

**From:** [Planning Section](#)  
**To:** [Forward Planning Team](#)  
**Subject:** FW: HISTORIC ENVIRONMENT DIVISION RESPONSE TO ANBC - draft Plan Strategy & draft Sustainability Appraisal Questionnaire  
**Date:** 18 September 2019 15:08:18  
**Attachments:** [HED Response Antrim & Newtownabbey - dPS - draft SA SEA questionnaire.pdf](#)  
[Historic Environment Division response on Antrim & Newtownabbey - dPS - draft Plan Strategy questionnaire.pdf](#)

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[Planning Section](#) | | [Ext:](#)

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**From:** [REDACTED]  
**Sent:** 18 September 2019 14:57  
**To:** Planning Section <planning@antrimandnewtownabbey.gov.uk>  
**Cc:** [REDACTED] Sharon Mossman  
 <Sharon.Mossman@antrimandnewtownabbey.gov.uk>; [REDACTED]  
 <[REDACTED]>  
**Subject:** HISTORIC ENVIRONMENT DIVISION RESPONSE TO ANBC - draft Plan Strategy & draft Sustainability Appraisal Questionnaire

Dear Sir/Madam,

**DfC HISTORIC ENVIRONMENT DIVISION RESPONSE to draft PLAN STRATEGY and draft SUSTAINABILITY APPRAISAL (INCORPORATING the SEA) REPORT**

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 online questionnaires.

At the outset of our response HED would like to commend ANBC for their demonstration of usage of the historic environment evidence in informing the production of their development plan strategy. While we have articulated some responses around soundness of certain policies within the plan, HED advise that on the whole we can see, through the published draft plan strategy documentation, how the historic environment evidence bases have been utilised and taken into account in informing the plan, and in particular, the settlement evaluation.

Where HED consider 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 (section 10). 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.

In addition, HED has provided comments in relation to some of the evidence papers to aid the council in making them more robust and to help in further consideration of the historic

environment evidence bases in relation to zoning at Local Plan Policies stage.

We look forward to continuing to work with you through the LDP process and should you wish to discuss any of our comments within the questionnaire attached please contact us at the address below.

In relation to our response documents, we would request that email contact details, personal names and phone numbers be redacted when our response is published online. We would be grateful for an acknowledgement of receipt for this email.

Yours Sincerely,

[Redacted Signature]

[Redacted Name]

**Senior Inspector of Historic Monuments | Heritage Records and Designations Branch**

**Historic Environment Division | Department for Communities**

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

**Contact:** [Redacted Phone Number]

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## Consultation Period

Antrim and Newtownabbey Borough Council has published its draft Plan Strategy, the first formal stage of the new Local Development Plan 2030, for public consultation.

The draft Plan Strategy is the first of two documents, which comprise the Local Development Plan 2030. It has been developed following extensive engagement with the public, stakeholders and our elected Members, including the publication of our Preferred Options Paper.

The draft Plan Strategy sets out how our Borough will grow and change up to the year 2030. It puts forward our Plan Vision for the future. It also contains a Spatial Growth Strategy indicating at a strategic level where growth should go in the Borough. It also sets out a range of Strategic Policies and Detailed Management Policies, which together will guide future planning decisions.

The draft Plan Strategy is published for formal public consultation over an 8-week period and the Council is inviting the submissions of representations, beginning on **Friday 26 July and closing on Friday 20 September 2019 at 5pm.**

The submission of representations in relation to the Council's draft Plan Strategy provides an opportunity for the public to influence the policies and proposals for the future planning and development within Antrim and Newtownabbey.

***Please note that representations received after the closing period will not be accepted and will be subsequently returned.***

Published alongside the draft Plan Strategy are a range of assessments including Sustainability Appraisal (incorporating the Strategic Environmental Assessment), a draft Habitats Regulation Assessment and an Equality (Section 75) Screening and Rural Needs Impact Assessment Report. These assessments are also subject to public consultation during the formal public consultation period closing on Friday 20 September 2019 at 5pm.

