

Representations to Fermanagh & Omagh Draft Plan Strategy

On behalf of Clanmil Housing Group

December 2018

Contents

1.	Introduction	3
2.	Legislative Compliance	4
3.	People & Places	6

Appendix 1: Completed Draft Plan Strategy Questionnaire

Contact

Angela Wiggam
[REDACTED]

Client

Clanmil Housing Association

Our reference

CLAB3146

17 December 2018

1. Introduction

- 1.1 Turley submits this representation on behalf of Clanmil Housing Association, and welcomes the opportunity to return comments on the Fermanagh & Omagh Draft Plan Strategy.
- 1.2 Clanmil Housing group is an ambitious Housing Association whose vision is that everyone should have a great home. In its 40 year history, the Association has invested in multi million pound projects which have facilitated the delivery of new homes, supported local communities and boosted the economy.
- 1.3 Our response has been structured to reflect the structure of the draft plan strategy.
- 1.4 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.
- 1.5 The structure of the submission is as follows:
 - **Chapter 2:** Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests; and
 - **Chapter 3:** Details our representations to People and Places (Section 3 of the Draft Plan Strategy).
- 1.6 These representations should be read alongside the completed questionnaire which is enclosed in Appendix 1.

2. Legislative Compliance

2.1 In preparing their Draft Plan Strategy (dPS), Fermanagh and Omagh District Council (FODC) 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 weaknesses in the compliance of the draft Plan Strategy (dPS) with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

2.3 Under Part 2 (8) of the Act the Plan Strategy must set out:

- the council's objectives in relation to the development and use of land in its district;
- its strategic policies for the implementation of those objectives; and
- such other matters as may be prescribed.

2.4 We note that the dPS does identify a number of strategic objectives under the themes of people and communities, Economic and Environment. Furthermore the dPS includes proposed strategic policies under the same themes. Whilst this information is included within the dPS the remainder of this representation sets out our comments on the soundness of the proposed objectives and policies.

2.5 The Act also stipulates that the Plan Strategy should be prepared in accordance with the Council's Timetable, as approved by the Department and in accordance with Council's Statement of Community Involvement.

2.6 The FODC Timetable, as approved and published on Council's website is dated June 2018. We note that Council has published its dPS within the broad timeframe that they provided (i.e. 3rd Quarter of 2018/19). However, we would highlight that the timeframe proposed was to include:

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

2.7 Given that the first period of statutory consultation will end on 21 December, the remaining consultation will not take place in accordance with the published Timetable. Should there be any information relating to a revised timetable or agreement for an extension from the Department this should be made public.

2.8 In preparing a plan strategy, the council must take account of:

- “the regional development strategy;
- the council's current community plan
- any policy or advice contained in guidance issued by the Department;
- such other matters as the Department may prescribe or, in a particular case, direct, and may have regard to such other information and considerations as appear to the council to be relevant.”

2.9 These representations consider all of the above requirements which form part of the soundness test. Please refer to individual policy comments for our consideration on whether this requirement is met.

The Planning (Local Development Plan) Regulations (Northern Ireland) 2015

2.10 In addition to the Act, Part 5 of the Regulations set out the requirement for the preparation of the Plan Strategy DPD. Part 5 of the Regulations relates to the procedures for the preparation of the Development Plan Documents. Regulations 15 and 16 relate to the preparation of the dPS. Regulation identifies a schedule of the information that should be made available alongside the publication of the dPS. This includes:

“such supporting documents as in the opinion of the council are relevant to the preparation of the local development plan.”

2.11 It is our view that insufficient supporting evidence is available to support a number of the proposed policies in the dPS and therefore this requirement is not met. We have identified the specific concerns within the remainder of these representations.

2.12 It is our view that insufficient supporting information is available to support a number of the proposed policies in the dPS. We have identified these concerns within the remainder of these representations.

