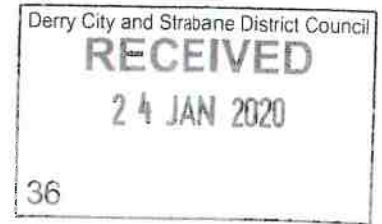


From: Lisa Shannon <lshannon@gravisplanning.com>
Sent: 24 January 2020 14:35
To: Local Development Plan
Cc: Chris Bryson
Subject: Representations form for the Derry and Strabane LDP draft Plan Strategy
Attachments: Coolfinney Rd Eglinton Reps Submission.pdf
Importance: High



Dear Sir/Madam,

Please find attached representation on behalf of our client, Mr JP McGinnis, in respect of Council's draft Plan Strategy. A hard copy will also be sent out by post today.

I would be grateful if you could acknowledge receipt of the submission by return email.

Kind regards,



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BY EMAIL AND POST

24th January 2020

Our Ref: C04319

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



Dear Sir/Madam,

Re: Derry City and Strabane District Council Local Development Plan – Response to the Draft Plan Strategy relating to lands located on Coolfinney Road, Eglinton

This letter is submitted on behalf of our client Mr JP McGinnis and relates to the publication of the Derry City and Strabane District Council draft Plan Strategy, which was launched by the Council on Monday 2nd December 2019. It highlights how some draft policies are not sound and proposes how such policies could be amended to become sound. In addition to this, we draw your attention to specific lands that we have identified as being suitable for housing in order to contribute towards meeting the housing need for the district as set out in the strategy.

Development Plan Practice Note 6 sets out 3 main tests of soundness for Local Development Plans, with each test having a number of criteria, as follows:

Procedural Tests

- P1 *Has the DPD 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 DPD been subject to sustainability appraisal including Strategic Environmental Assessment?*
- P4 *Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?*

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 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;*
- CE3 *There are clear mechanisms for implementation and monitoring; and*
- CE4 *It is reasonably flexible to enable it to deal with changing circumstances.*

Derry City and Strabane District Council Vision

To make Derry City and Strabane District a thriving, prosperous and sustainable area – Planning for balanced and appropriate high-quality development, whilst protecting our environment, and also promoting well-being with equality of opportunity for all

We **support** this vision as it reflects the Council aspirations for the area to be a thriving, prosperous and sustainable area. It sets out the Council will plan for balanced and appropriate high-quality development, whilst protecting the environment. It also sets out that wellbeing and quality of opportunity for all is also important.

Spatial and Cross Cutting Objectives

The LDP aims to deliver its vision through the main strategic objectives which are categorised broadly into spatial/cross-cutting objectives; economic development objectives; social development objectives and environmental objectives.

We are **generally supportive** of these objectives in principle specifically criterion (iv) under the objective '*planning for a sustainable District with a strong Derry, Strabane and vibrant rural communities as the focus of the North West region*'. The criterion's objective is to protect and consolidate the role of local towns and villages (such as Eglinton) spread across the District so that they act as local centres for appropriate-scale shops, employment, houses and community services, meeting the daily needs of their rural hinterlands.

We **disagree** with the detail of some of the objectives specifically relating to housing allocation and job numbers, although further discussion on the relevant strategic policies will be discussed in detail later within the representation.

Growth Strategy

Para 5.6 of the dPS states that the Council Area in 2017, had a population of approximately 150,000. There were approximately 55,800 employee jobs in the District in 2017, with an improving trend over the past five years. There was a baseline of around 61,000 dwellings in the District in 2017, with building levels having been very low over the previous decade due to the serious economic downturn.

The current NISRA population growth projections (2016-based, dated 2018) are that the District will grow to a peak of approximately 151,000 in 2022 and then fall back to 149,000 by 2032. The related 2016-based Housing Growth Indicator (HGI, Sept 2019) figures from DfI/RDS give an indicator of just 4,100 additional dwellings required. Similarly, modest projections are provided for job growth, with just 4,000 extra jobs over the period. NISRA is clear that these population projections are not forecasts and are based solely on historical fertility, mortality and migration rates. Thus, the projections do not take account of any planned policy changes (social or economic – such as the Council’s ‘Strategic Growth Plan’) that could alter the levels of population.

It is noted that the Strategic Growth Plan (SGP 2017-2032, ‘Our Community Plan’) for the District sets out the ambition of increasing the District’s population by approximately 10,000 to around 160,000. This level of growth is based upon approximately 15,000 new jobs and would require up to 10,000 new homes over the Plan period to 2032.

However, if the local economy were to reach its full potential growth ambition (i.e. full implementation of the SGP as well as favourable wider economic climate, inward migration (which is considered to be very possible post-Brexit) and significant levels of inward investment); exponential jobs growth will result. On this basis, it could be anticipated that the District’s population could actually grow to c.170,000, with between 16,000-18,000 new jobs created and up to 15,000 new homes would be required to meet that growth (see column 3 of the below table). This scenario is based on a Derry/Londonderry City Region model.

Table 6: 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

In May 2019, the Council were successful in securing Central Government funding through a ‘City Deal’ for the Derry-Londonderry region. This City Deal funding is based on Derry-Londonderry being a City Region and reflects the aspirations and objectives set out in the Council’s SGP.

The dPS bases the Growth Strategy on ‘planned growth’ rather than the City Region model (i.e. ‘potential growth’). Such an approach conflicts with other existing Council growth strategies such as the SGP and appears to undermine the rationale for the City Deal funding. On this basis, we **disagree** with the dPS Growth Strategy being based on ‘planned growth’ and consider that the council should base growth projections in the LDP on the ‘potential growth’ scenario, in order to align with other Council growth strategy documents.

We would encourage the Council to provide enough land to accommodate and facilitate the provision of approximately 11,000 to 15,000 dwellings and 16,000 to 18,000 jobs; with associated services and infrastructure for up to 170,000 people as set out in Table 6.

