

Chloe Duddy

**From:** Paul McMonagle <paul.mcmonagle@turley.co.uk>  
**Sent:** 27 January 2020 16:47  
**To:** Local Development Plan  
**Cc:** Brian Kelly  
**Subject:** DCSDC dPS - Rep obo Mr Howard Fulton  
**Attachments:** DCSDC dPS Form - Mr Howard Fulton.pdf; Letter Rep to DCSDC dPS obo Mr Howard Fulton.pdf; Accompanying Report to DCSDC dPS.pdf

Dear Sir/Madam



On behalf of our client, the ~~Foyle River Gardens~~, please find attached representations to the Draft Plan Strategy. We enclose:

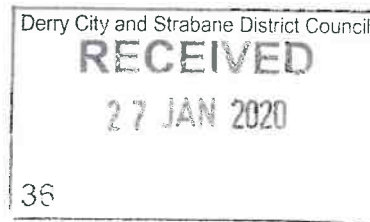
- Completed form;
- Letter prepared by Turley; and
- Accompanying report prepared by Turley.

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

Kind regards

Paul

Paul McMonagle  
Senior Planner



**Turley**

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27 January 2020

**Delivered by email**

Planning LDP Team,  
Derry City and Strabane District Council,  
98 Strand Road,  
Derry,  
BT48 7NN

Dear LDP Team,

## **RESPONSE TO CONSULTATION ON DERRY CITY & STRABANE DISTRICT COUNCILS' DRAFT PLAN STRATEGY**

This representation is submitted on behalf of Mr Howard Fulton in response to the publication of, and formal consultation on, the Derry City and Strabane District Council draft Plan Strategy (dPS) and in connection with lands at Maydown (see **Appendix 1**).

Our client welcomes the publication of the dPS and the progress that the Council is making towards adopting a Local Development Plan (LDP) for the area and the opportunity to return comments.

This representation seeks to:

- (i) provide detailed comments on the overall soundness of the dPS (please see accompanying report entitled 'Representation to Derry City & Strabane District Council's Local Development Plan - Draft Plan Strategy on behalf of a Consortium of Interested Parties');
- (ii) provide specific comments with respect to the need for new housing land in Maydown and the appropriateness of our client's lands;
- (iii) provide specific comments with respect to proposed policy HOU 15; and
- (iv) identify our client's lands as a rational rounding off/infill opportunity for the settlement limit of Maydown that will enable the delivery a high quality hybrid specialist residential development and local housing.

## **COMMENTS ON THE DRAFT PLAN STRATEGY**

### ***Need for Additional Housing Land in Maydown***

Appendix 5 of the dPS identifies a need for 27 new dwellings in Maydown over the plan period and that there is currently only capacity for 4 additional dwellings within the development limit of Maydown.

In light of this, the Council will be required to extend the development limit of Maydown to incorporate new land that will provide capacity to deliver the residual 23 dwellings.

Our accompanying report provides detailed interrogation and comments with respect to the proposed growth for the District set out within the dPS and it is considered that the overall quantum of growth should in fact be more than what is proposed. So, the overall housing need for Maydown, during the plan period, could in fact be more than 27 new dwellings. This will become more apparent through the LDP process as the Council reviews the representations made during this consultation stage.

In any case, there is at least a need for 23 new dwellings (noting existing capacity identified in Appendix 5 of the dPS). Thus, our client, would like to take this opportunity to advise the Council that his lands (identified in Appendix 1 and 2 below) are available, suitable and deliverable and that they should be considered for inclusion within the development limit to deliver the housing needed in Maydown.

It is also noted that recent discussions with the Housing Executive have confirmed that there is a growing need for new social housing units in the Maydown/Strathfoyle area.

## **HOU 15 – SPECIALIST RESIDENTIAL ACCOMMODATION**

This proposed policy is welcomed by our client, particularly noting that the dPS advises that:

- *‘There will be an increase in the percentage of 65+ from 14.3% to 21% in 2032’;*
- *‘Those aged 16 – 25 will fall by 0.6% and those aged 26 – 35 will fall by 2.5%’;*
- *‘This shows a change to an increasingly ageing population demographic’;* and
- *‘An ageing population will place additional demands on health and community services’*

It is noted that proposed policy HOU 15 makes references to specific types of specialist residential accommodation. However, it should be acknowledged in the policy that the list of specialist residential accommodation is not prescriptive or exhaustive, that it is an evolving area with new and exciting products coming forward and that it can comprise a range of types, combinations and styles of accommodation.

With people living longer on average, more and more people are thinking about and planning for their ‘elder’ years and this is impacting on the decisions that they are making in terms of the houses they buy and occupy through their life cycle. People are making these decisions before they are 65 and before they are in need of the additional assistive/specialist care services. It is unlikely that a 50 or 55 year old would consider a retirement village. There is likely to be a growing demand for specific and hybrid developments that can cater for the various needs of those who are 50-54, 55-59, 60-64 and 65+ as they move into and through the elder part of their lives. New concepts like active elderly living are coming forward as the market reacts to the various needs of the ageing population.

It is clearly difficult to define exactly and precisely what new proposals for this growing area of need will look like over the plan period. So, to ensure that HOU 15 can satisfy ‘soundness tests’ **CE2, CE3 and CE4**, this proposed policy must build in some flexibility with respect to what qualifies as ‘specialist residential accommodation’ and also acknowledge that there is demand for both town centre living and living in more scenic, natural and tranquil locations, such as the Auchlochan Retirement Village in Scotland. Our emerging site promotion document, which will be submitted to the LPP stage, will seek to identify other relevant examples for the Council.

In terms of proposals being able to deliver convenient access to relevant local services and facilities, including local shops, public transport routes and health facilities, HOU 15 should also give weight to proposals that can provide safe and secure living environments as well as access to walking routes, natural amenities, etc as these provide significant physical and mental health and well-being benefits.

Furthermore, noting the growing need for this type of accommodation and to ensure that HOU 15 will help to deliver on this need and satisfy ‘soundness test’ **CE3**, the dPS should include a commitment in policy to include a

land use zoning for this particular type of accommodation and advise that suitable sites will be identified during the Local Policies Plan stage (such as through a call for sites).

Some aspects of HOU 15 are considered to be unduly negative such as the use of the term 'speculative' when describing private sector developments under the Justification and Amplification' section of HOU 15. In addition, the dPS should support and encourage these types of proposals not just merely 'facilitate' them.

Moreover, considering the significant growth that is forecasted for the ageing population demographic, it is not clear why there is a requirement to '*demonstrate need associated with their proposed type of accommodation*'. The dPS clearly identifies a growing and significant need (under HOU 15) in the District over the plan period. It is not clear then why there is a need to apply an additional requirement on those seeking to bring forward proposals to address this need.

It should be noted that unlike social housing, there is no list for those seeking to acquire a home in a retirement village, a new hybrid 'mature' community, or in a development that is tailored towards active elderly. If the Council is minded to maintain this requirement as part of HOU 15 then it should set out clearly what the Council will accept or take into account when assessing if a developer has '*...demonstrated need associated with their proposed type of accommodation*'.

Finally, having reviewed the Sustainability Appraisal report, it appears that the Council has not considered any reasonable alternatives as HOU 15 is considered to be '*...the only realistic option*'. The SEA Regulations and Development Plan Practice Note (DPPN) require the consideration of reasonable alternatives to policies that are practical and deliverable.

There is established SEA Case Law which confirms the need for the SA to test all reasonable alternatives to a policy or allocation. Whilst it is acknowledged that the selection of these reasonable alternatives are the responsibility of the plan maker, there is a clear obligation to test more than one reasonable alternative. By failing to identify any alternatives to Policy HOU 15, the SA has failed to meet the legal requirements of the SEA Regulations.

The aforementioned amendments are considered to represent 'reasonable alternatives' that will assist in making proposed policy HOU 15 'more sound'. However, until the requested amendments are made, proposed policy HOU 15 fails 'soundness tests' **CE2, CE3 and CE4**.

## THE OPPORTUNITY

Our client's lands cover a significant area of approximately 13.35 ha (33acres). The extent and location of the lands relative to Maydown are identified in Appendix 1.

It is noted that 'Map 1 – District Strategy' of the Derry Area Plan (DAP) 2011, shows that the subject lands are designated 'Green Belt' and that they are located within a larger 'Area of Local Conservation and Amenity Importance'. However, we consider that these designations should be reviewed and amended at the Local Policies Plan stage as the subject lands represent a rational rounding off and infill opportunity with respect to the development limit of Maydown, particularly noting the urban morphology of Maydown, the layout and types of uses in Maydown and the location of the road network, including the proposed A6.

In light of this opportunity, we are preparing a site promotion document for the subject lands which seek to define a vision and articulate the potential that these lands represent for Maydown and indeed the District. We are currently exploring the opportunity to deliver a high quality retirement community. In addition to this, and noting the evolving nature of elderly/active elderly accommodation and the identification in the dPS of a need for 27 new homes in Maydown, we are also exploring the potential of the subject site (noting its significant size) to accommodate a hybrid proposal that would also deliver on local housing need.

To date, we have undertaken a planning feasibility of the site and are progressing the promotion document which will incorporate a master plan for the overall site. In addition to this, Taylor Boyd has already assessed the ability of the site to provide appropriate access and this will inform the proposed site master plan. Furthermore, initial discussions have been undertaken with local community groups to obtain a better understanding of what facilities are lacking/needed in the community.

Indeed, we will be submitting the promotion document and master plan to inform the Local Policies Plan (LPP) stage of the LDP to clearly set out the rationale and benefits of including the subject lands within the development limit of Maydown and providing an appropriate zoning for the subject lands. This will assist the Council in identifying appropriate sites to be zoned in the LPP.

## RECOMMENDATIONS

Section 10(2) of the Planning Act (Northern Ireland) 2011 advises that the Council must not submit a plan to the Department unless it has complied with any relevant requirements contained in regulations and it thinks the document is ready for independent examination.

Noting the issues set out within this submission with respect to proposed policy HOU 15, we respectfully request Derry City and Strabane District Council to not submit the dPS to the Department in its current form as we have concerns about its 'soundness'.

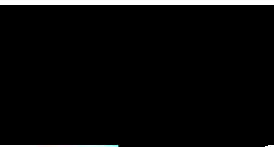
However, if the Council decides to submit the dPS in its current form to the Department for Infrastructure for an independent examination, we respectfully request an opportunity to appear and be heard at the Examination in Public in accordance with Section 10(7) of the Planning Act (Northern Ireland) 2011.

The dPS acknowledges that the '*...duty of community planning requires a Council to lead the process of creating a long term vision for the social, environmental and economic wellbeing of their area and its citizens, in partnership with the community and service providers in their area*'.

Our client looks forward to engaging with the Council to secure a viable future for the identified lands and to working in partnership with the Council to help achieve the long term vision for the social, environmental and economic wellbeing of the district.

Please do not hesitate to contact us for any further information or clarification.

Yours sincerely,



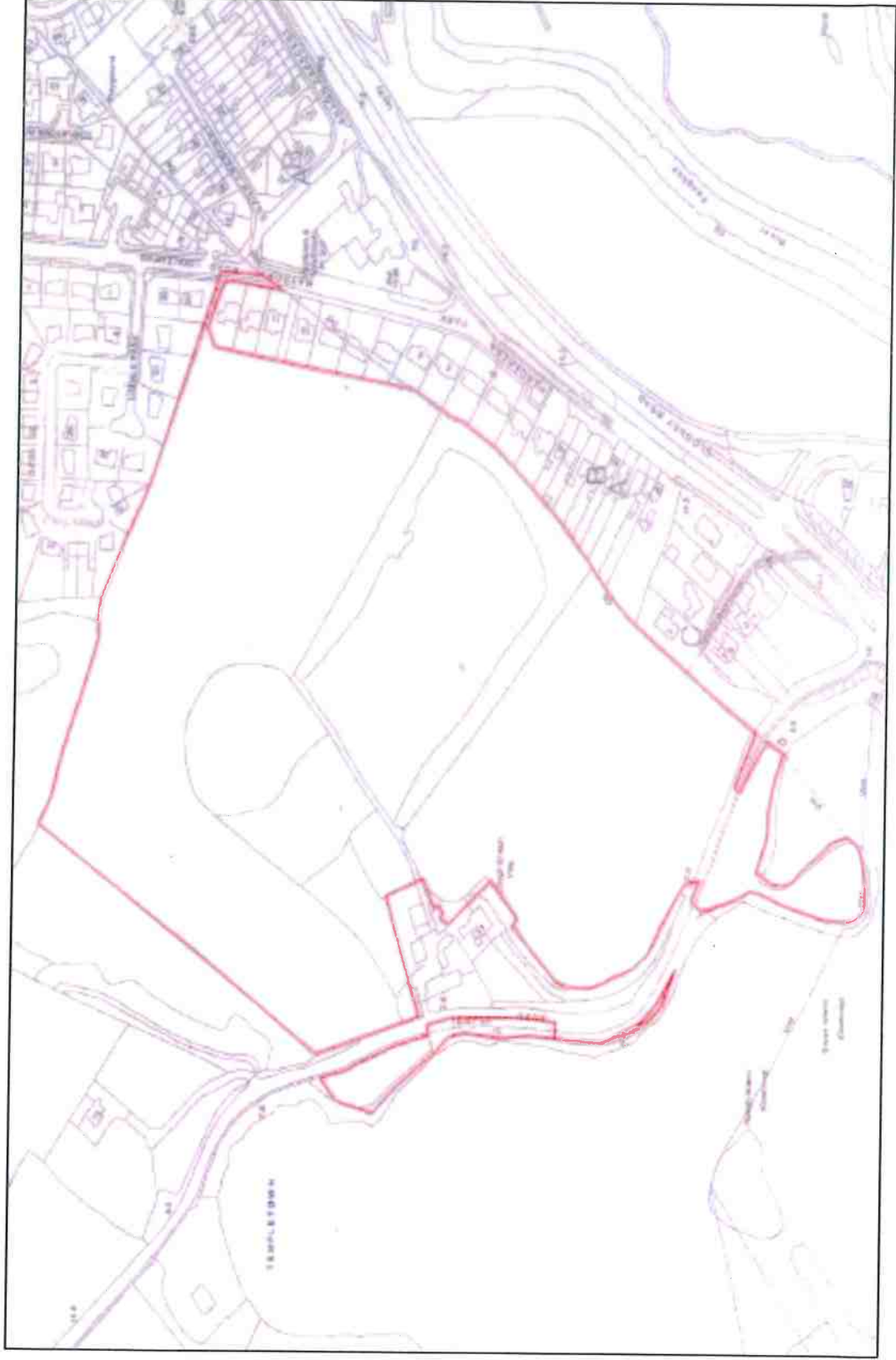
Brian Kelly  
**Director**

[brian.kelly@turley.co.uk](mailto:brian.kelly@turley.co.uk)



