

Independent Examination

Lisburn & Castlereagh City Council Local Development Plan 2032 Draft Plan Strategy

Questions for weeks 3 and 4 (Version 2)

Concluding public hearing sessions to be held during the period
Monday 16th May – Friday 27th May 2022

Topics 15 - 20

Notes:

- This agenda should be read in conjunction with the guidance notes for participants, that were published on 28 January 2022. ([Link](#))
- Participants' contributions should focus on the questions in this agenda.
- The discussion will concern the soundness and legal compliance of the submitted plan. The tests of soundness are set out in Development Plan Practice Note 6 "Soundness".
- It is not the Commissioner's role to make the plan more sound.
- When referring to submitted evidence (including your own representation), legislation, policy or guidance **please** identify the page, paragraph, section etc as appropriate.
- **Participants should have regard not only to the policies in the submitted plan but also the Council's:**
 1. "Consultation on Focussed Changes Addendum including Minor Changes Schedule" January 2022 ([SUBDOC-016](#));
 2. Typographical Errors List ([SUBDOC – 032](#));
 3. Lichfields Housing and Employment Topic Paper January 2021 ([SUBDOC-031](#)); and
 4. "Clarification to DfI" June 2021 ([SUBDOC-083](#))

As representors have not previously had the chance to comment on documents 3 and 4, questions on the issue of Housing in Settlements (strategic) within Topic 16 make repeated reference to both so they would need to familiarise themselves with those papers in order to be of optimum assistance to my understanding of their remaining concerns.

- In light of the above, in answering questions on Topic 16 it would be helpful if the Council would refer to its latest evidence where earlier evidence has been superseded.
- As both focussed and "minor" changes have been subject to public consultation, where policies are subject to either/both, I will only refer to them where I specifically need clarification. Otherwise, there is no need to remind me of them.
- Similarly, the "Typographical Errors" schedule will only be referred to where I consider it necessary.
- Where the **Department for Infrastructure** has been invited to participate in issues relating to Topics 16 and 19, only one speaker per question is permitted to contribute notwithstanding that 3 or more constituent sections are listed as eligible.

Topic 15 – A Quality Place

Improving Health & Well Being

1. A representor suggested that Health Impact Assessments (HIA) be required for major developments and the Council addressed the issue at page 37 of its Public Consultation Report. ([link](#)). This raises the following issues:
 - Isn't such a requirement consistent with what the SPPS says about "*Improving Health and Well-Being*" at paragraphs 4.3 to 4.12 inclusive?
 - Do the final sentences of paragraphs 1.9 and 5.23 of the SPPS confer discretion on the Council to introduce such a requirement?
 - Why is it considered that including a HIA as a material consideration in policy would necessitate amendment of the Planning (Development Management) Regulations (Northern Ireland) 2015?

2. Both the RDS (RG9) and SPPS (para 3.10, 4.11 & Annex A) aspire to improve air quality. In its Public Consultation Report (page 153), in response to a representation saying that improvements to air quality should feature in the Local Transport Study objectives to support the PS at page 139 of Part 1, the Council refers to provisions that would assist in improving air quality. Whilst Strategic Policy 02 Improving Health and Well-being identifies that aim as a material consideration and elsewhere in the dPS it is noted that Park & Share and Park & Ride facilities can help improve air quality, there is no explicit commitment to improving air quality. In addition to the aforementioned regional policy, a Departmental publication is cited at page 135 of Part 1 of the plan where a strategic objective of reducing the environmental impact of transport includes reduction of air pollution. Accordingly:
 - Has account been taken of all those facets of regional policy in the plan's provisions in respect of air quality?
 - What specific account was taken of the examples of how LDPs should have regard to air pollution considerations at page 118 of the SPPS?
 - What account was taken of the guidance cited at footnotes 62 and 63 of the SPPS, page 118?
 - Page 14 of the Community Plan mentions an Air Quality Management Area (AMQA) at Dundonald and elevated nitrogen dioxide levels at Sprucefield what account have been taken of these issues?
 - Are there other AQMAs within the plan area and was regard had to them?
 - Page 19 of the Community Plan, amongst other things, cites the vital role that clean air has to play in the healthy lives of all in Lisburn & Castlereagh over the course of the plan. How has this aspiration been spatially articulated in the dPS?

3. Paragraph 3.14 of the RDS, final bullet point, refers to reduction of noise pollution as one contribution to achieving RG7: Support urban and rural renaissance. Noise is also cited at paragraph 4.11 of the SPPS as a material consideration when proposing policies and its management is addressed by Annex A. Accordingly:

- Has account been taken of all those facets of regional policy in the plan's provisions in respect of noise reduction and/or management?
 - What specific account was taken of the examples of how LDPs can reduce the potential for detrimental noise impact at page 117 of the SPPS?
4. In light of the foregoing questions, is the wording of Strategic Policy 02 consistent with other plans and policies where it says noise and air quality should "*be taken into account when designing schemes*" or does it need to be more robust?
 5. Page 16 of the Council's Community Plan refers to small pockets of rural deprivation scattered throughout the rural area that can easily go largely unnoticed. How will the PS be a spatial representation of the Community Plan in this respect?

Any other issues

Topic 16 – Delivery of New Homes

Settlement Hierarchy

1. Table 1 Designated Settlement Hierarchy on page 49 of Part 1 of the dPS. Two associated issues:
 - Whilst I appreciate that proposed “minor change” MC3B relates to it, as it is printed in the draft plan, I was unsure what the final column “% of District Total” related to. However, from considering the Minor Changes Schedule (SUBDOC-016), assume that is the percentage of people living within settlements, is this correct?
 - MC3A refers to “*See Annex for amended Table 1 to include a percentage for the population residing in the countryside*” but cannot see where this has been included in either SUBDOC-016 or -083. Where can I find it? **Table 1 is in the Council’s Public Consultation Report (SUBDOC-019) at page 445**
2. What is the evidential relationship between the Settlement Appraisals in Technical Supplement 6 “*Countryside Assessment*” (SUBDOC-025) and Appendix D - Evaluation of Settlement Characteristics at Part 1 of the plan?
3. In addressing representors’ submissions at pages 60 & 61 of its Public Consultation Report, the Council has not engaged with the submission that the Settlement Hierarchy “*is merely a reflection of the status quo of what towns and villages exist. There is no strategy or plan for changes in areas to boost their role and function. It is unclear what precisely the Plan Strategy is seeking to achieve other than to keep the settlements in the LCC area to be of the same status as exists*”. Its response to these points would be of assistance.
4. In the same vein as the last question, the Council did not appear to engage with a representor’s contention that whilst it used a range of methods and information sources to identify the needs of people in rural areas this has not translated into tailored strategic policies or a spatial plan as existing commitments have simply been “*grafted*” from dBMAP. Is there anything that the Council wants to add in respect of this perceived unsoundness or has it covered the concern in answering the previous question?
5. In responding to representations at pages 72-74 inclusive of its Public Consultation Report, the Council has not addressed part 5 of the submission “*Castlereagh Towns*” that makes the case for:
 - Disaggregating Dundonald and Newtownbreda from “*Castlereagh Greater Urban*” area;
 - Recognising Dundonald as a town; and
 - Considering its development potential accordingly.

How does it respond to these proposed amendments to the Settlement Hierarchy?

6. In the same section, those representations also raise the issue of linkage between the Settlement Hierarchy and Strategic Policy 05 Good Design and Positive Place-Making and

refer to perceived deficiencies in the strategic framework for a list of places. Can the Council address this for me please?

7. I asked a variant of this question in the context of Moira having a designated Town Centre in the opening sessions but need to air representors' concerns in this more strategic context. They expressed misgivings about the capacity of Moira to absorb additional development given: the reported adverse impact of emissions from queued traffic; problems arising from congestion that are detrimental to residents' quality of life and deliveries to local businesses; lack of streetlights on Main Street; and the capacity of the local GP surgery to cater for existing, let alone increased, demands. This raises the following issues:
 - In designating Moira as a Town in the Settlement Hierarchy was the capacity of the local road network to cater for additional development, without prejudice to public safety and convenience, taken into account? If so, it would be helpful if the Council could direct me to where the issue has been considered in its evidence base;
 - In the "Settlement Appraisals" at Technical Supplement 6 [SUBDOC-025] of the Council's evidence base (page 34) where the town scores highly on a Resource Test, has the capacity of services such as the health centre and primary school to cater for additional demand been taken into account rather than simply just noting their existence? and
 - At page 39 of that document, where a development Constraints Test is applied to Moira, am I correct in assuming that its "high" rating applies only to the capacity for expansion beyond the settlement development limit defined in dBMAP 2015 and doesn't take account of the aforementioned considerations?

