

20th March 2020

Our Ref: C04262

Your Ref: MEA-DPS-030



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

Dear Sir/Madam,

Re: Counter Representation made in respect of representations made to the Mid and East Antrim District Council Draft Plan Strategy (DPS) – Lands located to the rear of Millfield, Greenfield Road, Kells

This letter is submitted on behalf of our client, Don Rimes Pension Fund and provides a rebuttal to representations made by others in respect of Mid and East Antrim Borough Council Draft Plan Strategy (DPS). It highlights how the comments made in these representations are not sound.

5.3 Strategic Housing Allocation Strategy / SGS3 Strategic Allocation of Housing to Settlements

Representations have been made by a number of parties including RSPB, DfI and NIHE in respect to the housing distribution set out in SGS3 Strategic Allocation of Housing to Settlements of the Draft Plan Strategy. Their comments are set out below:

MEA-DPS-058 – Royal Society for the Protection of Birds (RSPB)

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

The RDS acknowledges that 'Between 2001 and 2008 the population of Northern Ireland increased by 5.1 per cent however the growth was unevenly distributed. The fastest growing areas tended to be located in suburban areas within commuting distance of major urban centres. There was a shift from the most densely-populated urban areas of Belfast and Londonderry. Large, medium and small towns grew slightly faster than the NI average. The fastest rates of growth were seen in villages (+13 per cent) and intermediate settlements (+11 per cent). Small villages, hamlets and open countryside areas registered growth of 9 per cent on average'. Reinforcing and continuing such a pattern of growth is not considered to be sustainable. (Our emphasis);

MEA-DPS-010 - DFI

14. The Department strongly welcomes the overall approach to the allocation of housing growth set out in SGS3. This allocates Carrickfergus, Ballymena & Larne 1239, 991 & 879 units respectively, representing 67% of the mid and east Antrim total set out in Table 5.4. This supports the RDS objective to grow the population of the Hubs and Clusters of Hubs⁵ and acknowledges the importance of Metropolitan Area centred on Belfast.

15. Similarly the allocation to the Small Towns represents 584 units or approximately 13% of the overall housing allocation. The allocation to villages is 421 units or 9% of the total allocation. 142 units are allocated to the small settlements which represents 3% of the overall allocation. 350-400 units are allowed for in the countryside over the period – representing 8% of the total allocation. The Department overall welcomes the allocation and confirmation that the methodology has been informed by the RDS Housing Evaluation Framework. The detailed information presented in the Housing Technical Supplement 3⁶ is welcomed in this regard. The Council should however consider the implications of the revised HGI for the housing allocation to individual settlements under SGS3.

28. Finally it is noted from the justification and amplification that land will not be zoned for housing in villages and small settlements. The Department supports this approach and suggests that this aspect is addressed in the policy box of SGS5.

29. Overall however the Department welcomes the Council's approach to phasing, in particular the identification of phase 2 housing land as a long term reserve. The specific approach to phasing responds to local circumstances within the plan area.

MEA-DPS-049 - NIHE

Strategic Housing Allocation to Settlements (SGS3)	62	Support	The Housing Executive believes the allocation of housing to settlements is logical and takes adequate account of the Housing Evaluation Framework contained in the RDS. However, we would like to see some flexibility to the allocation figures over the plan period, especially in settlements where there is an existing or arising affordable housing need as identified by the Housing Executive's Housing Need Assessments. We believe that the proposed "plan, monitor and manage" approach can help ensure that there is sufficient housing land, including land for affordable housing, over the Plan period.
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Spatial Growth Strategy 3 relates to the allocation of housing to settlements and states that the plan will make provision for 4,256 dwellings for the period of 2018-2030 and 350-400 new dwellings in the countryside over the same period creating a total of 4,614 units for the borough. It is noted that this strategic proposal sets out a notional allocation figure for settlements, however, these figures represent a significant reduction to that proposed within the Preferred Options Paper.

In terms of the distribution of housing the Council have not moved forward in line with their preferred option (4a) which proposed to maintain the status quo in terms of housing allocation based on the proportion of households living in Main Towns and Small Towns at the time of the 2011 Census and increase the percentage of housing growth to villages and small settlements at the

expense of the open countryside. This would mean apportioning housing, between the various settlement tiers and also the open countryside as follows;

- Main Towns (58%)
- Small Towns (15%)
- Villages (10%)
- Small Settlements (5%)
- Countryside (12%)

The draft Plan Strategy apportions the housing allocation as follows:

- Main Towns (67%)
- Small Towns (13%)
- Villages (9%)
- Small Settlements (3%)
- Countryside (8%)

The above is not in line with any of the options put forward within the published Preferred Options Paper document. However, we consider that a compromised position between the POP and draft Plan Strategy should be sought as follows:

- Main Towns (67%)
- Small Towns (13%)
- Villages (10%)
- Small Settlements (3%)
- Countryside (7%)

We consider the above suggested amendment is justified given that it is largely in line with the draft Plan Strategy growth allocation, with a very minor change to allocated growth within villages and the countryside.