# Turley

Appendix 1: Extract Showing the Red Line Boundary of Subject Lands



# Turley

Appendix 2: Drone Image of Subject Lands





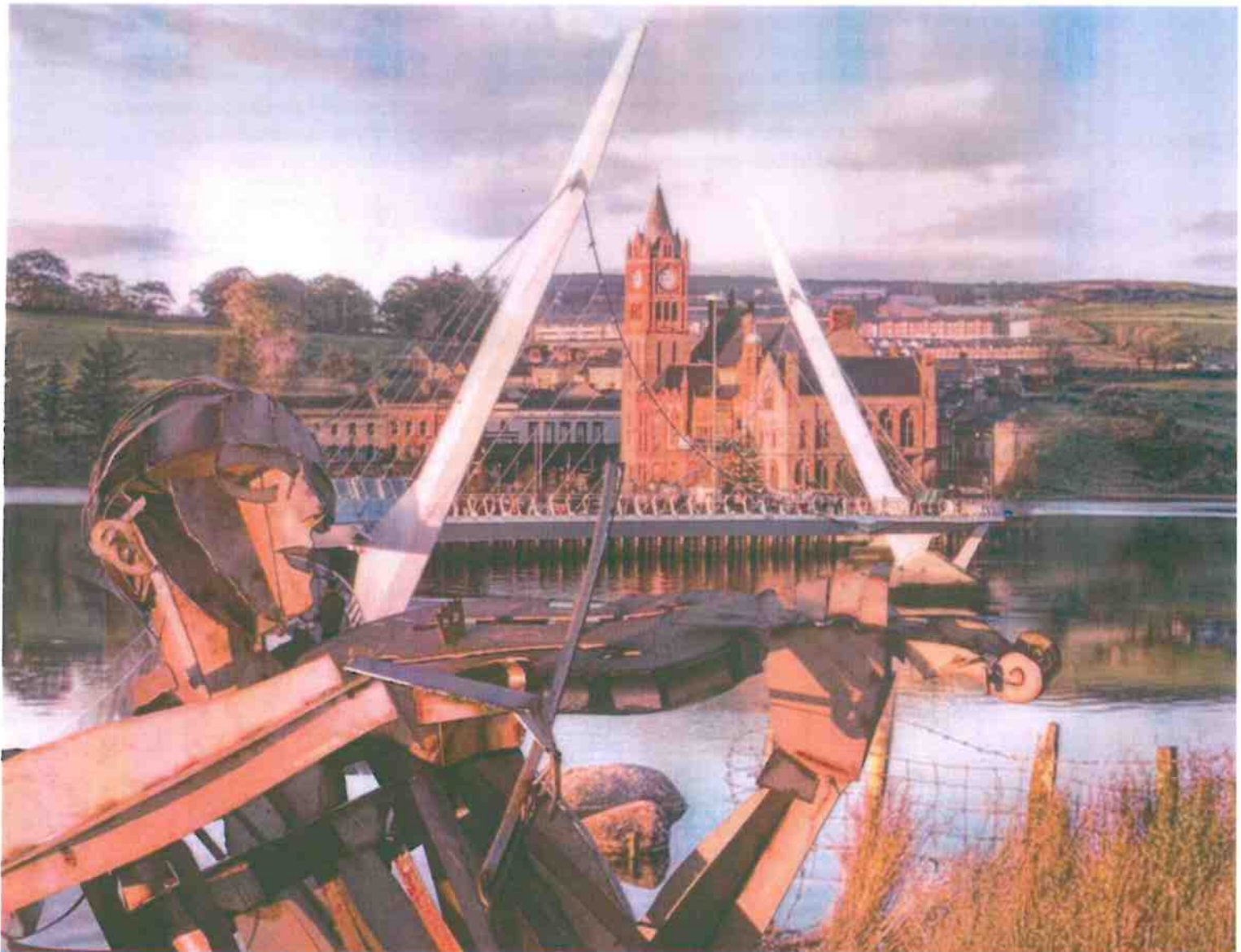
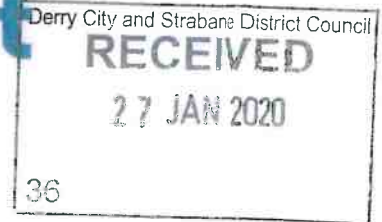


Derry City & Strabane District Council

# 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](mailto: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](mailto: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

FirstName (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) Mr Howard

Last Name (Required) Fulton

Organisation / Group Address -

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required) brian.kelly@turley.co.uk

On completion, please proceed to Section F

### Agent Contact Details

Title / First Name (Required) Mr. Brian

Last Name (Required) Kelly

Organisation / Group Address - Turley

Address (Required) 37 Clarendon Street

Town (Required) Londonderry

Postcode (Required) BT48 7EG

Email address (Required) brian.kelly@turley.co.uk

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](http://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](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:**

Ch5 Spatial Strategy, Ch6 Growth Strategy, Ch11 Transport Strategy, Ch16 Housing, Ch26 Place Making & Design, Ch25 Flooding, Supplementary Planning Guidance and Sustainability Appraisal - See table of Executive Summary of enclosed report for further details.

Allocation for Maydown and Proposed Policy HOU 15 – please see attached letter.

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](mailto:LDP@DerryStrabane.com). If sending by email, please clearly state that your comments are in relation to the SA.

See Chapter 10 of enclosed report

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](mailto: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](mailto: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](mailto: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.

**Representation to Derry City & Strabane  
District Council's Local Development Plan -  
Draft Plan Strategy**

On behalf of a Consortium of Interested Parties

January 2020

**Turley**



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## Executive Summary

1. This representation is submitted on behalf of a consortium of interested parties in response to a consultation on the Derry City and Strabane District Council draft Plan Strategy (dPS).
2. The dPS is unsound as the legal compliance tests have not been met.
3. Furthermore, the Sustainability Assessment (SA) that supports the dPS is flawed. These flaws render the dPS in its entirety unsound as soundness test P3 cannot be met.
4. The following table summarises the draft policies which are unsound, for the reasons specified, with a reference in this representation:

**Table 1: Summary of Modifications and Soundness Test**

| dPS Section            | Policy   | Modifications Sought   | Soundness Issue   |
|------------------------|--|--|---|
| Legislative Compliance | Crosscutting<br><b>See Section 2 of this submission.</b> | Review/revise LDP timetable  | P1. Has the plan been prepared in accordance with the council's timetable and the Statement of Community Involvement?<br><br>P4. Did the council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?   |
|                        |  | Review consultation arrangements in line with the Statement of Community Involvement           | P2. Has the council prepared its Preferred Options Paper and taken into account any representations made?<br><br>P4. Did the council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?   |
|                        |  | Publish for consultation the Draft Plan Strategy – Urban Capacity and Windfall Study (EVB 16a) | C3. Did the council take account of policy and guidance issued by the Department?<br><br>CE1. The plan must set 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, |

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|                               |   |   | <p>policies and allocations must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.</p> <p>CE3. There must be clear mechanisms for implementation and monitoring.</p> <p>CE4. The plan must be reasonably flexible to enable it to deal with changing circumstances.</p>   |
| Chapter 5:<br>Growth Strategy | <p>Growth Strategy</p> <p><b>See Section 4 of this submission</b></p> | <p>Review/address the unexplained/unjustified inconsistency between growth targets i.e. targeting the same level of new jobs as per the POP, but a reduced quantum of new homes.</p>  | <p>CE1. The plan must set 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 must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.</p> <p>C2. Did the council take account of its Community Plan?</p>        |
|                               |   | <p>Revise projections for new homes associated with supporting 15,000 new jobs - DPPN6 confirms: <i>“There should be a sufficient level of detail/technical evidence about the various options to enable a clear understanding of the different outcomes of options considered and how a Council’s preferred options are justified.</i></p> | <p>CE1. The plan must set 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.</p> <p>CE2. The strategy, policies and allocations must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.</p> <p>C2. Did the council take account of its Community Plan?</p> |

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| <p>Review methodology for the translation of population into households (i.e. the household formation rate assumptions applied to the population projections to derive household growth forecasts)</p>  | <p>CE1. The plan must set 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.</p> <p>CE2. The strategy, policies and allocations must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.</p>  |
| <p>Review/revise/clarify the modelling assumptions deployed in the UUEPC local government forecast model</p>  | <p>CE1. The plan must set 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.</p> <p>CE2. The strategy, policies and allocations must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.</p>  |
| <p>Provide evidence to confirm the extent to which 4,000 new social homes (Housing Executive projection), as a proportion (44%) of total provision (9,000), will be able to be delivered viably whilst also supporting the creation of sustainable and mixed communities.</p> | <p>CE1. The plan must set 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.</p> <p>CE2. The strategy, policies and allocations must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.</p> <p>C2. Did the council take account of its Community Plan?</p> |
| <p>Review/extend the LDP plan period to meaningfully</p>  | <p>P1. Has the plan been prepared in accordance with the council's timetable and the Statement of</p>   |



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|                                     |   | influence growth and in accordance with the Council's Strategic Growth Plan            | <p>Community Involvement?</p> <p>C2. Did the council take account of its Community Plan?</p> <p>C3. Did the council take account of policy and guidance issued by the Department</p> <p>C4. Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?</p> <p>CE2. The strategy, policies and allocations must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.</p> |
| Chapter 6:<br>Spatial Strategy      | Spatial Strategy<br><b>See Section 4 of this submission</b>     | Review/amend the Settlement Hierarchy Options (noting the retained status of Eglinton) | <p>Plan fails to take account of its Community Plan (soundness test C2).</p> <p>Council fails take account of policy and guidance issued by the Department (soundness test C3).</p> <p>The plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1).</p> <p>The strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).</p>            |
| Chapter 11:<br>Transport & Movement | Transport & Movement<br><b>See Section 5 of this submission</b> | Review/amend the plan to respond to major (known) infrastructure commitments           | <p>C4. Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?</p> <p>C2. The Plan must take account of its Community Plan.</p> <p>CE1. The plan should set out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict</p>   |

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|  |   |   | <p>with the plans of neighbouring councils;</p> <p>CE2 The strategy, policies and allocations are to be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;</p> <p>P3. Has the plan been subject to sustainability appraisal including Strategic Environmental Assessment?</p>   |
| Chapter 16: Housing in Settlements and the Countryside | HOU 1<br>See Section 6 of this submission | Undertake a realistic assessment of Social Housing Need based on current and available data.  | <p>The plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1); and</p> <p>The strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).</p>  |
|  |   | Make provision for a 5 Year Housing Land Supply, particularly in Derry City, to counteract the reliance on a small number of large and complex sites to meet housing requirements | <p>The dPS fails to take account of its Community Plan (soundness test C2);</p> <p>the Council fails take account of policy and guidance issued by the Department (soundness test C3);</p> <p>The plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1); and</p> <p>The strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).</p> |
|  |   | Urban Capacity and Windfall Study - Publish for consultation the Draft Plan Strategy – Urban Capacity   | <p>C3. Did the council take account of policy and guidance issued by the Department?</p> <p>CE1. The plan must set out a coherent strategy from which its policies and allocations logically</p>  |

