

**Independent Examination**  
**Derry City and Strabane District Council Local Development Plan 2032**  
**Draft Plan Strategy**  
**Questions for weeks 3 and 4**

**TUESDAY 26<sup>TH</sup> SEPTEMBER 2023**

**Topic 12: Housing in Settlements and in the Countryside**

**Issues:**

- **Strategic Allocation and Management of Housing Land-Zoned Housing Land and LUPAs (HOU 1)**
- **Strategic Allocation of Housing in Settlements-other than Zoned Housing Land and LUPAs (HOU 2)**

**Strategic Allocation and Management of Housing Land-Zoned Housing Land and LUPAs (HOU 1)**

**Participants:**

- Derry City and Strabane District Council
- Mr JP McGinnis
- Heron Bros
- Mr John Burns
- PCI Consulting Ltd
- Radius Housing
- Clanmil Housing Group
- Mr Henry Craig & Others
- Belfast Metropolitan Residents Group
- Mr McGlinchey
- Mr James McLaughlin
- Mr Martin Sheeran
- Mr Patrick Doherty
- Mr Kevin Crumley
- Mr Daniel Lusby
- Apex Housing Association

**Strategic Allocation of Housing in Settlements-other than Zoned Housing Land and LUPAs (HOU 2)**

**Participants:**

- Derry City and Strabane District Council
- Mr John Black
- Mr JP McGinnis

- Heron Bros
- Mr John Burns
- PCI Consulting Ltd
- Radius Housing
- Mr James McLaughlin
- Mr Martin Sheeran
- Mr Patrick Doherty
- Mr Daniel Lusby
- Apex Housing Association

## Questions

### **Strategic Allocation and Management of Housing Land-Zoned Housing Land and LUPAs (HOU 1)**

1. It is stated within the Draft Plan Strategy (dPS) that provision is made for an additional five-year supply of land over and above what is required for the LDP period (Paragraph 16.7, page 220). How is this incorporated into the housing allocation in the dPS or assessed in the SA?
2. Does the dPS provide sufficient flexibility to allow for the housing requirements of the plan area, including the need for social housing, especially given the divided communities that exist?
3. How does the Council respond to the argument that as zoned sites within DAP and SAP are in place for 20 and 29 years respectively it is reasonable to assume that the prospect of these zoned uncommitted lands coming forward for development is significantly limited? Will uncommitted housing land be re-examined at the LPP stage to ensure that the most sustainable locations for housing development are identified?
4. In relation to Proposed Change 126 (PC 126) should the word 'extreme' within the term 'extreme localised social/affordable housing stress/need' be replaced with 'significant'?
5. Looking at PC 126, after the adoption of the LPP, will it be known and how would it be demonstrated that the need for social/affordable housing cannot be met through the sequence of Phase 1, Phase 2 or other HOU 2 lands?
6. How would a developer maintain the agreed ratio of private to affordable housing once a development is completed?
7. Is there a fairness issue in terms of developers working within towns and cities and those in village and small settlements if the latter have to provide 2 units in a development of 10 or more as opposed to the now suggested 20% in towns and cities?

8. Does the exceptional circumstances test provide greater flexibility within Policy HOU 1 than the introduction of Phase 3 zoning?

**Strategic Allocation of Housing in Settlements-other than Zoned Housing Land and LUPAs (HOU 2)**

1. Does Proposed change 131 to the justification and amplification text of Policy HOU 2, which states that proposals on brownfield sites would be contrary to Policy HOU 1 and undermine the LDP Housing Strategy, take account of policy and guidance published by the Department?

