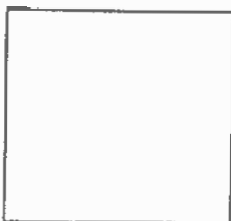


Form for the Submission of a Representation to the Development Plan Document



**Local Development Plan
Representation Form
(Plan Strategy)**

Ref: Date Received: (for official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Lisburn and Castlereagh City Council Draft Plan Strategy

Please complete separate form for each representation

SECTION A

1. Client Details

2. Agent Details (if applicable)

Title	<input type="text" value=""/>	<input type="text" value=""/>
First Name	<input type="text" value=""/>	<input type="text" value=""/>
Last Name	<input type="text" value=""/>	<input type="text" value=""/>
Job Title (where relevant)	<input type="text" value=""/>	<input type="text" value="Director"/>
Organisation (where relevant)	<input type="text" value="Clanmil Housing Association"/>	<input type="text" value="Turley"/>
Address Line 1	<input type="text" value="Northern Whig House"/>	<input type="text" value="Hamilton House"/>
Line 2	<input type="text" value="3 Waring Street"/>	<input type="text" value="3 Joy Street"/>
Line 3	<input type="text" value="Belfast"/>	<input type="text" value="Belfast"/>
Line 4	<input type="text" value=""/>	<input type="text" value=""/>
Post Code	<input type="text" value="BT1 2DX"/>	<input type="text" value=""/>
Telephone Number	<input type="text" value=""/>	<input type="text" value="028 9072 3900"/>
E-mail Address:	<input type="text" value=""/>	

SECTION B

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

3. To which part of the DPD does your representation relate?

- (i) Paragraph _____
- (ii) Policy HOU8; HOU10; HOU11 & COU5
- (iii) Proposals Map _____
- (iv) Site Location _____

4(a). Do you consider the development plan document (DPD) is:

Sound Unsound

4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:

Soundness Test No.

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

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

N/A

(Continue on a separate sheet if necessary)

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD 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 enclosed representation

(Continue on a separate sheet if necessary)

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation Oral Hearing

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature:

[Redacted Signature]

Date: 10 January 2020

Lisburn & Castlereagh City Council Draft Plan Strategy

Representations on behalf Clanmil Housing
Association

January 2020

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Client

Clanmil Housing Association

Our reference

CLAB3146

16 December 2019

Executive Summary

1. This representation is submitted on behalf of the Clanmil Housing Group who welcomes the opportunity to submit comments on the draft plan strategy issued by Lisburn and Castlereagh City Council (LCCC).
2. Clanmil is an ambitious Housing Association whose vision is that everyone should have a great home. The Association continues to invest in the delivery of new homes for all members of society in need which in turn supports the local community and wider economy.
3. Clanmil is passionate about good design and place shaping that supports the ambition of LCCC of providing home for all tenures, including the promotion mixed tenure neighbourhoods that are safe and welcoming for all.
4. We appreciate that this draft Plan Strategy is the first, Local Development Plan prepared by LCCC and offer these comments as a 'critical friend' who is keen to see the smooth progression of the draft Plan Strategy from a consultation document to an adopted Plan Strategy.
5. We support the ambition and drive of LCCC in terms of its vision for the Council area however, having reviewed and considered the Local Development Plan, we consider the Plan to be unsound.

The table below summarises the changes sought.

Schedule of key draft Policy Comments

Policy	Comment	Cross ref.
Draft Strategic Policy HOU8	The Council has failed to provide sufficient evidence or clarification on the affordable housing need for the plan period. The Council has failed to demonstrate how the affordable housing can be provided within sites with remaining capacity. The draft policy therefore fails against soundness tests C3, CE1 and CE2.	Paragraphs 3.1 to 3.11
Draft Policy HOU10	The Council has failed to provide sufficient evidence to justify the proposed policy requirement and thresholds. The Council has failed to consider any reasonable alternatives with the supporting SA and elements of the policy lack clarity. No consideration has been given to the delivery of the policy and its implementation. The draft policy therefore fails against soundness tests P3, CE2, CE3 and CE4.	Paragraphs 3.12 to 3.27
Draft Policy	The Council has failed to adequately consider the	Paragraphs

HOU11	implementation of the policy. The draft policy therefore fails against soundness test CE3.	3.28 to 3.34
Draft Policy COU5	The draft policy is a departure from the policy wording of PPS21. The draft policy therefore fails against soundness test C3.	Paragraphs 3.35 to 3.37

1. Introduction

- 1.1 Turley submits this representation on behalf of Clanmil Housing Association, and welcomes the opportunity to return comments on the Lisburn and Castlereagh Draft Plan Strategy.
- 1.2 In line with Council's procedures, each representation is set out on a separate page within each of the Chapter headings with the policy clearly identified.
- 1.3 The structure of the submission is as follows:
 - **Chapter 2:** Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests; and
 - **Chapter 3:** Details our representations on housing related policies within both Parts 1 and 2 of the draft Plan Strategy.