Copies of the draft Plan Strategy and all supporting documents are available to view and download from our website at:

[www.antrimandnewtownabbey.gov.uk/draftplanstrategy](http://www.antrimandnewtownabbey.gov.uk/draftplanstrategy).

Copies of all documents are also available for inspection at the Council Offices in Mossley Mill, Newtownabbey and Antrim Civic Centre, Antrim from Monday to Friday 8.30am to 5pm. Hard copies of the draft Plan Strategy are also available upon request.



## Soundness Testing

A key feature of Northern Ireland's new Planning System is 'Soundness' which requires the draft Plan Strategy document to be tested at Independent Examination (IE) in terms of content, conformity and the process by which it has been prepared. Derived from established practices in England and Wales, it is considered that 'Soundness' testing will provide a more effective basis for examining Local Development Plans and consequently contribute towards a shorter IE process.

The purpose of the IE is to determine if the draft Plan Strategy satisfies statutory requirements and is 'sound'. The presumption will be that the draft Plan Strategy is 'sound' unless it is shown to be otherwise as a result of evidence considered at the IE stage.

The tests of soundness are based upon three categories which relate to how the draft Plan Strategy has been produced, the alignment of the document with central government regional plans, policy and guidance and the coherence, consistency and effectiveness of the content of the draft Plan Strategy. The tests of soundness are set out below:

Procedural Tests	
P1	Has the DPD* been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
P2	Has the Council prepared its Preferred Options Paper and taken into account any representations made?
P3	Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?
P4	Did the Council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
Consistency Tests	
C1	Did the Council take account of the Regional Development Strategy?
C2	Did the Council take account of its Community Plan?
C3	Did the Council take account of policy and guidance issued by the Department?
C4	Has the Plan had regard to other relevant plans, policies and strategies relating to the Council's district or to any adjoining Council's district?
Coherence and Effectiveness Tests	
CE1	The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross-boundary issues are relevant it is not in conflict with the DPDs of neighbouring Councils.



CE2	The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
CE3	There are clear mechanisms for implementation and monitoring.
CE4	It is reasonably flexible to enable it to deal with changing circumstances.
<b>*Development Plan Document (DPD) – Comprises of the draft Plan Strategy</b>	

Further information on Soundness can be found in Development Plan Practice Notes published by the Department for Infrastructure (DfI). Of particular relevance is Practice Note 6 'Soundness' (Version 2) and Practice Note 9 'Submission and Handling of Representations', both are available to view at <https://www.infrastructure-ni.gov.uk/publications/development-plan-practice-notes>.

In addition, the Planning Appeals Commission has also produced guidance entitled 'Procedures for Independent Examination of Local Development Plans' available at <https://www.pacni.gov.uk/procedural-guides>.

## Making a Representation

As the main purpose of the IE is to determine whether the Development Plan Document (DPD) is 'sound', any person(s) wishing to make a representation to any part of the Plan should do so on the grounds of soundness. Any representation proposing a change to the Plan must demonstrate why the document is not sound having regard to the tests of soundness. Every representation should say precisely how the Plan should be changed in order to achieve soundness and should be supported, succinctly, by all the evidence thought necessary to justify the proposed change. Once the public consultation period has closed, **there will be no further opportunity to submit information unless the Commissioner requests it.**

Where several people share a common view on how the draft Plan Strategy should be changed, we encourage you to co-operate with each other, pool resources and make a single representation, for example, a local community group.

Those who make representations to the draft Plan Strategy should state whether they wish to have their representation considered at IE in writing or as an oral hearing. Unless people specifically request an oral hearing, the Commission will proceed on the basis that you are content that your representation will be considered in writing. The Commissioner will give every representation the same careful consideration regardless of whether the person who made it is heard orally or in written form.



