



Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmaí

## **Fermanagh & Omagh Draft Plan Strategy - Counter Representations Form**

Hard Copies of the Draft Plan Strategy, all Representations received and our 'Guidance note for Making Counter Representations' are available for inspection during normal opening hours at the Council's offices at: 7 Shore Road, Enniskillen, BT74 7EF; Strule House, 16 High Street, Omagh BT78 1BQ; The Grange, Mountjoy Road, Lisnamallard, Omagh, Co Tyrone, BT79 7BL and; Townhall, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA or may be viewed at <https://www.fermanaghomagh.com>

### **How to make Counter Representations**

You can make counter representations by completing this form, by email to [developmentplan@fermanaghomagh.com](mailto:developmentplan@fermanaghomagh.com) or by post to: Local Development Plan Team, Strule House, 16 High Street, Omagh BT78 1BQ.

For further assistance contact: [developmentplan@fermanaghomagh.com](mailto:developmentplan@fermanaghomagh.com) or Tel: 0300 303

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### **SECTION 1. Contact Details**

Agent or Personal Submission - Are you submitting on behalf of someone or in an individual capacity?

☐ Individual    ☒ Organisation    ☐ Agent (complete with your client's contact details first)

**First Name**

[REDACTED]

**Last Name**

[REDACTED]

**Job Title (Where relevant)**

Senior Archaeologist

**Organisation (Where relevant)**

DfC Historic Environment Division

**Address**

Klondyke Building, Cromac Avenue, Gasworks Business  
Park, Malone Lower, BELFAST, County Antrim

**Postcode**

BT7 2JA

**Telephone Number**

[REDACTED]

**Email Address**

[REDACTED]@communities-ni.gov.uk

**If you are an Agent, acting on behalf of an Individual or Organisation, please provide your contact details below. (Please note you will be the main contact for future correspondence).**

**First Name** Click or tap here to enter text.

**Last Name** Click or tap here to enter text.

**Job Title (Where relevant)** Click or tap here to enter text.

**Organisation (Where relevant)** Click or tap here to enter text.

**Address** Click or tap here to enter text.

**Postcode** Click or tap here to enter text.

**Telephone Number** Click or tap here to enter text.

**Email Address** Click or tap here to enter text.

## **SECTION 2. Counter Representation**

**Have you submitted a representation to the council regarding the Draft Plan Strategy?**

☒ **Yes** ☐ **No**

**If yes, please provide the Reference Number of your representation and a summary of the issue raised in your representation below.**

**DPS 113 DfC Historic Environment Division**

**HED representation raised fundamental concerns around the soundness of the historic environment policy suite and the robustness of the Sustainability Appraisal.**

*(Continue on a separate sheet if necessary)*

**Details of Your Counter Representation**

Please provide the reference number of the site-specific representation to which your counter representation relates to:

DPS 271 Dalradian Gold Ltd

Please give reasons for your counter representation having particular regard to the soundness test(s) identified in the above referenced site-specific representation. Please note that your counter representation must not propose any new changes of the draft Plan Strategy.

Our representation relates to Page 18 of the referenced representation, specifically paragraphs 5.1 to 5.7 which relate to the Draft Policy HE02 on Archaeology  
SEE ATTACHED DOCUMENTATION WHICH CONTAINS OUR RESPONSE.

*(Continue on a separate sheet if necessary)*

### SECTION 3. Data Protection and Consent

#### Data Protection

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure. It should be noted that in accordance with Regulation 19 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any counter representation available for inspection. The Council is also required to submit the counter representations to the Department for Infrastructure and they will then be considered as part of the Independent Examination process. For further guidance on how we hold your information please visit the Privacy section at [www.fermanaghomagh.com/your-council/privacy-statement/](http://www.fermanaghomagh.com/your-council/privacy-statement/)

By proceeding and submitting this representation you confirm that you have read and understand the privacy notice above and give your consent for Fermanagh and Omagh Council to hold your personal data for the purposes outlined.

#### Consent to Publish Response

The Council is required by law to publish your representation and make it available for inspection. Unless otherwise stated by yourself, this will include your name and postal address. Your personal telephone number, personal email address and signature will not be published.

If you do not wish for your name and postal address to be published please tick the box below.

☒ Please do not publish my name or contact details (CONTENT FOR ORGANISATIONAL NAME AND POSTAL ADDRESS)

Please note: Even if you opt for your details to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner/Authority they appoint to oversee the examination in public into the soundness of the plan. This will be done in accordance with the privacy statement above.