2. Legislative Compliance

2.1 In preparing their draft Plan Strategy (dPS), Lisburn and Castlereagh City Council ('the Council') is required to adhere to the provisions of:

- The Planning Act (Northern Ireland) 2011 ('Act'); and
- The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').

2.2 This section identifies concerns in the compliance of the dPS with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

2.3 Part 2 of the Act stipulates that the Plan Strategy should be prepared in accordance with the Council's timetable, as approved by the Department for Infrastructure ('Dfi') and in accordance with the Council's Statement of Community Involvement.

2.4 The Council's Local Development Plan (LDP) Timetable, as approved is publicly available on their website; dated November 2018. We acknowledge that the dPS was published within the timeframes set out in the timetable of Q3 2019 to Q2 2020. We note that this timeframe is also to include for the review of representations received and the consultation period for site specific counter-representations. In line with guidance issued by Dfi, we recommend that Council carefully monitors this time period to ensure that that all phases of the LDP are undertaken within the approved timelines agreed by Dfi.

3. A Quality Place – Enabling Sustainable Communities and Delivery of New Homes

Draft Strategic Policy 08 –Housing in Settlements

- 3.1 The draft Plan Strategy (dPS) identifies 6 Strategic Policies which will shape the draft Plan. *Plan Objective A: A Quality Place* relates to enabling sustainable communities and the delivery of new homes. It is under this objective that housing is considered.
- 3.2 There are 8 actions associated with Plan Objective A, action point number 5 states to:
“provide appropriate opportunities for housing in settlements with a range of types and tenures, including affordable housing.”
- 3.3 This action is welcomed as the delivery of sustainable communities is a key objective of the Regional Development Strategy 2035 (RDS) and Strategic Planning Policy Statement (SPPS).
- 3.4 Draft Strategic Policy 08 goes on to state:
“The plan will support development proposals that:
- (a) Are in accordance with the Strategic Housing Allocation provided in Table 3;*
 - (b) Facilitate new residential development which respects the surrounding context and promotes high quality design within settlements;*
 - (c) Promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing;*
 - (d) Encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.”*
- 3.5 It is recognised within the *‘justification and amplification’* text that affordable and specialist accommodation provision should be met where need is identified. This approach is welcomed, however the Council has not published any evidence to indicate how need is identified. Reference is made in Technical Supplement 1¹ to a need for 2,490 affordable units which has been derived from the Northern Ireland Housing Executive Housing Market Analysis Update (HMA) dated April 2018, however this is not provided within the supporting papers. If the Council is to rely upon this evidence as justification for a policy-led approach to affordable housing then the relevant information should be provided in support in order to allow for a robust assessment to be undertaken by the Planning Appeals Commission (PAC).
- 3.6 In the absence of the original data set from NIHE the approach could be unsound under soundness test CE2.

¹ Technical Supplement 1 Housing Growth Study, October 2019 (Section 7).

3.7 The SPPS also sets out at Paragraph 6.139 that:

“Housing Needs Assessment/Housing Market Analysis – provides an evidence base that must be taken in to consideration in the allocation, through the development plan, of land required to facilitate the right mix of housing tenures including open market and special housing needs such as affordable housing, social housing, supported housing and travellers accommodation. The HNA will influence how the LDPs facilitate a reasonable mix and balance of housing tenures and types. The Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA.”

3.8 The SPPS is therefore clear that the HMA should inform the LDP. Whilst the Council has referenced the HMA, it is not specifically included within the supporting evidence base for the draft Plan Strategy and therefore it could not be demonstrated that the plan would comply with soundness test C3.

3.9 We also note that Housing Need Assessment/Housing Market Analysis is considered at Page 61 of dPS Part 1. Here it is stated:

“The Northern Ireland Housing Executive (NIHE) are responsible for carrying out a Housing Needs Assessment (HNA) to assist the Council in the preparation of the Local Development Plan. The HNA seeks to provide a reasonable mix and balance of house types to cater for a range of housing needs. The total affordable housing requirement for the plan period is 6,240 units, of which 2,400 are social housing units. The deliverability of affordable housing and in particular the social housing element will largely depend on the zoned sites remaining to be developed and other sites lying outside these zonings (urban capacity and windfall).”

