

Chloe Duddy

From: Emma Walker <emma.walker@turley.co.uk>
Sent: 27 January 2020 11:18
To: Local Development Plan
Subject: Derry City & Strabane Draft Plan Strategy - NIFHA Representations
Attachments: NIFHA DCSDC dPS Representations.pdf; DCSDC LDP Form NIFHA.pdf

Dear Sir/Madam

On behalf of our client, NIFHA, please find attached representations to the Draft Plan Strategy and Sustainability Appraisal. We enclose:

- Completed form; and
- Representation report prepared by Turley

We would be grateful if you could acknowledge receipt of the representation by return of email.

Kind regards

Emma

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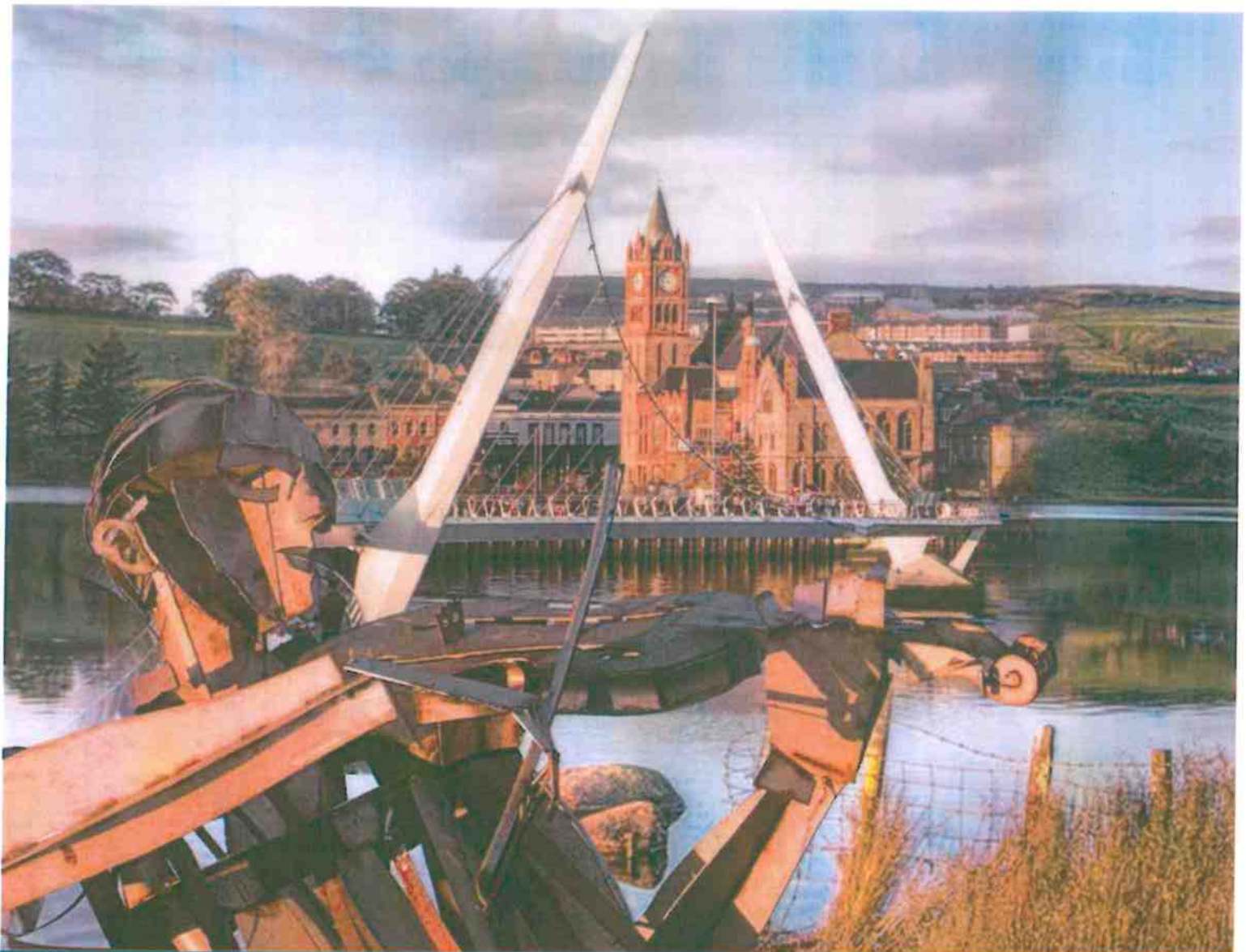


Derry City & Strabane District Council

Local Development Plan

(LDP) 2032

**Representations Form for the LDP Draft Plan Strategy
& Associated Appraisal / Assessments**



December 2019

<http://www.derrystrabane.com/Subsites/LDP/Local-Development-Plan>

Introduction

Derry City and Strabane District Council is planning for the future. It is the start of a challenging and exciting journey. It will be a long-term and collaborative process, driven by the Council which is committed to grasping the opportunities and addressing the challenges that face us, some unique to our situation and others generated by global forces beyond our control.

United by a shared vision, the Council's Local Development Plan (LDP) and our Community Plan - the Strategic Growth Plan, will drive this process as we seek together to strategically grow and improve social, economic and environmental wellbeing for all. The publication of the LDP draft Plan Strategy is the next step on this journey.

What is the Local Development Plan (LDP)?

The new LDP will guide land-use development and set out Planning policies and proposals for the use, development and protection of our settlements and countryside across our District to 2032. Crucially, it will help to deliver the outcomes in the Strategic Growth Plan. Once the LDP is adopted, its Planning policies, zonings and development proposals will be used to determine planning applications across the District. The LDP will comprise of two development plan documents: this LDP Plan Strategy and, in due course, the LDP Local Policies Plan.

What is the LDP Plan Strategy (PS)?

This LDP draft Plan Strategy sets out the Council's strategic Planning objectives, designations and policies for the District in line with regional strategies and policies, but tailored to the local needs of this City and District.