## Points to Remember:

- Representations will be made publicly available for inspection at the Council's Offices and online for counter-representations;
- Complete all relevant sections of the response form;
- Clearly state why you consider the draft Plan Strategy to be 'unsound', having regard to the soundness tests;
- There will be no further opportunity to submit information once the public consultation period closes unless the Commissioner requests it;
- We would encourage you to submit separate forms for each representation you wish to submit;
- Every representation should say precisely how the draft Plan Strategy should be changed in order to achieve soundness;
- Representations should be supported, succinctly, by all the evidence thought necessary to justify the proposed change; and
- Clearly, state whether you wish for your representation to be heard orally or in writing.

## Submitting Your Representation

We recommend that you submit your representation via our on-line consultation hub, at [www.antrimandnewtownabbey.gov.uk/consultations](http://www.antrimandnewtownabbey.gov.uk/consultations), as this is the most efficient way to make a representation.

However, you can make a representation by completing this form and returning to us by **5pm on Friday 20 September 2019** either by email or by post.

**Representations received after the closing period will not be accepted and will be subsequently returned.**

## What Happens Next

When the consultation has closed, the Forward Planning Team will collate the representations received and as soon as reasonably practicable, publish these online for a further 8-week period of consultation to allow counter-objections to be made. The representations will also be available for public inspection during this period at the Council's Offices in Mossley Mill, Newtownabbey and Antrim Civic Centre, Antrim from Monday to Friday 8:30am to 5pm.

Once this period of counter-representations has closed, the Forward Planning Team will collate the counter-representations and publish these online. They will also be made available for public inspection at the Council's Offices in Mossley Mill, Newtownabbey and Antrim Civic Centre, Antrim from Monday to Friday 8:30am to



5pm. The next anticipated step will be for the Council to contact the Department for Infrastructure to request an Independent Examination of the draft Plan Strategy.

## Contact Us

For further assistance, please contact the Forward Planning Team at Mossley Mill, Newtownabbey:

**By Post** – Forward Planning Team

Mossley Mill

Carnmoney Road North, Newtownabbey

BT36 5QA

**By Email** – [planning@antrimandnewtownabbey.gov.uk](mailto:planning@antrimandnewtownabbey.gov.uk)

**By Telephone** – 0300 123 6677



## SECTION A – DATA PROTECTION AND CONSENT

Antrim and Newtownabbey Borough Council complies with the General Data Protection Regulation (GDPR) by producing a specific Local Development Plan Privacy Notice, which lets you know how we manage any personal information we receive from you. It contains the standards you can expect when we ask for, or hold, your personal information and an explanation of our information management security policy.

The Local Development Plan Privacy Notice can be found on our website at [www.antrimandnewtownabbey.gov.uk/gdpr/planning-gdpr/](http://www.antrimandnewtownabbey.gov.uk/gdpr/planning-gdpr/).

**Please note that when you make a representation (or counter-representation) to the Local Development Plan your personal information (with the exception of personal telephone numbers, signatures, email addresses or sensitive personal data) will be made publicly available on the Council's website.**

Copies of all representations will be provided to the DfI and an Independent Examiner (a third party) as part of the submission of the Local Development Plan for Independent Examination. A Programme Officer will also have access to this information during the IE stages of the Plan preparation

DfI, the Programme Officer the Independent Examiner will, upon receipt, be responsible for the processing of your data in line with prevailing legislation.

1. Please tick to confirm that you have read and understood the Council's Local Development Plan Privacy Notice.



I confirm that I have read and understood the Local Development Plan privacy notice and I give my consent for Antrim and Newtownabbey Borough Council to hold my personal data for the purposes outlined.