3.10 We wish to highlight that the Council’s Technical Supplement 1 sets an affordable housing requirement for the plan period of 2,490 dwellings which would appear to conflict with the dPS figure of 6,240 units. The Housing Growth Strategy², which forms Chapter 6 of Technical Supplement 1, identifies a social housing need of 2,490 new homes but does mention intermediary housing. It is unclear whether the figure of 6,240 units comprises both social rented housing and intermediary housing. On this basis the plan would be unsound as it conflicts with the evidence and would therefore fail against soundness test CE2. There is also a lack of clarity within the papers and the dPS on the actual affordable housing need for the plan period.

3.11 Technical Supplement 1, Table 6 shows that remaining zoned land without planning permission could accommodate c1, 099 units. Add to this the potential yield for the proposed Strategic Mixed Use site at West Lisburn identified in Table 6 and the potential yield could be c2, 599 units.

3.12 Given that the Council’s proposed policy for the provision of affordable housing could only be applied to future planning applications it is difficult to understand how an affordable need of 6,240 units could be met within zoned land which could only yield 2,599 units. We acknowledge that urban capacity sites and windfall sites could also contribute to the provision of affordable housing, however the Council’s own evidence

² Lisburn & Castlereagh Housing Growth Study, Lichfields, 24 September 2019

provided in Technical Supplement 1³ indicates that such sites could yield c.1, 318 units. Even with a provision of 100% affordable housing the need identified at page 61 of dPS Part 1 could not be adequately met. As such the dPS would fail soundness tests CE1 and CE2.

3.13 In order to ensure that a that the dPS can meet the soundness tests, we recommend that the Council:

- Makes all relevant evidence/data available for consultation and for the PAC to inform their assessment of the Plan;
- Provides clarification on why evidence provided in Technical Supplement 1 shows a different affordable housing need than that presented in Part 1 of the dPS; and
- Ensures that there is sufficient land available for development within the plan period which would be able to support the delivery of the relevant affordable housing requirement and if necessary identify additional lands through the expansion of settlement limits at the Plan Strategy stage.

Draft Policy HOU10 – Affordable Housing in Settlements

3.14 Part 2 of the dPS sets out the Council’s proposed operational planning policies for the plan period. Those draft operational policies relating to housing are also considered under the heading ‘A Quality Place’ and seek to expand upon the relevant draft strategic policies set out in Part 1.

3.15 Draft Policy HOU10 states:

“Where the need for affordable housing is identified, through the Housing Needs Assessment, on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.”

3.16 Whilst the intention to secure affordable housing contributions is welcomed the Council has provided no evidence to justify the application of a threshold of 0.5 hectares or 5 units. It would have been prudent to consider a range of thresholds in determining the most appropriate option.

3.17 The Council also fails to adequately justify the application of a 20% requirement. It is noted that the assessment of requirement is considered at paragraphs 4.35 and 4.36 of Technical Supplement 1. This appears to indicate that a 20% requirement was preferred on the basis that it was closer to the affordable housing requirement set out in the same paper. The same paragraphs reference a more detailed study that has been undertaken, however this is not available as part of the consultation process and therefore there is a gap in evidence. As such the draft policy could fail against soundness test CE2. In any event it is unclear whether any consideration has been

³ Table 8 and 9

given to the impact of such a requirement on the viability of development and therefore no real degree of certainty can be provided to demonstrate that the policy is deliverable. As such it could fail against soundness test CE2.

3.18 From a management perspective, it is widely accepted that social housing will be provided by a housing association. In the case of sites of 5 units, this would equate to one affordable unit which would require management by a housing association. The management of single units across a settlement could cause management inefficiencies.

3.19 We note that the Sustainability Appraisal which accompanies the draft Plan Strategy does not consider any alternatives for the provision of affordable housing. No alternative thresholds or requirements have been considered. As such we find the SA to be flawed and therefore the dPS could fail soundness test P3.

3.20 The third part of draft Policy HOU10 states:

"In exceptional circumstances where it can be demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement."

3.21 We are concerned with the use of the phrase 'in exceptional circumstances' for two reasons. Firstly, it is unclear what is meant by 'exceptional circumstances' and therefore the draft policy lacks clarity and would fail sound test CE3. Secondly, and most importantly for the delivery of the objectives of the draft policy, we consider that the use of the phrase 'in exceptional circumstances' is unnecessary. In reality, where an applicant can reasonably demonstrate that the requirement cannot be met on site they should be able to consider an alternative form of provision.

3.22 The implications of the term 'exceptional circumstances' could be overly onerous and could have the reverse effect of stalling the delivery of sites. As such the draft policy could fail soundness test CE2. For example where other key site requirements render a scheme financially unviable if it has to provide affordable units but the applicant is willing to provide an off-site contribution for affordable housing elsewhere through the delivery of 100% market housing on the application site then this should be considered.

