

**Representations to Belfast City Council Draft
Plan Strategy**

On behalf of Northern Ireland Federation of
Housing Association (NIFHA)

November 2018

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Contact

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Client

Northern Ireland Federation of Housing Associations (NIFHA)

Our reference

NIFB3001

15 November 2018

Executive Summary

1. This representation is submitted on behalf of Northern Ireland Federation of Housing Associations (NIFHA). We welcome the opportunity to submit our comments on the draft plan strategy.
2. We consider the draft Plan Strategy (dPS) to be unsound as the legal compliance tests have not been met and the following policies contained within the dPS are unsound. The table below summarises the changes sought.

Schedule of Key Comments

Policy	Comment	Cross ref.
HOU 4	<p><i>Density of Residential Development</i></p> <p>Change required:</p> <p><i>Policy reworded to promote increased density in housing and mixed use developments in city centre locations and other locations which benefit from high levels of accessibility</i></p> <p><i>Removal of density bands from draft Plan Strategy</i></p>	<p><i>Section 2 paragraphs 2.1 – 2.5</i></p>
HOU 5	<p><i>Affordable Housing</i></p> <p>Change required:</p> <p><i>Further evidence should be prepared to support the policy. Its policy thresholds need to be justified together with an assessment of viability on an identified sample of sites across housing market areas within the city. Information on reasonable alternatives needs to be provided</i></p>	<p><i>Section 2 paragraphs 2.6 to 2.21</i></p>
HOU 6	<p><i>Housing Mix</i></p> <p>Change Required</p> <p><i>Policy should be deleted as it duplicates policy provisions set out in HOU 5</i></p>	<p><i>Section 2 paragraphs 2.22 to 2.27</i></p>
HOU 8	<p><i>Specialist Residential Development</i></p> <p>Change Required</p> <p><i>That the policy is reworded to reflect Council’s evidence base, that criterion (a) of the policy is deleted and that Council collates evidence to inform consideration of exemptions to the second strand of the policy</i></p>	<p><i>Section 2 paragraphs 2.28 to 2.35</i></p>
CGR 1	<p><i>Community Cohesion & Good Relations</i></p> <p>Change Required</p> <p><i>Policy is redrafted</i></p>	<p><i>Section 2 paragraphs 2.36 to 2.40</i></p>
TRAN 9	<p><i>Parking Standards within areas of parking restraint</i></p> <p>Change Required</p>	<p><i>Section 3 paragraphs</i></p>

	<i>Council prepares an up to date evidence basis to support the policy</i>	3.1 to 3.6
OS 1	<i>Protection of Open Space</i> Change Required <i>Council prepares an up to date evidence base to support the policy and on the basis of the evidence collated reassesses whether there is sufficient evidence to support the policy</i>	Section 4 Paragraphs 4.1 to 4.6
OS 3	<i>Ancillary Open Space</i> Change required <i>Council prepares an up to date evidence base to support the policy and on the basis of the evidence collated reassesses whether there is sufficient evidence to support the policy</i>	Section 4 paragraphs 4.7 to 4.11
TRE 1	<i>Trees</i> Change required <i>Policy should be deleted</i>	Section 4 Paragraph 4.12 to 4.15

1. Introduction

- 1.1 Turley submits this representation on behalf of the Northern Ireland Federation of Housing Associations (NIFHA), and welcomes the opportunity to return comments on the Belfast Draft Plan Strategy.
- 1.2 This representation largely focuses on NIFHA's position in relation to the provision for affordable housing, however comments are made of other policy areas. Comments relating to affordable housing have been informed by a survey of NIFHA members which is set out in more detail at Chapter 2.
- 1.3 The feedback provided has been used to inform the contents of this representation, however it does not prevent individual member associations from making further submissions to the LDP plan-making process.
- 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:** Details our representations to Shaping a Liveable Place (Questions 12 & 15 -17);
 - **Chapter 3:** Details our representations to Building a Smart Connected and Resilient Place (Questions 12 & 15 – 17); and
 - **Chapter 4:** Details our representations to Promoting a Green and Active Place (Questions 12 & 15 - 17).
- 1.6 Appendix 1 sets out our response to the preliminary questions posed in Council's questionnaire regarding Data Protection, information on the planning agent who has prepared this suite of representations and the organisation represented. We have also outlined our preferred procedure for hearing our representations

2. Shaping a Liveable Place

Housing HOU4 – Density of Residential Development

HOU 4 is unsound as the policy fails the test of CE 2- Coherence and Effectiveness

The policy is incoherent and is at odds with other housing policies in Section 7 of the draft plan strategy

We seek that the density bands are removed from the policy and included in the appendices to the Local Policies Plan (LPP) as a guide, in tandem with the policy being reworded

Full Response

2.1 HOU4 sets out density ranges for new developments across Belfast. The opening sentence of the policy sets out a positive stance in that *planning permission will be granted for residential developments which are brought forward in accordance with the following density bands*. The latter part of the policy text directs that the density bands are to be used as a guide to inform proposed developments.