Any other issues

Housing in settlements (Strategic)

Participants are reminded that, as set out in the Guidance Notes issued on 28th January 2022, save for Strategic Mixed Use Designation SMU01 West Lisburn/Blaris, there will be no consideration of the perceived merits of specific sites; those are matters for the Local Policies Plan.

Consistency tests

8. In respect of the consistency tests for soundness, a representor contends that: *"..the assertion that something has been taken into account establishes such a low bar as to be rendered effectively meaningless, the Council merely has to assert that it has taken the issue into account"*. How does the Council respond to this?
9. What does the Council consider to be the difference between *"take account of"* and *"had regard to"* in the context of the consistency tests for soundness?

Overall quantum

10. In respect of the focussed change FC1B, as it relates to page 58 of Part 1 of the dPS, *"1. RDS Housing Growth Indicators (HGI)"*, 4th paragraph, CFC-009 [paragraph 2] said that it is unclear why a mid-point between the two employment-led scenarios in the Housing Growth

Study (as updated) was taken, other than to seek closer alignment with the revised HGIs. It makes the case why it is perceived as more logical to base housing growth on the adjusted HGI baseline figure and works through ramifications for the housing requirement. How does the Council respond to this?

11. CFC-009 [paragraph 4] raises further concerns about the Council's revised baseline future growth in FC1B. It would be helpful to have the Council's response.

12. In correspondence with the Council, the Department referred to Table 2.3 of the Lichfields Housing & Employment Topic Paper (SUBDOC-031) that shows updated employment-led dwelling requirements. In paragraph 2.12 it refers to adding an allowance of 73dpa to each scenario (equivalent to 1,100 dwellings). The Department commented that this is possibly to address a problem with alignment with the HGI figure, which takes account of net conversions, closures and demolitions. It appears that the figure is derived by dividing the 1,100 figure from the HGI by 15. The Department request confirmation from the Council that this figure has been derived from the updated HGI report (Table A1). The Council responded to this request at pages 19 and 20 of *Clarification to DfI*, June 2021 (SUBDOC-083).
Without repeating concerns raised in their written representation(s):
 - Does this allay the Department's concern in this respect? and
 - Do any of the other parties want to comment on this evidence?

13. The Department pointed out to the Council that Table 9.1 of Technical Supplement 1 "Housing Growth Study" (page 45) shows 54.5% of previous past delivery (based upon 2003/4 – 2016/17) was located in Lisburn (including W Lisburn). This percentage of the total distribution of growth will translate to 377 units. In contrast the updated Table 4.3 in the Lichfields Housing & Employment Topic Paper (SUBDOC-031, Page 61) indicates an average past delivery of 46.6% (based upon 2004/05 – 2018/19) resulting in an indicative 401 units if these rates are maintained. When applying the same methodology to Table 4.3, 46.6% of the total of 832 it gives 388 units and not the 401 indicated in the table. The Department asked the Council to explain the reason for this variation and it did so at pages 7 & 8 of *Clarification to DfI*, June 2021 (SUBDOC-083) and in the Briefing Note at Appendix 14 of that paper.
Without repeating concerns raised in their written representation(s):
 - Does this alleviate the Department's concern in this respect? and
 - Do any of the other parties want to comment on this evidence?

14. In addressing representors' concerns at page 69 of its Public Consultation Report, the Council did not respond to the contention that its approach to housing growth projections is based on too short a review period and the suggested alternative approach whereby the housing growth figure should be based on a longer period (1998-2013), which includes both pre and post-recession build out rates and provides a clearer indication of the probable growth over a 14.5 year period. I'd welcome its response to these specific concerns about the robustness of its evidence base.

15. In the same paper (SUBDOC-083) the Department asked Why was the average past delivery percentage based 2004/5 – 2018/19 in the updated paper rather (SUBDOC-031) than from

2003/4 as per the original housing growth study? The Council set out its response at page 7 of “Clarification to DfI”, June 2021 (SUBDOC-083).

Without repeating concerns raised in their written representation(s):

- Does this dispel the Department’s concern in this respect? and
- Do any of the other parties want to comment on this evidence?

16. The Council’s document “Clarification to DfI” (SUBDOC-083) responds to the Department’s question 3 – “How has the analysis of past delivery informed the percentage of future growth allocated to the various tiers” – pages 8 to 13 inclusive. Without repeating concerns raised in their written representation(s):

- Does this address the Department’s concern in this respect? and
- Do any of the other parties want to comment on this evidence?

17. I appreciate that representors may still consider the revised Strategic Housing Allocation in Table 3 as amended by focussed change FC1B too low and representations on foot of associated public consultation will be taken into account. Those concerns aside, the Lichfields Housing and Employment Topic Paper January 2021 (SUBDOC-031) addresses some quantitative considerations underpinning that revision. As respondents have not previously had the chance to comment on this evidence, the opportunity to do so is afforded provided they are not repeating previous submissions. Is there anything that they want to add in respect of paragraphs 2.1 – 2.13 of that report, including Tables 2.1, 2.2 and 2.3?

18. Paragraphs 2.14 – 2.18 inclusive of the aforementioned report set out the Council’s response to representors’ concerns that its approach to housing growth projections is based on too short a review period* at paragraphs 2.14 – 2.18 inclusive. Is there anything that they want to add in respect of it, that is not already set out in their representations? (*This is a distinct issue from representations seeking to extend the plan period from 2032 until 2035 that were considered in Topic 1; further submissions on that issue will not be permitted)

19. At pages 60 & 61 of its Public Consultation Report the Council did not address the contention that its analysis of meeting future housing need provides no evidence on how it will address the housing market conditions, the needs of the aging population or encourage net in-migration. It is said to rely solely on the jobs-led growth scenarios provided in Technical Supplement 1 which result in a range of scenarios that are substantially below the official government figures when, by their own admission, they need to be in excess of the official forecasts. Can it do so now.

20. Representors have suggested that the strategic housing allocation has been determined by remaining housing land and lacks a robust evidence base. How does the Council respond?

21. The criticism has been levelled that solely basing housing allocations on existing commitments, prior to a full assessment of the deliverability of the lands, could result in significant inconsistencies between the dPS and LPP. How does the Council respond?

22. Given the preponderance of “committed” sites in the Strategic Housing Allocation will it ensure a reasonable choice of residential accommodation, including retirement housing provision, in sustainable locations, over the remainder of the plan period?
23. What consideration was given to the contentions that:
- In order to deliver the HGI figure there must be a sufficient lead in period to allow permissions to be secured, infrastructure to be provided and houses to be built; and
 - A plan that allocates only enough land to the HGI figure will be unsound as it will effectively become redundant as framework for development management purposes several years before its end date.
24. In its Counter-Representations Report (SUBDOC-010), at page 8, the Council commented on whether the submission is a counter-representation as legally defined but does not comment on whether the Strategic Housing Allocation is correct in respect of column 2 of the revised Table 3 (focussed change FC1B) due to the alleged discrepancies. Can it do so now please?

