Local Development Plan 2030

draft Plan Strategy Response Form

September 2019

www.midandeastantrim.gov.uk/planning

Mid & East Antrim Borough Council

Mid and East Antrim draft Plan Strategy 2030

Overview

The Local Development Plan is primarily about delivering sustainable development and improving the quality of life and wellbeing of communities in Mid and East Antrim. It sets out a Spatial Growth Strategy underpinned by other strategic policies and proposals as a means of ensuring that development is high quality, meets local needs and is located in the appropriate places convenient to jobs and public services.

The Local Development Plan will also balance competing demands ensuring that new development respects our quality landscapes and our precious natural and historic environment, all of which expresses the unique identity of our Borough and underpins our growing tourism sector. Through guiding future development and use of land in our towns, villages and rural areas, the Local Development Plan will provide certainty as, under the new Plan-led system, it will be the first thing to be taken into account by Council when taking planning decisions. The Local Development Plan is a powerful tool for place-shaping and will assist in the delivery of our Community Plan 'Putting People First'.

The draft Plan Strategy sets out how our Borough will grow and change up to the year 2030. It puts forward our Plan vision and strategic objectives for the future. It also contains a Spatial Growth Strategy and supporting Strategic Spatial Proposals indicating where growth should be directed in the Borough. It also sets out a range of Strategic Subject Policies under the five key themes of Sustainable Economic Growth; Building Sustainable Communities; Transportation, Infrastructure and Connectivity; Stewardship of our Built Environment and Creating Places and Safeguarding our Natural Environment, which together will support the Spatial Growth Strategy and inform future planning decisions.

How we got here

The draft Plan Strategy is the first of two documents, which comprise the Local Development Plan. Once adopted, it will be followed by the Local Policies Plan which will set out our detailed site-specific proposals such as land use zonings and local designations such as settlement limits and town centre boundaries. The draft Plan Strategy has been developed following extensive engagement with the public, stakeholders and our elected Members and follows on from the publication of our Preferred Options Paper in June 2017. The key stages in this phase of the plan making process are shown below

How We Are Consulting

The easiest and quickest way to comment is by completing our online response form: consult.midandeastantrim.gov.uk

Alternatively, complete this draft Plan Strategy Response Form and either return by email to planning@midandeastantrim.gov.uk or download a copy and post to:
Local Development Plan
Team, County Hall, 182
Galgorm Road,
Ballymena,
BT42 1QF.

The draft Plan Strategy is published for formal public consultation for a period of eight weeks beginning on **Wednesday 16 October and closing at 5pm on Wednesday 11 December 2019**. Please note that in order for comments to be considered valid you must include your contact details. We will use these details to confirm receipt of comments and to seek clarification or request further information. Anonymous comments or comments which do not directly relate to the draft Plan Strategy will not be considered as part of the consultation process. For further details of how we handle representations, please refer to our Polices Notice which can be accessed here https://www.midandeastantrim.gov.uk/downloads/privacy_notice_ldp.pdf.

Section A. Data Protection

Local Development Plan Privacy Notice

Mid and East Antrim Borough Council is a registered data controller (ZA076984) with the Information Commissioner's Office and we process your information in accordance with the General Data Protection Regulation and Data Protection Act 2018.

Mid and East Antrim Borough Council collects and processes personal information about you in order to fulfil our statutory obligations, to provide you and service users with services and to improve those services.

Our Privacy Notice relates to the personal information processed to develop the Council's Local Development Plan (LDP) and can be viewed at https://www.midandeastantrim.gov.uk/downloads/privacy_notice_ldp.pdf. It contains the standards you can expect when we ask for, or hold, your personal information and an explanation of our information management security policy. All representations received will be published on our website and made available at our Local Planning Office, County Hall, 182 Galgorm Road, Ballymena, for public inspection and will be will be forwarded to the Department of Infrastructure in advance of Independent Examination.

If you wish to find out more about how the Council processes personal data and protect your privacy, our corporate privacy notice is available at www.midandeastantrim.gov.uk/privacy-notice.

Why are we processing your personal information?

- To enable the preparation of the Council's Local Development Plan;
- To consult your opinion on the Local Development Plan through the public consultation process as well as other section functions;
- To ensure compliance with applicable legislation;
- To update you and/or notify you about changes; and
- To answer your questions.

If you wish to find out more information on how your personal information is being processed, you can contact the Council's Data Protection Officer:

MEA-DPS-071

Data Protection Officer
Mid and East Antrim Borough Council
The Braid
1-29 Bridge Street
Ballymena
BT43 5EJ

Section B. Your Details

Q1. Are you responding as individual, as an organisation or as an agent acting on behalf of individual, group or organisation? (Required)

Please only tick one

☐ Individual *(Please fill in the remaining questions in the section, then proceed to Section F.)*

☐ Organisation *(Please fill in the remaining questions in the section, then proceed to Section D.)*

☐ Agent *(Please fill in the remaining questions in the section, then proceed to Section E.)*

Q2. What is your name?

Title

Mrs

First Name **(Required)**

Angela

Last Name **(Required)**

Wiggam

Email

angela.wiggam@turley.co.uk

Q3. Did you respond to the previous Preferred Options Paper?

☐ Yes ☑ No ☐ Unsure

Section C. Individuals

Address Line 1 **(Required)**

Line 2

Line 3

Town **(Required)**

Postcode **(Required)**

Section D. Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you.

If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name **(Required)**

Turley

Your Job Title / Position **(Required)**

Director

Organisation / Group Address (if different from above)

Address Line 1 **(Required)**

Hamilton House

Line 2

3 Joy Street

Line 3

Town **(Required)**

Belfast

Postcode **(Required)**

BT2 8LE

Section E. Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you.

MEA-DPS-071

Please provide details of the individual, organisation or group that you are representing.

Clanmil Developments

Client Contact Details

Title

[redacted]

First Name **(Required)**

[redacted]

Last Name **(Required)**

[redacted]

Address Line 1 **(Required)**

Northern Whig House

Line 2

3 Waring Street

Line 3

Town **(Required)**

Belfast

Postcode **(Required)**

BT1 2DX

Q4. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?

Please only select one.

☐ Agent ☐ Client ☑ Both

Section F. Soundness

The draft Plan Strategy will be examined at Independent Examination in regard to its soundness. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section M.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be **unsound** having regard to the **soundness tests** in Section M It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the draft Plan Strategy should also state whether they wish to be heard orally.

Section J. Type of Procedure

Q5. Please indicate if you would like your representation to be dealt with by:
(Required)

Please select one item only

☐ Written (Choose this procedure to have your representation considered in written form only)

☑ Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only. Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Section K. Is the draft Plan Strategy Sound?

Your comments should be set out in full. This will assist the Independent Examiner understand the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

Sound

If you consider the Plan Strategy to be Sound and wish to support the Plan Strategy, please set out your comments below.

(Required)

Section L. Unsound

In this section we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

Note: If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately. Complete this page in relation to one part of the draft Plan Strategy only.

Q6. If you consider that the draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:

https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness__version_2___may_2017_.pdf

Please note if you do not identify a test(s) your comments may not be considered by the Independent Examiner.

Continued on next page.

Section M. Tests of Soundness **(Required)**

Procedural tests

☐ P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?

☐ P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?

☐ P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?

☐ P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

Consistency tests

☐ C1. Did the Council take account of the Regional Development Strategy?

☐ C2. Did the Council take account of its Community Plan?

☑ C3. Did the Council take account of policy and guidance issued by the Department?

Coherence and effectiveness tests

☑ CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant is it in conflict with the plans of neighbouring Councils.

☑ CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.

☑ CE3. There are clear mechanisms for implementation and monitoring.

☑ CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

Section N. Which part(s) of the draft Plan Strategy are you commenting on?

This should relate to only one section, paragraph or policy of the draft Plan Strategy. If you wish to inform us that you consider more than one part of the draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

Relevant Policy number(s)

See Enclosed Representation

(and/or)

Relevant Paragraph number(s)

See Enclosed Representation

(and/or)

District Proposals Map

See Enclosed Representation

Please give full details of why you consider the draft Plan Strategy to be unsound having regard to the tests(s) you have identified above. Please be as clear and concise as possible.

See Enclosed Representation

If you consider the draft Plan Strategy to be unsound, please provide details of what changes(s) you consider necessary to make the draft Plan Strategy sound.

See Enclosed Representation

Mid & East Antrim Borough Council

Local Development Plan Team
County Hall
182 Galgorm Road
Ballymena
BT42 1QF

Tel: 0300 124 5000
planning@midandeastantrim.gov.uk

www.midandeastantrim.gov.uk/planning

MEA-DPS-071

Representations to Mid & East Antrim Borough Council Draft Plan Strategy

On behalf of Clanmil Housing Group

December 2019

Turley
Planning

Contents

Contact
Angela Wiggam
Angela.wiggam@turley.co.uk
Client
Clanmil Housing Association
Our reference
CLAB3146

6 December 2019

Executive Summary

1. This representation is submitted on behalf of the Clanmil Housing Group who welcomes the opportunity to submit comments on the draft plan strategy issued by Mid & East Antrim Borough Council (MEA).

2. Clanmil is an ambitious Housing Association whose vision is that everyone should have a great home. The Association continues to invest in the delivery of new homes for all members of society in need which in turn supports the local community and wider economy.

3. Clanmil is passionate about good design and place shaping that supports the ambition of MEA of promoting mixed tenure neighbourhoods that are safe and welcoming for all.

4. We appreciate that this draft Plan Strategy is the first, Local Development Plan prepared by MEA and offer these comments as a 'critical friend' who is keen to see the smooth progression of the draft Plan Strategy from a consultation document to an adopted Plan Strategy.

5. We support the ambition and drive of MEA in terms of its vision for the Council area however, having reviewed and considered the Local Development Plan, we consider the Plan to be unsound. The legal compliance tests have not been met, and the following policies contained within the Draft Plan Strategy are unsound.

