Local Development Plan Team

Proinsias McMaughey

Planning Office

Derry & Strabane city Council

98 Strand Road

Derry

BT48 7NN.

Dear Proinsias,

Submissions for Rep 85 and Rep 105 were made in response to the latest LDP draft Plan Strategy consultation to ensure that further representation could be made during Council's Plan making process from both these REPs.

Correspondence from Council to myself on 6th December advised that further comment could be made in relation to the proposed changes hence the submissions refer to test of soundness DPPN 10. Should these comments not be appropriate at this time and Council believe to be a late additional comment for REP85 I fully understand. Re Rep 105 simply reiterates one2one original submission focusing on the proposed changes.

Should you require any further clarification please do not hesitate to contact me

Kind Regards

Laura McCausland

Local Development Plan Team
Planning Office
Derry & Strabane City Council
98 Strand Road
L'derry
BT48 7NN

8th March 2021

Dear/Sir Madam

RE: City of Derry Golf Club, Inclusion of Lands at Prehen/Newbuildings, Submission to Derry and Strabane LDP DPS Ref No: LDP-PS-REP-105

Further to the above, I write to advise of change of contact details for the representation made to the Local Development Plan Draft Plan Strategy (DPS) on behalf of City of Derry Golf Club[1]. The reference number for that representation is as set out above.

One2One Planning were the party that made the submission but due to closure will no longer be acting as agent on this representation and instead will be represented by Laura McCausland of LM Planning. To ensure all correspondence in relation to the local development plan reaches the above party in a timely manner, I would ask that the details below are held as the agent contact details for this representation and your contact list updated accordingly.

Laura McCausland, LM Planning

The correspondence email address of is also provided for electronic communications in respect to this representation.

I look forward to acknowledgement of the requested change in agent and, should you require any further detail, please do not hesitate to contact me at the address below.

Regards

Carrie McDonagh

C.C David Black, City of Derry Golf Club
Laura McCausland, LM Planning

[1] Contact detail for Objector - David Black, City of Derry Golf Club, 79 Victoria Road, Prehen
Email:

LDP - PS - REP 105 1

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

Please only tick one

- [ ] Individual
- [ ] Organisation
- [x] Agent

Q2. What is your name?

Title: MISS

First Name: LAURA

Last Name: MCCAUSLAND

Email:

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

- [ ] Yes
- [ ] No
- [ ] Unsure

Q4. Tick whichever is applicable:

- [ ] **I /we wish to carry forward my previously submitted representation without adding anything further** (Insert Rep Number if known)
- [x] **I / ~~we~~ do wish to provide additional / revised information** to my / our previously submitted Representation (insert Rep Number if known) REP 105
- [ ] **I / we did not submit a representation** during the previous consultation period (December 2019 – January 2020) and now wish to submit a Representation during this Re-Consultation period.

Address

Town

Post code

On completion, please proceed to Section F.

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

Your Job Title / Position

Organisation / Group Address (if different from above)

Address

Town

Postcode

On completion, please proceed to Section F

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: CITY OF DERRY GOLF CLUB

Last Name: C/O DAVID BLACK

Organisation / Group Address

Address

Town

Postcode

Email address: C/O agent

On completion, please proceed to Section F

Agent Contact Details

Title / First Name: Laura

Last Name: mccausland

Organisation / Group Address

Address

Town

Postcode

Email address

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

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.

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.

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

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.

Tests of Soundness

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

Chapter 16 Part D Hou 1

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

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

Coherence and effectiveness tests

- [x] 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.
- [x] CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- [x] CE3. There are clear mechanisms for implementation and monitoring.
- [x] CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

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)

Chapter 16

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

HOU 1 Strategic allocation & management of Housing Land

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

SEE ATTACHED

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

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 ATTACHED

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 ATTACHED

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.

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.

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.

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.

PART D Screening Determination Strategy

SEE ATTACHED.

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

LDP - PS - Rep 105 2

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

Part D Social Development, Policy OS1 - Protection of open space

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

- [ ] **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?**

- [ ] **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**

- [ ] **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.**
- [x] **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.**
- [x] **CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.**

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)

Part D Social Development, Chapter 17

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

Policy OS1 Protection of open space

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

Paragraphs 17.9 – 17.20

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

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 attached sheet

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 attached sheet

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

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.

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.

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

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.

Unsound

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

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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.

