the benefit of those using the plan that a footnote reference to the DfC HED guidance on setting and the historic environment be inserted.

<https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment>

This insertion/alteration makes the objective plan sound. As presently articulated in the plan the text is focused solely on historic buildings, and incorrectly reduces the concept of setting to “immediate” environs, which is a flawed approach which could have negative outcomes in relation to the historic Environment

27. Place Making and Design Vision for Derry-Londonderry

Figure 18 – Derry Study Areas -The illustration appears incomplete

HED refers across to our comments in relation to evidence bases EVB Fa & Fb. We note the use of term “historic” in relation to the inner and outer city cores and emphasise the need for clarity that these terms do not reflect a sequential historic evolution of the city.

- **Derry Strategic Design Policy 1 (DSDP1) Arrival point**

Bullet point 7, of policy DSDP1, states that ‘**the LDP will welcome distinctive landmark buildings**’ where the opportunity arises to improve legibility at key arrival points. (As per Figure 10 p.69 and EVB Fa p 27)

HED notes the Councils intention to identify key arrival points to the city and produce detailed development management guidance, including key site requirements, at the LLP stage. HED however raises concern that proposed dPS policy wording relating to ‘landmark buildings’, may be interpreted as ‘tall buildings’. (Ref footnote 67 p414 for definition of Tall Building categories) Development which is of high quality architectural design, and which responds sensitively and appropriately to its context, in terms of scale, height, massing, form, alignment, with quality materials and finishes, can however also successfully identify an arrival point into the city, in lieu of tall structures. HED requests these comments are taken into account when producing LPP development management guidance.

In determining the appropriateness of any landmark building on the identified arrival points, HED advises in addition to place making policies, particular consideration should be given to Chapter 23 Historic Environment, when considering the effect of the proposal on the setting of any impacted heritage assets and the wider historic city character.

- **Derry Strategic Design Policy 5 DSDP 5 Inner Historic Core &**
- **Derry Strategic Design Policy 6 DSDP 6 Outer Historic Core**

Given the unique significance of heritage assets in Derry's historic centre, and that these policies specifically relate to the wider heritage asset that is the historic core and its immediate setting, HED consider that these policies would be **more sound**, in line with the historic environment baseline evidence **CE2**, if cross reference is made in the policy block to the need for compliance with requirements of the Historic Environment Policy suite. See also our comments in relation to EVB Fa & b

- **Derry Strategic Design Policy 7 (DSDP 7): University And College**

HED notes there a number of listed buildings within the Magee Campus. To make the policy 'more sound' under **C3**, and accord with SPPS 6.12, HED suggests the following insertion to the second bullet point, under the subheading, **Magee Campus and North West Regional College**

- New development proposals at Magee should recognise the importance of retaining the unique landscape structure, respect and respond to the natural parkland quality, conserve, protect and where possible enhance the setting of listed buildings and safeguard against over-development

Justification and Amplification

To align with the above insert, HED recommends the following amendments:

27.31 The mature landscape, within which the Magee Campus is set, is a distinctive feature of this part of the City and contributes to the area's sense of place and setting of the listed buildings within the campus. It is essential that any new development proposals recognises the importance of retaining this landscape structure, respects and responds to the natural parkland quality, conserves, protects and where possible enhances the setting of listed buildings and safeguards against over development. Active uses at ground floor level will help to animate the open space and encourage greater use by both students and neighbouring communities.

- **Derry Strategic Design Policy 10 (DSDP 10) External Shutters Within The City Centre**

HED welcomes the inclusion of this policy to provide greater animation of buildings/ retail businesses within the city centre after they have ceased trading. To make the policy 'more sound' under **CE1 & CE2**, HED recommends that the policy cross references Chapter 23 to include policy related to listed buildings and Conservation Areas. HED suggested amendments are as follows:

Notwithstanding existing guidance with Conservation Design Guides, this policy introduces the test of enhancement that all premises within the city centre will be encouraged in the first instance to demonstrate why internal shutters cannot be installed in their premises. If, for example for security reasoning, external shutters are the only option, then external shutters will be permitted subject to their design being sympathetic to the character of the building and the streetscape. External shutters

and grilles will only be permitted on Listed Buildings in the most exceptional of circumstances, assessed against the requirements of Chapter 23 Historic Environment.

Justification and Amplification Text

27.39 Open lattice or fretwork effect shutters (powder coated or painted) are much more effective in preserving the character and appearance of buildings. These should ideally be positioned on the inside of the shop window. This arrangement has been installed at several shops in Waterloo Street with a very positive effect on the character and appearance of the area. If this method is not possible, the shutter housing must sit flush with the external façade of the front of the building. Retrospectively fitted (external) roller shutters will not be acceptable. Their bulky casings (normally in pressed aluminium) fixed to the external surface of the building is highly unsightly and detrimental to the character and appearance of the Conservation Area. External shutters on listed buildings will only be considered acceptable in exceptional circumstances.

28. Place Making and Design Policy for Strabane

- **Strabane Strategic Design Policy 1 (SSDP 1) Redevelopment Of Town Centre**

HED advises that we have concerns around this policy suite as presently drafted as we consider that although the canal basin area is referred to in the text, no recognition is given to the status of this as a scheduled monument and therefore a need for heritage led approaches to regeneration. We consider this to be unsound (CE3) as it does not take due enough account of the historic environment evidence base. It is also inconsistent with the approach to Derry where heritage is very much a key consideration contextualising place making—See our comments on EVB Fa & b. An appropriate point at which to reference this issue would be in the context in 28.2/28.3 and in the Justification and Amplification around SSDP1.

HED suggests the following insertion:

28.6 It is expected that during the LDP period, there will be opportunities to redevelop and re-shape parts of the town. Key to an overall vision of connecting the traditional town centre with the new retail area on the edge of town is applying good urban design principles to areas such as Railway Street, the Canal Basin area, including the SCORE Site which encompasses the scheduled canal basin, and along Canal Street.

In further relation to wording we advise, as per our comments provide previously that the last line of 28.3 describing context is inaccurate and concerning and in our view unsound with regard to the approach toward heritage assets. This presently reads

.....However, the poor condition of some historic assets and unsympathetic recent development undermine their heritage value.

The above text seems to imply that compromises to the setting or the condition of a heritage asset undermine its value. HED are very concerned about this interpretation which appears focused on aesthetics, and advise that heritage assets in poor condition retain significance and value in themselves and toward the evolution and identity of a place. We perceive that this line is drawn from the placemaking report and strongly recommend that that it be removed as its inclusion creates an unsound inference as to the value of heritage assets that may be in need of conservation, regeneration or repair. This approach is not in line with international best practice on understanding the value and significance of heritage assets –

see relevant ICOMOS⁸ guidance in The Australia ICOMOS Charter for Places of Cultural Significance (Burra Charter) 2013 on significance of places. If it is not to be removed it should be reiterated as

.....*However, the poor condition of some heritage assets and unsympathetic recent development undermine the historic character of an area*

- **Strabane Strategic Design Policy 2 (SSDP 2) Arrival Points**

Bullet point 7 of policy SSDP2 states that ‘the LDP will welcome distinctive landmark buildings’ where the opportunity arises to improve legibility at key arrival points. HED emphasises that any development management guidance, produced at the LPP stage, relating to arrival points key site requirements, should take account of the scale, height, massing and grain of the existing built form, existing key views, local distinctiveness and the historic townscape character. (Note this list is not exhaustive) Also see comments in relation to DSDP1.

- **Strabane Strategic Design Policy 4 (SSDP 4) Promote & Protect A Sense Of Place**

HED recommends the following amendments/ insertions to make the policy ‘more sound’ when considered under CE1.

28.12 Strabane town centre is typically characterised by its historic layout and the significant number of historic buildings. Some historic buildings have fallen into disrepair while other more recent development has undermined the historic character of the area. The setting of the listed properties around the Bowling Green area has been adversely impacted by car parking and the police station. Proposals to conserve and reuse existing historic buildings or for new development in their settings, should seek to promote and protect the sense of place they contribute to.

The introduction of a town centre street frontage improvement scheme could enhance place quality and contribute to strengthening Railway Street as an important link between the core areas and the retail park.

- **Strabane Strategic Design Policy 7 (SSDP 7) External Shutters Within The Town Centre**

Insert new item under 28.15, to align with policy DSDP 10 Open lattice or fretwork effect shutters (powder coated or painted) are much more effective in preserving the character and appearance of buildings. These should ideally be positioned on the inside of the shop window. If this method is not possible, the shutter housing must sit flush with the external facade of the front of the building. Retrospectively fitted (external) roller shutters will not be acceptable. External shutters on listed buildings will only be considered acceptable in exceptional circumstances. (Soundness test CE1 applies)

CHAPTER 40 Monitoring Criteria and Review Process.

HED consider that the approach is not robust enough with regard to monitoring the effects of the DPS in relation to the historic environment, and that the lack of measureable trigger points fails soundness test CE3. We have provided detailed comment separately in relation to SA and on EVB 40 which provides suggested mechanisms and indicators for monitoring the DPS, that we consider would make the approach sound. **Please refer to those comments and suggested amendments.**

⁸ International Council on Monuments and Sites

Historic Environment Division

Comments in relation to the Sustainability Appraisal for the Derry City and Strabane Council Local Development Plan 2032, Draft Plan Strategy, and on evidence papers that relate to historic environment matters.

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

(December 2019)

HED advises that this response should be read alongside our comments in relation to the draft Plan Strategy. Generally, we must commend the Council on their engagement to date and on gathering and articulating the historic environment evidence toward informing plan strategies and policies. We believe that the Sustainability Appraisal overall is a considered assessment of effects in relation to the historic environment, however, because we consider certain policies to be unsound with certain wording or absence of text, not supported or justified by necessary evidence, we have articulated that we disagree with the SA scoring in many of these cases. HED advise that the issues we have identified in the plan strategy content could lead to alternate, and potentially negative outcomes in relation to the historic environment. We would also have concerns that scoring policies in groups may mask potential impacts of individual policies in relation to the historic environment or other areas. Where we believe that further evidence should be considered or that scoring should be revised, we have indicated this in the narrative below. Our comments relate to both the text in the individual paragraph references in the SA summarising the assessment of impacts of policy, and the Sustainability Appraisal Matrices documented in Appendix 4

Sustainability Appraisal incorporating SEA.

List of Abbreviations

In line with the list in the scoping report and because of the context of historic environment evidence in this assessment, we consider that HED should be referred to in the list,

2 Sustainability Appraisal – The Approach

Page 15. Edit note: The Northern Ireland Regional Landscape Character Assessment should be dated 2016

Page 16. Given the context of policies in the draft plan strategy in relation to the walls and the city's outer and inner historic cores (as have been identified by the council for the purposes of the plan), HED consider that the master plans and local planning guidance documents should include the Derry City Walls Conservation Plan as one of these key policy evidence bases. (We note the reference in the table on page 141 and welcome that the plan strategy has taken account of it but consider that it should be recognised as a central document to the plan in your district).

3. Summary of Sustainability Appraisal Findings.

3.3 Economy - Strategy, Designations and Policies

3.3.12

TAM 8 Provision of Public and Private Car Parks TAM 9 Car Parking and Servicing TAM 10 Design of Car Parking and TAM 11 Temporary Car Parks

HED refer to our comments on the draft plan strategy in relation to TAM 9. We consider that the restriction of the policy wording to listed buildings may have uncertain outcomes in relation to the impacts of the policy on the wider suite of heritage assets in the historic environment.

3.3.16

TOU 3 Tourist Amenities in the Countryside, and TOU 4, Hotels, Guest Houses, B&Bs and Tourist Hostels in the Countryside, TOU 6 Self Catering Accommodation in the Countryside, and TOU 7 New and Extended Holiday Parks

HED advise that due to the focus on vernacular in TOU4, there are uncertainties in relation to how the policies will impact on other traditional/historic dwellings and structures of the wider historic environment. Due to the reference solely to designated assets in TOU7 HED consider that uncertain and potential negative impacts could be incurred on heritage assets which are not designated. See our comments and suggested amendments in the draft Plan Strategy.

3.3.17

TOU 5 – Major Tourism Development in the Countryside – Exceptional Circumstances

HED advise that the historic environment is intertwined with the natural environment and landscape, -heritage assets are part of the wider historic environment. We would consider that impacts with regard to heritage assets and the historic environment more widely should be considered uncertain. The exceptional circumstance of exceptional tourism benefit "for the District", is a lower threshold in respect of archaeological remains of regional importance than presently exists in existing policy (i.e. developments must be of regional importance in the Northern Ireland context to weigh against the regional importance of the asset). HED would consider that this approach would provide a lower level of protection to these assets than presently exists.

3.3.23

AD 1 Signage and Outdoor Advertisements & AD 2 Advertisements on Heritage Assets

HED refer to our comments on the draft plan strategy, and advise that our recommended insertions in relation to scheduled monument consent be articulated in order to ensure more positive outcomes in relation to the historic environment

3.4 Social Development – Strategy, Designations and Policies.

3.4.1 AGR 1 Farm and Forestry Diversification, AGR 2: Farm and Forestry Development and AGR 3 The Conversion and Re-Use Of Existing Buildings for Agricultural and other Suitable Rural Uses

HED refer to our comments, specifically in relation to AGR 3. We consider outcomes for the policy as worded presently to be uncertain in relation to the historic environment.

3.4.2.

HOU 1 Strategic Allocation and Management of Housing Land – Zoned Housing Land and LUPAs

HED consider the text here a good assessment, however we would disagree with the scoring as there will inevitably be impacts on historic landscape character alongside the potential destructions highlighted. Rather than negative or neutral overall, we would suggest an uncertain score would be appropriate

3.4.7

HOU 8 Quality in New Residential Development and HOU9 Design Concept Statements, Concept Masterplans and comprehensive planning.

HED would advise that although disagree with the positive outcome envisaged in relation to the historic environment. Because of the lesser policy test in HOU 8 and the issue of soundness we have highlighted in our comments, we consider that outcomes are at best uncertain. In relation to the explanatory text for the score we would not consider this to be heritage led development. Rather than being led by the heritage asset and integrating/designing the development led by the heritage this policy seeks to integrate a heritage asset (where appropriate) into the development.

3.4.12

HOU 18 Dwellings on Farms

HED advise that consideration comments in relation to impacts on the historic environment seem to imply that views to a heritage asset are equivalent to setting. HED would advise that this would be a flawed approach and is inaccurate -it might be truer to say that "the policy should ensure that views toward a heritage asset are maintained and the setting of heritage assets is protected through historic environment policies."

3.4.14

HOU 20 Restored and Replacement Rural Dwellings, and HOU 21 The Conversion and Re-use of other Rural Buildings

HED advises that positive outcomes for the historic environment in relation to these policies could be possible, if our comments on the draft plan strategy regarding the need to take on board archaeological interests in some of these cases, and to retain, conserve and reuse unlisted vernacular dwellings, are considered in the amplification suite. With the present wording HED considers that outcomes for the historic environment would be uncertain.

3.4.15

HOU 22 New Dwelling in Existing Cluster in the Countryside and HOU 23 New Single Dwelling in a Small Gap in an Existing Built Up Frontage in the Countryside

HED consider that the impacts of these policies in relation to the historic environment are uncertain and would highlight that some small groupings of houses in the countryside may have intrinsic heritage aspects and significances in how they've evolved to be so.

3.4.20

OS4 Outdoor Sport and Recreation in the Countryside

See our comments in relation to the absence of reference to the setting of features of the historic environment in the draft plan strategy. We consider that impacts with regard to this policy may be uncertain.

3.5 Environment, Strategy, Designations and Policies

3.5.5

HE 1 Archaeology and Upstanding Remains, HE 2 Archaeological Assessment, Evaluation and Mitigation, HE 3 Development adjacent to the Walls, HE 4 Listed Buildings and their Settings, HE 5 Conservation Areas, HE 6 Areas of Townscape / Village Character (ATCs / AVCs), HE 7 Historic Parks, Gardens, Demesnes and their Settings.

Please read these comments in cross reference to our comments on the draft plan strategy. Due to the issues of unsoundness that we have commented on in relation to HE1, HE2, HE3 HE4, HE8, HE9, HED disagree with the double positive scoring outcome envisaged. Our expert view is that due to the lack of clarity and coherency of the amplification text as presently worded, and the lack of distinction between and in some cases gaps in the policy wording, there is potential for uncertain or negative impacts in relation to the historic environment due to likely issues in implementation of the policies. Were the points we have

highlighted in the strategy addressed, we consider that a positive outcome would be more likely.

In relation to the Summary of Policy in the SA Matrix in Appendix 4, please see our comments on the policies in the DPS, where we articulate the soundness issues of the drafted policies. We have concerns that an apparent lack in understanding of how some of the policies of SPPS operate has led to the soundness issues we've identified with the policy suite. As an example the summary in this Matrix table articulates that justification and amplification for HE 2 is comes from SPPS. HED advise that there is no comparable amplification for these policies in SPPS. There are aspects which are from PPS6 but, as we've highlighted for other policies in the historic environment suite, there are gaps which mean that there are very likely to be problems in interpretation and implementation of the policy. Furthermore the policy summaries makes no reference to mitigation, a key distinct policy as articulated in SPPS. We advise that these issues can be rectified by careful consideration of our comments and corrections to the policy content to make them sound, as we have indicated in our comments on the DPS. We can see no clear evidence through SA that would justify the shortened justification and amplification text across many policies, or the absence of key wording in policies. These issues have created gaps in policy and understanding which would lead to reduced protection for the historic environment.

3.5.6

HE 8 Conversion and Reuse of Locally Important Unlisted Vernacular Buildings

HED advise that this policy is likely to have uncertain outcomes in relation to the historic environment. HED advise that because the policy only makes reference to vernaculars it doesn't provide a coherent policy around other locally important historic structures. We disagree with the summary of policy and advise that in our view the policy does not take full account of SPPS 6.24.

3.5.7 HE 9 Enabling Development

HED disagree with the summary of the policy in the Matrix table. We advise that this is not a replication of the text in PPS 23, and it does not align with the preferred options paper which was to take forward the policy substantially unchanged. See our comments in relation to the DPS. As presently articulated HED advise that we can see potential for negative or uncertain outcomes in relation to the historic environment. The policy widens the scope of SPPS 6.25 to other areas not related to heritage. As a historic environment policy it is important that this policy follows the intent in relation to its focus on heritage assets. It should not be widened out as a policy for other types of enabling development.

