



Local Development Plan 2032

Counter Representation Form

Please complete this counter representation form and email to LDP@lisburncastlereagh.gov.uk or alternatively print and post a hardcopy to:-

Local Development Plan Team
Lisburn & Castlereagh City Council
Lagan Valley Island
Lisburn
BT27 4RL

All counter representations must be received no later than **5pm on Friday 17 April 2020.**

SECTION A: DATA PROTECTION

In accordance with the Data Protection Act 2018, Lisburn & Castlereagh City Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure.

It should also be noted that in accordance with Regulation 19 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Council must make a copy of any counter representation available for inspection. The Council is also required to submit the counter representations to the Department for Infrastructure (DfI) as they will be considered as part of the Independent Examination (IE) process. For further guidance on how we hold your information please visit the privacy section at www.lisburncastlereagh.gov.uk/information/privacy.

Counter representations will be treated in accordance with the LDP privacy notice which is available to view at www.lisburncastlereagh.gov.uk/LDP or is available on request by emailing LDP@lisburncastlereagh.gov.uk.

By proceeding and signing this representation you confirm that you have read and understand the privacy notice above and give your consent for Lisburn & Castlereagh City Council to hold your personal data for the purposes outlined.

Please note that when you make a counter representation to the Local Development Plan your personal information (with the exception of personal telephone numbers, signatures, email addresses or sensitive personal data) will be made publicly available on the Council's website. Copies of all counter representations will also be provided to DfI and an Independent Examiner (a third party) as part of the submission of the Local Development Plan for IE. A Programme Officer will also have access to this information during the IE stages of the Plan preparation. DfI, the Programme Officer and the Independent Examiner will, upon receipt, be responsible for the processing of your data in line with prevailing legislation. If you wish to contact the council's Data Protection Officer, please write to:

Data Protection Officer
Lisburn & Castlereagh City Council,
Civic Headquarters,
Lagan Valley Island,
Lisburn,
BT27 4RL

or send an email to: data.protection@lisburncastlereagh.gov.uk or telephone: 028 9244 7300.

SECTION B: YOUR DETAILS

Please tick one of the following:-

- Individual Planning Consultant / Agent Public Sector / Body
 Voluntary / Community Group Other

First Name

Last Name

Details of Organisation / Body

Address

Postcode

Email Address

Phone Number

Consent to Publish Response

Under planning legislation we are required to publish counter representations received in response to the Plan Strategy, however you may opt to have your response published anonymously should you wish.

Even if you opt for your counter representation to be published anonymously, we still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner appointed to oversee the examination in public into the soundness of the Plan Strategy. This will be done in accordance with the privacy notice detailed in Section A.

- Please publish *without* my identifying information
 Please publish with only my Organisation
 Please publish with my Name and Organisation

SECTION C:

Have you submitted a representation to the Council regarding this development plan document?

Yes

No

If yes, please provide your Reference Number DPS-CR-007

SECTION D: YOUR COUNTER REPRESENTATION

In accordance with Regulation 18 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, any person may make a counter representation in relation to a representation seeking change to a Development Plan Document (DPD). The purpose of a counter representation is to provide an opportunity to respond to proposed changes to the DPD as a result of representations submitted under Regulation 16 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

A counter representation must not propose any further changes to a DPD.

Please provide the reference number of the site-specific representation to which your counter representation relates. If you wish to make a counter representation to more than one representation, please complete a separate sheet for each counter representation you wish to make.

Please see submission

Your counter representation must relate to a site-specific representation made to the Lisburn & Castlereagh City Council draft Plan Strategy.

Please give reasons for your counter representation having particular regard to the soundness test(s) identified in the Department for Infrastructure's Development Plan Practice Note 06 Soundness.

Please note your counter representation must not propose any new changes to the draft Plan Strategy. It should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission.