2.2 The policy fails to satisfy the test of CE2 in that:

- The policy is not founded on evidence which demonstrates that the density ranges are realistic and achievable having taking account of other policies within the draft Plan Strategy, in particular policy RD1.
- There is a tension within the policy. The opening paragraph jars with the final paragraph insofar as the opening paragraph directs that development proposals *should accord* with the density bands, but later it states that the *density ranges are guide*.
- The position set out for Tall Buildings within the Density Table is at odds with the Tall Buildings policy (DES3). The table notes that the location of tall buildings within the city centre will be identified. This is not the position set out within DES3. DES3 makes no reference to a locational based policy. Rather, that the policy will apply to buildings over 35 metres in height and such buildings will be assessed against a criteria based assessment.

Recommendation

2.3 NIFHA fully supports the intent behind the policy and acknowledges that the Strategic Planning Policy Statement (SPPS) advocates the need for a housing strategy which provides for increased housing density without cramming in town and city centres and in other locations that benefit from high accessibility to public transport facilities (paragraph 6.137).

2.4 We would support the policy being reworded to read:

'An increase in the density of housing and mixed use developments will be promoted in town and city centres and other locations which benefit from high accessibility to public transport facilities.'

2.5 In the absence of evidence to support the density bands set out in policy, this information should be moved to the Local Policies Plan (LPP) and clearly identified as a guide.

Housing HOU5 – Affordable Housing

HOU 5 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 on the implications arising from the policy

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

Full Response

- 2.6 Council's proposed policy for securing affordable housing is set out at Policy HOU5. The policy states that: *"Planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable."*
- 2.7 The draft policy then goes on to clarify that:
- Affordable housing will comprise social and/or intermediate housing.
 - The size, type and tenure of provision will be determined by an up to date analysis of demand.
 - A tenure blind approach is proposed.
 - Where it can be demonstrated that it is not sustainable or viable for a proposal to meet the requirements, Council will consider suitable alternatives on a case-by-case basis.
 - Provision will be secured via a Section 76 Legal Agreement.
- 2.8 The justification and amplification text proposed goes on to set out that:
- The 20% requirement is a minimum and Council could seek more where it is considered necessary and viable. If an instance arose, the applicant will be required to provide the relevant amount. This will be secured through key site requirements.
 - Council will seek to secure the affordable housing element through the use of a Section 76 Agreement.
 - Affordable Housing is defined as social rented housing and intermediate housing.
 - Intermediate housing is currently defined as a shared ownership housing product provided by registered housing associations. It is acknowledged that other intermediate products do exist in other jurisdictions.
 - The definition of intermediate housing may be further expanded in the future to include these products.

- Viability assessments will be required where an applicant is proposing to provide less than the policy requirement.

2.9 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 more robust evidence base is required (soundness test CE2);
- 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); and
- It has not been demonstrated that the policy is coherent with other policies proposed (soundness test CE1).

2.10 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.

2.11 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?

2.12 Out of the thirteen associations invited to take part in the survey, eight responded, equating to two thirds of the NIFHA membership. The finds of the survey, which should be used to inform the local plan are set out below:

Provision of social and intermediate housing

2.13 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.

- 2.14 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.
- 2.15 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.
- 2.16 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.
- 2.17 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.
- 2.18 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.
- 2.19 Affordable housing is currently defined as social and intermediate housing that is provided by housing associations; however other products such as co-ownership are available 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 (such as shared ownership products) or may come to the market in the future.

Recommendations

- 2.20 Based on the feedback received from NIFHA member associations the following recommendations are made to assist you in the preparation of the 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.
- 2.21 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.