Affordable Housing

25. At page 59 of its Public Consultation Report, 2nd row, the Council refers to a Housing Market Analysis Update. For the avoidance of doubt, can it identify the submission document that it is referring to?
26. Subject to that clarification, focussed change FC1A hand paragraphs 3.95 – 3.113 of the Lichfields Housing and Employment Topic Paper January 2021 (SUBDOC-031), have concerns been allayed that the Council has failed to provide sufficient evidence or clarification on the affordable housing need for the plan period?
27. It was suggested that the delivery of affordable housing, in particular the 2,400 social housing units, will largely depend on the zoned sites remaining to be developed and other sites lying outside these zonings (urban capacity & windfall), therefore “social housing has not been provided for”. The representor contends that an additional 2,400 units need to be added to the (revised) housing allocation in order to make the plan sound. The Council’s latest response on the contention is at paragraphs 2.32 and 2.33 of the Lichfields Housing and Employment Topic Paper January 2021 (SUBDOC-031). On that basis, do parties have anything further to add?
28. Paragraph 6 Housing Needs Assessment/Housing Market Analysis of the Strategic Housing Allocation (SHA), as amended by focussed change FC1B, says that “Any future identified shortfall may be addressed at LPP stage thorough the zoning of land for affordable housing”. Table 3, amended by focussed change FC1B, refers to the SHA “over the remainder of the Plan period (2019-2032)”. Within this quantitative ceiling, what scope would there be at LPP stage to:
- Revise the headline housing requirement;
 - Potentially make more far-reaching market interventions than those proposed by Policy HOU10 Affordable Housing in Settlements?

- Do either or both of the above given the provisions of paragraphs 13.2 and 13.3 of Development Plan Practice Note 7 “*The Plan Strategy*”?

Remaining Potential

29. The Council’s latest position on this element of housing supply, addressing Table 3 Strategic Housing Allocation, as amended by focussed change FC1B, is provided at paragraphs 3.4 – 3.10 inclusive of the aforementioned paper. As parties have not had the chance to respond to it, do they wish to add any comments above and beyond those in their written submissions?

Urban Capacity Sites

30. The Council’s latest evidence in response to representations about the role of urban capacity sites in meeting the Strategic Housing Allocation (now in Table 3 as amended by FC1B) found at paragraphs 3.11 and 3.12 of the Lichfields Topic Paper (SUBDOC-031). Is there anything therein that the other parties want to address?

Windfall

31. The issue of windfall is also addressed by the Lichfields Topic Paper, specifically at paragraphs 3.12 – 3.15 inclusive. As this is updated evidence since parties made their representations is there anything therein that they want to challenge?

32. With regard to Table 3, the argument was made that the potential yield identified in columns 3-5 inclusive should be discounted as given their “*speculative nature*” they cannot be relied on for housing delivery. How does the Council respond to this?

Density

33. Questions on specific provisions for density are on the agenda for discussion in the context of Topic 17 and the issue of Design in New Residential Development. I do not want to stray into consideration of operational policy in this topic but, in this strategic context I need to deliberate on whether the potential yield shown on Table 3 of the dPS, as amended by focussed change FC1B, is too high. Therefore, respondents’ reference to operational policy should be made in this strategic context in addressing the following submissions (that I will consider one by one):

- At pages 191 and 192 of its Public Consultation Report, the Council addresses the issue of the perceived conflict between criterion a) of Policy HOU3 Site Context and Characteristics of New Residential Development and criterion d) (as now amended by FC5B) of Policy HOU4 Design in New Residential Development. However, is there anything that it wants to add in this strategic context as regards the perceived tension’s implications for housing yield?
- Criterion e) of Policy HOU4 Design in New Residential Developments is said to be in line with the current recognised standard of Lifetime Homes, which outlines minimum space

standards and aspires to increased space standards to house design to create flexible and cost-effective house designs. This is said to have implications for wider dwellings and plots and additional engineering works to achieve reduced gradients. In all, the out-workings of these requirements do not appear to be compatible with assumed per hectare development densities used in Table 3 (as amended by FC1B);

- In accordance with Regulation 43B of the Building Regulations (Northern Ireland) 2012 (as amended) the Nearly Zero-Energy Requirements for New Buildings will require additional site area for the inclusion of micro-renewables and to facilitate greater building footprints due to super-insulating in order to meet new energy performance targets and aspirations; and
- Reported experience of the operation of the Council’s development management function is that densities less than that proposed by criterion d) of Policy HOU4 are required in order to secure planning permission. Specific examples are given in DPS-083 at paragraph 7.9 with further commentary in paragraphs 7.10 to 7.12. I do not need to know the details of the cited schemes or the rationale for the densities applied, only that the general concern be addressed.

34. Was consideration given to increasing the density of development in “*appropriate locations*” that would reduce the need for including the greenfield site* at West Lisburn/Blaris as part of the Strategic Housing Allocation? (*Noted that it comes within the proposed Settlement Development Limit in dBMAP 2015)

35. Are the proposed density bands to be applied outside the city centre boundary consistent with principles of sustainable development and the plan’s own Strategic Policy 01 Sustainable Development?

36. The contention was made that designation SMU01 West Lisburn/Blaris could realistically absorb up to some 2,300 dwellings. Whilst the rationale for this figure was not explained, is the yield of 1,350 units attributed to it Table 3 of the dPS, as amended by focussed change FC1B, too low in light of the provisions of Strategic Policy 01 Sustainable Development?

Total Supply

37. The Council’s latest concluding evidence on housing supply is set out in the Lichfields Topic Paper at paragraphs 3.16 and 3.17. Do the parties want to comment on this?

Deliverability

38. In terms of deliverability of the strategic housing allocation:

- What consideration did the Council give to the contention that some of the larger zonings in the current Area Plans have remained undeveloped over long periods?
- Other than propose a flexibility margin was any consideration given to the specific reasons why such sites have been banked and not developed?

Flexibility margin

39. Prior to publication of the dPS what was the Council's evidential basis for arriving at the 10% allowance for non-deliverability; why that specific margin?
40. At paragraphs 2.19 – 2.27 inclusive of the Lichfields Housing and Employment Topic Paper January 2021, representations relating to the issue of the flexibility margin proposed on page 58 of Part 1 of the Plan, as amended by focussed change FC1B, are addressed. Over and above what I already have in writing from the other parties in respect of this issue, is there anything that they want to add in response to this element of the Topic Paper?
41. The issue is subject of further consideration at paragraphs 3.18 – 3.27 inclusive of the Topic Paper. As parties have not had the chance to respond to it, do they wish to add any comments above and beyond their written submissions and ground that we have already covered in the last question?
42. CFC-009 contends that the inclusion of a 10% buffer still seems to be driven by the desire to deliver development at West Lisburn/Blaris, rather than being required to meet housing needs over the plan period. How does the Council respond to this contention?

Allowance for continuous five-year supply

43. The Council's latest position on representations on the subject that the strategic housing allocation should include for predicted growth over the plan period plus a 5 year supply prior to application of a 10% flexibility margin is set out at paragraphs 2.28 – 2.31 of the aforementioned paper. As parties have not had the chance to respond to it, do they wish to add any comments above and beyond their written submissions?
44. The SPPS advocates a plan, monitor and manage approach to ensuring that, as a minimum, a 5 year supply of land for housing is maintained. In that context, what is the need for a flexibility margin when monitoring should identify any areas of concern and sites not coming forward?
45. A representor referred to a case that I take to be *Compton Parish Council & others v Guildford Borough Council & others [2019] EWHC 3242 Admin* as authority for adding a continuous 5 year supply to the Strategic Housing Allocation plus 10% buffer. Is that instance distinguishable from this dPS?

Cross-boundary implications

46. The Council's latest evidence in response to representations about housing need in neighbouring Council areas is found at paragraphs 2.35 – 2.47 of the Lichfields Topic Paper (SUBDOC-031). Without repeating written submissions, is there anything therein that the other parties want to address?

47. What cognisance was given to how the functioning of the shared Belfast Housing Market Area could impact on the Strategic Housing Allocation for this plan area?
48. CFC-009, in respect of focussed change F1B, reiterates concerns about the “*continuation of sustainable trends that have largely been based on commuting flows into Belfast for employment*” and the representor’s ensuing concerns are set out in paragraphs 3-5 inclusive of their submission. The Council’s Public Consultation Report, at page 61, responded to similar concerns but is there anything over and above those comments that it wants to add?

Monitoring & Review

49. At page 168 of its Public Consultation Report, the penultimate row, the Council responded to representors’ concerns about monitoring but I am unsure as to its stance. Is it saying that the advocated two-pronged approach to monitoring the take-up of housing land is not needed for soundness and, if so, why not?
50. In the final row on that same page, the Council responds to but does not engage with the concern expressed about how it would deal with: a shortfall in housing land if that were the outcome of monitoring and review; and which additional lands ought to be brought forward as part of the implementation of such a review. Is the plan consistent with soundness test CE3 in this respect?
51. At page 169 of its Public Consultation Report, the “standard’ response that the Council has repeated doesn’t specifically address the concerns summarised in the last row of the representors’ column. Can it do so now?