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

Part E - Chapter 21, Environment - Strategy, Description + Policies - Policy NE 7 Development within Areas of High Landscape Importance

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

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?

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

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.**

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

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Relevant Chapter number(s)

Part E Environment - Chapter 21 (and part B, Chapter 6 | Page 65 para 6.21)

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

Policy NE 7

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

21.39 - 21.43

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

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 attached sheet

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 attached sheet

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Draft Rural Needs Impact Assessment (RNIA)

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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.

Unsound

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https://www.planningni.gov.uk/index/news/dfi_planning_news/news_ret... onwards/development_plan_practice_not_06_soundness_version_2_... .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.

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

Chapter 16 Housing Allocation Hall

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.

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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?

✓ 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

✓ 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.

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)

Chapter 16

(and/ or) Relevant Policy number(s)

HOU1 Strategic Allocation and management of Housing Land

(and/or) Relevant Paragraph number(s)

16.10 - 16.33

(and/or) District Proposals Map

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 attached sheets

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 attached sheet

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.

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.

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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.

[redacted]

Submission to Draft Plan Strategy for Derry and Strabane Area Plan on behalf of City of Derry Golf Club, 49 Victoria Road, Prehen, Londonderry BT47 2PU

City of Derry Golf Club overlooks the River Foyle. They control 59 hectares between Woodside Road in Prehen and Newbuildings. The main entrance to the Golf Club is from Victoria Road with a separate greenskeepers entrance off Woodside Road.

Their land initially comprised of an 18-hole course and a 9-hole course but given the significant maintenance costs they have had to abandon the holes within the Area B adjacent to Newbuilding reducing the 9 hole course to 6 holes. The site is identified at **Appendix 1**.

Through the years housing areas have been developed in Prehen to the west and south of the golf course. Because of their proximity there have been incidents with errant golf balls flying into neighbouring properties. This a problem especially acute at the 11th and 16th holes. The Club has a duty under current legislation to seek a permanent solution to this urgent health and safety issue and needs to reconfigure the course to avoid serious injury. They have commenced construction of one new hole and several new teeing grounds funded by bank loans, but they urgently need to find a mechanism to release funds for the health and safety works.

They own land within the SDL at Prehen with the golf course mainly located outside settlement development limits in the Derry Area Plan (DAP). It is noted that the function of the development plan is *to provide sufficient land to facilitate growth whilst protecting the open countryside from urban sprawl and ribbon development* (paragraph 3.1). The DAP further states in paragraph 3.3 that *within the countryside there will be a clear presumption against any new building and new use of land which might create a demand for more buildings and no other development will normally be allowed unless there are over-riding reasons why that development is essential and could not be located in a town.*

In its discussion on the settlement of Newbuildings (p. 130), the DAP states at Paragraph 16.24 "*Recent growth in the village has been concentrated south of Duncastle Road and along the A5 between Prehen and Newbuildings. The City of Derry Golf Club continues to provide a strategic break between the village and the City suburbs. Any further loss of this strategic break is likely to mean that the village would be subsumed within the Londonderry City development limit'.*

The DAP therefore places a severe restriction on the Clubs ability to realise any return from the sale of a small area of their land to enable them to make the required investment in the course design. The golf course is a strategic asset for the City and to continue to provide a quality facility they request more flexibility to allow for these circumstances within the replacement DPS policies and set out below their comments on policies pertaining to countryside, open space and the housing allocation with reference to the Derry and Newbuilding areas.

Prehen Local Study/Policy

The club requests that the planned study for the Prehen area is commenced as part of the Plan process. The DAP had identified the area highlighted in blue in the extract below at Figure 1 as 'Area subject to further study'. City of Derry Golf Club controls the eastern section as highlighted with the red star.

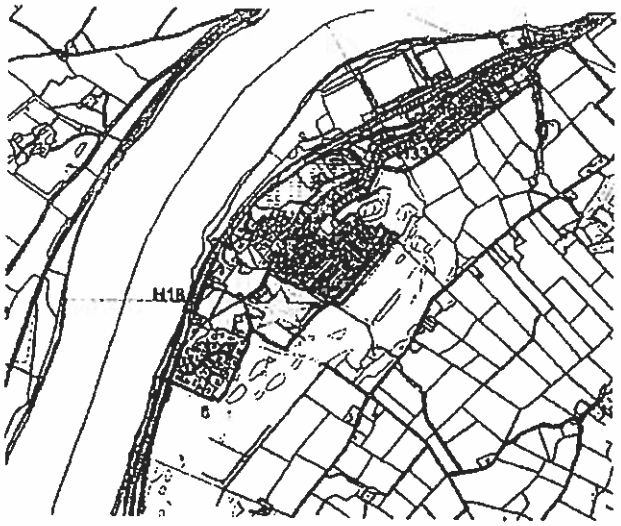


Figure 1: Extract from DAP 2011 identifying Prehen as area subject to further study