Housing HOU6 – Housing Mix

HOU 6 is unsound as the policy fails the tests of CE 1 and 2 - Coherence and Effectiveness

The policy should be deleted as it duplicates provisions already set out in HOU 5 and places unnecessary restrictions on private housing developers

Full Response

2.22 HOU 6 sets out that planning permission will be granted for new residential development on sites greater than 0.1 ha and /or containing 5 units or more where the proposed development provides a suitable mix of house types and sizes to promote choice and assist in meeting community needs.

2.23 Specific reference is made to providing smaller homes across all tenures to meet future household requirements. The policy clearly directs that the exact mix of house types and sizes will be negotiated with developers on a case by case basis.

The policy fails to satisfy the tests of Soundness in that:

- It has not been demonstrated that the policy is coherent with other proposed residential and design policies (soundness test CE1).
- The policy is not founded on evidence which demonstrates how Council has tested the viability implications arising from the policy (soundness test CE2).

2.24 Council has published a number of evidence base documents in support of their proposed policies in the Draft Plan Strategy, including:

- Size and Type of Housing Needed (December 2017); and
- Housing Market Analysis Update (September 2017).

2.25 It is important to note that within the Size and Type of Housing Need report it clearly states that a housing mix policy *should not be applied on a site by site basis, as there needs to be flexibility to respond to the local market context, viability, demand and local market need.*

2.26 As part of the NIFHA member survey, member associations were asked “Should planning policy prescribe the mix of housing to be provided within future planning applications?”

2.27 Below is a summary of the feedback received from the survey.

- 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.

- 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.

HOU 8 – Specialist Residential Development

HOU 8 is unsound as the policy fails the test of CE 2 & 3 - Coherence and Effectiveness

The policy is incoherent when read in tandem with the policy justification and amplification. There is no evidence to support the criteria based assessment proposed

Clarification is sought as to why a need assessment is required for specialist accommodation when the policy justification clearly acknowledges the need for such developments and there is no policy basis within the SPPS to support the approach advocated

Full Response

- 2.28 Policy HOU 8 sets out a positive policy position in that planning permission will be granted for specialist residential accommodation providing applications are accompanied by a statement of specialist housing need and that proposals will deliver convenient access to local services and facilities.
- 2.29 NIFHA welcomes the identification of the policy; however, we have concerns about how the policy would operate in practice.
- 2.30 The policy fails to satisfy the tests of soundness as:
- There is no evidence to support the policy position adopted by Council regarding the requirement for a Needs Assessment and the requirement to deliver convenient access to local services and facilities (soundness test CE 2).
 - Due to the lack of an evidence basis Council has not appreciated the range of uses which could be provided within a specialist housing development which has implications for the implementation of the policy (soundness test CE 3).
- 2.31 The SPPS requires Local Development Plans to make provision for the full range of specific housing needs, including supported housing. The requirement for supported housing will be identified within the HNA undertaken by the NIHE. Any proposal by a public body to deliver supported housing will only be pursued if there is an identified need which responds to a specific user group.
- 2.32 The SPPS does not contain similar policies for retirement villages/developments, assisted living and care home developments, or developments which consist of a mix of these elements.
- 2.33 In formulating the policy, Council has applied the same policy context that applies to supported housing schemes delivered by a public sector body to all specialised residential accommodation proposals despite there being no policy basis for this approach. What's more within the policy justification and amplification, Council acknowledges that there will be an increase in the proportion of people over the age of 65 which will create a demand for specialised housing developments.

Recommendation

- 2.34 NIFHA requests that the policy is reworded to reflect Council's evidence base and accordingly that criterion (a) of the policy is deleted.
- 2.35 We respectfully ask that Council collate evidence on the range and nature of specialist residential developments to inform consideration for exemptions to the second strand of the policy.

CGR 1 – Community Cohesion and Good Relations

CGR 1 is unsound as the policy fails the test of C 3: Consistency and CE 2: Coherence and Effectiveness

The policy fails to take account of legislative provisions in the Planning Act regarding pre application community consultation nor is evidence provided to support the policy

Full Response

- 2.36 CGR 3 sets out the policy requirements for assessing development proposals at interfaces or within close proximity to peace infrastructure, or proposals which are judged to impact upon contested community space. If proposals fall within one of the locations cited, proposal must demonstrate how the development proposals comply against set criteria.
- 2.37 The policy fails to satisfy the tests of Soundness:
- There is no evidence within the technical supplements to support the policy position or information that alternatives were considered (soundness test CE2).
 - The proposed policy jars with the pre application community consultation requirements set out in The Planning Act (Northern Ireland) 2011 (soundness test C3).
- 2.38 NIHFA fully supports the promotion of community cohesion and the importance of developing good community relations. However, having reviewed the technical supplements which support the plan we cannot find any evidence to support this policy or an acknowledgement that other relevant alternatives were considered.
- 2.39 NIHFA's vision is that all of its homes and neighbourhoods are safe and welcoming for all. We support early engagement and discussions with communities in developing proposals but find the policy in its current format to be unhelpful.

