

**Hannah Flynn**

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**From:** Aoibhinn Roarty <aoibhinn@mkaplanning.co.uk>  
**Sent:** 31 January 2022 15:15  
**To:** Local Development Plan; Planning  
**Cc:** Matt Kennedy; Paddy McLeary; Niamh Mullan  
**Subject:** LDP - Schedule of Proposed Changes Consultation Submission  
**Attachments:** LDP Proposed Changes Submission - Proposed Changes.pdf; LDP Proposed Changes Submission - Buncrana Road.pdf

Dear Sir/Madam,

**RE: LOCAL DEVELOPMENT PLAN 2032 - SCHEDULE OF PROPOSED CHANGES CONSULTATION**

I refer to the above matter and attach 2 submissions in relation to same.

I would be grateful if you could confirm receipt of these submissions.

Please let me know if you require hard copies or anything further in relation to these submissions.

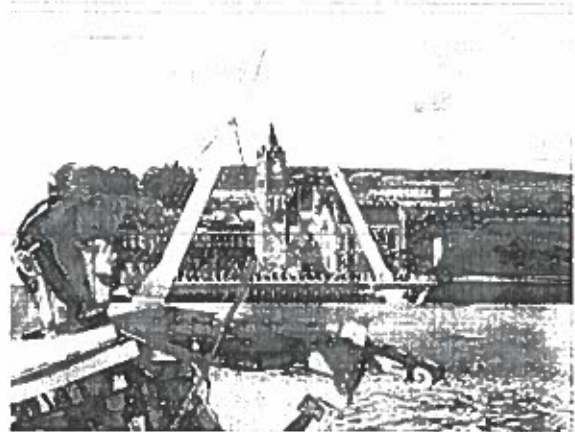
Kind Regards,

Aoibhinn

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**RE: DERRY CITY &  
STRABANE DISTRICT  
COUNCIL;  
LOCAL DEVELOPMENT  
PLAN 2032  
DRAFT PLAN STRATEGY  
SCHEDULE OF PROPOSED  
CHANGES CONSULTATION**

**PROPOSED CHANGES**



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- 1.0 Introduction.
- 1.1 Derry City and Strabane District Council has published a Local Development Plan (LDP) -Draft Plan Strategy in December 2019 for public consultation. A further public consultation was carried out by Council in September 2020.
- 1.2 Following consideration, the Council is now preparing a number of changes to the LDP Draft Plan Strategy. One of the proposed changes is PC 126. This proposes to amend the wording to Policy HOU 1 to allow the Council to provide housing land within three rather than two phases, as originally proposed. The proposed wording for LDP Phase 3 zonings is set out below.

**LDP Phase 3 Zonings – Strategic Housing Land Reserve.**

A strategic reserve of Phase 3 Housing Lands will be identified at the LLP stage, comprising land that previously lay just outside of the City settlement development limits (SDL) and is located immediately adjacent to those areas identified (by NIHE) as having the most acute social housing need.

In exceptional circumstances, where there is extreme localised social/affordable housing stress/need and it is demonstrated to the Council that the need cannot be met through the above sequence of Phase 1, Phase 2 or other HOU 2 lands, then a planning application can come forward on a Phase 3 site for immediate development to address that need.

Such a planning application, after the LPP adoption, shall be from NIHE or a registered housing association, primarily for affordable housing, and the development shall be part of a Balanced Community in accordance with Policy HOU 5. Such a need should be supported by NIHE.

- 1.3 I am instructed by my Client, Mr P Doherty, to write to the Council in support in principle of the Council's specific proposal – Proposed Change P126C.

**Proposed Change P126C**

- 1.4 However, I would suggest some proposed revisions to the proposed wording. I believe that there may be difficulties with the lack of specific definition of the word "extreme" and in particular what level of social housing need would constitute "extreme" to allow an application for affordable housing on Phase 3 housing land.