**Topic 12: Housing in Settlements and in the Countryside**

**Issues:**

- **Affordable Housing in Settlements (HOU 5)**
- **House Types, Size and Tenure (HOU 6)**

**Participants:**

**Affordable Housing in Settlements (HOU 5)**

- Derry City and Strabane District Council
- Mr John Black
- MKA Planning
- WYG Planning
- Mr Howard Fulton
- Mr JP McGinnis
- Heron Bros
- NIFHA
- Mr John Burns
- PCI Consulting Ltd
- Radius Housing
- Clanmil Housing Group
- Mr James McLaughlin
- Mr Martin Sheeran
- Mr Patrick Doherty
- Mr Daniel Lusby
- Apex Housing Association
- Mr Henry Craig & Others

**House Types, Size and Tenure (HOU 6)**

- Derry City and Strabane District Council
- Mr John Black
- MKA Planning
- Mr Howard Fulton
- Mr JP McGinnis
- Heron Bros
- Mr John Burns
- PCI Consulting Ltd
- Radius Housing
- Clanmil Housing Group
- Apex Housing Association
- Mr Henry Craig & Others

## **Questions**

### **Affordable Housing in Settlements (HOU 5)**

1. Is there a sound evidence base to support the now suggested minimum of 20% of housing units being affordable housing?
2. If there is a new-build social housing need of approximately 4,750 units within the district over the duration of the plan period, how would the 20% requirement of the approximately 9k homes to be provided meet this requirement? How can the Council be sure that the significant majority of the social housing units will be delivered through existing sites under construction or sites with planning permission and remaining zonings (paragraph 16.46 dPS)? Has such a condition or planning agreement been made on the approved sites?
3. Policy HOU 5, as suggested by Proposed Change 136 (PC 136), now states that there should be no more than a 70-80% proportion of either private or affordable housing in an area. Does this impose a requirement on social housing providers to provide private market housing up to 30% within their housing schemes? What happens if a private housing developer does not wish to develop the private element of the scheme e.g. due to it being unviable?
4. Would there be an obligation to provide social housing if there was no need identified by NIHE? Would an off-site provision be required? How would this be feasible if a developer did not have alternative land interests in an area of social housing need?
5. How would making an off-site provision ensure that the scheme was mixed tenure?
6. Policy HOU 5 suggests that 2 affordable units will be viable on a development of 10 or more units in villages and small settlements so how would it be viable to have an affordable housing requirement on smaller sites? Is this a coherent approach?
7. Is Policy HOU 5 sufficiently flexible to take account of construction financing and viability?

### **House Types, Size and Tenure (HOU 6)**

1. Does Policy HOU 6 take account of Policy HS 4 House Types and Size within PPS 12 Housing in Settlements? Is the approach within Policy HOU 6 founded on a robust evidence base? Has account been taken of the implications for the viability of the scheme?

**Topic 12: Housing in Settlements and in the Countryside**

**Issues**

- **Accessible Housing (Lifetime Homes and Wheelchair Standards) (HOU 7)**
- **Specialist Residential Accommodation (HOU 15)**
- **Flats and Apartments (HOU 12)**
- **Houses in Multiple Occupation (HMO) management Areas (HOU 13)**
- **Houses in Multiple Occupation (HMO) (HOU 14)**

**Participants:**

**Accessible Housing (Lifetime Homes and Wheelchair Standards) (HOU 7)**

- Derry City and Strabane District Council
- Mr John Black
- MKA Planning
- Mr Howard Fulton
- Mr JP McGinnis
- Heron Bros
- Mr John Burns
- PCI Consulting Ltd
- Radius Housing
- Clanmil Housing Group
- Apex Housing Association
- Mr Henry Craig & Others

**Specialist Residential Accommodation (HOU 15)**

- Derry and Strabane District Council
- Mr Howard Fulton

**Flats and Apartments (HOU 12)**

**Houses in Multiple Occupation (HMO) management Areas (HOU 13)**

**Houses in Multiple Occupation (HMO) (HOU 14)**

**Participants:**

- Derry City and Strabane District Council
- MKA Planning

## **Questions**

### **Accessible Housing (Lifetime Homes and Wheelchair Standards) (HOU 7)**

1. Policy HOU 7 states that all new housing, regardless of tenure, will be required to comply with the Lifetime Homes standards. Is this based on a robust evidence base? Is there such a requirement within policy and guidance published by the Department? Should it be incorporated into the Building Regulations instead?
2. How and who would assess such applications and how would the requirements be enforced?