The preparation of the PS has been informed by the Council's LDP Preferred Options Paper (POP – May 2017) which provided the basis for consulting with the public and stakeholders on a series of options for dealing with key issues in the Plan area. It set out the Council's initial proposals and policy direction, therefore aiming to stimulate public comment and help interested parties to become involved in a more meaningful way at the earliest stage of Plan preparation. The published draft LDP PS fully reflects a consideration of all the representations made during the POP consultation period and all engagement with stakeholders, consultees and elected Members of the Council.

How We Are Consulting

The best way to submit a representation is by completing our online representations form:
<https://haveyoursay.derrystrabane.com/mkt/ldpconsultation>

Alternatively, complete this draft Plan Strategy Representations Form and either return by email to **LDP@DerryStrabane.com** or download a copy and post to:

**Local Development Plan Team,
Council Offices,
98 Strand Road,
Derry,
BT48 7NN**

Hard copies of the form will be available at the above address and our other main office at 47 Derry Road, Strabane, Tyrone, BT82 8DY. Please note that if you are making a representation in any other format, it must include the requested information set out in this form and address the Tests of Soundness

The draft Plan Strategy is published for formal public consultation for a period of eight weeks beginning on **Monday 2nd December 2019** and closing on **Monday 27th January 2020**. Please note that in order for comments to be considered valid, you must include your contact details. We will use these details to confirm receipt of comments and to seek clarification or request further information. Anonymous comments or comments which do not directly relate to the draft Plan Strategy will not be considered as part of the consultation process.

Section A: Data Protection

Local Development Plan Privacy Notice

Derry City and Strabane District Council is a registered data controller (ZA119397) with the Information Commissioner's Office and we process your information in accordance with the General Data Protection Regulation and Data Protection Act 2018 (GDPR).

Derry City and Strabane District Council only collects and processes personal information about you in order to fulfil our statutory obligations, to provide you and service users with services and to improve those services. Your personal information will be used to populate the LDP Representations Database.

If you wish to find out more about how the Council processes personal data and protects your privacy, our Corporate Privacy Notice is available at:

<https://www.derrystrabane.com/Footer/Privacy-Policy>

It contains the standards you can expect when we ask for, or hold, your personal information and an explanation of our Information Management Security Policy. All representations received will be published on our website and made available at our Local Planning Office, 98 Strand Road, Derry BT48 7NN, for public inspection and will be forwarded to the Department for Infrastructure (DfI) and hence to the Independent Examiner / PAC.

Why are we processing your personal information?

- To enable the preparation of the Council's Local Development Plan;
- To consult your opinion on the Local Development Plan through the public consultation process;
- To ensure compliance with applicable legislation;
- To update you and/or notify you about changes; and
- To answer your questions.

If you wish to find out more information on how your personal information is being processed, you can contact the Council's Data Protection Officer:

Data Protection Officer

47 Derry Road

Strabane

BT82 8DY

Telephone **028 71 253 253**

Email **data.protection@derrystrabane.com**

Section B: Your Details

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

Please only tick one

- Individual (Please fill in Question 2, then proceed to Section C.)
- Organisation (Please fill in the remaining questions in the section, then proceed to Section D.)
- Agent (Please fill in the remaining questions in the section, then proceed to Section E.)

Q2. What is your name?

Title

First Name (Required)

Last Name (Required)

Email

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

- Yes
- No
- Unsure

Section C: Individuals

Address (Required)

Town (Required)

Post code (Required)

On completion, please proceed to Section F

Section D: Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you. If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name (Required)

Your Job Title / Position (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

On completion, please proceed to Section F

Section E: Agents

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

Client Contact Details

Title / First Name (Required)

Last Name (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required)

On completion, please proceed to Section F

Agent Contact Details

Title / First Name (Required)

Last Name (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required)

On completion, please proceed to Section F

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

- Agent Client Both

Section F: Soundness

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

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

Those who make a representation seeking to change the LDP draft Plan Strategy should also state below whether they wish to be heard orally at the Independent Examination (Please see www.pacni.gov.uk for further details on the IE procedures.)

Section G: Type of Procedure

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

Please select one item only

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

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only.

Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Section H: Is the draft Plan Strategy Sound?

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

Sound

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

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

Section I: Unsound

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

Note: If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately, and Sections J and K filled out for each separate part of the draft Plan Strategy. (i.e. if you believe that multiple parts of the draft Plan Strategy are unsound, please fill out multiple copies of Sections J & K).

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

https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness_version_2_may_2017.pdf

Please note that if you do not identify a test(s), your comments may not be considered by the Independent Examiner. Continued on next page.

Section J: Tests of Soundness (Required)

State which Chapter / Policy / Paragraph / Map that this Section refers to:

HOU5 & HOU25

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

Procedural tests

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

Consistency tests

- C1. Did the Council take account of the Regional Development Strategy?
- C2. Did the Council take account of its Community Plan?
- C3. Did the Council take account of policy and guidance issued by the Department

Coherence and effectiveness tests

- CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant, is it in conflict with the plans of neighbouring Councils.
- CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- CE3. There are clear mechanisms for implementation and monitoring.
- CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

Section K: Which part(s) of the draft Plan Strategy are you commenting on?

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

Relevant Chapter number(s)

See enclosed report

(and/ or) **Relevant Policy number(s)**

See enclosed report

(and/or) **Relevant Paragraph number(s)**

See enclosed report

(and/or) **District Proposals Map**

See enclosed report

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

See enclosed report

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

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

See enclosed report

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

Section L: Sustainability Appraisal

If you wish to submit an 'expression of opinion' in relation to the Sustainability Appraisal (SA) of the LDP draft Plan Strategy (incorporating the Strategic Environmental Assessment (SEA)) please state them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the SA.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

Section M: Draft Habitats Regulation Assessment (HRA or AA)

If you have any comments or opinions in relation to the Draft Habitats Regulation Assessment (HRA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the HRA.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

Section N: Draft Equality Impact Assessment (EQIA)

If you have any comments or opinions in relation to the Draft Equality Impact Assessment (EQIA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the EQIA.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

Section O: Draft Rural Needs Impact Assessment (RNIA)

If you have any comments or opinions in relation to the Draft Rural Needs Impact Assessment (RNIA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the RNIA.