Distribution

52. Having considered the Lichfields Housing & Employment Topic Paper (SUBDOC-031) the Department noted that 85% of growth has been allocated to urban tiers. However, alongside the Housing Evaluation Framework and the factors listed at paragraph 3.60 of the updated Lichfield paper, what other factors have influenced the allocation within the tiers? The Council responded in its “*Clarification to DfI*” (SUBDOC-083) at pages 13 to 17 inclusive. Without repeating concerns raised in their written representation(s) and points already discussed:
- Does this address the Department’s question? and
 - Do any of the other parties want to comment on this evidence?
53. In the same paper (SUBDOC-031), at pages 18 and 19, the Council responded to the Department’s request for a further breakdown between the other settlements and the countryside tier in terms of housing units built in the plan area over a 14.5 year period. Without repeating concerns raised in their written representation(s) and points already discussed:
- Does this address the Department’s concerns? and

- Do any of the other parties want to comment on this evidence?
54. At page 177 of its Public Consultation Report, 2nd & 3rd rows, the Council responds to various concerns about statements in Appendix D – Evaluation of Settlement Characteristics and how these have been taken on board in the Plan’s Spatial Strategy. Taking into account focussed change FC1B, additional evidence that the Council has published since the dPS was consulted on, the Public Consultation Report and earlier discussion, have these concerns been allayed?
 55. At page 182 of its Public Consultation Report, 2nd row, the Council responds to concerns about the relationship of the Council’s evidence base with its strategic housing allocation and the apparent disconnect between the two. Whilst the Council’s response refers to various evidential sources can it succinctly advise where this issue has been considered?
 56. The Council’s response to a representation is noted at pages 71 & 72 of its Public Consultation Report. My understanding of Table 3, as amended by focussed change FC1B, is that no new allocation is made for villages and small settlements. Whilst build-out of the potential units remaining may support the plan’s objective A:4 (page 34 of Part 1) how is the approach consistent with objective A:5?
 57. Some representors raised detailed concerns about the use of the RDS Housing Evaluation Framework, including the assessment of the allowance for existing housing commitments, and suggested adjusted allocation based on a revised outworking of that exercise. Lichfield’s “*Housing and Employment Topic Paper*” January 2021 (SUBDOC-031) revisits the issue at paragraphs 3.58 – 3.75 inclusive. As parties have not previously had the chance to comment on it, is there anything that they wish to add that has not already been covered in their representations or has it allayed their associated concerns?
 58. In response to representations, the aforementioned Topic Paper includes a section on the role of transport planning in the Council’s application of the Housing Evaluation framework at paragraphs 3.76 – 3.94 thereof. Bearing in mind specific questions on the issue of West Lisburn/Blaris Strategic site and those in respect of Topic 19 – A Connected Place are there any remaining concerns about the robustness of this element of the Council’s evidence base that parties will not have the chance to comment on in forthcoming questions?
 59. The criticism was levelled that the Council has not taken account of paragraph 3.21 of the RDS, which says that an important step into the process of allocating housing growth to specific locations is making judgements to achieve a complementary urban/rural balance to meet the need for housing in the towns of the district and to meet the needs of the rural community living in smaller settlements and the countryside. Windfall aside, given that the entirety of the uncommitted new housing is being allocated to a single site, how does the Council respond to this concern?
 60. The criticism is levelled that there are significant imbalances in the available housing supply at the village level of the settlement hierarchy and deliverability issues will compound it. It is suggested that, for the sake of coherence and effectiveness, villages be afforded a

percentage of the overall allocation that are proportionate to their population. In this respect what account was taken of SFG13 of the RDS and paragraph 3.101 in particular?

61. At pages 67 and 68 of its Public Consultation report, the Council did not specifically engage with the suggested revision to the dPS whereby it should “*provide strategic policy for the zoning and management of housing land within settlements*”. Can it do so now please?
62. Would a balanced spread of new housing development opportunities, that many representors advocate, be a more sustainable form of development by comparison to the role to be played by one strategic site in the Strategic Housing Allocation?

West Lisburn/Blaris Strategic site

63. I am not inviting or permitting re-opening of the extensive debate that we had in Topic 2 on Strategic Employment Allocation & Economic Development in Settlements. However, in introducing housing at SMU01 West Lisburn/Blaris what account was taken of SFG1 of the RDS that specifically mentions West Lisburn/Blaris as a key location to be protected for economic growth?
64. I am not bound by the Commission’s report into the public inquiry of the draft Belfast Metropolitan Area Plan 2015 and have taken account of the Council’s response, at page 106 of its Public Consultation Report, to concerns about the introduction of housing onto lands previously zoned for employment use. Nevertheless, given the provisions of SFG1 of the RDS, are the Commission’s conclusions in respect of this site not still pertinent regarding:
- The importance of this location for the employment strategy of the Belfast Metropolitan Area and Northern Ireland as stated in the RDS;
 - It is one of two crucial zonings of new employment land on the periphery of the Metropolitan Area; and
 - That such prime locations providing optimum employment land are rare, in contrast to the wider range of available housing land.
65. In light of the provisions of SFG1 of the RDS regarding the site subject of Designation SMU01 and its role within the Belfast Metropolitan Urban Area, in respect of soundness test C4, what regard has been had to any plans, policies and strategies relating to any adjoining council’s district?
66. At page 105 of its Public Consultation report, the Council addresses the contention that Designation SMU01 is contrary to the provisions of the first bullet point of paragraph 6.297 of the SPPS and Strategic Policy 20 Transportation Infrastructure. Its response is noted. However, how:
- Can a Designation whose delivery is contingent upon construction of a new road sit comfortably with both those policies?
 - Can the site be reasonably described as “*in a highly accessible location*” (J&A text to SMU01) when a new road is required to “*realise the potential of this zoning*”?

- Does the Council's evidence base contain any specific accessibility analysis to demonstrate that the SMU01 Designation is more accessible than any other site within the City?
 - Does the provision of the link road to serve the Designation "*fully meet the requirements of the RDS*"?
67. The point was made that in Technical Supplement 1 (SUBDOC-020) Lisburn & Castlereagh is said to be a well-established net exporter of labour with 74% of all commuter outflows being to Belfast [page 12, paras 3.16 & 3.18]. A representor made the points that: the priority should be afforded to sites that have sustainable access to Belfast city via public transport; and the amount of housing proposed at West Lisburn/Blaris could compound problems associated with commuting and such a scenario would not represent sustainable development. How does the Council respond to these?
68. Criticism has been levelled that dPS fails to take proper account of the Community Plan, in particular, Supporting Outcomes 3C, 3D, 4B, 4D, 4E and 5D as it is "*hamstrung by the reliance on new housing development far removed from the town centre and the associated services*". This concern seems particularly pertinent in respect of the housing proposed at West Lisburn/Blaris (SMU01) and the Council's response to it would be helpful.
69. Whilst it is noted that small scale local needs convenience retaining and healthcare facilities will be permitted at SMU01 in accordance with criterion j) of the designation, there is nothing requiring such provision. This seems to lend support to the concern that an ageing population is at risk of social isolation and increased dependence on private cars within larger housing developments on the outskirts of town, contrary to the plan's Strategic Policy 01 Sustainable Development and the 3rd and 4th paragraphs of the J&A text associated with Policy HOU1 New Residential Development. What consideration has the Council given to the possibility that the permitted local services may not be developed within Designation SMU01 and the attendant implications for sustainability?
70. CFC-009, in response to focussed changed FC1B, contends that transportation issues relating to the West Lisburn/Blaris lands have not been adequately considered or addressed particularly with regard to "*creating significant additional commuting traffic on the M1 to Belfast*" that DfI has highlighted in the Lisburn and Castlereagh Local Transport Plan – Transport Study (SUBDOC-027, page 17, para 2.11.4). The representor adds that there does not appear to be any robust, quantitative evidence demonstrating that the potential transport implications this proposed mixed use site will have on the transport network have been considered and the potential impact this will have on the Belfast City Council area. How does the Council respond to this?
71. Crucial to deliverability of development at West Lisburn/Blaris is the M1-Knockmore link road. Taking account of the evidence at paragraphs 4.15 – 4.28 of Lichfield's "*Housing and Employment Topic Paper*" January 2021 (SUBDOC-031), how realistic is it that the 1,350 dwellings attributed to that site in the Strategic Housing Allocation will be delivered within the plan period?