DAP Para 1.10 stated '*The Department proposes, subject to the availability of resources, to prepare a Local Plan for the area in and around the City of Derry Airport. It is also proposed to carry out a study of the area immediately surrounding Prehen House, with a view to bringing forward proposals for the use of these lands'.*

The plan was adopted in May 2000 but neither study has been progressed leaving the Prehen lands within the SDL but unzoned. The DPS policy HOU 1 is unclear what the status of these lands are going forward (as set out later in this representation) and it is essential that the development is appropriately planned for. The DPS should indicate how it proposes to take matter forward and plan for the sensitive development of this area given the quality of the built heritage. To fail to have due regard to this prior commitment fails the consistency test C4 as the DPS should have regard to other relevant plans relating to the council's district namely that it is required to fill a policy gap identified in the extant plan.

Which allocations or policies in the DPS are not sound?

Part E – Environment Chapter 21 Policy NE 7 – Development Within Areas of High Landscape Importance (Paragraphs 21.39-21.43)

Part of the golf club is located outside the SDL in the extant DAP. Proposal COU 1 The Green Belt and Countryside Policy Areas sets a clear presumption against new buildings and any new use of land which will create a demand for more buildings.

It states that no other development will be allowed unless there are overriding reasons why that development is essential and could not be located in a settlement.

Proposal ENV 1 Areas of High Scenic Value (AoHSV) related to areas including the banks of the Foyle. Policy stated that proposals for development which would adversely affect or change either the quality or character of their landscapes will not normally be permitted.

The DPS proposes amalgamating these into the Area of High Landscape Importance (AHLI) with the boundaries to be defined at Local Policies stage.[1] Described as second tier landscapes Para 21.4 sets out that '*their basis for their designation is more than just a subjective visual/ scenic consideration as several of the AHLI's will also have intrinsic landscape, earth science interest or biodiversity reasons that make them significant within the district. Such areas include our key coastal, river valley and key settlement settings and their associated nature conservation assets many of which are nationally recognised and protected.*

The proposed Policy NE7 controls development which would adversely affect or adversely change either the quality or character of the landscape, including its intrinsic nature conservation interest. It states they will not normally be permitted other than:

In exceptional circumstances, <u>significant proposals</u> (underlining my emphasis*) will only be permitted within AHLIs where their regional or district wide importance is considered to outweigh any potential adverse impact on the intrinsic features of the AHLI.*

The provision for exceptions within the policy is vital given the vast expanse of land this policy covers yet, while the policy indicates 'significant proposals' are those with a regional or district wide importance, the supporting text provides no detail to justify why such a proposal must be significant. Given the potential harm that 'significant proposals' could do it is unreasonable not to provide for smaller proposals within the AHLI's or those which would have less impact.

The policy fails the soundness test CE2 in that it is not appropriate to have ignored the alternative option of providing for smaller scale proposals and provides no evidence to demonstrate why the policy exception can only be applied to significant proposals.

It also fails test CE3 in that the implementation mechanism is unclear as it fails to set out how to assess if a proposal is 'significant' and CE4 in that it does not incorporate any flexibility to deal with different scales of proposals or changing circumstances.

[1] As set out at Paragraph 23.19-22.23 DPS & 21.44 advises that detailed boundaries and guidance for individual AHLIs will be included in the LPP.

Part D – Social Development, Chapter 17 - Policy OS 1 Protection of Open Space (Paragraphs 17.9-17.20)

Golf courses qualify as open space. Regional Policy in Paragraph 6.205 of the SPPS reiterates the objective of PPS 8 stating that there will be a policy presumption against the loss of open space to competing land uses irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space or where it is demonstrated that the loss will have no significant detrimental impact.

The DPS evidence papers include EVB 17 – Open Space and Recreation which sets out the background to policies to protect open space, the various surveys undertaken and places significant emphasis on those strategies which encourage active leisure and travel such as greenways and inter-connected open spaces. It identifies a shortfall in pitches (summarised at the Tables at 10.17 & 10.18 where the overall shortfall in pitches is listed at between 43 and 80 pitches dependant on which criteria is used).