- 1.5 Households on the NIHE waiting list who are in need of accommodation are normally either homeless and possibly living for years in "temporary" guesthouse accommodation or residing in overcrowded and poor housing condition for long periods of time due to the size of the NIHE waiting list in the Council area.
- 1.6 I believe that the word "extreme" should therefore be replaced by the word "significant" in terms of the identified social housing need that would generate a planning application on Phase 3 housing land.
- 1.7 Council also needs to define precisely what the social housing need threshold of "significant" should be to allow planning applications on Phase 3 housing land so that the general public and other stakeholders are aware of the thresholds.
- 1.8 The undeveloped "legacy" housing zonings which have been brought forward in the Draft LDP were initially zoned in 1998 in the Derry Area Plan 2011, which is now eleven years beyond its notional end date. These legacy zonings have remained undeveloped ever since.
- 1.9 Council must set out a precise mechanism and time frame within the LDP framework for the re-zoning or de-zoning of these lands if landowners do not bring these Phase 1 and Phase 2 lands forward for housing use within a reasonable time frame.
- 1.10 It is a prerequisite of the Council at the first LDP review of the adopted LDP to bring these Phase 1 and 2 lands forward for rezoning or de-zoning if substantial progress has not been made in bringing these lands forward within a reasonable time frame.
- 1.11 Social housing need within a NIHE Housing Needs Assessment (HNA) is not a fixed or static figure. The social housing need in particular areas and settlements can vary significantly from year to year depending upon the amount of new social housing being built in the local area, demographics, inward migration into a local area and the number of re-lets of existing social housing stock.
- 1.12 PC 126 states that the amount of Phase 3 land identified will be limited to that which is reasonably necessary and sustainable and will be determined by the Council at LPP stage. However, at that stage Council will not know what Phase 1 and 2 lands will be brought forward for housing, and social housing in particular.

1.13 It is also clear that a number of Phase 1 and 2 housing lands are existing commitments and have planning permissions without any requirement for social housing. The Council has no way of applying the proposed social housing policy to these already approved housing developments which have no requirement to provide any social and/or affordable housing.

**Proposed Change 134.**

1.14 Proposed Change 134 proposes to amend Policy HOU 5 to increase the minimum amount of affordable housing from 10 per cent to 20 per cent and where there is an acute localised need the proportion required may be uplifted and this will be indicated as a KSR at the LDP LPP stage.

1.15 This proposed change is doubling the required minimum amount of affordable housing on a particular site from 10 per cent to 20 per cent. This is a fundamental change in proposed Policy HOU 5 doubling the minimum amount of affordable housing required from developers under this policy.

1.16 I have deep concern that a fundamental change in a proposed policy which has significant ramifications for developers and land owners is now being carried out through a proposed modification to the proposed policy with limited publicity of the proposed changes.

1.17 Many landowners and developers will have some knowledge of the ongoing LDP process but have no knowledge of the proposed changes which will have serious financial implications for them in the future.

1.18 I also fail to see how a developer who after building private and affordable housing on site can be required to "maintain" an agreed ratio of private to affordable housing for an agreed period after the construction of the scheme. Once the developers have sold the approved dwellings the developer has no control over future tenure if a house purchaser wants to rent a new house out to a family on housing benefit or lease/sell it to a housing association.

1.19 The proposed requirement of 2 in a development of 10 or more allows larger schemes to avoid the minimum 20 per cent threshold imposed on other developers in towns and cities.

1.20 The “mixed tenure/tenure blindness” approach has not been supported by any evidence from Council that it has been successful elsewhere in NI. Indeed, the experience in NI has been that most housing developments are either entirely social or private developments. This is an entirely new approach to the provision of social housing in NI and there has to be some concern that it may slow down or prevent the delivery of badly needed housing provision. Has Council considered these possibilities.

**Proposed Change 136.**

1.21 this proposed change requires housing associations to provide balanced communities with no more than 70-80 per cent proportion of either private or affordable housing. How can HA's do this on a social housing site surrounding by other social housing estates which is unattractive to the private housing market.

**Proposed Change 156.**

1.22 I fail to see any justification for exception sites in Policy HOU 25 to not be permitted within the green belt. Phase 3 housing lands adjacent the City would be within the green belt if they were not designated Phase 3. I see no justification for Council preventing social and/or affordable housing within the green belt. I know of no other Council adopting a similar approach. If social housing need exists in a settlement and cannot be met within the settlement I know of no reason why an exception site on the edge of the settlement cannot be brought forward.

These are our comments on the proposed changes to the Draft LDP. I trust these assist the Council in their review of the Draft LDP.

Yours faithfully,

**Matt Kennedy MRTPI**  
Principal  
**MKA PLANNING LTD.**



**RTPI**

mediation of space · making of place

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