If submitting a hardcopy & additional space is required, please continue on a separate sheet)

Signature

[REDACTED]

Date

11.08.2020

Thank you for your comments



9th April 2020

Our Ref: C03719

Your Ref: DPS-075 A and B



LISBURN & CASTLEREAGH CITY COUNCIL

Local Planning Office

Lagan Valley Island

Island Civic Centre

The Island

Lisburn

BT27 4RL

Dear Sir/Madam,

Re: Counter Representation made in respect of representations made to the Lisburn and Castlereagh City Council Draft Plan Strategy (DPS)

This letter is submitted on behalf of our client, Mr Alan Craig, and provides a rebuttal to representations made by others in respect of Lisburn and Castlereagh City Council Draft Plan Strategy (DPS). It highlights how the comments made in these representations are not sound.

Strategic Policy 07 S76 Agreements

Representations have been made by NIHE in respect to Strategic Policy 07 which relates to S76 Agreements. Their comments are set out below:

DPS-012 – Northern Ireland Housing Executive

SP 07 Section 76 Planning Agreements	45	Support	We welcome the policy in relation to Section 76 planning agreements. A planning agreement can be an important element of place management, requiring the delivery of infrastructure to provide quality development, aiding a place-making approach. Planning agreements can also ensure the effective implementation of policy, including the Affordable Housing Policy.
--------------------------------------	----	---------	--

We acknowledge that planning agreements under Section 76 of the Planning Act can be used to address issues where such issues cannot be addressed using appropriate planning conditions.

Whilst this is a strategic policy, we believe that it is too broad and does not set out robust evidence or methodologies for how these planning agreements will be used. Furthermore, appropriate guidance should be published in relation to when a planning obligation should be used, including appropriate tests.

It is important that planning obligations meet rigorous tests regarding their use that establish that a planning agreement is necessary to make the development acceptable. Furthermore, any planning agreement must include measures that are directly related to the development; and fairly and reasonably related in scale and kind to the development.

We disagree with NIHE support of the policy, specifically to the inclusion of affordable housing within the policy. We consider that 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.

Planning agreements should also be balanced against delivery of development and development viability. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Soundness Test

- Strategic Policy 7 (SP7) is not sound as it is not reasonably flexible to enable it to deal with changing circumstances and it is not based on a robust evidence base (Test CE2).

Remedy

- Revise SP7 to remove affordable housing and include policy tests for when planning obligations should be used. Supplementary Planning Guidance should also be published so that financial contributions can be suitably quantified if necessary.

Strategic Policy 08 Housing in Settlements

Representations have been made by a number of parties including NIHE, Dundonald Greenbelt Association and RSPB in respect to the housing distribution set out in SP08 Housing in settlements which sets out the allocation of housing to settlements of the Draft Plan Strategy. Their comments are set out below:

DPS-012 – Northern Ireland Housing Executive			
SP 08 Housing in Settlements	57	Support	<p>The Housing Executive supports this policy, and in particular to “promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing”. We also welcome the references to mixed tenure housing. We believe mixed tenure housing is We support the strategic housing allocation which is generally aligned to the RDS. We support a sequential approach based on the settlement hierarchy and that the housing allocation takes account of the Housing Executive’s Housing Needs Assessment, this will help ensure that sufficient land is identified to meet affordable housing need.</p> <p>In addition, the Housing Executive operates an active stock management approach to match people to accommodation, which best meets their needs. We believe that the Plan could be stronger on the need for active stock management of all housing. The additional provision of smaller units suitable for older people can help facilitate a stock management approach, by allowing older people to downsize and free up family sized units. Lisburn Planning may want to look at other cities that have been able to ‘better size and fit’ housing types for the changing demographic pattern.</p>
Strategic Housing Allocation	58-63	Support	

DPS-090 Dundonald Green Belt Association

6. The housing strategy appears to make no provision for phasing. Phasing is necessary for orderly development and to reduce consumption of greenfield land. A two phase housing release, consistent with the sequential approach set out in the SPPS (p.72), with the less sustainable greenfield sites going into the second phase, is required to assist the sustainable delivery of housing.
7. The proposed over-zoning is contrary to best practice. The RDS 2001 says this should occur to a 'maximum' of 10%, 'by exception' and as 'a contingency... in those situations where a land supply difficulty is likely to arise'. This is not the situation in Lisburn-Castlereagh, which has an ample supply of land. It will work against sustainable provision and the achievement of the 60% brownfield target and should go. More targeted ways of responding tactically to individual zoned sites which do not come forward should be found.
8. The plan should include a de-zoning option.

