

Overview

We're developing the new Local Development Plan (LDP) which is the land use plan for Belfast up to 2035. The Plan will guide investment and set out policies and proposals for the use, development and protection of land across the city. Once adopted the plan will be used to determine planning applications. It will take approximately four years to develop and formally adopt the new LDP.

A series of consultation stages are built into the process for creating the LDP and are defined by legislation to help local people input into this Plan. We are currently undertaking the second stage of the consultation process in relation to the draft Plan Strategy.

Your opinions matter to us and we want to hear from you during the various stages throughout the preparation of the plan. While you can provide feedback using this form, we encourage you to use our online questionnaire via the Council's Consultation Hub at:

<https://yoursay.belfastcity.gov.uk/>. The consultation closes on 15th November 2018.

What is the LDP?

The LDP:

- Guides development
- Provides certainty and a framework for investment
- Facilitates sustainable growth
- Puts communities at the heart of the process
- Allows for speedier decision making under the new plan-led system

How will this impact on me?

Our LDP will have an impact on everyone who lives, works and visits Belfast because it will shape how the city will develop in the future. Your views are important so we'd like you to get involved in its preparation.

What is the Plan Strategy?

The Plan Strategy will be a strategic policy framework for the plan area as a whole across a range of topics. It will set out an ambitious but realistic vision for Belfast as well as the objectives and strategic policies required to deliver that vision. Establishing this strategic direction early in the plan process will provide a level of certainty on which to base key development decisions in the area as

well as the necessary framework for the preparation of the Local Policies Plan. You can find out more about the Plan Strategy, and access all relevant documents, on the Council's website at:

www.belfastcity.gov.uk/LDP.

Accessibility

The relevant documents are available, on request, in alternative formats - Braille, audio, large print, easy read. The council will also consider requests to produce it in other languages. If you require the documents in these or other formats please contact us:

Belfast Planning Service
Belfast City Council
Cecil Ward Building
4-10 Linenhall Street Belfast
BT2 8BP

Telephone: 028 9050 0510

Email: [**localdevelopmentplan@belfastcity.gov.uk**](mailto:localdevelopmentplan@belfastcity.gov.uk)

A. Data Protection

Belfast City Council is the Data Controller under the General Data Protection Regulation (GDPR) for the personal data it gathers for the purposes of sending regular email updates on the Local Development Plan from Belfast Planning Service.

It should also be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure and they will then be considered as part of the independent examination process.

The council accepts that you are providing your personal data on the basis of consent and are positively agreeing for the council to hold and further use it, publish it (without personal information such as name and email, but will include organisation). Belfast City Council must also share it with the Department for Infrastructure and whoever they appoint to undertake the independent examination.

Any personal details that you provide the Council will be handled in accordance with the GDPR and Data Protection Act 2018. As such we will only use your data for the purposes that you have given this information for and will only be shared where necessary to provide the service that you are contacting us about. If you would like further information in regards please see the website belfastcity.gov.uk/about/privacy

The personal data is held and stored by the council in a safe and secure manner and in compliance with Data Protection legislation and in line with the council's Records Retention and Disposal Schedule.

If you wish to contact the council's Data Protection Officer, please write to:

Belfast City Council,
City Hall Belfast,
BT1 5GS

or send an email to

records@belfastcity.gov.uk

Q1. Please tick to confirm that you have read and understood the privacy notice above. (Required)

I confirm that I have read and understood the privacy notice above and give my consent for Belfast City Council to hold my personal data for the purposes outlined.

Q2. Do you consent for us to publish your response?

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

Even if you opt for your comments to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the inspectorate they appoint to oversee the examination in public into the soundness of our plan. This will be done in accordance with the privacy statement above. (Required)

Please select only one item

Yes, with my name and/or organisation

Yes, but without my identifying information

B. Your details

Q3. Are you responding as an individual, as an organisation, or as an agent acting on behalf of an individual, group or organisation? (Required)

Please select only one item

Individual *(Fill in the remaining questions in this Section, then proceed to Section C)*

Organisation *(Fill in the remaining questions in this Section, then proceed to Section D)*

I'm an Agent *(Fill in the remaining questions in this Section, then proceed to Section E)*

Q4. What is your name?

Q5. What is your telephone number?

Q6. What is your email address?

Email

Q7. Did you respond to the previous Preferred Options Paper consultation phase?
(Required)

Please select only one item

Yes No Unsure

If yes, and you have your previous response ID (beginning ANON) please enter it here:

C. Individuals

If you are responding as an individual, please complete this Section, then proceed to Section E

Q8. What is your address?

Address Line 1 (Required)

Line 2

Line 3

City (Required)

Postcode (Required)

D. Organisation

If you have selected that you are responding as an organisational respondent, there are a number of pieces of information that we are legally required to gather from you.

Q9. If you are responding as a representative of a group or organisation, please complete this Section, then proceed to Section E.