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| and Windfall Study (EVB 16a) | <p>flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring councils. CE2. The strategy, policies and allocations must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.</p> <p>CE3. There must be clear mechanisms for implementation and monitoring.</p> <p>CE4. The plan must be reasonably flexible to enable it to deal with changing circumstances.</p> |
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| Approach to Phase 2 Zonings – policy relies on existing uncommitted zonings, for which there is limited or no reasonable prospect of being developed for housing during the plan period | <p>The dPS fails to take account of its Community Plan (test C2);</p> <p>The council fails take account of policy and guidance issued by the Department (soundness test C3);</p> <p>The plan does not have regard to other relevant plans, policies and strategies relating to the council’s district – including the Derry and Strabane, Housing Investment Plan 2019 – 2023 (soundness test C4);</p> <p>The plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1); and</p> <p>The strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).</p> |
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| Review/amend the Exception Policy – by establishing a robust and deliverable mechanism that responds to | <p>The dPS fails to take account of its Community Plan (test C2);</p> <p>The council fails take account of policy and guidance issued by the Department (test C3);</p> <p>The plan does not have regard to other relevant plans, policies and</p> |
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| <p>escalating unmet housing need/stress</p> <p>Review/amend the dPS to identify a reserve of housing land along the urban fringe of Derry and Strabane.</p> | <p>strategies relating to the council's district – including the Derry and Strabane, Housing Investment Plan 2019 – 2023 (test C4);</p> <p>The plan fails to set out a coherent strategy from which its policies and allocations logically (test CE1); and</p> <p>The strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (test CE2).</p> |
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| <p>HOU 5</p> <p>Affordable Housing</p> <p><b>See Section 6 of this submission</b></p> | <p>Make available the original Housing Needs Assessment and Urban Capacity Assessment</p> <p>Provide clarification on the justified affordable housing requirement for district</p> <p>Ensure there is sufficient land available for development and deliverable within the plan period and if necessary identify additional lands through the expansion of settlement limits at the Plan Strategy stage.</p> | <p>The dPS fails to take account of its Community Plan (soundness test C2);</p> <p>The council fails take account of policy and guidance issued by the Department (soundness test C3);</p> <p>The plan does not have regard to other relevant plans, policies and strategies relating to the council's district – including the Derry and Strabane, Housing Investment Plan 2019 – 2023 (soundness test C4);</p> <p>The plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1); and</p> <p>The strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).</p> |
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| <p>HOU 6</p> <p>House Types, Size and Tenure</p> | <p>Review/address incoherence in the draft policy and how it applies to</p> | <p>The policy as currently drafted is incoherent and fails policy test CE1.</p> <p>The policy fails soundness test</p> |
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| <b>See Section 6 of this submission</b>  | <p>tenure.</p> <p>Establish a robust evidence base to test the draft policy and would support either the continued use or deviation from the thresholds set out in policy HS4 of PPS12.</p> <p>Viability of the policy has not been assessed.</p> <p>'Round table discussion' meetings were held in 2018/2019, however, no details are provided to explain the nature of these.</p>                | <p>CE2 as the policy is not found on a robust evidence base or has consideration been given to relevant alternatives</p>   |
| <p>HOU 7<br/>Accessible Housing (Lifetime Homes and Wheelchair Standards)</p> <p><b>See Section 6 of this submission</b></p> | <p>No consideration has been given to the impact of this policy on housing developers and their associated housing products</p> <p>There is a lack of substantive evidence to support this policy position or any consideration of the viability of a project, mindful that this policy needs to be considered in tandem with HOU 5 and 6</p> <p>Recommend the policy is deleted from the dPS.</p> | <p>The policy fails soundness test CE2 as there is a lack of evidence to support the policy position and no evidence provided to demonstrate that viability has been considered.</p> |

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| Chapter 26:<br>Place-Making &<br>Design Vision<br>For<br>Development In<br>The District | PDPs / PDOs<br><b>See Section<br/>7 of this<br/>submission</b>                            | Review/amend the<br>dPS to remove<br>duplication of<br>policy and achieve<br>greater precision<br>Review/amend<br>dPS, including<br>PDPs/PDOs to –<br>noted issues<br>include approach<br>to ‘Ordinary’<br>buildings; and<br>where ‘the needs<br>of pedestrians,<br>cyclists and public<br>transport users<br>must be<br>increasingly<br>prioritised over<br>car-based’<br>development | CE1. The dPS does not outline a<br>coherent strategy from which its<br>policies and allocations logically<br>flow; and<br>CE3. There are no clear<br>mechanisms for the<br>implementation of the objectives<br>/ guidance of the PDO’s and<br>PDP’s.  |
| Chapter 25:<br>Development<br>and Flooding  | Developmen<br>t and<br>Flooding<br><b>See Section<br/>8 of this<br/>submission</b>        | Review/amend<br>draft policy FLD1<br>as it excludes<br>delivery of<br>undeveloped<br>protected<br>greenfield sites   | C3. Council fails to take account<br>of policy and guidance issued by<br>the Department.<br>CE1 as the dPS does not set out a<br>coherent strategy from which its<br>policies and allocations logically<br>flow. CE4. The plan must be<br>reasonably flexible to enable it to<br>deal with changing<br>circumstances. |
| Supplementary<br>Planning<br>Guidance   | Supplement<br>ary Planning<br>Guidance<br><b>See Section<br/>9 of this<br/>submission</b> | DPS Adopts an ad<br>hoc approach to<br>consolidating<br>policy and does<br>not support a ‘Plan<br>led’ system.<br>DPS<br>overcomplicates<br>the decision<br>making regime and<br>is contrary to<br>establishing a<br>certain and precise<br>policy framework.  | Council fails to take account of<br>policy and guidance issued by the<br>Department (soundness test C3).<br>Plan fails to set out a coherent<br>strategy from which its policies<br>and allocations logically flow<br>(soundness test CE1).   |

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| Sustainability Appraisal (SA) | SA<br><b>See Section 10 of this submission</b> | Review/amend the SA to include consideration of alternative policy options and consistency with the dPS | P3. Has the plan been subject to sustainability appraisal including Strategic Environmental Assessment? |
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# 1. Introduction

- 1.1 This representation is submitted on behalf of a consortium of interested parties (see attached letter/form) in response to the consultation on the Derry City and Strabane District Council draft Plan Strategy (dPS).

## **Response to the Preferred Options Paper – An Overview**

- 1.2 A response to the Preferred Options Paper (POP) sought to present a detailed consideration of the growth options and the evidence which is cited as supporting their justification.
- 1.3 That response considered the principle drivers of the future need for housing in Derry & Strabane, namely:
- Demographic projections of need;
  - Supporting a growing economy; and
  - Meeting the need for affordable housing.
- 1.4 Principally, the previous consultation response identified a number of limitations in the evidence base justifying the preferred option for growth. It was considered that as a priority the Council should address these issues through an updating of its evidence.
- 1.5 Bespoke demographic modelling was instructed by Turley and prepared by Edge Analytics, for the purposes of these POP representations. It provided a robust evidence-based position to inform a critical review of the options, highlighting the importance of robustly considering the inter-relationships between planned levels of housing provision, economic growth and the provision of mixed and sustainable communities.
- 1.6 The evidence prepared highlighted significant concerns as to the extent to which the NISRA projections available at the time were adequately representative of future needs. Specifically this identified the following limitations of the projections and their implied low levels of population / household growth:
- As a result of drawing upon a limited 5 year historic trend the projections are unduly influenced by a period defined by low levels of population growth associated with the wider impact of a period of recession / economic stagnation; and
  - The combination of low population growth and the inherent assumed ageing of the population will have a significant impact on the potential availability of labour over the plan period. This contrasts with the identified levels of anticipated and planned job growth presented through a range of options in the POP.

- 1.7 Edge Analytics prepared a series of demographic projections using a recognised demographic cohort model (the POPGROUP suite of software)<sup>1</sup>. This enables a sophisticated understanding of the relationships between population and household growth as well as the implicit link between job growth and migration.
- 1.8 These scenarios included a demographic trend-based projection which drew from a longer term trend-based projection, a 15 year trend, to ensure a more representative historic picture. This revealed a considerably stronger projection of population and household growth reflecting the stronger rates of population growth in Derry & Strabane in periods of more positive market and economic context as well as the more recent period.
- 1.9 The modelling used this informing modelling to consider the consequences of supporting various levels of job growth introduced in the POP where it is recognised that outside of reasonable assumptions around the use of the latent labour-force (those unemployed, working for longer due to pension changes) such growth would require a stronger profile of in-migration than seen over recent years. This highlighted that in supporting the POPs stated ambition to deliver 15,000 jobs potentially in excess of 1,000 homes per annum would need to be delivered over the plan period, or 17,000 homes in total.
- 1.10 Variant iterations of this scenario which explored the potential for more significant changes in future labour force behaviours thereby drawing to a greater extent on the latent labour force suggested that the same level of job growth could feasibly be supported by in the order of 860 homes per annum, closer to 15,000 jobs over the plan period.
- 1.11 Where it was acknowledged there was a degree of uncertainty associated with the potential of the authority to support the target level of job growth, and reflecting on the demographic modelling provided by Edge Analytics, we submitted that the POP preferred option (no.2) to provide 12,000 dwellings (or 705 dwellings per annum) should be considered as a minimum level of housing provision to be planned for within the emerging LDP. This would ensure that the Council's economic objectives align with its emerging housing policies and its economic ambitions are therefore not constrained.
- 1.12 In addition to supporting the economic stability and growth of the area, our representations also highlighted that providing the housing growth proposed under Option 2 (i.e. planned growth) would also provide greater opportunities to create mixed and sustainable communities. This reflected the evidenced need for affordable housing in the district within the then latest assessment prepared by the NIHE
- 1.13 In considering this relationship between supporting a growing economy and the calculated significant scale of affordable housing need our representations highlighted the importance of considering these twin issues collectively for the purpose of

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<sup>1</sup> POPGROUP is a family of demographic models that enables forecasts to be derived for population, households and the labour force, for areas and social groups. The main POPGROUP model is a cohort component model which enables the development of population forecasts based on births, deaths and migration inputs and assumptions. POPGROUP is widely used by local authorities and private sector users to support Local Plan development across the UK, and is also used by NISRA in the development of its LGD population and household projections



establishing a positive plan-making context. This considered the fact that an increase in employment opportunities – particularly higher value employment – will have a positive impact on households' ability to exercise choice in market housing tenures. Equally, however, a growth in employment and a failure to match this with the sufficient provision of housing will place increasing demand pressures on stock, leading to inflation in prices and rents which would in turn exacerbate the scale of affordable housing issues for those most in need.

- 1.14 In reviewing the proposed growth strategy in the dPS it is apparent that whilst the authority has evidently augmented its evidence base to respond to a number of the limitations of the available datasets, and specifically the HGIs, a number of the above concerns have not been adequately addressed. The result is a sustained concern that the justification for the Growth Strategy in the dPS insufficient thereby raising challenges as to its soundness. Reflecting on the evidence published by the Council and the modelling previously commissioned from Edge Analytics it remains our position that a higher level of housing should be provided for in order to ensure that the planned levels of job growth are adequately supported.
- 1.15 We welcome the additional research commissioned by Council, undertaken by UU etc. However, key evidence underpinning this dPS is not shared as part of this consultation. Urban Capacity Assessments are only summarised and, despite a request for access to the data, we were advised that it is not available. This information is the starting point to any assessment of current land availability and hence informs any new allocation.
- 1.16 It is impossible therefore to meaningfully comment on this aspect of the Housing Growth and Spatial Strategies and we must reserve our position until the information becomes available.

### **Structure of this Report**

- 1.17 This remainder of this submission has been structured to reflect the structure of the dPS:
- Section 2 - Legislative Compliance
  - Section 3 - Soundness in Plan Making
  - Section 4 - Chapter 5 & 6: Growth and Spatial Strategies
  - Section 5 - Chapter 11: Transport and Movement
  - Section 6 - Chapter 16: Housing in Settlements and the Countryside
  - Section 7 - Chapter 25: Development and Flooding
  - Section 8 - Chapter 26: Place-Making & Design Vision For Development
  - Section 9 - Supplementary Planning Guidance
  - Section 10 - Sustainability Appraisal

## 2. Legislative Compliance

### Introduction

- 2.1 In preparing their draft Plan Strategy (dPS), Derry City & Strabane District Council (DCSDC) 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 seeks to identify issues in the compliance of the dPS with the Act and the Regulations.