3.6 Place-Making And Design Vision

3.6.1 -making & Design Vision For Development in the District (PDO 1 - PDO 6 and PDP 1 - PDP 18), Place-Making & Design Vision / Policy for Derry-Londonderry (DSDP 1-DSDP 11), Strabane (SSDP 1-SSDP 7), Local Towns (LSDP 1 - LSDP 4), Villages and Small Settlements

As articulated in the introduction to our response, HED consider that scoring policies in groups has the potential to mask impacts. Please cross –reference to our comments in relation to the draft plan strategy. We consider that if our suggested changes are included more positive outcomes can be ascertained in relation to the historic environment. In particular we highlight the need to consider heritage assets and their setting generally (not just the walls or buildings) and the need in drafting policy around regenerating the canal basin area to highlight as per the evidence base, the scheduled status of the basin. Without consideration of these issues in the policy text we consider that a positive outcome is much less certain and that uncertain scoring would be more appropriate.

4. The Cumulative Effects of the Preferred Options.

In terms of the Total Effects summary on page 133, HED advise that we consider that the minor positive outcomes envisaged are more likely to be achieved if our comments toward making the policies sound are taken on board and the corrections we have advised articulated. At present however we consider that the unsound issues we have highlighted in relation to the historic environment policy suite mean that the outcomes are uncertain at best.

5. Monitoring

HED advise that we do not consider the monitoring indicators to be robust enough in relation to assessing the impacts of the plan in relation to the historic environment and to be unsound in relation to coherence and effectiveness test CE3. The lack of measureable targets provides no trigger points. Our comments in this instance have read across to our comments on the draft plan strategy and specifically the Monitoring and Review report EVB 40

Page 149 – Many of the designations referred to are initiated by HED and are not implemented through the plan.

HED refer to our comments on monitoring in the development plan strategy and the Monitoring and Review evidence paper **EVB 40** (at the end of this document). We do not consider that the current approach is robust toward monitoring how the plan is working in relation to the historic environment, and we suggest that some of the indicators here, (2, 3, 4, 5, 6) should be more clearly articulated in the Monitoring and Review Evidence paper and the draft plan strategy itself.. This would help more clearly demonstrate how the evidence from SA is informing the plan and enable a more robust and measureable basis for monitoring and implementation.

SA Scoping Report

We welcome the updated iteration of the scoping report, and the consideration of many issues that are landscape and historic environment related. We particularly welcome the reflection of evidence from the Gazetteer of Nucleated Historic Urban Settlements, evidence which emphasises the need for the plan to be flexible toward identification of further areas of archaeological potential from this evidence suite.

ADDITIONAL EVIDENCE BASES

EVB 23 Historic Environment Evidence Base

HED advise that we can find no robust evidence in this supporting document to justify reasons for the gaps and lack of clarity in the historic environment policy suite as presently articulated in the draft plan strategy.

3.3. HED advise that the text here creates an inference that evaluation may only be required within the Area of Archaeological Potential, -which is incorrect and does not take an accurate account of SPPS 6.10 or PPS6 BH3. We would have concerns that this interpretation is being relayed into the draft plan strategy

4.1 HED advise that it is our expert opinion that the policies as articulated have reduced clarity which may cause issues around meeting the plan objective in relation to the historic environment, and implementing the policies generally.

We disagree with the statement that

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

HED provided extensive comment in relation to the POP, highlighting the importance of wording in SPPS and of amplification text in PPS6. See our comments on the DPS – we have highlighted policy gaps and gaps and lack of clarity with reference to the justification and amplification text.

4.4 Please read across to our comments on the Draft Plan Strategy. HED do not consider that our concerns on amalgamation and merging of PPS 6 policies have been addressed. We provided comment on draft policies as a key consultee on 08/07/2019 and consider that the majority of those comments have not been taken into consideration.

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" HED advise that we do not consider that our most recently provided comments on draft policy sent on 08/07/2019 have been taken into adequate account.

We note the comments from members and planning officers but advise that in drafting policy for the historic environment it is vital to also have the necessary historic environment expertise in understanding what specific aspects of policy wording relate to and how these can implemented from decision making on an application, through to the carrying out of any required assessments or work on site.

Overall HED can discern no justifiable reason in the evidence for the gaps in the policies and amplification text as articulated, and envisage uncertain and potentially negative outcomes for the historic environment if these issues are not addressed.

5.6 Designation of Conservation areas

See our comments in relation to the designation of Conservation Areas in the Draft Plan Strategy

5.8 HED highlight that AAP are identified from records compiled by HED (not designated as ASAI are)

EVB 6b LCA Review

HED welcome the strong articulation of historic environment evidence, particularly in the review of the Sperrins AONB, recognising the intertwined relationships of cultural heritage with sense of place and identity. The naming of places is in itself derived from their historical and geographical context. We particularly welcome how the influence of historic environment attributes from heritage assets available through our data, to historic field and townland boundaries has been articulated in relation to the landscape of the AONB.

We highlight the continued opportunity that the Local Development Plan provides toward strengthening existing landscape character assessments through the inclusion of the historic environment evidence base, as we consider that enhanced recognition of historic landscape characteristics will be vital at local policies stage, particularly in the context of new zonings. HED would advise that at local policies stage our guidance provides a good evidential basis to be used in assessing the setting of prominent or landmark heritage assets <https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment> and in zoning. Impact on heritage assets and their settings we consider to be a key issue both in the rural and urban contexts.

Moving forward HED recommend the continued use of our Historic Environment Digital Datasets, which form a key aspect of landscape character and from which trends in relation to the historic landscape can be captured and articulated, even in a general sense for each landscape character area.

Evidence Paper EVB 6C Development Pressure Analysis

HED note the figures outlined in this report with regard to single dwellings in the Countryside and within this figures with regard to replacement dwellings. It is difficult not to perceive that the numbers of new housing in the countryside would not be having an impact on historic environment characteristics such as historic landscape character. We consider that given the numbers of replacement dwellings and the high approval rate for these, a monitoring indicator would be appropriate to ascertain the effectiveness of related policies in the development plan strategy. We note that no replacement dwelling applications have been refused in the area in the last five years, and while there is no breakdown on where these were vernacular or other locally important historic structures, we believe it is very likely that the high approval rates will be causing some loss of historic structures. We advise that

implications of development pressure on the historic environment and heritage assets such as historic structures ought to be considered in analysis and identification of issues, as well as geographical and spatial impacts.

EVB Fa Part a and part B Derry and Strabane Settlement Studies

HED would have expected a more fulsome study of settlement evolution in this report, particularly for Derry-Londonderry. We recognise that the Inner Historic Core has been defined primarily in the report terms of the City Walls and Ebrington Barracks and the spaces included within these, and that the Outer Historic Core focuses on the area around this. HED would have expected however a greater consideration of heritage assets including the Area of Archaeological Potential in informing this study and establishing the context in place making. The heritage focus of the study is limited to elements of above ground extant heritage which may have informed these areas in the report. HED do not object to identifying specific areas like for targeted planning policies and regeneration, but highlight that it should be clear that these terms don't represent a sequential evolution of the settlement.

While there are several references to "listed" structures there is no mention of "scheduled" or "state care" monuments or archaeology in these studies. Greater reference to heritage datasets and to historic map evidence would have been desirable in characterising the evolution of place, and in helping more robustly inform policy for place making. A more robust use of historic environment evidence would be expected at local policies stage toward informing zonings and appropriate mitigation.

With regard to the Strabane Canal Basin and the articulations for regeneration around this site the scheduled status of the Basin should really be clearly articulated in this study and is not. It is noted that the protected status of aspects (such as the Craigavon Bridge in Derry-Londonderry) are iterated, and HED consider that even one of the settlement maps showing key designations would be appropriate particularly when areas of historic interest have direct implications in relation to place making. While some heritage assets are highlighted the map on page 198 it is obvious that some designated and undesignated aspects of built heritage are not.

With regard to the document generally HED reiterate our concerns that the focus on heritage in the study appears to be limited to above ground extant masonry fabric, primarily listed structures and obvious elements such as the castles in Castlederg and Newtownstewart. We consider this a narrow approach. As with Strabane we highlight the scheduled locations in Eglinton and the importance of considering the implications these may have in terms of place making.

HED consider that this study should be broadened as the plan moves toward Local Policies stage to take a greater account of historic environment evidence, including the Gazetteer of Historic Nucleated Urban Settlements.

Final Pop Representations Report

See our comments in relation to the Historic Environment Evidence Base and the Draft Plan Strategy.

HED consider that our comprehensive comments at Preferred Options Stage (attached) have not been taken into sufficient account, particularly around the potential for confusion in amalgamation of policies and the importance of the amplification text as presently articulated in PPS6. We can see no evidence justifying the direction taken where we perceive there to be significant gaps in the policy and amplification text in the Historic Environment policy suite and consider that the soundness issues we have raised in relation to the suite reflect that the DPS articulation is not in line with the preferred option of retaining policies substantially unchanged.

EVB 40 Monitoring Review Report

See our comments in relation to the DPS and also in relation to monitoring as considered in SA. HED considers that the monitoring indicators for the historic environment are not comprehensive or robust enough (that the plan is unsound in relation to **Coherence and Effectiveness test CE3**), and that they do not articulate measurable trigger points. e.g. How can the trigger point be the same as the target? HED consider that a target of one would be more measureable as a trigger than a target of none.

HED advises that more robust and measurable monitoring is required (See for example our comments in relation to Development Pressure Analysis) and that information should be available to aid retrieval of salient figures.

HED provides the following comments in relation to the proposed monitoring indicators:

26. Number of planning approvals for conversion of replacement of buildings in the Countryside

Table 20, EVB 16 records that over the last 5 years, all replacement dwelling applications have been approved, with no refusals. This raises concerns relating to the potential demolition of vernacular dwellings. HED therefore recommends indicator 26 is revised as follows:

Indicator 26	Monitoring Target	Trigger Point
No. of planning approvals for replacement of vernacular dwellings	Less than 5% of replacement dwelling approvals involve demolition of vernacular dwellings	More than 5% of replacement dwelling approvals involve the demolition of vernacular dwellings

HED also advises the inclusion of HE8 as a relevant policy.

36. Number of demolitions in Conservation Areas & Areas of Townscape/Village Character (ATCs)

HED advises the indicator should be revised to provide measurable monitoring and trigger points. See above example for indicator 26.

HED Representation to Derry City and Strabane:
Draft Plan Strategy (December 2019)

37. Number of demolitions outside Conservation Areas & Areas of Townscape/Village Character (ATCs)

HED considers this indicator reads as very far reaching and may be difficult to quantify.

38. Number of sites of archaeological interest recorded in new developments

In relation to monitoring indicator 38, we advise that recording of sites would generally fall under the HE2 policy, which relates to identification and recording. HED advises this indicator should be revised to provide measurable monitoring and trigger points.

HED advises the proposed three indicators, 36 37, & 38 are insufficient to monitor the effectiveness of the plan to protect, conserve and enhance the Historic Environment. HED therefore recommends that further indicators are devised in order to make monitoring more robust. We consider that the language used in the SA indicators with regard to monitoring, should be carried forward into the draft Plan Strategy. (i.e. '*...The number of development proposals permitted involving heritage assets contrary to advice received from DfC Historic Environment Division...*')

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

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

Monitoring of 'non-designated' heritage assets will also be particularly pertinent, to review the effectiveness of the related policies – HE8, HOU20, HOU21, AGR3 and TOU4,. (Note: Refer to comments in relation to policy HE8)

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

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

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

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

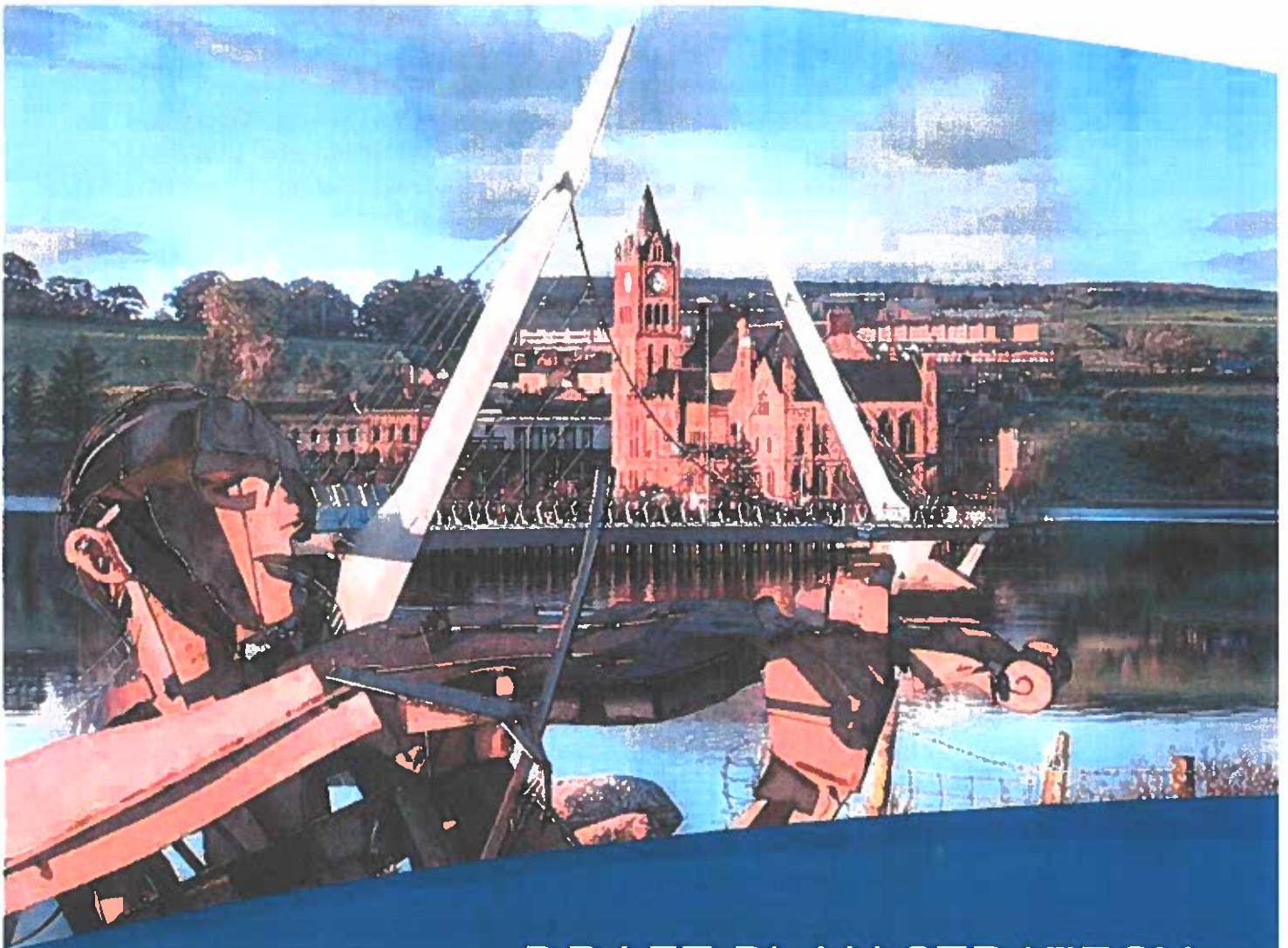
¹ Vernacular buildings and historic buildings of local important buildings



Derry City & Strabane
District Council
Councillor
Dhara & Chairperson
of the
Derry, City & Strabane
District Council

DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY
Historic Environment - Chapter - Confidential Draft - April 2019

derrystrabane.com/ldp

24.0 HISTORIC ENVIRONMENT – CONFIDENTIAL DRAFT

Context

- 24.1 Derry City and Strabane District has a rich and diverse legacy of historic features comprising both built and archaeological assets which are the result of some 9,000 years of human activity. There are examples of standing stones, stone circles, court tombs crannogs and raths widely distributed throughout the District. Later periods of settlement have provided other important landmarks, with castles, the City Walls, fortified houses, civic buildings, Georgian streetscapes and industrial and commercial architecture / archaeology, as well as significant defence heritage assets relating to the Second World War or earlier.
- 24.2 This historical and archaeological wealth, spread across our urban and rural landscapes, reflects the evolution of our District and requires protection for the understanding and enjoyment of future generations, as well as providing information about our past and helping to create a sense of identity for our District's population. The protection and promotion of such features is also very important to this District's economy. Heritage locations have an important role to play in creating vibrant and sustainable places and communities and attracting / encouraging economic development and investment opportunities.
- 24.3 Our heritage assets play a key role in the economic, physical and social wellbeing of the District and for our citizens, businesses and visiting tourists. The importance of built heritage and regeneration features prominently within the Strategic Growth Plan. The historic environment is also at the core of the District's Tourism Development Strategy in terms of recognizing the contribution of historic 'gateway' locations throughout the District, which add to the overall visitor proposition and experience. The Historic Walled City of Derry is an international tourism destination and at the heart of our heritage experience. The Walls are a Scheduled Monument in State Care – the largest such Monument in NI. The entirety of the Historic City Conservation Area, which includes the Walled City and certain lands outside, are designated as an Area of Archaeological Potential (AAP). The importance of Strabane town's historic canal infrastructure and associated industrial / commercial heritage is also recognized. The route of the canal and the Canal Basin are collectively protected as a Scheduled Monument.
- 24.4 The District contains 124 Scheduled Monuments, 18 State Care Monuments, 10 Scheduled Monuments in State Care, 857 sites on the current NI Sites and Monuments Register, 1 Area of Archaeological Potential and 675 Listed Buildings. Our District also contains 9 registered Historic Parks, Gardens and Demesnes and

13 on the Supplementary List. Full details of all designations can be found on the [HED Historic Environment Map Viewer](#)

- 24.5 There are also 5 Conservation Areas in the District: Sion Mills, designated in 1977, Newtown Stewart (1993), Historic City (1977, Reviewed / extended 2006), Clarendon Street (1978 Reviewed / extended 2006) and Magee (2006). There are currently 4 Areas of Townscape Character in the District, located at Victoria Park, Bond's Hill, Eglinton and Culmore.
- 24.6 In keeping with the SPPS, the LDP will ensure that our District's archaeological and built heritage assets and their settings are protected, conserved and where possible, enhanced through the promotion of sustainable development, and environmental stewardship. The LDP policies will also facilitate appropriate and productive use of the built heritage assets and opportunities for investment whilst safeguarding their historic or architectural integrity. The Council has a strong track record of heritage delivery, evidenced through projects such as the restoration of the Guildhall, Sion Mills Stables and the revitalization of many individual buildings through the Walled City Townscape Heritage Initiative (THI). The Council is keen to ensure that the character of our Conservation Areas is enhanced, managed and enforced through the use of appropriate signage and advertisements.
- 24.7 **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, with appropriate policies to manage their development.