DPS-093 Royal Society for the Protection of Birds (RSPB)

RSPB NI recognises that the need for more housing, particularly affordable housing, is a pressing social concern which must be addressed by the planning system. However, there is a profound tension between delivering ever-increasing amounts of housing, and safeguarding finite environmental capacity - which is itself, another fundamental responsibility of the planning system. Housing and its associated infrastructure inevitably require a high degree of land-take. Furthermore, increased local populations resulting from new housing development increases pressure on local ecosystem services such as water provision.

It is therefore crucially important that the LDP ensures that new housing development, both individually and cumulatively, does not compromise environmental integrity. This task becomes substantially more difficult if the LDP burdens the environment with more housing than is actually needed. In this regard, housing growth and allocations should therefore be based on a robust evidence base. As mentioned previously, land is a finite resource and we need to ensure that all development is within environmental limits.

We disagree with the proposed Strategic Housing Allocation figures set out within table 3. Therefore, we also disagree with the NIHE'S support of the strategic housing allocation. We also strongly disagree with the Dundonald Housing Association in their views on phasing and de-zoning.

We also **disagree** with RSPB in that the LDP would burden the environment with more houses than actually is needed. We consider that a greater allocation is required to that proposed within the draft plan strategy in order to meet housing need. Not zoning sufficient land is unreasonable as the ongoing lack of housing supply in the Council area is at odds with the RDS and the SPPS which seeks to support towns, villages and rural communities to maximise their potential.

The Council consider that there is an identified future need for **10,500 dwelling units** across the Council area. Currently, when taking account of existing commitments and allowing for strategic housing growth to support the economic proposals at West Lisburn, the Council believe there is a future potential of **11,578** dwelling units which closely reflects the overall strategic housing allocation (SHA) of **11,550** dwelling units. The Council suggest that allocation plus potential units from 'Urban Capacity Sites' and 'Windfall Potential' amounts to 13,782 potential units within the Council Area.

It is noted that this level of supply is dependent on the West Lisburn/Blaris strategic site coming forward to ensure deliverability in the longer term. Given the direction of regional policy and guidance to focus housing within existing urban areas, it is acknowledged that it will be important as the LDP moves forward to Local Policies Plan, to consider the future deliverability on all housing sites across the Plan period.

It is our opinion that the Councils approach to housing growth projections is based on too short a review period. A suggested alternative approach that is considered more appropriate is to base the overall housing growth figure on a longer period of growth, from 1998 to 2013, which includes both pre and post-recession build out rates and provides a clearer indication of the probable growth over a 14.5 year period. A total number of 11,540 dwellings were built over a 14.5-year period from December 1998 to July 2013, with an average annual build out rate to be 796 dwellings per year.

Using this data to calculate the predicted growth over the plan period plus a five-year supply, results in a housing growth figure of 15,920 units. In addition to this, a further 1,592 units (10%) to accommodate further anticipated growth should be added, to ensure that any shortfall in housing land does not occur over the plan period. It is acknowledged within the draft Plan Strategy that the Council forms part of the wider Belfast Metropolitan Area, and therefore cognisance must be given to housing growth in this market area, and how it could impact on the Council Area.

We feel that adding a further 10% is necessary due to the ambitious economic growth plans of the neighbouring council areas of Belfast and Antrim & Newtownabbey. Belfast in particular seeks to create a further 46,000 jobs over the period of 2020-2035, and whilst this predicted economic growth will see an increase in population within the Belfast City Council area, it is inevitable that this will have a knock-on effect, in terms of housing demand, on neighbouring Councils areas that also contribute commuters to Belfast, such as Lisburn and Castlereagh.

In addition to this, Lisburn and Castlereagh Council Area shares boundaries with other Councils, such as Ards and North Down, Armagh, Banbridge and Craigavon and Newry, Mourne and Down. Therefore, there will ultimately be a host of inter-relationships between these Council Areas, with people travelling across boundaries for work, for leisure etc. As such, Lisburn and Castlereagh housing growth projections should take cognisance of the plans of all of these neighbouring Councils.

