

Data Protection Officer  
Mid and East Antrim Borough Council  
The Braid  
1-29 Bridge Street  
Ballymena  
BT43 5EJ

## Section B. Your Details

**Q1. Are you responding as individual, as an organisation or as an agent acting on behalf of individual, group or organisation? (Required)**

**Please only tick one**

- ☐ Individual *(Please fill in the remaining questions in the section, then proceed to Section F.)*
- ☒ Organisation *(Please fill in the remaining questions in the section, then proceed to Section D.)*
- ☐ Agent *(Please fill in the remaining questions in the section, then proceed to Section E.)*

**Q2. What is your name?**

Title

**First Name (Required)**

**Last Name (Required)**

Email

**Q3. Did you respond to the previous Preferred Options Paper?**

- ☒ Yes ☐ No ☐ Unsure

## Section C. Individuals

**Address Line 1 (Required)**

**Line 2**

Line 3

Town (Required)

Postcode (Required)

### Section D. Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you.

If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name (Required)

Your Job Title / Position (Required)

Senior Inspector of Historic Monuments		Senior Conservation Architect	
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Organisation / Group Address (if different from above)

Address Line 1 (Required)

Line 2

Line 3

Town (Required)

Postcode (Required)

### Section E. Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you.



Please provide details of the individual, organisation or group that you are representing.

**Client Contact Details**

Title

First Name **(Required)**

Last Name **(Required)**

Address Line 1 **(Required)**

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

**Q4. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?**

Please only select one.

☐

Agent

☐

Client

☐

Both

## Section F. Soundness

The draft Plan Strategy will be examined at Independent Examination in regard to its soundness. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section M.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be **unsound** having regard to the **soundness tests** in Section M. It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the draft Plan Strategy should also state whether they wish to be heard orally.

## Section J. Type of Procedure

**Q5. Please indicate if you would like your representation to be dealt with by:**

**(Required)**

Please select one item only

- ☒ Written (Choose this procedure to have your representation considered in written form only)
- ☐ Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

## Section K. Is the draft Plan Strategy Sound?

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

### Sound

If you consider the Plan Strategy to be Sound and wish to support the Plan Strategy, please set out your comments below.

**(Required)**

HED CONSIDERS THE DRAFT PLAN STRATEGY TO BE GENERALLY SOUND. WE HAVE, HOWEVER, PROVIDED SOME COMMENTS ON THE ATTACHED DOCUMENTATION\* THAT WE BELIEVE WOULD MAKE THE DRAFT PLAN STRATEGY MORE SOUND - [SOUNDNESS TESTS C1 AND C3.]

\* SEE ATTACHED \*



## Section L. Unsound

In this section we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

**Note:** If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately. Complete this page in relation to one part of the draft Plan Strategy only.

**Q6. If you consider that the draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:**

[https://www.planningni.gov.uk/index/news/dfi\\_planning\\_news/news\\_releases\\_2015\\_onwards/development\\_plan\\_practice\\_note\\_06\\_soundness\\_version\\_2\\_may\\_2017.pdf](https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness_version_2_may_2017.pdf)

**Please note if you do not identify a test(s) your comments may not be considered by the Independent Examiner.**

Continued on next page.

## Section M. Tests of Soundness (Required)

### Procedural tests

- ☐ P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- ☐ P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- ☐ P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
- ☐ P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

### 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?

### Coherence and effectiveness tests

- ☐ CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans 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. The plan is reasonably flexible to enable it to deal with changing circumstances.

## Section N. Which part(s) of the draft Plan Strategy are you commenting on?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to inform us that you consider more than one part of the draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

### Relevant Policy number(s)

See attached documentation

(and/or)

### Relevant Paragraph number(s)

(and/or)

### District Proposals Map

Please give full details of why you consider the draft Plan Strategy to be unsound having regard to the tests(s) you have identified above. Please be as clear and concise as possible.



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



## Historic Environment Division submission

**This representation relates to the following Development Plan Document:  
Mid and East Antrim Borough Council Local Development Plan 2030 – Draft  
Plan Strategy (Published September 2019)**

### Overview

DfC Historic Environment Division considers the draft plan strategy to be generally sound in respect of the policies relating to the historic environment. The council is also commended on the use and application of their historic environment evidence to inform plan strategies and policies and HED has welcomed the consultation and engagement through the plan process to date.

The comments provided by HED in the following submission are provided to assist the Council in making their policies ‘more sound’ to ensure compliance with the soundness tests and provide appropriate policy protection for the historic environment. We ask however that our comments in relation to Countryside Assessment and Landscape Character Assessment be given particular consideration as the plan moves forwards to local policies stage.

### HED Editorial note:

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.

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.