LDP Designations

- 24.8 The Historic Environment Division (HED – within the Department for Communities) is responsible for designating most of the District's archaeological and built heritage assets such as Scheduled Monuments / Scheduled Monuments in State Care; Areas of Significant Archaeological Interest (ASAs); Areas of Archaeological Potential (AAPs); Listed Buildings and Historic Parks, Gardens and Demesnes (HPGDs). Where appropriate, the LDP will show such statutory designations for information purposes and will ensure the protection of these

assets through the appropriate LDP policy. Conservation Areas are generally designated outside of the LDP process; it is not proposed to designate any further Conservation Areas at this time. The LDP Plan Strategy has undertaken an outline review and has identified additional Areas of Townscape Character (ATC's) throughout our settlements; these will be further detailed and boundaries defined at the LDP Local Policies Plan stage. Should appropriate legislation come into effect during the life of the LDP, the Council may undertake a review for 'local listing' of other non-designated heritage assets such as unlisted vernacular buildings or historic building of local importance.

LDP Plan Strategy Policies

24.9 The following policies to deliver the Historic Environment strategy are as follows:

Policy HE 1 Archaeology

- (a) **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) including those that would merit scheduling and candidate ASAI. Development which would adversely affect such sites or the integrity of their settings must only be permitted in exceptional circumstances.

- (b) **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 setting.

Justification and Amplification

24.10 'Archaeological Remains of Regional Importance' include monuments in State Care, Scheduled Monuments and Areas of Significant Archaeological Interest. ASAI's and Candidate ASAI's are distinctive areas of the historic landscape and likely to include a number of individual and related sites and monuments and may

be distinguished by their landscape character and setting. Within ASAs or candidate ASA's, development which would adversely affect such sites or the integrity of their setting will only be permitted in exceptional circumstances.

- 24.11 State Care and Scheduled Monuments and Areas of Significant Archaeological Interest (ASA) and candidate ASAs are key heritage assets within Northern Ireland. It is therefore important that they are preserved in situ and within an appropriate setting. The Council will operate a presumption against proposals which would adversely affect such remains and their settings.
- 24.12 Once a site or monument has been scheduled, it benefits from statutory protection and Scheduled Monument Consent is required from HED for any works affecting it. Accordingly, where applications for planning permission are submitted which involve works affecting a Scheduled monument, the Council would require the submission of an application for Scheduled Monument Consent in order that these may be considered concurrently.
- 24.13 At Local Policy Plan (LPP) stage, specific policies for individual ASAs and candidate sites will be brought forward for the protection of the distinctive character of these historic areas. The LPP will also bring forward Local Landscape Policy Area (LLPA) designations which will seek to protect those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and therefore considered worthy of protection from undesirable or damaging development. Archaeological sites and monuments and their surroundings may be contributory reasons for designating LLPAs.
- 24.14 'Archaeological Remains of Local Importance', while not suitable for Scheduling, are still capable of providing valuable evidence about our past. Many are archaeologically important in the local context or valued by the community and therefore require safeguarding through the Planning process. Industrial or defence heritage features can also generally be considered as locally important. The Council will use a number of factors when assessing the local significance of archaeological sites and monuments, including:
- Appearance: distinctive features in the landscape / townscape or local landmarks;
 - Quality; well preserved or extensive buried remains;
 - Folklore / historical interest; association with a person or event in local tradition or legend;
 - Group value; one of a number of locally important sites; and

- Rarity; a locally rare example.

Policy HE 2 Archaeological Assessment, Evaluation and Mitigation

- (a) 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;
- (b) Where Planning Permission is granted for development which will affect sites known to contain archaeological remains, the Council will impose conditions to ensure that the 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.

Justification and Amplification

- 24.15 The preferred approach to archaeological remains affected by development is:
- Preservation of remains in situ;
 - Licensed excavation;
 - Recording examination and archiving.
- 24.16 Prospective developers need to take into account archaeological considerations and should deal with them from the beginning of the Development Management process. The needs of archaeology and development can often be reconciled, and potential conflict avoided or much reduced, if developers discuss their proposals with the Council at an early stage. The Walls are a Scheduled Monument in State Care. The entirety of the Historic City Conservation Area, which includes the Walled City, and certain lands outside but immediately adjacent to the south and east of the Conservation Area boundary, are designated as an Area of Archaeological Potential by Historic Environment Division (HED – within the Department for Communities DfC). As there is an increased likelihood of archaeology being discovered in such areas, the Council will consult with HED to determine the need for proposals to be supported with site evaluation. Permissions

may be conditioned, to minimise disturbance or to provide for archaeological recording which may include excavation.

- 24.17 It is therefore in the developers own interest to establish whether a site is known or likely to contain archaeological remains as part of their own assessment. The first step is to consult the National Buildings and Monuments Record which contains database information on all known archaeological sites and monuments and which is maintained by the Department of Communities (DfC).
- 24.18 In some circumstances, it will be possible to permit development proposals which affect archaeological remains to proceed provided that appropriate archaeological mitigation measures are in place which preserve the remains in the final development or ensure excavation recording prior to destruction.
- 24.19 Mitigation may require design alterations to development schemes which avoid disturbing the remains altogether or minimise the potential damage through measures such as careful siting of landscaped and open space areas. There are techniques available for sealing archaeological remains underneath buildings or landscaping, thus securing their preservation for the future, even though they remain inaccessible for the time being.
- 24.20 The excavation recording of remains is regarded as a second best option to their physical preservation. The science of archaeology is developing rapidly and excavation means the total destruction of evidence (apart from removable objects) from which future techniques could almost certainly extract more information than is currently possible. Excavation is also expensive and time-consuming, and discoveries may have to be evaluated in a hurry against an inadequate research framework. The preservation in-situ of important archaeological remains is always the preferred course of action.

Policy 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.

Justification and Amplification

- 24.21 The Walls of Derry are the largest Monument in State Care in Northern Ireland. They were built between 1613-1618 and define the limits of the original planned settlement. They are a distinctive townscape feature and are of major public interest and a key component of our District's Tourism Strategy. Under agreement with their owners The Honourable, The Irish Society, who were responsible for building the original Walls in the early 17th Century, they have been maintained by the State since 1955.
- 24.22 The impact of development on the Monument is not restricted to the streets and spaces in its immediate vicinity. There are expansive views to and from the Walls that also need to be taken into account. Critical views, aspects and vistas will need to be identified and preserved. Particular scrutiny will be applied to development proposals which could potentially impact on the access and public approaches to the Walls and the understanding and enjoyment of the site by visitors. The Council in conjunction with the appropriate consultees will carefully control proposals for the demolition of buildings adjacent to, or overlooking the Walls. While Conservation Area and Scheduled Monument Consent legislation will both control such proposals, the Council is keen to retain as many of the period properties and the historic fabric adjacent to the Walls which add to their character and setting.
- 24.23 As a Monument in State Care and as a Historic Monument, no works can be carried out to the Monument without the permission of the Historic Environment Division of the Department of Communities (DfC). The primary legislation relating to this is the Historic Monuments and Archaeological Objects (NI) Order 1995, and the Historic Monuments (class consents) Order (Northern Ireland) 2001.

- 24.24 The Council's LDP Strategy and the Strategic Growth Plan's key aim is to preserve or enhance the character or appearance of its historic areas. It is therefore considered appropriate that more rigorous scrutiny will apply to development and signage proposals in such areas. The Council will consult with Historic Environment Division (Department for Communities – HED) when appropriate when determining proposals for development or applications to display an advertisement on or within the above historic / architectural locations or features.
- 24.25 Scheduled Monument Consent may be required for applications on or adjacent to the Derry Walls under the Historic Monuments and Archaeological Objects (NI) Order 1995. However, the Council may still undertake consultation with HED for any applications seeking permission. Those seeking to carry out development or display signs on or adjacent to the Scheduled Walls Monument are advised to familiarise themselves with the Derry Walls Management Plan (2018) and the Derry Walls Conservation Plan (2015) and relevant policies contained in this Historic Environment chapter prior to making any application.

Policy HE 4 Listed Buildings and their Settings

a) 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.

b) 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.

c) 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.

d) 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.

e) Development Affecting the Setting of a Listed Building

Planning Permission will only be granted, for a development proposal which would not adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria is met:

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

Justification and Amplification

- 24.26 The District contains a wealth of listed buildings with the greatest concentration being within Derry's historic core within the vicinity of the City Walls, and its planned historic centre. It is important therefore to retain these buildings as representative of the growth and historical development of the City and District.
- 24.27 Listed buildings are designated by the Department as being of '*special architectural or historic interest*' under Section 80 of the Planning Act (NI) 2011 and benefit of statutory protection. They are key elements of our built heritage fabric and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any other features of special architectural or historic interest which it possesses.
- 24.28 The Council will consult with HED (DfC) when appropriate when determining planning applications or seeking permission to display advertisements on or within the above historic / architectural locations or features.
- 24.29 The key to survival and upkeep of listed buildings is to keep them in active use and accessible to all sections of the community. While the most appropriate use of an historic building will often be that for which it was designed. It is widely accepted that new compatible uses should be found for historic buildings where they can no longer reasonably be expected to serve their original use and where the integrity of their built fabric is under threat.
- 23.30 In assessing the effect of any alteration or extension, consideration will be given to the elements that make up the special interest of the building in question. All proposals for alteration should be based on a proper understanding of the structure of the listed building, because it is vitally important that new work does not weaken the structural integrity of the building. Applications to ensure accessibility to heritage assets to fulfill the Disability Discrimination Act 1995 must ensure that the essential character and architectural or historic interest of the Listed Building and its setting, and features of special interest remain intact and unimpaired.
- 24.31 Where a building forms part of an architectural group, for example as part of a terrace, then it may not be possible to make even minor external alterations without disrupting the architectural unity of the group. Even painting or stone cleaning of one unit in a terrace can have this effect.

23.32 The Council is aware that many of our listed buildings are to be found in in key commercial locations where the normal range of signage and advertisements is to be expected and is essential for commercial activity. New signs and advertisements can have a major impact on the appearance and character of a listed building. Where a proposal to display signs on a listed building is considered to be acceptable in principle, they should be designed to complement the age and architectural style of the building.

24.33 While it is acknowledged that very occasionally demolition of a listed building will be unavoidable, consent will not be given simply because redevelopment is economically more attractive to the developer. Where proposed works would result in total demolition of a listed building, or any significant part of it, consideration will be given to the condition of the building, cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use; the adequacy of efforts made to retain the building in use; and the merits for alternative proposals for the site.

24.34 The setting of a listed building is often an integral part of the buildings charm. Any proposal for development, which by its character or location may have an adverse impact on the setting of a listed building, will require very careful consideration. The design of new buildings planned to stand alongside historic buildings must be designed to respect their settings and follow fundamental principles of scale, height, massing and alignment and use of appropriate materials.

Policy 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.

Justification and Amplification

- 24.35 Conservation Areas are areas of special architectural or historic interest that were 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. Anyone wishing to demolish a building must first apply for Conservation Area Consent. It is a criminal offence to demolish unlisted buildings in a Conservation Area without consent. 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.
- 24.36 The Council will seek to maximize any opportunities which 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. In deploying the principles of preserve, conserve and enhance, the Council will encourage the sympathetic restoration of unlisted buildings of townscape character, protection of important trees and green spaces and reduction of visual clutter on buildings along important streets. The Council will seek the retention and enhancement of the Conservation Area public realm. The removal / replacement of such features that contribute to the historic public realm of the Conservation Area – such as their traditional lamp posts, street railings, paving and kerbing will not be permitted without the prior agreement of the Council. Any proposals will have to demonstrate how any potential replacement features and street finishes will enhance the Conservation Area public realm.

- 24.37 While the Council will operate a presumption against the demolition of unlisted buildings of townscape quality which contribute to the character of an area, it also acknowledges that there will be occasions where demolition is justified. In these instances, corroborating information will be required in support of any proposed demolition. Similarly, where demolition is deemed necessary and permission granted, it will be conditional on prior agreement for the redevelopment of the site in order to prevent the streetscape from being marred by gap sites.

Policy 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.

Justification and Amplification

- 24.38 Many areas within our settlements do not possess the distinctive character to warrant Conservation Area designation. However, Areas of Townscape or Village Character (ATCs) are commonly seen as being 'second tier conservation areas' which are designated through the Development Plan process because of their own unique identity often based on the historic built form or layout. ATC designation also introduces control over the demolition of unlisted buildings.
- 24.39 In assessing planning applications within ATCs, the key consideration for Council will be to ensure that development proposals respect the appearance and qualities of each townscape area and to maintain or enhance their distinctive character, including those with mature tree cover. Within ATCs, it will be particularly important to achieve a high standard of design, materials and detailing, retaining / replicating / reflecting features such as chimneys, window lines and rooflines.
- 24.40 There are currently four ATCs in the District at Victoria Park, Bond's Hill, Eglinton and Culmore and further designations may be brought forward at LPP stage.

Policy 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.

Justification and Amplification

- 24.41 The planned landscapes of the 17th Century onwards are protected and are shown in the LDP. It is important that these valuable Historic Parks, Gardens and Demesnes (HPGDs) of our built heritage are protected from development which would harm their historic character.
- 24.42 A Register of Parks, Gardens and Demesnes of special historic interest in Northern Ireland, based on a comprehensive inventory, is held by the Department for Communities (DfC). There are also a number of parks, gardens and demesnes which retain only some elements of their original form. These are included in an appendix to the main register as '*supplementary sites*'.
- 24.43 The Council considers it important that these valuable features of our built environment are protected from development which would harm their historic character. In assessing proposals for development in or adjacent to parks, gardens and demesnes of special historic interest particular attention will be paid to the impact of the proposal on:
- the archaeological, historical or botanical interest of the site;
 - the site's original design concept, overall quality and setting;
 - trees and woodland and the site's contribution to local landscape character;
 - any buildings or features of character within the site including boundary walls, pathways, garden terraces or water features; and
 - planned historic views of or from the site or buildings within it.

Policy 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.

Justification and Amplification

24.44 Changing patterns of life mean that some traditional local buildings are no longer needed for their original use. These can include former churches, dwellings and traditional barns or outbuildings. Their vacancy puts them at risk of eventual dereliction. Such buildings represent a valuable historic resource and their appropriate re-use would contribute to sustainable development and may encourage the social and economic regeneration of particular areas.

24.45 The SPSS describes vernacular buildings as those which reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. 'Building on Tradition' - A Sustainable Design Guide for the NI Countryside) published as Supplementary Planning Guidance to PPS 21 in 2012 states that the term vernacular architecture applies to building design that was not formalized but its form, plan and method of construction expresses local and regional traditions. Vernacular dwellings can largely be identified by:

- A simplicity of form;
- The linear plan, usually single room deep between the front and the rear walls;
- Linear extension or extensions with an extra storey;

- Hearths and chimneys expressed along the ridge lines;
- The use of local materials;
- Siting either fronting or gable end to the road.

24.46 The Council will encourage the re-use of such vernacular buildings by sympathetic renovation or conversion for a range of appropriate uses. This may include proposals for tourism or recreation use, small-scale employment uses or new rural enterprises. All development proposals for the conversion of a vernacular building should involve a minimum of work and should maintain or enhance the existing character of the building and its setting. Approval will not normally be given to a scheme involving substantial demolition or dominant extensions which significantly alter the appearance or character of the building. Design therefore is particularly important and where extensions or external alterations are proposed, these must reflect the scale, massing, materials and detailing of the existing property. All proposals will therefore be critically assessed as to their contribution to the conservation of the building to be converted.

24.47 Great care will be necessary in assessing proposals for conversion to residential use as this can be particularly detrimental to the fabric and character of certain buildings. In the countryside, and, in particular in Green Belts and Countryside Policy Areas the Council will normally only consider a relaxation of its normal planning policies for residential development, where:

- residential use is the key to the conservation of a building of local architectural merit or historic interest which comprises an important element of the landscape;
- the conversion scheme involves minimal alteration or extension; and
- the overall scale of the proposal and intensity of use is appropriate to the locality and would not prejudice the objectives behind Green Belt and Countryside Policy Area designation.

24.48 Each proposal will be determined on its merits. Proposals under this policy will be balanced against all other relevant policies contained within the LDP. It should be noted that the application of this policy relates only to schemes of sympathetic conversion. The Council would therefore stress that a grant of planning permission for conversion to residential use will not in itself be considered sufficient grounds to subsequently permit the replacement of the building with a new dwelling.

24.49 Where a conversion scheme to residential use in the countryside is considered acceptable, any residential curtilage to be created, as part of the proposal should not have a harmful effect on the character of the countryside, particularly in the

Area of Outstanding Natural Beauty and other Areas of High Landscape Importance. In certain cases, it may be necessary to remove permitted development rights in order to protect the character of the converted buildings or the landscape generally.

Policy 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;
- e. sufficient subsidy is not available from any other source; and
- f. the public benefit decisively outweighs the disbenefits 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.

Justification and Amplification

- 24.50 It is intended that this policy will only be used where the long-term public benefit of securing a place of heritage significance or scheme of significant regional or sub-regional benefit decisively outweighs the disadvantages of setting aside normal policy presumptions. It allows for assessment of these proposals as a preliminary requirement and is not to be implemented if the Council is not convinced that the public benefit will be gained.
- 24.51 Enabling development will often be located close to the principal development. In some instances however it may be more appropriate for the enabling development to be located elsewhere in the locality or wider Council District, as long as cross-funding measures are secured by way of a Planning Agreement.
- 24.52 To fully address the requirement to provide a Statement of Justification as required by Policy BE 9, the Council will expect the developer should:
- be fully aware, through commissioning the necessary expert advice and an adequate assessment of the place, of the heritage value of the principal proposal in its context, and thus the opportunities and constraints of that particular built heritage asset;
 - for significant places, explore a range of alternative options for its use; • set a realistic timescale for the proposed development, especially for preparing and submitting applications;
 - seek early, pre-application consultation with all who are likely to have a significant interest;
 - provide the planning authority with clear, detailed proposals, supported by relevant and adequate information on the likely impact of the information;
 - demonstrate where possible that the policy requirements have been met;
 - propose an appropriate mitigation strategy to address any unavoidable harm; and
 - be prepared to enter into any related legal agreements, such as an Section 76 agreement, necessary to tie the implementation of the proposals to securing the future of the place.