These figures more accurately reflect an ambitious growth plan for the Council. Furthermore, these options are more in line with previous Housing Growth Indication (HGI) figures for the Council Area, which indicated a requirement for approximately 18,000 new homes from 2012 to 2025.

Spatial Strategy

The spatial strategy sets out the settlement hierarchy, the main environmental areas, transport corridors and other main infrastructure features, as well as the general spatial strategy for Derry City and Strabane Town. The spatial strategy seeks to determine where planned growth will be directed, balanced with the priority areas for environmental protection and enhancement.

The LDP's spatial strategy and the settlement hierarchy, in accordance with guidance in the RDS and the SPPS, sets out the following strategic spatial objectives:

- Derry as the principal city, linked with Letterkenny, of an expanding North West region;
- Strabane as a main hub town;
- The rural communities to be sustained and vibrant, living in local towns, villages and small settlements, as well as the open countryside;
- Key environmental designations such as Special Countryside Area (SCA) and Areas of High Landscape Importance (AHLIs) to protect important landscapes and proposed Green Belts around Derry and Strabane to contain urban sprawl and development pressure. The LDP will also define Development Pressure Areas, which are focused areas of development pressure in the countryside. A number of Wind Energy Capacity Areas (WECAs) are also designated to reflect certain local areas that are considered to be at or reaching capacity with wind turbines / wind farms;
- Main infrastructure features including: road infrastructure: A2 Buncrana Road to Letterkenny, A2 northwards to Coleraine, A5 to Dublin (including links into the TEN-T route from Strabane to Letterkenny) and A6 to Belfast; rail infrastructure: Derry to Belfast line, City of Derry Airport and Foyle Port;

We are **generally supportive** of the Spatial Strategy above, specifically relating to rural communities to be sustainable and vibrant, living in local towns, villages and small settlements, as well as the open countryside. However, we consider the role of villages (such as Eglinton) should be considered as providing opportunities for housing of an appropriate scale and character to individual settlements.

Housing in Settlements

The dPS aims to ensure that housing in settlements can provide sufficient capacity to accommodate future housing growth. The housing allocation in Table 8 below sets out that the proposed indicative number of dwellings for Derry City and Strabane District Council across the plan period is circa 8,300 -10,000 (9,000 dwellings average).

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

Settlement Tier	% Share of District's Households	% Share of District's Population	Proposed Indicative % Share of Requirement	Proposed Indicative Number of Dwellings
City	57.9%	59.3%	55 - 60%	4,650 - 5,050
Main Town	9.2%	9.6%	8 - 10%	720 - 900
Local Towns	4.2%	3.9%	3.5 - 4.5%	315 - 405
Villages	13.7%	14.1%	12 - 14%	1,080 - 1,260
Small Settlements	1.8%	1.8%	1.5 - 2%	135 - 180
Countryside	13.1%	16.2%	12 - 16%	1,080 - 1,440
				c. 8,300 - 10,000
				c. 9,000 average

The allocations are further broken down for each of the District's settlements and the countryside, as set out in Table 1 in Appendix 5 of the dPS. The allocation for villages is 1,080 –1,260 dwellings over the plan period, which based on population provides a housing allocation of 220 to Eglinton.

Settlement	Population	Indicative % share of requirement	Proposed draft Plan Strategy Housing Allocation		Suggested % share of housing allocation		Suggested amendment to housing allocation
			2021-2026	2027-2032	2021-2026	2027-2032	
Ardstraw	87	0.2%	218	0.1%	15	15	148
Artigarvan	310	0.6%	730	0.5%	46	44	300
Ballymagorry	274	0.5%	608	0.4%	41	36	247
Clady	242	0.5%	538	0.4%	35	32	185
Crinagh	32	0.1%	80	0.1%	5	5	98
Culmoe	1,161	2.2%	3,465	2.3%	170	207	256
Donemana	271	0.5%	586	0.4%	40	35	271
Eglinton	1,365	2.6%	3,679	2.4%	201	220	187
Erganagh	206	0.4%	515	0.3%	31	31	48
Glebe	273	0.5%	734	0.5%	41	44	147
Glenmoran	63	0.1%	158	0.1%	9	9	85
Kiltea (part in NI)	53	0.1%	133	0.09%	8	8	2
Kiltes	135	0.2%	289	0.2%	17	17	143
Kilteer	46	0.1%	115	0.1%	7	7	48
Lattershandoney	186	0.3%	510	0.3%	27	31	67
Magheramason	215	0.4%	538	0.4%	33	32	192
Newbuildings	1,109	2.1%	2,611	1.7%	163	156	324
Rark	134	0.3%	460	0.3%	27	28	40
Plumbidge	124	0.2%	310	0.2%	19	19	148
Sion Mills	871	1.6%	1,907	1.3%	128	134	174
Sparrmount	98	0.2%	245	0.2%	14	14	521
Strathfayle	988	1.9%	2,419	1.6%	145	145	104
Victoria Bridge	152	0.3%	390	0.3%	23	23	445

We **disagree** with the proposed Strategic Housing Allocation figures set out in Appendix 5 of the dPS and suggest that the Council should base their housing allocation on the 'potential growth' scenario rather than the 'planned growth' scenario. We would encourage the Council to provide enough land to accommodate and facilitate the provision of approximately 11,000-15,000 dwellings (13,000 average) and 16,000-18,000 jobs, with associated services and infrastructure for up to 170,000 people.

Our suggested amendment to housing allocation and suggested percentage share of the allocation is set out in the table below:

Settlement Tier	Indicative % share of requirement	Proposed draft Plan Strategy Housing Allocation	Suggested % share of housing allocation	Suggested amendment to housing allocation
City	55-65%	4,950-5,850	45%	4,950 –6,750 (5,850 average)
Main Town	8-10%	720-900	17%	1,870 –2,550 (2,210 average)
Local Town	3.5-4.5%	315-405	6%	660 –900 (780 average)
Villages	12-14%	1,080-1,260	16%	1,760 – 2,400 (2,080 average)
Small Settlements	1.5-2%	135-180	14%	1,540 – 2,100 (1,820 average)

Countryside	12-16%	1,080-1,440	2%	220 –330 (260 average)
TOTAL				
		8,300-10,000 (9,000 average)		11,000-15,000 dwellings (13,000 average)

Taking all the above into consideration, we believe the overall suggested housing growth figure for the Council Area over the new plan period should be between **11,000-15,000 dwellings** at an average of **13,000 dwellings**. Based on the average on 13,000 dwellings, we believe the percentage share of housing allocation should be amended, avoiding unsustainable development in the countryside and redistributing growth to settlements including villages and small settlements.