Recommendation

- 2.40 That the policy be amended as follows:
- Criterion (a) and (b) should be deleted.
 - Criterion (c) reworded to state that *where the opportunity exists to improve future connectivity across peace infrastructure and create permeable neighbourhoods* that this should be incorporated into design proposals.
 - No change to criterion (d) and (e).
- 2.41 These changes would assist in making the policy sound as the revised criteria is founded on good planning principles and paragraph 4.17 of the SPPS. The revision would also remove any potential tension with the legislative requirements set out in the Planning Act.

Additional Comments

- 2.42 As part of the survey undertaken by NIFHA, members were asked, is it appropriate for local Councils to prescribe design requirements for residential development which exceed those currently set out in planning policy?
- 2.43 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.
- 2.44 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.
- 2.45 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.

3. Building a Smart Connected and Resilient Place

TRAN 9 – Parking Standards within areas of parking restraint

TRAN 9 is unsound as the policy fails the test of CE 2

The policy has been formulated on the basis of evidence which has not been provided as part of the plan nor is it supported by an up to date evidence basis

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

3.1 TRAN 9 sets out the parking standards within areas of parking restraint for residential and non-residential developments.

3.2 The policy fails to satisfy the test of CE2 in that:

- The evidence base prepared to support the policy is not provided within the technical supplements and the recommendations following from Council’s Car Parking Strategy (published in May 2018) have not been provided.
- The policy is largely based on the draft BMAP and fails to take account of recent planning permissions.

3.3 NIFHA fully support a reduced level of car parking within areas of parking restraint and welcomes the evidence basis for this policy being reevaluated. We note that technical supplement 14 acknowledges that:

The draft Plan Strategy has been developed in the absence of an up to date transport plan for the city, however it makes reference to the Department’s extant transport plan (BMTP) within the transport policy section (page 19, paragraph 4.3).

3.4 Information on the approach taken to formulate the car parking policies largely flows from Council’s Car Parking Strategy (published in May 2018). This document has not been provided as part of the evidence basis, but can be located on Council’s website. Paragraph 2.46 of technical supplement 14 notes that *the Car Parking strategy has informed the development of policies in the draft plan strategy relating to transport and car parking.* Paragraph 3.30 goes to say that *the recommendations from the parking strategy have been used as evidence for drafting policies relating to car parking in the draft plan strategy.*

3.5 We note that recommendations from the Car Parking Strategy have not be published nor has any recent analysis of parking demand within areas of parking restraint been provided.

Recommendation

3.6 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.

4. Promoting a Green and Active Place

OS1 – Protection of Open Space

OS 1 is unsound as the policy fails the test of CE 2

There is insufficient evidence within the technical supplement to support the policy proposed

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

- 4.1 OS 1 sets out Council's approach to the retention and improvement of existing open space. The policy provides that there will be a general presumption in favour of retaining all such lands and uses, including protecting any character and amenity value, whether specifically identified in the LDP or not, unless the lands are identified within the LDP for an alternative use.
- 4.2 The policy goes on to note that development resulting in the loss of open space on lands specifically identified for these uses in the LDP and/or Council's Open Space Strategy and/or GBIP will only be considered in exceptional circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of open space.
- 4.3 The policy sets out two exceptions as currently detailed in PPS 8 and concludes by stating that Council must be satisfied that the loss of open space would not result in detriment to the overall green infrastructure provision.
- 4.4 The policy fails to satisfy the test of Soundness - CE2 in that there is insufficient evidence within the technical supplement to support the policy as it is currently worded. Specifically, there is no evidence to support an improvement of existing open spaces when there is no audit which assesses the quality and quantity of open space. Technical supplement 8 identifies the location of open spaces and their associated typologies but no information is provided on the quality of the space and how current provision addresses space standards. Evidence needs to be provided to justify this element of the policy.
- 4.5 Without a robust evidence basis it is difficult to understand the rationale for the penultimate aspect of the policy which introduces a catch all approach to considering the loss of the open space when applicants will already have had to demonstrate that the redevelopment of the site provides substantial community benefits.