N/A

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

Derry City & Strabane District Council Draft Plan Strategy

Representations on behalf NIFHA

January 2020

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Emma Walker
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Client
NIFHA

Our reference
NIFB3001

January 2020

Executive Summary

1. This representation is submitted behalf of NIFHA in response to consultation on the Derry City & Strabane District Council draft Plan Strategy (dPS)
2. The dPS is unsound as the legal compliance tests have not been met as we consider that there are weaknesses within the Council's Sustainability Appraisal (SA) and therefore soundness test P3 cannot be met.
3. The following table summarises the draft policies which are unsound, for the reasons specified:

Schedule of key draft Policy Comments

Policy	Comment	Cross ref.
Draft Policy HOU5	<p>There is no evidence provided to robustly justify the thresholds as set out in draft policy and no evidence is provided to support the view that the policy would deliver sufficient affordable housing.</p> <p>The policy fails to confirm a strategic position on the provision of affordable housing which would provide assurances to private developers and housing associations on the requirements for affordable housing.</p> <p>The draft policy fails against soundness tests P2, P3, CE1, CE2, CE3 and CE4.</p>	Paragraphs 3.1 to 3.35
Draft Policy HOU25	<p>The draft policy is overly restrictive of the provision of social housing adjacent to small settlements and villages and fails to take account of potential changes in the level of need or the deliverability of land within settlements.</p> <p>The draft policy fails against soundness test CE4.</p>	Paragraphs 3.36 to 3.38

1. Introduction

- 1.1 Turley submits this representation on behalf of NIFHA and welcomes the opportunity to return comments on to the Derry City & Strabane District Council draft Plan Strategy (dPS).
- 1.2 This representation focuses on NIFHA's position in relation to the provision for affordable housing that is proposed in the dPS. In preparation for the publication of the dPS by each of the eleven council's NIFHA has previously undertaken a survey of members in to the provision of affordable housing. The results of this survey are included at Appendix 1 of this representation.
- 1.3 NIFHA are also aware of the requirement for the development plan to have regard to the Council's Community Plan. As such we also include a review of the Derry City & Strabane District Council Inclusive Strategic Growth Plan – Our Community Plan (see Appendix 2). This review establishes that there is a role for NIFHA and its members and we would encourage the council to engage with NIFHA in the delivery of the community plan.
- 1.4 In line with the requirement for representations to focus on the soundness of the draft Plan Strategy, the structure of this submission is as follows:
 - Chapter 2: Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests;
 - Chapter 3: Details our representations; and
 - Chapter 5: Sets out our conclusions.

2. Legislative Compliance

2.1 In preparing their draft Plan Strategy (dPS), Derry City & Strabane District 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 issues 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 and published on their website is dated July 2019. We note that the Council did publish the dPS within the timeframes indicated (Q3 & Q4 2019/2020). 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.

2.5 In preparing a Plan Strategy, legislation sets out that the Council must take account of:

- "the regional development strategy;
- The council's current community plan;
- Any policy or advice contained in guidance issued by the Department;
- Such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant."

2.6 This representation identifies specific instances where policy issued by the Department has not been adequately assessed.

2.7 The Act also requires that the Council:

"(a) carry out an appraisal of the sustainability of the plan strategy; and

(b) prepare a report of the findings of the appraisal."

2.8 We have identified flaws with the Council's Sustainability Assessment and identify them in this representation.

3. Chapter 16 – Housing in Settlements and in the Countryside

Draft Policy HOU5 – Affordable Housing in Settlement

3.1 Draft Policy HOU5 relates specifically to the provision of affordable housing within defined settlement limits. At the outset, the policy sets out that “affordable housing should consist of social rented and/or intermediate housing”. NIFHA welcomes the introduction of a policy to secure the provision of social and intermediate housing across the district. We also welcome the recognition within the dPS that the definition may change as new products emerge, however there are concerns regarding the evidence supporting the proposed approach and the practical implementation of the draft policy.

3.2 The draft policy can be considered in four elements:

- Affordable housing within settlements;
- Affordable housing in rural villages and small settlements;
- Alternative provision of affordable housing; and
- Tenure blind

Affordable housing within settlements

3.3 As drafted, the policy states that:

*“Planning permission will be granted for a residential development scheme of, or including, 10 or more residential units; or on a site of 0.5ha or more, **where a minimum of 10% of units are provided as affordable housing.** Where there is an acute localised need as demonstrated by the NIHE, the proportion required may be uplifted on an individual site.*

In order to achieve balanced and mixed communities, all housing schemes will normally be expected to have no more than a maximum of 70% of either private or affordable houses and will be expected to provide a balanced tenure to reflect the proposed and existing mix in that area. Any exceptions to this will need to be specifically justified by the applicant.

The agreed ration of private to affordable housing will need to be implemented and maintained during the construction of the scheme

Where it can be demonstrated that there is no need and it is not sustainable or viable for a proposed development in the area to meet the requirements of this policy in full, the Council will consider a suitable proportion on a case-by-case basis.”

3.4 The draft policy has 3 key elements summarised below:

- Minimum 10% affordable housing requirement;

- No more than 70% of a development can be single tenure; and
- In areas of acute need the affordable housing requirement could be higher.