### Planning Act (Northern Ireland) 2011

#### Consultation Arrangements

- 2.3 Part 2 of the Act stipulates that the Plan Strategy (PS) must be prepared in accordance with the Council's timetable and with the Council's Statement of Community Involvement, as approved by the Department for Infrastructure ('Dfi').
- 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 published the dPS within the timeframes indicated in its timetable (i.e. between Q3 & Q4 2019/2020).
- 2.5 However, 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 DCSDC carefully monitors this time period to ensure that that all phases of the LDP are undertaken within the approved timelines agreed by Dfi.
- 2.6 So far as the requirement of section 8(4)(b) of the Act is concerned, i.e. that the plan strategy must be prepared in accordance with the council's Statement of Community Involvement (SCI), we note the following sections of the Council's revised SCI (dated May 2018):
- Para 1.5 – *'The Council is keen to ensure that by actively involving our citizens in **early and meaningful dialogue**, we will create a **culture of effective and worthwhile participation** within an **open and transparent planning process**' (our emphasis);*
  - Para 2.5 – *'We **want to provide ample opportunity** for groups, businesses and individuals **to be involved in shaping our District's planned development** and **by taking part in this plan making process** and being aware of the planning process, you can influence the decisions being made about the LDP and the built form of this District' (our emphasis);*
  - Para 2.6 – The SCI sets out the following 'Vision of Participation', 'A **sustainable society** must be instilled with democratic values. Its **citizens must share a sense of effective participation** in the decision making process. They must **feel they**

**have a say in their society's development** and the skills, knowledge and ability to assume responsibility for that development' (**our emphasis**);

- Para 2.7 – 'This is a shared vision of participation in decision making and it is therefore aimed to ensure that:
  - (i) **Everyone has an early and informed opportunity to express their views** on the development of the area and have it considered before decisions are made (**our emphasis**);
  - (ii) **All groups in our community... are enabled and empowered to participate**' (**our emphasis**);
- Under the Principles of Community Involvement (Para 2.9), the SCI states the following:
  - Culture of Engagement – 'People should be aware of the opportunity to participate in the planning process, and be encouraged to take part in the knowledge that **the Council is truly interested in all opinions**' (**our emphasis**);
  - Early Involvement – 'We will **adopt a pro-active approach** to ensure that the **community are given the opportunity to engage** in the planning process **at an early stage to facilitate the greatest potential benefit**' (**our emphasis**);

2.7 Having reviewed the Council's revised SCI, we are concerned that the consultation period of the dPS is not in accordance with the SCI as required by 'soundness test' P1. Indeed, we note the following:

- the LDP timetable section of the Council's website states the following: 'At the Council's Planning Committee on 25th March 2019, Members agreed to review and subsequently revise the LDP Workplan and Timetable which will deliver a published LDP draft Plan Strategy (dPS) **in Autumn 2019**' (**our emphasis**);
- unlike other Local Authorities in Northern Ireland, the Council did not provide a 4 week 'pre-consultation' period prior to the publication of the dPS – it is disappointing that DCSDC did not adopt this 'soft landing' approach which has been adopted as best practice by other Local Authorities in Northern Ireland (such as Belfast City Council, Lisburn & Castlereagh City Council, etc) particularly noting that it is widely welcomed by members of the public, practitioners and interested parties as it has enabled all those engaging with the plan to obtain a better understanding of the proposed components of the respective dPS;
- the Council's 8 week consultation period included the Christmas holidays which has negatively impacted on the time available to those seeking to engage with the plan and it has also prevented members of the public from accessing expert planning advice noting that most practices were closed for 2 weeks during the holidays and noting that the Council offices were closed for 4 days during the holidays;

- the public consultation period of the Lisburn & Castlereagh City Council (LCCC) dPS, which ran from Friday 8th November 2019 to Friday 10th January 2020 and included the Christmas holidays, provided an extra week (i.e. 9 weeks instead of 8 weeks) for the consultation period to account for the obvious disruptions that the holidays would cause to the consultation process.
- 2.8 Noting the above concerns, we issued a letter by email (dated 19 December 2019 ) highlighting our concerns and respectfully requesting that the Council consider extending the consultation period to account for the Christmas holidays or at least the four days that the Council's offices were closed.

#### **Sustainability Appraisal**

- 2.9 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.
- 2.10 We have identified significant flaws with the Council's Sustainability Assessment and describe these in Section 10 of this representation.

#### **The Planning (Local Development Plan) Regulations (Northern Ireland) 2015**

- 2.11 In addition to the Act, Parts 4 & 5 of the Regulations set out the requirement for the preparation of the Plan Strategy Development Plan Document (DPD). Part 4 sets out the requirements for the Form and Content of a DPD. Part 5 of the Regulations relates to the procedures for the preparation of the Development Plan Documents, particularly Regulations 15 and 16.
- 2.12 Regulation 15 identifies a schedule of information that should be made available alongside the publication of the DPS. This includes:
- "such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan."*
- 2.13 It is noted that the Council published a document entitled 'Draft Plan Strategy – Urban Capacity and Windfall Study' (EVB 16a), which is dated December 2019. However, having reviewed this document, it is clear that it only represents a summary of the overall study.
- 2.14 The SPPS states, under Paragraph 6.139 that '*The **urban capacity study should be published** as a technical supplement to the draft plan*'. The SPPS does not state that a summary of the UCS should be published.
- 2.15 Furthermore, Development Plan Practice Note 6 – Soundness (dated May 2017), identifies the urban capacity study under the 'evidence' subheading associated with soundness test 7, i.e. '*Strategies/policies/allocations represent most appropriate in all circumstances, having considered the relevant alternatives, and are founded on a robust and credible evidence base*'.

- 2.16 In light of this, we contacted the Council by telephone on 10 January 2020 to obtain a copy of the full study. However, we were advised by email that the uploaded document was the Council's 'final document'.
- 2.17 Noting the omission of the full study, we have been prevented from properly investigating, reviewing and commenting on the approach, methodology and findings of this critical piece of evidence which supports the Council's proposed housing strategy and strategic policies.
- 2.18 The Council has not explained why it is 'of the opinion' that such a critical piece of evidence is not 'relevant to preparation of the local development plan'. Nevertheless, we cannot see how the Council could form an opinion that such a critical piece of evidence is not 'relevant to preparation of the local development plan, particularly noting the provisions of the SPPS and that other Councils (such as Belfast City Council) have published this information as part of their evidence base to support their respective dPS.
- 2.19 It is further noted that Para 13.5 of Development Plan Practice Note 07 - The Plan Strategy (April 2015) states that '**A council's justification and evidence for its housing strategy must be comprehensive and robust in order to withstand the tests of soundness at independent examination (IE)**'.
- 2.20 It is considered that the statutory requirements of Regulation 15 have not been met. Furthermore, the Council's decision not to publish the full 'Draft Plan Strategy – Urban Capacity and Windfall Study' means that the dPS fails 'soundness tests' C3, CE1, CE2 and CE4 as set out in Development Plan Practice Note 6 – Soundness (dated May 2017).
- 2.21 Until all interested parties are provided with the opportunity to review the full 'Draft Plan Strategy – Urban Capacity and Windfall Study', we are not in a position to confirm or make comments on the following:
- Did the Council take account of policy and guidance issued by the Department?
  - Does the dPS set out a coherent strategy from which its policies and allocations logically flow?
  - Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and founded on a robust evidence base?
  - Is the dPS reasonably flexible to enable it to deal with changing circumstances?



### 3. Soundness in Plan Making

- 3.1 The keystone of the local development plan system is the principle of 'soundness'. Section 10(6) of the 2011 Act provides that the purpose of the Independent Examination (IE) is to determine, in respect of the development plan document:
- (a) whether it satisfies the requirements of sections 7 and 8 or, as the case may be, sections 7 and 9, and any regulations under section 22 relating to the preparation of development plan documents; and
  - (b) whether it is **sound**.
- 3.2 The Planning Act (Northern Ireland) 2011 does not define the meaning of 'soundness'. However, Development Plan Practice Note 6 – Soundness (DPPN 6), dated May 2017, suggests that it may be considered in the context of its ordinary meaning of 'showing good judgement' and 'able to be trusted'.
- 3.3 Furthermore, DPPN 6 states that the tests of soundness are based upon three categories. These three categories relate to:
- how the development plan document (DPD) has been produced;
  - the alignment of the DPD with central government regional plans, policy and guidance; and
  - the coherence, consistency and effectiveness of the content of the DPD.
- 3.4 DPPN 6 advises that 'soundness' involves testing the principles, content and preparation process of the DPD against a list of key criteria. DPPN 6 then sets out the following tests which '*...aim to provide a framework to assess the soundness of the DPD, whilst taking account of all relevant procedural, legislative and policy considerations*':

#### **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?
- C4. Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?

#### **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.

3.5 Although the tests of soundness are based upon three categories – procedural, consistency, coherence and effectiveness, there is a degree of overlap in terms of the criteria used for each test. The purpose of the IE will be to examine how the DPD meets each test and determine whether the DPD is sound as a whole.

#### **Other Soundness Considerations**

3.6 Section 10(6) of the 2011 Act states that the purpose of the Independent Examination is to determine if the dPS satisfies the requirements of sections 7 and 8 of the 2011 Act.

3.7 So far as Section 8 of the 2011 Act is concerned, we note that it confirms that the Council must take account of any policy or advice contained in guidance issued by the Department.

3.8 It is considered that Development Plan Practice Note 07 (DPPN 07) entitled 'The Plan Strategy', which was issued by the Department in April 2015, can be regarded as 'guidance' for the purposes of Section 8(b) of the 2011 Act.

3.9 Indeed, this is reinforced by the Preamble section of DPPN 07 noting that it states the following:

- *'This Development Plan Practice Note is designed to **guide** planning officers and relevant users through the key requirements for the preparation of the Plan Strategy and deals primarily with procedures as well as good practice. It **forms part of a series of new practice notes stemming from the Planning Act (Northern Ireland) 2011**'*
- *'Where appropriate this practice note will therefore highlight... Procedural **guidance**'; and*

- ***'This guidance is not intended to replace the need for judgement by planning officers in the local development plan making process'***.

3.10 In light of the above, we set out below some notable requirements identified in DPPN 07 with respect to the objectives of the dPS:

- ***'...act as a basis for rational and consistent decisions about the use and development of land...'*** (our emphasis);
- ***'provide a settlement hierarchy which identifies settlements and their role within the hierarchy...'*** (our emphasis);
- ***'facilitate sustainable patterns of growth and regeneration whilst promoting compact urban forms and protecting and maintaining distinctive local character and viability'*** (our emphasis);
- ***'promote the development of sustainable tourism, recreational and other community facilities that will positively contribute to the amenity and wellbeing of the population'*** (our emphasis);
- ***'...aim to ensure that [the] PS is both realistic and deliverable taking into account the resources available and any potential constraints which may arise during the plan period'*** (our emphasis)
- ***'...aim to incorporate a degree of flexibility within its PS to ensure that its objectives and strategic policies for its area can still be delivered'*** (our emphasis).

3.11 In terms of making representations, DPPN 07 states that ***'...representations should provide evidence to demonstrate why the draft PS is unsound and/or how any proposed changes make the draft PS more sound'*** (our emphasis) .

3.12 At a recent PAC Information Session, chaired by Commissioner Rue, it was confirmed that the evidence component of representations does not need to be pages upon pages of facts and figures but can be as simple as explaining 'why' a proposed strategy or policy should be amended.

3.13 In accordance with this guidance and recent advice provided by the PAC, the following sections of this representation seek to set out 'why' certain aspects of the dPS are considered 'unsound' or could be 'more sound'.

## 4. Chapter 5 & 6 - Growth and Spatial Strategies

### The Council's proposed Growth Strategy

- 4.1 The dPS sets out a summary of the Growth Targets for the district for the period 2017 to 2032 which underpin its Growth Strategy. These are listed below:
- 9,000 new homes;
  - 10,000 more people; and
  - 15,000 more jobs.
- 4.2 In the justifying text the dPS confirms that reference has been made to the Strategic Growth Plan (SGP 2017-2032) for the District, which establishes the basis for an ambitious 'planned growth'. It is noted in this context, however, that whilst the population and job targets are consistent, the 9,000 homes proposed to be provided for in the dPS falls short of the Growth Plans reference to the requirement for '10,000' new homes over the same period.
- 4.3 The inconsistency in this specific key element of the Growth Strategy is not sufficiently explained or justified. In accordance with our previous representations, we have continued concerns that the provision of 10,000 new homes will not support the ambition to delivery 15,000 more jobs. Irrespective of this the Council must provide further robust justification to explain this inconsistency. Where this justification is not forthcoming it is not reasonable for the targeted level of housing to be provided to be reduced but for the other targets to remain consistent. This represents an important point of soundness.
- 4.4 In considering this justification it is important for the Council to reflect on its own presentation of the evidence in Table 6 of the dPS. This is replicated below as Table 4.1. From this it is clear that whilst the 'Growth Strategy' is set out as a range, the job target represents the upper level of this range but the housing target is set at a mid-point. In our review of the informing evidence below we note there is no evidential basis for 'mixing and matching' the selection of these aspects. Indeed in reality there are a number of shortcomings in the evidence which would strongly indicate that in reality the 10,000 homes associated with supporting 15,000 new jobs under-estimates the full impact of need pressures which would arise where the authority is successful in realising its economic ambition.