Recommendation

- 4.6 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.

OS 3 Ancillary Open Space

OS 3 is unsound as the policy fails the test of CE 2

There is insufficient evidence within the technical supplement to support the policy proposed

A robust, up to date evidence basis should be prepared to support the this policy

Full Response

- 4.7 OS 3 requires all new development proposals to include appropriate provision for open space, including hard and soft landscape areas and outdoor amenity areas, to serve the needs of the development.
- 4.8 The policy largely mirrors the current policy provisions set out in Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation, policy OS 2 bar a few notable changes Council proposes to introduce:
- The provisions of the policy will apply to all new developments, not just residential development.
 - In instances where public open space is required regard should be had to providing complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupants should be incorporated into the design of the development.
- 4.9 The policy fails to satisfy the test of Soundness – CE 2 in that no evidence has been provided to demonstrate why complementary and ancillary equipment and facilities are required in providing public open space. In addition no consideration has been given to the impact such a requirement has on the overall viability of a project and the implications arising out the maintenance and management of such areas.

Recommendation

- 4.10 We respectfully suggest that:
- Council prepares an up to date evidence base to support this policy; and
 - defines what is meant by *complementary and ancillary equipment*.
- 4.11 On the basis of the evidence collated Council should reassess whether they have sufficient evidence to support this policy position.

TRE 1 Trees

TRE 1 is unsound as the policy fails the tests of CE 2 and C 33

There is insufficient evidence within the technical supplement to support the policy proposed

The policy should be deleted

Full Response

- 4.12** TRE 1 – trees seeks to protect existing trees from new development, particularly those that are of visual, biodiversity or amenity quality and significance, and there will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity.
- 4.13** NIFHA fully supports the careful integration of the natural and built environments, but considers that policy TRE 1 fails soundness test CE 2 as there is no evidence basis to support this policy.
- 4.14** The policy also fails soundness test C3 in that there are already legislative provisions within the Planning Act (Northern Ireland) 2011 for the protection of trees by way of Tree Preservation Orders. In absence of any evidence it appears that the Council's approach duplicates current planning legislation.

Recommendation

- 4.15** That the policy be withdrawn from the draft plan strategy.

General Comments

- 4.16 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.
- 4.17 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.
- 4.18 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 off-site provision or the maintenance of existing provision should be considered as a reasonable alternative.
- 4.19 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.
- 4.20 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.

Appendix 1: Background Information: Council's LDP Template

This section responds to Sections A, B, E and I of Council's template.

Section A

We confirm that we have read and understand the privacy notice detailed at Question 1 and give consent for Belfast City Council to hold our data for the purposes outlined.

We understand that Council are required to publish responses received in response to the Plan Strategy. We consent to Council publishing this information with our name and organisation detailed.

Sections B & E

This response has been prepared by a planning agent whose contact details are:

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This representation is submitted on behalf of:

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We confirm that NIFHA did not submit a response to the Preferred Options Paper and all correspondence relating to the draft Plan Strategy are to be sent to NIFHA.

Section I

Question 19 of Council's template requests that participants indicate the method by which their representation is to be heard.

We respectfully ask that our representations are heard by way of an oral hearing.

Appendix 2: NIFHA Position Paper

Local Development Plan-Making

NIFHA Position Statement

November 2018

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Emma Walker

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Our reference

NIFB3001

11 Nov 2018

1. Introduction

1.1 This position statement has been prepared on behalf of the Northern Ireland Federation of Housing Associations (NIFHA) to assist the Local Council's in the preparation of their Local Development Plans (LDP).

1.2 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 balances 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.”

1.3 In particular the SPPS sets out that the LDPs should:

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

1.4 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.”

1.5 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.

2. Member Survey

- 2.1 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.
- 2.2 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?
- 2.3 Out of the thirteen associations invited to take part in the survey, eight responded, equating to two thirds of the NIFHA membership.
- 2.4 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.
- 2.5 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.

3. Feedback from Member Associations

Provision of social and intermediate housing

- 3.1 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.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.

- 3.7 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?

- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 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?

- 3.12 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.

- 3.13 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.
- 3.14 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?

- 3.15 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.
- 3.16 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.
- 3.17 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 off-site provision or the maintenance of existing provision should be considered as a reasonable alternative.
- 3.18 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.
- 3.19 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.

4. Recommendations

4.1 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.

4.2 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.

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