Based on our suggested growth allocation above, which apportions 16% of the overall housing allocation figure to the villages and distributes this allocation based on population, 299-408 (354 dwelling average) new dwellings will be required within Eglinton within the next plan period.

It is considered that these figures more accurately reflect an ambitious growth plan for the Council. Furthermore, these options are more in line with previous Housing Growth Indication (HGI) figures for the Council Area, which indicated a requirement for approximately 18,000 new homes from 2012 to 2025.

Soundness Test

- The draft Plan Strategy housing allocation is not sound as it is not reasonably flexible to enable it to deal with changing circumstances i.e. unexpected growth (Test CE4) and it is not based on a robust evidence base (Test CE2). The draft Plan Strategy does not take account of the Council's 'Strategic Growth Plan' (Test C4). The projected housing growth underestimates the housing need for the district over the plan period.

Remedy

- Revise housing to update the housing growth figure to provide 11,000 - 15,000 new dwellings (13,000 average) within the district by 2032.

The dPS goes on to state that the District currently has a remaining potential of approximately 13,790 committed housing units, accommodated on zoned housing land and/or on lands with planning permission. This equates to approx. 706ha. of housing land. The dPS concludes that the current housing commitments on these existing identified sites exceeds the amount of housing need required during the lifetime of the LDP. However, the dPS states that, in a small number of settlements including Strabane, where the housing land quantum is limited, there will be a need to identify a limited amount of additional land for housing; either through selected Urban Capacity sites or a limited extension of the settlement limits.

In addition to the significant number of existing housing commitments, land has been identified for housing development on 'urban capacity' and 'white-land' sites and there is an allowance for 'windfall' dwellings in the dPS. On this basis, the Council consider that there is existing capacity to accommodate 20,500 dwellings in the Council Area (see below table 9 from the dPS).

Table 9: Summary of Land for Delivery of Housing, in District's Settlements, at 2017³³

Settlement Tier (47 No.)	Commitments on Zoned Housing Land		Other Commitments (outside Zonings)		Approx. Urban Capacity & Whiteland ³⁴		Additional Windfall Potential ³⁵	Total Dwellings Capacity
	Units	Ha.	Units	Ha.	Units	Ha.	Units	Units
City	8,000	400	1,500	44	2,500	125	600	12,600
Main Town	300	20	200	9	1,000	33	75	1,600
Local Towns	700	40	400	24	400	16	75	1,575
Villages	160	9	2,200	130	1,400	93	190	3,760
Small Settlements	-	-	330	30	600	40	45	930
Total	9,160	469	4,630	237	5,900	307	985	20,500*

As can be seen from the final columns of table 9, the Council consider that most of the District's settlements have sufficient land to meet their housing requirement up to 2032 and beyond. However, we consider that this is not a true reflection of land availability within the Council Area. We suggest that urban capacity sites and windfall sites should be discounted from being considered as available for housing development, given their speculative nature and as a result, they cannot be relied upon for housing delivery. It is noted that windfall potential is likely a key element of the Urban Capacity Study therefore an element of double counting may have also taken place.

When the Urban Capacity Study and windfall potential are removed; the corrected dwelling capacity figure is 10,620 dwellings. This includes commitments on zoned housing land and other commitments outside of zonings. This represents a shortfall of 380 – 4,380 dwellings (2,380 dwellings average) units to our suggested average housing allocation of 11,000 –15,000 (13,000 dwellings average). On this basis, it is evident that additional lands will be required within the next plan period.

The dPS states that it will seek to manage the District's housing by:

- a. Zoning (by defining and refining) the committed housing land and prioritising sites, using phasing to focus on early delivery, in the city and towns;
- b. Not zoning additional land for housing generally;
- c. Identifying additional housing land on brownfield sites and otherwise in sustainable, accessible and central locations;
- d. zoning additional housing lands only in an exceptional circumstance, where a specifically identified local need, and lack of alternative lands, is robustly evidenced. These sites should also be sustainable, accessible and central locations as far as possible;
- e. Within villages and small settlements, identify and manage the priority housing areas for early delivery, at appropriate density levels;
- f. Managing the amount, type and location of dwellings outside of settlements through Policies HOU 18 to HOU 26; and

g. By actively monitoring the amount, type and location of all dwellings being approved and implemented, with a view to revising the LDP zonings or policies so as to ensure that adequate housing is actually being delivered.

We disagree with the above strategy, specifically criterion (b) which sets out the Councils position of 'not zoning additional land for housing generally'. We believe this is an overly restrictive 'break' on housing growth within the Council Area. Also, while Derry and Strabane may be considered to be the best locations to accommodate housing growth over the long term; if housing growth is largely focused in these hubs, it could consequently have a detrimental effect on the smaller towns, villages and small settlements where a large proportion of the population currently live and aspire to live.

In order to deliver the required housing within the Council Area, we would therefore recommend that the Council revisit the settlement limits and identify lands zoned for housing not only within the city, towns and central areas but villages and small settlements.

Policy HOU1 Strategic Allocation and Management of Housing Land – Zoned Housing Land and LUPAs

HOU 1 Strategic Allocation and Management of Housing Land – Zoned Housing Land and LUPAs.