6. The table below summarises the changes sought.

Schedule of key draft Policy Comments

Policy	Comment
Strategic Housing Allocation & SGS3	In formulating the Strategic Housing Allocation (SHA) consideration has not been given to other data sets in generating the overall housing number. The policy is not formulated on an up-to-date evidence base and does not contain an appropriate degree of flexibility to respond to market changes. **The Strategic Housing Allocation and SGS3 is unsound as the Allocation and associated policy fails soundness tests C3, CE2 and CE4**
Draft Policy GP1	The draft policy is inconsistent with the SPPS. **Draft Policy GP1 fails soundness test CE2.**
Draft Policy HOU1	The draft policy introduces a varied approach to the existing policy position and is not supported by any robust evidence to justify a variation. Parts of the policy are incoherent. **Draft Policy HOU1 is unsound as the policy fails soundness tests C3, CE2 and CE3.**

Draft Policy HOU5	The draft policy is not supported by a robust evidence base and in its current form would conflict with the SPPS. The Council has failed to consider the implementation of the policy and the potential implications on viability and provision of particular housing types. **Draft Policy HOU5 is unsound as the policy fails soundness tests C3, CE1, CE2, CE3 and CE4.**
Draft Policy HOU6	The policy is not formulated on an up-to-date evidence base; does not contain an appropriate degree of flexibility; and does not contain clear mechanisms for implementation. A number of recommendations are provided below to ensure a 'sound' plan **Draft Policy HOU6 is unsound as the policy fails soundness tests CE2, CE3 and CE4.**
Draft Policy HOU7	The policy is not formulated on an up-to-date evidence base and does not contain an appropriate degree of flexibility. **Draft Policy HOU7 is unsound as the policy fails soundness tests CE1, CE2 and CE4.**
Draft Policy OSL4	There is insufficient evidence within the technical supplement to support the policy proposed and to justify a different approach to existing policy. Furthermore the council has failed to consider the implications of the policy on the delivery of housing. A robust, up to date evidence base should be prepared to support this draft policy. **Draft Policy OSL4 is unsound as the policy fails soundness tests C3, CE2 and CE4.**
Draft Policy TR6	The policy is not formulated on an up-to-date evidence base; does not contain an appropriate degree of flexibility; and does not contain clear mechanisms for implementation. **Draft Policy TR6 is unsound as the policy fails soundness tests C3, CE 2, CE3 and CE4.**

1. Introduction

1.1 Turley submits this representation on behalf of Clanmil Housing Association, and welcomes the opportunity to return comments on the Mid & East Antrim Draft Plan Strategy.

1.2 In line with Council's procedures, each representation is set out on a separate page within each of the Chapter headings with the policy clearly identified.

1.3 The structure of the submission is as follows:

- **Chapter 2**: Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests;
- **Chapter 3**: Details our representations to the Strategic Housing Allocation SGS3;
- **Chapter 4**: Details our representations to the General Development Policy for all Development;
- **Chapter 5**: Details our representation to the Housing policies set out in Building Sustainable Communities; and
- **Chapter 7**: Details our representation to the Parking and Servicing policy.

2. Legislative Compliance

2.1 In preparing their draft Plan Strategy (dPS), Mid & East Antrim Borough Council ('the Council') is required to adhere to the provisions of the Planning Act (Northern Ireland) 2011 ('Act') and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 ('Regulations').

2.2 This section identifies issues in the compliance of the dPS with the Act.

Planning Act (Northern Ireland) 2011

2.3 Part 2 of the Act stipulates that the Plan Strategy should be prepared in accordance with the Council's timetable, as approved by the Department for Infrastructure ('DfI') and in accordance with the Council's Statement of Community Involvement.

2.4 The Council's Timetable, as approved and published on the Council's website is dated 2019. We note that the Council published the dPS within the 3rd Quarter of 2019 as indicated in the approved timetable; the document was publicly available from 17 September. However, we would highlight that the timetable shows that this timeframe will include:

- An 8 week statutory public consultation period; and
- An 8 week statutory consultation on counter representations.

2.5 We note that the formal consultation period on the dPS did not commence until the 16 October 2019 and therefore falls outside of the broad timeframe set out in the timetable. This also means that the counter-representation stage falls out with the agreed timeframe and could result in further conflict with the timetable.

2.6 On the basis of the information available, the draft Plan Strategy fails Procedural Test P1 as the draft Plan has not be prepared in accordance with the approved timetable.

3. Spatial Growth Strategy

Strategic Housing Allocation & SGS3 Strategic Allocation of Housing to Settlements

3.1 The overall Strategic Housing Allocation for the Plan period is 7,477 dwellings which minus completions is reduced to 4,614 dwellings. The draft Plan Strategy (dPS) explicitly strives to '*deliver sufficient housing*'[1] and further acknowledges that:

"Planning for future housing growth across the Borough is one of the core functions of the Local Development Plan as the provision of housing is key to population growth which in turn provides the critical mass to support the provision of infrastructure and services…"[2]

3.2 It equally recognises the broader role of the planning system in securing '*the economic prosperity of individuals and communities*', with a firm desire for the Local Development Plan (LDP) to '*assist in promoting sustainable economic growth*'[3]. It is seen to have '*a key role to play in achieving a vibrant economy and facilitating employment*', not simply through '*the zoning of land*' but also in '*the development of planning policy to support business development and job growth*'[4]. Housing is recognised as '*essential*' in support of the delivery of sustainable economic development[5].

3.3 Whilst the Council has correctly identified the importance of providing housing through the plan-making process, there is little evidence as to how it has robustly given consideration to the housing growth that could be needed to support the economy of Mid and East Antrim, nor to the wider range of factors that will influence the scale of housing need in the borough. Such considerations are absent from both the DPS and the technical supplement on housing[6].

3.4 Indeed, in the supporting justification for its policy on housing provision the Council has limited itself by only referencing the Housing Growth Indicator (HGI) produced by the Department for Infrastructure in 2016. It has taken an apparently unsubstantiated view that this figure is '*based on the best available evidence*' such that there is '*no sound reason for departing from it*'[7].

3.5 The reliance on the HGI to justify its policy on housing provision sits in contrast to the simultaneous and correct acknowledgement[8] that the HGIs are produced only '*as a*

[1] Mid and East Antrim Borough Council (September 2019) Local Development Plan 2030 Draft Plan Strategy, paragraph 4.1.3

[2] *Ibid*, paragraph 5.3.1

[3] *Ibid*, paragraph 4.15 and p44

[4] *Ibid*, paragraph 5.4.3

[5] *Ibid*, paragraph 7.1.1

[6] Mid and East Antrim Borough Council (September 2019) Local Development Plan 2030 Technical Supplement 3: Housing

[7] Mid and East Antrim Borough Council (September 2019) Local Development Plan 2030 Draft Plan Strategy, paragraph 5.3.5

[8] *Ibid*, Appendix A

guide for the preparation' of LDPs, making the core assumption that '*current population/household formation trends…will continue in the future*'. As such, the Council appears to have accepted that the HGIs are '*guidance, rather than a cap on housing development in the area or a target to be achieved*'.

3.6 Despite this concession, its uncritical retention of the HGI leads the Council to suggest that only 7,477 dwellings need to be provided in Mid and East Antrim over the period from 2012 to 2030, equivalent to 415 dwellings per annum on average. Completions to 2018, which '*have already exceeded allocation*'[9], are deducted from this figure to produce a residual requirement for 4,614 homes between 2018 and 2030. This forms the basis for the housing allocation which equates to 385 dwellings per annum on average.

3.7 In adopting this approach, the Council has failed to recognise the value and importance of diagnosing or addressing the limitations of the HGIs, which provide only a '*starting point*' and are not intended to replace an assessment of '*the full range of factors that may influence housing requirements over the plan period in terms of how many houses are needed in any area*'[10].

3.8 The following analysis comments on the drivers of local housing need and demonstrates that the Council's generalised claim that its HGI figure reflects '*the best available evidence*' does not stand up to scrutiny. It is strongly recommended that the Council revisits its evidence base to ensure that it has robustly examined and understood the implications of all of the drivers of future housing need and the consequences associated with limiting its planned housing provision to align with the HGIs.

Influence of Trend-based Projections

3.9 The HGI is highly sensitive to its underlying assumptions on how the population will change in future, as it is essentially derived from a trend-based projection of future population and household growth. The figure referenced in the DPS is ultimately based on the premise that the population of Mid and East Antrim will grow to the extent implied by the 2012-based population projections released in October 2014 by the Northern Ireland Statistics and Research Agency (NISRA).