You can contact the Council's Data Protection Officer via:

**Post** - Antrim Civic Centre, 50 Styles Way, Antrim BT41 2UB

**Email** - [DPO@antrimandnewtownabbey.gov.uk](mailto:DPO@antrimandnewtownabbey.gov.uk)

**Phone** - 028 9446 3113





## SECTION B – YOUR DETAILS

2. Please specify if you are responding as an individual, as an organisation, or as an agent acting on behalf of an individual, group or organisation?

*If you are responding as an agent or representing an organisation you will be the main point of contact for your client/organisation.*

*(Please select only one item)*

Individual



**Organisation**

Agent

	Personal Details	Agent Details (If Applicable)
Title		
First Name		
Last Name		
Job Title (where relevant)		Senior Inspector of Historic Monuments & Senior Architect
Organisation (where relevant)		Historic Environment Division
Client Name (where relevant)		
Address		Department of Communities Historic Environment Division Ground floor 9 Lanyon Place BELFAST
Post Code		BT1 3LP
Telephone Number		
Email Address		



## SECTION C – REPRESENTATION

Your comments should be set out in full. This will help the Independent Examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the draft Plan Strategy does your representation relate?

i) Paragraph Number:

HED have commented on various and multiple items with regard to item (i).  
See remainder of questionnaire document.

ii) Policy Heading:

HED have commented on various and multiple items with regard to item (ii).  
See remainder of questionnaire document.

➤ Strategic Policy (SP) Paragraph Number:

HED have commented on various and multiple items with regard to the SP paragraph numbers. See remainder of questionnaire document for full details.

➤ Detailed Management Policy (DM) Paragraph Number:

HED have commented on various and multiple items with regard to the DM policy paragraph numbers. See remainder of questionnaire document for full details.

iii) Page Number in Document:

iv) Proposal Map (if relevant state location):

4. Do you consider the draft Plan Strategy to be:

☐ 'Sound' (i.e. support)



'Unsound' (i.e. object)



5. If you consider the draft Plan Strategy to be **'SOUND'** and wish to support the draft Plan Strategy, please set out your comments below.

(Continue on a separate sheet if necessary)

6. If you consider the draft Plan Strategy to be **'UNSOUND'** please identify which test(s) of soundness your representation relates to having regard to the Department for Infrastructure's published Development Plan Practice Note 6 'Soundness' (Version 2).

**Soundness Tests:**

- ☐ **P1** - Has the DPD<sup>1</sup> been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- ☐ **P2** - Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- ☐ **P3** - Has the DPD been subject to sustainability appraisal including Strategic Environmental Assessment?
- ☐ **P4** - Did the Council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?
- ☐ **C1** ☒ - Did the Council take account of the Regional Development Strategy.
- ☐ **C2** - Did the Council take account of its Community Plan?
- ☐ **C3** ☒ - Did the Council take account of policy and guidance issued by the Department?
- ☐ **C4** - Has the DPD had regard to other relevant plans, policies and strategies relating to the Council's district or to any adjoining Council's district?
- ☐ **CE1** - Does the DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross-boundary issues are relevant it is not in conflict with the DPD's of neighbouring Councils?

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<sup>1</sup> Development Plan Document (DPD) – Comprises of the draft Plan Strategy



- ☐ **CE2** ☒ - Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?
- ☐ **CE3** - Are there clear mechanisms for implementation and monitoring?
- ☐ **CE4** - Is it reasonably flexible to enable it to deal with changing circumstances?

## Details

7. Please give details of why you consider the draft Plan Strategy to be '**UNSOUND**' having regard to the test(s) you have identified above. Please be as concise as possible.

*Please Note: Your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. **This representation will be considered during the IE and here will be no further opportunity to submit information unless the Commissioner requests it.***

(Continue on a separate sheet if necessary)

Note: Due to the nature of our reply we have (below) provided a narrative type response combining our comments to relating the 'Details' (Q7) why we consider the draft Plan Strategy to be unsound or where the policy could be made 'more sound' and 'Modification' (Q8) within the same body of text. We consider replying in this manner ensures a clarity is given to what topics are unsound, alongside suggested changes to make the draft Plan Strategy sound.