3.23 Whilst the consideration of alternative forms of provision is welcomed, we have concerns regarding the implementation and delivery of Section 76 Planning Agreements securing financial contributions. These concerns are summarised below:

- The recipient of the financial contribution (and therefore signatory to the agreement) must have the powers within their gift to spend the money on the provision of affordable housing⁴. It is unclear from the draft policy who a contribution would be payable to;

⁴ As it is currently defined within the SPPS. We note and acknowledge that the definition of affordable housing may change in the future

- If a financial contribution is payable to the Council, they do not have it within their powers to deliver housing and therefore could not meet the terms of any obligation within the Section 76 Planning Agreement;
 - If a financial contribution is payable to a Housing Association the Council should assure itself that the associations can receive such payments for the provision of social or intermediate housing. In the case of intermediate housing this would also require the association to be a willing signatory to a Planning Agreement for a site that they do not control;
- 3.24 The Council should also clarify the intention of the financial contribution which would be sought and ensure that there is clarity regarding who can receive such payments. We would recommend that engagement on this matter is undertaken with the Department for Communities, NIHE and NIFHA to ensure that the policy can be implemented and does not fail soundness test CE3.
- 3.25 Based on the comments set out in relation to part 3 of draft Policy HOU10, we recommend that this element of the draft policy is reworded as follows:
- “In circumstances where it can be robustly demonstrated that the affordable housing requirement cannot be met on site, alternative provision must be made by the applicant and where relevant agreed through a Section 76 Agreement.”*
- 3.26 We welcome the identification within the policy that Specialist Accommodation defined under draft Policy HOU11 will be exempt from the terms of the policy. Please see our comments on draft Policy HOU11 for further details.
- 3.27 Clanmil also welcomes the exception within the draft policy which relates to the provision of affordable housing on land identified as open space. This approach recognises the locational needs for affordable housing and in particular social housing.
- 3.28 We note that the supporting documents for the dPS refer to affordable housing as defined within the SPPS. This approach is welcomed however the definition may be subject to change in the future as the Department for Communities (DfC) has launched a consultation paper on proposed changes to the definition of Affordable Housing. While the proposed change would have no direct impact upon social housing, it would provide an opportunity for the private sector to provide intermediate housing products alongside registered housing associations.
- 3.29 The draft policy should be flexible enough to respond to future changes in the definition of affordable housing. This flexibility will assist in ensuring that the policy complies with soundness test CE4.

Draft Policy HOU11 – Specialist Accommodation

- 3.30 Draft Policy HOU11 sets out the Council’s policy considerations for the provision of ‘specialist accommodation’. The supporting text for the draft policy suggests that this relates to accommodation for the older people and people with disabilities.

- 3.31 We note that two policy criteria are to be met when considering planning application for specialist accommodation. The first being:

“The homes and/or bed spaces to be provided meet an identified need demonstrated through a statement for specialist housing need.”

- 3.32 In the case of specialist housing provided a social housing, e.g. Category A housing, this test should not apply. Given that the locational need for social housing is already determined by NIHE prior to the allocation to a housing association this test is already met and the planning application for the proposed development should not have to demonstrate this again.

- 3.33 We would also highlight that locational need for such developments may mean that development will be needed where all parts of criterion B cannot be met. For example where there is a high need for or care housing but limited access to leisure facilities a balanced approach should be applied to the decision making process.

- 3.34 We would therefore raise concerns about the implementation of the draft policy as currently worded as it could fail soundness test CE3.

- 3.35 The final part of draft Policy HOU11 states:

“All proposals, including extensions/alterations/additions to existing residential facilities for sheltered housing, extra-care homes, nursing homes and residential care homes will be considered in accordance with this policy.”

- 3.36 Where an extension to an existing facility is proposed careful consideration should be given to whether all of the criterion under draft Policy HOU11 should be rigidly applied as in some instances it may be more efficient use of land to extend an existing facility rather than build a further facility elsewhere.

Draft Policy COU5 – Affordable Housing

- 3.37 Draft Policy COU5 relates specifically to affordable housing within the countryside. This policy seeks to carry over the policy currently contained within extant Policy CTY 5 of Planning Policy Statement 21 (PPS21).

- 3.38 We would raise concerns that some elements contained within the policy wording of the current Policy CTY5 have been removed from the policy wording of draft Policy COU5 and are instead provided within the supporting text. Clanmil is concerned that policy wording requiring the need for housing in this case to be identified by NIHE and for the applicant to be a housing association has been removed from the policy wording within the dPS. Given that this is a key element of the existing policy provision it should be retained to ensure that the dPS does not conflict with soundness test C3.

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