3.10 At the outset, it is important to recognise that:

"These projections are not forecasts and do not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour"[11]

3.11 It has been similarly and consistently recognised at UK level that any such projections '*will inevitably differ to a greater or lesser extent from actual future population*

[9] *Ibid*, p62

[10] Department for Infrastructure (2019) Housing Growth Indicators: 2016-based, paragraph 2.1

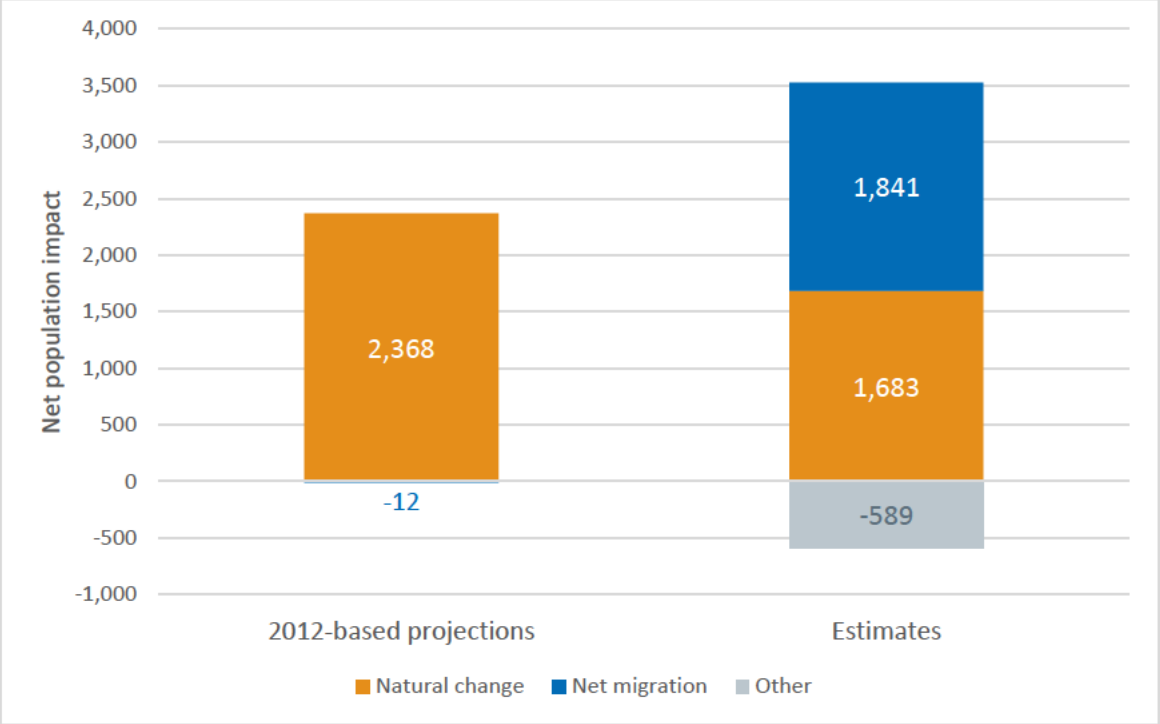
[11] NISRA (October 2014) Statistical bulletin: population projections for areas within Northern Ireland (2012-based) p3

change', because '*assumptions about the future cannot be certain*' due to the '*many factors*' influencing '*patterns of births, deaths and migration*'[12].

3.12 As such, it is considered important to test the reliability and suitability of assumptions that were made over five years ago in developing the population projections that underpin the HGI figure now favoured by the Council. This is enabled through the continuous estimation of annual population change by NISRA, up to and including 2018[13].

3.13 Such an exercise notably reveals that the population of Mid and East Antrim has grown some 25% faster than was envisaged by the 2012-based projections, over its initial six years (2012-18). This is largely attributable to migration, because the 2012-based projections assumed that inflows to the borough and outflows in the opposite direction would be largely balanced – with a small net outflow of 12 people – but there has actually been a net *inflow* of some 1,840 people over the six years, largely from outside the UK. As illustrated in the following chart, this deviation offsets the impact of lower than anticipated natural change (births minus deaths) and "other" changes[14].

Figure 3.1 Components of Actual and Projected Population Change in Mid and East Antrim (2012-18)



Source: NISRA; Turley analysis

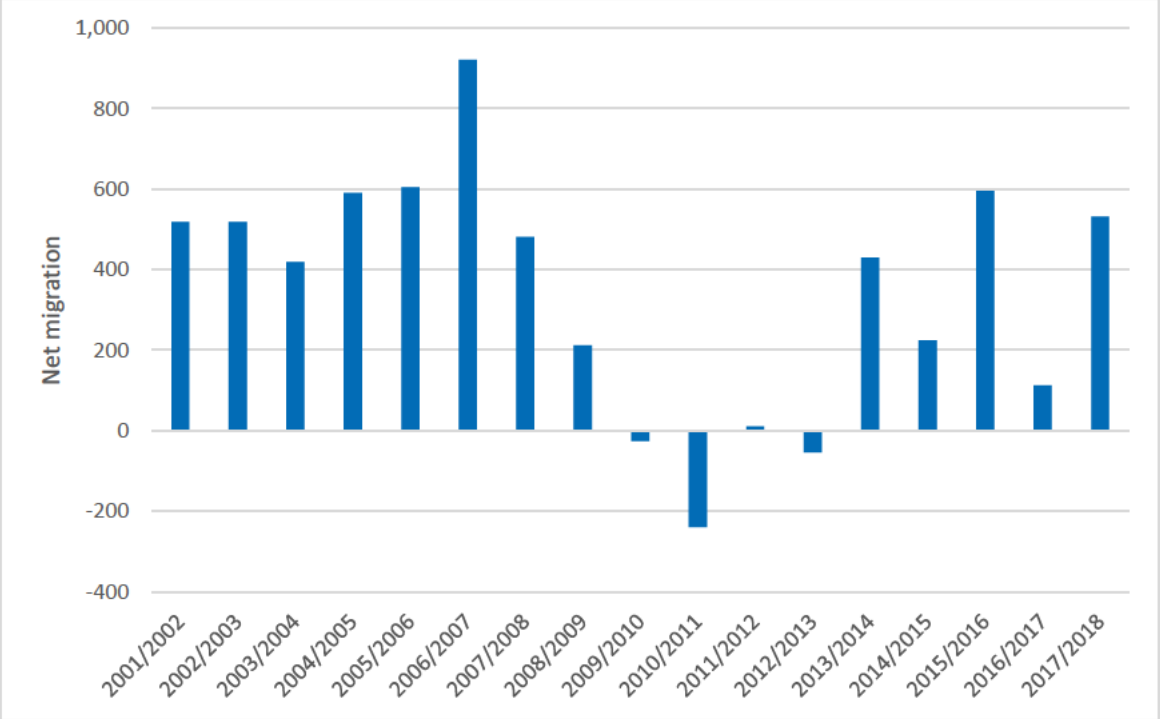
[12] Office for National Statistics (2019) National Population Projections: 2018-based statistical bulletin; Office for National Statistics (2019) National Population Projections: 2016-based statistical bulletin

[13] NISRA (2019) Mid Year Population Estimates

[14] This by definition excludes births, deaths and migration, with NISRA explaining that this captures '*changes in armed forces personnel stationed in Northern Ireland*' for example

3.14 The recent level of net migration is not without precedent in Mid and East Antrim. Indeed, as shown in the chart below, the inflows recorded in recent years are actually more consistent with the long-term trend. The borough has evidently attracted and retained more people than it has lost in all but three years since 2001, with a departure from this trend of net in-migration only during a period influenced by recession (2009-13). The assumption, made within the 2012-based projections, that there will be essentially zero net migration into the borough over the period covered by the HGI would appear to have been unduly influenced by the recessionary period which preceded its base date, as would be expected given their trend-based nature[15]. The extent to which a forward projection based on this period alone is representative should warrant further consideration and comparison with trends recorded over a longer period including a number of economic and demographic cycles.

Figure 3.2 Historic Net Migration to Mid and East Antrim (2001-18)



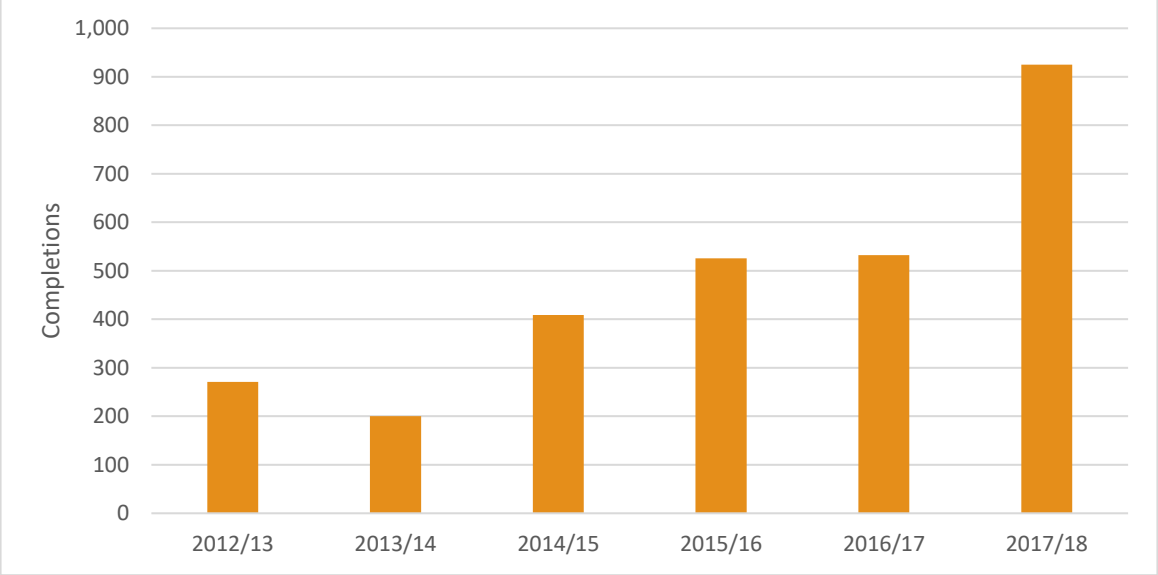
Source: NISRA

3.15 As has already been outlined above and illustrated in Figure 3.1, the assumed balance between inflows and outflows of migrants within the projections underpinning the HGI figure favoured by the Council is clearly not materialising in Mid and East Antrim. Instead, there is clear evidence, drawing on subsequent estimates of population change, of a return to a more positive long-term trend of net in-migration. Given that housing is generally needed to accommodate population growth, it is no coincidence that the borough has returned to being more effective at attracting and retaining

[15] The 2012-based projections draw their migration trends from the five preceding years (2007-12). They assume that on average there will be a net outflow of 15 people from Mid and East Antrim each year during the period for which the HGIs were originally calculated (2012-25)

people as the rate of housing development has increased in recent years, as shown in the following chart[16].

Figure 3.3 Housing Completions in Mid and East Antrim (2012-18)



Source: Mid and East Antrim Borough Council

3.16 Given the relationship between housing and population growth, recent delivery rates also provide a further means through which the realism of the assumptions implicit in the HGI can be tested at a high level. Since 2012 – the earliest year for which Council data is available – the borough has proven that demand locally exists to support the average provision of circa 477 homes annually, rising to exceed 900 homes in the latest reporting year. The HGI of 415 dwellings per annum appears modest and arguably regressive in this context.