The LDP allocates land to deliver at least 9000 new homes in the District as set out in Table 1. The quantum of existing commitments significantly exceeds the future housing requirements for the LDP period. The identification and release of land for housing will be managed as follows:

(a) City, Main Town and Local Towns

To provide a managed release of housing land across the District, the Council will zone housing land within the City, Main Town and the Local Towns in two phases. Phase 1 sites will be developed first and should be sufficient to meet future housing needs over the LDP period. Small sites and brownfield sites will also provide housing opportunities (see Policy HOU 2).

LDP Phase 1 Zonings – Phase 1 housing land will be zoned on sites of 0.2 hectares or 10 or more dwelling units in the following circumstances:

- Existing commitments (i.e. sites with live residential planning permission);
- Selected Urban Capacity Sites (City and Main Town) and Windfall Sites (Local Towns) identified at LPP.

LDP Phase 2 Zonings – Phase 2 housing land will be zoned and held in reserve in the following circumstances:

- 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 Windfall Sites (Local Towns).

If, during the LDP period there is a need for Phase 2 housing zonings earlier than anticipated, the following will apply:

- Phase 2 can be re-zoned as Phase 1 as a consequence of an LDP amendment following a Plan review and the reappraisal of future housing requirements;
- Phase 2 land can be approved through a planning application from a registered housing association for social / affordable housing where there is a localised housing stress / need. Such a need should be supported by NHFE.

In exceptional circumstances and where there is extreme localised social / affordable housing stress / need that cannot be met through the above sequential test, the following will be permitted:

- A site will be identified at LPP in the urban fringe or by extending the settlement limits;
- A planning application after LPP outside of the settlement limits from a registered housing association for social / affordable housing where there is a localised housing stress / need. Such a need should be supported by NHFE.

(b) Villages and Small Settlements

Within the Villages and Small Settlements, the Council will identify and use Policy Area (LUPAs) in the LDP. These will indicate where most new houses within settlements will be located. Exceptions may be made for social housing where a Housing Association demonstrates a need within a settlement that cannot be met inside a LUPA.

Within all settlements, housing developments and associated residential facilities will be acceptable in principle on LDP Phase 2 zoned housing land, the exception and HOU 2 (and relevant LUPAs) subject to the following Housing policies and Chapter 7 General Development Principles and Policies. In order to ensure delivery of sustainable housing, alternative uses will not normally be permitted on zoned housing land.

(c) Housing in the Countryside

The LDP expects to deliver approx. 1,100 to 1,400 houses in the countryside over the LDP period. These will be strategically delivered as per Policy HOU 28 - 29.

The draft Plan Strategy states that a criteria-based approach to selecting sites for each phase of housing development will be undertaken in the Local Policies Plan (LPP). The selection criteria will take account of a number of factors including: Housing Monitor; Urban Capacity; Windfall and Housing Needs Assessment (HNA). Sites may be zoned at LPP with key site requirements to guide their development. Sites will only be selected where it can be shown that they can accommodate 5 or more dwellings.

Land Use Policy Areas (LUPAs) in villages and small settlements will be designated for housing and certain other uses including community uses, open space and economic development, all appropriate to the scale of the settlement. These LUPAs will be designated based on a number of considerations at LPP stages. These will include, but is not restricted to, the settlement's indicative allocation, sewerage capacity, school capacity and Social Housing Need.

It is stated that the LUPAs will be identified following a detailed analysis and character appraisal of the settlements and will focus on providing housing in locations where it is most likely to integrate into the character of the settlement. The LUPAs will also be proportionate with the scale of, and the future housing requirement of, the individual settlement.

On this basis, the dPS concludes that village housing development should be modest-scale of not more than 10–20 dwellings. Small settlements should have small-scale housing development of single dwellings, some infill and small groups of typically 5–10 dwellings.

We cannot yet comment on the Land Use Policy Areas (LUPAs) in villages and small settlements given that the location will be a consideration at Local Policies Plan stage. However, we would welcome the designation of Land Use Policy Areas for housing within Eglinton, given that it is strategically located close to the A2 being 6.5mile from Derry City, access to a high level of services and sufficient WWTW network capacity to accommodate further housing as set out in Table 2 on page 506 of the draft Plan Strategy.

Policy HOU 2 Strategic Allocation of Housing in Settlements – other than Zoned Housing Land and LUPAs

HOU 2 Strategic Allocation of Housing In Settlements – other than Zoned Housing Land and LUPAs

It is the LDP's intent that all new housing development within the LDP area will be delivered on previously committed sites (see Policy HOU1) or within the existing settlement limit. This policy promotes the development of new housing on appropriate vacant and underutilised land to contribute to the regional target for 60% of new housing to be located in appropriate 'brownfield' sites.

Therefore, Planning permission will be granted for housing developments on brownfield sites²⁸, small whiteland²⁹ or open space (if it accords with Policy OS1) within the settlement limits which are not zoned for housing or mixed use (to include an element of housing), where the following criteria are met:

- a. The site is suitable for housing development;
- b. The location is accessible and convenient to public transport and walking and cycling infrastructure; and
- c. Provision is made for any additional infrastructure required as a result of the development, including its cumulative impact alongside committed and planned housing development.

Planning permission will be subject to proposals meeting all other policy requirements.

Policy HOU2 relates to the strategic allocation of housing in settlements other than zoned housing land and LUPAs. The policy states that all new housing will be delivered on previously committed sites

or within the existing settlement limit. The policy above states that planning permission will be granted for housing on brownfield, small white land or open space (if it accords with Policy OS1) within the settlement limits which are not zoned for housing or mixed use where the above criteria are met.

However, within the justification and amplification text, it is stated that *“in accordance with HOU 1, proposals on unallocated ‘greenfield’ sites that are within the settlement limits will be contrary to policy, as they would undermine the LDP housing strategy”*. This statement is contrary to the actual wording in the Policy. The first sentence states that new housing development can be delivered on sites ‘within the existing settlement limit’. There is no further qualification as to whether such sites should be brownfield or greenfield. Indeed, the proposed policy is silent in relation to unallocated greenfield sites within the settlement limit and whilst it is permissive in relation to the development of brownfield, small white-land and open space areas; the fact that it does not mention greenfield sites cannot be taken as a presumption against development on such sites.

