

**BY EMAIL AND POST**9th December 2019

Our Ref: C04276

Mid and East Antrim Borough Council
 Local Development Plan Team
 County Hall
 182 Galgorm Road
 Ballymena
 BT42 1QF

Dear Sir/Madam,

Re: Mid and East Antrim Borough Council Local Development Plan – Response to the Draft Plan Strategy for lands located at Greenfield Road, Kells/Connor

This letter is submitted on behalf of our client [REDACTED] and relates to the publication of the Mid and East Antrim Borough Council draft Plan Strategy, which was launched by the Council on Tuesday 17th September 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 north of Greenfield Road within our client's ownership. The site is currently in industrial use however, within the forthcoming Local Development Plan, we urge the council to retain the site as 'white lands' within the settlement limit of Kells/Connor.

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.

Mid and East Antrim Borough Council Vision

"Mid and East Antrim will be shaped by high quality, sustainable and connected places for people to live, work, enjoy, invest and visit, so as to improve the quality of life for all"

We **support** this vision as it a positive position the council area over the plan period to 2030 and reflects the Council aspirations for the area to have improved job opportunities, house availability and connectivity that meets the needs of the community. The provision of good quality community infrastructure is an important part of fostering healthy sustainable communities and delivering successful places. It also sets out that quality of life is also influenced by prosperity of individuals and communities, making the Council area a better place in which to live and work over the plan period.

Strategic Objectives

On pages 44-46, the council sets out 25 Plan Strategy Objectives broken up into three broad categories:

- **Economic** – LDP Topic Areas: Sustainable Economic Growth/Transportation, Infrastructure and Connectivity
- **Social** – LDP Topic Area: Building Sustainable Communities
- **Environmental** – LDP Topic Areas: Countryside Strategy, Stewardship of our Built Environment and Creating Places, and Safeguarding our natural environment

We are generally supportive of these 25 objectives in principle. Further discussion on the relevant strategic policies are discussed in detail below.

Spatial Growth Policy

We are **generally supportive** of the Spatial Growth Strategy set out below. Specifically, the criterion to sustain rural communities living in and around villages and small settlements. However, the role of villages such as Kells/Connor should also be considered as providing opportunities for housing and employment of an appropriate scale and character to individual settlements.

SGS1 Spatial Growth Strategy	
Table 5.2 Spatial Growth Strategy	Link to RDS Spatial Framework Guidance (SFG)
Manage growth to secure sustainable patterns of development across Mid and East Antrim.	
Focus major population growth and economic development in the three main towns of Ballymena, Carrickfergus and Larne, strengthening their roles as the prime locations for business, retail, housing, administration, leisure and cultural facilities within the Borough.	SFG1, 4, 5, 10, 11, 12, 15
Facilitate appropriate growth in our small towns to provide opportunities for business, retail, housing and services.	SFG13, 14
Sustain rural communities living in and around villages and small settlements.	
Facilitate sustainable development in the open countryside, balancing the need to protect the environment and rural character while sustaining a strong and vibrant rural community.	

Policy ECD1 ‘Economic Development in Settlements’ and Policy ECD2 ‘Retention of Economic Development Land’

We agree with the justification and application text relevant to policy ECD1 ‘Economic Development in Settlements’ at para 71.13 (page 125) which states that *‘land will not be zoned for economic development purposes in our small towns, villages or settlement, both in the interests of flexibility and due to small towns being located in proximity to main towns where you should aim to focus economic growth’*.

We are also **generally supportive** of Policy ECD2 ‘Retention of Economic Development Land’. We broadly agree with the exceptional circumstances criteria set out for unzoned lands in settlements. However, requiring a full year of continuous active marketing is too long and may result in lands/buildings lying vacant for over a year, which could result in dilapidation that would have an adverse impact upon the surrounding area. A more reasonable timeframe for continuous marketing is 6 months. The property market is fairly fast moving and sale completions are regularly concluding within 6 months of land/properties going on the market. Therefore, if there is no interest shown in

land/buildings within 6 months of going to the market, it is a fairly clear indicator that the site is unsuitable for industrial/employment use.