Signature

	
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Date

31 May 2019
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**Historic Environment Division**

Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Malone Lower  
BELFAST

BT7 2JA

Date: 31 May 2019

**HISTORIC ENVIRONMENT DIVISION: COUNTER-REPRESENTATION TO DPS 271**

Historic Environment Division (HED) have considered the representation made by Dalradian Gold Ltd (DPS 271) and refute the statement that the extension to the Beaghmore Area of Significant Archaeological Interest (ASAI) has not been founded on Sound Evidence.

Our counter- representation relates to Page 18 of the referenced representation, specifically paragraphs 5.1 to 5.7 which relate to the Draft Policy HE02 on Archaeology

HED advise our previous comments, on the soundness of the historic environment policy approach in the draft plan strategy, remain unchanged (see ref: DPS 113).

We note that 5.1 of the representation objects to the draft Policy in its entirety and would contend that removing and having no policies for the protection of archaeology in the local development plan, would be contrary to the aims of the Regional Development Strategy (see RG11), Strategic Planning Policy Statement (pages 37, 38 and 39 and also para 6.29), and fail to meet obligations in international conventions on the protection of archaeological and cultural heritage, See the Valletta Convention, to which the UK is a signatory, primarily article 5. <https://rm.coe.int/168007bd25>

We note that sections 5.2 and 5.5 of the representation make reference to a planning application for extraction. We advise that this is a development management matter which was considered on its own merits under existing prevailing policy considerations. It is unrelated to the LDP.

HED note section 5.6 of the representation contends that the identified extension to the Beaghmore ASAI fails soundness test CE3 in that it is not based on sound evidence. Soundness test CE3 relates to clear mechanisms for implementation and monitoring of the plan. Soundness CE2 relates to the strategies, policies and allocations of the plan being robust and appropriate having considered the relevant alternatives and being founded on a robust evidence base. HED advise that our identification of the extension to the ASAI meets these soundness tests.

The Strategic Planning Policy Statement (SPPS) section 6.29, bullet point 2, refers to the designation of ASAI.

*“.....Where appropriate LDPs should designate Areas of Significant Archaeological Interest (ASAs). Such designations seek to identify **particularly distinctive areas of the historic landscape** in Northern Ireland. They are likely to include a number **of individual and related sites and monuments** and **may also be distinguished by their landscape character and topography**. Local policies or proposals for the protection of the overall character and integrity of these distinctive areas should be included in LDPs where relevant.”*

Footnote 14 further articulates that the Historic Monuments Council, the Statutory Advisory body to the Department (DfC – Historic Environment Division) must be consulted on the identification of ASAs.

The plan itself is the mechanism by which ASAI are designated, and the HMC must be consulted on their identification.

In accordance with these policy requirements Historic Environment Division consulted with the Historic Monuments Council with regard to the identification of the extended ASAI at Beaghmore, on 25<sup>th</sup> July 2017, and following their endorsement of the identified area have supplied a Statement of Significance to the local authority in October 2017. This statement, which the council have included as part of their Countryside Assessment, outlines distinctive qualities of the ASAI, and considers those types of development which would have the potential to adversely impact on its distinctive characteristics. It includes a map of the identified ASAI area, along with a selection of imagery and tables displaying a list of the heritage assets currently recorded in the area of landscape concerned. We consider that the Council's inclusion of the statement meets the requirements of soundness test CE3 in that strategic policy requirements were implemented in relation to its identification.

In reference to 5.3 of the representation HED would contend that we are not *proposing* an ASAI but have identified it in line with policy requirements. The ASAI can only be designated however in the context of the Local Development Plan.

The extension to the ASAI was informed by robust evidence incorporating:

- Data from the Northern Ireland Sites and Monuments Record (publically available), <https://www.communities-ni.gov.uk/services/sites-and-monuments-record> Information pertaining to each of the individual sites listed within the ASAI statement, along with associated detailed scanned documentation, can be reviewed using this database
- GIS analysis, including view shed analysis (example attachment refers) This has been of critical importance in reviewing and extending the Beaghmore ASAI to more accurately reflect the distinctive area of historic landscape as well as those archaeological sites and monuments which contribute to that distinctive character and their settings. In considering setting HED adopt the methodology which is outlined in our guidance document <https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment> Reference to the Northern Ireland Landscape Character Assessment 2000 (most particularly LCA 25 Beaghmore Moors and Marsh) <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/environment-land-information-NI-landscape-character-assessment-beaghmore-moors-marsh-2010.pdf> and The Northern Ireland Regional Landscape Character Assessment 2015 (most particularly Area 12 Carrickmore Plateau and Pomeroy Hills) <https://daera-ni.maps.arcgis.com/apps/MapJournal/index.html?appid=dee491ff43c0415fbb986f74c92f39a9>

- Field work to better understand the visual and wider historic landscape setting of the State Care Monument and other monuments in the landscape. Field inspections were carried out in May and August 2017
- A review of the existing ASAI which was designated in the Cookstown Area Plan 2010, (Plan Policy CON 4 and Map no 27)  
[https://www.planningni.gov.uk/index/policy/development\\_plans/devplans\\_az/cookstown\\_2010/cookstown\\_framework/cookstown\\_conservation/cookstown\\_conservation4.htm](https://www.planningni.gov.uk/index/policy/development_plans/devplans_az/cookstown_2010/cookstown_framework/cookstown_conservation/cookstown_conservation4.htm), with consideration afforded as to how some planning applications in the surrounding landscape since its designation have threatened the integrity and setting of the landscape including with regard to views from the State Care Monument, Beaghmore Stone Circles.