72. Reference has been made to current planning applications on the site subject of Designation SMU01, in whole or in part, namely: LA05/2018/1154/O - mixed use development to include new housing (1,300 dwellings) and commercial floor space (754,000 sq.ft.), 1.6km long M1-Knockmore link road, riverside parkland and ancillary works: and LA05/2018/1155/F - M1-Knockmore link road connecting the roundabout at the A101/Junction 8 of the M1 to the existing Moira/Knockmore Road junction. What is their current status?
73. Paragraph 4.52 of the aforementioned Paper says that delivery of between 1,350 and 1,500 dwellings at West Lisburn/Blaris, amongst other things, would depend on planning permission being granted in the next two years (time of writing was January 2021). As well as the Council advising on how likely this is to happen before January 2023, how would those permissions sit with the headline requirement of SMU01 West Lisburn/Blaris that development must accord with an overall Concept Masterplan for the site that has been agreed with it?
74. Is this site's contribution to the Strategic Housing Allocation realistically deliverable within the plan period?
75. The paragraph referred to in the last question is part of the Paper's section on "*Delivery of housing at West Lisburn/Blaris*" at paragraphs 4.43 – 4.52 inclusive. Over and above issues already discussed, is there anything therein that parties want to respond to?
76. When development of this site is required to be in accordance with a Concept Masterplan:
- Why does the Council consider it coherent and effective to apply the 10% flexibility margin to it in assessing its contribution to the Strategic Housing Allocation?
 - In respect of this site, has the flexibility margin taken account of regional policy and is it consistent with Strategic Policy 01 Sustainable Development?

Infrastructure

- ~~77. The Council's June 2021 paper "*Clarification to DfI*" (SUBDOC-083) provides the most up to date assessment of potential constraints on development arising from the capacity of the water, waste water and sewerage networks – pages 14-15 and Annex A.~~
- ~~• Are there any factual updates to the waste water treatment works (WWTW) headroom capacity June 2019 (Annex A)?~~
 - ~~• Do any of the other parties want to challenge this evidence?~~
77. The Council's Public Consultation Report (SUBDOC-009) provides the most up to date assessment of potential constraints on development arising from the capacity of waste water treatment works (WWTW) - see Appendix H at page 444.
- Are there any factual updates to the WWTWs' headroom capacity as of August 2020?
 - Do any of the other parties want to challenge this evidence?

78. On foot of this latest evidence:

- Does WWTWs' capacity have any implications for the Strategic Housing Allocation and delivery of housing land supply?
- Is phasing of housing land supply required on the basis of the capacity of these services to deal with additional loading?
- Is NI Water imposing any current constraints that would have a likely significant impact on deliverability of housing?
- Does the proposed quantum of distribution of housing have any implications for achievement of the Water Framework Objectives for water bodies in the plan area?

Phasing

79. The Council's most up to date response to representations that called for phasing of housing land supply is set out in Lichfield's "*Housing and Employment Topic Paper*" January 2021 (SUBDOC-031). As representors have not had the opportunity to comment on this addition to the Council's evidence base, I want to give them the opportunity to do so as follows, taking each element in turn:

- The policy position on phasing as set out in paragraphs 3.30 – 3.39 inclusive;
- Meeting the housing requirement at paragraphs 3.40 – 3.44 inclusive;
- Paragraph 3.45 addresses phasing of housing development;
- Short term land reserve is the subject of paragraphs 3.46 – 3.50 inclusive;
- Paragraphs 3.51 – 3.55 consider the approach to phasing elsewhere ; and
- The implications of those considerations for the approach adopted by the dPS are set out in the concluding paragraphs 3.56 and 3.57.

I'd like to hear from representors on an issue first and then ask the Council to provide a composite response to their concerns, before considering the next section of the Paper.

Impact of Covid-19 on housing delivery

80. Despite the Covid -19 pandemic striking subsequent to publication of the dPS, the Council has helpfully considered its potential implications for the housing market in Lichfield's "*Housing and Employment Topic Paper*" January 2021 (SUBDOC-031) at paragraphs 6.15 – 6.23 inclusive. Is there any disagreement with its conclusions and, if so, how would the Strategic Housing Allocation need to be changed in order to be sound?

SMU01 West Lisburn/Blaris

81. Reference is made in a representation to the precursor document to the West Lisburn Development Framework (2018 Review) [SUB-DOC-070] but that 2015 publication is not part of the Council's submission library and I could not find it on line. Can a pdf copy be made available?

82. What account was taken of the “*Previously agreed Development Frameworks for Blaris, West Lisburn*”, referred to in DPS-033, in defining the spatial extent of SMU01 West Lisburn/Blaris and its LLPA/Linear Park?
83. Is use of the word “*appropriate*” in criteria d), e), f) and g) consistent with soundness test CE3 or does the designation need to be more proactive in setting out what would constitute “*appropriate*” in each instance?
84. Is criterion g) of Designation SMU01 consistent with the coherence and effectiveness tests for soundness given the contention that the Lisburn & Castlereagh CC draft Local Transport Study does not include the West Lisburn Railway Halt as one of the transport measures that DfI expect to deliver during the LDP period to 2032 in the area “*despite the fact that it is currently a live planning application*”?
85. On page 104 of its Public Consultation Report, the Council responds to the contention that criterion j) is too restrictive by referring to some uses provided for by dBMAP as “*they are no longer deemed necessary to support the housing and employment uses, and are generally more akin to those proposed nearby at Sprucefield SMU03*”. Can it explain the rationale for this conclusion?
86. Is criterion l) consistent with soundness test CE3 where it refers to “*a very substantial part*”? In the absence of either a proportionate or quantitative contribution how can the developer assess the feasibility of investing in the site?
87. The Council’s response to a representation is noted at page 24, final row, of its Public Consultation Report. Notwithstanding this and in light of the discussion that we had on Topic 15 about noise and air quality, is an additional criterion needed requiring that the Masterplan provide details of:
- Associated attenuation/mitigation measures to ensure that future residents enjoy an acceptable level of amenity within both indoor and outdoor spaces; and
 - Dwellings’ relationship with employment uses so that the former would not prejudice the latter’s future operation?

Any other issues

Housing in the Countryside

88. On page 93 of its Public Consultation Report (first row, final sentence), the Council refers to “*The minor change outlined above...*” – to what is it referring?
89. At pages 91 and 92 of its Public Consultation Report, the Council responded to submissions about suggested changes to Strategic Policy 09 Housing in the Countryside in respect of brownfield edge of settlement sites. Do the other parties want to add anything over and above what I already have in written representations?
90. At page 92 of its Public Consultation Report, the Council responded to concerns that its strategy appears insufficiently robust to manage rural commuter development pressures in

the area immediately around Lisburn and Belfast. However, the representor did not suggest any amendments to policy that they consider would address the perceived short-coming. Nevertheless, is there anything in the Council's response that they wish to comment on?

91. At page 81 of its Public Consultation Report the Council engaged with the representation that said that the wording of Strategic Policy 09 could be amended to refer to the specific ambition to achieve rural regeneration where necessary. I take it from its response that the suggested amendment is not considered necessary but it did not explain why. Can it do so now?

Any other issues

Topic 17 – Housing in Settlements (Operational)

New Residential Development

1. At pages 186 and 187 of its Public Consultation Report the Council responds to various concerns raised about Policy HOU1 New Residential development including the proposed "minor change" MC12 that proposed to amend criterion c) to read: "*in designated city and town centres and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*". Does the other party have any associated comments to make?