HED Editorial note: We have used the following key 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, we have suggested amendments and/or corrections to the existing items in the first instance, with proposed new additional items inserted thereafter. However, this does not imply a preferred order of preference.



## **Section 10 – Historic Environment**

- **Policy DM 30: Archaeology**

HED consider the policy could be made **more sound**, to better align with **Consistency Test (C3)** and **Coherence and Effectiveness Test (CE2)**.

HED advise that the amplification text policy suite on archaeology DM30 makes no reference to Areas of Archaeological Potential, **SPPS 6.29** refers. While we recognise that AAPs will be identified by the council using our records at local policies stage we consider that mention of them at this stage would make the plan more sound in line with soundness requirements C3 and CE2. It would also provide clarity to those reading the plan as to the meaning and purpose of these areas, alongside reading of the evaluative and mitigation policies that might apply in some circumstances within them.

In order to make the policy suite more sound and achieve alignment with SPPS 6.29 we advise that an additional paragraph of explanatory text after 10.16 should be inserted to read along the following lines;

HED suggested correction:

*New Item: Areas of Archaeological Potential, identified in the Local Policies Plan highlight those areas within settlements where on the basis of current knowledge there is a likelihood that archaeological remains may be encountered during development.*

- **DM 31: Historic Parks Gardens and Demesnes**

HED advise that this policy is currently **unsound**, and fails **Consistency Test (C3)** and **Coherence and Effectiveness Test (CE2)**.

HED advise that this policy is currently unsound because of the inclusion of item DM31.1b, and fails the soundness tests C3, in that it does not take sufficient account of the SPPS, and CE2, in that it there is no evidence articulated that supports the direction taken with the addition of this item.

While Item DM 31.1(a) is in alignment with strategic policy articulated in the SPPS 6.16, item DM 31.1b introduces a lesser policy test whereby an exemption around circumstances where the adverse impacts, envisaged under item DM 31.1(a) and SPPS 6.16, would be permissible. There is no such provision in SPPS policy (SPPS 6.16 and 6.17) and HED advise that this policy item is therefore unsound and seems to undermine the approach outlined in the SPPS.

HED expressed concern around Item DM 31.1(b) in comments provided on policy development forwarded on 1<sup>st</sup> May 2018.



The first part of paragraph DM 31.1(b), the exceptional circumstances test, is dependent upon the second part, which states “and can be satisfactorily mitigated at the developer’s expense”. This is a clear contradiction - any development resulting in an adverse effect contrary to paragraph (a) cannot by definition be satisfactorily mitigated.

HED also advise that item DM 31.1(b) conflicts with the council’s policy test in relation to Registered Historic Parks, Gardens and Demesnes with regard to Minerals, SP 9.2 (c) where there is a presumption that development that would affect these sites would only be permissible in cases where proposals are of regional importance in the Northern Ireland context.

HED suggested correction:

In order to make the policy sound HED advise that **Item DM 31.1 (b) should be removed**.

- **Policy DM 32: Listed Buildings**

HED consider the policy could be made **more sound**, and that currently it fails **Consistency Test (C3)** and **Coherence and Effectiveness Test (CE2)**.

General editorial comment around DM 32.4 – HED welcome the inclusion of the need for a ‘Statement of Justification’ to be submitted with applications which impact listed buildings and/or their setting. Note: HED are currently drafting additional guidance documents, within which we refer to ‘Statement of Significance’. For consistency, we seek a change from ‘Statement of Justification’ to ‘Statement of Significance’.

Amplification text 10.33 – HED consider the following text is in an odd location within the context of the overall item;

*‘In judging the effect of works to a Listed Building, the Council will assess the elements that make up the special interest of the building in question’.*

The omission of the text within the context of its current item will not lessen the clarity of the amplification text.

HED consider the line should be a standalone item; however, it must be amended to ensure alignment with the current legislation and regulations.