The extended ASAI takes a broader more informed account of horizons and skylines around Beaghmore Stone Circles, a site which evidence suggests has important astronomical aspects and functions. HED has undertaken a viewshed analysis of the landscape which has informed a better spatial qualification of the surrounding horizons and skylines from the site than previously taken account of. Importantly the identified extension also incorporates additional individual and related sites and monuments, with discrete and overlapping settings, whose significance is enhanced by their relationships with each other and the surrounding landscape. These include, for example, the Ogham Stone at Aghascrebagh and the prehistoric complex at Dun Ruadh, intrinsic parts of the historic landscape here.

We advise that the boundary lines of the ASAI as well as considering spatial distribution of heritage assets and view shed analysis, have been carefully considered and have been informed by examination of historic landscape characteristics including natural features, contour lines and historic boundaries, including townland boundaries. The landscape area, including its boundaries, is therefore clearly based on historic landscape attributes. We consider this to be sound in line with CE2.

We attach the following as items of additional evidence to illustrate the reasoning and support behind the extension to the ASAI

- Image demonstrating view shed analysis from Beaghmore Stone Circles and the spatial distribution of heritage assets within the ASAI (addresses 5.4)
- Letter from the Historic Monuments Council which was issued to Fermanagh and Omagh District Council in relation to the Beaghmore and Creggandevsky ASAs.

In conclusion Historic Environment Division advise that the extension to the Beaghmore ASAI has been identified on the basis of robust and up to date evidence in accordance with requirements of Sustainability Appraisal and of soundness test CE2 and that its identification is compliant with the requirements of SPPS, and sound in accordance with CE3.

Finally we refer to our comments in our own representation (DPS 113), that we expect that the council should develop a local bespoke policy for the protection of each ASAI, in line with requirements of SPPS 6.29, and in line with previous practice, see for reference existing above referenced bespoke policy on Beaghmore ASAI, from the Cookstown Area Plan 2010.



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[HED.Secretariat@communities-ni.gov.uk](mailto:HED.Secretariat@communities-ni.gov.uk)



Prof. Gabriel Cooney BA MA PhD  
Chairman

Planning Office  
Fermanagh and Omagh District Council  
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BT74 7BA

19<sup>th</sup> October 2017

To whom it may concern,

I am writing on behalf of the Historic Monuments Council to support the inclusion of the Creggandevsky Area of Significant Archaeological Interest (ASAI) and the extension of the already designated Beaghmore ASAI in the Fermanagh and Omagh District Council Local Development Plan. Statements of Significance for these ASAs were recently submitted to the Council by the Historic Environment Division, Department for Communities.

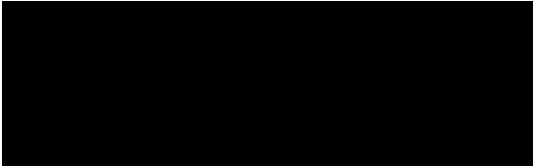
The Historic Monuments Council (HMC) is a statutory body appointed to advise the Department for Communities on the exercise of its powers under the Historic Monuments and Archaeological Objects (NI) Order 1995. It is consulted by the Department in relation to policy, the Scheduling of Monuments, Monuments in State Care **and the identification of Areas of Significant Archaeological Interest (ASAs)**. 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.

As you know the Strategic Planning Policy Statement (6.29) requires that local authorities, where appropriate, designate ASAs in their Local Development Plans (LDPs) to identify particularly distinctive areas of historic landscape in Northern Ireland. These areas are likely to include a number of individual and related monuments and may also be distinguished by their landscape character and topography. The SPSS further outlines that the Department of Communities' statutory consultation body, the HMC, be consulted on the identification of ASAs. Local policies for the protection of the overall character and integrity of these distinctive areas should be included in LDPs where relevant.



