

Chloe Duddy

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**From:** Gemma Jobling <gemma@jpeplanning.com>  
**Sent:** 27 January 2020 16:56  
**To:** Local Development Plan  
**Subject:** Response to DPS (Braidwater & O'Kane)  
**Attachments:** Braidwater + OKane\_Response to DCSDC - DPS\_Sec 16 + 17.pdf

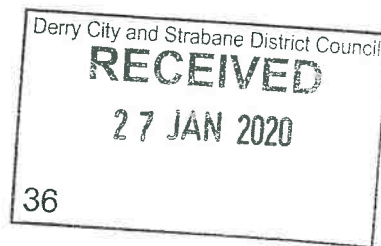
Dear Sir/ Madam,

Please find attached a representation for your consideration.

Kind regards

Gemma

Gemma Jobling MRTPI  
Director - Chartered Planner



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Derry City and Strabane District Council  
**Development Plan Team**  
Planning Office  
98 Strand Road  
Derry  
BT48 7NN



Dear Sir/ Madam

Date: 24<sup>th</sup> January 2020

**Re: Response to Derry City and Strabane District Council Local Development Plan 2032- Draft Plan Strategy**

Your Ref: [Draft Plan Strategy]

We write on behalf of our clients, Braidwater Ltd & Messers O'Kane & to make a submission in respect the Derry City and Strabane District Council ("DCSDC") Local Development Plan ("LDC") Draft Plan Strategy ("DPS").

Our ref: -

The submission considers the policies within the DPS, relevant to our client, having regard to the necessary soundness tests referenced in the Council's *document 'Guidance Notes on the Tests of Soundness and Submitting a Representation'* and Development Plan Advice Note 6. Our client has a particular interest in the Spatial Growth Strategy and Settlement hierarchy and the allocations for housing, specifically in respect of the allocation for the town of Strabane. In addition to this we draw your attention to specific lands at Strahans Road, Strabane, which we have identified as being suitable for inclusion within the settlement development limit of Strabane for a range of uses including principally housing, with associated recreation space.

Our client welcomes the Plan Vision to make the District a thriving, prosperous and sustainable area. In general the DPS Growth Strategy appears to be soundly based to growth DCSD as the second growth area in the region and therefore is in support of the Growth Strategy for Derry City and Strabane set out at Section 5 and 6, Part B of the DPS. Our client generally agrees with the rationale for the LDP Growth Strategy as set out at paragraphs 5.8- 5.14 and agrees that's the evidence bases promotes a higher level of growth than envisages through the RDS- HGI figures in order to reflect to the overarching objectives of the DCSDC Strategic Growth Plan.

Our client is generally supportive of the Overall Settlement Hierarchy and agrees with the objective of focusing growth in the main hubs of Derry and thereafter in the main town of Strabane.

Our client acknowledges that detailed land use zonings and settlement limits will be considered and designated through the Local Policies Plan (LPP) and reserves the right to make representations regarding site specific zonings at a later stage. However our client does have some concern with the references to land zonings and settlement limits the DPS (Section 16, Part D) and with the proposed Open Space Policies (Section 17, Part D) therein.

**Spatial Growth Plan, Hierarchy & Allocation**

In respect of the zoned allocation of land through Settlement Limits the client is concerned with the statement at paragraph 16.12 of the DPS, in that it considers there to be sufficient land within the existing settlement limits and does not foresee the need to extend the limits albeit this is deferred to the Local Policies Plan Stage. It is

considered that in some settlements where there is a residual quantum of lands from Derry Area Plan 2011 zonings, this may be due to land not being released for development or due to other developmental constraints. This also fails to take account of the changing needs of local communities and where housing, for example, is required to be located. This is particularly pertinent to the provision of social housing across the city, to ensure it is suitably located to service the communities in need of housing.