HED suggested correction:

(option A)

‘New item: In judging the effect of works to a Listed Building, the Council will determine the application, after consultation with the relevant Dept., i.e. Historic Environment Division.



- **Policy DM 33: Conservation Areas**

HED consider the policy is currently **unsound**, and fails **Consistency Test (C3)** and **Coherence and Effectiveness Test (CE2)**.

HED acknowledge the slight difference in emphasis of item DM 33.1 to DM 33.2  
DM 33.1 - is stating the 'support' from council for development within a set criteria; whereas

DM 33.2 - is about the assessment of proposals.

However, as the emphasis is altered between the items we believe there is sufficient cause for concern that the difference will enable misinterpretation and/or lack of clarity in relation to which policy item holds the greater policy weight. Due to its position, one would be entitled to assume it would be DM 33.1.

However, HED consider **DM 33.1** is not in alignment with SPPS 6.18. The strategic policy of SPPS states that development is to enhance the character and appearance of a CA in the first instance, and preserve only when enhance does not arise. This statement sets up a clear hierarchy for development criteria in favour of enhancement over preserve. The current wording within DM 33.1 is a weaker policy test than required under SPPS.

Policy item **DM 33.2** is in alignment with SPPS. HED consider both DM 33.1 and DM 33.2 are in conflict with SPPS and DM 33.2 and could cause confusion.

HED suggested correction:

**'DM 33.1 The Council will only support development within or adjacent to a Conservation Area where the Guiding Principle is meet and that is consistent with any relevant conservation area guidance'**

**Policy item DM 33.3 (a)** is not in alignment with SPPS 6.18, and in conflict with DM 33.2 in terms of wording order and therefore policy test regarding **preserve** and **enhance**. HED acknowledge that there is conflict in the wording order of preserve and enhance within SPPS 6.18 and 6.19. However, to ensure the policy weight established under SPPS 6.18, and to ensure a consistent policy test is applied to reduce misinterpretation and/or policy clarity we consider wording order is critical and should be consistent with 6.18.

HED suggested correction:

**'33.3 (a) The proposal must be in line this the Guiding Principle (DM 33.2) through the appropriate design, use of materials, detailing, scale, form and massing and arrangement of such development; and....**

Policy item **DM 33.3 (b)** is not in alignment with SPPS 6.18, and in conflict with policy item **DM 33.2** due to the use of the word **maintained**.



SPPS sets out a clear hierarchy policy approach around heritage assets; listed buildings, conservation areas (CA) and areas of townscape character (ATC) under 6.14, 6.20 and 6.23 respectively. The current policy item does not acknowledge this hierarchy test, notably between CA and ATC, around the use of the words **preserve** and **maintain**. Under SPPS **maintain** is only used in the context of ATC within a historic environment context.

HED suggested correction:

**'33.3 (b) The quality of views within, from and into the Conservation Area must be in line this the Guiding Principle (DM 33.2).'**

Policy item **DM 33.5** is not in alignment with SPPS 6.18, and in conflict with policy item **DM 33.2** in terms of consistency and therefore, policy test weight regarding the wording order of **preserve** and **enhance**.

HED suggested correction:

**'33.5 ...In such cases it must be clearly demonstrated that any redevelopment of the site must be in line this the Guiding Principle (DM 33.2).'**

- **Policy DM 36: Vernacular and Locally Important Buildings**

HED consider the policy is currently **unsound**, and fails **Consistency Test (C3)** and **Coherence and Effectiveness Test (CE2)**.

HED consider the draft policy and its clarification text, in its current form, does not take sufficient account of **SPPS**, notably **6.24**.

HED consider this current text of the policy fails to take sufficient account of the requirement to ensure no significance harm or loss is caused to the non-designated heritage asset. We consider the use of the word **maintain** within policy item (b) as a lesser policy test. Note: HED are currently drafting additional guidance documents, within which we refer to 'Significance' which will aid the decision making process in relation to this matter.