Organisation (Required)

Department of Communities - Historic Environment Division

Your Job Title (Required)

[REDACTED]

Organisation address (if different from above):

Address Line 1 (Required)

Department of Communities - Historic Environment Division

Line 2

Level 6, Causeway Exchange

Line 3

1-7 Bedford Street, Town Parks

City

BELFAST

Postcode (Required)

BT2 7EG

E. Agents

If you have selected that you are responding as an agent on behalf of other people/organisations, there are a number of pieces of information that we are legally required to gather from you.

Q10. Please provide details of the organisation or individual you are representing:

The name of the organisation or individual you are representing: (Required)

Client contact details:

Title

First Name (Required)

Last Name (Required)

Address Line 1 (Required)

Line 2

Line 3

City

Postcode (Required)

Telephone number (Required)

Email address (Required)

Q11. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?

(Required)

Please select only one item

Agent Client Both

F. Is the plan sound?

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.

Q12. Do you consider the Plan Strategy to be sound or unsound?

(Required)

Please select only one item

- I believe it to be sound *(Proceed to Section G)*
- I believe it to be unsound *(Proceed to Section H)*

G. Sound

Q13. If you consider the Plan Strategy to be sound and wish to support the Plan Strategy, please set out your comments below, then proceed to Section I:

(Required)

Note: If you wish to attach any evidence to support your comments above, please enclose your document(s) with this form. However, if you wish to refer to specific sections within a separate report, this is best included within the above text box.

H. Unsound

Here we will be asking you to specify which part of the draft Plan Strategy you believe to be unsound and why.

Note: If you wish to notify us of more than one part of the plan that you consider to be unsound, each part should be listed separately. Complete this page in relation to one part of the plan only. You will then be able to make further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

Q14. To which part of the Plan Strategy does your representation relate?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to notify us of more than one part of the plan that you consider to be unsound you can choose to submit further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

Relevant Section or Paragraph

HED believe the draft Plan Strategy to be unsound. HED welcome the general thrust of the policies however, we have added comments and suggestions where we consider the draft Plan Strategy should be made more sound.

Our response relates primarily to impact of the draft Plan Strategy on the historic environment and the Built Heritage (section 7.4). 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. As necessary we have made reference to the relevant policy.

The comments provided below are reflective of our concerns with regards to how the draft Plan Strategy is approaching protection, conservation and, where appropriate, enhancement of the historic environment, particularly through the Built Heritage (section 7.4) policies. Our not having provided comment on other sections of the draft Plan Strategy document should not be considered as an endorsement of proposals and we would expect other consultees to provide detailed comment on their areas of expertise.

Policy (if relevant)

Built Heritage (section 7.4). Policies BH1, BH2, BH3, BH4, BH5 and BH6.

In addition, comments also relate to the following sections:
Positive placemaking (5.5), Urban Design (7.2), Waste Infrastructure (section 9.2), Minerals (9.3), Development in the countryside (10.5), Glossary, Appendix A, Appendix F and Enabling Development (not covered within the draft Plan Strategy).

Q15. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6, available at: <https://www.planningni.gov.uk/index/advice/practice-notes/common-newpage-9.htm>

You can select more than one reason you believe this part of the draft Plan Strategy to be unsound. However, the soundness test(s) you select here should only relate to the relevant section, paragraph or policy identified above.

If you wish to notify us of more than one part of the plan that you consider to be unsound you can choose to submit further responses to other parts of the plan by completing and submitting a copy of Section H for each part you choose to identify.

(Required)

Please select all that apply

- P1 - Has the development plan document (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?
- 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?
- 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

Q16. Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Note: Due to the volume of our response we have (below) provided a narrative response combining our comments to both Q.16 and Q.17 within the same body of text. We consider replying in this manner ensures a clarity is given to what topics are unsound, alongside our suggested changes to make the draft Plan Strategy more sound.

In accordance with Q.16 we have expressed the relevant soundness tests for each topic we have considered.

In accordance with Q.17 we have expressed a suggested correction to make the draft Plan Strategy more sound.

(Editorial notes for clarity: Words in **bold** relate to the soundness tests we deem to apply and to words and/or phrase extracts relating to policy text. Words/phrases in *italic* relate to extracts from the policy introductory and/or justification and amplification text. In both cases words/wording underlined indicates HED suggested corrections).

7.4 - Built Heritage

Introduction (section of policy)

HED consider by the inclusion of the word “**designated**” at various locations the text fails the **Consistency Test (C1 and C3)** and the **Coherence and Effectiveness Test (CE2 and CE3)**. HED advise the use of the word “designated” throughout the general test and policy suite (including in the glossary) is unsound. The manner of its inclusion does not take sufficient account of **RDS RG11** or **SPPS** section **Archaeology and Built Heritage**.