3.5 Having considered the draft policy and the Council's evidence base presented in EVB 16, we consider that the draft policy is unsound. Our detailed comments on the policy are provided below and summarised as follows:

- (a) No evidence is provided to support a 10% affordable housing requirement, particularly when considered against the NIHE proposal for a 25% requirement. Furthermore, no evidence is provided to support alternative thresholds for the provision of affordable housing;
- (b) The policy is incoherent as it does not clearly set out what the affordable housing requirement will be for housing developments. Based on the draft wording a requirement of between 10% and 100% could be sought;
- (c) The Council has provided no evidence to demonstrate that there is sufficient deliverable land supply within the district to accommodate the affordable housing requirement and indeed the Council's own evidence demonstrates that an affordable requirement of 10% could not be achieved on Council's land supply data; and

3.6 As such the draft Policy would conflict with soundness test P4, CE1, CE2, CE3, and CE4.

3.7 Our comments are considered in more detail below:

a. No evidence to support proposed affordable housing requirement

3.8 Having reviewed the Council's evidence base on housing¹ it is clear that no evidence is provided to robustly justify the thresholds as set out in draft policy. The SPPS² sets out that:

"The HNA/HMA undertaken by the Northern Ireland Housing Executive, or the relevant housing authority, will identify the range of specific housing needs, including social/affordable housing requirements."

3.9 Firstly, we would point out that the HNA³ is not published as part of the evidence base in support of the dPS. Whilst it is referenced/summarised within EVB 16, the original document is not available as part of the consultation. Given the requirement set out in the SPPS this information should be available as part of the consultation on the dPS. Failure to make this evidence available is in conflict with the legislative test P4. The lack of availability of an important data source is also in conflict with soundness test CE2 as the Council cannot adequately demonstrate that the proposed policy has been founded on a robust evidence base. This information will be required in order to allow for a robust assessment to be undertaken by the Planning Appeals Commission (PAC).

¹ Evidence Base EVB 16: Housing in Settlements and the Countryside (December 2019)

² SPPS Paragraph 6.143 (September 2015)

³ Housing Needs Assessment

- 3.10 EVB 16 reports that the Northern Ireland Housing Executive (NIHE) proposed a requirement for 25% provision in Derry City and 10% elsewhere. This suggestion from NIHE does not appear to be founded on any evidenced assessment of need. This information may be available but is not presented as part of the Council's supporting evidence. At paragraph 4.60 of EVB16 it states:

"Whereas NIHE suggested a 25% threshold, over the life of the LDP period, it is considered that the proposed 10% requirement will still deliver and maintain an appropriate supply of affordable housing consistent with the future needs of the District."

- 3.11 This statement is not supported by any substantive evidence and therefore the draft policy would fail soundness test CE2.

b. The policy is incoherent

- 3.12 We have concerns about the ambiguity that this draft policy wording creates. Whilst the first part of the draft policy sets a requirement of a minimum of 10% for affordable housing provision, this second part of the draft policy introduces a minimum requirement of 30% affordable housing provision for private housing developments. This provides no assurance to the sector on the provision of affordable housing as there has been no assessment of what a 30% requirement would mean for the viability of developments. As such the draft policy would conflict with soundness tests CE2 and CE3. Furthermore there is no evidence provided to support the justification for a threshold of 70% and therefore the policy would fail soundness test CE2. In relation to tenure mix, we would direct the council to the approach set out in PPS 12 Planning Control Principle 4.
- 3.13 We would expect that the Council would have given consideration to the financial impact of the delivery of affordable housing on the delivery of development, particularly when considered alongside other developer contributions or requirements established within the dPS.
- 3.14 Furthermore, the draft policy wording would require developments for affordable housing to provide private market housing at 30%.The approach set out in the draft policy could jeopardise the delivery of social housing which is in acute need. As such the draft policy again would fail against soundness test CE3.
- 3.15 The policy also states that:
- "Where there is an acute localised need as demonstrated by the NIHE, the proportion required may be uplifted on an individual site."*
- 3.16 Without a clear position of the affordable housing requirement for the District there is no certainty to the development sector on the value that can be attributed to land or development proposals. This is crucial to the viability and delivery of development.
- 3.17 The draft policy is seeking to ensure that the ratio of affordable to market housing on a site is maintained during construction. It is presumed that this is to prevent one tenure of housing being provided without the other, to ensure mixed communities are created. We would however wish to reinforce to the council that social housing need

is acute in parts of the District and it would be prudent to ensure that there is sufficient flexibility within this element of the draft policy to ensure that the provision of social housing is not held back by other market factors. Equally, in relation to private housing development, the policy should be flexible enough to take account of construction financing and viability. This would ensure that the policy would not conflict with soundness test CE4.

c. No evidence that the proposed requirement would adequately address affordable housing need.

- 3.18 The Council has identified a housing requirement of 9,000 homes for the remaining plan period and a 10% requirement would generate 900 affordable homes. This is substantially lower than the remaining need for affordable housing in the District as calculated by the Council (3,750 social homes, and 528 intermediate homes). Based on these figures, the draft policy will fail to adequately address the issues around affordable housing provision. We would highlight that this issue was also raised by the Department for Communities (DfC) in response to the consultation on the Preferred Options Paper (POP). This response from the DfC is summarised in EVB 16 and has not been adequately considered (Appendix 3). As such the draft policy would fail against soundness tests P2 and CE2.
- 3.19 Within EVB 16 the Council has identified a new-build social housing need of 4,750 units within the district from 2017-2032⁴. The Council has also stated that approximately 4,400 social housing dwellings will be delivered through existing sites under construction or sites with planning permission and remaining zonings⁵, yet no details are provided to explain or justify this statement. In the absence of robust evidence, it appears that Council is entirely dependent on existing sites to meet the identified need and no consideration has been given to alternative options to address this aspect.
- 3.20 As set out above, affordable housing also comprises intermediate housing and the Council's EVB 16 suggests an annual requirement in the District for 44 intermediate dwellings per annum. This results in a requirement for 528 intermediate units for the period up to 2032. Again the Council will need to demonstrate that there is sufficient land available for development to meet this need.
- 3.21 Applying a 10% affordable housing requirement as proposed by draft Policy HOU5 would mean that the Council should ensure there is a total housing supply remaining for at least 8,780 units as this policy requirement could only be applied to planning permissions moving forward. The Council's own evidence as presented in EVB 16⁶ identifies a supply of 6,885 units on land which does not currently benefit from planning permission.
- 3.22 Taking account of the position that future affordable housing need can only be met through the application of the draft policy on future development proposals the supply position proposed by the Council falls short of what is required to ensure that the full affordable housing need is met within the plan period. The Council should carefully consider whether sufficient land is available to meet the housing need in the district

⁴ Draft Plan Strategy Paragraph 16.46

⁵ Draft Plan Strategy Paragraph 16.46

⁶ EVB 16 Table 10 – Summary of Land for Delivery of Housing, in Districts Settlements, at 2017

and where necessary seek to identify land. Mindful of the policies set out in HOU 6 and 7, Council needs to be mindful that future housing sites should be encouraged to be mixed tenure.