Furthermore, there is an assumption in regional policy, such as the SPPS, in favour of development within settlement limits (regardless of whether brownfield or greenfield) and the narrative associated with policy HOU2 contradicts the SPPS.

There are some settlements within the District that may not have any available brownfield sites within the settlement limit; indeed, the majority of land available within the District consists of greenfield sites. Therefore, interpreting the proposed policy as per the justification and amplification text has the potential to impact upon housing delivery and the capability of meeting the proposed housing allocation numbers. Unallocated ‘greenfield’ sites within the settlement limit should therefore be utilised in order to accommodate the required housing numbers.

The justification text should be removed or amended as it currently conflicts with the reading of the policy text itself, which does not prohibit development proposals on unallocated ‘greenfield’ sites that are within the settlement limits. The reading of this text also conflicts with regional planning policy, namely the SPSS.

Policy HOU3 Density of Residential Development

HOU 3 Density of Residential Development	
Planning permission for housing will be granted if it is in accordance with the following density bands:	
Density Band 1 (High):	Derry City Centre ^{PH} and Strabane Town Centre
Density Band 2 (Medium-High):	Key and link transport corridors including arterial routes and sites adjacent to District and Local Centres inside the settlement limits of Derry and Strabane
Density Band 3 (as per that area):	Other areas within settlements where the proposed density is not significantly higher than the established residential density of that area.
The above density bands are to be used as a guide to inform proposed developments within the relevant areas.	
Development proposals outside of these bands will be considered on their merits relative to the character of that area.	
Whilst this policy sets out the principle, proposed development will need to be delivered in a sensitive way, striking a careful balance between meeting housing needs whilst ensuring well-designed developments appropriate to their locations.	
It should also form an integral part of major housing or mixed-use development proposals. In residential areas of distinctive townscape character (either designated or otherwise), an increase in density will only be allowed in exceptional circumstances.	

Policy HOU3 above sets out three density bands. We **disagree** with the above policy, as prescriptive density bands should not be set within rigid policy given that good design dictates that density should take into account specific local context, residential character and transport links. These are all important considerations in determining whether the proposed density is acceptable or not.

The above density bands could potentially be used as a guide within supplementary planning guidance but should not be used within policy as they can limit the development potential of sites within the relevant settlement areas.

Soundness Test

- Policy HOU3 is not sound as it is not based on a robust evidence base (Test CE2) and not reasonably flexible to enable it to deal with changing circumstances (Test CE4). It is also contrary to the Department's SPPS (Test C3).

Remedy

- Remove Policy HOU3 from draft Plan Strategy

Policy HOU5 Affordable Housing in Settlements

HOU 5 Affordable Housing In Settlements

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.

Amount of Affordable Housing

Planning permission will be granted for a residential development scheme of, or including, 10 or more residential units; or on a site of 0.5 ha 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 local area. Any exceptions to this will need to be specifically justified by the applicant.

The agreed ratio 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.

In rural villages and small settlements, the maximum 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.

Planning permission will not be granted for development proposals containing less than 10 housing units where lands have been artificially divided for the purposes of circumventing these policy requirements. Where there is a phased approach to the development of a site, this should be discussed with the Council at the outset to ensure that the affordable housing requirement can be developed in a comprehensive way over the whole scheme.

Affordable housing will be secured, as appropriate, depending on the size of the development, by way of a condition or Section 76 Planning Agreement, which should be in place in advance of planning permission being granted. An off-site developer contribution may be required and / or alternative off-site provision will be considered on a case-by-case basis.

Mixed Tenure / Tenure-Blindness

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

Whilst we support the delivery of affordable homes in the Council Area and welcome the similar to the approach used in the Northern Area Plan 2016 in NIHE identifying need; we **disagree** with the threshold set that sites of more than 0.5ha or comprising 10 residential units or more should provide 10% affordable housing. We consider that the threshold for affordable housing should be introduced once the proposals meet or exceed the 'major residential development' threshold comprising 50 residential units or more or sites of 1ha or more. Setting the provision of affordable housing threshold to major developments is also an approach which has been widely used in England.

Furthermore, we note that the policy goes on to state that *“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 local area. Any exceptions to this will need to be specifically justified by the applicant”*.

However, this paragraph is unclear and appears to be contradictory to the earlier paragraph that requires 10% of the units to be provided as affordable housing on proposal for 10 or more units or on sites of 0.5ha. or more. The limit of private houses to 70% suggests that, in fact, 30% of a scheme would be affordable housing, rather than 10% stated in the preceding paragraph. Some clarification on this paragraph is required.

The policy also states that *“In rural villages and small settlements, 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”*. We disagree with this section of the policy, as smaller scale residential schemes of 10 units are therefore required to provide 20% affordable housing which is unreasonable and again contradicts the earlier paragraph that sets the basic threshold for affordable housing at 10%. It is suggested that in rural villages and small settlements, affordable housing will be considered on a case by case basis where there is an identified need.

The current thresholds are extremely low and the provision of social housing dwellings on small-scale development sites will render many unviable; resulting in a significant decline in small scale housing developments. Furthermore, the SPPS clearly indicates that affordable housing is a matter to be addressed through: *“...zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing”*. The zoning of land and key site requirements are all matters for the Local Policies Plan and not the Plan Strategy document.

We also disagree with the comment that Section 76 planning agreements are the appropriate means to secure affordable housing provision. Section 76 agreements are unduly onerous and time consuming to put in place and therefore increases the timelines involved in the delivery of affordable housing. A planning condition is a more appropriate and efficient means of securing the delivery of affordable housing on sites. However, we do **support** the inclusion within policy accepting an off-site developer contribution as a means of an alternative provision to be considered on a case-by-case basis.

Soundness Test

- Policy HOU5 is not sound as it is not reasonably flexible to enable it to deal with changing circumstances (Test CE4) and it is not based on a robust evidence base (Test CE2).