Protection of Land Zoned for Housing

2. On foot of a representation the Council put forward a focussed change (FC5A) in respect of Policy HOU4 Design in New Residential development aimed at clarifying how it would apply to proposals being considered in the context of Policy HOU2 Protection of Land Zoned for Housing. The associated response to this amendment in CFC-020(a) contends that it does not deal with the issue raised in the original representation. The following issues arise:
 - If the proposed new use were for any of those listed in the first sentence of the J&A text of Policy HOU2 how could it apply with criteria c), d), e), f) and k) of Policy HOU4 given that they relate specifically to dwellings? and
 - Does FC5A needed to be amended in light of soundness test CE3?

Site Context and Characteristics of New Residential Development

3. Page 190 of the Council's Public Consultation Report is noted whereby it comments on density standards being a cross-cutting issue addressed by several operational policies. However, my reading of the associated representation that it is not only density that the representor is concerned with but also space standards referred to in the final paragraph of policy and the subject of footnote 1 on page 13 of Part 2 of the plan. So that those standards would be applied to all residential development and not just within areas of distinctive townscape character. Can the Council address this specific point please?

4. Is inclusion of the words “*where appropriate*” and “*suitably*” in criterion b) of Policy HOU3 consistent with soundness test CE3? Appropriate and suitable according to whom?
5. Would the suggested wording of “*appropriately protected and integrated*” in criterion b) in order to provide clearer mechanisms for implementation and monitoring of the policy?

Design in New Residential Development

6. In responding to a representation about criterion d) of Policy HOU4 the Council referred to its Technical Supplement 2: Urban Capacity Study (SUBDOC-021). The Arup UCS paper at Section 5.0 concludes on density at page 42 thereof and its second sentence reads: “*We recommend that LCCC review the findings and consider whether further assessment is required, particularly with regard to encouraging higher densities within the urban footprint to meet the 60% target set by the RDS*”. Was this recommendation acted upon?
7. CFC-009 responded to the focussed change FC5B that would amend the wording of the second and third bullet points of criterion d) of Policy HOU4 but leave the correspondent density bands unchanged. Can the Council comment on the points raised therein, especially with regard to soundness test C4?
8. With regard to criterion e) the Council says at page 194 of its Public Consultation Report that if the policy is not delivering a range of homes that are accessible and adaptable and/or that if the different approach to their delivery adopted by Belfast City Council is affecting the wider housing market, it will consider if any revision is necessary at the LPP stage. How does it envisage that the LPP could address any implementation issues with this strategic policy?
9. A representor suggested that the requirement of design standards that provide for ‘Lifetime Homes’ via the J&A text associated with criterion e) might not be achievable on all sites. Could this requirement frustrate the delivery of housing?
10. Have the prescribed density bands in criterion d) (revised by focussed change FC5B) taken account of the implications of criterion e) of Policy HOU4 and the requirement that a new residential development should incorporate design standards that provide for “Lifetime Homes”? This matter was considered in week 3 of the public hearing sessions in the context of the Strategic Housing Allocation so contributions should be confined to operational policy as the strategic implications of the interplay of the two criteria has already been considered.
11. In its response to these concerns at page 196 of its Public Consultation Report the Council said that: “*It is a matter for the applicant to demonstrate how their proposal complies with the relevant policy and appropriate standards contained within existing Building Control Regulations*”. This suggests that that statutory regime could achieve the same objective as application of the ‘Lifetime Homes’ design standards; in which case why is reference to it deemed necessary in the J&A text?
12. CFC-009 commented on proposed “minor change” (M13) whereby the word “*useable*” in criterion e) would be replaced by “*accessible*”. The Council’s response would be welcome

as would its consideration of my concern that the proposed amendment narrows the scope of the policy as wheelchair “useable” dwellings would also be “accessible” whereas “accessible” only might not be liveable.

13. Does the use of the words “*where practical*” in criterion f) provide a clear mechanism for implementation? Who would be the arbiter of whether or not it would be appropriate to incorporate energy efficiency and renewable energy measures into new residential development? It is noted that the Community Plan specifically refers to developing and implementing home energy efficiency and renewable energy measures and, in complying with all 4 soundness tests for consistency, should there not be a presumption in favour of the use of such materials, building techniques and technology?
14. In response to a suggested additional criterion, at pages 197 and 198 of its Public Consultation Report the Council referred to operational policies that it considers to address the representor’s concerns. Those policies would have a largely “neutral” impact on biodiversity by protecting, satisfactorily integrating and avoiding harm/unacceptable adverse impact. In not seeking biodiversity net gain:
- Does Policy HOU4 satisfy the soundness tests concerned with consistency?
 - Is it consistent with Strategic Policy 06 Protecting and Enhancing the Environment that refers to “*enhancement*”?
15. A representor said that they would “*like to see the number of Wheelchair Properties and Lifetime Homes approved included as indicators, and the number of planning permissions issued for dwellings with Integrated renewable Technology*”. I appreciate that, in the absence of suggested text to address these perceived short-comings, the Council responds to the issue at page 165 of its Public Consultation Report but with the “standard” text that it has used to respond to many representations in respect of Appendix E: Monitoring Framework. Are these amendments needed to comply with soundness test CE3?

Public Open Space in New Residential Development

16. It is noted that the representor whose comment is attributed to the rationale for “minor change” MC14 did not respond to it. However, the change to the first line of Policy HOU5 Public Open Space in New Residential Development that they were seeking is not addressed by MC14; they are advocating a more proactive approach to the provision of green and blue infrastructure than the policy proposes. In deciding not to change the policy to require that “*adequate provision for blue green infrastructure must be made in open space*”, was account taken of:
- In pursuit of urban renaissance and RG9, the third bullet point of paragraph 3.14 of the RDS says that plans should “*make provision for adequate (my emphasis) green and blue infrastructure*”.
 - RG11 of the RDS and the third bullet point in paragraph 3.31 that encourages green and blue infrastructure within urban areas? and
 - The SPPS: the 6th bullet point of paragraph 4.5; and paragraph 6.196, second sentence;

17. Does the Council envisage any practical obstacles if the policy was amended as suggested above that could frustrate housing delivery on sites for more than 25 units?

Design Concept Statements, Concept Masterplans and Comprehensive Planning

18. The legislation that the Council refers to on page 203 of its Public Consultation report does not explicitly require a Design Concept Statement or Concept Masterplan for the scale of development subject of the three criteria listed in Policy HOU 6 Design Concept Statements, Concept Masterplans and Comprehensive Planning. Therefore, in considering how the policy sits with soundness test CE2, where is the robust evidence base for these thresholds?
19. In light of the 3 criteria set out in Policy HOU6 for when a Concept Masterplan is required, why is reference to “*smaller developments*” needed on page 22 in the context of the J&A relating to “*Planning Agreements*” when its deletion would not seemingly fetter the application of Strategic Policy 07 Section 76 Planning Agreements to proposed housing developments below the threshold set out in Policy HOU6?

Residential Extensions and Alterations

20. On page 205 (second row) of its Public Consultation Report, the Council responds to a representor’s suggested amendment of the wording of paragraph 6 of the J&A text to Policy HOU7 Residential extensions and Alterations (page 23, Part 2). In the absence of a definition for “*local landscape features*” in the Glossary, in the context of soundness test CE3, is there merit in the suggested amendment so that it specifically identifies existing mature trees and boundary vegetation?

Affordable Housing in Settlements

21. Policy HOU10 Affordable Housing in Settlements relates to all residential development on sites of more than 0.5 hectares or comprising 5 residential units or more whereby provision is made for a minimum of 20% of all units to be affordable. Setting aside the Lichfields “*Housing and Employment Topic Paper*” January 2021 that was published after the dPS, what is the rationale/evidence basis for the stated threshold/triggers in respect of Policy HOU10 that informed the dPS prior to its publication?
22. The aforementioned document (SUBDOC-031,) at paragraphs 3.114-3.128, addresses the “*Justification of thresholds*”. Over and above what I already have from parties in their representations, albeit submitted before publication of the January 2021 document, is there anything therein that they want to specifically respond to?
23. In opting for its policy-based approach to the provision of affordable housing rather than through zoning of land or Key Site Requirements at the LPP stage, what account did the Council take of:
- The 3rd and 5th bullet points of paragraph 6.142 of the SPPS;
 - The second sentence of paragraph 6.143 of the SPPS; and
 - Paragraph 53 of Planning Policy Statement 12?

