

Submitted to **Belfast LDP 2035 - Plan Strategy**  
Submitted on **2018-11-15 16:12:19**

## Overview

### 1. Data Protection

**Q1. Please tick to confirm that you have read and understood the privacy notice above.**

I confirm that I have read and understood the privacy notice above and give my consent for Belfast City Council to hold my personal data for the purposes outlined.

**Q2. Do you consent for us to publish your response?**

Yes, but without any identifying information

### 2. Your details

**Q3. Are you responding as an individual, as an organisation, or as an agent acting on behalf of an individual, group or organisation?**

**Individual, Organisation or Agent:**

I'm an Agent

**Q4. What is your name?**

**Title:**

[REDACTED]

**Full Name:**

[REDACTED]

**Q5. What is your telephone number?**

**Telephone number:**

[REDACTED]

**Q6. What is your email address?**

**Email:**

[REDACTED]

**Q7. Did you respond to the previous Preferred Options Paper consultation phase?**

Yes

If yes, and you have your previous response ID (beginning ANON) please enter it here::

### 5. Agents

**Q10. Please provide details of the organisation or individual you are representing:**

**The name of the organisation or individual you are representing::**

[REDACTED]

**Title:**

**First Name:**

[REDACTED]

**Last Name:**

[REDACTED]

**Address Line 1:**

[REDACTED]

**Line 2:**

**Line 3:**

City:

Postcode:

Telephone number:

Email address:

**Q11. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP?**

Agent

## **6. Before you submit your comments**

### **7. Is the plan sound?**

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

**Q12. Do you consider the Plan Strategy to be sound or unsound?**

I believe it to be unsound

### **8b. Unsound**

**Q14a. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph::**

**Policy (if relevant):**

HOU5 Affordable Housing

**Q15a. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

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?, CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base, CE4 - It is reasonably flexible to enable it to deal with changing circumstances

**Q16a. 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 give your reasons:**

The proposed 20% affordable housing requirement is inconsistent with the evidence base (Developer Contributions for Affordable Housing in Northern Ireland, Report of Study, December 2015, Three Dragons/ Heriot-Watt University) and therefore fails Test CE2. This evidence clearly states that 'testing shows that, with the assumptions used, there is little scope to provide affordable housing on-site at 20% other than possibly in Inner Belfast and then only in quite limited circumstances and then only assuming lower costs and higher values than we have used.'

The viability testing results indicate that 100% market housing is viable in inner Belfast, only at densities of 20dph. The testing results show that the introduction of 20% affordable housing renders development in inner Belfast unviable. The only scenario in which development in inner Belfast can provide 20% affordable housing is on the basis of 'free land', i.e. where a landowner provides land to a housing association (often at nil cost) and the housing association develops the land itself. This scenario can only occur (assuming a willing developer) if grant is available. It is also an unfeasible approach for residential development where housing is provided on upper floors, or for residential development within tall buildings. The proposed requirement to provide 20% affordable housing on site is therefore unsupported by the Council's evidence base.

Many of the assumptions used in the Report are also questionable. The assumed density of 20-40dph does not reflect the nature of likely future development in the city centre. This is set out in Policy HOU4 which suggests densities of 75-350 dph in Inner City/ City Centre locations. This is important because, as acknowledged in the Report, higher density schemes are typically more expensive to build and perform worse in viability testing.

The assumptions used in the Report also do not include any one bedroom flats in the proposed market housing mix. This is unrealistic and contradicts findings elsewhere within the report (and the Housing NIHE Market Analysis 2017) that there is increased demand for smaller units.

We do not consider that a developer return of 15% is sufficient although we acknowledge that sensitivity testing has been carried out. There also appears to be no cost to allowed for contingency costs.

We also query whether it is appropriate to assume a difference in minimum GIAs for each tenure, as set out in Figure 6.3 of the Report. This does not accord with

the principle of 'tenure blind' development.

