



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

Ben

Last Name

Collins

Job Title (Where relevant)

Chief Executive

Organisation (Where relevant)

NIFHA

Address

6c Citylink Business Park

Albert Street

Belfast

Postcode

BT12 4HQ

Telephone Number

028 9089 7693

Email Address

[REDACTED]

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

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 response

(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 response.

(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.

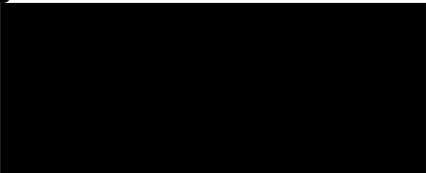
Consent to Public Response

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 |
|------------------|

Local Development Plan-Making NIFHA Position Statement



Introduction

This position statement has been prepared on behalf of the Northern Ireland Federation of Housing Associations (NIFHA) to assist the Local Councils in the preparation of their Local Development Plans (LDP) with the assistance of Turleys planning consultancy.

As you are aware, a key component of the emerging local development plans is the need to make provision for housing delivery across the plan period. The Strategic Planning Policy Statement (SPPS) specifically sets out that the LDP should bring forward a strategy for housing and amongst others things must deliver balanced communities:

“Achieving balanced communities and strengthening community cohesions is one of the major themes underpinning the RDS. The provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs, and development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities is fundamental to the building of more balanced communities.”

In particular the SPPS sets out that the LDPs should:

“Identify settlements where the HNA has found there to be an affordability pressure.”

The SPPS sets out that:

“The HNA/HMA (Housing Market Assessment) undertaken by the Northern Ireland Housing Executive (NIHE), or the relevant housing authority will identify the range of specific housing needs, including social/affordable housing requirements.”

Affordable housing is currently defined as social or intermediate housing. As the key provider of social and intermediate housing in Northern Ireland housing associations should be a key stakeholder in the local development plan making process. Disappointingly the associations have been given limited opportunity to be involved in the process or to assist with evidence gathering and this position statement is prepared in response to the lack of engagement with the sector.

Member Survey

As the representative body for housing associations NIFHA has undertaken a survey of all its member associations to understand their members' thoughts on the future provision of affordable housing. Housing Associations are the key provider of affordable housing in Northern Ireland and as such should be considered as a key stakeholder in the local plan making process.

A survey of housing associations was undertaken between 31 October 2018 and 7 November 2018. The survey sought clarity of four key areas, as follows:

- What is your preference for the provision of social and intermediate housing?
- Should planning policy prescribe the mix of housing to be provided within future planning applications?
- Is it appropriate for local Councils to prescribe design requirements for residential development which exceed those currently set out in planning policy?; and

- Are there any aspects of residential development where you would wish to see more flexibility applied?

Out of the thirteen associations invited to take part in the survey, eight responded, equating to two thirds of the NIFHA membership.

The feedback provided has been used to inform the contents of this paper, however it does not prevent individual member associations from making further submissions to the LDP plan-making process.

The remainder of this report will consider the feedback revised from the member survey and summarise the key recommendations for your consideration in preparing housing policies for your Council's LDP.

Feedback from Member Associations

Provision of social and intermediate housing

Collectively there is recognition that all housing developments should provide a mix of type, tenure and size to contribute towards sustainable communities and meet the objectives of the SPPS.

The majority of housing associations consider that Council should provide for affordable housing to be provided on site either via a threshold approach that applies to all sites or as a key site requirement where a clear evidence of need has been provided. The survey found that the key site requirement was the most supported approach.

It was recognised that a threshold approach would secure a more flexible approach to the provision of affordable housing, however:

- The threshold should not be overly onerous on the viability of developments; and
- The requirement for the quantum and type of affordable housing should be based on an evidential need at the time.

This would assist in ensuring the right type of affordable housing it provided for within the right locations and will create opportunities for the provision of affordable housing where land has previously been unavailable to housing associations.

Caution should however be taken in setting a threshold approach as it will need to be reflective of the different affordable products. For example social housing is not needed in all locations and therefore policies should avoid affordable housing policies which require both social and intermediate housing to be provided on each site. On the other hand site specific zonings for affordable housing will not be flexible to provide for changes in need, particularly social housing need, over time.