## **10.1 Historic Environment**

- **Policy HE1 Archaeological Remains and their Settings**

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

HED advises that the wording content of the policy box is sound. To distinguish each of the four paragraphs, it is recommended they are labelled **a, b, c**, and **d** respectively. The purpose of this is to maintain distinction and aid in implementation of the relevant policy text, e.g. if an application involved a site of regional importance one would refer to **HE1a**. This would provide greater clarity for planners, consultees and the public in using the document.

Following justification text para. 10.21, HED advises that it would be pertinent to include a paragraph highlighting for developers what they need to do if they discover archaeological remains when a development commences. Text along the following lines would be appropriate:

*There may be occasions when the presence of archaeological remains only becomes apparent once an approved development has already commenced.<sup>1</sup> In such circumstances it is a statutory requirement that these are reported to HED. 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.*

- **Policy HE3 Listed Buildings – Change of Use or Extension/Alteration or Conversion of a Listed Building.**

HED advises the policy could be made **more sound**, when considered against the **Coherence and Effectiveness Test (CE1)** through an amendment to item **b** under the subtitle 'Extension/Alteration or Conversion of a Listed Building'. HED recommends replacing the word "**details**" with "**techniques**" as this is a more robust term which refers to a skill set, whereas 'details' refers to the item e.g. a window detail, and is cover by item (d).

HED also encourages reference to 'BS 7913:2013 Guide to the conservation of historic buildings' in the justification text at the end of para 10.1.32. This British Standard provides best practice guidance on assessing 'significance' and is a useful reference for applicants and agents when preparing planning and listed building consent applications. (The 1998 version of the BS is currently referenced in PPS6, Policy BH8 Extension or Alteration of a Listed Building, para 6.16 , and the Addendum to PPS6, Areas of Townscape Character, Policy ATC2 para 2.12 as recommended best practice.)

<sup>1</sup> The Historic Monuments and Archaeological Objects (NI) Order 1995 requires the reporting of the discovery of any archaeological object.

- **Policy HE4 Listed Buildings – Demolition of a Listed Building**

HED considers the policy could be made **more sound** under the **Coherence and Effectiveness Test (CE1)** through an amendment to the third sentence of the first paragraph of policy text, as follows:

**A listed building may only be considered for demolition where comprehensive evidence is provided to demonstrate that every effort has been made to retain it.**

The above insertion emphasises the need for detailed consideration of proposals which involve the partial or full demolition of a listed building.

In para 10.1.28 of the justification text, HED recommends omitting the term '*historic asset*' and replacing with 'heritage asset' to ensure consistency of terminology.

- **Policy HE6 Conservation Areas**

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

The opening paragraph of the policy states that '**Development proposals in a conservation area will be assessed with the aim of enhancing its character and only where an opportunity to enhance does not exist should the lesser test of preserving be applied.**' This text outlines the policy test between 'enhancing' or 'preserving'.

#### **New Build or Replacement Buildings**

Criterion a) under subtitle 'New Build or Replacement Buildings', suggests a lesser test between 'enhancing' or 'preserving'. To make the policy **more sound**, HED suggests the following amendment to criterion a):

- a) **the overall character and appearance of the conservation area is enhanced or preserved where an opportunity to enhance does not exist;**

#### **Alteration, Extensions and Change of Use**

The policy wording requires criterion a) under subtitle 'New Build or Replacement Buildings' to be applied. To avoid ambiguity, HED suggests criterion a) is repeated in the list of policy requirements under the subtitle 'Alteration, Extensions and Change of Use'.

HED also recommends amendments to the current Criterion (a) under the subtitle 'Alteration, Extensions and Change of Use'. HED suggests the omission of '**materials and finishes**' as these issues are more aligned with criterion (c). The following amendments to the text are suggested :

- a) **extensions shall be subservient to the existing building with regard to height, scale and massing and respectful of its form and alignment.**



## Demolition within a Conservation Area

HED identifies the requirement for consistent terminology across the dPS documents. In line with the terms applied in the SPPS, HED suggests the dPS refers to either 'unlisted' or 'non-designated' buildings, in lieu of 'non-listed' across the draft Plan Strategy. HED therefore recommends reviewing the justification and amplification text accordingly.

HED also notes that the policy affords greater weight to the protection of buildings within a CA, than that required by the SPPS para 6.18. The proposed policy text reads:

**Where it is determined that the unlisted building does make a positive material contribution to the character or appearance of the area, Policy HE4 Demolition of a Listed Building shall apply.**

The inclusion of this paragraph effectively gives the same weight to the consideration of proposals for the demolition of an unlisted building in a CA, (where it is deemed the building makes a positive contribution to the area) as that applied to proposals for the demolition of a listed building. While it is acknowledged that the justification text para 10.1.48 provides some scope for interpretation by referring to '*the same broad criteria..*' as that '*...used when considering applications for the demolition of listed buildings as prescribed in Policy HE4 Demolition of a Listed Building*', HED advises the hierarchy of the demolition policy test should align with the significance of the heritage asset. Reference to Policy HE4 may therefore be more appropriately placed within the amplification and justification text.