In Historic Environment terms the word “designated” applies only to heritage assets designated as scheduled monuments, listed buildings, state care monuments, ASAI, conservation areas and areas of townscape character. The use of the word outside these definitions has potential to lead to confusion and uncertainty in implementation, resulting in failure to protect, conserve and enhance heritage assets which do not fall into the above categories. This would not be in line with the RDS, SPPS policies or the intention/aims of the drafted policies within the draft Plan Strategy, e.g. BH5, items (b) “Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their setting...”

HED suggested correction: HED advises that the word **designated** should be removed throughout the Built Heritage policies in order to improve soundness in terms of consistency with the SPPS Built Heritage strategic objectives and policies and of coherence and effectiveness, with regard to implementation and effectiveness.

HED also note variation in terminology between **built heritage assets** and **heritage assets** – we recommend omitting the word **built** using “**heritage assets**” throughout to maintain consistency in the policy document and with **SPPS**, notably **2.2, 3.3, 6.1, 6.4, 6.24**.

Item 7.4.1 - HED consider this section of the text fails the **Consistency test (C1 and C3)**. The policy introduction is not sound enough. The text does not take sufficient account of **RDS RG11** notably **3.30** and **SPPS** notably **6.1**. This item only mentions listed buildings and designated areas (conservation areas and areas of townscape character) as reflecting the city’s historic environment and is too narrowly focused.

HED suggested correction: “...*this is reflected in the heritage assets within the council area, e.g. its archaeology, listed buildings, monuments, parks, gardens and demesnes, industrial and marine heritage, conservation areas and areas of townscape character.*”

Item 7.4.3 - HED consider the text fails the **Procedural test (P2)** and the **Consistency test (C1 and C3)**. The Policy Aim is unsound. The text of the first bullet does not take sufficient account of **RDS RG11** notably **3.30** and **SPPS** notably **6.4** notably the bullet point one.

HED suggested correction: The words “*Preserve, maintain and where possible enhance the city...*” must be changed to “*Conserve, protect and, where possible, enhance the city’s...*” to ensure soundness with both the RDS and SPPS, and take sufficient account of our representation during the Preferred Options Paper.

Policy BH1 – Listed Buildings, including its justification and amplification text.

HED consider the policy fails the **Procedural test (P2)**, **Consistency test (C1 and C3)** and **Coherence and effectiveness test (CE2)**. This policy is unsound.

Policy BH1 – Listed Buildings

Elements of the policy text do not take sufficient account of **RDS RG11**, **SPPS** and HED Preferred Options Paper representation and the evidence base provided by HED outside of the POP representation.

The opening paragraph under ‘**Change of use of a Listed Building**’ refers to “**preserved or enhanced**”. This is a lesser policy test than required under RDS and SPPS and not sound. HED suggested correction: This section of policy must be altered to read “**...interest of the building would be protected, conserved, and where possible, enhanced.**” This alternation will make the policy sound and take sufficient account of both the **RDS RG11** and **SPPS**, notably **6.4** and bullet point one and in accord with our representation during the Preferred Options Paper.

- a) HED suggested correction: Under the ‘New development affecting the setting of listed buildings’ item (a) the word “**characteristic**” must be removed and “**essential character**” added in-lieu. A “**characteristic**” can be defined as a singular quality, whereas “**essential character**” is a combination of qualities. This would make the policy more sound and take sufficient account of **RDS RG11** notably **3.30** and **SPPS** notably **6.12** and **6.13**.
- b) HED suggested correction: Under ‘Alteration and extension of a listed building’ item (f) the use of the phrase “**preserve, restore and complement**” must be removed and “**The works must protect, conserve, and where possible, enhance the building’s features...**” This will make the policy sound and accord with **RDS RG11** and **SPPS**, notably **6.4** and bullet point one and with our representation during the Preferred Options Paper.

Policy BH1 – Justification and amplification section

Within this justification and amplification section we consider elements of the text do not aid to the clarity of the meaning of the policy or the decision making process making the policy less sound. We have set out our concerns around soundness and corrections necessary below:

Item 7.4.6 – HED advises the term “*historic townscape*” is too limiting as it is focused on the urban character only. HED suggest the inclusion of “*historic landscape*”

HED suggested correction: “*...form and materials of the historic townscape and the historic landscape to be read...*” In this way the urban and rural heritage assets are equally covered within the policy. This would make the policy more sound and take sufficient account of **RDS RG11** notably **3.30** bullet points two and three and **SPPS** notably **6.1**, **6.12**.

Item 7.4.7 – HED advises the sentence ending “*necessitate some degree of adaptation to the building*” is too limiting, and has potential to lessen the intention of the policy. For clarity HED suggest the inclusion of the word “*sympathetic*”

HED suggested correction: “*...necessitate some degree of sympathetic adaptation to the building.*” HED consider inclusion of the word ‘sympathetic’ ensures the economic viability of a proposal remains in accordance to the heritage assets protection, conservation and enhancement as set out in RDS and SPPS. This will ensure the policy is more sound with the aims of **RDS**, notably **2.10**, bullet point 6 (protect and enhance the environment for its own sake).