The Councils Green Infrastructure Plan 2019-2032 has now been published and forms part of the evidence base. It's future objectives for delivery of linked network of assets are set against four themes; People and Place, Economic Prosperity, Biodiversity & Climate Change. The strategic themes and analysis of evidence and recommendations extends beyond the district boundaries to provide a comprehensive picture of the green infrastructure (GI) resource and to identify opportunities for developing the networks and partnerships. One of the key messages are that there is potential for further improvements and GI monitoring and reporting on delivery. The aim is that by 2032 the environmental, economic and social benefits of GI are valued and maximised. Given this strong direction towards linkages to form a network of longer routes, it is surprising that Policy OS 1 -Protection of Open Space (which safeguards existing open space) fails to recognise the GI approach of building networks by augmenting and filling in gaps to enable more strategic linkages.

In the same manner as regional policy exceptions are provided for. Exception 1 allows for redevelopment where it will bring substantial community benefits that decisively outweigh the loss of the open space where the following is demonstrated:

(i) There remains adequate quantity and quality of open space in the immediate and wider area so that there is no unacceptable loss in the provision. If appropriate, it will be necessary for the developer to make alternative provision which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality.

This policy provision to 'make alternative provision' requires that it is at least equivalent in terms of size and quality but in line with soundness test CE4 it should be expanded to include more flexibility for circumstances where new provision is not offered but instead an upgrade of the existing provision is offered to provide for improved quality, safety or attractiveness.

This provision for upgrade is allowed for within the second policy exception (2) which allows for a loss of up to 10% of open space to enable the retention and enhancement of the facility when it can only be achieved by the development of a small part of the existing space where it will have no adverse effect on the sporting potential of the facility or result in any biodiversity loss. To restrict this exception to only playing fields and pitches within settlement limits shows a lack of flexibility to deal with the changing circumstances within sports delivery and financing. Given pitches are the specific type of provision that the plans evidence base within EVB 17 identified as having a significant shortfall, limiting the exception to this type of outdoor sport provision is without foundation as it encourages a further demarcation of that resource.

Golf courses are just as likely to need to release finds for improvement works given the current reduction in corporate memberships, sponsorships and more recently extended delays and reduced renewals as a result of the Coronavirus pandemic. In the case of City of Derry Golf Club, they would seek to sell of a small area of land to provide for the health and safety standards that are required for the golf course in proximity to houses and upgrade the course design improving the quality and usefulness of the resource. The funds would be directly used for the improvement works and the policy should provide for this circumstance in the same manner that it does for sports pitches and playing fields. Given the extent of economic uncertainty going forward it is essential that golf clubs can avail of the same opportunity to release funds as clubs whose assets are a pitch or playground.

As drafted the policy OS 1 fails to provide for sufficient flexibility under CE 4 for the required funding of sports improvements. It also fails the test CE2 as the policy exception to allow for upgrade of sports pitches and playing fields given the evidence base specifically mentions this type of open space as the one with the greatest shortfall against demand. It is unreasonable to provide for the loss of small sections of pitches yet provide no provision for Golf Courses. It further fails the consistency test C4 as it fails to properly recognise the objective of the Councils GI plan of encouraging linkages and networks and Exception 1 should be expanded to allow for upgrade works rather than restricted to new provision only.

<u>Chapter 16 – HOU 1 The Housing Allocation and Management of Housing Land (Paragraphs 16.10-16.33)</u>

The Growth Strategy (Chapter 5) seeks to Accommodate People & Facilitate Communities by providing for 9000 new quality homes by 2032, in a balance of private and social housing at sustainable locations accessible to community services, leisure and recreational facilities. This planned growth was set out in the DPS at Table 6 Para 5.7[2] is per the extract at figure 2.

[2] This figure is based on the LDP Growth Strategy for planned growth rather than the potential growth as a city region which could require up to 15k new homes.

Figure 2: Extract from DPS Table 6 showing Allocation of 8k-10k homes

The context against the RDS HGI figure is was explained further at Para 16.7 when its states:

Despite this statistical downgrading (referring to the 4,100 figure in the September 2019 HGI figure), *the Council still believes that 9,000 dwellings over the LDP period is more appropriate reflection of the Districts aspired Growth.*

The Extract of Table 8 at Figure 3 below (Paragraph 16.8 in the DPS) sets out the indicative allocation of dwellings across the settlement tiers noting that the allocation is indicative relative to the current proportion of households at each tier.