Remedy

- Revise HOU5 so that affordable homes provision is only required on ‘major residential development’ that comprises 50 units or more or more sites of 1ha and/or where there is an identified level of need in agreement with NIHE. Remove paragraph relating to provision of a

maximum of 70% of either private or affordable houses and amend the policy so that in rural villages and small settlements, affordable housing will be considered on a case by case basis where there is an identified need.

Policy HOU6 House Types, Size and Tenure

HOU 6 House Types, Size and Tenure

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.

Whilst we support the provision of a mix of housing types and sizes, we disagree that the above policy should be included within the draft Plan Strategy; as we consider it to be unnecessary. House type and size need to be considered on a site by site basis, as it is largely dependent on the character and appearance of the surrounding area. Separate design guidance on housing development, similar to Creating Places, can be prepared to inform house types, sizes and tenure. Therefore, this policy should be removed.

Soundness Test

- Policy HOU6 is not sound as it is not reasonably flexible to enable it to deal with changing circumstances (Test CE4)

Remedy

- Remove Policy HOU6 from draft Plan Strategy

Policy HOU7 Accessible Housing (Lifetime Homes and Wheelchair Standards)

HOU7 Accessible Housing (Lifetime Homes and Wheelchair Standards)

All new housing, regardless of tenure will be required to comply with the Lifetime Homes standards as set out in the Department for Communities, Housing Association Guide.

The onus will be on the developer to demonstrate by way of a Compliance Statement that the dwellings are in accordance with the standards set out in DfC's Housing Association Guide⁶⁹.

For developments over 5 units, every applicant must state, within their application how they have considered or will propose to address Wheelchair Standards for 10% of units as set out in DfC's Housing Association Guide.

Within the above policy, all new housing regardless of tenure will be required to comply with the Lifestyles Homes standards. Whilst some of the Lifetime Homes standards are included in technical booklet Part R of the Building Regulations (Northern Ireland) 2012, many are not. This policy seeks to address those elements of the standards that can be adequately addressed through the planning system. The requirement for Housing Associations to build to the Lifetime Home standards has been applied in NI since 1998 and is set out in the DfC Housing Association Guide (HAG).

Although, we support the Lifetime Homes approach, we do not think it should be a planning requirement. In England for example, the Lifetime Homes Standard was once a planning requirement, however, it has since been abolished and built into updated Building Regulations (Requirement M4(2) and/or M4(3)). We believe the same approach should be taken here within Northern Ireland. Lifetime Homes would also create yet another design challenge at planning application stage which may not be achievable on all sites, specifically those which are constrained in terms of size.

Soundness Test

- Policy HOU7 is not sound as it is not based on a robust evidence base (Test CE2) and at planning stage mechanisms for monitoring of building to the lifetime homes standard is not clear (Test CE3)

Remedy

- Revise HOU7 to remove lifetime homes as a planning requirement and ensure it is brought forward under the authority of Building Regulations.

Monitoring Criteria and Review Process

There is a statutory for the Council to undertake an annual monitoring report – Section 21 Planning Act (NI) 2011 and Regulation 25 of the Planning (Local Development Plan) Regulations (NI) 2015.

A Monitor and Review Technical Paper accompanies the draft Plan Strategy, setting out the indicators and target to assess the effectiveness of the LDP policies will accompany the draft Plan Strategy. Not all policies have an associated indicator set within the monitoring framework as not all policies have measurable indicators. The information recorded in undertaking this monitoring will then inform the AMR and subsequently the review of the Plan.

We broadly support the monitoring indicators set out in the technical paper, which are to be used to measure how well the plan is performing in terms of achieving its strategic objectives, including ensuring an adequate supply of housing for the district over the plan period.

However, projected housing figures and other relevant policies specified above should be amended as required in order to enable accurate monitoring of the plan.