Item 7.4.8 – HED is concerned the emphasis of the opening first three sentences around the impact of development on the setting of a listed building is limited to the urban context. Recognition that listed buildings can also be set within planned demesnes or the natural landscape, as examples, must be acknowledged. The erosion of the heritage assets setting

negatively impacts the understanding of the heritage asset and its architectural and historical significance. Therefore, current text has potential to lessen the intention of the policy and is not sound.

HED suggested correction: *“The setting of a listed building is often an essential part of the building’s character. This may include both the rural landscape and/or the urban townscape context. In some circumstances this may include adjacent boundaries, buildings or an entire street. These contextual elements may not necessarily be of great individual merit but combine to produce an understanding of the character of the setting which enriches the listed building(s).”* We consider this amendment will clarify the meaning of the policy and aid the decision making process. This will ensure the policy is sound and take sufficient account of **RDS RG11**, notably **3.30** bullet points two and three, and **SPPS**, notably **6.12**.

Item 7.4.9 – HED seeks the removal of the word “*thoughtful*” as it is too vague in terms of conservation principles and open to misinterpretation. The use of the terms “appropriate and sympathetic” retains consistency with the policy text and its linkage with the justification and amplification text.

HED suggested correction: *“...some degree of appropriate and sympathetic alteration or extension...”*

These changes will ensure accord with the policy, and therefore is more sound and take sufficient account of **RDS RG11** and **SPPS**.

Item 7.4.10 – HED seeks the inclusion and alteration of key words within the text, which at present can misplace the emphasis of the policy and its meaning.

HED suggested correction: *“...a listed building must seek to comply with fundamental conservation principles, e.g. maximum retention of historic fabric, minimum intervention and clarity, to the furthest extent...”* The current text within the brackets appears as a defined list, which is not the case.

HED suggested correction: *“...Extensions and alterations should be sensitive to the listed building, the design...”* Inclusion of the word “*alterations*” ensures soundness with policy BH1. The phrase “*age and style of the host*” can be omitted as it could be deemed to prohibit modern and/or contemporary design interventions, which can comply with fundamental conservation principles.

HED suggested correction: *“...character and appearance of its setting.”* The use of the term “*setting*” in-lieu of “*area*” retains consistency with the policy text and linkage to the justification and amplification text.

These changes will ensure the policy is more sound and take sufficient account of **RDS RG11** and **SPPS**.

Item 7.4.11 – HED consider this item can be removed as it is covered the policy and elsewhere in the justification and implication text.

Item 7.4.12 – HED consider this item can be removed as it is covered by the partial demolition section of the policy and elsewhere in the justification and implication text.

Item 7.4.13 – HED seek the inclusion of text around the evidence required in the efforts to retain a listed building.

HED suggested correction: *“Evidence will be required indicating recommendations for stabilisation options and that all efforts have been made to retain the building...”*

It is HEDs view these changes will ensure the policy is more sound and better accord with the aims of RDS, notably item 2.10, bullet point 6 (protect and enhance the environment for its own sake), **RDS RG11** and **SPPS**, notably **6.15**.

Item 7.4.14 – HED consider reference to “*conservation area or ATC*” can be removed as they do not form part of the consideration of policy BH1 and are covered under their own policies respectively.

Policy BH2 – Conservation Areas, including its **justification and amplification** text.

HED consider the policy fails the **Consistency test (C3)** and **Coherence and effectiveness test (CE2)**. This policy should be more sound.

Policy BH2 – Conservation Areas

Policy item (a) states “**preserved or enhanced**”. This is a lesser policy test than required under SPPS and not sound.

HED suggested correction: “...**the area is enhanced or preserved.**” This alternation will make the policy sound with **SPPS**, notably **6.18**. This will also ensure consistency and linkage with the justification and amplification under item 7.4.15.

Policy item ‘Demolition’ – the first sentence is a lesser policy test than required under **SPPS** notably **6.19** and not sound. The “...**presumption in favour or retaining non-listed buildings in a CA...**” is a weaker policy test than expressed in SPPS 6.19.

HED suggested correction: “...**non-listed buildings in a conservation area. The presumption of total or partial demolition of a non-listed building will only be permitted in exceptional circumstances where**”.

These changes will ensure the policy is more sound and take sufficient account of **SPPS** notably **6.19**.

Policy item ‘Demolition’ items (j) and (k) – HED recommend clarity is required between these two items as there is potential for confusion in their interpretation.

HED suggested correction: “**j. The existing building makes either a negative or no material contribution...**” and “**k. The quality of design of the new proposal is considered to enhance the overall character...**”

These changes will ensure the policy is more sound and take sufficient account of **SPPS** notably **6.19**.