24. How does the final paragraph of the J&A text square with this policy-based approach? Would this potential two-pronged approach provide sufficient clarity for developers in making investment decisions, as required by paragraph 1.2 of Development Plan Policy Note 7?
25. I appreciate that I am not fettered by the Commission's report following independent examination of the Banbridge, Newry & Mourne Area Pan (DPS-085 at paragraph 24) that referred to a standard 20% proportion on all sites as a "*broadbrush approach*" that "*would not take account of locational factors and all sites are not equal in terms of sustainability or economic viability*". However, in considering whether or not Policy HOU10 satisfies soundness tests CE3 and CE4, the Council's response to this conclusion would be useful.
26. Should policy HOU10 be applied to development sites where there is no identified affordable housing need?
27. The aforementioned representor went out to question whether the Council's policy-based approach will satisfy soundness test CE2 on the basis of the seeming short-comings in its evidence gathering and viability testing. With paragraphs 26-34 of the Three Dragons report in mind, how does it respond to this perceived weakness in the robustness of its evidence base?
28. In order to take account of land values, the delivery of housing and evidence at paragraph 8.5 of Technical Supplement 1: Housing Growth Study (SUBDOC-020) about where affordable housing needs are focused, should the policy differentiate between and be more flexible in respect of site types: such as brownfield; greenfield; city centre and Greater Urban Area sites?
29. Notwithstanding the mixed tenure approach that regional policy advocates, has consideration been given to the contention that, in some areas, developers have found that social rented housing has affected private house sales?
30. On pages 213 and 214 of its Public Consultation Report the Council responds to a proposal to amend Policy HOU 10 in terms of the threshold for and percentage provision of affordable housing:
- Is there anything therein that the other parties want to comment on?
 - How will the elements of the policy of concern to the representor be implemented pending adoption of the Framework document?
 - Does the policy satisfy soundness test CE3 in this respect?
31. Does the reference to "*a minimum 20% of all units to be affordable*" in the first paragraph of Policy HOU10 satisfy soundness tests CE2 and CE3? The Council's response to this concern at page 216 of its Public Consultation report is noted. However, does this wording and reference to a proposed Framework Document provide sufficient clarity for developers in making investment decisions, as required by paragraph 1.2 of Development Plan Policy Note 7, or could it frustrate housing delivery?

32. The Council's Public Consultation Report responds to the concerns of representors active in the affordable housing sector at pages 211 – 213 inclusive. On day 1 we discussed the issue of the Sustainability Appraisal's consideration of affordable housing in settlements and I do not intend to revisit that debate nor pre-empt the forthcoming questions on the use of legal agreements. Those considerations aside, is there anything else that the parties want to respond to?
33. In accordance with soundness test C4 what engagement was there with neighbouring authorities in terms of comparative policy requirements for affordable housing and consideration of the impact these might have on supply and demand across the wider housing market?
34. In its Public Consultation Report, in response to several representations about the role of Section 76 Agreements in securing affordable housing in settlements, the Council referred to its associated Framework document that is currently being developed by a number of Councils. In the interim, how can I be persuaded that the policy satisfies soundness tests CE2 and CE3 when the associated evidence and mechanisms for implementation are to be addressed in a supplementary document that is not part of the Council's submission library?
35. Regarding the proposed Framework document:
- What progress has been made in its preparation:
 - Has/will a draft be made available for public comment?
 - Will the members of Lisburn & Castlereagh City Council have a chance to consider public feedback before adopting the document?
 - Will the document have the status of supplementary planning guidance or be subject of a formal amendment to the plan?
 - When is it envisaged that it will be adopted? and
 - How will Policy HOU 10 Affordable Housing in settlements be implemented prior to the Framework's adoption?
36. At page 215 of its Public Consultation Report, the Council refers to concerns with the policy that it considers can be addressed on a case-by-case basis in negotiating legal agreements. Do the parties agree with this stance?
37. At page 215 of its Public Consultation Report, the Council responds to the contention that affordable housing provision should be secured by the use of planning condition as opposed to legal agreement. Do any of the other parties want to engage with this issue?
38. What provision has been made for monitoring the Policy HOU10's implications for housing delivery throughout the market as a whole within the plan area?

Specialist Accommodation

39. At pages 218 and 219 of its Public Consultation Report the Council responds to concerns raised about the application of criteria a) and b) of Policy HOU11 Specialist Accommodation. Do the other parties want to respond?

40. What the Council says at page 219 of the aforementioned Report in response to concerns about the implementation of the final paragraph of Policy HOU11 is noted. However, the following points arise:

- As the representor contends, would it not be a more sustainable form of development to allow an extension to a facility where it does not satisfy every single one of the 4 requirements of criterion b) as opposed to satisfying demand on a new site that can meet all the locational requirements?
- Is this facet of the policy realistic and appropriate?
- Could a qualification/amendment be applied to this final paragraph to ensure that it satisfies soundness test CE4 whereby access to such services may no longer be available in that location due to circumstances beyond the operators' control i.e. a bus route may have been discontinued?
- Does the use of the word "*considered*" provide reasonable flexibility by enabling discretion on their behalf?

Accommodation for the Travelling Community

41. The proposed "minor change" MC19C is noted whereby a sentence would be added to the end of the J&A text to Policy HOU12 Accommodation for the Travelling Community to cross-reference to a publication. If this is considered necessary in the context of soundness test CE3, why does the Council refer to only 1 of the 3 pieces of guidance that the representor cites?

Any other issues

Topic 18 – Development in the Countryside

Replacement Dwellings

1. In response to a representation about changes needed to Policy COU3 Replacement Dwellings in order to make it “*more sound*”, as set out at page 228 of its Public Consultation report, the Council proposed a “*minor change*” MC20B. In the final row of that page the Council makes specific reference to the third paragraph of the Preamble on page 03 of Part 2 of the dPS that cautions that operational policies must not be read in isolation. In that context, why is the proposed minor change considered to be necessary?

Affordable Housing

2. Do the proposed “minor changes” MC21A and MC21B to Policy COU5 Affordable Housing address concerns about account taken of Policy CTY 5 – Social and Affordable Housing of Planning Policy Statement 21 “*Sustainable Development in the Countryside*”?
3. At pages 233 and 234 of its Public Consultation report the Council responded to the representation that considered Policy COU5 to be unsound as written, saying that in order for it to be made sound, it should include: “*In exceptional circumstances, general housing along with affordable housing will be permitted at the edge of a small settlement where it involves the reuse of formerly used lands, and forms part of a larger mixed use regeneration initiative that will help sustain the rural community of the settlement it abuts*”. Without referring to any specific sites and over and above what I already have in written evidence on this issue, is there anything that parties want to add in light of the Council’s comments?

Any other issues

Topic 19 – A Connected Place

Transportation Infrastructure

1. In its representation to the Council DfI TPMU identified what it considers to be significant omissions from the dPS in terms of the transport context namely:
 - The “*heavy commuting flow*” to Belfast and the capacity of the transport networks; and
 - Reference to Belfast City Council proposals to “*add substantial employment which is likely to generate additional commuting flows*”.

In these respects, is the plan consistent with soundness tests C4 and CE1?

2. At page 141 of Part 1 of the plan, top of second column, reference is made of the Local Transport Strategy (*my emphasis*). However, the wording of proposed “minor change” MC8A refers to the Local Transport Study (*my emphasis*) as does page 154 of its Public Consultation Report. However, as it is not included in blue text signifying a proposed change, I want to be sure what is the word that the Council wants to use. Please advise.
3. CFC-020(c) says that proposed “minor change” MC8A is inaccurate and requests that the wording be changed. Can I check with the Department whether it wants its suggested sentence to replace the entirety of the Council’s suggested amended paragraph or whether it would be added to it?
4. At page 154 (2nd row) the Council responds to the perceived need for a statement encouraging the development of additional local paths, cycle and walkways. Is there anything that parties want to contribute in response to this or are they content that Strategic Policy 20 Transportation Infrastructure provides the foundation for identifying specific, additional pedestrian and cycling infrastructure at LPP stage?
5. Although no alternate wording was suggested, the point was made that “M1 to A1 Link under the heading “Strategic Road Schemes” should be reviewed to reflect the fact that the M1/A1 Link and widening of the M1 between Black’s Road and Sprucefield are two separate schemes. Is the suggested change necessary in the context of soundness test C4?
6. Under the heading “*Post Publication of BMTP*” does reference need to be made “*to the proposed Park & Ride site at Millmount that has not been provided, but an alternative site at Dunlady Road that services BRT has been developed*” (DPS-109) in the context of soundness test C4?
7. Under the heading “*Lisburn & Castlereagh City Council Car Park Strategy, 2019 (Draft)*” does reference need to be made to “*the need for the car park strategy to contribute to a reduction in private car use*” (DPS-109) in the interests of coherence and effectiveness?