A reduced timeframe will also ensure land/buildings are not lying vacant for a long period of time before being reused or redeveloped, thus reducing the potential for dilapidation and adverse impacts upon the surrounding area.

Policy ECD2 Retention of Economic Development Land

Zoned Land

A development proposal that would result in the loss of land zoned for economic development to other uses will not be permitted, unless the land has been substantially developed for alternative uses.

Unless otherwise specified through Key Site Requirements in the adopted Local Policies Plan, an exception will be permitted for the development of a sui generis employment use where the applicant has demonstrated that all the following criteria are met:

- a) the proposal is compatible with the predominant economic development use;
- b) it is of a scale, nature and form appropriate to the location; and
- c) the proposal will not lead to a significant diminution of the economic development land resource in the town or the Borough generally.

Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.

Unzoned land in Settlements

A development proposal that would result in the loss of land currently or last used for economic development to other uses will only be permitted where the applicant can demonstrate that one or more of the following criteria are met:

- a) the proposal is a specific mixed-use regeneration initiative which will bring substantial community, environmental or economic benefits that outweigh the loss of land for economic development use; or
- b) the proposal is for a compatible sui generis use of a scale, nature and form appropriate to the location; or
- c) the site is unsuitable for modern economic development purposes and there is no market interest in the site following one year of continuous active marketing.

Soundness Test

- Strategic Policy ECD2 is not sound as it is not reasonably flexible to enable it to deal with changing circumstances (Test CE3) and it is not based on a robust evidence base (Test CE2).

Remedy

- Revise Policy ECD2 to provide a more reasonable timeframe for continuous marketing at 6 months rather than one year.

Policy HE1 'Archaeological Remains and their Settings'

We are **generally supportive** of Policy HE1 set out below. Policy HE1 ensures the preservation of archaeological remains of regional importance and their settings and the protection of archaeological remains of local importance and their settings.

We agree that development proposals impacting on archaeological remains and their settings should be assessed on the individual merits of each case, taking into account the intrinsic importance of the archaeological remains in question, their potential use for amenity, tourism and education purposes and weighing these against other factors, including the need for and the benefits of the proposed development.

We would suggest that the draft policy should be updated to include provision that allows sympathetic and appropriate new development on sites containing archaeological remains where such development will ensure the protection, preservation or promotion of such remains.

Policy HE1 Archaeological Remains and their Settings

The Preservation of Archaeological Remains of Regional Importance and their Settings

There is a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise Areas of Significant Archaeological Interest, monuments in State Care, scheduled monuments and other sites and monuments that would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

A development proposal which would adversely affect the integrity of these assets and their settings will only be permitted in exceptional circumstances where it is determined to be of overriding regional importance and there are no alternative solutions.

The Protection of Archaeological Remains of Local Importance and their Settings

Development proposals which would adversely affect locally important archaeological sites or monuments or their settings will only be permitted where it is clearly demonstrated that the need for the proposed development outweighs the value of the remains and/or their settings.

Archaeological Assessment and Evaluation

Council shall seek all necessary information from applicants particularly in cases where the impact of a development proposal on archaeological remains is unclear, or the relative significance of such remains is uncertain. Should an applicant fail to provide a suitable assessment or evaluation on request, Council shall adopt a precautionary approach and refuse planning permission.

Archaeological Mitigation

In exceptional circumstances where planning permission is granted for development which will affect sites known or likely to contain archaeological remains. Conditions will be attached to ensure that appropriate measures are in place for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation¹², recording examination and archiving of remains before development commences.

Policy TOU2 'Tourism Development in Settlements and Tourism Opportunity Zones'

We are **generally supportive** of Policy TOU2 which relates to 'Tourism Development in Settlements and Tourism Opportunity Zones'. Proposals for tourism development will be permitted within a settlement; where it is of high-quality design, meets the General Policy, accords with other provisions of the LDP and provided it is of a nature appropriate to the settlement.