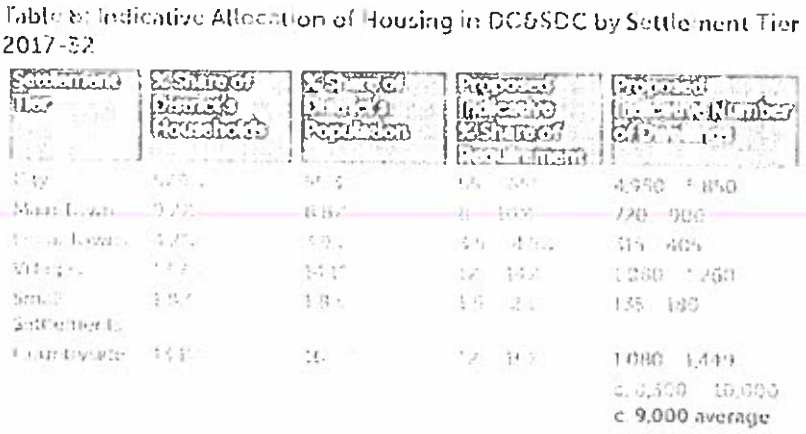


Table 8: Indicative Allocation of Housing in DC&SDC by Settlement Tier 2017-32

Settlement Tier	% Share of District's Households	% Share of District's Population	Proposed Indicative % Share of Total Allocation	Proposed Indicative Number of Units
City				4,950 - 6,850
Main Towns				720 - 900
Towns				315 - 405
Villages				1,260 - 1,260
Small Settlements				135 - 180
Countryside				1,080 - 1,440
				c. 8,500 - 10,000
				c. 9,000 average

Figure 3: Extract from DPS - Allocation of Housing Units across the settlement tiers

At Paragraph 6.9 it refers to the strategic aim of the allocation to ensure a balanced growth across the districts settlement hierarchy, with a focus on Derry as the regional city for the north west and refers to:

The City's allocation is also mindful of the considerable social housing need, the potential for additional student accommodation with the proposed expansion of the university of Ulster Magee Campus, more sustainably located housing in the City Centre which may attract professionals as part of the City deal, as well as the more urban focussed trend for more smaller sized dwelling units.

Despite this potential for growth in the City it then refers at Para 16.10 to Table 1 (DPS Appendix 5) providing an indicative share to each settlement but again refers to these shares being based on a pro rata percentage of their current household population numbers and further refines this at Table 2 Appendix 5 having inputted the analysis of the RDS evaluation matrix. The resulting allocation for the City of Derry (noted as having the highest growth potential) is 5375 dwellings. Para 16.12 makes clear the district has more zoned housing land that required during the lifetime of the plan and 16.14 summarises the need to manage the districts housing by zoning based on brownfield land and urban capacity analysis. Point B includes '*not zoning for additional housing land generally*' and at Point D '*zoning additional housing land only in exceptional circumstances where a specifically identified local need or lack of alternative lands is robustly evidenced*'.

At Paragraph 16.16 the LDP Strategy for the strategic allocation of housing land is to have a supply to meet the anticipated requirements of the district with the main housing allocation in Derry as the regional city for the NW. It refers to housing opportunities across the remaining settlement tiers and in the countryside at an appropriate scale and density.

Paragraph 16.18 Policy HOU1 strategic allocation and management of housing land – zoned housing land and LUPAs sets the policy and allocation however it does not meet the tests for soundness as per the following tests:

C1 – Compliance with RDS

The RDS states that the role of the LDP is to "*identify and consolidate the role and function of settlements*' and refers to housing as a key driver of physical, economic and social change and emphasizes the importance of the relationship between the location of housing, jobs, facilities, services and infrastructure. As such the promotion of living in settlements rather than the open countryside ought to be reflected in the DPS. This would focus population growth close to service centres which have the capacity to provide for the critical mass needed to ensure proportionate sustainable growth.

Derry is identified at Table 2 Appendix 5 of the DPS as having the highest growth potential which is in line with the RDS which at SFG7 which seeks to '*Strengthen the role of Londonderry as the Principal City of the North West*' and at Page 43 RG8 '*seeks to manage housing growth to achieve sustainable patterns of residential development by encouraging compact urban forms and promoting more housing within existing urban areas*'.