**Table 4.1: Overall Growth Strategy for Derry City & Strabane District**

| Growth Strategy – Key Elements | Current Baseline, 2017 | Current Projections – Modest Growth | LDP Growth Strategy – Planned Growth | Potential Growth – as a City Region |
|--------------------------------|------------------------|-------------------------------------|--------------------------------------|-------------------------------------|
| Population                     | 150,000                | 149-150k                            | 155-160k                             | 160-170k                            |

|       |        |        |         |         |
|-------|--------|--------|---------|---------|
| Jobs  | 55,800 | + 4k   | + 8-15k | +16-18k |
| Homes | 61,000 | + 4.1k | +8-10k  | +11-15k |

*Source: Replicated from Table 6 of the dPS (2019)*

- 4.5 Finally, in reviewing Table 4.1 the final column is also considered to present an important context for the establishment of the growth strategy in the dPS. This column represents a recognition that *‘if the local economy really were to reach its full potential growth ambition, with full implementation of the SGP as well as favourable wider economic climate, with inward migration (which is considered to be very possible post-Brexit), significant levels of inward investment and exponential job growth, it could be anticipated that the District’s population could actually growth to 170,000, with 16 – 18,000 new jobs created and up to 15,000 new homes would be required to meet that growth.’<sup>2</sup>*
- 4.6 Irrespective of the extent to which a judgement is made as to whether it is reasonable to plan for this higher scenario or the more modest 15,000 job growth target in the dPS the Council’s acknowledgement that such a scenario *‘could be anticipated’* further undermines its decision to apply an unjustified reduction in the planned housing target below that set out in its own Growth Plan and justified by its evidence.
- 4.7 This must be considered in the context of the specific test set in Development Plan Practice Note 6, which states:
- “The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base – CE2”*
- 4.8 Equally, Practice Note 5 confirms:
- “There should be a sufficient level of detail / technical evidence about the various options to enable a clear understanding of the different outcomes of options considered and how a Council’s preferred options are justified”*

### **Headline review of the Evidence Base**

- 4.9 The Council’s commitment to updating important aspects of its evidence-base to seek to present a positive position with regards the provision of housing and job growth is strongly supported.
- 4.10 Specifically the Council’s publication of technical evidence which clearly identifies and challenges the limitations of the HGIs for the purpose of providing an appropriate basis from which to plan for a reasonable level of representative housing growth is acknowledged and welcomed<sup>3</sup>. This recognises the inherent limitation of these projections in so much that they are deliberately ‘policy neutral’ and do not therefore take any account of planned growth strategy or investment.

<sup>2</sup> Local Development Plan (LDP) 2032 – Draft Plan Strategy, paragraph 5.11

<sup>3</sup> Senior Economist Derry City & Strabane District Council, Comments on Housing Growth Indicators 2016-based – publication by NISRA (October 2019)



4.11 In presenting an evidence-based justification to support a departure from the HGI's the evidence presented by the University of Ulster<sup>4</sup> is also considered to provide, on balance, an important contribution to affirm the extent to which higher job growth will in turn result in a stronger migration into the area and therefore a level of population growth which departs from recent short-term trends.

4.12 Specifically in the context of the above evidence we agree:

- Full consideration must be given to the impact of planned investment and growth strategies. This includes the delivery of the Strategic Growth Plan, the announcement of a North West City Deal and the accompanying Inclusive Future Fund;
- This investment will support at least 15,000 new jobs over the plan period;
- A growing economy will lead to the population growing at a higher rate than that seen over recent years and therefore projected forward in the more recent NISRA population and household projections; and
- This in turn will lead to a greater need for new homes to accommodate a growing population.

4.13 Whilst the above points of principle are agreed our review of the published evidence base reports, set in the context of the analysis and modelling prepared to inform our representations on the POP, leads us to identify a number of quite specific limitations in the approach followed. Cumulatively it is considered that these suggest that there is a risk that the evidenced need for 10,000 homes being required to support the growth in population associated with 15,000 new jobs being accommodated under-estimates the true and full need for housing. We have structured our review to reflect areas of identified concern in the approach applied.

#### **Translating population into household growth and therefore housing need**

4.14 Whilst the UUEPC evidence based reports provide a detailed consideration of the relationship between employment growth and the associated changes to the population of Derry & Strabane there appears to be no real reflection or consideration on the methodology for the translation of population into households in these reports.

4.15 The Evidence Base Paper EVB5 '*Growth Strategy*' (December 2019) acknowledges following on from a summary of the evidence of job growth and population growth that: '*However, the target level of new home is the most contentious variable in the Growth Strategy*'<sup>5</sup>. However, despite the recognition of the importance of this aspect of the evidencing of need there is an absence of transparency as to the approach adopted to translate the projected growth of 10,000 people on the existing population into a level of household growth / housing need.

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<sup>4</sup> This includes two reports: EVB 5a 'Community Plan capital expenditure forecasting and analysis' (October 2016) and EVB 5b 'Review of the population forecasts for Derry City & Strabane District Council, 2017 – 2032' (October 2018)

<sup>5</sup> EVB5 '*Growth Strategy*' page 15

- 4.16 To this extent it is unclear as to which household formation rate assumptions have been applied to the population projections to derive household growth forecasts, be they from the more recent 2016-based household projections or an earlier dataset. Where the evidence base paper recognises that the official projections *'reflect that household size is falling'*, the extent to which this is the case also must take account of the extent to which they draw upon past trends. There is an acknowledged wider concern that projections of household formation rates based on more recent trends misrepresent the future needs of younger households in particular, with evidence of historic rates of formation of these groups being constrained by a housing market which has failed to provide the homes needed for them to exercise choice.
- 4.17 It is widely accepted, for example in the equivalent English guidance for assessing housing needs that it is necessary to apply an 'affordability adjustment' to the household projections to recognise that *'household formation is constrained to the supply of available properties – new households cannot form if there is nowhere for them to live'*<sup>6</sup>. This was acknowledged in the context of clarification being provided by the Office of National Statistics (ONS), who produce the official household projections in England, to the Government in the context of a lowering of household growth in the most recent projections that: *'This is because the projections are based on recent actual numbers of households and are not adjusted to take account of where homes have been needed in recent years but have not been available. Therefore, if more homes are built, the increased availability of homes may result in more households forming. The opposite is also true – if fewer homes are built then fewer households are able to form'*<sup>7</sup>.
- 4.18 It is considered that the evidence base should be updated to provide clarification as to the extent to which the Council is confident that its projection of need takes adequate account of this issue. Where, as suspected, official projections around household formation have been used with no adjustment it is considered that this will underestimate the true extent of housing need associated with the targeted population growth of 10,000 people.

#### **The relationship between population and employment growth**

- 4.19 The UUEPC evidence-based paper EVB5b is, as noted above, considered to provide a detailed consideration of the relationship between population and employment growth in Derry & Strabane.
- 4.20 This includes reference to the UUEPC local government forecast model, which it is noted is a 'top-down' model built from the UUEPC NI model. This model it is understood is demand-led with job growth linked through to alternative population forecasts where labour-force is brought in as required to accommodate an increase in employment opportunities.
- 4.21 The merits and robustness of this model is not questioned, however, the evidence-base does not provide a sufficient level of detail to understand the nature of assumptions in the model with regards labour-force behaviour changes around for example, changing

<sup>6</sup> PPG Reference ID: 2a-006-20190220

<sup>7</sup> <https://blog.ons.gov.uk/2018/10/19/what-our-household-projections-really-show/> cited in the MHCLG 'Technical consultation on updates to national planning policy and guidance' (October 2018)

economic activity rates, unemployment or commuting factors. Without this information it is challenging to understand the extent to which the model relies on job growth being supported through a use of the potential latent labour-force versus an in-migration of labour.

- 4.22 These represent important informing factors in understanding the extent to which the associated plan policies are sufficiently integrated to recognise potential changed assumptions around the travel patterns of the population and the nature and types of jobs which are to be accommodated through the provision of new employment land. Recognising the reliance placed on this aspect of the research in informing the selected housing provision figure it is considered reasonable for additional clarification to be provided to allow for a greater level of scrutiny to build further confidence in its robustness.

#### **Taking into account affordable housing need**

- 4.23 The delivery of sustainable and mixed communities forms an important policy objective at a national and local level. In order to recognise these objectives, the scale of calculated affordable housing need must be adequately accommodated and planned for. Ensuring a sustainable balance of market and affordable properties is an important consideration.
- 4.24 The Evidence Base Paper EVB5 '*Growth Strategy*' (December 2019) includes reference to the fact that NIHE advise that almost 4,000 social houses will be required. Where it is assumed that these homes are required over the plan period it is of note that this would represent approximately 44% of the total housing target.
- 4.25 The Council has not provided evidence to confirm the extent to which such a proportion of provision will be able to be delivered viably whilst also supporting the creation of sustainable and mixed communities. Provision to accommodate a higher level of housing growth of 10,000 homes or indeed at the higher rates acknowledged as being potentially required (see Table 4.1) would offer the considerable benefit of being able to support a greater mix of tenures and assist in delivery where affordable homes are subsidised through market housing. It is noted in this regard that the SA, when considering the higher Option 3 in the POP, acknowledged that: '*This option should enable the widest range of new housing types, tenures and sizes to be delivered, leading to a significant positive impact on this objective over the long term.*<sup>8</sup>'
- 4.26 In this context, it is important to recognise as highlighted in our previous representations to the POP that the district has historically delivered levels of housing growth on an annual basis which are notably higher than the target now set in the dPS (600 per annum). Indeed over the period 1999 to 2013 the district saw an average net completion of around 1,400 homes per annum. This serves to reinforce the extent to which the setting of a higher housing requirement is both reasonable but also more likely to reflect the demand and need for housing.

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<sup>8</sup> EVB5 '*Growth Strategy*' page 18

#### **Summary of the review of the Growth Strategy and evidence**

- 4.27 In reviewing the Growth Strategy in the dPS the Council's positive approach to seek to provide for a higher level of job growth and housing provision than that suggested under the HGI's is strongly supported.
- 4.28 This recognises specifically the significant planned investment in the area and the consequences of the successful realisation of its Growth Plan.
- 4.29 Whilst the Council has evidently reinforced its evidence base since the publication of the POP on this aspect a number of concerns remain which suggest that the full need for housing required to support the planned level of job growth is under-estimated.
- 4.30 Proceeding to plan for only 9,000 homes is considered to contravene the outcomes of its own evidence-base and run the risk of constraining the delivery of its Growth Plan and the economic aspects of the Local Plan.
- 4.31 It is strongly recommended in this context that:
- The Council elevates its housing target to at least align with its own evidence base but also give greater consideration to the benefits of providing for a higher housing target. It is considered that our previous recommendation for the Council to provide for at least 12,000 homes remains relevant in the context of the sustained ambition of the Council and the points raised above; and
  - In justifying its housing requirement the Council should provide additional information and/or evidence to specifically address the potential limitations identified above. This will ensure that greater confidence can be placed on the evidential base upon which it relies that the full need for housing is acknowledged and planned for.

#### **Plan Duration**

- 4.32 We note the amended timetable for preparing the LDP dated July 2019. Observing the ongoing programme to adopt a new LDP for Derry and Strabane District we are increasingly concerned about whether the timetable is realistic and whether steps should be taken now to ensure this plan will have a sufficient remaining lifetime to deliver change and influence growth. Based on the current programme, the draft plan strategy will be adopted within 7 years of powers being devolved to the Council but only requires 1 year to adopt the draft Local Policies Plan (LPP), with the LPP adopted in the fourth quarter of 2023 / 2024.
- 4.33 Realistically, considering the programme/workload involved, the LPP is highly unlikely to be adopted until 2025/2026 and means there will be only 6 years remaining in the life of the plan. Further to this the LDP timetable advises that there will be 5 and 10 year review, with public consultation, carried out for the LDP. Based on the Councils own timetable the likelihood is that these reviews will be reviewing a LDP that is nearing its expiry date.
- 4.34 The issue therefore is that the ability of this plan to meaningfully influence growth is significantly curtailed, will not support in achieving the stated objectives of the plan and raises significant soundness issues under tests:

- P1 (plan been prepared in accordance with the council’s timetable);
- CE1 (plan sets out a coherent strategy from which its policies and allocations logically flow); and
- CE2 (the strategy, policies and allocations must be realistic and appropriate).

4.35 These soundness issues can be overcome by establishing a realistic and achievable time table, adjusting projections for growth accordingly, establishing meaningful ambitions for growth and making a proportionate allocation for new homes.

## Chapter 6: Spatial Strategy

### Settlement Hierarchy

4.36 The dPS proposes a five tier settlement hierarchy:

- City – Derry is identified as the principal City and the prime focus of development;
- Main Town – Strabane is the Main Town which is identified to also be a main focus of development (but at a lower scale than the city);
- Local Towns – 3 Local Towns (Castledearg, Newtownstewart and Claudy) to be identified to service the more peripheral rural areas;
- Villages – these are viewed as ‘sustainable’ and fairly self-sufficient and are to be spread across the remainder of the district (now including Sion Mills); and
- Small Settlements – these are characterised normally by a concentration of buildings displaying an obvious sense of cohesion and with one or more community facility.

### Settlement Hierarchy Options

4.37 At the POP stage, a number of settlement hierarchy options were considered, summarised in the table below.

| Option   | Overall spatial distribution   |
|----------|--|
| Option 1 | Focus on Derry City as Regional City, as well as Strabane Town as a Main Hub as set out in RDS 2035  |
| Option 2 | Proportionate growth across all settlements and countryside  |
| Option 3 | Balanced growth – focus on Derry City as a Regional City, as well as Strabane Town as a Main Hub plus other opportunities in the rural settlements and countryside |

Source: POP, 2017

4.38 Examining the Council’s supporting evidence-based papers, it is noted that the Settlement Hierarchy (EVB 4) includes a ‘Stage 1 Summary Settlement Evaluation



Table' at Appendix 6. Further supporting evidence is provided in Spatial Strategy (EVB6) that includes the Stage 2 Summary Settlement Evaluation Table (at Appendix 6).