3.17 The DPS does recognise that the rate of development has exceeded the HGI, but simplistically considers this to be indicative of "overprovision" rather than a signal that need itself has been potentially underestimated, not least due to the symbiotic relationship between housing and population growth. This stance illogically leads the Council to *reduce* its future housing allocation still further to provide only 385 dwellings per annum over the remainder of the plan period (2018-30). This is some 20% lower than the 477 homes completed annually on average in recent years, and would reverse the recovery that has been achieved over the past four years.

3.18 It is conceded that the residual housing requirement almost precisely aligns with the revised HGI of 386 dwellings per annum released for the borough around the time at which the Council launched its DPS consultation[17]. This should not be automatically viewed as an endorsement of the Council's strategy, however, as it would remain a

[16] Mid and East Antrim Borough Council (September 2019) Local Development Plan 2030 Technical Supplement 3: Housing, Table 7.4

[17] NISRA and Department for Infrastructure (September 2019) Housing Growth Indicators, 2016-based

regressive step in the context of recent delivery and continues to be highly influenced by assumptions made in the underlying 2016-based projections which envisage that:

- The population of Mid and East Antrim grows by an average of 0.22% annually over the period for which the HGI is calculated (2016-30). The population of the borough has historically grown at a faster rate in all but two of the past 17 years, averaging 0.50% per annum in this time;

- The borough receives an average net inflow of 181 people annually over the period to 2030, which remains comparatively modest in the context of the long-term trend shown at Figure 2. Since 2001, Mid and East Antrim has recorded an average inflow of circa 344 people each year, and the Council would be implicitly relying on a 47% fall in this long-term average if it considered the new HGI to be representative of future needs; and

- Mid and East Antrim will have received a net inflow of 225 people in the first two years of its projection period (2016-18), for which population estimates have already been produced by NISRA. While it is recognised that there is scope for short-term fluctuation, it remains notable that a net inflow of some 645 people has actually been recorded in that time. This is almost three times the inflow envisaged by the latest HGI to date.

3.19 The above emphasises the importance of properly interrogating both the previous and updated HGIs, viewing them correctly as a '*starting point*' rather than '*a target to be achieved*'. The Council's failure to yet prepare and publish an evidence base which recognises and tests the robustness of the informing datasets risks underestimating future growth in the population of Mid and East Antrim and providing fewer homes than are needed through the LDP as a result. Furthermore, as considered in the next section, beyond its direct impact on the operation of the housing market and the housing choices available to the resident population this also has potentially more far-reaching consequences with regards the integration of planning policies and ability of the Council to achieve wider economic strategy objectives.

Relationship with the Economy

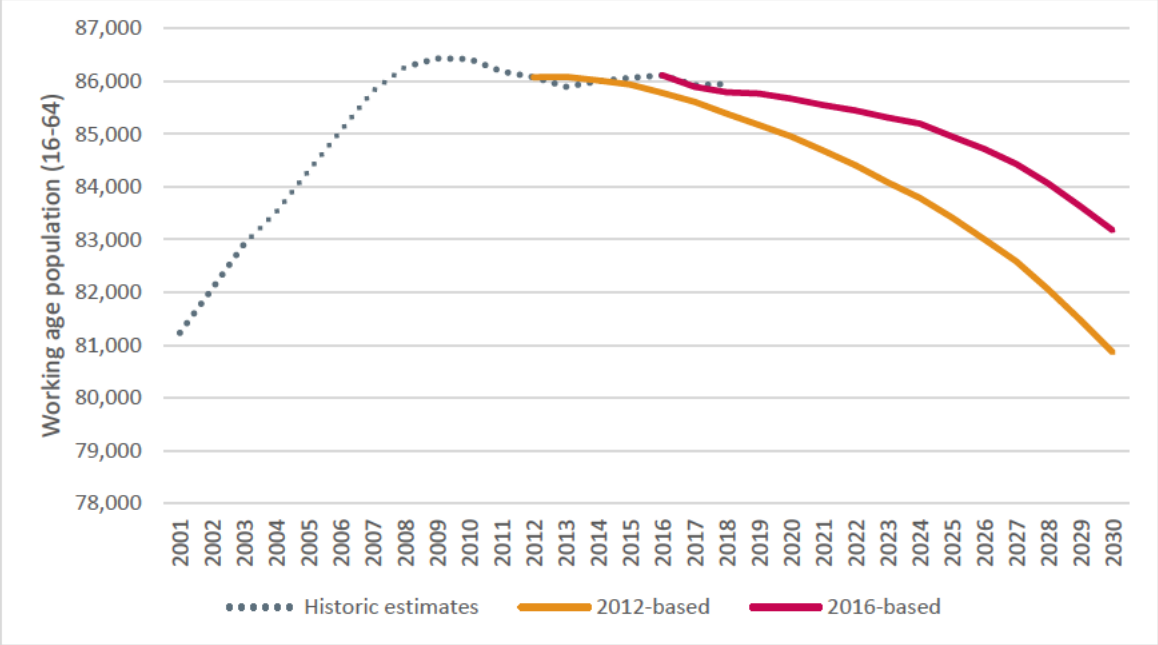
3.20 As noted earlier in this paper, the projections that sit beneath the HGIs openly make no attempt to predict how changing economic circumstances will influence demographic behaviour[18]. As such, they do not account for any need to attract additional people to provide a suitably sized labour force for local businesses, or retain potentially skilled residents that would otherwise be inclined to move elsewhere to pursue economic opportunities.

3.21 The projections instead simply assume that past trends, including those recorded during the recession, will continue. As a result, in the case of Mid and East Antrim, the HGI favoured by the Council only illustrates the scale of housing need that would be generated where the working age population is assumed to diminish without being replaced. This is illustrated in the following chart, which additionally confirms that a

[18] NISRA (October 2014) Statistical bulletin: population projections for areas within Northern Ireland (2012-based) p3

similar assumption is embedded in the latest iteration of the HGIs for the borough. In reviewing the information shown in the chart, the stark switch from a historic growth in the working age population in Mid and East Antrim to a projected decline is significant. Recognising and responding to such a significant change in the potential underlying profile of the area's population, where provision is aligned with the HGIs, should form a critical consideration for the emerging policies for housing as well as other aspects of the LDP related to supporting the future resilience of the economy.

Figure 3.4 Historic and Projected Working Age Population in Mid and East Antrim



Source: NISRA

3.22 The implied substantive reduction in the size of the available labour-force in Mid and East Antrim, where the HGIs are used as the singular basis for future housing provision, would appear likely to undermine the economic objectives of the Council. These stated objectives are aimed directly at responding positively to recent job losses by ostensibly taking a proactive approach through the LDP that seeks to '*instigate economic recovery*' and diversify the economy[19]. Economic growth and diversification is explicitly described as '*the top priority*' of the Corporate Plan, and there is acknowledgement that the borough needs to improve its competitiveness if long-term economic growth is to be achieved so as to '*create more employment and higher paid jobs thereby enhancing the health and living standards of everyone*'[20]. The extent to which a shrinking working age population would even sustain, let alone improve, economic competitiveness is debatable. The failure to either acknowledge or respond to an issue of this magnitude is a considerable shortcoming of the published evidence base.

[19] Mid and East Antrim Borough Council (September 2019) Local Development Plan 2030 Draft Plan Strategy, paragraph 4.1.5

[20] *Ibid*, paragraph 5.42 and p121

3.23 In this context, it is also important to recognise that the Council's implicit acceptance of this outcome, through the uncritical use of the HGIs, contrasts with a notably more positive approach taken towards land zoned for employment use. The DPS proposes to retain some 156ha of previously zoned land, and actually boosts this by a further 7% to address a perceived gap in provision[21].

3.24 There is a clear risk that investment in the development of this land, and subsequent creation of jobs, could be actively curtailed by a shrinking labour force. The Council could take a more positive approach in this regard that seeks to replenish its working age population, and aims to attract and retain skilled people to secure economic recovery and growth. This important relationship between housing and the economy is not considered to have been adequately explored by the Council, and could well have provided a '*sound reason*' for departing from the HGI had the issue been properly assessed.

Summary

3.25 Our assessment demonstrates that the Council has to date failed to provide sufficient justification or evidence in support of the planned level of housing provision proposed in the DPS, which is directly derived from HGIs intended for use only as a '*starting point*' and would lead to the provision of 415 dwellings per annum on average between 2012 and 2030.

3.26 The Council has claimed that there is '*no sound reason*' for departing from the HGI, but does not appear to have adequately considered the need for such a departure nor interrogated the factors that influence the calculation of this figure. The Council's belief that the now superseded HGI is based on the '*best available evidence*' for Mid and East Antrim belies the fact that its underlying demographic assumptions have been locally proven incorrect in recent years; the population has to date grown by 25% more than it anticipated, and the borough has actually attracted an inflow of people rather than the small outflow that was predicted based on a misrepresentative recessionary trend.

3.27 There are similar limitations to the revised HGIs, released as the Council launched its current consultation on the DPS. They ultimately assume that future population growth in Mid and East Antrim will markedly slow to a rate that is largely without recent precedent. While some allowance for the housing needs of those attracted to and retained within the borough is made, the scale of the assumed net inflow of people is almost half that recorded historically and has been exceeded in all but one year outside of the recession.

3.28 Both the revised and previous HGI figures for Mid and East Antrim would reverse the recent recovery in housing development, the latter still more so following adjustments made by the Council to account for perceived "overprovision" in the early years of the plan period and reduce *future* provision to only 385 dwellings per annum. The proven demand for housing beyond the level suggested by the HGIs could actually have been

[21] Mid and East Antrim Borough Council (September 2019) Local Development Plan 2030 Technical Supplement 5: Economic Development, paragraph 4.5; Mid and East Antrim Borough Council (September 2019) Local Development Plan 2030 Draft Plan Strategy, Policy SGS6

seen to result from their basic underestimation of *need*, as appears likely from the analysis in this paper.