- **Policy HE8 Non-Listed Locally important Building or Vernacular Building**

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

HED recommends amending the policy headnote to read **HE8 'Historic Buildings of Local Importance or Vernacular Buildings'** to adhere to the definitions applied in the SPPS policy 6.24. (Footnotes 10 and 11)

To align with the policy remit of SPPS para 6.24 'Non-Designated Heritage Assets' in respect of all planning applications, HED suggests the first sentence is amended as follows:

**All development proposals impacting on a historic building of local importance and/or vernacular building should involve the minimum intervention and should maintain or enhance the existing character of the building and its setting.**

This change affords protection to a historic building of local importance (which includes a structure or feature as defined in footnote 11 of the SPPS) in relation to all planning applications and not just proposals for conversion and reuse of a habitable building.

HED advises that the subtitle of the policy, '**Replacement of a Vernacular Dwelling in the Countryside**' can be made **more sound** through cross referencing Policy TOU5 as follows:

**Proposals involving the replacement of such dwellings will be assessed against Policy HOU9 Replacement Dwelling and TOU5b Replacement of an Existing Rural Dwelling, and in addition the existing dwelling must be retained in perpetuity and**

incorporated in the layout of the overall development scheme to form an integrated building group.

The above insertion would ensure consistency across other related policy areas.

HED also recommends that the justification and amplification text refers to the following guidance documents:

- *Para 10.1.57* refer to '*Historic Buildings of Local Importance- A guide to their identification and protection*' published by HED May 2017 (Provides guidance on identifying and protecting historic buildings of local importance)
- *Para 10.1.58* refer to '*A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland*' published by DOE March 1998 (Provides criteria to identify vernacular buildings)

- **Policy HE9 Enabling Development for the Conservation of Heritage Assets**

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

HED notes that the proposed policy headnote refers to 'Heritage Assets' in lieu of 'Significant Places' as per SPPS para 6.25 and PPS23.

The definition of a 'heritage asset' as described in footnote 58, p282 of the dPS includes the definition of a 'significant place' as per footnote 12, p41 of the SPPS. It is important that the Justification and Amplification text provides clarity that the term 'heritage asset' refers to all component parts of the asset which relate to its significance, as outlined by a conservation plan. This is clarified in para 4.1.1 of the Best Practice Guidance to PPS23 'Enabling Development for the Conservation of Significant Places' which states '*It is important to consider the place in its entirety, as well as the relative importance of its components, including any below ground archaeological remains, rather than elements of it in isolation.*'

Should the Council wish to retain the term 'Heritage Assets' in the policy headnote, in lieu of 'Significant Places' HED suggests the following amendments to the justification and amplification text:

Para 10.1.64. Replace '*significant place*' with '*heritage asset*' in line with proposed policy headnote.

Para 10.1.66 *Applications incorporating enabling development should be accompanied by a detailed Statement of Justification setting out the significance of the heritage asset, the need for the proposal and the public benefit. This statement should include a conservation statement or plans and sufficient, detailed financial information as is necessary to allow Council to make an informed decision upon the application.*

Insert at the end of para 10.1.66. *Applicants should refer to Appendix 1, Best Practice Guidance to Planning Policy Statement 23 'Enabling Development for the Conservation of Significant Places' for full a checklist of required information. Pre-Application discussions are also encouraged.*

HED also recommends that the definition of Heritage Assets (Footnote 58) is amended as follows:

**For the purposes of this policy, a Heritage asset includes 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, marine and defence heritage, conservation areas, Area of Townscape Character or a Historic Park, Garden or Demesne.**

See Glossary section for further definitions.

## **10.2 Advertisements**

- **AD1 The Control of Advertisements**

HED advises that the policy could be made ‘**more sound**’ to better meet the **Coherence and Effectiveness Test (CE1)**

The subtitle relating to the historic environment is named ‘**Advertisements and Heritage Assets**’. HED suggests the alternative subtitle ‘**Advertisements and the Historic Environment**’ as this gives greater scope for the application of the policy i.e. for advertisements on new build development within or adjacent to a CA/ATC or within the setting of a listed building.

HED welcomes the provision of a hierarchical approach to the control of advertisements, relative to the designation type, as outlined by considerations g), h) and i).

## **10.3 Place Making**

- **SFA1 Strategic Focus Area**

HED welcomes the Councils strategic approach to the inclusion of place making policy within the Chapter ‘Stewardship of our Built Environment and Creating Places’, which aims to reinforce the importance of the historic environment in creating successful places for people to ‘*...live, work and play now and into the future.*’ para 36. *SPPS*.

HED will provide further comment on the proposed Strategic Focus Areas at the Local Policies Plan stage.