3. People & Places

Housing HOU1 – Housing in Settlements

HOU 2 is unsound as the policy fails the test of CE 2- Coherence and Effectiveness

The policy is incoherent in that evidence has not been provided to demonstrate that the policy can be achieved and is realistic

We seek that the policy is reconsidered on the basis of a robust evidence basis

Full Response

- 3.1 HOU1 sets out a presumption that all new housing developments will be delivered on previously developed land within the existing urban footprint.
- 3.2 The policy goes on to set out instances when consideration will be given to permitting development on greenfield sites. Principally, this focuses on instances when there is an unmet need for affordable housing or future need exceeds the number of planning permissions.
- 3.3 The policy fails to satisfy the test of CE2 in that:
 - The policy is not founded on evidence which demonstrates that the projected requirement of 5,190 units can be fully met on brownfield sites.
 - It ignores that there may be specific locational based requirements which would necessitate the development of a greenfield site or an exceptional circumstance.

Recommendation

- 3.4 We respectfully suggest that Council prepares an up to date evidence base to support this policy and on the basis of the evidence collated reassesses whether the evidence supports this policy position.

Housing HOU3 – Affordable Housing in Settlements

HOU3 is unsound as the policy fails the tests of CE 1, 2 and 3- Coherence and Effectiveness

The policy is not founded on a robust evidence basis which explains the rationale behind the policy triggers and provides a clear understanding of the implications arising from the policy

Clanmil requests that Council reconsiders its evidence base to support the Affordable Housing policy

Full Response

- 3.5 Council's proposed policy for securing affordable housing is set out at Policy HOU3. The policy states that: *"Planning permission will be granted for residential development on sites greater than 0.5 hectares and/or containing 10 or more dwelling units where a minimum of 10% of units are provided as affordable."*
- 3.6 The draft policy then goes on to clarify that:
- Affordable housing will comprise social and/or intermediate housing.
 - A tenure blind approach is proposed.
 - Provision will be secured via a Section 76 Legal Agreement.
- 3.7 Clanmil fully supports and welcomes the intent of the policy which flows from the Regional Development Strategy 2035 and the SPPS. However, in its current format the policy does not meet the tests of Soundness for the following reasons:
- The proposed threshold approach does not fully align with the approach set out in the SPPS (soundness test C3);
 - The proposed approach does not align with the Council's own evidence base (soundness test CE2);
 - A robust evidence base which takes account of viability is required (soundness test CE2); and
 - The proposed approach will not be effective as it does not reflect the mechanisms for the provision of social and intermediate housing in Northern Ireland (soundness test CE2 and CE3).
- 3.8 The policy as proposed is a threshold policy that applies across the Council area. The SPPS is clear at paragraph 6.143 that:

“The development plan process will be the primary vehicle to facilitate any identified need by zoning land or indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing.”

- 3.9 The approach set out in the SPPS directs us towards a locational policy approach where affordable housing is catered for through zonings and key site requirements. Whilst Councils can depart from the approach set out in the SPPS, they should only do so where the evidence exists to justify such a departure. Council’s evidence for underpinning this approach is lacking and therefore there is no evidential case for a departure from the SPPS in this case and as such fails soundness test C2.
- 3.10 In order to comply with soundness test CE2 it is recommended that Council should undertake their own assessment and consideration of affordable housing to reflect the baseline and future requirements for the Council area.
- 3.11 The HMA amongst other things considers house prices and affordability, intermediate housing and social housing. It references that affordability is an issue within the Council area but that overall the Council area is the second most affordable location in Northern Ireland. This statement jars with the policy threshold which would be applied across the Council area, irrespective of any specific local circumstances.
- 3.12 In relation to the proposed site threshold, Council has no substantive evidence to
- to justify the proposed threshold; and
 - to justify a 10% requirement across all site sizes.
- 3.13 Council has also failed to consider the practical implementation of the policy in terms of who will deliver the social and affordable aspects – is it registered housing association or other bodies providing a bespoke housing product? As a result the policy fails against soundness test CE2 and CE3.
- 3.14 We would suggest that Council needs to reassess and supplement the evidence basis prepared to date, ensures that reasonable alternatives have been considered and that the proposed policy is founded on a robust up to date evidence basis.

Housing HOU6 – Public Open Space in New Residential Area

- 3.15 Clanmil would like to take this opportunity to confirm our support for the commentary at paragraphs 3.25 and 3.26 which should be read alongside this policy. We fully support Council approach to setting out a clear understanding of the future management arrangements for public open spaces, including play parks within new residential developments.