3.29 The HGIs also make no attempt to predict the influence of economic factors, simply assuming that the working age population of Mid and East Antrim will diminish based on a continuation of past trends without intervention. The Council has not considered the extent to which such an outcome could undermine its economic objectives, despite a firm desire to instigate economic recovery and a recognition that housing is essential in supporting the delivery of sustainable economic development. Proper consideration of this issue could well have provided a '*sound reason*' to depart from the HGI, but it has not been adequately explored to ensure that policies on housing and employment provision are sufficiently integrated.

Soundness Test

3.30 The Strategic Housing Allocation & Policy SGS3 fails to satisfy the following soundness test:

- C3 – Did the council take account of policy and guidance issued by the Department?
- CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;
- CE4 - It is reasonably flexible to enable it to deal with changing circumstances

Recommendation

3.31 To ensure that the dPS can be considered a 'sound' plan, we respectfully request that the Council reviews its evidence base and gives consideration to collating further evidence which evaluates:

- The impact of trend based projections, particularly changes in population on housing requirements
- The scale of completions within the Council area, their impact on the housing market versus the current HGI position
- The critical link between the economy and the need to attract, new younger residents to the area. Without addressing this it is difficult to understand how the Plan Objectives relating to economic growth will be realised

4. General Policy for all Development

Draft Policy GP1 – General Policy for all Development

4.1 The first paragraph of draft Policy GP1 states:

"Planning permission will be granted for sustainable development where the proposal accords with the LDP and there is no demonstrable harm to the interests of acknowledge importance. Where this is not the case there will be a presumption to refuse planning permission."

4.2 We object to the proposed wording as it runs contrary to the provisions of the SPPS which supports a presumption in favour of sustainable development. Paragraph 3.8 of the SPPS is clear that:

4.3 "the guiding principle for authorities in determining planning applications is that sustainable development should be permitted having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance."

4.4 Furthermore the SPPS goes on to say that:

"in practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up to date development plan should be refused, unless other material considerations indicate otherwise."

4.5 The policy approach endorsed in the SPPS is in accordance with Section 45 of the Planning Act which requires that regard is had to the local development plan in the determination of a planning application.

4.6 Furthermore, as set out in the SPPS a balanced approach to development proposals is required. There may be cases where a proposal represents sustainable development but is in conflict with a policy within the LDP. In this case other material considerations may be applicable. As drafted, Policy GP1 does not facilitate the balanced approach to assessing development proposal.

4.7 We recommend that, in order to prevent a conflict with soundness test C3 that draft Policy GP1 should be revised to reflect the wording contained within the SPPS.

5. Building Sustainable Communities

5.1 Section 8.0 of the dPS sets out the Council's policy aims with respect to Building Sustainable Communities, including the delivery of housing and open space. This section of the representation comments upon the following draft Policies:

- HOU1 – Quality in New Residential Developments in Settlements
- HOU5 – Affordable Housing in Settlements
- HOU6 – Housing Mix
- HOU7 – Adaptable and Accessible Homes; and
- OSL4 – Public Open Space in New Residential Developments.

Draft Policy HOU1 – Quality in New Residential Developments in Settlements

5.2 Draft Policy HOU1 sets out the requirements for all new residential development to provide a high quality, sustainable and safe residential environment. This requirement is supported.

5.3 The draft policy states:

"Where a need is identified adequate provision should be made for necessary local neighbourhood facilities to be provided by the developer as an integral part of the development."

5.4 It is unclear how the need will be identified. This information should be available to ensure that developers know upfront what contributions will be required. Further clarity here is required.

5.5 The second part of draft Policy HOU1 states:

"All proposals for residential development are required to submit a Design Concept Statement or a Concept Master Plan. A Concept Master Plan will be required for developments of 200 dwellings or more or for the development in part of full, of sites of 10 hectares or more zoned for housing in the Local Development Plan or residential development on any other site of 10 hectares or more."

5.6 A concept masterplan is to be required for a development of 200 dwellings or more of where the site is 10 hectares or more. We note that this is a lower threshold than is currently applied within PPS7 Policy QD1. The council has failed to provide evidence to justify the departure for the threshold set out in PPS7 and therefore does not comply with soundness test C3.

5.7 The Council has also failed to consider the legislative requirement for some forms of planning applications, including major residential applications to be accompanied by a Design and Access Statement. The General Development Procedure Order 2015 (Article 6(3) prescribes that a design and access statement must explain the design principles

and concepts have been applied to the development and how issues relating to the access of the development have been dealt with. Development Management Practice Note 12 goes on to state at Paragraph 5.1 that a statement must:

"also demonstrate how the proposed development's context has influences the design."

5.8 It would be prudent of the Council to consider whether the requirement for such a statement on some forms of development would result in duplicate work having to be undertaken by the applicant. A more effective approach would be for a policy to identify where information above and beyond that required by legislation may be required.

Draft Policy HOU5 – Affordable Housing in Settlements

5.9 Draft Policy HOU5 sets out the Council draft policy position on the provision of affordable housing. Essentially it seeks to secured 20% affordable housing within main and small towns and 10% affordable housing with other defined settlements where the development will comprise of 10 or more dwellings or a site size of 0.2ha or more.

5.10 It is acknowledged that the Housing Strategy presented within the draft Plan Strategy aligns with regional policy objectives as set out in the Regional Development Strategy (RDS), specifically the inclusion of policy mechanisms to provide for the needs of everyone and the provision of mixed tenure housing developments.

5.11 Whilst the principle of securing a mix of tenure provision is supported we are concerned that there is insufficient evidence provided to support the Council's draft policy.

5.12 Technical Supplement 3 on Housing expands upon the provisions of draft Policy HOU5. It sets out that the policy has been prepared in consultation with NIHE. Paragraph 8.1.37 of the dPS sets out that:

"in applying this policy, the up to date Housing Needs Assessment (HNA) for Mid and East Antrim, currently carried out annually by the NIHE will be a material consideration."

5.13 The supporting information provided in Technical Supplement 3 indicates that the 2018 assessment was used in defining the draft policy, however this information is not provided in support of the dPS. It would be expected that the Council would publish all relevant supporting information which it is reliant upon to inform policy alongside the dPS which is out for consultation. This significant void in evidence to support the draft policy is worrying and would result in the plan failing against soundness test CE2. The SPPS sets out at Paragraph 6.139 that:

"Housing Needs Assessment/Housing Market Analysis – provides an evidence base that must be taken in to consideration in the allocation, through the development plan, of land required to facilitate the right mix of housing tenures including open market and special housing needs such as affordable housing, social housing, supported housing and travellers accommodation. The HNA will influence how the LDPs facilitate a

reasonable mix and balance of housing tenures and types. The Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA."

5.14 The SPPS is therefore clear that the HNA should inform the LDP. Whilst the Council has reference the HNA, it is not specifically included within the supporting evidence base for the draft Plan Strategy and therefore it could not be demonstrated that the plan would comply with soundness test C3.

5.15 Technical Supplement 3 seeks to summarise the assessment by NIHE in various sections and it is acknowledged in paragraph 7.39 of the supplement that the social housing need varies within settlements. The same paragraph goes on to state:

"Examining this need alongside the notional housing allocation figure for each settlement, uncovers a number of settlements where completions and live planning permissions would already meet the allocation figure but would not meet the social rented housing need. For all these settlements, save for Broughshane, the social rented housing need could potentially be met by urban capacity and/or windfall potential."

5.16 The Council is reliant upon land identified in the Urban Capacity Study (Technical Supplement 3) to secure the delivery of affordable housing; however we consider that there are a number of weakness within the council's assessment of urban capacity. These are summarised as follows:

- Lead-in times included within the assumptions do not accurately reflect the time taken to zone land within the local development plan; secure planning permission in accordance with the draft Policy and discharge pre-commencement conditions to allow a lawful start;
- Lead-in times do not accurately reflect site preparation works for the commencement of development or annual build rates;
- The Council is reliant on the delivery of long-standing zoned/undeveloped housing sites; and
- The Council assumes an unconstrained yield for sites.

5.17 The council has acknowledged in the supporting evidence that there are variations in the need for social and intermediate housing across the borough. However, the policy approach proposed in the draft Plan Strategy does not adequately reflect the variances. Furthermore the borough wide approach is a departure from the approach endorsed in the SPPS (Paragraph 6.143). There is no evidential case for a departure from the SPPS in this case and as such fails soundness test C3.

5.18 The draft Policy is seeking to set a threshold of 10 or more units or 0.2 hectares or more, however we can find no evidence of how this threshold has been determined and whether any alternatives where considered. On this basis, there is a conflict with soundness test CE3.

5.19 Technical Supplement 3 sets out that the approach set out in the POP[22] has evolved as a result of further analysis and discussions with NIHE.

5.20 It was initially proposed that for Main Towns the requirement would be for 25% and for Small Towns it would 15%, however NIHE raised potential concerns about the viability of development at that level and that 20% would be more appropriate. The 20% applies also to Small Towns given the substantive need for provision in those locations. No substantive evidence is provided with the dPS to support this view and therefore there is a conflict with soundness test CE3. It is also noted that the policy as drafted does not facilitate flexibility to ensure viability or exceptions to the provision of affordable housing. As such the draft policy conflicts with soundness test CE4.

5.21 The supporting text to draft Policy HOU5 defines affordable housing as including social rented and intermediate housing. Intermediate housing is defined in the dPS Glossary as consisting of:

"shared ownership housing provided through a registered housing association and helps households who can afford a small mortgage, but that are not able to afford to buy a property outright. The property is split between part ownership by the householder and part social renting from the registered housing association. The proportion of property ownership and renting can vary depending on householder circumstances and preferences. The NI definition of intermediate housing may change over time to incorporate other forms of housing tenure below market rates. Where this is the case, such additional products will be considered suitable to help meet the affordable housing obligations of the policies in the LDP."