- 4.39 It is apparent that whilst these primary urban centres have been the focus of historical development other settlements across the area, particularly the villages, have also seen comparatively strong rates of growth, it is important to ensure that the LDP enables this to continue.
- 4.40 The paper identifies that '*...a case could also be made for changing the status of Eglinton from a Village to a Local Town*'. It notes that Eglinton has a substantial population of 3,679 (2011 Census) which is in excess of the populations of Castledearg and Newtownstewart (themselves classified as 'Local Towns' in the proposed Settlement Hierarchy). The dPS also acknowledges that in the former Derry District between 1999 and 2015, Eglinton was one of the villages with the greatest growth.
- 4.41 EVB6 states '*However it is accepted that population size alone will not dictate the position of a settlement in the settlement hierarchy*'. It is unclear as to who has accepted this finding or on what evidence base this finding is accepted. Furthermore, we have been unable to find where this is set out in the dPS or accompanying documents or in extant policy.
- 4.42 We note that the first bullet point of Paragraph 2.16 of the RDS 2035, which relates to the 'Hierarchy of Settlements and Related Infrastructure Wheel' approach, illustrated by Diagram 2.2 of the RDS states the following:
- 'This approach also recognises that:*
- settlements often provide either a greater or lesser range of services than the core population may dictate. It is not appropriate therefore to consider 'urban' **population alone** in classifying service settlements within any district – the population of rural hinterlands can also support services in urban centres;*
- 4.43 The RDS is advising that it is not appropriate for Councils to only consider the 'urban' population of a settlement when defining its position in the settlement hierarchy. Rather, Councils should consider **both** the 'urban' population and the 'rural hinterland population' together so as to better understand the size of the settlement as well as its function and role.
- 4.44 The RDS also states that '*The model recognises the **strong relationship** between **settlement size** and the **levels of service that can be supported**' (our emphasis). The population of a settlement is a standard measurement used by local authorities to determine the 'size' of a settlement. Indeed, DCSDC has utilised population figures to quantify the overall growth of the District in its dPS and to inform the level of growth it proposes to provide each of the settlements within the District.*
- 4.45 There is a clear emphasis on, and importance attributed to, settlement population and size in the RDS, which is at odds with the approach adopted by the Council in defining its settlement hierarchy. In light of this, the approach adopted for Eglinton, in terms of defining its position in the settlement hierarchy, is in conflict with the RDS.

- 4.46 It is further noted that the RDS acknowledges under bullet point three of Paragraph 2.16 that *'Creating a critical mass to support a level of services raises challenges for service providers in meeting the needs of spatially dispersed populations'*. Thus, settlements that are already delivering critical mass, such as Eglinton, should be supported and enabled to continue to grow so as to sustain existing services and deliver new services to meet the needs of its dependent population.
- 4.47 We accept that the role and function of a settlement is also an important indicator in terms of understanding where that settlement is or should be in the settlement hierarchy. We note that the Council in EVB6 the Council lists the following range of services available in Eglinton:
- a supermarket;
  - cafes;
  - offices;
  - (many) individual retail units;
  - a health centre;
  - community hall; and
  - business park / employment land.
- 4.48 Utilising the 'Hierarchy of Settlements and Related Infrastructure Wheel' it is noted that Eglinton is befitting by a number of services referenced in 'Level 2 – Urban Centres/Smaller Towns', which is the next level up from 'Level 1 – Villages'. In addition to the above, Eglinton is recognised in the dPS as an important and attractive historic settlement.
- 4.49 Despite these significant factors and to quote the author *'all of which could indicate its suitability as a Local Town, based on size, population and services'*, it is stated that:
- 'Eglinton does still have the history and 'feel' of a village' (and the Eglinton's village designation is to be retained)*
- 4.50 Perversely, it is argued that good accessibility and proximity of Eglinton to employment centres at Campsey and Maydown/Strathfoyle would together compete/detract from Derry. This theory is not explained or properly justified.
- 4.51 Furthermore, we note that Evidence Base Paper EVB 2 entitled Survey & Profile of District (dated December 2019) states the following:
- 4.52 *'People in the DCSD who are resident in the more easterly part of the District, for example in **Eglinton and Tamnaherin** and their surrounding rural areas will **often avail of the services and facilities of Limavady** in addition to or **occasionally in preference to those of Derry** (our emphasis).'*

4.53 Promoting Eglinton to 'Local Town' status and providing it with the commensurate level of growth for this settlement status will allow it to grow in a manner that will help to curb the current pattern of expenditure leakage from the District to Limavady. It is further stated that Eglinton;

*'is not really a self-contained 'town' and it does not service a particularly wide or remote rural area – so would not be particularly suitable to serve the strategic spatial role of a 'rural service hub' similar to Castlederg, Newtownstewart and Claudy.*

4.54 Again, it is not clear what the Council considers to be a 'self-contained town', how this definition relates to defining the position of a settlement in the hierarchy or how exactly Eglinton fails to achieve this status. Also, it is not clear how/why the Council has determined that Eglinton must serve a particularly wide or remote rural area to secure 'Local Town' status or how Eglinton's large 'urban' population of 3,679 (2011 Census) has been taken into consideration.

4.55 Whilst Council has undertaken a more detailed 'Stage 2' assessment to inform the proposed Settlement Hierarchy, further critical assessment is required to justify the current approach. Key attributes of Eglinton are that:

- it is an established community;
- is a highly desirable location for young families;
- is in close proximity to employment centres;
- with good strategic access; and
- is increasingly self-sustaining in terms of the available range of local services.

4.56 Until all supporting evidence is made available, including the Housing Needs Assessment and the full Urban Capacity Assessment, we are unable to undertake a full and proper review of or provide commentary on the soundness of the dPS's proposed spatial strategy and therefore it is premature for the Council to conclude this strategy until the public is appropriately enabled to undertake an assessment of the proposed settlement hierarchy.

4.57 Authors of the evidence base are clearly conflicted in the assessment of Eglinton, noting '*...a case could be made for changing its status from a village to a town*', having a significant population, a high number of new builds, good transport accessibility and in close proximity to jobs.

4.58 Whilst an analysis of these facts might support changing the status of Eglinton to a 'local town', being a highly sustainable location (with jobs, amenities, growing population and access), Council's analysis focuses on the potential to compete with the City Derry. The nature and magnitude of this competition is unexplained and it is not supported by reference to any methodology which justifies the judgement made/position arrived at. Whilst the supporting evidence has been prepared by Council, the methodology applied in interpreting the assessment is not transparent. Conversely, a subjective analysis has been undertaken which has resulted in Eglinton

retaining its 'village' status. In this regard and in the absence of this information the dPS fails the soundness tests as:

- The dPS fails to take account of the Regional Development Strategy (soundness test C1)
- the dPS fails to take account of its Community Plan (soundness test C2);
- the Council fails to take account of policy and guidance issued by the Department (soundness test C3);
- the plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1); and
- the strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).

## 5. Chapter 11 - Transport and Movement

### Strategic Planning Objectives for Delivery of Transport Strategy and Measures

- 5.1 The dPS identified that one of the Local Transport Study (LTS) Transport Measures for the district is “improved inter-urban roads on Key Transport Corridors (KTC): The A2 and A5 (proposed) schemes and the A6 road scheme (currently under construction) will reduce journey times and improve journey time reliability for all users including public transport and freight in the wider North West region including Donegal”.
- 5.2 The Councils Preferred Option Papers (POP) preferred option (Option 1) was to “*plan to maximise the opportunities for sustainable development arising from the A5 / A6 / A2 upgrades and other orbital / cross border links. Also promote Active Travel opportunities and accessibility and connectivity within our main urban settlements*”.
- 5.3 Evidence Base 11 Transport and Movement states that “*Key economic, social and environmental objectives within the POP reflect the importance of a well-connected District, utilising efficient public transport and which facilitates our wider development and growth*”. It also identifies that the A5 Western Transport Corridor (para. 3.60) and A6 North Western Transport Corridor: Derry to Belfast (para. 3.65) are major transport infrastructure proposals which will improve the connectivity of the district.
- 5.4 We have concern that there is disconnect between the aim of the preferred transport option outlined in the POP and the transport strategy included within the dPS. The Council LDP Strategy (para. 11.11) for transport states that it will “*promote sustainable forms of development, in both an urban and rural setting, which reduces the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car*”.
- 5.5 We support the Councils Strategic Planning Objectives for Delivery of Transport Strategy and Measures (para. 11.42) and their commitment to continue to work with and encourage DfI and other relevant statutory partners to bring forward major upgrades and improvements to the current transportation infrastructure however the dPS does not provide detail on the Councils strategy to maximise the opportunities for sustainable development arising from the A5 / A6 / A2 upgrades. We recommend the Council considers in detail the opportunities that new infrastructure presents and how future strategic access can shape settlements.
- 5.6 These are significant infrastructure proposals, the routes of which are well known to the Council, that have the potential to redefine settlements within the district however the dPS is silent on the potential that this offers to maximise the opportunity to locate new development in close proximity to the proposed infrastructure. This approach would increase accessibility to new development and promote alternative modes of transport i.e. development in close proximity to main public transport routes. As there is no policy set out within the dPS on how it will integrate / maximise connections between existing settlements and proposed infrastructure upgrades we consider that the Strategic Planning Objectives for Delivery of Transport Strategy and Measures fail to comply with the following soundness 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;

**Recommendation**

- 5.7 We recommend the Council considers how the plan can maximise the opportunities for sustainable development arising from the A5 / A6 / A2 upgrades and other orbital / cross border links, as per the preferred option confirmed in the Councils POP.



## 6. Chapter 16 - Housing in Settlements and the Countryside

6.1 We note the Council's policy for managing delivery of housing in settlements and the countryside. A review of the related policies has been undertaken to focus on the following key issues:

- Social Housing Need Assessment;
- 5 Year Housing Land Supply;
- Urban Capacity Studies;
- Approach to Phase 2 Zonings;
- Exceptions Policy (draft Policy HOU 1);
- Affordable Housing (draft Policy HOU 5).
- Draft Policy House Types, Size and Tenure (draft Policy HOU 6)
- Accessible Housing (Lifetime Homes and Wheelchair Standards) (draft Policy HOU 7)

6.2 Associated failures to satisfy the soundness tests are specified for each of the issues outlined above.

### **Social Housing Need Assessment**

6.3 Evidence Base 16 states that *"NIHE provided a 15 year Social Housing Need Assessment to 2032 Report in December 2018 for Derry City and Strabane District Council. The long-term projection for up to 2032 is based on the assumption that current trends will continue in the future, in a policy neutral environment, therefore the figures should be read as an indicator to assist in identifying and potential zoning of sites within the LDP"*.

6.4 Para. 4.43 of EVB 16 states that *"the total number of applicants in housing stress has increased consistently every year since 2002 from a figure of 1,031 to 3,401 at March 2019"*. This represents a percentage increase of 230%, or an average increase of 140 no. applicants per year. Para 16.46 of the dPS identifies that the total new build social housing need for Derry City & Strabane for the period 2017-2032 is 4,750 units, with EVB 16 stating, as outlined in para. 6.3 above, that this is based on the assumption that current trends will continue in the future.

6.5 If this is the case then we would estimate that a new build provision of approximately 5,500 no. units would be required in the district. The proposed provision falls significantly short of this requirement and there is the potential that acute housing stress will continue to rise in the district. We consider that the evidence base is reassessed to ensure that adequate land is made available to accommodate the social housing need of the district.

6.6 On this basis the plan fails the following soundness tests:

- the plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1); and
- the strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).

#### **5 Year Housing Land Supply**

6.7 Part D, paragraph 16.7 states:

*'As per the SPPS, it would be prudent to provide an additional five years land supply. This would establish the requirement for land for approximately 12,000 dwellings over the plan period'.*

6.8 At paragraph 16.15, it's is reconfirmed :

- *'The aim is to provide 9,000 new homes across Derry City and Strabane District by 2032, and have a 5 year supply of an additional 3,000 dwellings'.*

6.9 Council proceeds to exclude an additional five year land supply without justification or explanation. Given the very real circumstances where this plan will be adopted midway during the plan period (see Section 4 of this submission) and given the overreliance on existing zoned sites that have yet to delivery homes (e.g. H2 and H3), the Council is obliged to build in flexibility. On this basis the plan fails the following soundness tests:

- the dPS fails to take account of its Community Plan (soundness test C2);
- the Council fails take account of policy and guidance issued by the Department (soundness test C3);
- the plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1); and
- the strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).

#### **Urban Capacity Study**

6.10 A repeated soundness failing of the dPS is to establish and share baseline information that underpins the proposed policies. Turley requested access to the Urban Capacity Study (UCS) for which there is only a summary available as part of this consultation.