In Section 2, Part A of the Plan the demographic profile for Derry City is outlined and at paragraphs 2.15-2.16 it notes the considerable social housing need in the District. This is particular to DCSD region, with a housing need well above the Northern Ireland average. The DPS relies, in part, on this particular requirement as justification for a greater housing growth requirement for the city, acknowledging that the NIHE housing waiting list need alone amounts to some 4000 dwellings. The location of housing is also critical in divided cities, such as Derry and therefore new zoning of lands immediately contiguous with existing communities may be necessary to meet the particular social demands of that community. Therefore there must be provision in the DPS to allow for settlement limits to be reviewed in respect of social housing need. The re-assessment of settlement limits should not be precluded simply due to a residual quantum of housing land, remaining from the last Derry Area Plan 2011, meeting area requirements. Rather the DPS should provide sufficient flexibility in the LPP to assess where housing is required to meet the bespoke requirements, particularly of divided communities.

Therefore failure to provide new land could compromise the delivery of housing in the plan period or meet the social housing needs for the city and this lack of flexibility in approach is unsound. The Local Policies Plan needs to consider why previously zoned lands have remained undeveloped and ensure sufficient flexibility in this forthcoming plan to respond to this to ensure the overarching objective of housing is not compromised.

On this basis our client reluctantly objects to the following policies and submits they do not meet the tests for soundness:

➤ **Soundness:**

Object on the basis that this policy fails to meet Test C1 & C3 in that the allocation does not take account of policy and guidance issued by the department in the RDS and the Strategic Planning Policy Statement to focus growth in main hub.

Object on the basis that this policy fails to meet Test CE4 in that the allocation is not reasonably flexible to deal with changing circumstances and specifically to support the role of Strabane as a hub town if additional lands are not included within the settlement limit (para. 16.12).

➤ **Remedy**

The Plan needs to be updated to allow for further consideration of suitable sites to meet expansion of divided communities and to allow for re-assessment of settlement limits in the LPP. The allocation should allow sufficient flexibility to respond to increase householder growth arising from increased employments and its role as a commuter town.

**Open Space - Policy OS 1**

Our client is generally supportive of the proposed Open Space Policy and acknowledges the need for recreational provision through DCSD, but is concerned with the extra layer of direction provided at paragraphs 17.13 – 17.20, insofar as it adds additional tests that are not sufficiently clear in the policy text. This could lead to confusion and therefore fails to meet the soundness test.

Policy OS 1 restricts the development of zoned open space, apart from in two exceptions:

*Exception 1: An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space, and where the following is demonstrated:*

*Exception 2: An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:*

However the amplification text after the Policy is unclear and confuses the meaning of the policy: At paragraph 17.17 the text adds a further test to Exception 1, requiring an appraisal of the 'viability of alternative sites' and that any proposed community facility is 'needed' in the area. This goes beyond the scope of the policy requirement and is ambiguous.

Similarly in respect of Exception 2 paragraph 17.18 adds a counter requirement to that outlined in the policy text: It states that "It should not be assumed, however, that the Council will automatically grant permission when alternative provision is proposed. Existing open space is often of considerable value to the amenity, character and biodiversity of a local area and it is therefore worthy of protection in its own right". This is confusing and lacks clarity.

➤ **Soundness:**

Object on the basis that this policy fails to meet Test CE1 as the policies do not follow from a coherent strategy to ensure open space can be developed an compensatory space provided elsewhere where it would meet the other plan objectives. The proposed policy text does not allow for this and therefore does not tie in with the DPS wider strategy.

Object on the basis that this policy fails to meet Test CE1 4 in that the allocation is not reasonably flexibility to deal with changing circumstances and specifically to support the development of lands, where there is an substantial community / social housing need.

➤ **Remedy**

The Plan needs to remove the explanatory text at 17.17-17.20 as this contradicts the policy OS 1.

Braidwater Limited & Messer O'Kane would welcome the opportunity to remain involved in this process.

We trust this will be given due consideration, but should you require any further information please do not hesitate to contact this office.

Yours sincerely,



**Gemma Jobling BSc Dip TP MRTPI**  
**Director**  
Jobling Planning + Environment Limited