Policy BH2 – Justification and amplification section

Items 7.4.16, 7.4.19 (& item 7.4.28) – Within the justification and amplification text there is use of the term “*area built heritage asset*”. HED consider in the context of the policies (BH2 and BH4) the word “*area*” alone is sufficient within the policy context, i.e. omit the words “*built heritage asset*”

Item 7.4.20 – HED consider the referral to “*listed buildings*” can be removed as they do not form part of the consideration of policy BH2 and are covered under their own policies respectively.

Policy BH3 – Areas of townscape character

HED consider the policy fails the **Consistency test (C3)** and **Coherence and effectiveness test (CE2)**. This policy should be more sound.

Policy item - Under the ‘**Demolition**’ section of the policy HED consider the referral to “**listed buildings**” can be removed as they do not form part of the consideration of policy BH2 and are covered under their own policies respectively.

Policy BH4 – Works to grounds affecting built heritage assets, including its justification and amplification text

HED consider the policy fails the **Consistency test (C1 and C3)** and **Coherence and effectiveness test (CE2)**. This policy is not sound.

Policy BH4 – Works to grounds affecting built heritage assets

Policy item (title and 1st paragraph) – HED consider there is a conflict between the title of the policy, the inferred definition of **Built Heritage Assets** (as per the opening statement of the policy), and its justification and amplification text.

The title of the policy relates to works to the grounds of all heritage assets, e.g. state care monuments, scheduled monuments, listed buildings, historic parks, demesnes and gardens, industrial heritage, defence heritage, marine heritage and areas of special archaeological interest (ASAI) and so on, importantly including designated and non-designated heritage assets. However, in the sub-sections of the policy and notably in the justification and amplification text the emphasis relates to the urban context, e.g. "...structural elements in the streetscape..." (item 7.4.26) or "Plot subdivision within conservation areas, ATC, or near a listed building..." (item 7.4.28).

Both urban and rural heritage assets must be equally covered within the policy.

The current policy title and the emphasis of the justification and amplification text do not assist in clarifying the meaning of the policy or the decision making process in terms of assessment and determination.

HED welcome the policy intention; protecting the grounds of heritage assets. However, HED consider the policy to be unclear and therefore not sound as it does not take sufficient account of **RDS RG11** and **SPPS** notably **6.1**, **6.16** and **6.17**.

Policy 1st paragraph – HED advise that the introductory paragraph of the policy, through the use of the word **designated** provides a narrow definition, for (built) heritage assets. The word designated should be removed to make the policy more sound. (For further detail please refer to our previous comments around the use of the word 'Designated').

The inferred definition of **Built Heritage Assets** provided at the start of the policy is too narrow and not in line with **SPPS**, notably **6.1**. This is problematic and could lead to adverse effects through narrow implementation of policy. (See our comments regarding the Glossary definition for Built Heritage Assets).

Policy item (d) – HED seeks the omission of the phrase "**age and style**" as it could be deemed to prohibit modern and/or contemporary design interventions, which can comply with fundamental conservation principles.

HED suggested correction: "...in keeping with the essential character of the property and the area..." HED considers this change ensures consistency and linkage with the other policies within the Built Heritage suite and SPPS, notably 6.16 and 6.17.

Policy BH5 – Archaeology, including its justification and amplification text

HED advise that the policy is not consistent with **Consistency test (C1 and C3)** needs to be more sound.

Policy item (a) – HED advise that the wording must feature "**Areas of Significant Archaeological Interest**", i.e. the second sentence should read

HED suggested correction: "**Archaeological Remains of Regional Importance and their settings comprise Areas of Significant Archaeological Interest, monuments in State**

Care, scheduled monuments and other sites and monuments that would merit scheduling

HED considers this change ensures consistency and linkage with **SPPS** policies, notably **6.8** and **6.11**.

(As per the evidence base in the Sustainability Appraisal the Giants Ring ASAI lies within the district – the inclusion of this wording within the policy provides consistency with SPPS 6.8 and will provide linkage across plan documents when the ASAI is considered again at local policy stage).

Policy item (d) – HED advise that the last sentence of the policy should include the word **archiving** as per **SPPS 6.11**,

HED suggested correction: **“Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording, examination and archiving of the archaeology.”**

The above underlined wording improves the soundness of the policy and provides consistency with **SPPS** notably **6.11**.

Policy BH5 – justification and amplification section

Item 7.4.29 – HED advise that the first sentence is not in line with the RDS or SPPS as it refers to *“natural heritage”*.

HED suggested correction: *“Regional Guidance aims to conserve, protect and where possible enhance our historic environment”*.

The above wording would make the policy consistent with **RDS RG11** and **SPPS** notably **6.4** and relevant to the BH suite of policies it refers.