Assessing Enabling Development (published by Central Government - DOE April 2014) is the relevant Best Practice Guidance to Enabling Development.

Pre-application Discussions

- 24.53 Developers are encouraged to enter into pre-application discussions with the Council to assess the impact of the enabling element of the proposed development; to establish the level of detail required; to discuss the need to submit a 'full' as opposed to 'outline' planning application; and to avoid unrealistic expectations.
- 24.54 In some instances, planning conditions attached to a permission will be sufficient to ensure that the public benefits are delivered. In other, more-complex cases, and where there is a need to secure the long-term management arrangements, a Planning Agreement will be required under Section 76 of the Planning Act (NI) 2011.

LDP Local Policies Plan

- 25.55 In accordance with the requirements of the SPPS, the LDP Local Policies Plan (LPP) will identify the detailed boundaries of any LDP designations, namely the Areas of Significant Archaeological Interest, Areas of Archaeological Potential, ATC's, and LLPAs (where they include built heritage, see Chapter 23 – Natural environment). In the transition period, until adoption of the LDP Plan Strategy and where relevant, the LDP Local Policies Plan, all the existing historic environment designations in the DAP 2011 and SAP 2001 will remain in place until they are replaced / superseded by new LDP designations.

Monitoring and Review

- 25.56 Following adoption of the LDP, the Council will monitor the amount, type and location of applications in relation to our Historic Environment that are permitted / implemented. Hence, an assessment can be made of whether the LDP policies are being effective in enhancing and protecting our heritage assets, so that any adjustments can then be made, at the LDP 5-yearly review and / or the LDP replacement.

POP Questionnaire

DEPARTEMENT STRASBOURG DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032

PREFERRED OPTIONS PAPER (POP)
May 2017



PERSONAL DETAILS

What is your name?:

What is your email address?:

What is your organisation? : DfC Historic Environment Division

What is your address? : Causeway exchange (Level 6), 1-7 Bedford Street, BELFAST

What is your postcode? : BT2 7EG

What is your telephone number? :

Please advise whether you will be submitting supporting documentation:



Yes



No

Extracted list from the Gazetteer of Nucleated Historic Urban Settlements. This outlines settlements on the gazetteer in your district and indicates which have an associated Area of Archaeological Potential (AAP).

SECTIONS 1-3-DISTRICT PROFILE, POLICY CONTEXT

Do you have any comments on the opening Sections 1-3 of the Preferred Options Paper (POP) that should be taken into account when preparing the Plan Strategy?:

HED recommend that the term "historic environment" be used throughout your plan strategy, as opposed to terms such as built/cultural heritage. This term better encompasses the full suite of heritage assets including structures, archaeology and landscapes and would provide some consistency through the documents.

We highlight the importance going forward to your plan strategy of using historic environment evidence bases held HED, along with other evidence such as historic routeways and townland and parish boundaries, to help characterise your district's landscape, and inform new designations and land use zonings through the plan, and to strategically protect, conserve and enhance historic environment assets. HED stress that it is important that you ensure that you are able to demonstrate how this evidence has been taken into account and how it has informed potential forms of mitigation, such as appropriate designation (e.g LLPAs), or appropriate key site requirements. This process affords an opportunity to make the most of your area's distinct historic environment for the benefit of tourism, communities, and the economy.

HED agrees with 'Supporting good design and positive place-making' as set out in the SPPS, but are keen to know what mechanisms shall be in place to support this (e.g. guidance/engagement with agents/requirements for accredited consultants/use of competitions for major projects etc).

With regard to section 2.24 HED would clarify that, as per the Historic Monuments and Archaeological Objects Order (NI) 1995, Derry City Walls is a State Care Monument which is also scheduled, The Northern Ireland Sites and Monuments Record (NISMR) monument number is LDY 14:33. The monument itself is the walls and the area which is scheduled and the below ground archaeology associated with its construction. The monument **will have wider archaeological context** and a setting, which is protected through planning policy - SPPS 6.8 refers (the setting is not the monument). There are other separate monument numbers afforded to aspects of the historic core of the city including the Area of Archaeological Potential for the city, which is LDY 14:63.

HED would also highlight that the discussion around monuments here is focused on monuments on State Care and State Care Monuments which are also scheduled, and the wider NISMR. Going forward it is important to consider the wider suite of scheduled historic monuments in the district (including for example Ebrington Barracks) which have specific implications in relation to planning and zoning, as consents to change or alter these sites (scheduled monument consent –this should be reflected in the evidence paper too) are distinct and legislatively separate to planning consents. HED also advise the importance of reviewing evidence bases and updating through the Local Development Plan process.

With regard to the plans, strategies and guidance highlighted in section 3.26 HED advise that it would be appropriate to include the Derry City Walls Conservation Plan (edition 2), -this applies re evidence paper as well.

SECTION 4- VISION AND OBJECTIVES

Do you agree with the proposed Vision for the LDP as set out in Section 4.1 of POP?:

- Yes
 No

If not, please suggest and justify any alternative options:

HED comments that is currently unknown how the implementation of the Vision shall affect the DCSDC area's historic environment. We would highlight that unique heritage offering of the district, and that the unique characteristics of the historic "island city" should be a key consideration in implementing the vision.

Do you agree with the proposed Objectives for the LDP as set out in Section 4.4 of POP?:

Yes

No

If not, please suggest and justify any alternative options:

HED comments that is currently unknown how their implementation shall affect the DCSDC area's historic environment. HED considers that the historic environment should be better reflected in the objectives as it makes (or has greater potential to make) an important positive contribution to economic, environment and social objectives, such as housing, employment, civic pride and community cohesion. The comments below relate to a few of these

a)viii –HED highlight the importance of Ebrington Barracks as well as the historic core, and the complementary nature of this historic walled site to the historic walls across the Foyle. We suggest that the current wording could be taken to understand heritage assets as a restriction rather than as a catalyst for regeneration and would suggest that it could focus along the lines of "continue the heritage led regeneration of the City and its promotion as a major heritage tourist destination through innovative development and partnership working that realises the full potential of its exceptional heritage assets and landscape setting.'

b)vii – HED would highlight the unique role that the historic environment has in relation to achieving the aspirations of this objective

c)i; Strategic Objective F. HED note the grouping of the Natural and Built Environment under one objective and would highlight that it would be appropriate to articulate the historic environment separately as it is subject to its own specific management requirements. We suggest that appropriate sub-objectives could be protect, conserve and enhance historic environment assets, foster heritage led regeneration, broaden access to the historic environment and optimise the use of Brownfield sites, existing buildings and infrastructure.

d) para 4.5 (d) . We suggest that this is revised to 'identifying and designating areas subject to environmental/ heritage protection'.

SECTION 5-GROWTH STRATEGY

Do you agree with the Preferred Options as set out in Section 5.4, and specifically the target levels of a) population growth, b) additional jobs, and c) new homes proposed in the Growth Strategy of the LDP?:

Yes

No

If not, please suggest and justify any alternative proposed target levels.:

HED highlights that your growth strategy should consider how historic environment assets can be used as a platform for growth and regeneration, as attractive and distinct features of your local area, embracing the RDS objective 'to protect, conserve and enhance.' The historic environment is a major part of the environment in which we live and provides opportunities for participation, civic pride and growth. It is important to recognise that the historic environment is not a static resource and needs to be considered in the context of its contribution and potential. It should also be considered in the context of being conserved to secure the contribution that historic environment assets can make to sustain the areas around them. In relation to the proposals/projects that will underpin the planned growth in 5.1 we comment that

- In relation to growth at Ebrington, heritage led approaches are key and the statutory designations afforded to heritage assets on and immediate to the site should receive careful consideration
- We welcome the extension of heritage based tourism and highlight the need for this to be sympathetic and sustainable, respecting the heritage assets and focused on maintaining their unique integrity.

HED highlights that Table 2: Housing Tenure 2011 (page 19) states that 6,630 (11.2%) of dwellings in DCSDC are vacant. We suggest considering the reuse of these properties and vacant/underused historic buildings in the first instance as an alternative to new-build options. This may provide mixed tenure, low carbon alternatives to new-build schemes, while restoring civic pride and using existing infrastructure. Historic buildings are also often constructed from high quality materials, with generous spatial layouts.

With regards to the preferred option generally, HED would have some concerns as to how the scale of growth would impact on the historic environment and landscape, particularly given the most recent figures from NISRA. We stress the importance of utilizing the most up to date evidence available toward being able to demonstrate sustainable development and how the historic environment has been considered in relation to any new zonings, and how mitigation has been informed.

SECTION 6 SPATIAL STRATEGY

Overall Spatial Strategy (Please refer to Section 6.18 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

Focus on Derry City as a Regional City, as well as Strabane Town as a Main Hub as set out in RDS 2035

Proportionate Growth across all Settlements and Countryside

Balanced Growth – focus on Derry City as a Regional City, as well as Strabane Town as a Main Hub plus other opportunities in the rural settlements and countryside

Make your comment below:

HED comments that proposed development associated with growth of settlements may have an impact on the historic environment and heritage assets. The correct consultations and approvals should be in place accordingly. Council may wish to highlight settlements which have designations such as Conservation Areas, Areas of Townscape Character and Areas of Village Character and also consider new designations.

In relation to discussion on the Settlement Hierarchy in 6.4 we highlight the importance of considering the historic evolution of settlements, and heritage assets in relation to any future designations, or zoning for development.

Settlement Hierarchy (Please refer to Section 6.21 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Existing 49 Settlements retained
- Rationalise Upper Tiers – Derry, Strabane, Local Towns. Re-designate some Villages and Small Settlements, including some new settlement designations. (Preferred option)

Make your comment below:

Further to our comments above, HED highlights that our Gazetteer of Nucleated Historic Urban Settlements may be of use in your review of the settlement hierarchy and understanding the evolution of settlements in your district. We attach a list which outlines the Gazetteer sites in your area, which indicates their earliest known date and whether they currently have an identified area of archaeological potential (AAP).

We suggest that, in the context of tourism initiatives proposed elsewhere in your paper that you consider capitalising upon the historic character of villagers like Eglinton, Sion Mills, Newtonstewart and Castlederg by identifying these as heritage villages within your hierarchy where particular policies to enhance the tourism draw could be considered.

SECTION 7: ECONOMY

Economic Development Land (Please refer to Section 7.14 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Retain existing zonings as currently contained in DAP & SAP
- Retain existing zonings along with additional, more sustainably-located, sites that will cater for our assessed future economic needs.
- Re-evaluate all current economic zonings and rezone / zone new sustainably-located sites catering for our assessed future economic needs. (Preferred option)

Make your comment below:

HED neither agrees nor disagrees with the preferred option, as without knowledge of the proposed zonings, we consider they may have an impact on the historic environment and heritage assets present in the vicinity, -these too must be considered in terms of sustainability, as there may be existing assets here or potential for previously unrecorded archaeological remains in these areas. It is important that the authority are in a position to demonstrate how historic environment evidence has been used in informing zonings and mitigation such as the need for appropriate key site requirements at Plan Strategy stage. For example a heritage led approach to development is necessary at an asset like Ebrington Barracks to ensure its full potential is realised. Any heritage assets and their settings in the area of proposed land zoned for economic development, will require careful consideration.

City / Town Centres Generally (Please refer to Section 7.21 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Strong focus on existing centres whilst constraining District Centres and outer / arterial sites
- Balance – focus is on existing centres plus potential limited development in District Centres
- Support existing centres but with growth in District Centres and outer / arterial sites

Make your comment below:

HED considers that overall, this option has the potential to have positive, negative or uncertain effects on the historic environment, due to the potential impacts of utilising/alterations to historic buildings or development located in the setting of heritage assets, which should be part of your considerations for any growth/zoning.

DCSDC contains a range of heritage assets, such as the Derry City Walls and historic buildings, which promote the distinct identity of your city and towns. We advise that our spatial datasets on the historic environment will help inform future zonings for development within centres and that archaeological remains that have yet to be discovered should also be a consideration. It will be appropriate to include detail on the historic environment assets and boundaries on your city/town centre maps at Plan Strategy Stage.

HED welcomes the proposal for the existing city and town centres to reinvent themselves, including encouraging leisure, urban living and the night time economy. We recognise the important role that this can play in rejuvenating unused historic environment assets which provide a sense of culture, place and identity. We highlight that changes to listed and historic buildings, which might not easily lend themselves to conversions, should respect and conserve their unique integrity, and similarly that new development in the centres should protect, conserve and enhance their historic character rather than detract. There is an opportunity to capture the full potential of historic environment assets in this process and for them to play a key role in informing design in the city and town centres.

HED advocates the promotion of high quality design in centres. When considering policy for new development in the setting of heritage assets, HED recommends the consideration of existing policies and guidance as well as established design principles and the principles of conservation (maximum retention of historic fabric, minimum intervention, clarity, reversibility and sustainability) to achieve sympathetic

design. The use of high quality materials, appropriate building techniques and signage should also be a consideration. HED suggests engagement with designers and applicants regarding the necessity for high quality design standards (e.g. through competitions, seminars, policies and guidance) and encouraging planning applications which use accredited consultants and the supply of comprehensive information in the application in order to achieve good quality design.

Retailing Capacity (Please refer to Section 7.27 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Existing amount of provision is adequate, generally across Derry and Strabane and retail types
- To allow growth of retail supply generally
- Monitor retail capacity and plan for sustainable, phased growth (Preferred option)

Make your comment below:

HED comments that it is unclear whether how much future retail provision entails its extension into other lands and buildings. If this is the case there would be potential for impacts on historic environment assets and their settings, for example, due to utilising/alterations to historic buildings or development located in the setting of heritage assets, which would need to be considered. The option has the potential to have positive, negative or uncertain effects on the historic environment.

Derry City Centre (Please refer to Section 7.30 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Evaluate the existing Central Area & Commercial Core within Cityside and Waterside, clarifying / simplifying their definitions / roles and adjusting their boundaries if necessary (Preferred option)
- Retain the existing Central Area plus a compact Cityside focus for commerce
- Expand the overall central areas within Cityside and Waterside

Make your comment below:

HED considers that overall, the preferred option has the potential to have positive, negative or uncertain effects on Derry City Centre's heritage assets, due to the potential impacts of utilising/alterations to historic buildings or development located in the setting of heritage assets, which promote the distinct identity of your city and should be part of your considerations for any growth/zoning.

HED advise that our Gazetteer of Nucleated Historic Urban Settlements should inform thinking on the zoning of town centre boundaries and conservation areas at these locations. HED consider that it is important that the historic cores of settlements are considered in these zonings, and that the impacts on the historic environment should be protected through appropriate policies. If part of the value of defining centres is to help create a sense of identity, consideration of the contribution of the historic environment to the evolution of these places is vital, reflecting the origins of the settlement. Historic Environment designations and boundaries should be illustrated alongside town centre boundaries at Plan Strategy Stage. Below ground archaeological remains should also be a consideration with regard to Areas of Archaeological Potential.

We also suggest that you seriously consider developing and innovative policy context in regard to stimulating the economy of the city center, particularly in regard to the Walled City at its core. The UNESCO Urban Historic Landscape Approach, which seeks to balance business and heritage needs through partnership working, provides a suitable template for such a development.

Adopting such an approach would also help with wider tourism marketing of the city as a place of international heritage interest. We note that Chester in England calls itself an 'international heritage city' without any World Heritage designations. The city should be setting the lead for high quality urban heritage management in Northern Ireland and beyond.

Strabane Town Centre (Please refer to Section 7.37 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Maintain existing Strabane Area Plan Town Centre boundary, subject to detailed re-evaluation of boundaries (Preferred option)**
- Contract the existing Town Centre boundary to a more compact form**
- Expand Town Centre boundary to beyond the Bypass / Camel's Hump area**

Make your comment below:

For all options, HED highlights the potential of re-using vacant or under-used historic structures and sites in the older traditional streets, subject to appropriate consultations and consents. The policy approach to these assets should be in line with the approach of the SPPS and PPS6 in relation to the historic environment. HED consider that it is important socially and economically, that vacant areas of historic character are regenerated through conservation and re-use rather than demolition and new build. The evolution of Strabane around the canal basin, a scheduled historic monument, should be a key consideration in the LDP and the scheduled area for this feature should be considered carefully with regard to future zonings.

Local Towns (Please refer to Section 7.44 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Retain the compact Town Centre boundary for Castlederg and define compact Town Centres for N'Stewart (existing designated town) & Claudy (proposed new town) (Preferred option)**
- Do not define Town Centres for Castlederg, Newtownstewart or Claudy**

Make your comment below:

While overall we see potential for positive effects HED have difficulty in commenting on this proposal without having a full knowledge of the potential impact on the settlements, with regard to proposed zoning/focus for development. In designating town centres. HED highlights the need to consider the protection, conservation and enhancement of historic environment assets and their settings, in relation to future development proposals. We would have particular concerns about the potential for harmful development in the proposed Newtownstewart conservation area which might compromise its historic character and integrity.

HED interpret the rationale for your designation of a town centres as being primarily toward a retail/service function distinguishing it from other uses. We highlight that the definition of a centre should take an informed and clear account of the historic core which form the origins of the settlements.

As above, HED advise that our Gazetteer of Historic Nucleated Urban Settlements may help inform thinking on the zoning of town centre boundaries and conservation areas at these locations, and that zones identifying Areas of Archaeological Potential can play an important role in the process as well. HED consider that the impacts on the historic environment in these centres should be protected through appropriate policy. If part of the value of defining centres is to help create a sense of identity, consideration of the contribution of the historic environment to the evolution of these places is key. Historic Environment designations and boundaries should be illustrated alongside town centre boundaries at Plan Strategy Stage.

Transport (Please refer to Section 7.49 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

Plan to maximise the opportunities for sustainable development arising from the A5 / A6 / A2 upgrades and other orbital / cross border links. Also promote Active Travel opportunities and accessibility and connectivity within our main urban settlements (Preferred Option)

Maintain / accept current transport links and plan for commensurate level of sustainable growth. Also promote Active Travel and accessibility within our main urban settlements

Make your comment below:

HED welcome the promotion of active travel. Where routes are along or through historic environment assets and their settings (e.g. canal towpath routes or disused railway infrastructure for Greenways), the development of new active travel routes should have a heritage led approach and be in compliance with any statutory provisions on protected assets.