5.22 The flexible approach alluded to above is welcomed, however this should be expressed within the main policy section of the dPS to ensure that the policy is considered flexible enough to respond to future changes in the definition of affordable housing. This flexibility will assist in ensuring that the policy complies with soundness test CE4.

5.23 At the time of preparing this representation, the Department for Communities (DfC) had launched a consultation paper on proposed changes to the definition of Affordable Housing. While the proposed change would have no direct impact upon social housing, it would provide an opportunity for the private sector to provide intermediate housing products alongside registered housing associations.

5.24 Paragraph 8.1.39 of the dPS provides further supporting text for the draft Policy. We are concerned that this paragraph suggests that a higher affordable housing provision requirement may be identified in some locations through the Local Policies Plan (LPP). This would not be consistent with the dPS and therefore the LPP could be unsound. The same paragraph also reinforces the view a site specific approach may be more appropriate if evidence suggests that the current draft policy would be insufficient in some locations. Such an approach would align with paragraph 6.143 of the SPPS.

5.25 We note that the dPS does not include a policy relating to the provision of specialist accommodation, including care or elderly accommodation. Section 3 of Technical

[22] Every 10th Unit in a housing scheme to be social

Supplement 3 (Housing) acknowledges that the Council area has an ageing population and goes on to say that:

"In 20115 18.1% of the population in Mid and East Antrim was aged 65 and over. By 2030 it is projected that this figure will have increased to 24%."

5.26 It would therefore be appropriate to ensure that a policy to provide for changing demographics is included within the dPS, particularly given that it will guide the form and location of development for the next 15 years.

5.27 The Council goes on at in Section 3 to say:

"The LDP will take account of the implications of these trends, for example in the delivery of appropriate housing in areas accessible to health and community services."

5.28 Given the recognition of the need for the LDP to take account of demographic trends we would recommend that the Council include a policy relating to the specialist accommodation. A gap in this policy would not be reflective of the Council's evidence base.

Soundness Test

5.29 Draft policy HOU5 fails to satisfy the following soundness test:

- P3 – Has the Council prepared its Preferred Options Paper and taken in to account any representations made?
- C3 – Did the council take account of policy and guidance issued by the Department?
- 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

Recommendation

5.30 To ensure that the dPS can be considered a 'sound' plan, we respectfully request that the Council:

- Undertakes a robust and coherent assessment of the effectiveness of the policy by:
  - Identifying a sample of sites of varying scales and types across the housing markets within the borough;
  - Undertaking a feasibility appraisal to understand the residential capacity of the sites;
  - Identifying the other policy requirements and developer contributions that would be applied to the development.

- Identifying a series of affordable housing requirements (e.g. 5, 10 and 20% - 'reasonable alternatives').

- Undertaking a strategic viability appraisal of each requirement level for each site to understand the threshold for viability; and

- Applying the findings of the viability assessment to inform a proposed policy approach.

5.31 This approach is well established within other jurisdictions.

5.32 The Council should also consider any potential exceptions to the provision of affordable housing, for example the provision of elderly housing or development which would facility the reuse of heritage assets.

Draft Policy HOU6 – Housing Mix

5.33 The dPS identifies draft policy HOU6 as being an operational policy that will help to achieve the SPPS objective of nurturing 'balanced communities'. In addition, the dPS considers the '*…provision of a range of well-designed house types and sizes*…' to be an important factor in building sustainable communities.

5.34 Having reviewed draft policy HOU6, it is clear that it seeks to mirror the provisions of the extant Policy HS4 of PPS 12 – Housing in Settlements. However, it is noted that draft Policy HOU6 contains new provisions and modifications which are not contained within Policy HS4 of PPS12.

5.35 We summarise below the main differences between draft policy HOU6 and HS4 of PPS12:

- HOU6 proposes to remove reference to the word 'only' from the first sentence of HS4;

- HOU6 proposes to insert the following new requirement not contained in HS4 – '*…Provision should particularly be made for smaller homes to meet future household requirements in Mid and East Antrim'*;

- HOU6 proposes to insert the following new requirement not contained in HS4 with respect to factors that will influence the required mix of house types or sizes – *'…and the nature of the local housing need'*;

- HOU6 proposes to insert the following new requirement not contained in HS4 – *'All proposals for residential development will also be required to meet the General Policy and accord with other provisions of the LDP'*.

5.36 The requirement for new residential developments to provide a mix of house types and sizes is not new. It is referred to within PPS7 and PPS12 and it forms a Core Planning Principle and a strategic policy objective of the SPPS. However, unlike PPS12, the SPPS does not specify a threshold for when the policy must be complied with. In this regard

the SPPS is the prevailing policy and a conflict with the SPPS would be contrary to soundness test C3.

5.37 It is clear that draft Policy HOU6 proposes to utilise the threshold identified in HS4. However, having reviewed, draft policy HOU6 and the relevant supporting documents, we have not been able to find any evidence which would support the continued use of the thresholds set out in policy HS4 of PPS12. As such the draft policy would fail against soundness test CE2.

5.38 The only justification that we've been able to find is the following sentence taken from Appendix H entitled 'Evolution of Relevant Draft Plan Strategy Policy' of Technical Supplement 3 entitled 'Housing':

'Policy HS 4 ***appears*** *to be working well and there is* ***no evidence*** *to suggest that* ***it needs to be substantially amended'*** *(****our emphasis****).'*

5.39 The Council seems to rely on the perception that HS4 '*…appears to be working well…*' and that there is '*…no evidence to suggest that it needs to be substantially amended*'. This approach raises serious concerns with respect to the 'soundness' tests that all Local Development Plans must be assessed against.

5.40 Indeed, we note that DfI raised similar concerns in its response to the Council's POP and Key Issue 15, wherein it stressed the '*…need to ensure* ***evidence justifies the approach*** *and that the i****mplications*** *of such a policy, in terms of* ***development viability,*** *should be considered*' (see . pg. 48 of the Preferred Options Paper – Public Consultation Report, dated November 2017).

5.41 Our client shares DfI's concerns and considers that draft policy HOU6 is not supported by an appropriate evidence base. Furthermore the Council's decision not to review the draft policy or secure further evidence to address comment from DfI at the POP stage would conflict with soundness test P2.

5.42 In terms of the preferred housing mix, draft Policy HOU6 does not provide a detailed breakdown but it states that '*Provision should particularly be made for smaller homes to meet future household requirements in Mid and East Antrim'.*

5.43 The 'Justification and Amplification' section of draft Policy HOU6 provides the following rationale for this approach:

'Currently, analysis of the local housing market in Mid and East Antrim shows an ageing population, reducing household size and a decline in the number of households with children. This emphasises the need for 'smaller size, new build houses' within the Borough (Mid and East Antrim Housing Market Analysis Update, NIHE, June 2018).'

5.44 It is noted that the above rationale flows from the analysis of PPS12's HS4 set out in Appendix H of Technical Supplement 3. In addition to the above, Paragraph 3.9 of Technical Supplement 3 seeks to reinforce draft Policy HOU6's approach in stating the following:

'By 2030, it is projected that small households will make up 61% of the population. Consequently, this suggests that smaller size, new build housing, across all tenures, will be required to meet future household need in Mid and East Antrim'.

5.45 However, and importantly, Paragraph 3.10 of Technical Supplement 3 advises that *'…this **needs to be caveated** as **not all** one or two people households may **want to live in a smaller property** if they can afford a larger property'* (**our emphasis**).

5.46 So far as housing mix is concerned, relevant policies need to incorporate an appropriate degree of flexibility to allow developments to respond to the local market context and the local market need/demand. This flexibility will ensure that: innovation is not stifled; a product that the market wants is being provided; and development viability can be secured. Otherwise, these new developments will not be delivered. The overly restrictive wording with the draft policy conflicts with the flexible approach to be applied under soundness test CE4.

5.47 The 'Justification and Amplification' states that the proposed policy facilities the flexibility needed. Our client does not agree that the policy provides the appropriate flexibility needed. Conversely, the proposed policy provides an opportunity for the Council to be prescriptive on the size and type of housing to be provided on a site by site basis.

5.48 Developers, will deliver a housing product which is bespoke to that housing market area i.e. a product that home owners want to buy. To be overly prescriptive could have impacts on house prices for products for which there is a market demand but limited supply.

5.49 This new component of policy (when compared with HS4 of PPS12) is not supported by an appropriate evidence base which has considered the implications of such a policy on the ability of new residential developments to deliver a product that the market wants and on the overall viability of such a development. Indeed, Council has accepted that not all smaller households want a smaller home.

5.50 In terms of the 'smaller schemes' approach, the proposed policy fails to provide clarification on what considerations will be taken into account when assessing the individual merits of the site/proposal and as such fails against soundness test CE3.

Soundness Tests

5.51 Draft policy HOU6 fails to satisfy the following soundness test:

- P3 – Has the Council prepared its Preferred Options Paper and taken in to account any representations made?
- C3 – Did the council take account of policy and guidance issued by the Department?
- 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.

Recommendation

5.52 To ensure that the dPS can be considered a 'sound' plan, we respectfully request that the Council:

- prepares an up-to-date evidence base to support this policy which takes into account all relevant considerations such as development viability and market demand;

- amends draft policy HOU6 to include the following considerations when determining the 'required mix of house types and sizes': development viability and market demand;

- amends draft policy HOU6 to include detail on the considerations that will be taken into account when determining the individual merits of 'smaller schemes' and the need to provide a greater variety in type and size of units; and

- re-consults on the proposed considerations that will be taken into account when determining the individual merits of 'smaller schemes' and the need to provide a greater variety in type and size of units.

Draft Policy HOU7 – Adaptable and Accessible Homes

5.53 The dPS identifies draft policy HOU7 as being an operational policy that will help to achieve the SPPS objective of nurturing 'balanced communities'.

5.54 The 'Justification and Amplification' section of draft Policy HOU7 advises that the intention of this policy is to deliver '…homes that are accessible for those who live in them' and not just for those who visit, as required by the Building Regulations (2012). It then adds that the draft policy will apply '…to all proposals for new dwellings, flats and apartments including a dwelling located in the countryside'.