The word 'renovation' has particular connotations in the field of conservation, whereby renovation refers to making something look like new. HED consider that this potentially creates a higher policy test that is not the aim of sound conservation principles. We recommend the word is omitted

HED suggested correction:

**'DM 36.1 The Council will support proposals for the sympathetic reuse and conversion of... Proposals will be expected to meet all the following criteria:**

**(a) ....(As drafted in dPL document)**

**(b) The reuse or conversion causes no loss to the significance of, or should enhance, the form, character and architectural features, design and**





setting of the building and will contribute positively to the character and appearance of the locality;  
(c) ...*(As drafted in dPL document)*

Other policy areas:

- **Policy DM 18B: Replacement Dwellings**

HED consider the policy is currently **unsound**, and fails **Consistency Test (C1 and C3)** and **Coherence and Effectiveness Test (CE2)**.

HED advise that policy DM 18B is unsound as it does not take sufficient account of RDS 2.10, sixth bullet, 3.30 first bullet and SPPS 6.73 second bullet point. Therefore failing the soundness tests C1, C3 and failing the soundness test CE2 in that there is no evidence articulated that supports the policy direction taken.

SPPS 6.73 articulates that dwellings for replacement should exhibit "the essential characteristics of a dwelling and, as a minimum, all external walls are substantially intact". While the draft Plan Strategy policy DM 18.7 aligns with strategic policy, HED advise that policy item DM 18.8 deviates from SPPS in providing exceptional circumstances for a replacement dwelling where only wall steads remains. HED advise that wall steads of dwellings, particularly those that are shown on the first edition ordnance survey map, may be 200 or more years old, and while not always on our own records, they should nonetheless be considered unrecorded heritage assets with possible archaeological interest and historic environment policies may apply.

As well as articulating a deviation from the SPPS policy this approach has the potential to remove heritage assets and potential associated below ground post medieval, or possibly earlier, archaeological remains.

HED suggested correction:

In order to achieve soundness and align with the thrust of regional strategic policy HED advise that **policy item 18.8 should be removed**.

Policy item **DM 18.9**, and associated amplification text under 7.51 -

HED consider the amplification text is unclear as to what evidence Council will require to enable determination of what are 'significant environmental benefits', as at present the text does not assist in clarifying the meaning of the policy or the decision making process



- **Policy DM 18B: Replacement Dwellings – Listed and Vernacular Dwellings (18.14 – 18.16)**

HED consider the policy could be made **more sound**,

HED consider there is sufficient opportunity here to remove significant sections of this policy as it repeats the thrust of items from the Listed Buildings policy suite, notably policy DM 32: Listed Buildings and DM 36: Vernacular and locally important buildings. Therefore, retention of the above policy in its existing format has potential to cause significant confusion or misinterpretation.

HED consider reference to *listed buildings* can be omitted from this policy as they are appropriately covered within the Historic Environment policy suite.

Examples of areas of conflict/duplication are set out below;

item 18.14 - is in effect a repeat of sections of policies DM 32 and DM 36.

Therefore, opportunity to reduce policy text.

item 18.15 – is in alignment with the thrust of item 32.3. HED suggested correction: **omit item 18.15**

item 18.16 (a) - is in alignment with the thrust of item 36.1. HED suggested correction: **opening statement to item 18.16 amended**

HED suggested correction:

**Replacement of Vernacular Dwellings**

**DM 18.14 – The Council will support proposals for the rehabilitation and reuse of vacant or derelict vernacular dwellings in the countryside and encouraged in preference to their replacement. Refer to the policy DM 36**

**DM 18.15 – Proposals involving the replacement of such dwellings will be assessed as follows:**

- (a) ... (As drafted in dPL document)
- (b) ... (As drafted in dPL document)

- **Policy DM 18F: Conversion of Vernacular and Locally Important Buildings to Dwellings**

HED consider the policy could be made **more sound**,

item 18.28 – Reference to Listed Building(s) can be omitted as these are covered within the Historic Environment policy suite. Its inclusion here may lead to confusion.