## Other policy considerations

### 5.6 Tourism Strategy

- **SGS8 Tourism Strategy**

HED notes the inclusion of Carnfunnock Country Park and Magheramorne Quarry as tourism opportunity zones. HED has reservations about how much more development can be sensitively integrated at Carnfunnock, without compromising the integrity of its distinctive historic environment characteristics, but notes that any proposals must comply with Policy HE2 Historic Parks Gardens and Demesnes.

### 7.3 Tourism

- **TOU4 Tourist Amenities in the Countryside**

HED advises that it would be useful to clarify what the term ‘**overall development**’ means in the context of the second paragraph under the subtitle ‘**Extension/Expansion of an Existing Tourist Amenity**’. HED interprets this as meaning the existing complex/facilities on site, but recommends the justification and amplification is augmented to provide further explanation.

- **TOU5 Hotels, Guest Houses and Tourist Hostels in the Countryside**

HED advises that this policy could be made ‘**more sound**’ when considered against the **Coherence and Effectiveness Test (CE1)**

Item b) iv) articulates that ‘**....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 that the associated justification text under 7.3.20 should more clearly articulate what type of evidence will be required for a ‘vernacular building’ which makes an important contribution to the local heritage or character (TOU5 b) iv) to show that the building is not reasonably capable of being made structurally sound or otherwise improved (i.e. reports/surveys undertaken by suitably accredited structural engineers or architects etc). This should also cross reference the requirements of first two sentences under para 10.1.62 of the justification and amplification text accompanying Policy HE8.

Para 7.3.20 would also benefit from a more detailed explanation of how the ‘*...environmental benefit of full or partial replacement..*’ will be assessed, to aid consistent interpretation of the policy.

HED also advises that item 7.3.19 could be omitted as it essentially repeats what is articulated in the policy text under item a).

## **8.1 Housing**

- **Policy HOU9 Replacement Dwelling**

HED recommends the following amendments to make the policy **more sound** to better meet the **Coherence and Effectiveness Tests (CE1 and CE3)**.

The subtitle under '**Listed Dwelling**' should be removed as it is already covered under the Historic Environment policy suite. –The associated justification and amplification text under 8.1.55 should also be omitted.

The amplification text under the subtitle '**Non-Residential Building**' should provide examples of eligible '*permanent redundant non-residential buildings*' and give guidance on what can be considered '*significant environmental impacts*' to provide greater clarity and enable consistent decision making.

In line with Para 6.78 of the SPPS, HED also advises that the justification and amplification text should emphasize the importance of good design, appropriate to its rural setting and local distinctiveness. Reference to the supplementary planning guidance '*Building on Tradition*' *A sustainable design guide for the Northern Ireland Countryside*' is also encouraged as it must be taken into account when assessing all development proposals in the countryside.

## **8.2 Open Space, Sport and Leisure**

- **Policy OSL2 Greenways**

HED overall welcomes the policy on greenways, and in relation to the amplification text we highlight that disused transport corridors often have specific heritage interest as well. In these cases a heritage led approach to their reuse will help meet the strategic objectives in relation to the historic environment, and meet the requirements of the historic environment policy suite.

## **9.1 Transportation**

- **Policy TR7**

HED suggests that this policy would be made '**more sound**' to better satisfy the **Coherence and effectiveness test (CE3)** if the first paragraph was articulated as follows.

**A development proposal for a new, or an extension of an existing public or private car park, including Park & Ride or Park & Share, will be permitted where it accords with other provisions in the LDP and where all the following criteria are met.**

### **9.3 Renewable Energy**

- **Policy RE1**

HED welcomes the articulation that proposals for a renewable energy development together with associated buildings and infrastructure will be permitted where it meets the General Policy and accords with other provisions in the LDP. We recognise that this means it must meet the Historic Environment policy criteria as well.

HED however advises that the policy could be made '**more sound**' if this were more clearly articulated to better meet the **Consistency Test (C3)** and align with the policy requirements of para 6.219 and 6.224 of the SPPS, which also requires adequate protection for the region's 'built heritage'.

HED suggests the following amendment:

**a) it will not have an unacceptable adverse impact on visual amenity, landscape character, or heritage assets and their settings.**

### **9.6 Waste Management**

- **Policy WMT3 Waste Disposal sites**

HED advises that the word "derelict" as utilised in the context of the justification and amplification text 9.6.24 requires description to make the policy '**more sound**' when considered against the **Coherence and Effectiveness Test (CE1)**.

It is also recommended that para. 9.6.25 of the Justification and Amplification text is adjusted for readability.