We would recommend that the type of affordable provisions should be provided based on the need in the location at that time. It is therefore important that the Council's evidence base for proposed affordable housing policies is founded in a robust evidence base and must consider:

- That social housing need is defined by the Northern Ireland Housing Executive and housing needs assessments prepared by the NIHE only consider social housing need;
- The location of social housing need cannot be determined across a 15 year plan period as those in need of social housing can change their locational preference at any time; and
- Religious and political divisions in the provision of social housing and how the Council proposes to overcome these issues to ensure that housing is delivered.

Affordable housing is currently defined as social and intermediate housing that is provided by housing associations, however other products such as Co-Ownership and FairShare are available as intermediate housing products through some housing associations. There are numerous other affordable housing products that could become available and as such policies should be flexible enough to respond to other products that already exist or may come to the market in the future.

Should planning policy prescribe the mix of housing to be provided within future planning applications?

It was clear that there was a preference for a more flexible approach to policies relating to the mix of housing to be provided on sites, particularly in relation to the provision of social housing where the mix is determined on the need calculate by the NIHE. Councils should therefore work closely with the NIHE in formulating housing mix policies to ensure that they would not prejudice the future delivery of social housing however further consideration should also be given to the wider housing need to ensure that sustainable communities are delivered.

It will be important that the Councils have a robust baseline understanding of the existing social housing provision within their area and the proposed future social housing need to understand what quantum of land is needed and likely future infrastructure requirements for the area. Any assessment of need should also factor in the quality of existing stock to determine whether replacement stock should be planned for within the plan period. However, recognising the locational issues facing social housing delivery and that housing need can change over a 15 year plan period, the council should ensure sufficient flexibility within the proposed policy wording.

Policy wording should be able to adapt should the Councils' annual monitoring of the delivery of social housing show that locational need and the type of housing required has changed.

In relation to intermediate housing provision it will be important to consider that whilst the HNA or a HMA may show a need for a range of type and size of properties, those who are seeking intermediate housing may wish to have access to a different type of housing and that this will be a more market driven approach. Housing need for intermediate products is better understood within the local markets for sale and the private rental market.

Is it appropriate for local Councils to prescribe design requirements for residential development which exceed those currently set out in planning policy?

The overwhelming feedback from the associations was that Councils should not use the LDP as an opportunity to prescribe overly onerous design requirements for residential development. The preference is that existing policies within the SPPS and planning policy statements (PPS') should be

carried forward to ensure a consistent approach to policies across Northern Ireland. This will provide better clarity for both housing associations and private developers.

Housing associations currently work to design criteria set out in planning policy and standards required by the NIHE, which are often more onerous than planning policy.

In order to support additional design standards being introduced, such as lifetime homes and wheelchair accessible home requirements, local councils should undertake a robust assessment of the need for such homes and should engage directly with housing associations to understand the necessity for such standards. They should also clearly define what is meant by lifetime homes and wheelchair accessible homes and take account of the costs associated with such development when considering the deliverability of planning policies.

Aspects of residential development where more flexibility should be applied?

Following on the theme of requirements for residential developments, feedback was sought on those areas where a more flexible approach to policy should be considered to assist in the delivery and operation of housing sites.

Across the associations a more flexible approach to the provision of car parking would be welcomed. This is based on the operation of existing schemes where car ownership levels within some social housing schemes results in car parking being under used in some schemes. Policies for the provision of car parking should also consider the locational characteristics of individual sites, recognising that some sites will be located within city/town centres or areas well served by public transport or other sustainable modes of transport.

Open space is also identified as an area where a more flexible approach could be applied. Open space requirements for residential development can sometimes provide anti-social behaviour issues within schemes, leading to maintenance issues. In preparing policies for the provision of open space, councils should assess the existing quantity of provision and should consider what is required to meet future need, however an assessment of quality should also be undertaken. Policy provision for offsite provision or the maintenance of existing provision should be considered as a reasonable alternative.

Policies relating to density levels on sites should only be applied on a site by site basis and should be well informed by site assessments to fully understand the constraints associated within the development and the locational opportunities of some sites.

Overall it is considered that the requirements applied to residential development will vary on a site by site basis and a suitable level of flexibility should be incorporated in to proposed policies to allow for this.