### **Specialist Residential Accommodation (HOU 15)**

1. Should Policy HOU 15 have greater flexibility in terms of what qualifies as specialist residential accommodation? Should it be specifically stated that the list stated within Policy HOU 15 is not exhaustive?
2. Should there be the option for it to be located in the countryside?
3. Is it feasible for a developer to demonstrate a need for their proposed type of development?

### **Flats and Apartments (HOU 12)**

1. In terms of Policy HOU 12, Is there a robust evidence base to justify Flat Prevention Areas?

### **Houses in Multiple Occupation (HMO) management Areas (HOU 13)**

1. In relation to Policy HOU 13, in the transitional period before the adoption of the LPP a 30% threshold will be applied in terms of the number of houses within any street to be granted for further HMO development. How is this transitional figure justified if outside of HMO policy areas planning permission will only be granted for further HMO development where the number of HMOs does not exceed 10% of dwelling units on that road or street?
2. Is there a robust evidential base to justify the 10% and 30% threshold figures?

### **Houses in Multiple Occupation (HMO) (HOU 14)**

1. Is there a robust evidence base for the first, second, fourth and fifth criteria of Policy HOU 14 as well as the additional criteria (c) and (e) of Policy HOU 12?

**Topic 13: Natural Environment**

**Issue**

- **Development adjacent to Main Rivers and Open Water Bodies (NE 4)**
- **Development within or affecting the setting of the Sperrins AONB (NE 5)**
- **Development within Areas of High Landscape Importance (AHLIs) (NE 7)**

**Participants:**

**Development adjacent to Main Rivers and Open Water Bodies (NE 4)**

- Derry City and Strabane District Council
- WYG Planning
- Foyle River Gardens

**Development within or affecting the setting of the Sperrins AONB (NE 5)**

- Derry City and Strabane District Council
- SSE Renewables
- Dalradian Gold
- ABO Wind
- Mr David Dalzell

**Development within Areas of High Landscape Importance (AHLIs) (NE 7)**

- Derry City and Strabane District Council
- SSE Renewables
- Dalradian Gold
- ABO Wind
- Foyle River Gardens
- Mr David Dalzell

**Questions**

**Development adjacent to Main Rivers and Open Water Bodies (NE 4)**

1. Should there be exceptions allowing a reduction in the requirement that at least a 10m wide biodiversity strip be located along the edge of the river within Policy NE 4 e.g., where access or facilities for a development are required? Should the exact distance be set on a site-specific basis?

**Development within or affecting the setting of the Sperrins AONB (NE 5)**

1. Should Policy NE 5 relate to development affecting the setting of the Sperrin AONB? How would the extent of it be known?
2. Should Policy NE 5 judge the impact on the 'intrinsic appeal' of the Sperrin AONB or its 'special character'?



3. Is the requirement to 'positively enhance', and/or complement the importance of the AONB landscape as is now suggested in Proposed Change 184 (PC 184), appropriate? Does this approach take account of Policy NE 6 Areas of Outstanding Natural Beauty in PPS 2 and Paragraph 6.187 of the SPPS?
4. Should Proposed Change 183 (PC 183) to Policy NE 5 be expanded to include all the reasons for an AONB designation set out in Article 14 of the Nature Conservation and Amenity Lands (NI) Order 1985?

### **Development within Areas of High Landscape Importance (AHLIs) (NE 7)**

1. Would it be appropriate for Paragraph 21.40 of the Justification and Amplification text of Policy NE 7 to specifically refer to the impact of sand and gravel extraction?

#### **Topic 14: Historic Environment**

##### **Issue**

- **Listed Buildings and their Settings (HE 4)**

##### **Participants:**

- Derry City and Strabane District Council
- Foyle River Gardens

### **Question**

1. Is the revised wording of Policy HE 4 Listed Buildings and their Settings contained within Annex 5 of Document DS-001a appropriate?

#### **Topic 15: Development and Flooding**

##### **Issue**

- **Development in Fluvial (River) and Coastal Flood Plains (FLD 1)**

##### **Participants:**

- Derry City and Strabane District Council
- Mr Howard Fulton
- Mr Hamilton Bell
- Heron Bros
- Mr John Burns
- PCI Consulting Ltd
- Radius Housing
- Apex Housing Association
- Mr Henry Craig et al.