6.11 At para. 6.139 of the Strategic Planning Policy Statement (SPPS) it states that *"the urban capacity study should be published as a technical supplement to the draft plan"*. This is referenced at para. 2.8 in the Councils Evidence Base 16a however the information has not been made available.

6.12 In the absence of the evidence, there are fundamental questions as to the robustness of the UCS and a number of potential issues flow in the absence of interrogating the data including, but not limited to the following:

- Deliverability of UCS sites due to unresolvable technical/environmental constraints (e.g. ground conditions, access, drainage/flood risk etc);
- Land banking issues;
- Availability for development (e.g. proposals/application for an alternative use); and
- Commercial viability of developing sites.

6.13 Without having the necessary information available we are unable to provide an opinion on the soundness of the UCS. On this basis the dPS fails the following soundness tests;

- C3. Did the council take account of policy and guidance issued by the Department?;
- CE1. The plan must set 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 must be realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;
- CE3. There must be clear mechanisms for implementation and monitoring; and
- CE4. The plan must be reasonably flexible to enable it to deal with changing circumstances.

#### **Approach to Phase 2 Zonings**

6.14 Policy HOU1 adopts a sequential approach to managing the release of land for new housing. The strategy identifies that Phase 2 housing lands are held in reserve and include the following:

- Derry Area Plan (DAP) and Strabane Area Plan (SAP) housing zonings without current residential planning permission; and
- Other Urban Capacity Sites (City and Main Town) and Whiteland Sites (Local Towns).

6.15 Zoned sites within the Derry Area Plan (adopted May 2000) and Strabane Area Plan (adopted April 1991) are in place for 20 years and 29 years respectively. It would therefore be very reasonable to assume that prospects for these zoned/uncommitted lands to come forward now are significantly limited.

6.16 A more robust strategy for the dPS is to establish a portfolio of realistic reserve lands to anticipate future housing requirements. As presently constructed, this draft policy is heavily reliant on existing uncommitted zonings, for which there is limited or no

reasonable prospect of being developed for housing during the plan period (or beyond). This approach is not sound on the basis that:

- the dPS fails to take account of its Community Plan (test C2);
- the council fails take account of policy and guidance issued by the Department (soundness test C3);
- the plan does not have regard to other relevant plans, policies and strategies relating to the council's district – including the Derry and Strabane, Housing Investment Plan 2019 – 2023 (soundness test C4);
- the plan fails to set out a coherent strategy from which its policies and allocations logically (soundness test CE1); and
- the strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (soundness test CE2).

#### **Exceptions Policy (Policy HOU1)**

- 6.17 The proposed policy with HOU1 to recognise exceptional circumstances and where there is extreme localised social/affordable housing stress/need, which cannot be met in a sequential search, is welcomed. That said, there is the concern this policy is applied as a 'sticking plaster' to avoid establishing robust and deliverable mechanisms in the plan that respond to escalating unmet housing need/stress.
- 6.18 The alternative approach to this policy is to identify reserve housing lands along the urban fringe. This approach was not considered as an alternative in the Sustainability Appraisal and represents a significant weakness in the dPS.
- 6.19 Whilst the exception test has merit in addressing the shortfall in delivery social housing developments, the real alternative must be to diagnose the issue of social housing delivery, allocate the appropriate land required and establish a clear policy test for releasing those lands. On this basis the current approach fails the following soundness tests:
- the dPS fails to take account of its Community Plan (test C2);
  - the council fails take account of policy and guidance issued by the Department (test C3);
  - the plan does not have regard to other relevant plans, policies and strategies relating to the council's district – including the Derry and Strabane, Housing Investment Plan 2019 – 2023 (test C4);
  - the plan fails to set out a coherent strategy from which its policies and allocations logically (test CE1); and
  - the strategy, policies and allocations are not realistic or appropriate having considered the relevant alternatives and nor are they founded on a robust evidence base (test CE2).

## **Draft Policy HOU5 – Affordable Housing in Settlement**

6.20 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”. Heron Bros 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.

6.21 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**

6.22 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.”*

6.23 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.

6.24 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:

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

6.25 Our comments are considered in more detail below:

**(i) No evidence to support proposed affordable housing requirement**

6.26 Having reviewed the Council's evidence base on housing it is clear that no evidence is provided to robustly justify the thresholds as set out in draft policy. The SPPS 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."*

6.27 Firstly, we would point out that the HNA 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).

6.28 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.”*

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

**(ii) The policy is incoherent**

- 6.30 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.
- 6.31 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.
- 6.32 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.
- 6.33 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.”*
- 6.34 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.
- 6.35 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 a single 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.

**(iii) No evidence that the proposed requirement would adequately address affordable housing need.**

- 6.36 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.
- 6.37 Within EVB 16 the Council has identified a new-build social housing need of 4,750 units within the district from 2017-2032. 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 zonings, 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.
- 6.38 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.
- 6.39 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 16 identifies a supply of 6,885 units on land which does not currently benefit from planning permission.
- 6.40 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 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.
- 6.41 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**

- 6.42 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.”*

- 6.43 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.

- 6.44 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 councils 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**

- 6.45 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.”*

- 6.46 The justification and amplification 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.”*

- 6.47 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 developer 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.

- 6.48 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**

- 6.49 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 suitable flexible to take account of other design and housing tenure policies contained within the dPS Strategy. It should also take account of design requirements associated with specialist housing products which may influence the external appearance of developments.

#### **Recommendation**

- 6.50 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;
- 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.
- 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.

- 6.51 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.”*

- 6.52 It would appear from the current wording of the draft Policy that Council is seeking to ensure flexibility in 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 6 House Types, Size and Tenure**

- 6.53 The dPS identifies draft policy HOU6 as being an operational policy that will help to achieve the SPPS objective of nurturing ‘balanced communities’. The policy reads:

*“In order to achieve balanced and sustainable communities, planning permission will only be granted for new residential development of 10 or more units, or on sites of 0.1 hectare or more, where a mix of house types and sizes is provided”.*

*“The onus will be on the developer to demonstrate through robust evidence, the type and variety of housing required on a case-by-case basis, taking account of the specific characteristics of the development, the size and its context in that area”.*

*“An appropriate mix of house type, size and tenure is also required as per the Affordable Housing Policy HOU 5. For locations where apartment development of 10 or more units is considered acceptable, variety in the size of units will be required”.*

- 6.54 We note that the policy thresholds cited in the first paragraph make reference to.... ‘where a mix of house types and sizes is provided’. While the policy title clearly identifies that the policy applies to tenure there is no mention to tenure in the first paragraph. The issue of an appropriate tenure mix is noted in the final paragraph with a cross reference to HOU 5.

- 6.55 The policy as currently drafted is incoherent and fails policy test CE1 as it is unclear how the policy applies to tenure. We recommend that the word ‘tenure’ is removed from the policy title and the issue of tenure is addressed under HOU5.

- 6.56 HOU6 sets out two threshold tests. The policy states:

*“that planning permission will be granted for new residential development on sites greater than 0.1 ha and /or containing 10 units or more where the proposed development provides a suitable mix of house types and sizes”.*

- 6.57 Evidence Base Paper 16 Housing in Settlements and the Countryside paragraph 4.87 states that,

*“Members had suggested that the threshold was amended to 10 units, from the original policy (HS4) to make it easier to administer.....”*



- 6.58 However, having reviewed, draft policy HOU6 and the relevant evidence base documents, we have not been able to find any evidence which would support either the continued use or deviation from the thresholds set out in policy HS4 of PPS12. As such, the draft policy would fail against soundness test CE2 as the alternatives considered were not founded on a robust evidence base.
- 6.59 Reference to the deviation may relate to paragraph 3.49 of 'Evidence Base Paper 16 Housing in Settlements and the Countryside' that states, "In addition to the formal consultation exercise, a series of 'round table discussion' (RTD) meetings were held in 2018/2019." However, no details were provided within the dPS to explain the nature of these discussions.
- 6.60 In terms of the preferred housing mix, draft Policy HOU6 does not provide a detailed breakdown of what may be permitted but it states that "An appropriate mix of house type, size and tenure is also required as per the Affordable Housing Policy HOU 5."
- 6.61 The 'Justification and Amplification' section of draft Policy HOU6 references the 2011 Census and provides the following rationale for this approach:
- "The long term trend towards the formation of smaller and single person households has ensured that household growth has occurred across Northern Ireland."*
- 6.62 In addition to the above, Paragraph 16.62 of the Draft Plan Strategy seeks to reinforce draft Policy HOU6's approach by stating the following:
- "By 2037, it is projected that small households will make up 59% of all households. Consequently, smaller size, new-build dwellings, across all tenures, will be required to meet future household needs."*
- 6.63 In relation to the delivery of a mix of house sizes and types, the draft policy states that,
- "The onus will be on the developer to demonstrate through robust evidence, the type and variety of housing on a case-by-case basis taking account of the specific characteristics of the of the development, the size and its context in that area."*
- 6.64 This is perhaps an attempt to provide an appropriate degree of flexibility within the Plan to allow developments to respond to the local market context and need. Flexibility is essential to ensure innovation is not stifled; a product that the market wants is being provided; and development viability can be secured. However, having reviewed the supporting information, there is an absence of a robust evidence base to support this draft policy. We acknowledge that other Councils have pursued similar policies, however they have been supported by a bespoke evidence base which has critically examined household size and mix over the course of the plan period. No such information is provided.
- 6.65 In addition to the above, we can find no evidence that in formulating this draft policy that any consideration was given to viability or that Council has tested the viability implications arising from the policy. Accordingly, we find that the policy fails soundness test CE2 as the policy is not found on a robust evidence base or has consideration been given to relevant alternatives.



**HOU 7 Accessible Housing (Lifetime Homes and Wheelchair Standards)**

- 6.66 HOU 7 requires all residential developments to comply with the Lifetime Homes standards as set out in the Department for Communities, Housing Association Guide. For proposals over 5 units, the policy has a further requirement that proposals must demonstrate how they propose to address wheelchair standards for 10% of the units.
- 6.67 While it is accepted that this standard is used by Housing Associations in the delivery of social housing projects, no consideration has been given to the impact of this policy on other housing developers and their associated housing products. From a review of the background evidence papers, there is a lack of substantive evidence to support this policy position or any consideration of the viability of a project, mindful that this policy needs to be considered in tandem with HOU 5 and 6.
- 6.68 The 2012 Building Control Regulations currently require that all buildings are accessible to visitors. The suggestion that a higher policy requirement is introduced as a planning policy jars with this position and it also fails to recognise that the policy needs to be flexible to respond to exceptions.
- 6.69 As currently worded, the policy fails soundness test CE2 as there is a lack of evidence to support the policy position and no evidence provided to demonstrate that viability has been considered, particularly when all residential proposals need to also address policies HOU 5 and 6. We recommend that this policy is deleted from the draft Plan Strategy.

## 7. Chapter 25 – Development and Flooding

### FLD 1 Development in Fluvial (River) and Coastal Flood Plains

- 7.1 The Council's LDP Strategy for Development and Flooding is to have a precautionary approach to development within flood-prone areas. Their policy approach (at para 25.12) will be to avoid inappropriate development within areas of flood risk and areas that may increase flooding elsewhere, protect our key assets from risk of flooding and to minimise and manage the risk of flooding.
- 7.2 The dPS goes on to state that *"this LDP will be in line with regional policy whereby only suitable types of development will be permitted across our District, to align with the Strategic Growth Plan and the Council's emerging Climate Change Adaptation Plan"*.
- 7.3 Evidence Base EVB 25 states that *"it is considered that the proposed policy FLD 1 closely reflects the policy direction as set out in the SPPS. The wording of FLD 1 also follows that of FLD 1 of the previous operating policy under PPS 15 as per DfI Advice to retain the policies of PPS 15 without alteration but now also makes reference to climate change allowance, on the advice of DfI Rivers"*.
- 7.4 Draft policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains states that *"the Council will not permit development within the 1 in 100 year fluvial flood plain (AEP56 of 1%) plus climate change allowance or the 1 in 200 year coastal flood plain (AEP of 0.5%) plus climate change allowance unless the applicant can demonstrate that the proposal constitutes an **exception** to the policy"*.
- 7.5 In relation to defended areas draft policy FLD 1 states that *"development of **previously developed land** protected by flood defences that are confirmed by DfI Rivers, as the competent authority, as structurally adequate and provide a minimum standard of 1 in 100 year fluvial or 1 in 200 year coastal flood protection"* will be considered as an exception and, in relation to exceptions protected by a flood defence, goes on to clarify the following;
- Due to the residual flood risk, there will be a presumption against development where proposals include essential infrastructure, storage of hazardous substances, bespoke accommodation for vulnerable groups or development located close to flood defences;*
- 7.6 Proposals involving significant intensification of use will be considered on their individual merits and will be informed by the Flood Risk Assessment.
- 7.7 Paragraph 25.34 of the Justification and Amplification states that *"there will be a presumption against development of green field sites in defended areas. As well as exposing more people and property to the residual flood risk, this form of development could remove valuable flood storage should the defences overtop or breach"*. This wording is consistent with the Policy FLD 1 of PPS15.