The Spatial Framework provides priorities for development and infrastructural investment and notes that '*there needs to be an understanding of how different places are influenced by the range of services and functions required by individuals, where they are located, how frequently they are used and by whom*'. This will determine how people live, work and access services and in exploring the role and position of a settlement it recognizes that:

- It is not appropriate to define settlements by their population alone;
- Service centres are hierarchical;
- Access to services and facilities by the critical mass is important.

The plan in continuing to allocate housing on the basis of its historic population distribution does not make sufficient provision for growth potential it has identified for the City of Derry. It is where most service growth will be located, and they should enable new households to avail of those services and encourage the critical mass necessary for infrastructure investment.

C3 – Compliance with SPPS

The SPPS encompasses the principles of sustainable development and states that the planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing needs of society, within the wider framework of sustainable development. HOU 1 however includes only two references to allocations of specific unit numbers:

- the overall number in the first line of 9000 units in the district and
- 1100-1400 houses for the countryside.

The policy sets the proportion for the countryside at 15.5%, it does not set this as a maximum and as such the interpretation is that just 7,600 units are allocated to settlements. In line with sustainable development principles it is entirely inappropriate that the only type of housing that has a specific allocation is the unsustainable single houses in the countryside tier. Either unit numbers should be preserved for the LPP stage or a minimum figure should be set against the more sustainable settlements in contrast. This applies in particular to the City of Derry which should be allocated a more significant proportion of the allocation given the potential for growth noted elsewhere in the plan.

The plan also makes insufficient provision to sustain new housing in the village of New Buildings. The village tier is the location those wishing to live in the least sustainable open countryside tier are most likely to be redirected to and would assist in reducing the 1100-1400 single houses. The allocation should allow for more of the future housing in the City and village tiers and redirect them from the open countryside in line with the objectives of the SPPS.

CE 1 – The plan sets out a coherent strategy from which its policies and allocations logically flow and CE2 – The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on robust evidence

The LDP needs to facilitate an adequate and available supply of quality housing and provide a mixed housing development with homes in a range of sizes and tenures. LDP's should be tailored to the specific circumstances of the plan area yet there is little provision in the allocation to provide for smaller households noted at Paragraph 16.19 or more homes for an ageing population as set out within the evidence base at EVB 16. Para 2.35 states:

'The profile of the Council area over the plan period is indicating a change to a more aging population demographic. The percent of those aged 65+ will rise over the plan period from 14.3% (2016) to 21% in 2032. 2018 NISRA statistics further project that the sharpest NI rise in the proportion of one person households will occur in our District, increasing from 28.7% to 33.4% over the period 2016 – 2041. This will most likely be due to young people leaving larger sized households.

The Housing Output Study (Technical Supplement 1) provides the detail behind the housing unit calculations and the breakdown of the share of new dwellings across the Council area. The shows the City has a 57.9% share of households and 13.7% in the villages. Going forward however the Countryside Allocation is staying proportionate to the countryside existing share of the borough population which conflicts with the objective of focusing growth in more sustainable urban areas and elderly residents closest to the services which they require including health and social service provision.

It also fails to consider the fact that the countryside single dwelling approvals are likely to decrease as the plan proposes more onerous countryside policies than those in PPS 21 CTY 8 infill policy (the significant generator of approvals for single houses). Not only is this a decreasing area of potential (as gap sites are filled) but the draft replacement Policy HOU 23 New Single Dwelling in a Small Gap in Existing Built-up Frontage in the Countryside proposes more significant restrictions by only enabling gaps to be considered that are sufficient enough for one dwelling (compared to two currently) and within a row of five dwellings (compared to the current three buildings).

<u>CE 3 – Clear Mechanisms for Implementation and Monitoring</u>

HOU 1 sets out how the release of land for housing will be managed. In respect of City, Main Town and Local towns it states, *'small sites and brownfield sites will also provide housing opportunities (see policy HOU 2)'.* The reference to HOU 2 within HOU 1 introduces ambiguity as:

- It appears misplaced given the title of HOU 1 refers to zoned housing land;
- The reference reflects only two of the three circumstances provided for within HOU 2 for the development of housing on non-zoned land; and
- There is no explanation of what level of site is considered a 'small site' within HOU 1 but the cross reference to HOU 2 introduces a difference in terms in that there is reference in HOU 2 to 'small whiteland' (rather than small sites) and amplification paragraph 16.31 refers to whiteland sites of 0.2h or less than 10 units.