HED suggested correction:

**Policy item 18.28 should be removed.**

Amplification text 7.52 - Refer to a *Listed vernacular* can be omitted as listed buildings are covered within the Historic Environment policy suite. Its inclusion here may lead to confusion.



HED suggested correction:

7.52: *In the case of a ~~Listed or~~ non-listed vernacular dwelling, the Council will support their appropriate re-use and/or rehabilitation, rather than replacement. Refer to Historic Environment policy suite for further detail.*

- **Policy DM 29: Advertisements**

HED consider the policy is currently **unsound**, and fails **Consistency Test (C3)**.

HED expressed potential concern around advertisements in relation to heritage assets in comments provided on draft policy development forwarded on 1<sup>st</sup> May 2018.

SPPS sets out a clear hierarchy approach with regard to the application of signage around heritage assets; listed buildings, conservation areas and areas of townscape character under 6.14, 6.20 and 6.23 respectively. Policy item DM 29.2 does not fully acknowledge this hierarchy test, notably between CA and ATC and therefore has potential to create confusion in the hierarchy approach to the protection of our heritage assets.

HED suggested correction:

**DM 29.2**

- (a) An advertisement proposed to be attached to or within the curtilage of a listed building must be carefully designed and located to respect the special architectural or historic interest of the building;**
- (b) Advertisements in conservation area must not adversely affect the specific character, appearance and setting of the area;**
- (c) Advertisements in an Area of Townscape Character must maintain the overall character and appearance of the area**

- **Policy DM 45: Renewable Energy Development – other considerations**

HED consider that this policy text is currently **unsound** and fails **Consistency Test (C3)**.

HED have concerns around the wording of DM 45.1 and consider that as worded this may weaken other policy protections in the strategy and that it articulates a weakening of the position of strategic policy of SPPS 6.224. The terminology, "...**avoid or address any unacceptable adverse impacts**" is problematic – significant effects on heritage assets and their settings should already be averted through proper application of the Historic Environment Policy suite. We are concerned that this item, as worded, could imply that a development proposal which is contrary to, or unacceptable under the historic environment policies (for example) can be made acceptable through having a mitigation as a means to the end (as opposed to dealing with effects that can



actually be mitigated). SPPS 6.224 articulates that development proposals that will not result in unacceptable adverse impacts to will be permitted. The implication of regional strategic policy is clearly that if the impact is unacceptable it should not be permitted and cannot be therefore be addressed.

In order to make the policy sound HED advise that the words “**or address**” **should be removed**.

### Modifications

8. If you consider the draft Plan Strategy to be ‘**UNSOUND**’, please provide details of what, if any, modifications do you think should be made to the section, policy or proposal, which your representation relates to? What specific modifications do you think should be made in order to address your representation? Please briefly state how your proposed alternative would meet the requirements of the Sustainability Appraisal and other published assessments.

See our comments within the ‘Details’ section (question 7) above for suggested corrections to make the draft Plan Strategy sound.

(Continue on a separate sheet if necessary)

9. If you are seeking a change to the draft Plan Strategy, please indicate how you would like your representation to be dealt with at Independent Examination:

*Please Note: Unless you specifically request an oral hearing, the Commission will proceed on the basis that you are content to your representations considered in written form only. The Commissioner will give every representation the same careful consideration regardless of whether the person who made it is heard orally or not.*

Please select only one item;

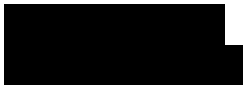


Written Representation

☐ Oral Hearing



Signature:

A rectangular box containing a solid black redaction mark, obscuring the signature.

Date:

18.09.2019

Thank you for your response.