Item 7.4.31 – In order to improve soundness and provide consistency with **SPPS** notably **6.8**, the opening wording here should include ASAI i.e. first sentence should read

HED suggested correction: *“Areas of Significant Archaeological Interest, state care and scheduled monuments together represent those archaeological sites and monuments which are of greatest importance.”*

HED advise that for clarity and effectiveness in implementation of Policy BH5 (a) the wording in 7.4.31 should also make reference to requirements for scheduled monument consent for works that affect scheduled monuments. i.e. include text along the following lines:

“Scheduled monument consent is required from DfC Historic Environment Division for works affecting scheduled monuments. Early engagement with HED is advised where it is envisaged that proposed development works may affect a scheduled monument.”

The above text makes the implementation of the policy more sound in that provides clarity and linkage with relevant existing legislative and policy provisions around work to scheduled monuments.

Policy BH6 – parks, gardens and demesnes of special historic interest

HED consider the opening sentence of the policy fails the **Consistency test (C1 and C3)**. The policy aim must be more sound.

The text of the first paragraph of the policy text does not adhere to **RDS RG11** notably **3.30** and **SPPS** notably **6.4** notably the bullet point one.

HED suggested correction: “**The council will seek to conserve, protect and enhance the character, principle components or setting...**” to ensure soundness with both the RDS and SPPS, and take sufficient account of our representation during the Preferred Options Paper.

5.5 - Positive placemaking

Policy SP5 - Positive placemaking

HED consider the policy fails the **Consistency test (C1)**. This policy needs to be made more sound.

Item 5.5.2 – The amplification text makes no reference to the historic environment which is a primary component in understanding context and place. The policy should be more consistent with **RDS RG11** notably **3.30**, notably the opening paragraph and bullet point 2.

The inclusion of the word “historic” would increase soundness and ensure that the historic environment’s role in placemaking is adequately recognised in policy application. The text would be made more sound by the redrafting of the second sentence.

HED suggested correction: “*Context is historic, cultural, social and economic as well as visual.*”

The inclusion of the word “historic” also provides stronger linkage and read across to the amplification text for policy DES1, item 7.2.6.

7.2 - Urban Design

Policy DES2 – Masterplanning approach for major development

HED consider the policy fails the **Coherence and effectiveness test (CE2)**. This policy must be made more sound.

Policy item (h) – The text of the first bullet does not adhere to **RDS RG11** notably **3.30** and **SPPS** notably **6.12**.

HED recommend greater clarity is required within the justification and amplification text to clarify what item (h) is referring to with regard to “**unique parts of the city through the realisation of key landmarks within key prominent or gateway locations**”. Therefore, HED consider greater clarity is required to ensure no misinterpretation. To ensure soundness with the **RDS** and **SPPS** HED consider the policy must make reference to existing landmarks, including heritage assets.

Policy DES3 – Tall buildings

HED consider the policy fails the **Consistency test (C3)** and **Coherence and effectiveness test (CE2)**. This policy must be made more sound.

Policy item (b) – HED consider this does not account for **RDS RG11** notably **3.30** and **SPPS**, notably **6.12**

HED suggested correction: “***Do not have an adverse impact on the character, setting and appearance of Listed Buildings, designated conservation areas, areas of townscape character (ATCs) and historic monuments/gardens***”. HED consider the word **setting** must be included, with the word **designated** being omitted as conservation areas are designated under legislation, therefore no requirement for the terms inclusion here.

Policy DES3 – Justification and amplification

Item 7.2.29 – HED consider the second sentence in the justification and amplification text could be omitted as it is in conflict with the last paragraph of the policy text. The current wording has potential to retain the existing reactionary planning approach to ‘tall buildings’. HED consider with its inclusion of this sentence it could be argued that tall buildings are acceptable in locations which otherwise would be deemed inappropriate, e.g. tall buildings could be deemed appropriate at the corner of Donegall Place and Donegall Square North to accentuate a key vista onto the Belfast City Hall. In addition, the wording does not acknowledge that some existing tall buildings may be in inappropriate locations also. Therefore, HED suggest it should be omitted.

HED suggested correction: *“~~They should generally be limited to areas where existing clusters of taller buildings have already been established, as well as being sited in locations within the street pattern that terminate or accentuate key vista and where they place emphasis on areas of civic or visual importance~~”.*

Policy DES4 – Advertising and signage

HED consider the policy fails the **Consistency test (C3)**. This policy is unsound.

Policy item (c) – HED consider this does not account for **SPPS**, notably **6.14, 6.20, 6.23, 6.58, 6.59** and **6.60**

The policy in its current form does not acknowledge or cater for the hierarchy tiers between listed buildings, conservation areas and areas of townscape character as clearly expressed in SPPS.

- a) HED suggested corrections: **“Signage to a listed building must to carefully designed and located to respect the architectural form and detailing of the listed building.”** The current policy wording is a lesser policy test and not sound.
- b) HED suggested corrections: The current policy could be made more sound and take sufficient account of SPPS for signage in a conservation area if the following suggested alternative wording was used; **“Signage in a conservation area will not adversely affect the overall character, appearance or setting of the area.”**
- c) HED suggested corrections: **“Signage in an area of townscape character must maintain the overall character and built form of the area.”** The current policy wording is a greater policy test. While this is welcomed, it may create confusion in terms of the hierarchy tier, as previously stated.