5.55 Furthermore, the 'Justification and Amplification' section states the following at Paragraph 8.1.47:

'It is recognised that there may be some exceptional circumstances where not all of these policy criteria can be accommodated whilst still meeting other planning policy requirements. Such cases will be considered on their merits whilst carefully balancing all policy and other material considerations'.

5.56 Our client welcomes the overall intention of the draft policy. Indeed, the delivery of accessible and adaptable homes capable of meeting the needs of their future users will help to improve the attractiveness of the housing product being provided. Our client also welcomes the acknowledgment that there may be instances where not all of the proposed policy criteria can be accommodated.

5.57 However, it is considered that the 'exceptional circumstances' test would be too high a threshold in terms of justifying a relaxation of the proposed policy, particularly noting

that the policy only appears to suggest a single ground for an exception, i.e. '…meeting other planning policy requirements'.

5.58 The draft policy is entirely different from the preferred option set out under Key Issue 15, which referred only to apartments. Furthermore, having reviewed Technical Supplement 3 – Housing, we are unable to find any evidence which supports the Council's proposed policy or sets out: why the policy should be applied to every new home and not a proportion of new homes; or how the Council assessed the implications of the proposed policy with respect to development viability. As such the draft policy would fail soundness text CE2.

5.59 We note that the POP, under Key Issue 15, advises that the proportion of the Mid and East Antrim population aged 65+ years is projected to rise from 16.5% in 2011 to 25% by 2030. The POP also advises that the 2011 Census revealed that 11% of people in Mid & East Antrim suffered a mobility or dexterity difficulty.

5.60 Technical Supplement 3 also makes reference to the above figure re: ageing population. However, these figures do not justify the application of the proposed policy to every new home. People tend to move through different housing products at different stages in their life and choose a home based on their financial circumstances and specific needs (which vary over time).

5.61 A sound approach would be to ensure that a proportion of new housing is tailored to these more specialised needs rather than forcing developers to construct every new dwelling to this standard. Indeed, further evidence would be required to establish the appropriate proportion taking into account development viability and any subsequent policy should incorporate an appropriate degree of flexibility. In its current form the draft policy would conflict with soundness test CE2 and CE4.

5.62 In terms of the financial consequences of the proposed policy, Technical Supplement 3 makes reference to a study undertaken in NI in 2002 and other research undertaken in the UK. Based on this study/research, it identifies that the additional costs associated with delivering the requirements of Lifetime Homes is estimated to range between £165 and £1,615 per dwelling.

5.63 Technical Supplement 3 then concludes that 'Given that those elements of the Lifetime Homes Standards which have been incorporated into HOU7 are not onerous, it is not anticipated that this policy would have significant additional cost implications'.

5.64 We are concerned by the lack of evidence base upon which the Council avows that the new requirements, which will apply to every new house in a new development, are 'not onerous'.

5.65 Technical Supplement 3 appears to base this conclusion on a perceived cost that is presented in isolation from all of the other costs associated with delivering new housing. No consideration has been given to how these costs or the implications of the proposed policy will affect overall development viability, particularly constrained sites or sites with abnormal costs associated with them.

5.66 It is common knowledge that brownfield sites represent some of the most difficult sites to redevelop/regenerate noting 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' as acknowledged in Para. 5.3.17 of the dPS.

5.67 This statement also fails to consider the cumulative impact of other policy developer requirements/contributions on the cost and viability of development and therefore would fail soundness test CE1.

Soundness Tests

5.68 Draft policy HOU7 fails to satisfy the following soundness test:

- CE1 – The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils;

- CE 2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;

- CE 4 - It is reasonably flexible to enable it to deal with changing circumstances.

5.69 The dPS does not contain nor is it supported by the required evidence base, which has taken into account all of the relevant considerations, such as development viability, to justify the requirements of draft policy HOU7, particularly its proposed application to all new dwellings, flats and apartments.

5.70 Finally, HOU7 does not incorporate an appropriate degree of flexibility as the requirement for 'exceptional circumstances' is considered to be too high a test to justify departure from the policy and the proposed policy does not include reference to all of the relevant factors that should be taken in to account, such as development constraints, which could include topography issues, ecological and environmental sensitivities, access/infrastructure issues contamination issues and built heritage considerations

Recommendation

5.71 To ensure that the dPS can be considered a 'sound' plan, we respectfully request that the Council:

- prepares an up-to-date evidence base to support this policy, particularly the requirement for all new dwellings, flats and apartments to comply with the proposed policy;

- reassesses whether the evidence supports this policy position or an approach which requires a proportion of new housing to achieve the identified standards;

- if after the assessment, is minded to pursue the proportion approach, re-consults on the proposed approach and the preferred proportion;

- removes the 'exceptional circumstances' test; and

- ensures the proposed policy incorporates an appropriate degree of flexibility by making it clear that the requirement to comply with this policy will take into account the site specific merits of each individual planning application, such as land/physical constraints, site enabling costs and development viability.

Draft Policy OLS4 – Public Open Space in New Residential Development

5.72 The Council's overall 'Open Space Strategy' is set out within Section 5.8 of Part One of the draft Plan Strategy. The dPS advises at paragraph 5.8.4 that '*The policy aims [of the Open Space Strategy] will be delivered primarily through the open space operational strategic subject policies set out in Part 2'*, i.e. draft Policies OSL1 to OSL7.

5.73 This submission focuses specifically on the provisions of draft Policy OSL4, which sets out policy requirements and exceptions for the provision of public open space in new residential development.

5.74 Having reviewed draft Policy OSL4, it is clear that it seeks to mirror, by and large, the provisions of the extant Policy OS2 of PPS 8 - Open Space, Sport and Outdoor Recreation. However, it is noted that draft Policy OSL4 contains new provisions and/or modifications which are not contained within Policy OS2 of PPS8.

5.75 We summarise below the main differences between OS2 of PPS8 and proposed policy OSL4:

- proposes to include an open space requirement of 15% for sites of 10 hectares or more –PPS8 Policy OS2 applies this requirement only to residential developments of 300 units or more or development sites of 15ha or more and no justification for a variation to the prevailing policy is provided by the Council;

- proposes to replace the phrase 'ease of access' contained in the 2nd bullet point of criterion (iii) of PPS 8 Policy OS2 with 'direct and unobstructed access'. No further clarify on how direct and unobstructed access will be defined or the rational for the variance in the wording is provided within the dPS.

- proposes to remove the exception 'incorporates the 'Home Zone' concept' contained in the 4th bullet point of criterion (iii) of PPS8 Policy OS2. Again no justification for the removal of this approach is provided within the dPS.;

- proposes, after the adoption of the Local Policies Plan, to remove the exception in PPS8 Policy OS2 for an equipped play space to be provided in residential developments of 100 units or development sites of 5ha if an equipped children's play area exists within reasonable walking distance (generally 400m) of the majority of units within the development;

- proposes, after the adoption of the Local Policies Plan, to replace the abovementioned exception with 'unless otherwise specified through the key site requirements on sites zoned in the Local Policies Plan';

- proposes to remove the following criterion of PPS8 Policy OS2 for public open space – 'its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities'; and

- proposes to remove the following criterion of PPS8 Policy OS2 for public open space – 'it retains important landscape and heritage features and incorporates and protects these in an appropriate fashion'.

- proposes to remove the acceptable arrangements with respect to maintenance and management of public open space areas from the policy text and insert them into the 'Justification and Amplification' section only;

- proposes to remove the requirement for all developers to be responsible for the laying out and landscaping of public open space from the policy text and insert it into the 'Justification and Amplification' section only;

5.76 The 'Justification and Amplification' section of draft Policy OSL4 proposes to introduce the mechanism of developer contributions which is not referred to/contained in PPS 8.

5.77 As set out above the draft Policy seeks to vary extant planning policy within PPS8. The dPS does not contain nor is it supported by the required evidence base to justify the requirements of proposed policy OSL4, particularly the 15% open space requirement for 10 hectare sites or more.

5.78 Furthermore, the dPS does not provide any justifications or explanations for why the proposed policy does not accord with the 'preferred option' set out in the Preferred Options Paper (POP) under Key Issue 19 - Open Space Provision in New Residential, this being:

5.79 'Retention of the current strategic criteria based policy regarding public open space contained in Policy OS 2 of PPS 8 i.e. setting out a 10% requirement of open space in residential developments of 25 units or more and a 15% requirement for development over 300 units and an amended list of exceptions where a rate less than 10% may be acceptable unless otherwise specified through key site requirements'.

5.80 It is noted that Section 6.1 of Technical Supplement 4 - Open Space, Sport & Leisure, dated September 2019, states that 'The preferred options and recommendations from the POP have generally been brought forward to the draft Plan Strategy, with minor amendments'. Table 6.1 of Technical Supplement 4 sets out these 'minor' amendments.

5.81 It is considered that the proposal to apply the 15% open space requirement threshold to sites over 10 hectares rather than 15 hectares/300 units is considered to be a 'significant' amendment not a 'minor' amendment, which is not supported by robust justification.

5.82 Section 6.3 of Technical Supplement 4 seeks to provide the following justification for why the proposed amendment to the 'preferred option' identified under Key Issue 19 of the POP is considered acceptable:

5.83 'In regards to Key Issue 19 and draft Plan Strategy Policy OSL4, it was considered that the threshold for 15% open space requirement should be reduced from 15 hectares to 10 hectares given that the size of residential applications in Mid and East Antrim are generally well below 300 units.'

5.84 The justification provided is inadequate as it fails to consider the potential impact that such a requirement could have on the overall viability of a project or the implications arising out the maintenance and management of such areas. This could have a significant impact on the delivery of the policy and indeed the delivery of housing land within the district, resulting in a conflict with soundness test CE2.

5.85 In its current form, the proposed policy does not provide an appropriate degree of flexibility, particularly for sites that may have development constraints, which could include topography issues, ecological and environmental sensitivities, contamination issues, access issues and built heritage considerations. As such the draft policy conflicts with Soundness test CE4.