Recommendations

Based on the feedback received from NIFHA member associations the following recommendations are made to assist local councils' in the preparation of their LDP:

- Caution should be taken when applying an affordable housing requirement across all residential sites as not all locations will have a social housing need;
- When applying a threshold approach to affordable housing provision the council should consider carefully the existing mechanisms for the delivery of social housing;
- Key site requirements seeking social or intermediate housing should be based on detailed and up to date housing need;
- The Council should ensure that their evidence base has assessed the need for both social and intermediate housing, both of which are currently provided by housing associations;
- Policy proposals should be flexible to adopt to site specific characteristics and ensure deliverability of housing;
- Policy wording should be flexible to adapt to changes over time, particularly in relation to the delivery of different affordable housing products; and
- Policy requirements for the design of residential development should be based on a robust assessment of need.

Finally, Councils should pro-actively engage, early in the plan-making process, with the housing sector and in particular the housing associations and developers responsible for the delivery of housing in order to better understand the operational realities of delivering development and the unintended consequences flowing from proposed policies.

Overview of Housing Association Sector in NI

The Northern Ireland Federation of Housing Associations (NIFHA) is the representative body for Northern Ireland's 20 registered housing associations. Collectively our members provide more than 50,000 homes comprising general needs, specialist and supported accommodation, as well as shared ownership.

Housing associations are not-for-profit social businesses that increasingly borrow significant amounts of private finance to deliver public benefit in meeting housing need, supporting their tenants and investing in communities.

Assets worth over £3.8 billion with an annual turnover of £331 million.

Over 3200 employed directly by housing associations, contributing £76m in wages to the local economy.

Ben Collins
Chief Executive



Fermanagh & Omagh draft Plan Strategy

Response to Consultation

20 December 2018



Introduction

The Northern Ireland Federation of Housing Associations (NIFHA) is the representative body for Northern Ireland's 20 registered housing associations. Collectively our members provide more than 50,000 homes comprising general needs, specialist and supported accommodation, as well as shared ownership.

Housing associations are not-for-profit social businesses that increasingly borrow significant amounts of private finance to deliver public benefit in meeting housing need, supporting their tenants and investing in communities.

NIFHA welcomes the opportunity to comment on Fermanagh & Omagh's draft Plan Strategy.

The housing association sector is keen to deliver the much-needed new homes in the Fermanagh & Omagh Council area. Over the last forty years housing associations have been a key developer of new homes across Northern Ireland and the sector has invested significant amounts of money. We are a key stakeholder and it is important that our voice is heard on this crucial issue. An effective partnership between the Council and the housing association sector is key.

In the NIFHA draft thinkpiece *Mainstreaming Mixed-Tenure in Northern Ireland*¹ we stated that: "One policy lever which is absent in Northern Ireland, but which is used across Great Britain and the Republic of Ireland to create mixed-tenure communities and increase housing supply, is Developer Contributions Schemes."

NIFHA and our housing association members are committed to mixed tenure development.

The structure of the submission is as follows:

Part 1: Provides an assessment of how the draft Plan Strategy addresses the legislative compliance tests; and

Part 2: Details our representations to People and Places (Section 3 of the Draft Plan Strategy).

These representations should be read alongside the completed questionnaire which is enclosed in Appendix 1.

Part 1: Legislative Compliance Tests

¹ <https://www.nifha.org/wp-content/uploads/MTR-FINAL-Hi-Res-single-page-070618.pdf>

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').

This section identifies weaknesses in the compliance of the draft Plan Strategy (dPS) with the Act and the Regulations.

Planning Act (Northern Ireland) 2011

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.

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.

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.

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;

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.

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."

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

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.”

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.

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.

We want mixed tenure as well as tenure blind in terms of design but also, we want all homes to be safe and welcoming for all.

Part 2: People and Places (Section 3 of the Draft Plan Strategy)

Housing HOU1 – Housing in Settlements

HOU 1 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

HOU1 sets out a presumption that all new housing developments will be delivered on previously developed land within the existing urban footprint.

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.

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

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

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

Full Response

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."

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.

NIFHA 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).

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.”

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.

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.

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.

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.

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.

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

NIFHA 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.

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

Submitted on behalf of NIFHA by:

Ben Collins

Chief Executive