9.2 - Waste infrastructure

Policy W3 – Waste disposal including its **justification and amplification** text.

HED consider the policy fails the **Consistency C3**. HED advise that the policy needs to be made more sound to be consistent with in relation to **SPPS** notably **6.613, 6.321** and PPS 11 WM1.

Item 9.2.19 – Makes reference to natural heritage interests and the wider environment. The amplification text, including the policy, makes no clear mention of historic environment interests and needs to be more consistent with the SPPS text referred to above. HED consider that the policy could be made more sound through articulation of reference to heritage interests.

HED suggested correction: *“However, in all cases care needs to be taken to ensure that such schemes do not adversely affect natural or built heritage interests and the wider environment”*

9.3 - Minerals Section

Introduction (section of policy)

HED advise that the section is not consistent with **Consistency test (C3)** needs to be more sound.

HED advise that the policy needs to be made more consistent with **SPPS** notably **6.152** and **6.613** Regional Strategic Objectives, bullet point 2, and Regional Strategic Policy in that while the policy considers impacts to the natural environment and landscape there is no articulation in any of the text in relation to the historic environment. As written there is no clarity that the policy seeks to minimise the impacts of mineral development on built heritage/historic environment interests, particularly archaeology (**SPPS** notably **6.152** and **6.613**) although the statement in 9.3.5 is acknowledged.

Item 9.3.2 – HED advise this could be first addressed through including clearer wording on the historic environment in the last sentence of the introduction item.

HED suggested correction: *“However, extraction and processing can have a significant impact on the countryside and wider environment including natural heritage, archaeology and sites of historic interest and landscape”*

Item 9.3.4 – HED advise that bullet point one could include similar wording to above that more clearly articulates the nature of the environmental resources.

HED suggested correction: *“...the need for minerals to support development and the need to protect the landscape, including natural heritage, archaeology and sites of historic interest and landscape and other environmental resources.”*

Policy M1 – Minerals including its **justification and amplification** text

HED advise that the policy is not consistent with **Consistency test (C3)** needs to be more sound.

Policy item (2nd paragraph) – HED advise the wording of the second paragraph must feature **“archaeology and sites of historic interest and landscape”**

HED suggested correction: **“...where the proposal will not have a detrimental impact on the landscape quality, archaeology and sites of historic interest and natural heritage, including lands and species designated or protected...”**

HED considers this change ensures consistency and linkage with **SPPS** notably **6.8** and **6.11**.

Item 9.3.5 – HED consider the final sentence of this item in the justification and amplification text is inconsistent with SPPS and therefore we consider to be unsound.

HED suggested correction: *“...to support growth and development against the need to protect, conserve and enhance the environment.”*

The new wording would be more sound and consistent with **SPPS** item **6.172**, notably bullet point one.

Item 9.3.9 – The first sentence of the justification and amplification text could be reworded to reflect the requirement to consider the impact of the policy on the historic environment.

HED suggested correction: *“Visual intrusion and impact on natural heritage and archaeology/sites of historic interest are often the most significant environmental impacts associated with mineral workings and these are key considerations in assessing any proposals”.*

HED consider that the above changes would increase soundness through the provision of greater clarity and linkage bringing the policy into obvious consistency with SPPS Regional Strategic Objectives. Evidence from excavations across Northern Ireland demonstrates the impacts that quarrying can have on archaeological sites.

10.5 - Development in the Countryside

Introduction (section of policy)

HED advise that the section is not consistent with **Consistency test (C3)** and the **Coherence and effectiveness test (CE2)** and needs to be made more sound.

HED are concerned that the introductory text makes no reference to the historic environment of the local countryside. Item **SPPS** notably **6.61** which refers to “*cultural heritage*” This should be articulated within the first sentence of item 10.5.1 as one of the varied roles of the countryside, to increase soundness.

HED suggested correction: “*the countryside is one of our greatest assets, with many and varied roles, including for recreational and tourism, cultural heritage, natural conservation and environmental protection...*”

Recognising the historic environment in the text would also reflect the evidence base which indicates the large number of heritage assets in the countryside area, ensuring soundness.

Policy DC3 – Replacement dwellings including its justification and amplification text

HED advise the policy is not consistent with **Consistency test (C3)** and the **Coherence and effectiveness test (CE2)** and needs to be made more sound.

Item 10.5.11 – Within the justification and amplification text HED seek the inclusion of text around the evidence required in the efforts to retain a non-listed vernacular dwelling, to provide clarity around policy item “**non-listed vernacular dwelling item (a)**”.