Soundness Test

5.86 Draft policy OSL4 fails to satisfy the following soundness test:

- C3 – Did the Council take account of policy and guidance issued by the Department?
- CE 2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base; and
- CE4 – It is reasonable flexible to enable it to deal with changing circumstances.

Recommendation

5.87 To ensure that the DPS can be considered a 'sound' plan, we respectfully request that the Council:

- prepares an up-to-date evidence base to support this policy, particularly the new 15% open space requirement affecting sites of 10 hectares or more, and then reassesses whether the evidence supports this policy position;
- ensures the proposed policy incorporates an appropriate degree of flexibility by making it clear that open space requirements will take into account the site specific merits of each individual planning application, such as land constraints, site enabling costs and development viability;
- defines what is meant by 'direct and unobstructed access' to areas of existing public open space contained in the exceptions provided under b) of OSL4; and

- ensures that any proposed requirements for developer contributions or future guidance related to developer contributions builds in development viability considerations.

5.88 On the basis of the evidence collated, Council should reassess whether they have sufficient evidence to support this draft policy position.

6. Transportation, Infrastructure and Connectivity

Draft Policy TR6 Parking and Servicing

6.1 The Council's overall 'Transport Strategy' is set out within Section 5.7 of Part One of the draft Plan Strategy. The dPS advises that the Transport Strategy is represented by the Local Transport Study for Mid and East Antrim (LTS), prepared by the Department for Infrastructure (DfI).

6.2 The dPS also advises, at paragraph 5.7.6 that the promotion of more sustainable forms of transport such as walking, cycling and public transport will be achieved through the operational strategic subject policies relating to Transportation, i.e. proposed policies TR1 to TR7 and through the Local Policies Plan.

6.3 This submission focuses specifically on the provisions of draft policy TR6, which sets out the parking and servicing requirements for new development and criteria for when a reduced level of car parking will be acceptable.

6.4 Having reviewed draft policy TR6, it is clear that it seeks to mirror the provisions of the extant Policy AMP7 of PPS3 - Access, Movement and Parking. However, it is noted that TR6 contains new provisions and/or modifications which are not contained within Policy AMP7 of PPS3.

6.5 We summarise below the main differences between AMP7 of PPS3 and draft policy TR6:

- TR6 proposes to remove the following text currently included within PPS3 Policy AMP7 - '*…or any reduction provided for in an area of parking restraint designated in a development plan'*;
- TR6 proposes to replace ' *the flow of traffic*' contained in PPS3 Policy AMP7 with '*the flow of goods and people'*;
- TR6 proposes to remove reference to '*beyond areas of parking restraint'* as contained in PPS3 Policy AMP7 with respect to acceptable circumstances for reduced levels of car parking;
- TR6 proposes to apply the acceptable circumstances for reduced levels of car parking to all areas of the borough;
- TR6 proposes to remove the following exception contained in PPPS3 Policy AMP7 – '*…where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building'*;
- TR6 proposes to insert a new exception not contained in PPS3 Policy AMP7 – '*…Where the exercise of flexibility would assist Council in securing broader*

planning gain and public benefit that would outweigh the reduced level of parking';

- TR6 proposes to remove the requirement relating to car parking spaces for people with disabilities from the policy text and insert it into the '*Justification and Amplification'* section only;

- The justification and amplification text supporting draft Policy TR6 proposes to reword the requirement in PPS3 Policy AMP7 relating to car parking spaces for those with disabilities to read '*In all cases where a reduced level of parking is considered acceptable, the applicant will still be required to reserve an appropriate proportion of reserved parking spaces for those with disabilities or impaired mobility'*;

- The justification and amplification text supporting draft Policy TR6 proposes that proposals with car parking in excess of the published standards will only be permitted in exceptional circumstances. This requirement is currently contained within the policy wording of PPS3 Policy AMP7; and

- TR6 proposes to remove reference to car parking '…*which exceed a reduction provided for in a development plan*' contained in AMP7 with respect to car parking in excess of the published standards.

6.6 The 'Justification and Amplification' text supporting draft Policy TR6 contains the following requirements:

- In all cases where a reduced level of parking is considered acceptable, the applicant will still be required to reserve an appropriate proportion of reserved parking spaces for those with disabilities or impaired mobility;

- Parking provision in excess of the published standards will only be permitted in exceptional circumstances;

- Parking provision should include an appropriate amount of electric charging points; and

- In town centre locations, applicants will normally be expected to include proposals for the provision of rear servicing facilities where practicable.

6.7 It is clear that the dPS does not propose to include any areas of parking restraint within the Borough, despite Technical Supplement 9 entitled 'Transportation' accepting that '*Statutory consultees were more supportive of designating areas of parking restraint as a proactive measure towards bringing about successful place making, reducing private car usage and encouraging more sustainable forms of transportation such as walking and cycling in the Borough'*.

6.8 Having reviewed the dPS and relevant documents supporting this proposed policy, it appears that the only justification provided for the approach on areas of parking restraint is set out in section 4.8 of Technical Supplement 9, which states the following:

'Due to lack of clear support for either option, coupled with Councillors' desire not to have them, the Council has decided not to bring forward a strategic policy to enable the designation of Areas of Parking Restraint in the draft Plan Strategy'.

6.9 We also note that Technical Supplement 9 refers to comments received during the POP stage which claimed that the public transport network wasn't strong enough to justify a reduction in parking and that others felt the town centres were already suffering from parking restrictions. Indeed, the DPS (at para. 9.1.33) also makes reference to '*…the absence of an adequate public transport network'*.

6.10 It is clear, having reviewed the dPS and its supporting documents, that there isn't any clear or up-to-date evidence which supports the proposal to not include any areas of parking restraint within the Borough against the advice of statutory consultees. As such the draft policy conflicts with soundness test CE2.

6.11 So far as the '*precise amount of parking'* is concerned, we note that the specific characteristics of the proposed development, its location and DfI's published standards are important considerations. However, the dPS fails to acknowledge other important considerations, these being occupier/market requirements and project/development viability.

6.12 Indeed, we would argue that these are as important as, if not more important than, the considerations contained within draft Policy TR6 with respect to determining the appropriate quantum of parking. We base this on the understanding that if developments are unviable or are do not achieve occupier/market requirements then this would seriously damage the deliverability and success of a development or lead to the delivery of a sub-standard development that will not be occupied. The Council's failure to adequately assess the wider effects of the draft Policy would conflict with soundness test CE1 and CE2.

6.13 We also note that it is difficult to determine what is to be regarded as an '*adequate*' provision of car parking, especially for the all-important speculative build component.

6.14 To ensure that an appropriate degree of flexibility is built into the dPS, and to ensure that future development proposals can deliver an attractive product that aligns with the site specific and operational requirements of occupiers, then TR6 should also include these components as factors that are to be considered by the Council when determining the '*precise amount of car parking'*.

6.15 In some instances, there may be a requirement to provide a higher level of car parking than what is currently provided for by draft Policy TR6 and DfI's published standards. So, to ensure certainty, and to help de-risk potential investment, further clarification with respect to the '*exceptional circumstances'* required would be beneficial. In its current form there is no clarity around how exceptional circumstances would be considered and therefore the draft policy would conflict with soundness test CE3.

6.16 To this end, we respectfully request, at the very least, that the draft policy TR6 includes an acknowledgment that if occupier/market requirements dictate a higher parking provision then this is something that will satisfy the exceptional circumstances test.

6.17 In the interest of certainty and to remove any potential confusion/inaccuracies in interpretation and to improve policy application/decision making with respect to draft policy TR6, we would respectfully ask the Council to amend the dPS to include clarity on the following matters:):

- What is to be regarded as a '*highly accessible location*' for policy TR6?
- What is to be regarded as '*nearby*' for a development to benefit from spare parking capacity?
- Is the flexibility component associated with securing a broader planning gain/public benefit to be read as an 'and/or' or just 'and' scenario?
- Paragraph 9.1.35 refers to '*a better quality development'* and '*an appropriate design in a Conservation Area*' as examples of broader planning gain - further clarity is required on what would be considered a broader planning gain/public benefit.
- What is to be regarded as an '*appropriate proportion'* of reserved parking spaces for those with disabilities or impaired mobility?
- What are the types of '*exceptional circumstances'* that the Council is willing to accept in terms of allowing a parking provision in excess of the published standards?
- What is to be regarded as an '*appropriate amount'* of electric charging points?

6.18 Finally we note that the footnote to draft Policy TR6, references the 2005 Parking Standards provided by the Departments and the relies upon these as the policy standard. As such the draft policy would fail soundness test CE4 as it does not facilitate a flexible approach should the department publish revised parking standards.

Soundness Tests

6.19 Draft policy therefore TR6 fails to satisfy the following soundness test:

- C3 – Did the Council take account of policy and guidance issued by the Department
- CE 2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;
- CE 3 - There are clear mechanisms for implementation and monitoring; and
- CE 4 - It is reasonably flexible to enable it to deal with changing circumstances.

6.20 The dPS does not contain nor is it supported by the required evidence base to justify the requirements of draft policy TR6, particularly the strategy around areas of parking restraint.

6.21 Draft Policy TR6 does not incorporate an appropriate degree of flexibility as it fails to identify all of the relevant factors which would inform a reasonable and balanced

assessment under its provisions/requirements. It also fails to allow for revisions to department parking standards to be reflected in policy.

6.22 Finally, draft Policy TR6 does not contain clear mechanisms for implementation as further clarity is required for certain components to ensure certainty and to remove any potential confusion/inaccuracies in interpretation and to improve application/decision making.

Recommendation

6.23 To ensure that the DPS can be considered a 'sound' plan, we respectfully request that the Council:

- prepares an up-to-date evidence base to support the variations to the existing policy provisions contained within PPS3 Policy AMP7; and

- Provides further clarity on the policy criterion proposed within draft Policy TR6.

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