Finally, the modelling in the Report is on a static basis (i.e. costs and income are assumed to occur at a single point in time). While the Report confirms that testing using a DCF basis show little difference on the RV, this will not be the case on larger schemes, those incorporating tall buildings, or schemes with significant upfront costs such as contamination mitigation, or archaeological works, all of which are more likely to occur in city centre sites. The Report itself acknowledges that these impacts have a detrimental effect on cash flow, and subsequent impact on viability, and it is therefore inappropriate for a static assessment to form the basis of viability testing. The use of static testing on larger complex sites can overestimate their viability potential and the use of this assumption to arrive at a 20% affordable housing requirement is flawed.

Figure 19 in the Housing technical supplement listed the historical completions since 1997 under three scenarios (10%, 15% and 20% affordable requirements) to identify the historic under provision which needs to be redressed. No considered is given to whether these schemes would have been viable at the time, nor whether the completions were located within parts of the city identified in the report where 10-20% would be viable.

The Belfast plan area is part of a much larger functional Belfast Housing Market Area (HMA), which has been updated in August 2018. There is no reference to how the local authority has engaged with neighbouring authorities in terms of emerging comparative policy requirements for affordable housing, and the impact this may have on demand across the wider HMA. Should a neighbouring authority introduce a lower affordable housing requirement, this may compromise a number of wider objectives within the Strategy, particularly in terms of encouraging city centre living. Evidence of substantive engagement with neighbouring authorities in this regard is therefore required. The policy therefore fails test C4, by not having appropriate regard to adjoining districts, and test CE2, by not being founded on a robust evidence base as a result of this lack of engagement.

The current wording relating to viability also fail test CE4 because it does not allow sufficient flexibility. Para 7.1.37 currently states one outcome of a viability test is "a reduction in the proportion of affordable housing in lieu of a financial contribution to an affordable housing development elsewhere in the district". While these solutions could be combined, they should be regarded as two separate responses in the first instance.

**Q17a. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The evidence base should be more robustly interrogated and the rationale for the 20% requirement should be subject to more scrutiny and justification. In its current form, the policy may require the majority to prepare and submit viability reports, which would put significant strain on local authority resources. In addition, evidence of substantive engagement with neighbouring authorities and their emerging affordable housing requirement should be provided, as well as an analysis of how competing rates could impact housing delivery.

Para 7.1.37 should be amended as follows "a reduction in the proportion of affordable housing and/or a financial contribution to an affordable housing development elsewhere in the district".

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18a. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Second Submission**

**Q14b. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph:**

**Policy (if relevant):**

HOU6 Housing Mix

**Q15b. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

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?

**Q16b. 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 give your reasons:**

The policy states: "The requirement for a mix of house types will not apply to single apartment developments. In such cases the housing mix will be considered acceptable through greater variety in the size of units, as well as an appropriate mix of tenures required under affordable housing policy." The current wording does not provide enough flexibility to account for mixed use schemes which may comprise multiple apartment developments as part of the wider mix of uses. The stipulation that a greater variety in the size of units is required is also insufficiently flexible as it does not account for prevailing housing need, which is a consideration for 'non-apartment' developments. This policy therefore fails test CE4 because it has not been written in a generic form to enable a robust and consistent framework for considering planning applications. This requirement should be supported by market evidence i.e. evidence that demonstrates there is a market for larger units in Belfast. Our view is that large units in the city centre are not viable because there is not market demand for the price needed to cover the cost of building larger units. If this policy remains, then affordable housing viability testing should take it into account.

**Q17b. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The following amended wording is proposed: "The requirement for a mix of house types will not apply to single apartment developments or apartment developments within larger schemes. In such cases the housing mix will be considered acceptable through greater variety in the size of units, if a demand is identified, as well as an appropriate mix of tenures required under affordable housing policy." Larger units and affordable housing are both subject to viability.