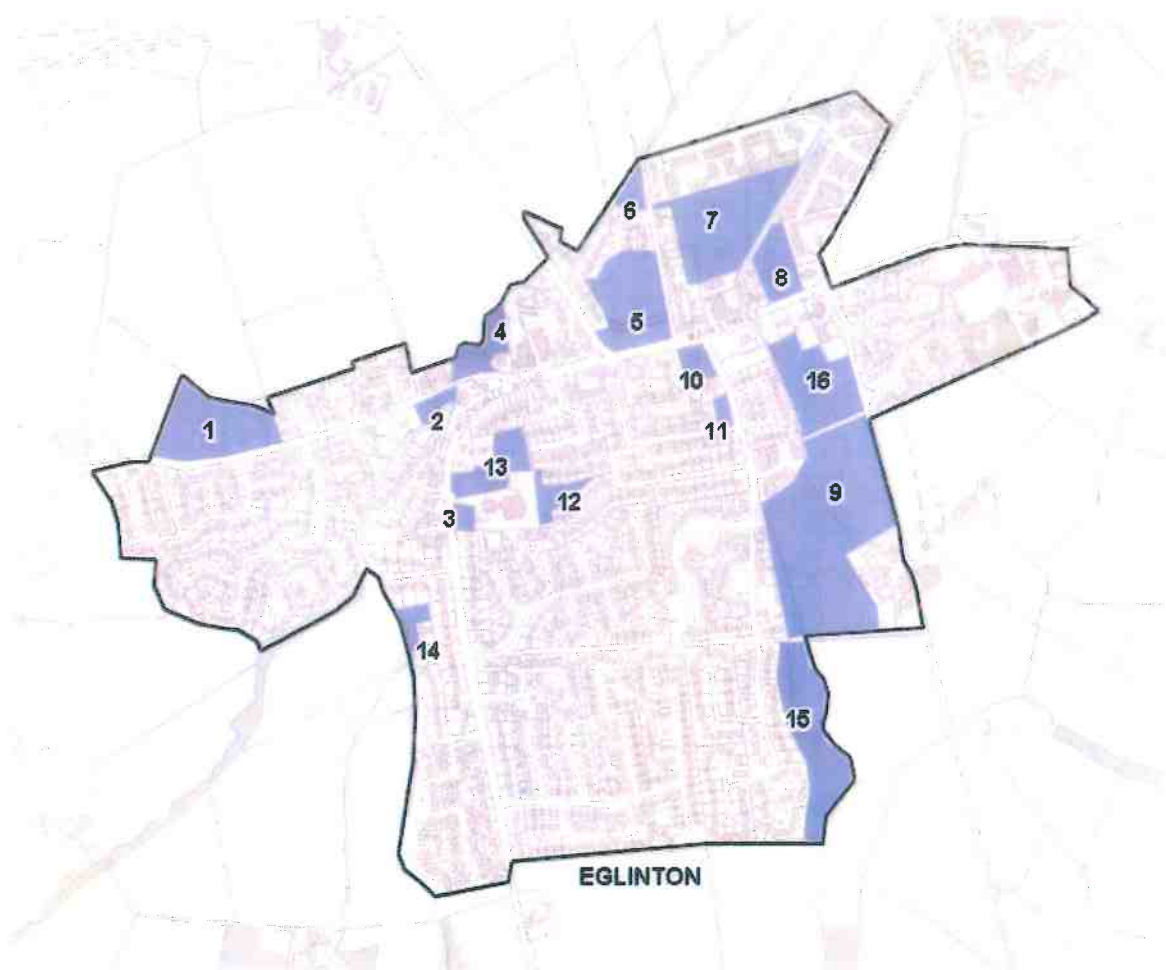
Soundness Test

- Housing Allocation figures, Job Creation figures and Policies HOU1, HOU2, HOU3, HOU5, and HOU7 are not sound under which the success of the plan is being assessed and are not based on robust evidence (Test CE2).

Remedy

- Revise as per previous recommendations.

Housing Land Availability in Eglinton



Site Ref	Status	Site Potential	Approximate Potential Yield
1	Planning Permission granted for residential development	Planning permission granted in February 2009 for 40 dwellings (Planning Ref: A/2007/0971/F)	40 dwellings

2	Agricultural lands to the south of Carmoney Road	The land is undeveloped and has not come forward for development. The site has surface water and flooding issues which may have cause issue in the site coming forward for redevelopment. In Derry Area Plan 2011, the site is also identified on plan as a playground, although is not currently a playground. The site is also partially in an area of townscape character.	2-3 dwellings (0.2 ha)
3	Planning permission for residential development	Planning permission was granted in April 2017 for the proposed demolition of existing dwelling and garage and erection of 2no pairs of semi-detached dwellings (4no dwellings) (LA11/2016/0784/F) A change of house type was also secured in November 2017 (LA11/2017/0825/F)	4 dwellings
4	Lands to the north associated with 60 Carmoney Road	The land is undeveloped and has not come forward for development. The lands are heavily vegetated with trees and has some surface water and flooding issues which may have cause issue in the site coming forward for redevelopment.	0 dwellings
5	Open space and Cricket grounds	In Derry Area Plan 2011, the lands are zoned for recreation and open space use and is also a site of Archaeological interest and within and Area of Townscape Character. The site is protected against redevelopment under PPS8 and is therefore unavailable for housing	0 dwellings
6	Lands with sewerage works	Lands occupied with tanks and sewerage works and is therefore unavailable for housing	0 dwellings
7	Playing fields and playground	In Derry Area Plan 2011, the lands are zoned for recreation and open space use. The site is protected against redevelopment under PPS8 and is therefore unavailable for housing	0 dwellings

8	Graveyard and lands associated with St Canice's Church of Ireland	The lands are associated with St Canice's Church of Ireland, in the form of a graveyard and is therefore unavailable for housing	0 dwellings
9	Planning Application pending consideration for residential development	A planning application was submitted in September 2017 for a Housing Development consisting of 97 no units, creation of new access and associated infrastructure and ancillary works (LA11/2017/0902/F)	97 dwellings
10	Planning permission granted for residential development	Planning permission was granted in February 2019 for the Demolition of existing office block and construction of 4 houses & 15 Apartments with associated parking and landscaping (Amendment to previous scheme approved under A/2009/0632/F to re-orientate 4 houses to include 7 additional apartments (LA11/2016/0782/F)	19 units
11	Communal open space associated with residential area	Communal open space associated with residential area and is therefore unavailable for housing	0 dwellings
12	Backland site south of Heath Drive	Electric substation (ESS) blocking access point although there may also be land ownership issues, there seems to be a small narrow strip of land to the west of the ESS, although given that the back garden of the neighbouring property stretches right to the boundary the strip gets narrower which may make access difficult to the site.	0 dwellings
13	Land associated with Eglinton Primary School	In Derry Area Plan 2011, the lands are zoned for recreation and open space use. The site is protected against redevelopment under PPS8 and is therefore unavailable for housing	0 dwellings
14	Lands associated with 21 Woodvale Road	21 Woodvale Road is a large dwelling set within a large plot with generous garden. The landowner has not reviewed the site potential as there is no planning history or live applications. Although may be able to accommodate another dwelling, subject to meeting planning requirements.	1 dwelling

15	Lands at Castle River	In Derry Area Plan 2011, the lands are designated as an area of Local Nature Conservation and Amenity Importance which therefore limit the development potential	0 dwellings
16	Agricultural lands at Ballygudden Road	In the Derry Area Plan 2011, the north of the lands lies a Site of Archaeological Interest. There is no planning history or live permissions on site, although the lands have potential issues with flooding. Given the past flooding in Eglinton, it is understood that this land will now be sterilised and utilised for flood alleviation purposes.	0 dwellings

Overall, it is considered that there are limited land opportunities within the settlement limit, given that the majority of lands within the settlement limit are committed, or unavailable for housing.

It is considered that even if the above sites were available, there is only a potential yield of 164 dwellings within the settlement limit. This results in a shortfall of 135-244 dwellings on the 299-408 (354 dwelling average) new dwellings that we propose are required within Eglinton within the next plan period.