- 7.8 We consider that draft policy FLD1 is not reasonably flexible enough to allow for the consideration of undeveloped protected greenfield sites<sup>9</sup> within the settlement limit where it can be demonstrated that redevelopment of the site would not lead to increased flood risk on the subject site or surrounding area, therefore does not satisfy soundness test CE4.
- 7.9 A strategic objective of the SPPS (para. 6.104) is to “ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning / designating land for development in Local Development Plans (LDPs)”. We consider that the policy has been brought forward without the full understanding of flood risk potential of sites that benefit from flood defences. In many cases it can be demonstrated that sites within the 1 in 1000 year flood plain that benefit from DFI Rivers flood protection barriers do not act as flood storage in a flood event due to existing topography / physical characteristics of the land and are being excluded from the plan making process without due consideration. This represents a gap in the Councils evidence base, therefore we consider that draft policy FLD1 fails soundness test CE2.
- 7.10 This approach to the management of flood risk also conflicts with HOU 3 Density of Residential Development which aims to achieve a more sustainable form of development, encourages compact urban forms and promotes more housing within existing urban areas. For this reason we consider that draft Policy FLD 1 fails soundness test CE1 as there is a conflict in the objectives of draft policies FLD1 and HOU3. HOU3 is aiming to promote compact urban forms whilst FLD1 will directly restrict the ability to do this by discounting appropriate protected sites within the existing settlement limit.
- 7.11 An example of where an amendment to this policy could enable sustainable residential development that benefits from an accessible location within the existing settlement limit is lands at Bradley Way, Strabane. This is a green field site on the edge of Strabane town centre that benefits from a DFI Rivers flood defence.
- 7.12 RPS Consulting Engineers were commissioned to carry out a Flood Risk Assessment into the potential of flooding on the subject site. The following conclusions were reached.
- Following the construction of the A5 road and the 1992 flood alleviation scheme, which acts as a barrier protecting the site from the 1 in 100 year floodplain, RPS do not consider the subject site to be susceptible to flooding;
  - The site at Bradley Way is in a unique position as due to the A5 by-pass acting as a barrier the site will never be used as a flood storage area, ensuring that the site is not likely to increase flooding elsewhere, now or in the future; and
  - RPS concludes that given the current flood defence the site is adequately protected against a 1:100 year flood event.
- 7.13 This example demonstrates that there is a gap in the Councils Evidence Base 25 and that there are suitable sites within the settlement limit of Strabane being excluded

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<sup>9</sup> land protected by flood defences that are confirmed by DfI Rivers as structurally adequate and provide a minimum standard of 1 in 100 year fluvial or 1 in 200 year coastal flood protection.

from the plan making process. This approach means the dPS will not promote the orderly development of Strabane and maximise the potential of underutilised sites within the existing settlement limit.

7.14 Further to this the sustainability appraisal included in EVB 25 states (para. 7.2) that:

*“In the case of flood risk policies, it is not considered that any of the alternatives could be considered to be reasonable. To relax these policies **would result in a significant increase in flooding** impact on development but to strengthen them to the degree of allowing no exceptions has been characterised by DfI Rivers as practically unachievable in that it would not allow for essential or strategic development” (our emphasis).*

7.15 The Council have not assessed any alternatives to that proposed in the draft Plan Strategy and have stated that any relaxation in the flooding policy would result in a significant increase in flooding impact on development. We consider that this is not necessarily the case as it has been demonstrated that a greenfield site currently within the settlement limit of a town and impacted by the 1 in 1000 year flood plain can be developed without increasing flooding either on the site or surrounding area. On this basis we consider that there is a gap in the Councils evidence base and the policy fails soundness test CE2.

7.16 The Council have not considered any other approaches to flooding in the dPS. We consider that this approach is disregarding suitable development sites located within the existing settlement limit and will lead to an unsustainable form of development that conflict with other policies within the dPS. Draft policy FLD1 therefore fails to satisfy the following soundness test:

- CE1 – the DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs 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; and
- CE4 – It is reasonably flexible to enable it to deal with changing circumstances.

#### **Recommendation**

7.17 We consider that under a precautionary approach there is scope to amend draft Policy FLD 1 to allow consideration of protected undeveloped greenfield sites within the 1 in 1000 year flood plain for development where it is demonstrated through a Flood Risk Assessment that all sources of flood risk to and from the proposed development have been identified and that there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

7.18 This approach would support a compact urban form by utilising sites that are demonstrated, through the preparation of a Flood Risk Assessment, not to have an impact on flood risk on the site or adjacent land.

## 8. Chapter 26 - Place-Making & Design Vision For Development

- 8.1 In this LDP Plan Strategy, the Council hereby sets out a design and place making vision for LDP, which will be underpinned and delivered through the following hierarchy:
- Place-making & Design Objectives (PDOs)
  - Place-making & Design Principles (PDPs)
  - Strategic Design Policies (SDPs)
- 8.2 Para. 26.5 of the dPS states that “*PDOs and PDPs are material considerations, which can be given weight alongside SDPs, as well as other policy in the LDP and in particular GDPOL 2: Design Policy in Settlements in Chapter 7; General Development Principles and Policies*”. Whilst we support the overall objectives of the PDO’s and PDP’s it is unclear as to what weight they will be given in the decision making process which could cause confusion to potential developers. On this basis we consider that the introduction of PDO’s and PDP’s doesn’t satisfy soundness test CE1 as the dPS doesn’t set out a coherent strategy from which its policies and allocations logically flow.
- 8.3 We also consider that they represent duplication of other policies within the dPS and on this basis we recommend that the Council reviews the content of the PDO’s and PDPs to ensure that they are required. An example of this is “*Place-making & Design Principle 3 (PDP 3) - Protect the Setting*” which duplicates policy set out within Chapter 25 Historic Environment to protect the setting of the built heritage.
- 8.4 Place-making & Design Principle 1 (PDP 1): Retain the Historic Fabric states that “*the retention of older buildings and structures is a critical feature of development practice in urban areas. This should not only apply to landmarks, listed buildings and conservation areas, but ‘ordinary’ buildings such as terraces that contribute positively to place, identity and character*”. This policy has the potential to cause confusion as it requires ‘ordinary’ buildings to be retained however does not set out any clear guidance / policy test as to how it is determined if such a building should / should not be retained. As a material consideration this PDP has significant potential to cause confusion / uncertainty to developers and could render a proposed development unfeasible.
- 8.5 Similarly Place-making & Design Principle 7 (PDP 7) Implement a Sustainable Transport Hierarchy – states that “*the needs of pedestrians, cyclists and public transport users must be increasingly prioritised over car-based development. This hierarchy should be taken into full account in all decision making, from planning to investment*”. It is unclear as to what level pedestrians, cyclists and public transport will be prioritised over car based development in the decision making process and if this approach will conflict with the existing Parking Standards, which is to be retained as Supplementary Planning Guidance.

- 8.6 Whilst we acknowledge that the Council are trying to set out a design and place making vision for the district we have concerns that the approach they have taken will conflict with other application of other policies within the dPS. Based on the current wording we consider that the PDO's and PDP's fail soundness tests;
- CE1 as the dPS does not set out a coherent strategy from which its policies and allocations logically flow; and
  - CE3 as there are not clear mechanisms for the implementation of the objectives / guidance of the PDO's and PDP's.
- 8.7 Whilst we support the development of the design and place making vision for the district we would recommend that the PDO's and PDP's are used to inform the various policies included throughout the dPS, rather than be considered as a material planning consideration themselves.



## 9. Supplementary Planning Guidance

- 9.1 A key objective for the reformed Northern Ireland Planning System is to establish a Plan Led process that consolidates and rationalises policy and provides greater certainty to developers.
- 9.2 It is proposed, at Appendix 6 of the dPS, that there will be up to 30 separate SPG documents that are to be material in making decisions on planning applications, in addition to the new local plan.
- 9.3 The issue is all the more obvious where the proposed SPG involves only sub components of existing policies, in terms of the various PPS annexes. Policy documents that are proposed as SPG and that should be consolidated within the plan include the following:
- Supplementary Planning Guidance to Policy PED 8 ‘Development Incompatible with Economic Development Uses’;
  - (Draft) Supplementary Planning Guidance: Anaerobic Digestion;
  - Parking Standards (2005);
  - PPS 7 Quality Residential Development – ‘Justification and Amplification’ sections only;
  - PPS 7 (Addendum) Residential Extensions and Alterations – Annex A only;
  - PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas - ‘Justification and Amplification’ sections, Annex A: Space Standards, Annex C: Previously Developed Land and Annex E: Definition of an Established Residential Area, excluding ‘Exceptions’; and
  - PPS 17 Control of Outdoor Advertisements - Annex A only;
- 9.4 At pages 39 and 40 of the dPS there is condensed list of supporting documents that ‘support the wider regional policies relevant to our District’. It is noted that the list excludes the PPS’s which the dPS confirms, at pages 38 and 39, that the *‘existing suite of PPSs will be cancelled’*. The current ad hoc approach will inevitably lead to a highly complex decision making regime and compromise a Plan Led process.
- 9.5 To continue with the current approach would fail the soundness tests on the basis that:
- the Council fails take account of policy and guidance issued by the Department (soundness test C3); and
  - the plan fails to set out a coherent strategy from which its policies and allocations logically flow (soundness test CE1).

## 10. Sustainability Appraisal

- 10.1 For Northern Ireland the relevant guidance with respect to Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) is;
- Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004 (the EAPP Regulations); and
  - Development Plan Practice Note. Sustainability Appraisal incorporating Strategic Environmental Assessment. April 2015.
- 10.2 Given the complexity of the SA process and the experience (including relevant case law referenced in these representations) of its application in England, Scotland and Wales, it is also recommended by the guidance above<sup>1</sup> to refer to the following guidance where necessary;
- A Practical Guide to SEA - Department of Communities and Local Government, September 2005
  - National Planning Practice Guidance - Strategic environmental assessment and Sustainability appraisal. (<http://planningguidance.communities.gov.uk/>).
  - SEA and SA; Planning Practice Guidance (PPG); Ministry of Housing, Communities & Local Government (HCLG); February 2015;
  - Strategic Environmental Assessment: Improving the effectiveness and efficiency of SEA/SA for land use plans; RTPI; January 2018; and
  - SEA & Climate Change: Guidance for Practitioners; Environment Agency; 2011.
- 10.3 Our overriding concern with the dPS and the SA process is that the policies have failed to allocate sufficient housing to the main settlements, which therefore risks undermining the Spatial Development Strategy's intent to achieve sustainable development and focus major population growth in the larger urban centres with their own economic activity to justify additional housing to reduce commuting to and from these settlements.
- 10.4 The SA is a fundamental part of the plan making process with its key function being:
- The purpose of SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation plans and programmes such as local development plans.*
- 10.5 Achieving sustainable development within the DC&SDC plan area means improving the economic, social and environmental performance of the plan and the district through the consideration and identification of reasonable alternatives to plan policies.
- 10.6 We have reviewed the draft SA and, have a number of concerns with respect to its soundness, its compliance with the SEA Regulations and its effectiveness in achieving sustainable development. We summarise our concerns as follows:

- **SA is wholly inconsistent with the dPS housing allocation**, assessing a range of 8 - 10,000 new homes as opposed 9,000 new homes proposed. The conclusions of the SA relate to a scenario that is either plus or minus 2,000 new homes (i.e. could be 8,000 or 10,000 homes). Positively, the SA concludes that up to 10,000 new homes is the preferred option.
- Again, in relation to the assessment of Growth Option 3, it is concluded that this **'should enable the widest range of new housing types, tenures and sizes to be delivered, leading to a significant positive impact on this objective over the long term'**. Emphasising again, that up to 10,000 units is the preferred option.
- In assessing HOU1 it identifies that **'housing supply will be managed in two phases... identified at the LPP stage'**. But of course the principles applied in devising these phases are outlined in the dPS but not considered by the SA.
- The SA states provision is **'made for an additional five year supply of land over and above what is required for the LDP period in accordance with the SPPS'**. It is not explained how an additional five year land supply is incorporated in the housing allocation, either in the dPS or assessed in the SA.
- Considering HOU5, the SA notes that **'whereas NIHE suggested a 25% scale, 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...'** This approach is not meaningfully explained, considered or assessed in the dPS or the SA.
- In relation to the flood risk policy, the SA confirms that **'due to DfI Rivers response requesting that no amendments be made to the existing policy in the PPS (15) and also due to the technical nature of the existing PPS which is well established and tested, it is considered that LDP planning policy replicating the PPS is the only reasonable option to meet the aims of RDS and SPPS and current policy framework'**. This suggests **the proposed flood policy is to mirror the SPPS and PPS15**.
- The proposed **Settlement Hierarchy raises a number of unresolved sustainability issues** that are not addressed in the SA.
- There is a **general lack of reasonable alternatives tested** in the SA.
- More specifically, **there is a lack of reasonable alternatives to test the most sustainable approach to the provision of affordable housing in Derry City & Strabane District Council**.

10.7 To rectify these deficiencies, we recommend that further work is undertaken on the SA and subject to further consultation prior to the finalisation of the dPS.

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