Policy HOU5 'Affordable Housing in Settlements'

Policy HOU5 states that where a need for Affordable Housing is established by the Northern Ireland Housing Executive (NIHE) or other relevant housing authority through a Housing Needs Assessment; proposals for housing developments of 10 dwellings or more, or on a site of 0.2 hectare or more, will only be permitted subject to meeting the following quota:

- Main and Small Towns: 20% Affordable Housing
- Villages and Small Settlements: 10% Affordable Housing

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 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 1 ha 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.

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 1ha or more and/or where there is an identified level of need in agreement with NIHE.

Policy HOU7 'Adaptable and Accessible Homes'

Policy HOU7 relates to adaptable and accessible homes and states that planning permission will be granted for a new dwelling where a number of criteria are met. This includes criteria relating to Lifetime Homes standards which ensures that all dwellings are adaptable for all stages of life. As we

understand it, the Lifetime Homes standard provide a model for building accessible and adaptable homes capable to accommodate all ages.

Policy HOU7 Adaptable and Accessible Homes

To assist with the delivery of adaptable and accessible homes, planning permission will be granted for a new dwelling where the following criteria are met:

- a) where a dwelling has car parking within its individual plot boundary, at least one parking space should be capable of enlargement to achieve a minimum width of 3300mm. Where communal parking is proposed at least two out of every 20 spaces should have a width of 3300mm;
- b) dining areas and living rooms should allow space for turning a wheelchair;
- c) a living room/living space will normally be expected to be provided on the entrance level of every dwelling;
- d) the principal window in the principal living space should be sited to enable outlook when seated; and
- e) an accessible bathroom, which allows space for turning a wheelchair, should be provided on the same floor as the main bedroom.

All proposals for residential development will also be required to meet the General Policy and accord with other provisions of the LDP.

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 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 & Review

The Local Development Plan is intended to be a flexible document which responds to changing needs and circumstances locally. Monitoring will therefore be essential for the delivery of the local development plan and should provide the basis to trigger any requirement to amend the strategy, policies and proposals of the Plan.

Initial indicators and targets are set out in Technical Supplement 1 Monitoring and Review, accompanying the draft Plan Strategy. We broadly support the monitoring indicators set out in the technical supplement, 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, other relevant policies specified above should be amended as required in order to enable accurate monitoring of the plan.

Soundness Test

- Policies ECD2, 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.

Aspiration for the site in our client's ownership

We draw your attention to the attached parcel of land (please refer to Annex 1) which is under our client's ownership. Within the current development plan (Ballymena Area Plan 1986-2001), the land sits within the settlement limit for Kells and Connor and is currently 'white lands', not currently zoned for any particular use.

The site is currently in industrial use; however, we consider that a zoning for such use is unnecessary given the scale of the settlement and maintain that industrial zonings should be focused within larger settlements on the main towns of Ballymena, Carrickfergus and Larne.

Within the site, lies the remains of Kells Abbey which is a scheduled monument. The Augustian Abbey founded in the 12th century is also associated with earlier ecclesiastical activity at Connor. Early histories of both sites (Kells and Connor) have indicated that various forms of settlement, both secular and religious, developed around the church buildings. As the abbey is scheduled, its setting is also protected, and it is acknowledged that any new development would have to be carefully situated within the site so as not to obstruct the setting of the abbey and its associated archaeology.

Given the historic background to the site, we consider that the site has the potential in future to be redeveloped for a mixed-use tourist/community led redevelopment, making the Abbey more

accessible to the public. We would therefore request that in the forthcoming Local Development Plan, the subject site is retained as 'white lands' within the settlement limit of Kells/Connor so that the site can retain the potential for future mixed-use development. Our client is also willing to engage with the Council further on the Abbey and the prospective to gift the historical monument to the Council as part of any future redevelopment.

We look forward to receiving an acknowledgement of receipt of this submission and engaging further with the Council as the LDP progresses.

Yours sincerely,



Lisa Shannon

Gravis Planning



Annex 2

Photo of existing 12th century Abbey remains on site