HED comment that disused structures associated with canals or railworks may themselves be protected or have historic or architectural interest. It may be appropriate in plan strategy to consider how these structures could be utilised and conserved.

In considering development arising from new infrastructure (such as roads and park-and-ride/share sites), key site requirements should include provision for archaeological assessment so that any previously unidentified archaeological remains can be located and recorded or protected. Appropriate evaluation is

necessary in relation to these schemes, to ensure that the historic environment, assets and their settings are appropriately considered.

Tourism (Please refer to Section 7.60 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Identify flagship Tourism sites / areas along with opportunities for dedicated sustainable attractions and associated accommodation. Focus on improved accessibility, place-making and legibility of tourism offer (Preferred option)**
- Plan for further opportunities that emerge, to expand current offer generally**
- Focus on the protection of our Tourism assets and constrain Tourism development potential**

Make your comment below:

HED welcomes the promotion of the heritage environment and assets as key tourism destinations. We highlight the importance of maintaining and re-using historic assets (such as Listed Buildings, Monuments, Conservation Areas and Parks, Gardens & Demesnes) and their settings and of sensitive approaches compliant with the SPPS, to maintain DCSDC's distinct historic character and landscape.

At Plan Strategy stage, HED suggest stating the type of protection of any heritage asset referred to, as there may be specific implications for the development of policy around such assets, which should provide for heritage and conservation led approaches. With respect to statutory provisions for their protection, Scheduled Historic Monuments require Scheduled Monument Consent, which is provided for under separate legislation from the Planning Act (i.e. the Historic Monuments and Archaeological Objects (NI) Order 1995). Any requirements for Listed Building Consent should also be articulated.

HED highlight the importance of working collaboratively with neighbouring Council area's to make the most of any shared historic environment attractions that border this area. We specifically highlight the importance for the compilation of associated conservation management plans, to ensure a heritage led and consistent approach between Councils and to inform and guide any future change and development, so that the historic integrity of the strategic heritage asset is sustained and preserved.

Minerals (Please refer to Section 7.67 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Pro-development, and maximise the potential growth of our local aggregates sector across the District**
- Emphasis on protecting environment, and consequently constrain further development and growth opportunities**
- Balanced approach, which seeks to promote mineral development in sustainable locations with a focus on the protection of sensitive landscapes and reinstatement of workings (Preferred option)**

Make your comment below:

HED comments that the location and settings of historic environment assets should be considered when identifying Areas of Constraint on Mineral Development. It is difficult for us to comment with certainty on the preferred option without knowing for example where workings might be opened or reinstated and knowing how that might impact the historic environment. We advise that mineral developments have the potential to impact on historic environment assets and their settings, most particularly, previously unrecorded below ground archaeological remains. HED highlight the importance of being able how historic environment evidence has been taken into account in informing key site requirements for evaluation and assessment and where appropriate, mitigation of below ground archaeological remains where there are proposals toward extending areas of quarrying. Conversely, we note that quarries may also be important resources of natural stone used in historic buildings and monuments, which can be utilised in repair works.

Rural Economy (Please refer to Section 7.72 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

To focus rural economic development proposals in the Local Towns and Villages, to drive the rural economy

Balanced, opportunities in the rural settlements for appropriate-scale development / employment plus opportunities for appropriate business starts and small businesses in the countryside, to promote a vibrant rural economy (Preferred option)

Rural development / businesses promoted generally across the District, wherever it emerges spatially and with only minimal restrictions

Make your comment below:

HED highlights the potential of historic farm buildings, vernacular and rural industrial buildings to be reused as businesses in the countryside, simultaneously retaining historic character and identity, and the opportunity to create policy to help harness this. We highlight the potential impact that new development can have on historic environment assets and their settings and advise that the appropriate consultations and approvals should be sought.

SECTION 8: SOCIAL DEVELOPMENT

Strategic Housing Distribution (Please refer to Section 8.7 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Dispersed – across the Settlement Hierarchy, including countryside in proportion to settlement tier**
- Concentrated – emphasis on urban, central, sustainably accessible locations**
- Balanced – moderate focus on Derry city as a Regional City, as well as Strabane town as a Main Hub plus housing opportunities across the settlement tiers at appropriate scale / densities and in the countryside (Preferred Option)**

Make your comment below:

DCSDC settlements contain a range of heritage assets including Conservation Areas, the Derry City Walls and historic buildings and monuments, which promote the distinct identity of its city/towns and should be part of the Councils' considerations. The protection of these historic environment assets and their settings across DCSDC area will also be necessary considerations at Plan Strategy Stage. We highlight the importance of considering below ground archaeological remains in key site requirements when zoning large areas for housing, which include for archaeological assessment and evaluation, and the need to consider, where appropriate designation to protect the integrity of heritage assets. Any development in the setting of heritage assets, should be heritage led and have the appropriate consultations and approvals in place.

HED highlights the impact that single new builds have in the countryside, on the character of the rural historic environment and on heritage assets and their settings, and the consequential impact that the creation of supporting infrastructure can have on historic landscape. We highlight the corpus of disused buildings in the countryside including industrial heritage assets, vernacular and agricultural buildings and the important contribution that these can make to housing through sustainable re-use rather than replacement. As with historic settlements it is important to realise the potential of the rural historic environment, its attraction and its identity and to sustain this. Scale of new build development can also be a key consideration in helping to minimise impacts. HED comments that Permitted Development on farms can be problematic with regard to the erection of agricultural buildings which impact on the setting of nearby heritage assets.

Housing Allocation Quantum (Please refer to Section 8.15 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Current Housing Growth Indicator (HGI) as per RDS 6,500 dwellings**
- Balanced, Planned Growth of 12,000 dwellings (Preferred option)**
- Previous Housing Growth Indicator (HGI) as per RDS 16,000 dwellings**

Make your comment below:

HED would highlight that the preferred option has potential for adverse impacts on the historic environment if there is a focus on new build housing. HED highlights the potential and strategic importance of reutilising historic centre properties and promoting over-shop living, to help promote civic pride and benefit city/town centre economies. Re-utilising historic properties, including vernacular, agricultural and industrial properties for the purposes of housing will promote distinct places for living and investment. In addition using historic buildings to meet the need for social housing requirements and the Housing Growth Indicator figure is also likely to make the process quicker and less costly while increasing the number of attractive, high quality, sustainable dwellings. Any development in the setting of heritage assets, should be heritage led and have the appropriate consultations and approvals in place.

Location and Allocation of Housing Land (Please refer to Section 8.19 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Rely on existing zonings and settlement development limits
- Retain committed and zoned housing land for residential, re-evaluate un-committed sites and allocate any further required land in accordance with sequential test in SPPS, and deliverability (Preferred option)
- Re-evaluate all existing zoned land on the basis of sustainability. Only carry forward zonings deemed sustainable. Allocate all land based on sequential test in SPPS

Make your comment below:

HED do not agree with the preferred option. We advise that it would be appropriate to re-evaluate existing lands on the basis of sustainability, and considering implications for historic environment assets as part of this process. We advise that our spatial datasets on the historic environment can help inform future zonings for housing development across the area. It will be appropriate to include more detail on historic environment assets on your maps at Plan Strategy Stage. Any development in the setting of heritage assets, should be heritage led and have the appropriate consultations and approvals in place.

Social / Affordable Housing and Balanced Communities (Please refer to Section 8.30 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Incorporate the principle of including social, private and affordable housing & cross-community. Consider policy and mechanisms to deliver balanced communities and meet all housing need / demand. More research needed by DfI, DfC, NIHE and Council (Preferred option)
 - More research needed by DfI, DfC, NIHE and Council on this area. The need is not proven for a policy response, so do not include in the Plan. Possible future subject plan or Supplementary Guidance
- Make your comment below:**

It is difficult for us to comment definitively in relation to this option. HED highlights the potential and strategic importance of reutilising historic properties for the purposes of housing will promote distinct

places for living and investment. Using historic buildings to meet the need for social, affordable, private and mixed tenure housing requirements and the Housing Growth Indicator figure is also likely to make the process quicker and less costly while increasing the number of attractive, high quality, sustainable dwellings. Historic properties may lend themselves for reuse as smaller dwellings for single people or couples. The conservation and reuse of vacant historic buildings may assist to restore to help promote/restore civic pride and 'balanced communities.' Any development in the setting of heritage assets, should be heritage led and have the appropriate consultations and approvals in place.

Open Space, Sports and Recreation (Please refer to Section 8.34 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Protect the existing and zoned OSR provision as set out in DAP and SAP
- Re-evaluate our current OSR provision in terms of role and function and identify and protect any existing land and additional land required for open space, sport and recreation (Preferred Option)

Make your comment below:

HED highlights the important positive contribution of the historic environment to health and wellbeing. We note however, that although the regional objective makes reference to biodiversity that there is no reference to the sustainable use of historic environment assets within the option text.

We would advocate the promotion of historic assets, such as State Care Monuments, settings of listed buildings, Parks, Gardens and Demesnes, cemeteries, and Conservation Areas, as key opportunity areas for recreation. We also highlight the potential of heritage assets owned by the council or other providers (e.g. cemeteries and historic graveyards) and the importance of utilising these spaces to promote education, health, civic pride and community cohesion.

Policy provisions for use of these assets should make provision for a sympathetic and heritage led approach, to ensure they are protected, conserved and enhanced in compliance with any statutory provisions that will help sustain and preserve their attraction and integrity. It would be particularly important in the planning strategy to highlight statutory designations within recreation sites and to protect historic environment interests through appropriate key site requirements.

HED highlight the importance of working collaboratively with bordering Councils to make the most of any shared historic environment recreation attractions (e.g. canal towpath routes or disused railway infrastructure for Greenways). We specifically highlight the importance for the compilation of associated conservation management plans, to inform and guide any future change and to ensure a heritage led and consistent approach, so that the historic integrity of the strategic heritage asset is not compromised.

Community Infrastructure (Please refer to Section 8.40 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Identify / Zone / Protect Committed sites (Preferred option)
- Existing land provision of Health, Education, etc. is considered adequate
- Identify / Zone / Protect a long-term reserve of potential sites

Make your comment below:

HED highlight the important role that historic environment assets and open spaces can play as part of the community, maintaining a sense of identity and social pride within their local areas. We highlight the importance of articulating their integrity with regard to any zonings, and ensuring that this is not compromised.

Waste (Please refer to Section 8.45 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Existing Capital committed proposals identified / protected (Preferred option)
- Identify / Protect a long-term reserve of potential projects / sites

Make your comment below:

HED highlight that in considering this issue it is important to be able to demonstrate how historic environment evidence has been considered and how it has informed appropriate mitigation measures (where necessary) We highlight the potential for impacts on the historic environment through creation of new waste management infrastructure. HED believe that the LDP does have a role in encouraging environmental awareness through provision of appropriate policy, including awareness around protection of historic environment assets.

SECTION 9: ENVIRONMENT

Natural Environment (Please refer to Section 9.9 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Existing designated sites / protected species are identified / protected, with Policies as per SPSS. Other habitats, species or features of natural heritage importance will also be protected in line with the SPSS (Preferred option)
- In addition to Option 1, identify additional local designations and preclude inappropriate development likely to have significant adverse impacts on such sites
- Protect only those currently designated sites / protected species and accommodate development in all other locations

Make your comment below:

HED considers that Option 2 may afford the Natural Environment greater protection as additional designations shall be identified and inappropriate development in their settings shall not be permitted.

For Option 1, HED welcomes the proposed retention of policy in line with SPPS for the protection of existing designated Natural Heritage sites and the prevention of inappropriate development in such locations. We highlight that many historic environment assets play an important role in biodiversity and welcome protection of other habitats, species or features of natural heritage. HED can recognize merits in seeking more environmental enhancements from developers in terms of enhancing local biodiversity.

Landscape Character (Please refer to Section 9.11 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

Informed by the existing NI / Regional Landscape Character Area Assessments and their associated Sensitivity Considerations, permit further sustainable development accordingly on a case by case basis

Informed by LDP Development Pressure Analysis and relevant Landscape Character Assessments, identify those areas of our landscape with higher sensitivity or 'at capacity' and identify development that may be inappropriate in these areas (Preferred option)

Accommodate growth / development wherever possible, utilising the minimal number of protected landscape designations in the LDP

Make your comment below:

HED considers that the Historic Environment often shares similar pressures with landscape, with regard to pressures from single dwellings in the countryside, renewable energies, and permitted development.

The implications of development in the wider landscape setting of heritage assets merits consideration going forward to plan strategy stage and we welcome the identification of areas that are sensitive to development or are 'at capacity' and restrictions on future development.

Coastal Development (Please refer to Section 9.18 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

Accommodate appropriate coastal development as per current UK Marine Policy Statement (MPS 2011) and forthcoming Marine Plan for NI

Make your comment below:

HED highlight the importance of considering intertidal archaeological sites in accommodating coastal development in line with the MPS 2011, and of utilising the historic environment evidence toward this.

Built Environment/Heritage (Please refer to Section 9.23 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

☐ 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

Make your comment below:

HED highlight the tremendous opportunity that the LDP presents to the council, to promote and harness the potential of the district's unique historic environment. Through using the historic environment evidence bases to characterise the historic landscape in your region, there is a prospect of more effectively realising its economic, social and environmental benefit.

HED considers that Option 2 would afford the Historic Environment greater protection as new historic assets of local importance can be identified and protected by Council and inappropriate development in their settings can be better controlled which would be positive for the District's historic character and identity. Without some form of local designation, such as local listing, designation of LLPAs, ATCs, AVCs these assets may be vulnerable to removal, resulting in loss to historic character. Policies to promote flagship tourist sites may also benefit from consideration of unprotected heritage assets that contribute to their character or function- e.g a tourist trail associated with a writer or other historic person. For Option 1 and 2, HED welcomes the proposed retention of policy in line with SPPS for the protection of existing types of designated Heritage Assets and their settings.

It is important to clarify that Listed Buildings are protected under Article 80 of the Planning Act (NI) 2011 (and Conservation Areas under Article 104 of the same Act) and are designated by HED, who also compile the Register of Historic Parks, Gardens and Demesnes, and Areas of Archaeological Potential which are identified in the LDP. Areas of Townscape Character, Areas of Village Character, and Local Landscape Policy Areas along with Areas of Significant Archaeological Interest are designated through the LDP.

In this context, there are four main routes which a District Council could follow to protect Historic Buildings of Local Importance (please refer to HEDs guidance, Historic Buildings of Local Importance, A guide to their identification and protection - May 2017, for further information):

- By Regional and Local Development Plan policy.
- By list and associated policy.
- By policy and identification on the Local Development Plan.
- By policy, identification and Article 4 Direction.

HED welcome the retention of the existing policy-led approach and highlight specifically the importance of including the wording articulated in the SPPS, particularly 6.11 which includes wording to ensure appropriate reporting and archiving following archaeological excavations. We also highlight the importance of the explanatory amplification text for policies as outlined in PPS6, to enhance

understanding of the policy background and of issues around significance, setting etc. For example in relation to sites of national importance (BH1/SPPS.6.8) it is important to articulate that development which adversely affects these sites or their settings should only be permitted where the development is in the interests of Northern Ireland as a whole.

Urban Design/Places (Please refer to Section 9.28 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Existing design standards are accepted – reasonable design sought on a site-by-site basis
- A comprehensive drive for Place-Shaping, including high quality design of both buildings and key focal areas, in both urban and rural areas (Preferred option)**
- Minimal design standards accepted with focus on development and investment paramount

Make your comment below:

HED agree with supporting good design and quality places throughout the District, but are keen to know what mechanisms apart from enhanced design requirements shall be in place to support this (e.g. guidance/engagement with agents/requirements for accredited consultants and comprehensive information/use of design competitions for major projects etc.), and how historic environment evidence would be utilized in such a process. –E.G would it be the case that development within the setting of heritage assets and in designated areas such as Conservation Areas, should become ‘Design Areas.’ Historic Environment assets play a core role in settlements with regard to defining the oldest buildings and origins of a place- they should be a key consideration.

HED comments that the term setting applies to the physical space that is part of, and contributes to the significance and distinctive character of a heritage asset, or through which the asset may be seen, understood and enjoyed.

When considering policy for new development in the setting of heritage assets, HED recommends the consideration of existing SPPS (and PPS6) policies and guidance as well as established design principles and the principles of conservation (maximum retention of historic fabric, minimum intervention, clarity, reversibility and sustainability) to achieve sympathetic design. We comment that such proposals require a sympathetic approach, with high quality design (in terms of scale, massing, height and alignment), the use of high quality materials, appropriate building techniques, detailing and signage. The appropriate consultation and approvals should also be sought. It is important to be mindful of the presence of archaeological remains that have yet to be discovered when zoning potential new development sites. Please also see Section 11 Place-making and design vision, page 23.

Renewables (Please refer to Section 9.28 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

- Maximise the wind and solar resource of the District
- Identify the most sensitive landscape zones remaining – for protection, permitting appropriate wind & solar development elsewhere in line with SPPS (Preferred option)**

Make your comment below:

While HED broadly welcomes the preferred option, we are not able to provide detailed comment as we are unsure as to how the sensitive landscape zones would be defined. We have concerns regarding the cumulative impact of tall structures in landscapes where historic environment assets have been distinctive landmarks for generations. HED highlight the need to consider the protection of the historic environment features from inappropriately sited wind turbine/solar power development, as well as the settings of individual heritage assets.

Flooding (Please refer to Section 9.41 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

Avoid all further development in flood prone areas, or those forms of development which exacerbate flooding elsewhere

Precautionary approach – only allow suitable types of development in flood prone areas in line with SPPS / PPS and with appropriate mitigation

Make your comment below:

HED advise that the impact of drainage on any waterlogged archaeological sites should be considered as should the presence of heritage assets, and the potential role of sensitively managed historic canals (in line with requirements of scheduled monument consent) in relation to mitigation measures.

Environmentally and people-friendly transport (Please refer to Section 9.46 of the Preferred Options Paper for full details). Do you agree with the Preferred Option? If not, please suggest and justify any alternative options:

Identify / encourage / require pedestrian accesses / footways, cyclepaths / bridlepaths and other green / blue proposals

Make your comment below:

HED welcomes the promotion of active travel and the sympathetic re-use of any disused railway lines, canal towpaths, or similar heritage networks, which are important assets of industrial heritage, for environmentally and people-friendly transport. We comment that in the event of a disused heritage asset being used in this way, structures associated with the network may be listed or of special architectural or historic interest. It may contribute to the quality of the area to also restore these features, subject to attaining the appropriate approvals.