The first sentence presently reads:

*Land raising, in that it creates a new landform has the potential to significantly impact on the landscape and environmental heritage assets.*

HED advises that for more clarity it should be amended to read:

*Land raising, in that it creates a new landform has the potential to significantly impact the landscape, natural environment and heritage assets.*

- **Policy WMT5 Land Improvement**

HED has reservations around the term 'Land Improvement', which implies positive outcomes. The terminology is outside that which is used in the SPPS. HED notes concerns that this type of activity could in fact have negative outcomes for the historic environment and landscape character (e.g. some heritage assets such as certain archaeological sites remain intact precisely because they are located on land which has not been improved). We recognise however the articulation that proposals must accord with General Policy and the other provisions of the LDP.



## Abbreviations and Glossary

To ensure consistent and accurate application of definitions, HED recommends the following amendments under the Abbreviations and Glossary section.

- **Heritage Asset**

Currently reads:

**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. Heritage asset includes 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, marine and defence heritage, conservation areas, Area of Townscape Character or a Historic Park, Garden or Demesne.**

Recommended definition:

**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. \***

(\*Include foot note: For definition of a Heritage Asset in relation to HE9 Enabling Development refer to footnote 58 –currently p 307)

- **Historic Park, Garden or Demesne of Special Historic Interest**

Currently reads:

**Designation by central government**

Recommended definition:

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

- **Listed Building**

Currently reads:

**A building, object or structure that has been judged to be of national importance in terms of architectural or historic interest that have been listed under Article 80 of the Planning Act (NI) 2015. Lists are subject to ongoing review.**

Recommended definition:

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

## Evidence Base

Further comment on some of the technical papers and on the Sustainability Appraisal, incorporating Strategic Environmental Assessment is also provided, toward increasing the robustness of the evidence base as the plan moves toward Local Policies stage.

### Technical Supplement 1: Monitoring and Review.

**Indicator Reference 10.** HED notes that the policy references affiliated to this indicator relate to the AONB and river corridors. We consider that there is an opportunity for the council to relate this indicator to other policies such as OSL2 Greenways for example. In this case a heritage led approach to the reuse of a heritage asset as a greenway (e.g. the old mineral railway) will ensure its safeguarding.

HED considers the indicators relating to the historic environment are insufficiently robust to adequately monitor the impacts of the plan and demonstrate how the Environmental Objective (e) has successfully been met.

**Indicator 26** 'Demolition of Listed Buildings' proposes a trigger which relates only to listed buildings which appear on the BHARNI Register. To capture the impact of proposals involving demolition of all listed buildings and to ensure appropriate monitoring of the objective, it may be more applicable for monitoring to include:

- (a) Number of listed buildings demolished

To monitor the impacts of development and change to the historic environment it would also be pertinent to monitor

- (b) Planning decisions determined against statutory consultee advice and/or recommendations throughout the Plan period.

In relation to **indicator 27**, HED suggests the following indicators can provide more appropriate monitoring of development impacts on Conservation Areas and/or Areas of Townscape Character.

- (c) The number of Conservation Area Consents granted
- (d) The number of Conservation Areas and/or Areas of Townscape Character designated or removed; and
- (e) The number of non-designated heritage assets (in CA, ATC or the countryside) re-used/enhanced, demolished or replaced.

The monitoring for **Indicator 28** in reference to HE1 should expand beyond ASAI, and in that case one application per year against HED advice ought in itself to be a trigger.

Monitoring in relation to archaeology should also consider effects on monuments of regional importance, local importance and their setting. It should consider when the council opt to add conditions for archaeological work to a planning approval in instances where HED have recommended that further information by way of archaeological evaluation is required first in order to inform a planning decision, as this can lead to adverse consequence for the historic environment and/or the developer in trying to deal with complex archaeological issues that might otherwise have been identified. Overall a wider approach with regard to monitoring in

relation to Historic Environment matters would also better accord with the vision of monitoring laid out in the Sustainability Appraisal Report—see Page 126 -127, specifically item 2

HED considers it may be appropriate for monitoring to also include

- (f) The number of Scheduled Monument Consents related to planning applications;
- (g) Monitoring of number of decisions with archaeological conditions across the district;
- (h) Monitoring of applications in the AAP to which archaeological conditions applied;

## **Technical Supplement 2: Settlement Hierarchy and Strategic Settlement Evaluation**

HED notes the classifications of settlements in the hierarchy and advise on the importance of recognition and demonstration of use of the heritage assets evidence bases (those on our record and those that may not yet be recorded there —e.g. townland and parish boundaries) going forward to zoning at local policies stage, in order to maintain historic character, and sense of place.

## **Technical Supplement 7: Tourism**

Key Issue 11, Page 16. HED welcomes the recognition of cross linkage with Historic Environment Policies here. In relation to the fourth bullet point which states “...sensitive tourism development may be one method to help maintain these assets”, HED highlights that tourism development which is led by and grounded in the significance of a heritage asset is the best and most sustainable method of protecting, conserving and enhancing these in line with regional strategic policy requirements.