Such an approach is necessary and in line with statutory requirements under section 3(4) and 3 (5) of the Planning Act 2011, which requires Councils to consider how the plans of neighbouring districts may affect the Councils, own plans.

A further 2,400 units should also be added to the housing growth figures, in line with Lisburn and Castlereagh Councils ambitious plans to develop 80ha of land at Blaris for residential development, which would yield approximately 2,400 units, not 1,350 as identified within the allocation table. The 2,400 figure is set out within the West Lisburn Development Framework Document.

Finally, a further 2,400 social units will need to be added to the figure, that are predicted to be required within the Council area throughout the plan period.

The draft Plan Strategy housing allocation column is based on the Councils identified 'Total Potential' within Table 3 'Strategic Housing Allocation over Plan Period' on page 64 of the draft Plan Strategy. However, we consider that this is not a true reflection of the total potential within the Council Area as Urban Capacity Sites and Windfall figures should be discounted given their speculative nature and as a result, they cannot be relied upon for housing delivery. It is noted that windfall potential is a key element of the Urban Capacity Study therefore an element of double counting may have also taken place.

Furthermore, it is suggested that the delivery of affordable housing (6,240 total requirement) and in particular social housing (2,400 requirement) will largely depend on the zoned sites remaining to be developed and other sites lying outside these zonings (urban capacity and windfall). This is unacceptable given that these sites cannot be relied upon for housing delivery, therefore social housing has not been provided for.

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 **22,312** dwellings, broken down as follows:

- **Revised HGI figure of 15,920 (based on 1998-2013 build out rates); +**
- **1,592 (a 10% uplift to ensure no shortfall in supply and account for neighbouring Council's growth plans); +**
- **2,400 units as proposed for the Blaris lands in the West Lisburn Development Framework Plan; +**
- **2,400 social housing need over the plan period, as set out in the dPS.**

This housing allocation, while higher than the HGI figure, will provide greater flexibility in the plan as opposed to the Councils housing allocation, of basing their figures on the Housing Growth Indicators for Northern Ireland which are purely "indicators" and only provide an estimate of the new dwelling requirement for the Region.

Soundness Test

- Strategic Policy 08 (SP08) 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 projected housing growth underestimates the housing need for the district over the plan period, as detailed above.

Remedy

- Revise SP08 to update the housing growth figure to provide **22,312** new homes within the district by 2032.

HOU4 'Site Context and Characteristics of New Residential Development'

Representations have been made by NIHE and DfI in respect to draft policy HOU4 of the Draft Plan Strategy relating to adaptable and accessible homes. Their comments are set out below.

DPS-012 – Northern Ireland Housing Executive

HOU 4 Design in New Residential Development	14	Support	We are supportive of this policy which will ensure that new residential development is of high quality design.
		Objection	While we support the policy criteria which encourages the development of homes that are adaptable, we would like to see explicit statements that all new homes should be required to be developed to Lifetime Home standards and that a proportion of new homes should be wheelchair standard. This would help the Council meet the SPPS and RDS requirements to meet the housing needs for all, and to promote development, which improves health and well-being. These homes will also promote social inclusion and meet the needs of people of different ages and abilities. Lifetime Homes support the changing needs of individuals and families at different stages of life, through the incorporation of 16 design criteria that can be universally applied to new homes at minimal cost.

We disagree with NIHE's support of the above policy. 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 policy will apply more to new dwellings provided through the private sector as the requirement for Housing Associations to build to the Lifetime Home standards has 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 is reasonable or realistic to require lifetime homes standards within all developments nor do we 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.

We are unable to find any evidence, which supports the Council's proposed policy or how the Council assessed the implications of the proposed policy with respect to development viability.