We would also welcome spatial connectivity and advise that any planning guidance for this should factor-in the potential for heritage-led development within the process. HED sees merit in seeking more from developers in terms of sustainable transport, providing cycle-paths, walkways, etc. as part of developments.

SECTION 10: PLANNING POLICY STATEMENTS

Section 10 Policy Review (PPSs) Do you have any comment to make on this Section? Make your comment below:

Please see comments below on DCSDC proposals for historic environment policies. HED also comments regarding articulation of policies as per PPS6, SPPS and the use of PPS6 explanatory text. We highlight potential policy gaps in SPPS and PPS6, where additional wording may be advantageous. Also refer to comments above in relation to Section 9D Built Environment / Heritage – Options.

We advise that the policies **BH1, 2, 3 and 4** should be worded as per the wording for **6.8,9,10,11** in the SPPS and should remain distinct from each other.

In relation to **BH1/6.8** it should be noted that the exceptional circumstances concerned should be in the interests of Northern Ireland as a whole, as per the explanatory text in PPS 6.

The requirements of **BH3/ 6.10** relate specifically to further information to enable decision making, while **BH4 6.11** relates to archaeological conditions on an approved application. In concurrence with your preferred approach it is the view of HED that amalgamation of these policies could lend to confusion, and potentially approvals with on sites which would previously have been evaluated to assess, leading to imposition of conditions to deal with what turn out could be costly excavation work.

We highlight that in relation to **6.11**, there may be an opportunity to devise a supplementary policy that provides for greater public engagement with their local past through being able to see or periodically visit certain archaeological excavations happening in their area.

BH5 Protection of World Heritage Sites; HED accepts Approach 2 that there are no World Heritage Sites in DCSDC currently, and that such a policy could be included at a later date if required. However, perhaps there is merit in considering similar policies aimed at the Walled City to help reinforce a council/public view that it is of a similar value.

BH6 Protection of Parks, Gardens and Demesnes; HED accepts Approach 2 to update policy in accordance with **SPPS 6.16,17**.

Policies BH7-BH11 of PPS6 and 6.12-15 of SPPS; Listed Buildings

BH7 Change of use of a Listed Building, BH8 Extension or Alteration of a Listed Building, BH11 Development affecting the Setting of a Listed Building;

HED notes the preferred Approach 3 to amalgamate Policies BH7, BH8 and BH11 and to keep BH10 separate but has fundamental concerns with the proposal to simplify and combine them. There is a need here to consider specifically where Listed Building Consent is required in relation to proposals. Similar to other PPS6 Policies, it is considered that the nature of these policies is very different and that they have a tried and tested track record, which demonstrates compliance with international conventions on protecting the historic environment. HED considers that the interpretation and combining of existing policies can result in changes in meaning and emphasis, when considering appropriate strategies for the preservation, conservation and enhancement of Listed Buildings, their fabric, character and setting. We

would challenge that the reduction of the number of policies would be helpful to Applicants and Assessors and result in a more simplified and succinct policy. We consider that the supporting text does not demonstrate how Approach 3 will provide appropriate protection for Listed Buildings and consider that the retention of the separate policies would prevent confusion for both applicants and assessors due to the different tests that have to be met for the following reasons;

BH7 is concerned with the type of use of the Listed Building only, which encompasses the principle of Conservation - Sustainability. Proposed material changes to the building's fabric, which arise as a result of the change of use, should meet the requirements of BH8.

BH8 is concerned with the proposed extension or alteration of a listed building, which may require alteration to the actual historic fabric and spatial layout of the building and which requires **listed building consent**. We highlight that Style (criterion A), Proportion (criterion B), Ornamentation (criterion C), Plan Form (criterion D), Spatial Organisation (criterion E), Structural System (criterion F), Innovatory Qualities (criterion C), Alterations (criteria H+&H-), Quality and Survival of Interiors (criterion I), Rarity (criterion Z), Authenticity (criterion S) and Historic Importance (criterion T) are examples of listing criteria which may relate to the actual fabric of the building – the removal or alteration of which, may have an effect on the buildings essential character and therefore listing status.

Proposed extensions or alterations to a listed building (including repair and maintenance works) require listed building consent and need to be considered carefully, to follow the principles of conservation (maximum retention of historic fabric, clarity, sustainability, reversibility and minimum intervention) and use of traditional, sympathetic materials, techniques and detailing, in order to retain the buildings special historic and architectural interest.

BH11 is concerned with development affecting the setting of a listed building, which is listing criteria 'Setting (criterion J).' This normally involves new build development and although it may require the use of traditional or contemporary materials and detailing in a sympathetic and respectful way, is most likely to permit modern construction techniques, which can differ significantly from those usually found on a listed building. Other aspects of development affecting the setting of listed buildings include its proposed use, its proximity/juxtaposition to the listed building and its detailed design, which should follow the fundamental architectural principles to be respectful in terms of scale, height, massing and alignment. The considerations for BH11 complement but are in many ways different to those for BH8 and therefore we consider would be better represented under a different policy.

Should Approach 3 proposed by DCSDC be taken forward, HED advises the new policy must provide the same level of protection as currently afforded. The Policy title should be carefully considered as the term 'Built Heritage Assets' includes assets other than Listed Buildings, and buildings in a Conservation Area or Area of Townscape Character. HED would welcome adoption of Approach 1, which proposes to 'Retain individual policies BH7, BH8, BH10 and BH11.'

BH10 Demolition of a Listed Building; HED welcomes the retention of this Policy. It should be noted that where demolition is permitted **Listed Building Consent** is required.

SPPS 6.15 HED would advocate that any proposals for partial/total demolition of a listed building should have a heritage led approach. The word 'normally' in this policy has the potential to create a policy gap

and its removal (or additional text within this policy) may prevent demolition of buildings without proper record and subsequently sites being left vacant after their removal. HED also considers that it is important that those supplying evidence in relation to a historic structure toward this end are from a suitably accredited conservation background, e.g. conservation architects, surveyors or engineers, as some reports that are presently submitted currently just highlight structural issues to justify demolition, which can lead to loss of distinctive buildings and historic character, as opposed to recommendations for conservation or stabilisation.

BH9 The Control of Advertisements on a Listed Building (LB), **BH13** The Control of Advertisements in a Conservation Area (CA) and **ATC3** The Control of Advertisements in an Area Townscape Character (ATC); note that in some circumstances listed building consent can be required.

HED notes the preferred Approach 3 to amalgamate Policies BH9, BH13 and ATC3, of PPS6 but has fundamental concerns with the proposal to simplify and combine them. Similar to other PPS6 Policies, it is considered that the nature of these policies are very different and that they have a tried and tested track record. HED considers that the interpretation and combining of existing policies can result in changes in meaning and emphasis, when considering appropriate strategies for the preservation, conservation and enhancement of Listed Buildings, their fabric, character and setting. We would challenge that the reduction of the number of policies would be helpful to applicants and assessors and result in a more simplified and succinct policy. Furthermore HED consider that the supporting text does not demonstrate how Approach 3 will provide appropriate protection for Listed Buildings. We consider that the retention of the separate policies would prevent confusion for both applicants and assessors due to the different tests that have to be met for the following reasons;

From reviewing the BH9 and BH 13 Policies, HED considers that the wording of **BH9** is more suited to the specific 'design and location' requirements of a Listed Building in terms of its 'architectural form and detailing.' **BH13** refers to 'adversely affecting' the 'character, appearance or setting' of a CA, which although CAs are also protected under The Planning Act (NI) 2011, many of the buildings are not listed/historic and the area may include a '...variety of (architectural) styles, materials and forms of construction of several different periods, which together form a visually harmonious group,' Extract from PPS6 BH11. **BH9** uses the pretext 'normally only grant consent...', whereas **BH13** states 'not normally grant consent...', which means Policy BH9 is conditional on further standards being met and is more difficult to fulfill than BH13. **ATC3** aims to 'retain the overall character and appearance of the area,' but unlike BH13 does not refer to its setting. In addition to considering Public Safety, SPPS applies the requirement that signage proposals for LBs and ATCs should also meet the requirements of Strategic Policy on the 'Control of Outdoor Advertisements.' HED consider that there is an opportunity for DCSDC to provide further protection of the distinctive character of its' historic environment, by strengthening CA Signage Policy in its LDP. For these reasons HED considers that the three policies should remain separate, as they have differing strengths and applications.

Should Approach 3 proposed by DCSDC be taken forward, HED advises the new policy must provide the same level of protection as afforded currently. The Policy title should also be carefully considered as the term 'Built Heritage Assets' includes assets other than Listed Buildings, and buildings in a Conservation Area or Area of Townscape Character. HED would welcome the adoption of Approach 1, which proposes to 'Retain individual policies BH9, BH13 and ATC3' HED would also welcome guidance on appropriate signage in the Historic Environment.

BH12 New Development in a Conservation Area and **BH14** Demolition in a Conservation Area; HED highlights a possible Typo on page 18 – we understand that ‘Approach 2’ should read ‘Retain individual policies BH12 and BH14 with modifications’ and that it is this approach that DCSDC proposes to adopt.

HED agrees that policies BH12 and BH14 are very different and therefore we welcome their retention as separate entities and their modification to include the potential enhancement of CAs and justification for same. HED recommends that these policies be updated to reflect the legislative changes as per the Planning Act (NI) 2011 and strategic policy as per the SPPS.

BH15 Non-listed Vernacular Buildings, Industrial Heritage and Historic Buildings of Local Importance

BH15 The Re-use of Non-listed Vernacular Buildings; HED welcomes adoption of Approach 4 or Approach 5, which will retain BH15 and award greater protection to non-designated Industrial Heritage and Historic Buildings of Local Importance (in the event that they are identified in the LDP). We add that there is an opportunity to include additional text with policy SPPS 6.9 toward achieving better protection of Industrial and Defence Heritage assets and Shipwrecks.

Policy PPS6 BH15 articulates that as a criterion for re-use the building must be “structurally sound”. HED have concerns that this criteria has been open to misuse towards advocating demolition/dismantling to allow for redevelopment and we consider that this should be addressed. Those supplying evidence should be (as above for listed buildings) from a suitably accredited background with consideration as to how assets can be stabilised and secured. HED also recommends that parallel consideration is given to the amalgamation of BH15 with Policies CTY3 Non-listed vernacular Dwellings and CTY4 The Conversion and Reuse of Existing Buildings of Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside. Please see HED’s comments on the DCSDC review of PPS21 below, under ‘Interim Rural Proofing Document.’

Area of Townscape Character

ATC1 Demolition Control in an Area of Townscape Character; HED welcomes the retention of this Policy, which favours retention of any building which makes a positive contribution to the character of an ATC and where demolition is granted, this will normally only be conditional on prior agreement for the redevelopment of the site.

ATC2 New Development in an Area of Townscape Character; HED welcomes the retention of this Policy, which requires for proposed development to include for trees, archaeological or other landscape features which contribute to the distinctive character of the area to be protected and integrated in a suitable manner into the design and layout of the development.

ATC3 The Control of Advertisements in an Area Townscape Character (ATC); See comments with BH9, BH13 above.

Enabling Development

ED1 Enabling Development; HED welcomes the preferred Approach 1, which proposes to adopt the existing 'Enabling Development for the Conservation of Significance Places' policy as outlined in the SPPS and PPS 23.

Derry Area Plan 2011 – BE1-BE12

BE2, BE4, BE7, BE8, BE10, BE12 HED agree that these policies are encompassed within those corresponding policies of PPS6 and the SPPS.

BE3 Buildings at Risk; Without being able to review how BE3 shall be incorporated into BH1, BH2 and BH8 (which we understand DCSDC plans to merge with BH7 and BH11), HED cannot comment on this approach. We do however welcome consideration of Buildings at Risk in the LDP.

In order not to confuse the two, or to place similar emphasis on Buildings at Risk as Listed Buildings, it is important to separate the two subjects. HED considers it may be appropriate therefore to retain a separate policy toward addressing the subject of Built Heritage at Risk.

We highlight that not all heritage assets on the risk register are listed/protected and that there may be other historic environment structures at risk in the DCSDC area, which have not yet been identified as 'at risk' or appear on the BARNI register.

If referring to specific buildings at risk in the LDP, it would be prudent to clarify with UAHS prior to publication if the buildings you wish to refer to are still on the BARNI register. Alternatively it may be more positive to highlight buildings in the area that are now 'saved.' It would also be prudent to attain permission of any building owners prior to publication.

BE5 Development adjacent to the Walls; HED agrees with adopting Approach 3. We would also refer DCSDC to the Derry City Walls Conservation Plan and to Policy 15 of this plan which states: '*The contents of this Conservation Plan should be taken into account in the preparation of the new Local Development Plan for the Derry City and Strabane District Council area*'. The Council is part of the Management Group for the Walls and has signed up to this plan. We highlight that as well as its State Care Status, its status as a scheduled monument and the requirements for scheduled monument consent (under HMAO1995 need to be considered), as well as the provisions of SPPS 6.8

BE6 Environmental Improvements to the Walls; HED continue to carry out conservation related works on the fabric of the walls from time to time in line with legislative provisions and the Conservation Management Plan. We agree that policy BH1 adequately deals with this issue

BE9 Industrial Archaeology; HED welcomes the protection of non-designated Industrial Heritage assets in the LDP and considers that this is an opportunity for DCSDC to create a list of Historic Buildings/Assets of Local Importance (see section below). We add that there may be an opportunity to include supplementary text with policy SPPS 6.9 toward achieving better protection of Industrial and Defense Heritage assets and Shipwrecks.

BE11 Access to Buildings for People with Disabilities;

HED advises that when making alterations to Listed Buildings in line with the Disability Discrimination Act 1995 (DDA) and when making a Building Control application, that dispensation may be required for standards, in order to protect the historic fabric of the building.

Additional Approaches:

Historic Buildings of Local Importance; HED advocates Councils identifying Historic Buildings of Local Importance in their area and has recently published guidance on this topic 'Historic Buildings of Local Importance, A guide to their identification and protection - May 2017.' In considering the preparation of a list of non-designated Historic Buildings of Local Importance, such as vernacular dwellings we advise that the Record Only buildings on our Listed Building Database may be of assistance.

In this context, there are four main routes which a District Council could follow to protect Historic Buildings of Local Importance (please refer to HED's guidance, 'Historic Buildings of Local Importance, A guide to their identification and protection - May 2017,' for further information):

- By Regional and Local Development Plan policy.
- By list and associated policy.
- By policy and identification on the Local Development Plan.
- By policy, identification and Article 4 Direction.

Areas of Townscape Character; HED agrees with Approach 3. HED highlights that Areas of Townscape Character and Areas of Village Character are designated through the LDP. HED recommends articulating that proposals for redevelopment of vacant sites in ATC's should have a heritage led approach, taking into account the presence and setting of surrounding heritage assets.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside; Please see HED's comments on the DCSDC review of PPS21 below, under 'Interim Rural Proofing Document.'

Conclusion; HED welcomes the DCSDC approach of positively promoting good standards of the protection of the historic environment and the potential affect on these assets when considering LDP designations, zonings, settlement limits, development locations, proposals and the bringing forward of policies for their protection, conservation and enhancement. We also welcome the retention of the existing PPS6 policy led approach and advocate that with the introduction of any amendments, that the essential content and wording of the BH policies is retained.

We highlight also the importance of including the wording articulated in the SPPS, particularly 6.11 which includes wording to ensure appropriate reporting and archiving following archaeological excavations. We also highlight the importance of the explanatory amplification text for policies as outlined in PPS6, to enhance understanding of the policy background and of issues around significance, setting etc. For example in relation to sites of national/regional importance (BH1/SPPS.6.8) it is important to articulate

that development which adversely affects these sites or their settings should only be permitted where the development is in the interests of Northern Ireland as a whole. We also highlight that there is an opportunity through the Local Development Plan process, to make policy provision for conservation plans, to ensure that developments affecting strategic heritage assets e.g. Ebrington Barracks, or large airfield sites in the district adopt a heritage led approach. The use of conservation management plans should enable informed decision making in relation to these assets.

SECTION 11: SETTLEMENTS-PLACE-MAKING AND DESIGN VISION

Section 11 Place-making and design vision. Do you have any comment to make on this Section? Make your comment below:

HED considers that any policy framework to guide development and regeneration of settlements through place-making and design vision should have at its core the contribution of the historic environment. Historic environment assets, as collective heritage have a particular role to play in the promotion of cohesion and inclusivity. HED considers that there is an opportunity for the re-use of vacant historic buildings and sites (particularly Built Heritage at Risk) and by promoting the re-use of heritage assets within the LDP, vitality, sense of place and identity could be encouraged in the Districts various types of settlements.

HED welcomes the many references to historic environment assets in this section and we consider that the historic environment should be protected, conserved and enhanced through the LDP and that new development in the setting of historic assets, including CAs, ATCs and AVCs should be heritage led and become 'Design Areas.' HED comments that the term setting applies to anything in the physical space that is part of, has an impact on, or contributes to the significance and distinctive character of a heritage asset, or through association with the site, or how the asset may be seen, understood or experienced.

HED recommends the consideration of existing policies and guidance as well as established design principles and the principles of conservation (maximum retention of historic fabric, minimum intervention, clarity, reversibility and sustainability) to achieve sympathetic design in these locations. The detailed design of development affecting the setting of heritage assets should be respectful in terms of scale, height, massing and alignment and use high quality, sympathetic materials, appropriate building techniques and any appropriate signage. It is important to be mindful of the presence and setting of existing heritage assets and archaeological remains that have yet to be discovered when zoning potential new development sites. We would also welcome potential new designations for ATCs and AVCs as referred to under 'Villages and Small Settlements' and the Councils consideration of creating a list of Heritage Assets of Local Importance (please refer to HED's guidance, 'Historic Buildings of Local Importance, A guide to their identification and protection - May 2017,' for further information).

HED is concerned that plans to address Sion Mills are being postponed until the 5 or 10 year review of the LDP. As one of the strategic historic environment assets in your district, HED highlight the importance of this significant Conservation Area and its many heritage assets and consider instead that it should be prioritised in the LDP, with a heritage led approach. Other locations, other than heritage environments, where HED considers that place-making and design vision would be beneficial are along arterial routes (including riversides and railways), gateways to settlements, greenways, vacant and brownfield sites, as well as creating connectivity between key locations and sites.