- 3.16 We agree that these arrangements should be the subject of a legal agreement.

Appendix 1: Completed Draft Plan Strategy Questionnaire

Turley Office
Belfast

028 9072 3900



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Fermanagh & Omagh Draft Plan Strategy Representations Form

Hard Copies of the Draft Plan Strategy are available for inspection during normal opening hours at the council's principal offices. The documents, electronic copies of this form, and our 'Guidance for Making Responses to the Plan Strategy' may be viewed at: <https://www.fermanaghomagh.com/>

How to respond

You can make representations about the Draft Plan Strategy by completing this survey form, or if you prefer, you can fill out this form online.

For further assistance contact: developmentplan@fermanaghomagh.com or Tel: 0300 303 1777; All representations must be received by 21st December 2018 at 12:00 noon.

SECTION 1. Contact Details

Individual Organisation Agent (complete with your client's details first)

First Name

Last Name

Job Title (Where relevant)

Organisation (Where relevant)

Address

Postcode

Telephone Number

Email Address

If you are an Agent, acting on behalf of an Individual or Organisation, please provide your contact details below. (Please note you will be the main contact for future correspondence).

First Name

Last Name

Job Title (Where relevant)

Organisation (Where relevant)

Address

Hamilton House
3 Joy Street
Belfast

Postcode

Telephone Number

Email Address

SECTION 2. Representation

What is your view on the Draft Plan Strategy?

Sound

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

Housing HOU6: Public Open Space in New Residential Areas

(Continue on a separate sheet if necessary)

OR

Unsound

If you consider the Plan Strategy to be **unsound**, please identify which test(s) of soundness your representation relates to, having regard to Development Plan Practice Note 6.

Soundness Test No:

- P1 Has the Draft Plan Strategy 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 Draft Plan Strategy been subject to sustainability appraisal including Strategic Environmental Assessment?**
- P4 Did the council comply with the regulations on the form and content of its Draft Plan Strategy and procedure for preparing the Draft Plan Strategy?**
- C1 Did the council take account of the Regional Development Strategy?**
- C2 Did the council take account of its Community Plan?**
- C3 Did the council take account of policy and guidance issued by the Department?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**
- CE1 Does the Plan Strategy 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 Draft Plan Strategies of neighbouring councils?**
- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?**
- CE3 Are there clear mechanisms for implementation and monitoring?**
- CE4 Is it reasonably flexible to enable it to deal with changing circumstances?**

Plan Component - To which part of the Draft Plan Strategy does your representation relate?

(i) Relevant Paragraph	Please refer to attached representation
(ii) Relevant Policy	HOU1, HOU2, HOU3
(iii) Proposals Map	N/A
(iv) Other	N/A

Details

Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Please refer to attached representation

(Continue on a separate sheet if necessary)

Modifications

What, if any, modifications do you think should be made to the section, policy or proposal? What specific modifications do you think should be made in order to address your representation?

This representation considers that the Fermanagh & Omagh draft Plan Strategy fails to comply with soundness tests;

- CE1
- CE2
- CE3
- C3

Draft Policies considered;

HOU1, HOU2, HOU3

Proposed modifications are included within the attached representation

(Continue on a separate sheet if necessary)

If you are seeking a change to the Draft Plan Strategy, please indicate how you would like your representation to be dealt with at Independent Examination:

- Written Representations** **Oral Hearing**

SECTION 3. Data Protection and Consent

Data Protection

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure. It should be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure and they will then be considered as part of the Independent Examination process. For further guidance on how we hold your information please visit the Privacy section at www.fermanaghomagh.com/your-council/privacy-statement/

By proceeding and submitting this representation you confirm that you have read and understand the privacy notice above and give your consent for Fermanagh and Omagh Council to hold your personal data for the purposes outlined.

Consent to Public Response

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

Please note: Even if you opt for your details to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner/Authority they appoint to oversee the examination in public into the soundness of the plan. This will be done in accordance with the privacy statement above.

- Yes with my name and/or organisation**
- Yes, but without my identifying information**

Signature

	
---	--

Date

20 December 2018