## Question

1. Should Policy FLD 1 to amended to allow for the consideration of defended undeveloped sites within a settlement limit where it can be demonstrated through a Flood Risk Assessment that all sources of flood risk to and from the development have been identified and that there are adequate measures to manage and mitigate any increase in flood risk arising from the development?

**WEDNESDAY 4<sup>TH</sup> OCTOBER 2023**

### **Topic 16: Renewable and Low Carbon Energy Development**

#### **Issue**

- **General Criteria (RED 1)**

#### **Participants:**

- Derry City and Strabane District Council
- SSE Renewables
- ABO Wind

## Questions

1. Should a development proposal have to meet the relevant LDP landscape designations before being considered under Policy RED 1? Does this approach take account of the SPPS?
2. Does Proposed Change 208 (PC 208) unnecessarily narrow the scope of the natural environmental policy assessment of Policy RED 1 to just those falling within the parameters of Policy NE 1 as opposed to all natural environment considerations set out within Chapter 21 of the Draft Plan Strategy? Does PC 208 take account of all Departmental policy and guidance? Should the original text remain?
3. Should Proposed Change 210 (PC 210) occur? Should the sixth paragraph of Policy RED 1 remain within the policy box?
4. Is criterion (b) already covered elsewhere in the Draft Plan Strategy?
5. Does criterion (d) have a sound evidence base? Is this criterion covered elsewhere in the Draft Plan Strategy?
6. Is it feasible to expect an applicant to provide detail in relation to the electricity infrastructure required to service the development at the outset of submitting a planning application for renewable and low carbon energy development if this is provided by a third party? Would it be more appropriate to request the likely routes and anticipated connection methods rather than all consequent infrastructure e.g., powerlines, substations, cabinets, batteries etc? Would

such electricity infrastructure likely be subject to a separate planning application and environmental assessment?

7. Should Wind Energy Development criteria (i)-(ix) within Policy RED 1 relate to proposals for repowering existing developments? Does this take account of policy and guidance published by the Department? Is criterion (iii) a duplication of the main criterion (f) in terms of flood risk? Are these criteria covered elsewhere in the Draft Plan Strategy?
8. Is it readily apparent to a reader what is meant by 'occupiable building' within Wind Energy Development criterion (vii)? Does the phrase 'with relatively little intervention' suggested in a footnote (PC 212) clarify matters?
9. Is the introduction of a 30-year limit under criterion (ix) reasonable?
10. Proposed Change 215 (PC 215) suggests that footnote 54 now refer to 'hub height and blades'. Should this be 'hub height plus the length of one blade'?
11. Would Proposed Changes 216 and 218 be covered by criterion (b) of the general criteria for all renewable and low carbon energy development proposals? PC-COM-12 suggests that Proposed Change 218 be added after the existing point (vii) which relates to Anaerobic Digesters (AD) to which the Council state that they have no objection (Document DS-500 Public Consultation Report, March 2022). Does PC 218 relate to anaerobic digesters or hydro-electric schemes and where should it be located?
12. Should criterion (viii) in relation to anaerobic digesters and criteria (ii) and (iii) in relation to hydro-schemes refer to 'unacceptable' adverse impact as opposed to 'significant' adverse impact?
13. Is it appropriate to amend Proposed Change 219 (PC 219) to state that 'similarly, BESS proposals would need careful consideration as to the most appropriate/least harmful location-close to source or to end-users'?
14. Should Proposed Change 222 (PC 222) be located within the policy box of Policy RED 1 as opposed to within the Justification and Amplification? Should footnote 52 also define what are 'imperative reasons of overriding public interest'?
15. Are the policies in the dPS sufficiently flexible to address any future renewable energy targets?
16. In terms of monitoring and review, how would it be assessed under topic area 46 Renewable and Low Carbon Energy Development (Monitoring and Review Report EVB 40, Updated December 2021) that there is an adequate amount of renewable energy to meet regional targets and how would it be triggered?

**Topic 17: Close****Participant:**

- Derry City and Strabane District Council