Furthermore, within the Districts Housing Monitor (2016-2017), there was 49 dwellings identified on sites not started and 75 dwellings on sites where development was ongoing. However, these are all committed sites, and, on this basis, they cannot be counted as having future development potential to meet housing need in Eglinton during the lifetime of the new LDP.

Therefore, it is evident that more lands to accommodate future growth within the next plan period will be required and lands that are readily available for housing development be considered for housing in order to aid housing delivery within the settlement.

Proposed site for inclusion within the settlement limits of Eglinton

We draw to your attention the attached parcel of land (please refer to Appendix 1) for inclusion within the settlement limit of Eglinton in the forthcoming Local Development Plan (LDP), which could be utilised to accommodate future growth.

The lands are approximately 5 hectares and are located to the north of Eglinton along the east of the Coolfinney Road. Access to the site is currently via the Coolfinney Road. The rationale for the inclusion of the site is as follows;

- The southern boundary of the site currently abuts the settlement limit of Eglinton with existing housing development located to the south of the lands;

- Residential development also exists to the north west of the site as 14 no. social housing units were approved further north along Coolfinney Road in March 2018 (Ref:LA11/2016/1002/F);
- Inclusion of this site within the settlement limit will not result in urban sprawl as the newly upgraded A2 Londonderry to Coleraine which is located to the north of the lands provides a strong definitive boundary;
- The lands are predominately flat which are suitable for future development;
- There are no physical or environmental impacts that could preclude future development of the site;
- The lands are located next to a main transport corridor (A2 Derry to Coleraine);
- The site is located in close proximity to jobs and facilities within Maydown and Campsey Industrial Estates;
- The immediate context is predominately residential in character.

On this basis, we would encourage the Council to consider our client's lands as being suitable lands for the inclusion within the new settlement limit of Eglinton. We look forward to receiving an acknowledgement of receipt of this submission and engaging further with the Council as preparation of the LDP progresses.

Yours Sincerely,

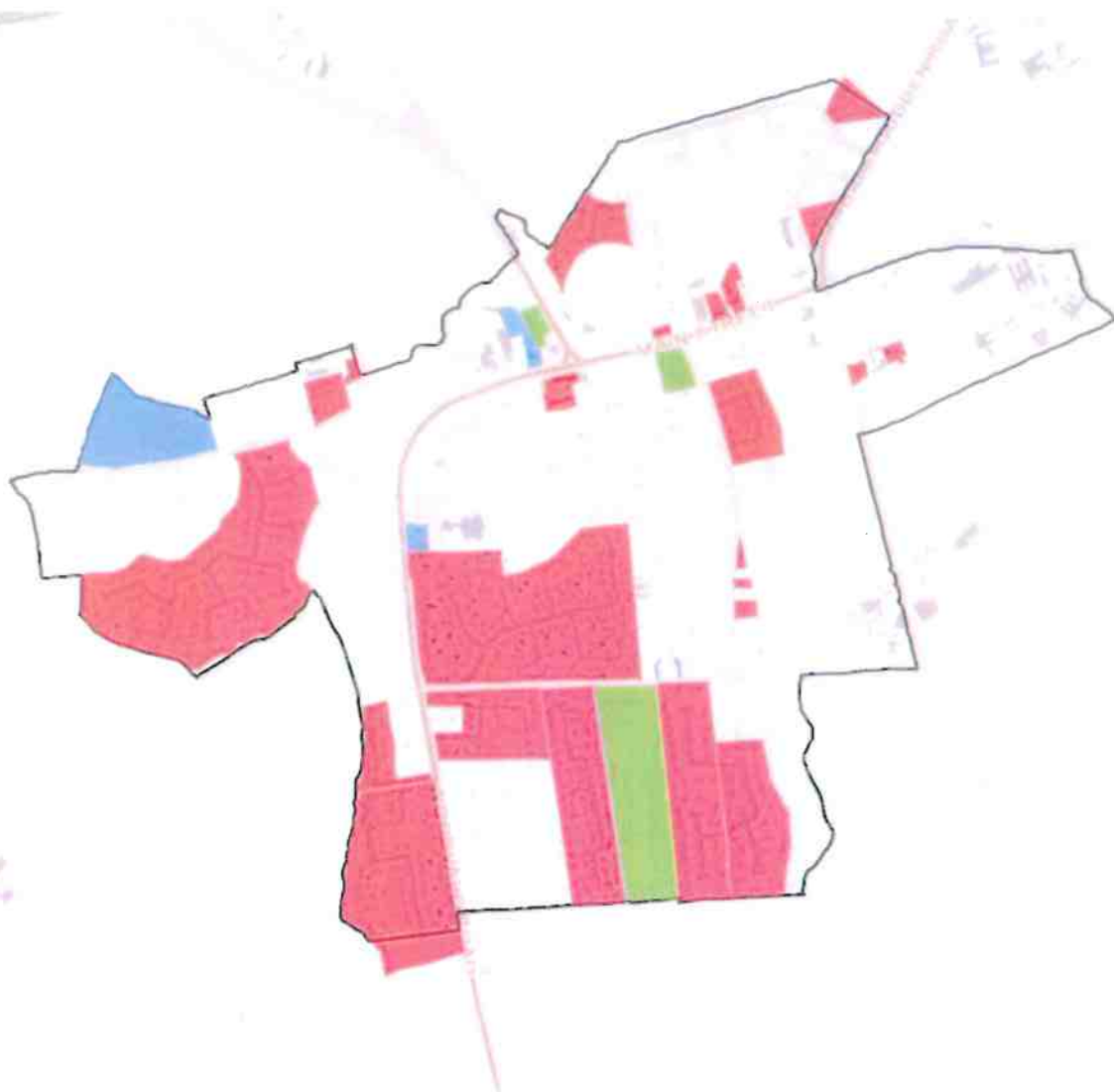






Lisa Shannon
Gravis Planning

Appendix 1
Suggested site for inclusion within the Eglinton Settlement Limit



Appendix 2
Derry and Strabane Housing Monitor Data 2016-2017



-  Complete
-  Not Started
-  Development On-going
-  Other