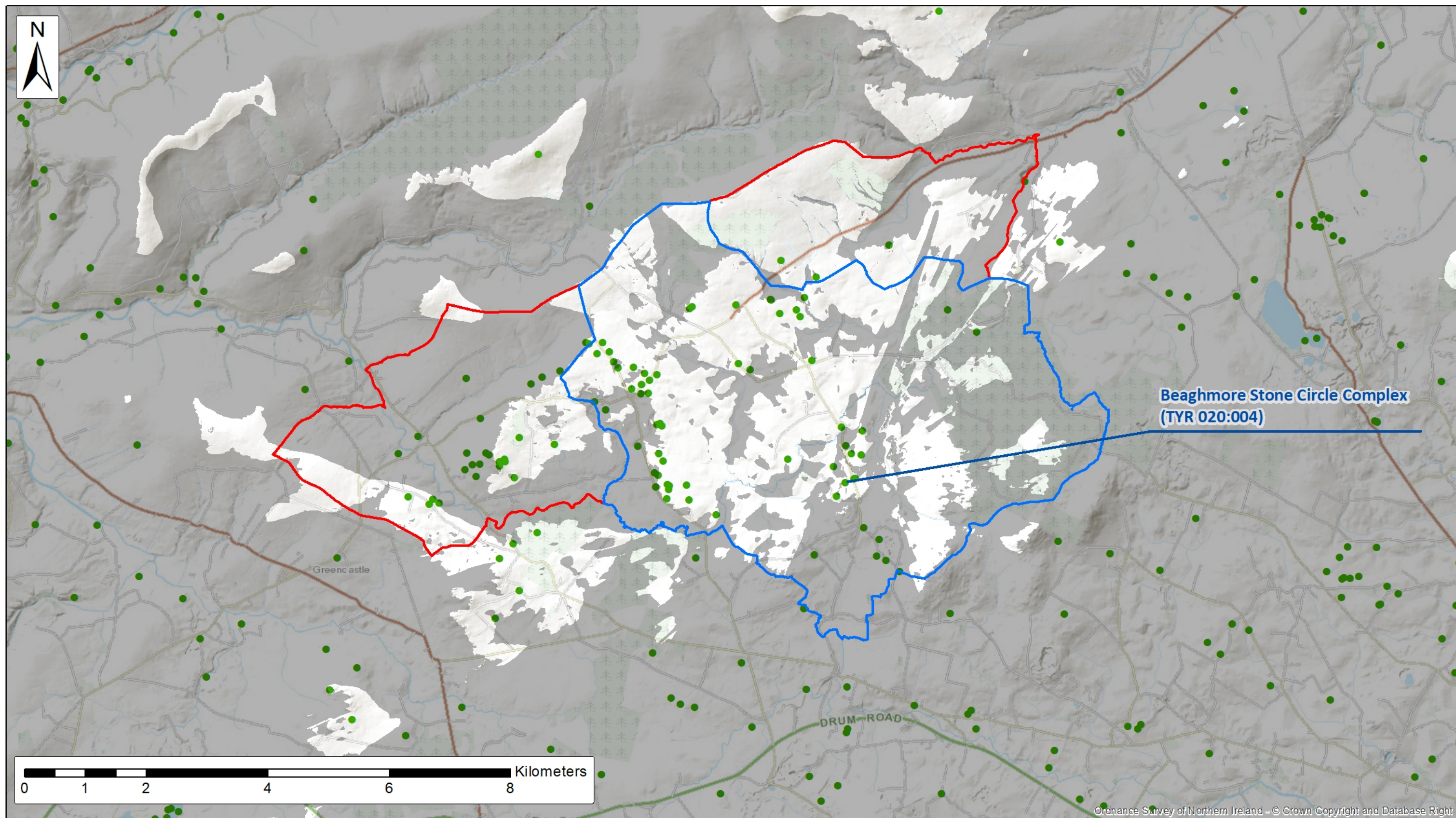
As chair of the Historic Monuments Council (HMC) I wish to formally state that we have been fully consulted by the Historic Environment Division on the Creggandevesky ASAI and the extension of the Beaghmore ASAI. This consultation included a discussion in the field at both ASAs in the summer of 2017. The Historic Monuments Council is content that both the Creggandevesky ASAI and the extended Beaghmore ASAI fulfil the criteria for ASAs set out above. The Historic Monuments Council approves the designation of these two ASAs and supports and strongly recommends their inclusion in the Fermanagh and Omagh District Council Local Development Plan.

Yours sincerely

A large black rectangular box redacting the signature of Professor Gabriel Cooney.

Professor Gabriel Cooney, chair





## Beaghmore ASAI viewshed analysis

(Areas not visible shaded grey)

Viewshed analysis completed using a digital terrain model (DTM) with a 5m grid square resolution supplied by GSNI. Calculations have been made as if viewed by a 1.8m high observer located at the centre of the Beaghmore Stone Circle Complex. Areas not visible according to the analysis have been shaded grey.

- Proposed extension to Beaghmore ASAI
- Current Beaghmore ASAI boundary
- NI Sites and Monuments Record locations