- 3.23 The policy as drafted fails soundness test CE3 as there is no robust evidence that the dPS will deliver the required number of affordable units. The plan also fails to outline measures to be introduced should there be difficulties in delivering the 4,400 units Council contend can be provided on existing sites and accordingly fails soundness test CE2 as no consideration has been given to alternatives.

Affordable housing in rural villages and small settlements

- 3.24 In relation to affordable housing provision within villages and small settlements the draft policy states:

“the minimum viable number of affordable units will be 2 in a development of 10 units or more. Similarly, sites below the normal threshold of 10 units may also need to provide affordable housing if there is an identified need.”

- 3.25 We are concerned with the conflicting wording in this part of the draft policy. At the outset it suggests that 2 units will be viable on a development of 10 or more units. Firstly, this statement is not supported by any robust evidence and would therefore fail soundness test CE2. It would be expected that some viability evidence would be available to support this statement.

- 3.26 This part of the draft policy then goes on to state that affordable housing may be required on sites of less than 10 units, despite asserting that only two units are viable on a development of 10 units. If an affordable housing requirement is applied to a smaller scheme the council’s own policy wording would suggest it is unviable. As such this policy is incoherent and could impact on the deliverability of sites and would therefore conflict with soundness tests CE1 and CE2.

Alternative provision of affordable housing

- 3.27 The draft policy recognises that there may be occasions where affordable housing cannot be provided on site, or at all. The draft policy states that:

“Where it can be demonstrated that there is no need and it is not sustainable or viable for a proposed development in the area to meet the requirements of this policy in full, the Council will consider a suitable proportion on a case-by-case basis.”

- 3.28 The justification and amplification⁷ text to draft Policy HOU5 goes on to state that:

“There may be cases, where due to the nature, scale or locations of the proposed development, on-site provision for affordable housing may not be necessary or desirable.

Off-site provision will only be acceptable in exceptional circumstances. It will only be agreed where the approach contributes to the creation of mixed and balanced communities in the local area.”

⁷ Draft Plan Strategy Paragraphs 16.59 &16.60

3.29 Given that social housing is only provided on the basis of need identified by the NIHE, where NIHE does not identify a need there should be no obligation to provide social housing as part of an affordable housing requirement. It would not be feasible for a housing association to deliver social housing in an area where no need is identified. Furthermore a developer may not have alternative land interests in an area of social housing need where they could deliver a social housing element of the affordable housing contribution. As such this would be overly onerous on developers and could restrict the deliverability of housing sites and the ability of the Council to ensure other affordable housing needs are met in the appropriate locations. As such the draft policy would fail against soundness test CE3.

3.30 In addition to the comment above, the provision of an off-site contribution would conflict with part two of the draft policy which seeks to ensure that no more than 70% of any housing development would comprise a single tenure. As such the draft policy fails soundness test CE2.

Tenure Blind

3.31 The final part of draft Policy HOU5 sets out that the provision of affordable housing should be tenure blind. The principle of tenure blind developments is welcomed however this approach should be flexible to take account of other design and housing tenure policies and include Lifetime Homes and Wheelchair accessibility, within the draft Plan Strategy. It should also take account of design requirements associated with specialist housing products which may influence the external appearance of developments.

Recommendation

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

- Makes available the original Housing Needs Assessment and Urban Capacity Assessment for consultation and for the PAC to inform their assessment of the Plan;
- Provides clarification on the justified affordable housing requirement for district; and
- Ensures there is sufficient land available for development and deliverable 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.

3.33 We would also recommend that the Council gives consideration to alternatives as required for the Sustainability Appraisal (SA). At present the SA does not identify any reasonable alternatives for consideration and therefore the draft policy would fail against soundness test P3.

3.34 It is our view that the draft policy wording should be revised to provide more clarity. We propose the following re-wording:

“Planning permission will be granted for residential development scheme of, or including, 10 or more residential units; or on a site of 0.5 ha or more, where 10% of units are provided as affordable housing.

Affordable housing should consist of social rented housing and/or intermediate housing. In determining the appropriate mix of affordable housing in terms of size, type and tenure, regard will be had to NIHE’s up-to-date analysis of demand, including housing stress and prevailing housing need.

The design and external appearance of affordable housing in the development should reflect the character of the area. These should be interspersed within the market housing so that they are not readily distinguishable in terms of external design, materials and finishes.”

- 3.35 It would appear from the current wording of the draft Policy that the Council is seeking to ensure flexibility within the provision of affordable housing within the district to ensure that the need can be met. We consider that a clear requirement for the provision of affordable housing would be more appropriate. The Council will be able to closely monitor the provision of affordable housing under the requirement for Annual Monitoring Reports and if necessary can review or revise the policy after 5 years to reflect any changes in need.

Draft Policy HOU 25 Affordable Housing in the Countryside

- 3.36 Draft Policy HOU25 makes provision for the delivery of affordable housing developments within the countryside and this intention is welcomed and it generally aligns with the provision of the existing planning policy CTY5 of PPS21.
- 3.37 We would raise concerns about the second part of the draft policy which states:
- “Within the Green Belt, planning permission will not be granted for a group of dwellings adjacent to or near to a village or small settlement to provide for affordable housing in the countryside.”*
- 3.38 It would be more flexible to make allowance for occasions where there is a need for social housing which cannot be met within the existing settlement limits as there may be occasion where need could increase beyond the currently predicted levels or sites within the settlement limit cannot be delivered. It is noted that the NIHE identifies social housing need in five year trenches and the plan period is 15 years. To allow for an exception in this case would ensure that the draft policy meets soundness test CE4.