It is common knowledge that brownfield sites represent some of the most difficult sites to redevelop/regenerate, due to the inherent issues around physical constraints, infrastructure/access issues and legacy issues, such as contamination/remediation. Further policy requirements, like this proposed policy, which lacks an appropriate degree of flexibility, could unintentionally restrict the

regeneration of brownfield sites. This outcome would be at odds with the overarching regional policy direction set out in the RDS of locating ‘...the majority of new housing in appropriate brownfield sites within the urban footprint of larger towns’. This statement also fails to consider the cumulative impact of other policy developer requirements/ contributions on the cost and viability of development.

Soundness Test

- Policy HOU4 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 HOU4 to remove reference to density bands and also remove lifetime homes as a planning requirement and ensure it is brought forward under the authority of Building Regulations.

HOU 10 ‘Affordable Housing’

DPS-012 – Northern Ireland Housing Executive			
HOU 10 Affordable Housing In Settlements	25	Support	<p>We strongly support the affordable housing policy which meets the aims of the RDS, SPPS, and the LDP of providing a mix of tenures, to meet need and to create cohesive and balanced communities.</p> <p>We support the threshold of five or more dwelling units, or on a site of 0.5 hectares, or more and the proportion of a minimum 20% requirement of the housing units to be affordable housing. We believe this will address affordable housing need. As there is a high level of committed housing sites, we believe that the five unit threshold is appropriate to maximise the number of sites to which the policy can be applied.</p> <p>We support the delivery of affordable housing being secured by a Section 76 planning agreement. A planning agreement can include more detail, better ensuring the units are compliant with policy.</p> <p>We welcome a tenure blind approach to ensure the integration of market and affordable housing. This policy approach will help ensure mixed tenure development and sustainable communities.</p>

We disagree with the NIHE support of the threshold as set out in HOU10. Whilst we support the delivery of affordable homes in the Council Area, we would suggest that a similar policy to that used in the Northern Area Plan 2016 is adopted (i.e. provision of social housing directly linked to an identifying need). We disagree with the threshold of sites of more than 0.5ha or comprising 5 residential units or more should provide 20% 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.

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 above 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, this can in turn increase the timelines involved in the delivery of affordable housing and ultimately negatively impact affordability. A planning condition is a more appropriate and efficient means of securing the delivery of affordable housing on sites.

Soundness Test

- Policy HOU10 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 HOU10 so that affordable homes provision is only required on 'major residential development' that comprises 50 units or more sites of 1ha or more and/or where there is an identified level of need in agreement with NIHE.

Conclusion

In summary, Strategic Policy 7 (SP7) is not sound as it is not reasonably flexible to enable it to deal with changing circumstances and it is not based on a robust evidence base (Test CE2). The Policy should be revised to remove affordable housing and include policy tests for when planning obligations should be used. Supplementary Planning Guidance should also be published so that financial contributions can be suitably quantified if necessary.

It is clear that the Spatial Policy 08 (SP08) is not sound in its current form and, if retained, will not deliver the required housing over the plan period or facilitate the circumstances to enable the economic growth and ambitions envisaged within the NI draft Programme for Government.

Strategic Policy 08 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 policy should be updated so that the housing growth figure provides **22,312** new homes within the district by 2032.

Policy HOU4 is contrary to soundness test CE2 as it is not based on a robust evidence base. It is also contrary to soundness test CE3 as at planning stage mechanisms for monitoring of building to the lifetime homes standard is not clear. This policy should be revised to remove lifetime homes as a planning requirement and ensure it is brought forward under the authority of Building Regulations.

Policy HOU10 relating to affordable homes is also contrary to soundness test CE2 as it is not reasonable or appropriate.

To require proposals for housing developments of more than 0.5ha or comprising 5 residential units or more to provide 20% affordable housing, is not sustainable and could lead to a vast reduction in small-scale housing developments. We also consider that the thresholds are not based on a robust evidence base. Draft Policy HOU10 is also contrary to soundness test CE3 in that there is no suitable mechanism for implementation i.e. Section 76 Agreements are not suitable means to deliver the affordable housing provision within a scheme.

HOU10 should be revised so that affordable homes provision is only required on 'major residential development' that comprises 50 units or more and/or where there is an identified level of need in agreement with NIHE. It should also be updated to allow for alternatives such as the payment of a fixed commuted sum by developers.

Yours sincerely,



Gravis Planning