There is further ambiguity in relation to what is meant by whiteland in HOU 1. It includes reference to local towns only (in brackets) when allowing for the consideration of whiteland sites.

Footnote 34 refers to it as uncommitted land in all other settlements (excluding Derry and Strabane) and over 5 units or 0.5h whereas' Whiteland' is defined at footnote 38 as undeveloped land that is included within a development limit but has not been zoned for a specific use. That footnote contains no restriction on settlement tier or size.

As an example of how this ambiguity is relevant the site previously referred to at Prehen and identified at Figure 1, would fall within the definition of whiteland in Policy HOU 2 and 16.31 as it could provide for less than 10 units and with the footnote 38 as it is undeveloped land that is included within a SDL but has not been zoned for a specific use. However, it does not meet the definition of whiteland referred to in HOU 1 as it is not in a local town but in the higher tier settlement of Derry and would not comply with the whiteland referred to in Footnote 34 as it is over the size threshold. HOU1 should make clear the provision for small sites and whiteland applies to the City in a consistent manner with HOU 2.

The wording within HOU 1 states '*the LDP expects to deliver approx. 1100-1400 houses in the countryside over the LDP period; these will be strategically delivered via policies HOU 18-26.* Wording that controls the unit allocation for the countryside and sets out a means of monitoring the actual figure against a capped number would be a more appropriate way to implement a sustainable housing allocation.

CE 4 The plan is reasonably flexible to deal with changing circumstances

The allocation also shows little awareness of the consequences of the DPS proposed countryside policies which reduce the circumstances under which new housing can be granted in the countryside. HOU 1 includes no incentive or flexibility to redirect housing from least sustainable form of development towards the City and the village tier in particular Newbuildings.

Expansion of Newbuildings as a Sustainable Settlement.

Designation Sett 1 – Settlement hierarchy – (Para 6.6) Newbuildings is designated as a village. Designation SETT 2 - Development Within Settlement Development Limits proposes Land use policy areas (LUPA's) for housing and certain other uses including community uses, open space and economic development, all appropriate to the scale of the settlement.

The RDS (Table 3.2, page 42), Housing Evaluation Framework sets out six tests to consider the distribution of future housing provision and how potential constraints on the future growth of a settlement are influential in the allocation of future development[3].

3

The Settlement Appraisal ENV 6 Para 5.17 states that:

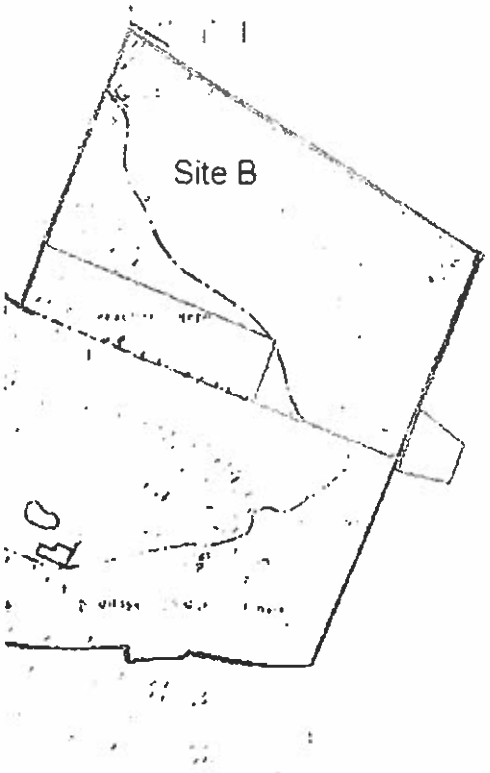
There is also a case for including Newbuildings within the settlement limits of Derry based on spatial development of both Derry and Newbuildings. The DAP 2011 proposed a linear form of development along the A5 from the city towards Prehen. Therefore, this has resulted in a ribbon of development along the eastern side of the A5 stretching out from Craigavon Bridge. However, the heavily treed roadsides and the City of Derry Golf Course remain as an important 'green wedge' between these settlements. Furthermore, Newbuildings has a long tradition and identity as a village and it has a level of service provision that is characteristic of a village, such as a supermarket, community hall, employment areas, primary schools, churches, pub and café. It is therefore proposed that Newbuilding should remain as a Village.