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18b. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Third Submission**

**Q14c. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph::**

**Policy (if relevant):**

HOU7 Adaptable and Accessible Accommodation

**Q15c. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

CE4 - It is reasonably flexible to enable it to deal with changing circumstances

**Q16c. 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 give your reasons:**

The requirement to design all new housing to six criteria from the Lifetime Home Standards does not provide sufficient flexibility within the main policy text (CE4). Similar wording to that provided Para 7.1.52 should therefore be included in the main body of the policy text. In addition to limitations involving historic buildings, reference should also be made to market requirements for specific and more innovative housing types. These housing types may not strictly meet the Lifetime Home requirements, but they would help to address wider housing demands and needs. The current wording therefore does not have sufficient flexibility to respond to future social and economic changes (CE4).

As a more general point, the Housing technical supplement states that "The Building Regulations in England were revised in 2015 to incorporate many of the Lifetime Homes Standards. There is pressure also for a similar change to the NI Building Regulations." In this context, it is may not be necessary for planning policy to impose these standards if the NI building regulations following a similar trajectory to that of England. Ongoing monitoring of this during the plan-making process is therefore crucial.

**Q17c. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The main body of the policy text should reference that the required measures will be assessed on a case by case basis. The justification and amplification section should also make reference how exceptions may be made for some in-demand housing types which may not lend themselves to the standards.

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18c. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Fourth Submission**

**Q14d. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph::**

**Policy (if relevant):**

BH2 Conservation Areas

**Q15d. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

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 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils, CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base, CE4 - It is reasonably flexible to enable it to deal with changing circumstances

**Q16d. 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 give your reasons:**

The draft Policy makes reference to policy 'HE2' which does not exist (contrary to tests CE1 and CE2). We believe the wording should reference Policy BH2 criteria a – e instead.

There should be no requirement for the recording of buildings deemed to make a negative contribution to the conservation area. This is unnecessary and illogical. There is no requirement for this within the SPPS and this part of the policy therefore does not take account of regional policy and does not meet test C3.

The policy supporting text at para 7.4.21 places an unduly onerous requirement on applicants to demonstrate that all efforts have been made to retain buildings through finding an alternative use. The present wording of the policy is open to a wide range of interpretation and does not allow sufficient flexibility within the planning balance. This could hamper the delivery of large complex sites where developers may be forced to adopt commercially imprudent or unviable positions.

The current wording of Part (k) in policy BH2 does not make reference to Para 6.18 of the SPPS and it therefore fails test C3 and C4. Para 6.18 states, "This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest". Regard (C4) should also be had PPS 6 para 6.25(c) which states that "There may very exceptionally be cases where the proposed works would bring substantial benefits for the community, which have to be weighed against the arguments in favour of preservation". The direction of this policy should be taken into account, while acknowledging that PPS 6 also states that this criteria should be applied more broadly to non-listed buildings in a Conservation Area (PPS 6, para 7.17). Finally, exclusion of the public interest criteria would also restrict the flexibility of the policy to deal with future circumstances, and thus the policy fails test CE4.

**Q17d. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

Regarding para 7.4.21, we would suggest that the following addition is made: 'Evidence will also be required that all reasonable efforts have been made...'

Part (k) should make reference to other material considerations grounded in the public interest, including substantial benefits to the community / public.

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18d. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Fifth Submission**

**Q14e. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph:**

**Policy (if relevant):**

BH4 Works to Grounds Affecting Built Heritage Assets

**Q15e. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

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

**Q16e. 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 give your reasons:**

The policy defines built heritage assets as 'development in designated archaeological sites...' – the words 'development in' should be removed from the definition, as this is an incorrect definition and is potentially confusing. The current wording does not meet test CE2 for this reason.

**Q17e. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The words 'development in' should be removed from the definition, as this is an incorrect definition and is potentially confusing.