## **Technical Supplement 10: Countryside Assessment**

HED would welcome strengthened consideration of historic environment matters in this paper and believe that it would reinforce the evidence base. The historic environment is inseparable from the landscape and natural environment in that the landscape in Northern Ireland has largely been shaped by thousands of years of human activity and modification. We consider that enhanced recognition of historic landscape characteristics will be vital at local policies stage, particularly in the context of settlement setting appraisal and new zoning. As well as considering heritage assets themselves in the context of spatial planning and possible forms of mitigation such as zoning LLPA or key site requirements, we advise that placenames and historic environment characteristics are wedded to natural landscape characteristics, providing important hints to the spatial evolution and beginnings of a place. This is touched on for settlements in some instances through the document but not consistently. Appraisal of Carrickfergus, for example, ought to consider the evolution of the settlement out from the castle and coast, with the town walls providing a core to the historic town and providing a narrative through their historic gates for the evolution of routeways running through the landscape beyond etc., Heritage assets on the outskirts of settlements could also be more clearly considered in terms of the constraints that may apply moving forward to zoning

We advise that the discussion in this paper in reference to Legacy Area Plans and the Larne Area Plan 2010 should have referred to the Area of Significant Archaeological Interest at

Knockdhu as this designation affords the landscape there a status of Regional Importance in the Northern Ireland strategic planning policy context.

## Technical Supplement 10, Appendix A: Landscape Character Assessment

**HED advise that we welcome the review of LCA, however we consider that moving forwards in the local plan process this document needs to be made more robust in relation to the historic environment to be effective in use toward assessing key changes in the landscape and informing proposals toward mitigation.**

Page 7 HED advise that this section should include consideration of the SPPS 6.29 rationale for the designation of ASAI within Local Development Plans. We also note the discussion of PPS6 in relation to LLPA and advise it is best in the context of new plan to consider this in reference to the SPPS.

Page 19, para 2.58 Title incorrect- should read Knockdhu Area of Significant Archaeological Interest

Overall HED considers that this section on Built and Cultural Heritage could be strengthened if the statistical information on the resource (and cartographical information from historic ordnance survey maps) were expanded upon for a clearer articulation of the interaction between heritage assets and their landscape context, toward an enhanced characterisation of landscape and settlement trends, field enclosure etc. This does not have to be at a site specific level but enough to observe historic environment trends in relation to the landscape.

Page 30. LCA Field Survey, Item c) second bullet point.

HED would advise that our guidance provides a sound basis to be used in assessing the setting of prominent or landmark historic environment assets <https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment> . We consider that this is not at present well enough reflected in the LCA review.

Page 35, Annex 2 HED recognise that this Assessment Aid (Land Cover and Landscape Elements) is based around that found in guidance but would advise revision. In relation to Heritage we consider that this table does not articulate a robust enough understanding of local aspects of heritage in Northern Ireland. We consider the spectrum to be too narrow and also excludes aspects around wetland sites and maritime heritage. We advise in the consideration of boundaries in relation to farming in the adjacent column that parish and townland boundaries are key considerations and are also heritage assets in themselves. Placenames and specifically townland names are a key aspect of landscape character assessment meriting consideration in Northern Ireland, - these latter are a phenomenon not manifest widely elsewhere in the UK, and derive from and add meaning to the landscape.

Subsequent focus on archaeological and cultural heritage in the review as core components of landscape within the various LCAs is inconsistent, and in many cases too narrow. It is not meaningful to state numerical statistics such as “there are four scheduled monuments in ...MEA (part of) the LCA.....”. There should be a clearer attempt to assess the site types and the wider historic landscapes (in a general sense) as part of giving a sense of “time depth” to the evolution of landscape. The type of heritage assets of a place are influenced by and have influenced the landscape of the place. Recognition of this and historic environment



trends and interactions are what we would expect to be captured through assessment (occasional trends are highlighted in the documents but the approach does not appear consistent). Assessment of the historic landscape is core to relevant guidance documents, including the Landscape Character Assessment Guidance for England and Scotland <https://www.nature.scot/landscape-character-assessment-guidance-england-and-scotland>

and “An Approach to Landscape Character Assessment” (2014) This latter highlights how “the key characteristics are likely to become a major reference point – and perhaps determining factor – in making decisions about the future of the landscape”.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691184/landscape-character-assessment.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691184/landscape-character-assessment.pdf)

We note some discussion through the document in relation to boundaries. In analysis of field boundaries, HED would suggest that a general cross reference against historic OS mapping would be advantageous toward articulating the historic context and evolution of some field patterns in the borough’s landscapes, and which in themselves might form components of the historic environment.

In articulating Key Issues and sensitivities around future development HED advises that consideration of heritage assets on the outskirts of settlements (for example Kells and Connor) is vital in terms of understanding potential constraints and informing potential forms of mitigation such as zoning or key site requirements at Local Policies Stage. When moving forward to local policies stage consideration of and reference to the settlements and evidence in the Gazetteer of Nucleated Historic Urban Settlements will be important.