RSPB state the LDP may burden the environment with more housing than is actually needed and in this regard, housing growth and allocations should therefore be based on a robust evidence base. We **disagree** that the LDP provides for more housing that is needed as we in fact believe there should be an increase in housing allocation figures. Although, we do suggest an increased growth of 1% should be provided to villages with a decrease of 1% in the countryside. We consider that this is reasonable given that growth should be limited within the countryside and focused within settlements which can help balance the need to protect the environment and rural character while sustaining strong and vibrant rural communities.

Dfl and NIHE support the draft Plans Strategy's housing allocation however, we **disagree** with this comment. The draft Plan Strategy has now set the plan period as 2018-2030, therefore the housing allocation figures should be amended accordingly. Within the Preferred Options Paper, the housing allocation figure proposed was 6,230 dwellings from 2015-2030. Based on the revised plan period of 2018-2030 and discounting 3 years, the corrected draft Plan Strategy housing allocation should read 4,985 dwelling.

However, in line with our POP submission, we believe the housing allocation figure should be increased further to 8,060 from 2015-2030. Based on the revised plan period of 2018-2030 and discounting 3 years, our suggested amendment to the draft Plan Strategy proposed allocation is 6,449 dwellings for the new plan period 2018-2030.

We also **disagree** with RSPB and DfI comments that consider that villages and small settlements should not see continued growth and support no land being zoned within these locations going forward. Not zoning land in these locations is unreasonable as the ongoing lack of housing supply in the Council area is at odds with the RDS and the SPPS which seeks to support towns, villages and rural communities to maximise their potential.

Soundness Test

- Spatial Growth Policy 3 (SGP 3) is not sound as it is not reasonably flexible to enable it to deal with changing circumstances i.e. unexpected growth (Test CE4) and it is not based on a robust evidence base (Test CE2). The projected housing growth of 4,614 underestimates the housing need for the district over the plan period, as detailed above.

Remedy

- Revise SGP 3 to update the housing growth figure to provide 6,449 new homes within the district over the period 2018-2030.

Draft Policy HOU5 – Affordable Housing in Settlements

Representations have been made NIHE in respect to draft policy HOU5 of the Draft Plan Strategy relating to affordable housing. Their comments are set out below:

MEA-DPS-049 - NIHE

Affordable Housing in Settlements (HOU5)	178	Support	<p>We strongly support the affordable housing policy which meets the aims of the RDS, SPPS, and the LDP of providing a mix of tenures, to meet need and to create cohesive and balanced communities.</p> <p>We support the threshold of ten or more dwelling units, or on a site of 0.2 hectares, or more and the minimum 20% in towns and the 10% requirement in villages and small settlements. We believe this will address affordable housing need, while respecting the draft Plan's Spatial Growth Strategy. As there is a high level of committed housing sites, we believe that the ten unit threshold is appropriate to maximise the number of sites to which the policy can be applied.</p> <p>This policy approach will help ensure mixed tenure development and sustainable communities. This will also mean that windfall sites will contribute to meeting housing need and mixed tenure development. We believe mixed tenure development leads to more inclusive neighbourhoods and avoids area based deprivation.</p> <p>We support the statement in paragraph 8.1.39 that in some instances there may be the potential for a higher proportion of affordable housing and that the proportion of affordable housing can be adjusted through a key site requirement within the Local Policies Plan, which will be important in areas where there is an acute housing need.</p> <p>We would support the delivery of affordable housing being secured by a Section 76 planning agreement, with conditions used on outline applications, and some small schemes only. A planning agreement can include more detail, better ensuring the units are compliant with policy.</p>
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We **disagree** with the support of the threshold approach set out in HOU5. Whilst we support the delivery of affordable homes in the Council Area and welcome the similar to the approach used in the Northern Area Plan 2016 in NIHE identifying need; we consider that the threshold for affordable housing should be introduced once the proposals meet or exceed the 'major residential development' threshold comprising 50 residential units or more or sites of 1ha or more. Setting the provision of affordable housing threshold to major developments is also an approach which has been widely used in England.

The current thresholds are extremely low and the provision of social housing dwellings on small-scale development sites will render many unviable; resulting in a significant decline in small scale housing developments.

We also **disagree** with the above comment that section 76 planning agreements are the appropriate means to secure affordable housing provision. Section 76 agreements are unduly onerous and time consuming to put in place, this can in turn increase the timelines involved in the delivery of affordable housing and ultimately negatively impact affordability. A planning condition is a more appropriate and efficient means of securing the delivery of affordable housing on sites.