Files should be no more than 10MB and in either PDF or Microsoft Word format:

No file was uploaded

**Q18e. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Sixth Submission**

**Q14a. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph:**

**Policy (if relevant):**

HC1 Promoting Healthy Communities

**Q15a. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base, CE4 - It is reasonably flexible to enable it to deal with changing circumstances

**Q16a. 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 give your reasons:**

This policy requires "the submission of a HIA as part of major residential, commercial and industrial developments or other proposals with potential to have a significant adverse effect on public health and wellbeing". This policy fails test CE4 on two grounds. First, it is unrealistic and inappropriate to require a HIA for allocated sites and development opportunity areas. These sites will already be designated for particular uses and a HIA is an unnecessary additional requirement given the types of developments which are already anticipated to come forward on these sites. Second, it is also inappropriate because the majority of sites which are likely to have an adverse effect are likely to be subject to an Environmental Impact Assessment, which now includes 'population and human health' on the list of topics. On this basis it also fails test CE2 as no reference is made to this in the evidence base.

**Q17a. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The requirement for a HIA should be removed. Should this requirement be retained, allocated sites and development opportunity sites should be excluded.

Files should be no more than 10MB and in either PDF or Microsoft Word format:

No file was uploaded

**Q18a. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

Yes

## **8b. Unsound - Seventh Submission**

**Q14a. To which part of the Plan Strategy does your representation relate?**

**Relevant Section or Paragraph::**

**Policy (if relevant):**

CC1 –Development Opportunity Sites

**Q15a. If you consider the Plan Strategy to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6:**

CE1 - The DPD sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the DPDs of neighbouring councils, CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base, CE3 - There are clear mechanisms for implementation and monitoring, CE4 - It is reasonably flexible to enable it to deal with changing circumstances

**Q16a. 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 give your reasons:**

Part (b) of the draft Policy requires further clarification as to who will be responsible for the preparation of masterplans. There is a need to acknowledge and work with existing landowners and developers with an interest, which should be reflected in the policy wording. The supporting text should also contain further details on the process of adoption of masterplans, and their status following adoption. The current policy wording does not meet test CE2 or CE3.

If masterplans are required to be formally adopted before submission of individual planning applications, this could significantly reduce the pace of and possibly prevent delivery of significant parts of development opportunity sites. For example, within the North East Quarter, an outline application has been submitted for a large part of the opportunity area which sets out a range of parameters and design guidelines, akin to a masterplan. It would be a retrograde step to require the submission and formal agreement of a masterplan for the wider area prior to any decision on the outline application. This element does not meet test CE1 as the policy does not set out a clear and coherent strategy.

Part (d) of the draft Policy requires development proposals to deliver the identified land uses within masterplans. This is considered to be unduly restrictive particularly for large or complex sites where development will take place over long time periods. It would not future proof sites, or allow sites to respond to market indicators. It could also amount to site specific policy being created without the scrutiny of the formal local plan process. For these reasons, the draft wording is insufficiently flexible and does not meet test CE4.

**Q17a. If you consider the Plan Strategy to be unsound, please provide details of what change(s) you consider necessary to make the Plan Strategy sound.**

**What would make it sound?:**

The wording of Part (b) should be amended to clarify that relevant stakeholders will be involved in the preparation of masterplans.

The supporting text should clarify the adoption process for masterplans, developers' briefs etc and confirm that their status, once agreed, would be 'guidance documents' which are a material consideration

Part d of the policy should be amended to include greater flexibility for land uses within masterplans. The text 'shall be required to deliver the identified land uses' is particularly problematic and should be amended to 'should not be prescriptive and have regard to the identified land uses, unless material considerations indicate otherwise'

**Files should be no more than 10MB and in either PDF or Microsoft Word format:**

No file was uploaded

**Q18a. Would you like to highlight another part of the draft Plan Strategy that you consider to be unsound?**

No

## **9. Type of Procedure**

**Q18. Please indicate if you would like your representation to be dealt with by:**

Written representations