HED considers that the section on analysis of Main River Corridors (e.g. Lower Bann) is too meagre in relation to the historic environment – these were a key form of communication (e.g. for the Bann, early settlers, through to Vikings and then through to the Bann Navigation), an important focus for settlement Kells/Connor) a focus for fishing, and for certain types of industrial activity, e.g. mills, navigations etc. It is unfortunate that these types of consideration aren’t captured here as other aspects of the assessment sometimes touch on these issues.

## Technical Supplement 13: Built Heritage

Page 1, 1.6 In alignment with RG11, RDS 2035, SPPS and strategic policies of the dPS, HED advises on the importance of the use of the word conserve along with protect and enhance. Many decisions on applications in relation to the historic environment through the planning process become conservation decisions.

Policy Context Para 2.1

This paragraph seems slightly confused and appears to conflate the Historic Environment Record with the rationale for statutory designation. We'd suggest rewording this.

### Legislative Context

2.2 The subordinate legislation referenced under 2.3 should be included under 2.2 as the cited regulations relate to the Planning Act (NI) 2011.

2.4 The discussion on the Planning (General Permitted Development) Order (NI) 2015 would merit expansion to give consideration to the restrictions on permitted development on or affecting a site of archaeological interest.

2.5 HED recommends the following amendment to the last line, to clarify the legislative protection and timescales: 'The notice provides statutory protection to an unlisted building, for a period of 6 months, as if it were listed.'

HED also recommends that Council powers to serve Urgent Works Notices under Section 161 of the Act are also cited.

**Regional Policy Context** - It would be useful by way of introduction to articulate how these regional policies stem from an international context, and reference the conventions, covered through your scoping report, which oblige that policies and provisions are in place to protect our cultural heritage in relation to spatial planning.

2.13 HED advises that we have identified areas of archaeological potential through the compilation of the Gazetteer of Nucleated Historic Urban Settlements. These should be highlighted as AAPs in forthcoming plans. We note that because of the age of some of the historic plans in this borough there are only a very small number of AAPs presently highlighted in plans and advise that this number will increase

Pages 11 and 12. In discussion on Scheduled Archaeological Sites and Monuments it would be useful to make reference to provisions around scheduled monument consent, as this permission which is entirely separate from planning permission is required for work that would impact on the statutorily protected areas of these sites.

2.16 Note: Conservation Areas may be designated by the Council or Department for Communities (DfC) upon consultation with the Historic Buildings Council and other identified persons or bodies. (Section 104 (5) of the Planning Act)

2.26 HED recommends reference is also made to the British Standard 7913:2013 Guide to the conservation of historic buildings and Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside.

## Listed Buildings

3.13 HED advises the last line is amended as below, in line with the requirements of the SPPS. *It stresses that development proposals impacting on such buildings and their settings are assessed paying due regard to their special interest.*

3.16 HED suggests the last line is amended as follows to align with HE6 and SPPS 6.18, *'The Council attaches great importance to enhancing the character and appearance of such areas, or preserving where an opportunity to enhance does not exist and seeks to balance this with their social and economic potential.*'

3.34 Note typo- Mid and East Antrim

## HE8 Non-listed Locally Vernacular Buildings

4.12 The POP responses recognised strong public support (91%) for the preferred option to create a Local Heritage List.

Table 6.0 and Appendix K Policy HE8, however identifies Council resource and skill implications for progressing a Local Heritage List at the dPS stage. HED welcomes further engagement with the Council and acknowledges the intention to review this option at the local policies plan stage.

In the interim, to ensure appropriate application of the policy, HED recommends the following resources are utilised to assist in the Councils assessment of an unlisted vernacular building or Historic Building of Local Importance:

- HED Buildings database Record Only entries,
- 'A sense of loss. The survival of rural traditional buildings in Northern Ireland' Para 2.05 Primary and Secondary Characteristics
- the buildings and structures identified in scoping reports for Landscape Character Assessments

## **Sustainability Appraisal Scoping Report**

HED welcomes the updating of the scoping report – we have articulated further comment toward making it and the plan more robust at local policies stage and implementation.

We note from the report (Page 83) that approval has recently been granted for a stretch of the Ballymena to Cushendall Greenway at Glenravel. We advise that HED weren't consulted in relation to this stretch and consider that input from key consultees from the historic environment sector in relation to reutilising the industrial heritage asset of the old narrow gauge railway for the purposes of the Greenway is important to ensure that objectives in relation to the historic environment are achieved when the plan is implemented.

Page 131. HED advises that it would have been useful to articulate the proposed extension of the ASAI at this stage of the report (but recognise this is covered under the Historic Environment Evidence Paper.)