Soundness Test

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

Remedy

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

Draft Policy HOU7 – Adaptable and Accessible Homes

Representations have been made by NIHE and Dfl in respect to draft policy HOU7 of the Draft Plan Strategy relating to adaptable and accessible homes. Their comments are set out below:

MEA-DPS-049 - NIHE

The Housing Executive strongly supports the policy criteria to help ensure new homes are adaptable, which will help the Council meet the SPPS and RDS requirements to meet the housing needs for all, and to promote development, which improves health and well-being. These homes will also promote social inclusion and meet the needs of people of different ages and abilities.

However, we would like to see a requirement for a proportion of wheelchair standard dwellings to be delivered as these units can better meet the needs of wheelchair users. Currently, demand from people with a disability who wish to own their own homes cannot readily be met, as there is no requirement for market housing to provide wheelchair accessible homes.

MEA-DPS-010 - DFI

Council may wish to consider revising the first sentence of the policy to clarify that it applies to all residential development rather than 'a new dwelling'. This would align with the statement at paragraph 8.1.46 of the Justification and Amplification that the policy applies to '*all proposals for new dwellings, flats and apartments*'.

Whilst some of the Lifetime Homes standards are included in technical booklet Part R of the Building Regulations (Northern Ireland) 2012, many are not. This policy seeks to address those elements of the standards that can be adequately addressed through the planning system. The policy will apply more to new dwellings provided through the private sector as the requirement for Housing Associations to build to the Lifetime Home standards has applied in NI since 1998 and is set out in the DfC Housing Association Guide (HAG).

Although we support the Lifetime Homes approach, we do not think it is reasonable or realistic to require lifetime homes standards within all developments nor do we think it should be a planning requirement. In England for example, the Lifetime Homes Standard was once a planning requirement, however, it has since been abolished and built into updated Building Regulations (Requirement M4(2) and/or M4(3)). We believe the same approach should be taken here within Northern Ireland. Lifetime Homes would also create yet another design challenge at planning application stage which may not be achievable on all sites, specifically those which are constrained in terms of size.

Furthermore, the draft policy is entirely different from the preferred option set out under Key Issue 15, which referred only to apartments. 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.

It is common knowledge that brownfield sites represent some of the most difficult sites to redevelop/regenerate, due to the inherent issues around physical constraints, infrastructure/access issues and legacy issues, such as contamination/remediation. Further policy requirements, like this proposed policy, which lacks an appropriate degree of flexibility, could unintentionally restrict the regeneration of brownfield sites. This outcome would be at odds with the overarching regional policy direction set out in the RDS of locating '...the majority of new housing in appropriate brownfield sites within the urban footprint of larger towns' as acknowledged in Para. 5.3.17 of the dPS. This statement also fails to consider the cumulative impact of other policy developer requirements/ contributions on the cost and viability of development.

Soundness Test

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

Remedy

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

Conclusion

In summary, it is clear that the Spatial Growth Policy 3 (SGP 3) is not sound in its current form and, if retained, will not deliver the required housing over the plan period or facilitate the circumstances to enable the economic growth and ambitions envisaged within the NI draft Programme for Government.

Spatial Growth Policy 3 (SGP 3) is contrary to soundness test CE2 and CE4 as it is not reasonably flexible to enable it to deal with changing circumstances i.e. unexpected growth and it is not based on a robust evidence base. The projected housing growth of 4,614 underestimates the housing need for the district over the plan period. The proposed housing allocation should be revised to update the housing growth figure to provide 6,449 new homes within the district over the period 2018-2030.

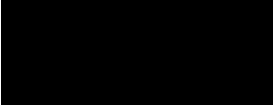
Policy HOU5 relating to affordable homes is also contrary to soundness test CE2 as it is not reasonable or appropriate.

To require proposals for housing developments of 10 dwellings or more, or on a site of 0.2 hectare or more to provide 20% Affordable Housing in Main and Small Towns and 10% Affordable Housing in Villages and Small Settlements, is not sustainable and could lead to a vast reduction in small-scale housing developments. We also consider that the thresholds are not based on a robust evidence base. Draft Policy HOU5 is also contrary to soundness test CE3 in that there is no suitable mechanism for implementation i.e. Section 76 Agreements are not suitable means to deliver the affordable housing provision within a scheme.

HOU5 should be revised so that affordable homes provision is only required on 'major residential development' that comprises 50 units or more and/or where there is an identified level of need in agreement with NIHE. It should also be updated to allow for alternatives such as the payment of a fixed commuted sum by developers.

Policy HOU7 which relates to adaptable and accessible homes is contrary to soundness test CE2 as it is not based on a robust evidence base. It is also contrary to soundness test CE3 as at planning stage mechanisms for monitoring of building to the lifetime homes standard is not clear. Policy DM17 17.1 should be revised to remove lifetime homes as a planning requirement and ensure it is brought forward under the authority of Building Regulations.

Yours sincerely,



Lisa Shannon

Gravis Planning