HED suggested correction: “*As part of any structural report evidence will be required indicating recommendations for repair and stabilisation options or the original structure to ensure all efforts have been made to retain the building*”

HED consider these changes will ensure the policy is more sound and better accord with the aims of **RDS**, notably **2.10**, bullet point 6 (protect and enhance the environment for its own sake), **RDS RG11** notably **3.30** and **SPPS**, notably **6.24**.

Policy DC4 – The conversion and reuse of existing buildings including its justification and amplification text

HED advise that the section is not consistent with **Consistency test (C3)** and the **Coherence and effectiveness test (CE2)** and needs to be made more sound.

Item 10.5.12 - Within the justification and amplification text HED seek the inclusion

HED advises the term “*rural amenity and character*” is too limiting as it is focused on the rural character only. HED suggest the inclusion of “*distinctive character and setting*”

HED suggested correction: “*Care must be taken to seek to protect the distinctive character and setting, including buildings of vernacular style and listed buildings.*” In this way the urban and rural heritage assets are equally covered within the policy. HED consider reference to “*listed buildings*” can be removed as listed buildings do not form part of the consideration of this policy and are covered under their own policy suite, notably policy BH1.

This would make the policy more sound and take sufficient account of **RDS RG11** notably **3.30** bullet points two and three and **SPPS** notably **6.1**, **6.12** and **6.24**.

Enabling Development Policy

HED advise the lack of any reference to such a policy is not consistent with **Procedural test (P2)** and is not sound.

HED note within the draft Plan Strategy there is no policy which covers 'Enabling Development' or any reference to such a policy being introduced in other parts of the Local Development Plan, e.g. local policy stage. This is concerning as within Preferred Options Paper (January 2017) the retention of the existing policy (PPS23) is to be "*retained in its current form within the new LDP*" (item 6.4.5). The importance of Enabling Development in the context of aiding the secure long term future of a heritage assets is clearly expressed in **SPPS** item **6.25**. While this may be being considered at local policy stage HED consider reference must be made to an Enabling Development policy within the Built Heritage policy suite. Therefore, HED considers the draft Plan Strategy to be unsound by lack of its inclusion. In addition, the draft Developer Contributions Framework (August 2018) references the ability for using enabling development within item 14.5 and table 11 for the enhancement of heritage assets. HED consider this is a major policy gap within the draft Plan Strategy document and between the draft Plan Strategy and the draft Developers Contribution framework that must be addressed.

GLOSSARY

HED advise that the section is not consistent with **Coherence and effectiveness test (CE3)** needs to be more sound.

The definition of **Built Heritage Assets** provided is too narrow and not in line with **SPPS**, notably **6.1**. This is problematic and could lead to adverse effects through narrow implementation of policy. In order to increase soundness HED recommend a clearer definition which better reflects the intentions of SPPS and the intended application of policy.

HED suggested correction: *Built Heritage Asset - 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.*

APPENDIX A: Existing/draft Policy Designations

HED advise that the section is not consistent with **Consistency test (C4)** and **Coherence and effectiveness test (CE2)** and is not sound.

HED are concerned The Giant's Ring ASAI is not listed here as one of the existing/draft policy designation. It is considered within the SA evidence base, dBMAP Map 46/079 and accompanying policy Designation LN 05 refers.

While this may be being considered at local policy stage it is an existing/draft plan designation and an important part of the historic environment evidence base in SA. HED advise that this reference to this designation should to be included for the purposes of soundness and to provide linkage with policy BH5a) which we have advised should make reference to ASAI.

APPENDIX F: Monitoring indicators

HED suggest the draft Plan Strategy needs to be stronger in terms of the monitoring of impacts of the plan. HED has concerns how the means of monitoring the success of the LPD

measurement tool will show how success towards the historic environment has been achieved. HED consider it may be appropriate for monitoring to include, for example:

- (a) Planning decisions which go against consultee advice and/or recommendations throughout the Plan period.
- (b) The number of Scheduled Monument Consents related to planning applications;
- (c) Monitoring of number with archaeological conditions across the district;
- (d) Monitoring of applications in the AAP to which archaeological conditions applied;
- (e) The number of Conservation Areas and/or Areas of Townscape Character designated or removed; and
- (f) The number of non-designated heritage (in CA, ATC or the countryside) assets re-used/enhanced, demolished or replaced.

Q17. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.

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. **There will not be a subsequent opportunity to make a further submission based on your original representation.** After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

See our comments within Q.16 for suggested correction to make the draft Plan Strategy more sound.

Note: If you wish to attach any evidence to support your comments above, please enclose your document(s) with this form. However, if you wish to refer to specific sections within a separate report, this is best included within the above text box.

I. Type of Procedure

Q19. Please indicate if you would like your representation to be dealt with by:

(Required)

Please select only one item

Written representations (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 event(s))

Please note: Where there is dispute with regard to any of our representations we will be prepared to present at the public hearing event(s).

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