Newbuildings is also noted in Table 2 Appendix 5 with potential. It is located in a sustainable location close to Derry as well as containing service provision for the immediate population including shops, services and job opportunities. My clients consider that the green wedge is of such a substantial size that a minor encroachment to enable them to upgrade their facilities is of little consequence to its integrity and role in separating the settlements. A small housing allocation to the north of the village as per the site plan at **Appendix 1** would focus growth from the surrounding rural area (rather than dilute settlement hierarchy through disproportionate high level of growth in the countryside) and it is requested that this is considered further in the next stage of the process under the LPP.

Conclusion

We would ask that the above matters are taken as a representation to the Policy NE 7 – AHLI, Policy OS 1 lack of exceptions for upgrades/golf courses, the housing allocation within HOU 1 and the need to allow for more provision within the SDL of the City of Derry. A small expansion to the north of Newbuildings and detail on the local policy direction for the Prehen area should be considered at the next stage of the process.

Appendix 1 – Potential SDL Expansion Lands to the North of Newbuildings



Area of Golf Course Offering Potential Expansion

to North of Newbuildings

LDP PS – Rep 105 3

LDP-PS-REP-105

Submission to the Draft Plan Strategy for Derry and Strabane Area Plan on behalf of City of Derry Golf Club, 49 Victoria Road, Prehen, Londonderry BT47 2PU

Which allocations or polices in the DPS are not sound?

1. Part D- Social Development- Strategy, Designations and the countryside
   Part D Chapter 16 HOU 1 Housing allocation and Housing Lands and the Countryside Derry is to be allocated the majority of housing with further opportunities afforded to settlement tiers and in the countryside. Whilst Para 16.16 the LDP Strategy for the strategic allocation of housing land sets the policy and allocation to meet future need (PC 126 Appendix 5) of the district it does not meet the test of for soundness per tests below;
   Table 2 Appendix 5 uses the RDS analysis matrix resulting in Derry afforded the highest growth potential yet the district has more zoned housing lands that than required during the life time of the plan. The LDP Strategy for the strategic allocation of housing land is to have a supply demand of the district including settlement tiers and rural dwellings whilst HOU1 sets the policy it does not meet the tests for soundness per tests set out below;

   C1 Compliance with RDS
   Living in settlements rather than countryside should be encouraged in the DPS focusing growth close to services which have capacity to provide critical mass ensuring suitable sustainable growth across the region. The RDS RG8 P43 seeks to managing housing growth to achieve sustainable patterns of housing development encouraging compact urban forms and promoting more housing at these locations. Understanding how people live and works influences the range of service use identifying that settlements can't be defined by population alone and access to services is paramount.
   On this basis the plan on continuing to allocate housing on the bases of population distribution restricts provision for growth potential and that where service growth will be located new housing should be permitted to be aligned with required infrastructure investment demanded of these critical services.

   C3 Compliance with SPPS
   SPPS encourages principle of sustainable development to meet the need of housing demand. HOU 1 refers to 2 allocations within district one of which is housing in countryside the later should be considered during the LLP stage. This applies applies to the City of Derry which should be afforded a greater proportion of housing land allocation for growth. More allocation should be afforded for the city and village tiers and redirected from open countryside in line with SPPS.
   CE1- the plan sets out strategy for polices and allocations logically and CE-2 the strategy , polices and allocations should be realistic and appropriate considering the relevant alternatives based on evidence.

The plan fails to consider the significant reduction in countryside approvals due to the restrictive nature of HOU23 etc the plan does not include option to redirect surplus numbers back into the tier into settlements or villages or Derry conflicting with growth objectives focusing on urban areas where development will be sustainable.

CE3- Clear Mechanisms for implementation.

HOU 1 referring to brownfield sites is misplaced wording is not clear what level is considered a small site and clarification of use of wording "extreme localised social..." is there an option to rezone land for other uses following review partially? There is still ambiguity around the reference to while land in local towns.

As an example of how this ambiguity is relevant the site previously referred to at Prehen and identified at Figure 1, would fall within the definition of whiteland in Policy HOU 2 and 16.31 as it could provide for less than 10 units and with the footnote 38 as it is undeveloped land that is included within a SDL but has not been zoned for a specific use. However, it does not meet the definition of whiteland referred to in HOU 1 as it is not in a local town but in the higher tier settlement of Derry and would not comply with the whiteland referred to in Footnote 34 as it is over the size threshold. HOU1 should make clear the provision for small sites and whiteland applies to the City in a consistent manner with HOU 2.

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