We advise that the Gazetteer of Historic Nucleated Urban Settlements may help inform thinking on the zoning of settlement boundaries and designated areas at these locations. HED consider that it is important that the historic cores of settlements are considered in any zonings, and that the impacts on the historic environment could be protected through appropriate policy. If part of the value of defining centres is to help create a sense of identity, consideration of the contribution of the historic environment to the evolution of these places, including open spaces and street patterns, is vital. Historic Environment designations and boundaries should be illustrated alongside settlement boundaries at Plan Strategy Stage. HED also highlight the potential for facilitating periodic public access to significant excavations, initiated through the planning process to facilitate, understanding, awareness and pride in the local historic environment and our collective heritage. The historic environment has an important and already

demonstrable role that is yet to be fully realised in the promotion of community cohesion and engagement.

HED suggests engagement with designers and applicants regarding the necessity for high quality design standards (e.g. through seminars, policies and guidance) and encouraging planning applications which use accredited consultants and the supply of comprehensive information in the application (Design and Access Statements), in order to achieve good quality design. Design competitions may a useful vehicle to achieving high quality design for significant proposed development. HED would be grateful for consultation of any Detailed Development Briefs and Supplementary Guidance regarding the heritage assets in the District and comment that any development affecting the fabric or setting of heritage assets would be subject to the correct approvals.

INTERIM RURAL PROOFING DOCUMENT

Interim Rural Proofing Document. Do you have any comment to make on this document? Make your comment below:

The landscape is inseparable from the historic environment and forms the immediate and wider rural setting of heritage assets. The historic environment and the setting of heritage assets often shares common pressures with Landscape and countryside with regard to sensitivity to development in the form of renewable energy (e.g. wind turbines), quarries, forestation, permitted development and clustering on farms, single rural dwellings and poor quality design of proposed development generally.

6.18, Page 20; HED is note that some opinions regarding 'Development in the Countryside,' lean towards relaxing planning policy to permit more development in the countryside in the form of replacement dwellings, ribbon development and more frequent permission for additional farm dwellings than 10 years etc., but would highlight the potential for negative impacts on historic environment assets in consequence, such as impacts on setting, removal of assets or impacts on below ground archaeological remains.

HED welcomes DCSDC's comments in the PPS21 Policy Review as follows;

- 7.20, Page 23; Encouraging the retention of vernacular dwellings,
- 7.21, Page 23; The retention of other issues such as fire damage properties, and appropriate design approach in line with CTY3.
- 7.24-7.27, Pages 24-25; To include buildings, which would be capable of sympathetic and sustainable conversion with little or no impact on the environment and to remove ambiguity regarding a 'suitable building'/'non-residential building' as described in CTY 4 and CTY1.

6.8, Page 16; Similar to issues identified in the Community Plan, HED welcome the reuse of vacant or underused historic buildings in the countryside, which are valuable heritage assets, to accommodate residential or business use and we consider that this would also benefit community cohesion, vitality and tourism in the area. Many historic structures in the countryside, such as mill complexes, vernacular buildings, barns and outbuildings, listed churches, halls, schools, large houses etc. need to be occupied and used regularly to ensure the integrity of their fabric and to retain their function. It may be advantageous in the LDP to identify such vacant historic/listed buildings and also those on the BHARNI

Register, for targeted conservation and reuse, in preference to new build development, or to provide policy which encourages the re-use of these assets.

Landscapes associated with Historic Parks, Gardens and Demesnes significantly contribute to the local landscape and those that are open contribute to the health and wellbeing of rural communities, as important resources for leisure and exercise. We would strongly advise that those developing the plan utilise our suite of historic environment datasets to identify heritage assets such as archaeological sites and listed buildings, around which new areas of open space could be designated, particularly those with significant open space and/or designed landscapes, or that are council owned assets e.g graveyards.

With reference to Greenways and active travel paths, HED would welcome sympathetic re-use of any disused railway lines, canal towpaths, or other routes which are an important asset of Industrial Heritage. We comment that in the event of a historic routeway being used, associated disused structures associated with the network may be listed or of special architectural or historic interest. It may contribute to the quality of the area to also restore any of these features, subject to attaining the appropriate approvals.

INTERIM EQUALITY IMPACT ASSESSMENT

Interim Equality Impact Assessment. Do you have any comment to make on this document? Make your comment below:

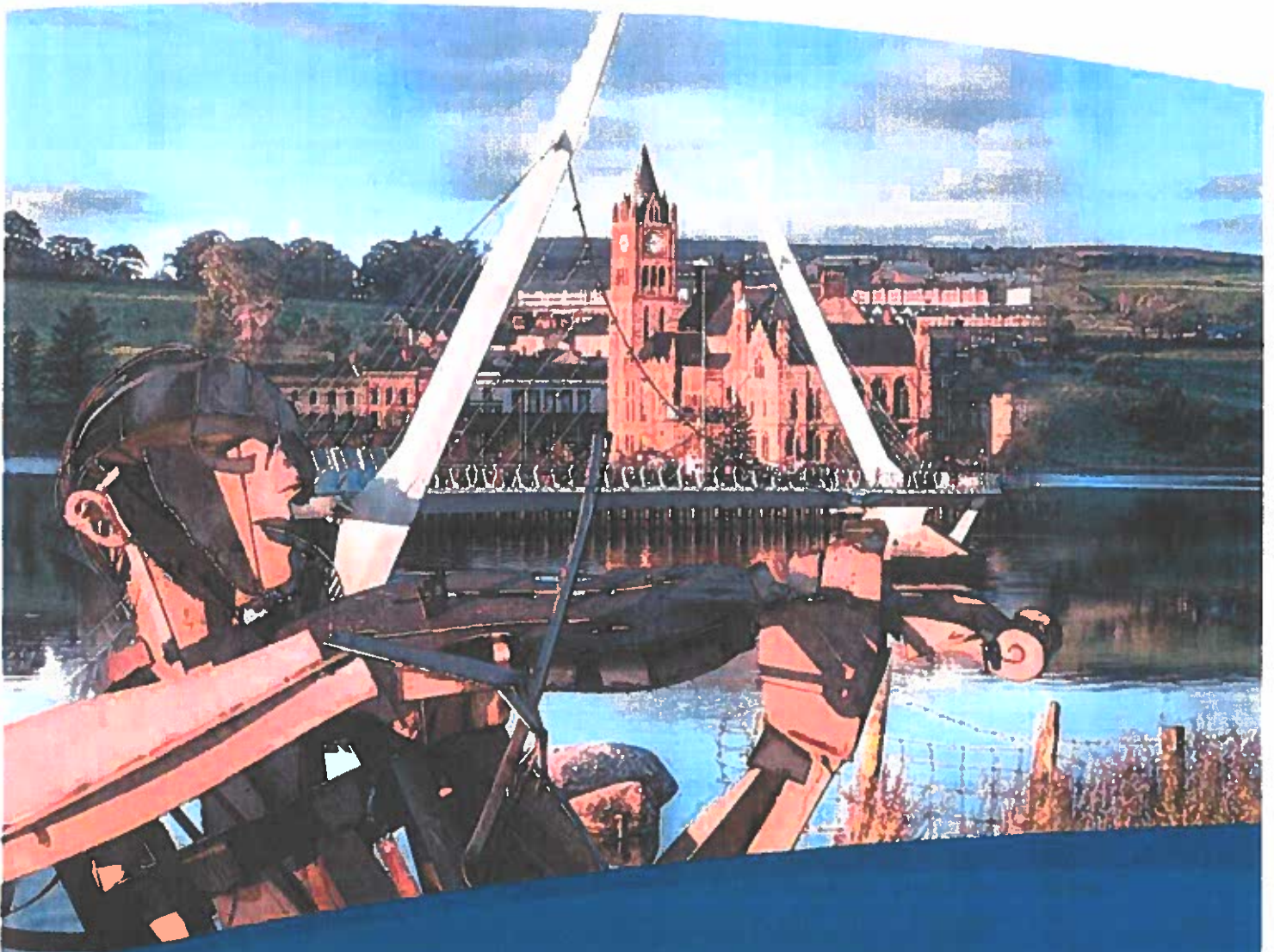
HED advise that when making alterations to Listed Buildings for people with a disability in line with the Disability Discrimination Act 1995 (DDA) or an associated Building Control application, that dispensation may be required in order to protect the historic fabric of the building.



Derry City & Strabane
District Council
Comhairle Chathair
Dhúirí & Strabain
in Osráid Bheag
Derry City & Strabane
District Council

DERRY CITY & STRABANE DISTRICT COUNCIL

LOCAL DEVELOPMENT PLAN (LDP) 2032



DRAFT PLAN STRATEGY

Tourism Chapter – Draft, April 2019

derrystrabane.com/ldp

14.0 TOURISM – CONFIDENTIAL DRAFT

Context

- 14.1 Tourism in the District has been strong in recent years, generating wealth, jobs, exports, civic pride and innovation, spearheaded by city breaks, festivals and cultural events. Investment in tourism brings new facilities to Derry City, Strabane, our other settlements and surrounding countryside. It also provides the opportunity to get maximum benefit from our wealth of environmental and heritage assets including our waterways, landscapes and built heritage. The area boasts a remarkable heritage, of which the historic City Walls are the most striking feature. There are also well-being benefits to be gained by a more active resident population who are motivated to be out and about exploring more of the District's tourism assets and amenities.
- 14.2 Tourism has potential to drive economic growth and this is gaining further recognition through the NI Executive's Draft Programme for Government (2016 – 2021) and the NI Executive Economic Strategy. The Regional Development Strategy 2035 (RDS) and the Strategic Planning Policy Statement (SPPS) seeks to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. The District's Strategic Growth Plan 'Our Community Plan' (SGP) and Derry City and Strabane District's Tourism Strategy 2018-2025 documents have highlighted the importance of tourism in terms of creating and sustaining jobs as well as the positive impact that it has for communities.
- 14.3 The Local Development Plan Strategy vision and objectives are to continue to sustain, grow and regenerate the City and its promotion as a major tourist destination while respecting its heritage assets, exceptional landscape setting and historic walled centre through sensitive development. **Derry City and Strabane with its maritime and industrial heritage as well as event festivals, nightlife and a strong cultural vibe creates a strong tourist offering. There have been recent developments in key urban areas that draw people to visit the area, whilst not necessarily being tourist amenities.** In the District's settlements, the objective is to ensure tourism contributes positively to urban regeneration and capitalises on the wider North West cross-border location. The objective in the rural area of the District is to develop sustainable rural tourism especially through assets such as the Sperrin AONB, particularly Sawel / Dart mountains and the Glenelly Valley and to promote walking trails such as the Appalachian Way / Ulster Way and the Sperrins Scenic Driving Routes.
- 14.4 Tourism Hubs, Gateways and Historic Villages are important to welcome and encourage any future tourism developments in these parts of the District. Our main Tourism Hubs are Derry City with its city breaks, rich heritage, festivals, maritime history, accommodation and restaurants as its main tourism strengths and Strabane Town with its cross border location, **industrial heritage**, historic persons, etc. Our identified Sperrin Tourism Gateways are Claudy, Strabane, Donemana, Newtownstewart and Plumbridge with **Castederg** being identified as the Tourism

Gateway to the south-west of the District. The villages of Sion Mills, Newtownstewart and Eglinton are recognised as important attractive historic villages.

The Council's LDP Strategy for Tourism

- 14.5 Derry City will remain the prime tourism opportunity and will have the greatest economic benefit. Elsewhere, the main tourism development opportunities are in our key settlements across the District. With the Council's increased role in promoting tourism development, it is the LDPs Tourism Strategy to support and facilitate appropriate sustainable tourism development to fulfil the District's tourism potential as well as protect tourism assets within the District. Proposals will be directed primarily to the city, towns and other key settlements in order to ensure that there will be economic benefit and environmental sustainability across our District. In exceptionally defined circumstances, there may be a need for an attraction or infrastructure close to the tourism asset, so long as these proposals are sustainable and high quality forms of development. This Strategy aligns with the RDS, the SPPS and the Council's Strategic Growth Plan and Tourism Strategy.

Designations and Zonings

- 14.6 The Tourism Strategy will seek to channel tourism development to potential tourism growth areas, as required by the SPPS, particularly to the key settlements and where they are sensitively related to the District's tourism assets. Any specific sites that are identified for significant or flagship tourism-related proposals will be shown on the maps included in the LDP Local Policies Plan (LPP). The LDP will also protect those tourism assets and our sensitive areas by designating Special Countryside Areas (SCAs), Areas of High Landscape Importance (AoHLI) and other natural / built heritage designations. Such opportunity / protection areas are largely consistent with similar designations in adjoining Districts, especially in the Sperrins. This Council are co-operating with adjoining Districts, particularly with regard to the Future Search and the Sperrins Forum for the ongoing management of the Sperrins. The key settlements for tourism and strategic tourism assets are shown in the following diagrammatic map:

Tourism Policies

- 14.7 A positive approach will be adopted in determining applications for tourism development in the District, especially for those proposals which are sustainable and will result in high quality forms of development. Policies for proposals in the countryside will ensure that tourism development is carefully managed. The following policies including one to safeguard tourism assets as well as policies for tourism development in the urban and countryside areas which have been tailored to meet the specific circumstances of the District and will reflect the aim, objectives and policy approach of the SPPS.
- 14.8 All development proposals in relation to tourism development will need to be particularly cognisant of the LDP principles to promote sustainable development and being resilient to climate change, as well as the respective LDP sections, especially

Natural Environment, Built Heritage, Economic Development, Transport, City and Town Centres and Housing in the Countryside.

TOU 1 Safeguarding of Tourism Assets

Planning permission will not be granted for development that would in itself, or in combination with existing and approved development in the locality have an adverse impact on a tourism asset such as to significantly compromise its tourism value.

This policy provides for the safeguarding of all tourism assets, including those which are also subject to protection under built and natural heritage legislation.

- 14.9 A tourism asset is defined as any feature associated with the built or natural environment which is of intrinsic interest to tourists. The safeguarding of tourism assets from unnecessary, inappropriate or excessive development is a vital element in securing a viable and sustainable tourism industry. To allow such development could damage the intrinsic character and quality of the asset and diminish its effectiveness in attracting tourists. There are many diverse features of the built and natural heritage in our District that can be regarded as tourism assets in that they are important in attracting tourists and sustaining the tourism industry. Key assets include the Derry Walls, the largest state care monument in NI and the Sperrin AONB, a largely mountainous area of great geological complexity, penetrated by narrow glens and deep valleys. The AONB is also rich in historic and archaeological heritage and folklore. A list of indicative tourism assets has been identified in the Tourism Evidence Base Appendix; however it cannot be definitive, especially given the subjective, changing and non-physical nature of some assets.
- 14.10 The policy is applicable to all forms of development which may impact adversely upon a tourism asset. Adverse impact will include visual impact, for example within an Area of High Landscape Importance or in a Conservation Area, either of which could be important for attracting tourists. Adverse impact upon a tourism asset could also arise through other sources, for example odour, noise, dust or pollution of air or watercourses. Some tourism assets are already subject to protection from inappropriate or excessive development through statutory designation. This policy is intended to afford protection to other undesignated environmental assets primarily on the basis of their tourism value.
- 14.11 However, this policy is not intended to restrict all development. Development that will not significantly compromise the overall tourism value of the asset may be facilitated. Where the tourism asset is large scale, for example our AONB, there will be key locations such as the Special Countryside Area, Areas of High Landscape Importance, Appalachian Way and the Sperrins Scenic Driving Routes, which will be safeguarded in the first instance.

TOU 2 Tourism Development in Settlements

Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement, provided it is of a nature appropriate to the settlement and respects the site context in terms of scale, size and design. All proposals must meet the Development Principles set out in Section 7, in terms of Sustainable Development and also the normal Operational Planning criteria including residential amenity, traffic generation, etc.

All tourism developments should be located in one of the ten tourism settlements identified in para 14.4; developments in any other settlements need to demonstrate a location-specific case as to why they cannot be located in the identified settlements. Within Derry City and Strabane, they should be centrally located to be accessible and to maximise the use of existing infrastructure.

It is important that all proposals for tourism development in settlements are of a high quality and that they meet an identified tourism need or market. They must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience.

Justification and Amplification

- 14.12 There will be a general presumption in favour of tourism development within settlements, subject to meeting normal planning criteria, but particularly to focus our tourism on the ten identified tourism hubs, gateways and attractive historic villages. Tourism can support existing services and facilities such as retail, catering, entertainment, leisure, and transport as well as promoting a sense of urban vitality.
- 14.13 In Derry City and Strabane District, the current tourism offering is strongest in relation to heritage and culture, of which the historic City Walls are the most striking feature. It is important to recognise that any proposals for tourism development are of a high quality to ensure that there are substantial benefits derived from them and that they will have a positive impact in Derry City, Strabane Town and our key settlements. They have the potential to continue to develop our heritage, improve our buildings and waterfront assets and more recently our cultural renaissance that has taken place in urban areas such as world class events and festivals throughout the year. In addition to 'tourism' developments, it is important to ensure that other types of development should contribute, or not harm, the attractiveness of the settlements for visitors, including a rich shopping offer, culture / night-life, murals, broadband, pedestrianisation, parking, buildings / townscape, etc. Refer to Section 28: Place Making and Design as it relates to the settlements.
- 14.14 In specific locations, tourism can provide a focus for regeneration schemes or may be a key component of mixed use development. Tourism benefits from the synergy arising through the concentration of hotels, museums, art galleries, conference

facilities, restaurants, bars, cinemas and theatres, particularly within city/town centres. While the policy will provide for tourism development within settlements, account will be taken of the nature, size, scale and design of the development and its impact on the appearance and character of the surrounding area and neighbouring residential amenity. These considerations and the need for high quality design in particular, will be afforded substantial weight within Conservation Areas and Areas of Townscape Character.

There can be tourist accommodation which are marketed under short-term-let tourist accommodation, such as B&Bs and serviced / self-catering apartments for example. Such uses may be 'permitted development' if there is no material change of use. Applications for such proposals in settlements will be dealt under this policy and those in the Countryside under policy, TOU 4.

TOU 3 Tourist Amenities in the Countryside

New Proposals for tourist amenities in the countryside.

Planning permission will be granted for a tourist amenity in the countryside where it is demonstrated that:

- a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside, or
- b) the type of tourist activity in itself requires a countryside location.