4. Conclusions

- 4.1 We welcome the opportunity to comment on the Council's draft Plan Strategy and this representation has set out our concerns relating to the soundness of the draft policies relating to the provision of affordable housing. Are main concerns relate to the evidence base, or lack of, that has informed the draft policies and the practical implementations of the draft policies and we would welcome the opportunity to engage with the Council's Local Development Plan team further on these matters.

Appendix 1: NIFHA Members Survey on Affordable Housing

Local Development Plan-Making NIFHA Position Statement

November 2018

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Introduction

This position statement has been prepared on behalf of the Northern Ireland Federation of Housing Associations (NIFHA) to assist the Local Council's in the preparation of their Local Development Plans (LDP).

As you are aware, a key component of the emerging local development plans is the need to make provision for housing delivery across the plan period. The Strategic Planning Policy Statement (SPPS) specifically sets out that the LDP should bring forward a strategy for housing and amongst others things must deliver balanced communities:

“Achieving balanced communities and strengthening community cohesions is one of the major themes underpinning the RDS. The provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs, and development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities is fundamental to the building of more balanced communities.”

In particular the SPPS sets out that the LDPs should:

“Identify settlements where the HNA has found there to be an affordability pressure.”

The SPPS sets out that:

“The HNA/HMA (Housing Market Assessment) undertaken by the Northern Ireland Housing Executive (NIHE), or the relevant housing authority will identify the range of specific housing needs, including social/affordable housing requirements.”

Affordable housing is currently defined as social or intermediate housing. As the key provider of social and intermediate housing in Northern Ireland housing associations should be a key stakeholder in the local development plan making process. Disappointingly the associations have been given limited opportunity to be involved in the process or to assist with evidence gathering and this position statement is prepared in response to the lack of engagement with the sector.

Member Survey

As the representative body for housing associations NIFHA has undertaken a survey of all its member associations to understand their members' thoughts on the future provision of affordable housing. Housing Associations are the key provider of affordable housing in Northern Ireland and as such should be considered as a key stakeholder in the local plan making process.

A survey of housing associations was undertaken between 31 October 2018 and 7 November 2018. The survey sought clarity of four key areas, as follows:

- (a) What is your preference for the provision of social and intermediate housing?
- (b) Should planning policy prescribe the mix of housing to be provided within future planning applications?

- (c) Is it appropriate for local Councils to prescribe design requirements for residential development which exceed those currently set out in planning policy?; and
- (d) Are there any aspects of residential development where you would wish to see more flexibility applied?

Out of the thirteen associations invited to take part in the survey, eight responded, equating to two thirds of the NIFHA membership.

The feedback provided has been used to inform the contents of this paper, however it does not prevent individual member associations from making further submissions to the LDP plan-making process.

The remainder of this report will consider the feedback revised from the member survey and summarise the key recommendations for your consideration in preparing housing policies for your Council's LDP.

Feedback from Member Associations

Provision of social and intermediate housing

Collectively there is recognition that all housing developments should provide a mix of type, tenure and size to contribute towards sustainable communities and meet the objectives of the SPPS.

The majority of housing associations consider that Council should provide for affordable housing to be provided on site either via a threshold approach that applies to all sites or as a key site requirement where a clear evidence of need has been provided. The survey found that the key site requirement was the most supported approach.

It was recognised that a threshold approach would secure a more flexible approach to the provision of affordable housing, however:

- (a) The threshold should not be overly onerous on the viability of developments; and
- (b) The requirement for the quantum and type of affordable housing should be based on an evidential need at the time.

This would assist in ensuring the right type of affordable housing it provided for within the right locations and will create opportunities for the provision of affordable housing where land has previously been unavailable to housing associations.

Caution should however be taken in setting a threshold approach as it will need to be reflective of the different affordable products. For example social housing is not needed in all locations and therefore policies should avoid affordable housing policies which require both social and intermediate housing to be provided on each site. On the other hand site specific zonings for affordable housing will not be flexible to provide for changes in need, particularly social housing need, over time.

We would recommend that the type of affordable provisions should be provided based on the need in the location at that time. It is therefore important that the Council's evidence base for proposed affordable housing policies is founded in a robust evidence base and must consider:

- (c) That social housing need is defined by the Northern Ireland Housing Executive and housing needs assessments prepared by the NIHE only consider social housing need;
- (d) The location of social housing need cannot be determined across a 15 year plan period as those in need of social housing can change their locational preference at any time; and
- (e) Religious and political divisions in the provision of social housing and how the Council proposes to overcome these issues to ensure that housing is delivered.

Affordable housing is currently defined as social and intermediate housing that is provided by housing associations, however other products such as co-ownership and fairshare are available as intermediate housing products through some housing associations. There are numerous other affordable housing products that could become available and as such policies should be flexible enough to respond to other products that already exist or may come to the market in the future.

Should planning policy prescribe the mix of housing to be provided within future planning applications?

It was clear that there was a preference for a more flexible approach to policies relating to the mix of housing to be provided on sites, particularly in relation to the provision of social housing where the mix is determined on the need calculate by the NIHE. Councils should therefore work closely with the NIHE in formulating housing mix policies to ensure that they would not prejudice the future delivery of social housing however further consideration should also be given to the wider housing need to ensure that sustainable communities are delivered.

It will be important that the Councils have a robust baseline understanding of the existing social housing provision within their area and the proposed future social housing need to understand what quantum of land is needed and likely future infrastructure requirements for the area. Any assessment of need should also factor in the quality of existing stock to determine whether replacement stock should be planned for within the plan period. However, recognising the locational issues facing social housing delivery and that housing need can change over a 15 year plan period, the council should ensure sufficient flexibility within the proposed policy wording.