8. Under the heading “*Park & Ride/Park & Share*” does reference need to be made to the proposed expansion of the Cairnshill P&R site Park & Ride site (DPS-109) in the context of soundness test C4?

Creating an Accessible Environment

9. Proposed “minor change” MC47 would see text deleted from the final paragraph of the J&A text associated with Policy TRA1 Creating an Accessible Environment. Whilst DfI welcomes this it says that the Council should review the policy and remaining J&A to ensure it provides policy in accessibility to cover all types of development [CFC-020(a)]. Notwithstanding that it would have been helpful if perceived deficiencies were specifically identified, can the Department specify how it considers the policy and its J&A to be at odds with soundness test C3.

Access to Protected Routes

10. The reason for the Council’s focussed change FC12 that amends Policy TRA3 Access to Protected Routes under the sub-heading “Other Protected Routes – Outside Settlement Limits” is given as being in response to DfI’s representation concerning the clarity of wording. DfI Planning [CFC-020(a)] and DfI Roads [CFC-020(b)] maintain that FC12 does not address their concerns as it is inconsistent with cited policy and guidance. How does the Council respond to these continued concerns?
11. Translink (DPS-006) made the point that access for Park & Ride facilities should be permitted from Protected Routes, subject to compliance with appropriate standards. With soundness test CE3 in mind, would Policy TRA3 be in conflict with Policy TRA9 Park and Ride/Park and Share Car Parks in this respect?

Protection for New Transport Schemes

12. Does the “*Area of Development Potential*” shown on Map 10 Strategic Designation Sprucefield Regional Shopping Centre need to be amended so that it is not in conflict with Policy TRA4 Protection for New Transport Schemes in respect of the Road Protection Corridor for the M1/A1 link to the east?
13. Taking account of soundness test C4, does Policy TRA4 need to be amended to refer to “*the forthcoming Local Transport Plan and the new BTMP*”? (DPS-109)

Transport Assessment

14. Proposed “minor change” MC49 would see a new first paragraph inserted in the J&A text accompanying Policy TRA6 Transport Assessment. However, CFC-020(b) says that the proposed minor change has not addressed the issue of consistency with soundness test C3 as account has not been taken of the provisions of cited Departmental policy and guidance. How does the Council respond to this?
15. Has account been taken of what DfI said about Transport Assessment & Travel Plans in its representation (DPS-109)? On foot of this is any amendment needed to either TRA6 or its

J&A text or the Transportation Infrastructure section of Part 1 of the plan in pursuit of soundness test CE3?

Car Parking and Servicing Arrangements in New Developments

16. In consideration of soundness test CE4 does an additional criterion need to be added to Policy TRA6 Car Parking and Servicing Arrangements in New Developments to enable flexibility in the application of parking standards to affordable housing schemes in light of NIHE's submission that 55% of social housing tenants do not have a car compared to the NI average of 20%?

Active Travel Networks and Infrastructure Provision

17. In its representation to the Council DfI TPMU referred to omission of a commitment or direct reference to cited DfI best policy approach about active travel networks. Is the plan consistent with soundness test C3 in this respect?

Park and Ride/Park and Share Car Parks

18. Translink commented that the development of many of the existing park & Ride facilities in Ni have come about due to emerging demands and opportunity sites. It submits that the Department's Local Transport Plan is unlikely to identify all potential sites. Should the footnote to Policy TRA9 be deleted in the interests of soundness test CE4?

19. Translink said that given their economic importance in connecting people to employment and the challenges of securing appropriate sites in suitable locations, where appropriate, the PS should permit the development of Park & Ride facilities and public transport interchanges on land identified for economic development. Are Policies TRA9 Park and Ride/Park and Share Car Parks and ED7 Retention of Zoned Land and Economic development consistent with soundness test CE4 in this respect?

20. Translink submitted that as a key objective of providing Park & Ride facilities is to reduce congestion, and as most congestion occurs within settlement limits, the second paragraph of the J&S text to Policy TRA9 should omit the words "*ideally within settlement limits*". Is this amendment needed to ensure that the policy is coherent and effective?

21. Does the use of the words "*where appropriate*" in the second sentence of the third paragraph of the J&A text provide a clear mechanism for implementation? Who would be the arbiter of whether or not it would be appropriate to make use of permeable materials and sustainable drainage solutions? In pursuit of coherence and effectiveness within the plan, should there not be a presumption in favour of the use of such surfaces?

22. Concerns about the capacity of Moira's roads network to cater for further development were raised earlier in the public hearing sessions. I note that mention is made at page 137 of Part 2 of the plan of a potential new Park & Ride facility at Moira Train Station. Has this potential scheme moved beyond the aspirational?

Monitoring of operational transport policies

23. A representor said that the Monitoring Framework needs to identify more meaningful indicators and targets that will assist in monitoring and determining the impact of land use on the transportation network, ultimately influencing its sustainability. I appreciate that, in the absence of suggested text to address this perceived short-coming, the Council responds to the issue at page 165 of its Public Consultation Report but with the “standard” text that it has used to respond to many representations in respect of Appendix E: Monitoring Framework. Do the 3 very broad indicators, associated targets & triggers for the operational transport policies at page 180 of Part 1 of the Plan accord with soundness test CE3 in terms of clarity?

Any other issues

Topic 20 – Delivery

Section 76 Planning Agreements

1. At page 50 of its Public Consultation Report, the Council responded to concerns about the breadth of Strategic Policy 07 Section 76 Planning Agreements and the absence of robust evidence or methods for how planning agreements will be used. The issue was already the subject of discussion in Topic 17 when considering the issue of affordable housing in settlements. However, in the context of this topic, is there anything that the parties want to add as to how I be can persuaded that the policy satisfies soundness tests CE2 and CE3 when the associated evidence and mechanisms for implementation are seemingly to be addressed in a supplementary document that is not part of the Council’s submission library?
2. DfI Roads (DPS-109) said that criterion a) of Strategic Policy 07 should be amended to:
 - Include the term “*highway infrastructure*”; and
 - As well as provision, reference could be made to developers contributing to the on-going maintenance of infrastructure.

Are these suggested amendments necessary to satisfy soundness test CE3?

3. At pages 50 and 51 of its Public Consultation Report the Council responded to a point about the use of Section 76 Agreements in delivering social housing. Give the Council’s reply, criterion b) of Strategic Policy 07 and the reference to the use of Section 76 Agreement in Policy HOU10 Affordable Housing in settlements – what is the remaining difference between the two parties’ positions on this issue?

Monitoring & Review

4. On pages 165 & 166 of its Public Consultation Report the Council reports a representor’s comments about monitoring and review but does not address two specific points. These identify particular monitoring parameters relating to specialist housing (seemingly concerning criterion e) of Policy HOU4 Design in New Residential Development) and dwellings with integrated renewable technology. Can the Council do so now please.
5. On page 169 of its Public Consultation Report the Council a reports a representor’s comments about the absence of monitoring provisions for “*floorspace build out or take up rates for non-residential uses, while baselines for retailing, town centre and night-time economy are also missing from Chapter 5*”. However, the points were not addressed. Can the Council do so now please.
6. Looking at the first paragraph under “*Council consideration*” at page 165 of its Public Consultation Report, with specific regard to the law, policy and guidance referred to therein, can the other parties pinpoint how the plan is deficient in these respects.

Any other issues

**Commissioner Julie de-Courcey
28th March 2022**