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Dear Sir/Madam

Fermanagh and Omagh District Council Local Development Plan 2030: Draft Plan Strategy

Background

The Historic Monuments Council is pleased to have the opportunity to comment on and respond to the Draft Plan Strategy. The Historic Monuments Council is a statutory council appointed to advise the Department for Communities on the exercise of its powers under the Historic Monuments and Archaeological Objects (NI) Order (HMAO) 1995. It is consulted by the Department in relation to policy, the Scheduling of Monuments, Monuments in State Care and the identification of Areas of Significant Archaeological Interest (ASAIs). Membership of the Council is diverse, representing a wide range of public interests complemented by a number of senior archaeologists (including the Chair) with professional and heritage management expertise.

The comments of the Historic Monuments Council are made with specific regard for the statutory role of the Council as set out above. They are also made in recognition that they will be considered as part of an Independent Examination (IE) conducted by the Planning Appeals Commission (PAC) or other independent body. The purpose of the IE is to determine whether a plan satisfies statutory requirements and is sound. The Historic Monuments Council also notes the statement in Section 2.4 (p.10) of the Draft Plan Strategy that the LDP is required to take account of the regional context set by the Northern Ireland Executive and Central Government Departments which includes amongst others, the Regional Development Strategy 2035 (RDS), the Sustainable Development Strategy for Northern Ireland (SDS) and **the Strategic Planning Policy Statement (SPPS).**

The comments of the Historic Monuments Council relate to Section 5: Environment of the Draft Plan Strategy and specifically Draft Policy HE 01 – Historic Environment Overarching (with policy clarification in Sections 5.5-6) and Draft Policy HE02 – Archaeology (with policy clarification in Sections 5.7-14).

It is the considered view of the Historic Monuments Council that these draft policies are NOT sound.

Draft Policy HE 01- Historic Environment Overarching

In the introductory paragraphs to the draft policies (Sections 5.1-4) it is noted that: *Our historic environment is particularly vulnerable to change and for this reason a cautious approach to its management and protection is required to ensure its worth and integrity is preserved* (Section 5.3).

And that:

In keeping with the SPPS, the Council's role is to ensure that these assets and the integrity of their setting are protected, conserved and where possible enhanced through the promotion of sustainable development and environmental stewardship (Section 5.4).

However in Draft Policy HE01, which the heading would suggest is intended as an overarching policy statement on the historic environment within the Council area, the focus is not on the historic environment itself and its protection and conservation, but on the circumstances in which development proposals would be allowed. This focus and approach is amplified in the policy clarification. This indicates the supporting information to accompany development proposals (Section 5.5) and states that mitigation measures can provide the basis for the approval of development proposals (Section 5.5).

This draft policy runs counter to the stated policy of the Council itself recognising the need for a cautious approach to the management and protection of the historic environment (Section 5.3) and stated central government policy as articulated in the *Strategic Planning Policy Statement* (2015).

On this basis the draft policy fails two of the three categories to test the soundness of a DPD set out in the *Department for Infrastructure Development Plan Practice Note (DPPN) O6: Soundness* (2017):

- It does not align with central government regional plans, policy and guidance.
- It demonstrates inconsistency and a lack of coherence within the content of the Draft Plan Strategy.

Draft Policy HE02- Archaeology

The genesis and background of the approach taken in this draft policy appears to be in the *Fermanagh and Omagh District Council Preferred Options Paper* (2016), Section 12: Carried Forward Planning Policies (Sections 12.5-7: Archaeology and Built Heritage).

Here it is stated that:

The essential thrust of the policies set out in PPS 6 (Planning, Archaeology and Built Heritage) and the Addendum to PPS 6 is reflected in the SPPS.

Although none of the policies have posed any particular difficulties in terms of interpretation and application, it is considered that several of them could be merged into a single, more simplified form of strategic policy (Section 12.6).

The text of Draft Policy HE02 - Archaeology focuses on the context in which development proposals would be permitted in the context of Archaeological Remains of Regional and Local Importance.

The policy clarification follows the approach suggested in the POP of merging the policies set out in PPS 6 and the SPPS into a more simplified form of strategic policy. For example while recognising in Section 5.8 that Archaeological Remains of Regional Importance include Monuments in State Care and Scheduled Monuments as well as Areas of Significant Archaeological Interest (ASAIs), the following Sections 5.9-12) deal only with ASAIs. The remaining two Sections (5.13-14) deal in a very generalised manner with Archaeological Remains of Local Importance. It should be noted that these latter sites constitute the majority of historic assets in the Fermanagh and Omagh District Council area.

This draft policy runs counter to the stated policy of the Council itself in setting out the rationale for sustainably managing the outstanding historic environment of the Council area (Section 5.1) and specifically recognising the need for a cautious approach to the management and protection of the historic environment (Section 5.3). More importantly in presenting a simplified approach to strategic policy it runs directly counter to and fails to articulate the thrust of stated central government policies as articulated in PPS 6 and the SPSS.

On this basis the draft policy fails all three of the categories to test the soundness of a DPD set out in the *Department for Infrastructure Development Plan Practice Note (DPPN) O6: Soundness (2017)*:

- It demonstrates an inconsistency of the approach between the POP and the Draft Plan Strategy in that no justification or rationale is put forward to adequately explain why, when there was no difficulty in the 'interpretation and application' of policies in PPS 6 and the SPPS, it was felt appropriate to move to a simplified strategic strategy.
- It does not align with central government regional plans, policy and guidance, specifically PPS 6 and the SPPS.
- It demonstrates inconsistency and a lack of coherence within the content of the Draft Plan Strategy.

As an additional note, in the discussion of ASAIs (Sections 5.9-12) the Draft Plan Strategy fails a specific consistency test mentioned in DPPN 6, namely there is no mention of relevant plans, policies and strategies in any adjoining council district. The Creggandevosky and Beaghmore ASAIs run into the Mid-Ulster District Council area.

To summarise and reiterate it is the considered view of the Historic Monuments Council for the reasons set out above that Draft Policies HE01 and 02 are NOT sound. It is the strong recommendation of HMC that these policies should be re-drafted and then considered again to assess whether they meet the test of soundness.

The Historic Monuments Council looks forward to continuing to engage with the Fermanagh and Omagh District Council Local Development Plan process.

Yours sincerely



Professor Gabriel Cooney, chair