Policy wording should be able to adapt should the Councils' annual monitoring of the delivery of social housing show that locational need and the type of housing required has changed.

In relation to intermediate housing provision it will be important to consider that whilst the HNA or a HMA may show a need for a range of type and size of properties, those who are seeking intermediate housing may wish to have access to a different type of housing and that this will be a more market driven approach. Housing need for intermediate products is better understood within the local markets for sale and the private rental market.

Is it appropriate for local Councils to prescribe design requirements for residential development which exceed those currently set out in planning policy?

The overwhelming feedback from the associations was that Councils should not use the LDP as an opportunity to prescribe overly onerous design requirements for residential development. The preference is that existing policies within the SPPS and planning policy statements (PPS)

should be carried forward to ensure a consistent approach to policies across Northern Ireland. This will provide better clarity for both housing associations and private developers.

Housing associations currently work to design criteria set out in planning policy and standards required by the NIHE, which are often more onerous than planning policy.

In order to support additional design standards being introduced, such as lifetime homes and wheelchair accessible home requirements, local councils should undertake a robust assessment of the need for such homes and should engage directly with housing associations to understand the necessity for such standards. They should also clearly define what is meant by lifetime homes and wheelchair accessible homes and take account of the costs associated with such development when considering the deliverability of planning policies.

Aspects of residential development where more flexibility should be applied?

Following on the theme of requirements for residential developments, feedback was sought on those areas where a more flexible approach to policy should be considered to assist in the delivery and operation of housing sites.

Across the associations a more flexible approach to the provision of car parking would be welcomed. This is based on the operation of existing schemes where car ownership levels within some social housing schemes results in car parking being under used in some schemes. Policies for the provision of car parking should also consider the locational characteristics of individual sites, recognising that some sites will be located within city/town centres or areas well served by public transport or other sustainable modes of transport.

Open space is also identified as an area where a more flexible approach could be applied. Open space requirements for residential development can sometimes provide anti-social behaviour issues within schemes, leading to maintenance issues. In preparing policies for the provision of open space, councils should assess the existing quantity of provision and should consider what is required to meet future need, however an assessment of quality should also be undertaken. Policy provision for off-site provision or the maintenance of existing provision should be considered as a reasonable alternative.

Policies relating to density levels on sites should only be applied on a site by site basis and should be well informed by site assessments to fully understand the constraints associated within the development and the locational opportunities of some sites.

Overall it is considered that the requirements applied to residential development will vary on a site by site basis and a suitable level of flexibility should be incorporated in to proposed policies to allow for this.

Recommendations

Based on the feedback received from NIFHA member associations the following recommendations are made to assist local councils' in the preparation of their LDP:

- (a) Caution should be taken when applying an affordable housing requirement across all residential sites as not all locations will have a social housing need;

- (b) When applying a threshold approach to affordable housing provision the council should consider carefully the existing mechanisms for the delivery of social housing;
- (c) Key site requirements seeking social or intermediate housing should be based on detailed and up to date housing need;
- (d) The Council should ensure that their evidence base has assessed the need for both social and intermediate housing, both of which are currently provided by housing associations;
- (e) Policy proposals should be flexible to adopt to site specific characteristics and ensure deliverability of housing;
- (f) Policy wording should be flexible to adapt to changes over time, particularly in relation to the delivery of different affordable housing products; and
- (g) Policy requirements for the design of residential development should be based on a robust assessment of need.

Finally, Councils should pro-actively engage, early in the plan-making process, with the housing sector and in particular the housing associations and developers responsible for the delivery of housing in order to better understand the operational realities of delivering development and the unintended consequences flowing from proposed policies.

**Appendix 2: Review of Derry City & Strabane
District Council Inclusive Strategic
Growth Plan – Our Community Plan**

Overview and key themes

The Community Plan was published in November 2017 and covers the period up to 2032. The vision⁸ is for:

“a thriving prosperous and sustainable City and District with equality of opportunity for all.”

Alongside the vision, the Plan’s mission⁹ is to “improve the social, economic and environmental wellbeing of the city and district and to do so in a sustainable way” with four cross cutting themes:

- Equality and inclusive growth
- Good relations
- Sustainability; and
- Rural development

The Plan was prepared in conjunction with statutory partners, including the Housing Executive and a range of support partners.

Areas where Plan recognises the role of housing and housing associations

The Plan is structured around eight outcomes against which key actions are identified. The table below sets out those outcomes and key actions¹⁰ towards which NIFHA and its members could contribute:

Table 4.1: DCSDC – Outcomes with housing related actions

Outcome	Key Action
Economic wellbeing – We are better skilled and educated	Promote the importance of educational pathways and promote apprenticeship framework
Environmental wellbeing – We live sustainably – protecting and enhancing the environment.	Deliver a new Local Development Plan and local planning policies to provide a framework to support sustainable social, economic and environmental growth and development of the City and District.
	Prepare a development and conservation spatial framework and masterplan for both Derry City Centre and Riverfront and Strabane Town Centre to provide high quality design and regeneration and investment.
	Develop a heritage/conservation-led masterplan