All proposals that include buildings must utilise existing or replacement buildings, where possible.

Where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it must demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Such applications must be supported by a Tourism Benefit Statement and a Sustainable Benefit Statement.

Extension of an Existing Tourist Amenity

A proposal for the extension of an existing tourist amenity will be permitted where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area.

Where possible, such proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option. In circumstances where the Council accepts a new or replacement building, it should be sited and designed so as to integrate with the overall development.

Any conversion, extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest they may have.

Justification and Amplification

- 14.15 A tourist amenity (as defined by the Tourism (NI) Order 1992) is an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. Tourist amenities are diverse in terms of their nature, scale and function and not all proposals will be suited to an urban location. The policy therefore provides for tourist amenities in the countryside where the tourism activity and associated facilities require a rural location in terms of their functional or site / area specific requirements.
- 14.16 There are many opportunities for activity-based tourism, particularly in the rural parts of the District as recognised in the Tourism Strategy. The Rural Development Programme (RDP), assists in supporting rural communities and improving the quality of life and economic prosperity in the area. It is important that the applicant ensures there is a compatibility with the Planning policy and the RDP funding criteria as well as subject to other Planning criteria.
- 14.17 The impact of proposals on rural character, landscape and natural / built heritage is an important consideration in their assessment, particularly within areas designated for their landscape, natural or cultural heritage qualities. In order to facilitate assessment of regionally significant or large scale proposals, applications must be accompanied by a tourism benefit statement and a sustainable benefit statement to demonstrate the value of the proposal in terms of tourism revenue and employment opportunity and also how it will further the Council's Tourism Strategy. The Council will refer such proposals to the Northern Ireland Tourist Board for comment in regard to tourism benefit. Tourism proposals will be particularly welcomed which complement and utilise the Appalachian/Ulster Way and the Sperrins Scenic Driving Routes to attract tourism to the area. See Appendix X in LDP for requirements of a Tourism Benefit Statement and a Sustainable Benefit Statement.

TOU 4 Hotels, Guest Houses, B&Bs and Tourist Hostels in the Countryside

All of these types of accommodation within settlements are assessed against TOU 2 and such accommodation in the countryside will be dealt with under this policy:

Retention / Conversion / Extension and addition to existing building(s):

Planning permission will be granted for the retention / conversion / extension and addition to existing building(s) for a new hotel / guest house / tourist hostel in the countryside.

New / Replacement Buildings:

Planning permission will be granted for a new hotel / guest house / tourist hostel in the countryside in the following circumstances and will be assessed under the specified criteria:

- (a) The replacement of an existing rural building;
- (b) A new - build proposal is on the periphery of a settlement.

Where there is no suitable site within a settlement, a new - build hotel, guest house, or tourist hostel may be appropriate on the periphery of a settlement subject to meeting normal planning requirements.

Replacement of an Existing Rural Building:

A proposal to replace an existing building in the countryside with a hotel, guest house or tourist hostel will be permitted subject to the following specific criteria:

- the existing building is of permanent construction;
- the existing building and its replacement are both of sufficient size to facilitate the proposed use.
- the existing building is not a listed building;
- where the existing building is a vernacular building and is considered to make an important contribution to local heritage or character, replacement will only be approved where it is demonstrated that the building is not reasonably capable of being made structurally sound or otherwise improved;
- the redevelopment proposed will result in significant environmental benefit;
- the overall size and scale of the new development, including car parking and ancillary facilities, will allow it to integrate into the surrounding landscape and will not have a visual impact significantly greater than the existing building;
- the design is of high quality, appropriate to the rural setting and has regard to local distinctiveness;
- access, car parking and other necessary services are available or can be provided without significant adverse impact on the environment, the appearance and character of the locality and road safety.

New Build Hotel, Guest House, B&B or Tourist Hostel on the periphery of a Settlement.

A firm proposal to develop a hotel, guest house, B&B or tourist hostel on land at the periphery of a settlement will be permitted if there is no suitable site or opportunities within the settlement or other nearby settlement either through the conversion or replacement of a suitable building(s) and the development is close to the settlement, but will not dominate it, adversely affect landscape setting, or otherwise contribute to urban sprawl.

Where the principle of a new building on the periphery of a settlement is established through meeting the above criteria, the Council will apply a sequential locational test, with preference being attributed to sites in the following order:

- land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
- a site on the periphery of the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment;
- an undeveloped site close to the settlement where the development could be visually integrated into the landscape.

Any proposed change of use or replacement of a hotel, guest house or tourist hostel approved under this policy to a non-tourism use will be resisted, unless it is

demonstrated that the facility is not viable in the long term and there is sufficient alternative provision in the locality to offset the loss of tourism benefit.

Expansion of Existing Hotels, Guest Houses, B&Bs and Tourist Hostels

A proposal for the expansion of an existing hotel, guest house, B&B or tourist hostel will be permitted subject to the following specific criteria:

- (a) new or replacement building(s) are subsidiary in terms of scale to the existing building(s) and will integrate as part of the overall development;
- (b) any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

It is important that all proposals for tourist accommodation are of a high quality and that they meet an identified tourism need or market. They must therefore demonstrate how they make a positive and sustainable contribution to the tourism offer and visitor experience.

Justification and Amplification

14.18 Where there is no suitable site within a settlement, a new build hotel, guest house, B&B or tourist hostel may be appropriate on the periphery of a settlement subject to meeting normal planning requirements. The potential for the conversion and re-use of suitable rural buildings for tourism uses, including use as a hotel, guest house or tourist hostel, will be assessed under Policy AGR 3; (The conversion and re-use of existing buildings for agricultural and other suitable rural uses). Redevelopment of appropriate building(s) for such uses, will be favourably considered in circumstances where the environmental benefit of full or partial replacement will outweigh the retention and conversion of the building. The condition of the building and the economic feasibility of repairing and maintaining it will also be taken into account in assessing such proposals. Good design is of paramount importance and redevelopment proposals must be sensitive to the rural setting and local distinctiveness. Those supplying evidence in relation to the replacement of a non-designated vernacular building should be from a suitably accredited and / or experienced conservation background. Reports should provide recommendations for conservation or stabilisation options alongside evidence that all options have been considered and exhausted to retain the structure.

14.19 New Build Hotels, Guest Houses, B&Bs or Tourist Hostels should usually be located within settlements in order to take advantage of existing services and facilities, provide ready access for visitors and employees and to minimise the impact on rural amenity and character. However, it is important that firm proposals for such projects are not impeded due to a lack of suitable land within settlements. Where the case for a location outside a settlement in such an area can be clearly demonstrated, the

selected site should be as close to the settlement as possible, subject to amenity and environmental considerations, as this is usually more sustainable than a more remote site.

14.20 A proposal must also respect the character of the settlement and its setting in the surrounding landscape. This in turn will require careful site selection, layout, design and landscaping. Proposals which are deemed to be acceptable in principle will be required to include sufficient mitigation measures, including landscaping and design, to ameliorate any negative impacts and secure higher quality development. All applications must provide sufficient evidence to indicate how firm or realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project including:

- detailed information to illustrate that there is no reasonable prospect of securing a suitable site within the limits of the particular settlement or other nearby settlement;
- justification for the particular site chosen and illustrative details of the proposed design and site layout.

The grant of planning permission will not in itself allow for inappropriate alternative uses if an approved scheme for some reason does not go ahead. While the Council cannot require business enterprises which become uneconomic to continue, alternative land uses will only be approved if there is sufficient alternative accommodation in the locality to provide for tourism benefit. The Council's Tourism Department is to be consulted with regard to such applications and NITB will also be consulted for developments of a significant scale.

Most B&Bs are 'permitted development' in urban and rural situations; however where there is a new-build or material change of use, planning applications are required for B&Bs and will be assessed under this policy. Usually Bed and Breakfasts are found in residential areas and in addition to the relevant policy above, they will also be considered against other general planning criteria including the quality of proposal, the design, impact on residential amenity, parking, noise and traffic generated from the proposal (see chapter 7: Development Principles).

There can be tourist accommodation which is marketed under short-term-let tourist accommodation such as B&Bs and serviced / self-catering apartments for example. Such uses may be 'permitted development' if there is no material change of use. Applications for such proposals in settlements will be dealt with in policy TOU2 (Tourism Development in Settlements) and those in the Countryside under this policy, TOU 4.

TOU 5 Major Tourism Development in the Countryside – Exceptional Circumstances

A proposal for a major tourism development in the countryside will be permitted if it meets all of the following exceptional circumstances:

- (a) demonstration of exceptional benefit to the tourism industry in the District or Region;
- (b) demonstration that the proposal requires a countryside location by reason of its size or site specific or functional requirements;
- (c) demonstration of sustainable benefit to the locality.

All proposals brought forward under exceptional circumstances must be accompanied by a statement demonstrating how the proposal meets the 3 criteria.

14.21 This policy makes provision for major tourism development projects (including accommodation and amenities) in the countryside in exceptional circumstances for proposals that offer exceptional benefit to the tourism industry in the District. A proposal that offers a tourist amenity likely to attract significant numbers of visitors along with a commensurate level and quality of visitor accommodation will be considered under this policy. This policy will be expected to be accompanied with the following information:

- A Tourism Benefit Statement (see Appendix X) that will demonstrate the value of the proposal in terms of tourism revenue, increased visitor numbers to the Region and the District.
- Sufficient evidence to demonstrate how realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project.
- Justification for the particular site chosen and illustrative details of the proposed design and site layout.
- A Sustainable Benefit Statement (see Appendix X) taking account of the considerations will be required.

All such proposals in the countryside, to be considered under exceptional circumstances, will be subject to consultation with the Northern Ireland Tourist Board and the Tourism Section of the Council and other relevant group concerned with tourism development in the general locality. The impact of proposals on rural character, landscape and natural / built heritage is an important consideration in their assessment, particularly within areas designated for their landscape, natural or cultural heritage qualities.

TOU 6 Self-Catering Accommodation in the Countryside

All of these types of accommodation within settlements are assessed against TOU 2 and such accommodation in the countryside will be dealt with under this policy:

Planning approval will be granted for self-catering units of tourist accommodation in any of the following circumstances:

(a) one or more new units all located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;

(b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;

(c) the restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable, original materials and finishes should be included.

In either circumstance (a) or (b) above, self-catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.

Where a cluster of self-catering units is proposed in conjunction with a proposed or approved hotel, self-catering complex, guest house or holiday park and / or tourist amenity, a condition will be attached to the permission preventing occupation of the units before the primary tourism use is provided and fully operational.

All permissions for self-catering accommodation will include a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation.

The overall design of the self-catering scheme, including layout, the provision of amenity open space and the size and detailed design of individual units, must deter permanent residential use. To this end, permitted development rights in respect of plot boundaries will also be removed.

This policy on self-catering units includes substantial cabins of various types e.g. wooden huts and chalets where there are substantial connections to services and facilities within the units. Refer to TOU 7 for Glamping, where the accommodation is for smaller, temporary-appearing and mobile-type structures such as yurts, pods, rail carriages, etc. with limited fixed facilities.

It will be necessary to provide a Tourist Benefit Statement and a Sustainable Benefit Statement to demonstrate how the proposal will be marketed, funded and operated.

Justification and Amplification

- 14.22 This policy provides sustainable economic benefits and opportunities for self-catering tourist accommodation in the countryside particularly in areas where tourist amenities and accommodation have become established. The policy will also provide sustainable environmental benefit through focusing self-catering development in existing nodes of tourism activity, thereby avoiding random development throughout the countryside and safeguarding the value of tourism assets. The applicant will need to provide evidence of how the proposal will be funded and operated through a tourist benefit statement and a sustainable benefit statement – see Appendix X for details.
- 14.23 Where units are proposed in association with a tourist amenity, the policy requires that the tourist amenity must be a significant visitor attraction in its own right. The Council's Tourism Department is to be consulted with regard to such applications to take account of the Council's Tourism Strategy and NITB will also be consulted for developments of a significant scale. Where self-catering units are permitted on the basis of an associated tourist accommodation or a tourist amenity, it is imperative that the primary tourism use which provides the justification is in place and functioning, before the units become operational. The requirement for approved self-catering units to be retained in tourism use and not used for permanent residential accommodation will seek to ensure that tourist accommodation is available to benefit local communities in rural areas and that the unauthorised use of approved tourist accommodation as a private dwelling(s) does not occur.
- 14.24 Permanent residential use of self-catering units will also be deterred through design. Such units will be required to demonstrate an informal site layout with communal open space only. Informal road layout without designated car parking will also be required. Individual units must be of appropriate design for holiday use, for example rural cottage style, with possible restrictions on floorspace and building height. Plot divisions between units by means of fences or walls will be prevented through the removal of permitted development rights. The policies in the relating to the conversion and reuse of rural buildings, farm or forestry diversification may provide other opportunities for small scale, including single unit, self-catering accommodation in the countryside. See Chapter X, Policy AGR 1 Farm Diversification.

TOU 7 New and Extended Holiday Parks

Planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development. Holiday Parks include static caravan holiday homes and holiday chalets, touring caravans, motor homes, camping sites and glamping.

Please refer to Policy TOU 2 for proposals such as this, if they are located in settlements.

The applicant will need to demonstrate how all of the above types of accommodation are close to, or avail of, an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right or linked to a Farm Diversification scheme – see Chapter X, Policy AGR1 Farm Diversification.

The applicant will need to provide evidence of how the proposal will be funded and operated through a Tourist Benefit Statement and a Sustainable Benefit Statement – see Appendix X for details.

The location, siting, size, design, layout and landscaping of the holiday park proposal, including proposals for glamping accommodation, must be based on an overall design concept that respects the surrounding landscape, rural character, site context and does not impact on any adjacent and designated built or natural heritage features. Proposals for holiday park development must be accompanied by a layout and landscaping plan and will be subject to the following specific criteria:

- (a) The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;
- (b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area;
- (c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;
- (d) The layout of caravan pitches / motor homes, or camping / glamping pitches or structures is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;
- (e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;

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- (c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;
- (d) The layout of caravan pitches / motor homes, or camping / glamping pitches or structures is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;
- (e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;

- (f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;
- (g) Mains water supply and sewerage services must be utilised where available and practicable.

Justification and Amplification

- 14.25 Holiday parks are important for the domestic tourism market in terms of the volume of rural tourism bed spaces they provide and the economic benefits that flow from this scale of tourism activity. It has been identified that there has been under provision of caravan and holiday park accommodation in both rural and urban parts of the District. This type of accommodation can also provide social benefits to those who use it.
- 14.26 Such parks may offer a range of accommodation, including static caravan holiday homes and holiday chalets, touring caravans, motor homes, camping sites and glamping in the countryside as well as a diverse range of infrastructure and amenity provision. It is important that they are located in existing areas of tourism activity or they avail of nearby tourism assets, thereby avoiding random or un-justified development throughout the countryside and safeguarding the value of tourism assets.
- 14.27 Glamping has become increasingly popular as a type of tourist accommodation as a new form of Holiday Park or as part of an existing holiday park. Glamping is defined as a form of camping involving accommodation and facilities more luxurious than those associated with traditional camping. Whilst they are eco-friendly in nature, it is important that they provide sustainable environmental benefits through ensuring that the proposal is of a modest size, with limited connections to services and has an appearance that is temporary in nature. See Policy TOU 6, Self-Catering in the Countryside for proposals that are for self-catering units including substantial cabins of various types e.g. wooden huts, chalets etc. where there are connections to services and facilities within the units.
- 14.28 Appropriate site selection is therefore crucial in order to ensure visual integration into the landscape and to avoid detrimental impact upon environmentally sensitive sites. The importance of design, layout and landscaping in order to achieve high quality development that integrates into the landscape and respects the surrounding rural context as well as providing a pleasant environment for users of the holiday park is important. It is acknowledged that new holiday parks incorporating these elements may typically require somewhat larger sites than traditional high density parks and therefore the right site is fundamental. Refer to Flooding Chapter 26 to ensure that the proposed site is not in an area likely to be at risk from flooding and the proposed development will not significantly increase such risks in the locality.

14.29 In accordance with the requirements of the SPPS, the LDP Local Policies Plan (LPP) will identify the detailed boundaries of the Areas of High Scenic Value (AoHSV) and Special Countryside Areas (SCA).

14.30 Following adoption of the LDP, the Council will monitor the amount and type of 'tourism' developments that are permitted / implemented. Hence, an assessment can be made of whether the LDP policies are being effective in achieving the relevant LDP objectives, so that any adjustments can then be made, at the LDP 5-yearly review and / or the LDP replacement.

APPENDIX 1 – Tourism Benefit Statement and Sustainable Benefit Statement

Developers are advised to engage with the Council at an early stage to ensure that all necessary information for any tourism development proposal, as considered necessary is provided. The Developer is advised to refer to the relevant Development Principles in Chapter 7, as well as information that may be required for certain tourism development projects including the following:

Tourism Benefit Statement:

- (a) Environmental Impact Assessment (EIA). Certain tourism developments, depending on their nature, scale or location may be likely to require Environmental Impact Assessment (EIA) under the provisions of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. Schedule 2 of the Regulations lists a number of categories of development, including defined tourism and leisure related projects, which will be likely to require an EIA if they meet or exceed the thresholds specified in the Schedule. In addition, where such development is located within a "sensitive area", EIA will also be required if it is likely to have a significant effect on the environment.
- (b) Transport Assessment. A Transport Assessment may be required in order to evaluate the transport implications of the development proposal, where it likely to have significant travel generating uses. The DfI's Transport Assessment Supplementary Planning Guidance for Development Proposals will provide detailed information on this process and should be considered.
- (c) Details on the viability of the proposal in terms of tourism revenue and employment and increased visitor numbers to the Region / NI and the District.
- (d) Sufficient evidence to demonstrate how realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project. Provide information on an identified tourism market and marketing plan;
- (e) Justification for the particular site chosen and illustrative details of the proposed design and site layout.

Sustainable Benefit Statement:

- (a) Details that the proposal will enhance the range and quality of tourism attractions and facilities in the local area;
- (b) Details that the proposed development will extend the tourist season in the local area;
- (c) There will be significant utilisation of local goods and services, including trades and crafts;
- (d) That the proposal is an important element in farm or broader rural diversification;
- (e) That the proposed development will help to protect or improve an environmental asset associated with either the natural or built heritage;

(f) That the proposed development will enhance biodiversity, for example through the creation or improvement of wetland or woodland habitat.