Page 132. – Top of page "The LDP will consider the designation of new ASAI and AAP" – HED emphasises that the new AAP would be identified in the plan based on our records, rather than designated through it as the ASAI is.

Page 190 Historic Environment and Cultural Heritage. Comments column states "Notes that historic OS mapping of sites may not yet be within HED records." HED consider that there may be a misunderstanding of some of our previous comments in relation to use of evidence. We advise that Historic Ordnance Survey maps may depict features such as ruins, historic farmsteads, or other features which although not named in the Historic Environment Record of Northern Ireland held and managed by HED, should nonetheless themselves, like townland and parish boundaries, also be considered as heritage assets and components of the historic landscape.

## **Sustainability Appraisal Report incorporating SEA.**

In relation to SA and SEA, HED operates 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.

**Page iv)** HED would welcome if both ourselves and NIEA could be reflected in the list of abbreviations.

### **3.2.5 Management of Housing Supply**

HED welcomes recognition of the impact that Key Site Requirements can have with regard to archaeological remains. We suggest however that the scoring on impact could be uncertain i.e. when key site requirements require for identification of remains and these are protected, this can be positive, when it leads to excavation this can be negative, as although scientifically excavated and recorded the heritage asset is removed.

### **3.2.8 Tourism Strategy**

HED emphasizes our concern again around the level of development that the identified tourism opportunity zone at Carnfunnock can accommodate without its integrity being compromised. We advise that in order to insure the best outcome for the historic



environment development should be heritage led and comply with the historic environment policy suite (i.e. when it's a heritage assets the development should be led by and grounded in the significance of the asset)

### **3.2.9 SGS9 Open Space Strategy**

Cemetery space. HED advises on the importance of informed utilisation of historic environment evidence bases and advice of statutory consultees in considering extensions to existing cemeteries which may be centred on ancient or historic church sites, as there may be specific archaeological sensitivities around these foundations which were often much more extensive in their spatial scope. We recognise and welcome the articulation of historic environment concerns in relation to cemeteries in OSL7.

### **3.4.4. ECD4 Economic Development in the Countryside**

HED advises that we consider the scoring in relation to the Historic Environment should be uncertain. While there is a potential positive in the reuse of older buildings and historic structures and the discovery of new remains might be a positive, their destruction, albeit through scientific recording can be negative.

### **3.4.8 Tourism Development in Settlements and Tourism Opportunity Zones.**

See our comments in relation to this policy. We highlight in relation to Tourism Opportunity Zones focused on heritage assets that the asset should be the foundation and that proposals should be led by this. We reiterate our reservations around how much more development Carnfunnock can absorb, without the integrity of the asset being compromised.

### **3.4.16. Policy MIN7 Peat Extraction**

HED advises that we consider the impact of this policy in relation to the historic environment to be positive rather than neutral or negligible. Peat bogs have been demonstrated to contain rare, and often important archaeological remains as their properties allow for preservation of organic materials. We recommend this scoring be adjusted.

### **3.5.7 HOU16 Affordable Housing in the Countryside.**

HED notes the comment that the historic environment will be adequately protected by other policies. We highlight that the historic environment extends beyond the recorded assets identified in the Historic Environment Record of Northern Ireland. Councils should consider it's intertwined nature with landscape in assessment and zoning areas such as parish and townland boundaries, or other historic features and aspects of the landscape and how impacts might be offset through the retention of these.

### **3.6.11 Policy RE1 Renewable Energy Development**

See our comments in relation to making this policy 'more sound' within the plan strategy. With clearer reference to concerns around the historic environment in the policy text, aligning the policy with SPSS in this regard, HED would envisage that positive outcomes are more likely for the historic environment.

### **3.6.14 Policy WMT1 Environmental Impact of a Waste Management Facility, Policy WMT2 Waste Collection and Treatment Facilities and Policy WMT3 Waste Disposal Sites**

See our comments in relation to making the policy WMT3 'more sound' in the plan strategy. We consider that these adjustments could assist in reducing the likelihood that the policy will have adverse impacts in relation to historic environment interests. We highlight the intertwined nature of historic environment, natural environment and landscape, and the often high likelihood of certain types of development that adversely impact on one, to have adverse impacts on another.

### **3.6.16 Policy WMT5 Land Improvement**

See our comments in relation to this policy in the plan strategy. We consider that an uncertain scoring would be more appropriate in relation to potential impacts on the historic environment.

### **3.7.1 Policy HE1 Archaeological Remains and their settings**

HED advises that the scoring in relation to the natural environment impacts of this policy should on the whole be considered positive. Most extant archaeological sites are located on agricultural land and many form semi wild uncultivated islands in otherwise managed land. These provide important habitats and reservoirs for many plant and animal species and we consider that the protection of these and their settings would be important for reasons of biodiversity.