⁸ Inclusive Strategic Growth Plan – Our Community Plan, Page 2

⁹ Inclusive Strategic Growth Plan – Our Community Plan, Page 26

¹⁰ Inclusive Strategic Growth Plan – Our Community Plan, Page 30-52

	<p>and renewal action plan for the village of Sion Mills and other settlements, including Newtown Stewart town centre conservation area.</p> <p>Support the implementation of the Urban Villages Programme in the Bogside, Fountain and Bishop Street areas to foster positive community identities, build community capacity and improve the physical environment of the area.</p> <p>Provide quality social and private housing in sustainable urban and rural neighbourhoods to meet the needs of our growing population providing attractive places to live within easy access to local services and amenities.</p>
Social wellbeing – We live long healthy and fulfilling lives.	<p>Deliver programmes which recognise that end of life care is a social as well as medical issue, builds capacity within communities to support those with a life limiting illness to remain living independently in their own homes, makes a reality of a public health approach to end of life care and enables all of our citizens to age well, for example Compassionate Communities.</p> <p>Support cross-border collaboration in health and social care with a focus on early intervention with vulnerable families; promotion of positive mental health and well-being; supporting independence and inclusion of older people; and citizenship for people with disabilities.</p> <p>Progress the development of regionally significant regeneration sites in Ebrington, Fort George, Derry City Centre and Strabane Town Centre in collaboration with government and private sector partners.</p>
Social wellbeing – We live in a shared, equal and safe community.	<p>Promote greater integration and inclusion within and between communities through animating shared spaces, services and facilities and the development of rural community clusters</p> <p>Foster positive community identities, creativity and build community capacity and resilience through a range of interventions.</p> <p>Reduce crime, disorder and intercommunity tensions by addressing interface and contested spaces issues and improve safety.</p>
Social wellbeing – Our children and young people have the best start in life.	<p>The community plan does not identify the role that housing can play in providing a good start in life for</p>

children.

The Plan identifies a series of key strategic capital projects to be delivered or substantially progressed by 2025. Those relevant to NIFHA and its members include:

- Major private and social housing development;
- Parks and play projects
- Urban Villages Initiative
- Sion Mills and Newtown Stewart conservation projects
- Ebrington Phase 2 mixed use commercial and residential development
- Development of Fort George and major regeneration sites in Derry City Centre and Strabane

Areas where further emphasis should be placed on the role of housing associations

The following outcomes are also relevant to housing, however no housing related action is identified. It is recommended that further consideration should be given to the role of NIFHA and its members in assisting with some of the key actions:

Table 4.2: DCSDC – Outcomes which should have housing related actions

Outcome	Key Action
Social wellbeing – Our children and young people have the best start in life.	The community plan does not identify the role that housing can play in providing a good start in life for children.

Next Steps

In order to ensure that the Council fully understand the role that NIFHA and its members can play in the delivery of the outcomes identified in Table 8.1, NIFHA should engage with the Community Plan Team. NIFHA should also engage with the Council to remind them of the importance of good quality housing in providing young people with a good start in life as this is not recognised within the Plan.

The Plan also identifies eight area community plans that will identify local actions for each area. The areas comprise:

- The Moor – Brandywell, City Walls, Creggan, Creggan South and Sheriff’s Mountain;
- Ballyarnett – Carnhill, Culmore, Galliagh, Shantallow, Shantallow East and Skeoge;
- Foyleside – Ballymagearty, Foyle Springs, Madams Bank, Northland and Springtown;
- Waterside – Caw, Clondermot, Victoria, Drumahoe, Ebrington, Kilfennan and Lisnagelvin;

- Faughan – Claudy, Eglinton, Enagh, New Buildings and Slieve Kirk;
- Sperrin – Artigarvan, Dunnamanagh, Glenelly Valley and Park;
- Derg – Castlederg, Finn, Glenderg, Sion Mills and Newtownstewart;
- Strabane Town – Strabane North, Strabane West and Ballycolman.

NIFHA and its members will be able to contribute to the delivery of local area action plans and as such, NIFHA should engage with the Council's Community Plan Team to ensure that housing associations are fairly represented as a stakeholder in the preparation of the relevant area action plans. This is particularly important as members may have current or proposed housing or community schemes within these areas.

**Appendix 3: Department for Communities
Response to POP – Extract from
EVB 16**



Derry City and Strabane District Council Draft Plan Strategy – Housing in Settlements and the Countryside

- 4.56 In practice therefore, efforts are made to limit any design differences between tenures to internal rather than external specification where possible. Often homes of different tenures on the same development will comprise of the same outside appearance, but will have different internal specifications depending on tenure type for example, offering a wider choice in kitchens and bathrooms where the property is to be sold. In apartment blocks, tenure blindness may involve having mixed cores, mixed entrances and mixed amenity spaces. A simple product can often meet market demands and both associations visited had reduced specifications and unnecessary additions in their developments.
- 4.57 Further studies, following will provide an up to date audit of the amount of social housing dwellings that have been approved. This will include the amount of zoned housing land that has developed affordable housing. It will be important to monitor this in terms of the affordable housing policies and the thresholds proposed.
- 4.58 **Consultee Responses:**
NIHE: The Housing Executive would like to see an affordable housing policy which provides affordable housing units to meet need and to promote balanced and sustainable communities through mixed tenure development and suggested the following policy option, including a proposed policy with a 20% threshold for 5 or more units or on a site of 0.5ha or more, 25% for Derry City and 10% in all other areas. They also wanted a 10% proportion in the interim period. NIHE also suggested an off-site provision to be included on a case by case basis.
- 4.59 **Dept for Communities: Housing Supply Policy:** The Department welcomes the Council's intention to deliver affordable housing (social and intermediate) in a mixed tenure setting. They referred to the research and affordable definition consultation and to re-wording of policy from the provision of 'private and social housing' to 'private and affordable housing'. They also noted that the proposed policy will only provide around a quarter of the sites required for social housing development (10% of 12,000 sites identified as being required for overall housing need).
- 4.60 **Overall Policy Direction:**
This District has been the focus of significant social housing need over many years. However, it is considered that the recent number of large social housing site approvals has substantially contributed to meeting this demand. Affordable housing policy needs to be well implemented and it is recognised that local circumstances and local housing markets must be taken into consideration. Whereas NIHE suggested a 25% threshold, over the life of the LDP period, it is considered that the proposed 10% requirement will still deliver and maintain an appropriate supply of affordable housing consistent with the future needs of the District, whilst still ensuring a balanced mix of housing tenures. The policy also permits for this 10% figure to be raised or lowered accordingly on a case by case basis so it should not be regarded as a fixed bar. Definitions of affordable and intermediate housing are provided in the J&A and will be subject to review follow the Department for Communities findings on the Definition of Affordable Housing Consultation.

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