

Antrim and Newtownabbey Borough Council Draft Plan Strategy Independent Examination

Questions for weeks 3 & 4 – June 2022 (Version 2)

Notes:

- This agenda should be read in conjunction with the guidance notes for participants, that were published on the PAC website: <https://www.pacni.gov.uk/AN-examination-library>.
- 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.
- Where there are no questions listed under a particular heading, parties having indicated that an oral hearing is requested will be permitted to speak on the issue, provided it does not result in repetition of written evidence already submitted.
- Participants should have regard to the policies in the submitted Plan together with the Council's Public Consultation Reports DPS-S-001 to DPS-S-004.

20th June

Topic 9 Community Infrastructure

Strategic Community Infrastructure Policy

1. In its consultation report, in response to representation LA03/DPS/0008 from NIHE, the Council states “the Council is however open to minor changes for the purposes of clarification in relation to biodiversity and trees in development”. No minor change is suggested. What changes to the wording of SP 5 would be appropriate?

Protection of Open Space

2. The Council has suggested a minor change to Plan paragraph 8.18 in response to representation LA03/DPS/0008 to clarify that affordable housing, which includes social housing, would generally be viewed as providing significant community benefit where a demonstrable need can be established. The Council states that the amended text simply seeks to clarify social housing as an element of affordable housing in this context. The amendment involves changing the words ‘social housing’ to the words ‘affordable housing’ in the second line of the paragraph. Is this minor change required in the interests of soundness?
3. The Council has stated that it is content to engage separately with NIHE regarding the need for and content of any supplementary guidance in support of Policy DM 23 insofar as it relates to the NIHE estate. Should the Plan refer to this matter?
4. Should the Plan make reference in policy DM 23 to protection of facilities/buildings that are intrinsically linked to, or associated with, open space?
5. What is the basis for the introduction of a new exception at Policy DM23.2(b), given that no such exception is referred to in the SPPS?

Community Facilities

6. Does Policy DM 24 adequately take account of the SPPS, in particular paragraph 6.207 thereof?

21st June

Topic 10 - Growth Strategy

Strategic Policy – Sustainable Development

1. Given that the SPPS refers to Improving Health and Wellbeing (p15), should policy SP 1.4 specifically refer to the submission of Health Impact Assessments?
2. Both the RDS (RG9) and SPPS (para 3.10, 4.11 & Annex A) aspire to improve air quality. I cannot find any explicit reference in the DPS in respect of a commitment to improving air quality. Has the DPS taken account of regional Strategy and Policy in respect of the matter; in particular p 118 of the SPPS?
3. The Council has suggested a minor change in response to representation LA03/DPS/0009. The change involves addition of a positive planning note in respect of the use of renewable energy resources and recycled materials. The Council has suggested that this note should be inserted into the Plan after policy SP 9. However, it seems to me that reference to recycled materials may be misplaced in that part of the Plan. Has the Council considered whether this change would be more appropriately inserted into the section on sustainable development?
4. Representation LA03/DPS/0008 has advocated the deletion of lapsed permissions in the Council's assessments of development potential and suggested that the Plan's spatial growth strategy should be based on the RDS Spatial Framework, rather than existing commitments. Have there been, or are there, lapsed permissions that could be so excluded? If yes, are these located on the edge of the settlement where their exclusion could be seen as logical?
5. In response to representation LA03/DPS/0027, the Council has stated that, given that only a small part of the settlement of Greenisland lies within Antrim and Newtownabbey Borough, growth in that settlement will be a matter for Mid and East Antrim Council. How large is this area and is this a valid approach? Is there a lacuna in the A&N DPS Growth Strategy that raises a soundness issue?

6. Representation LA03/DPS/0063 refers to SP 1.6 and the Spatial Growth Strategy and to criterion SP 1.6(f) in particular. In what way does this criterion fail to ensure the Regional Gateway status of the Airport is provided for, strengthened, safeguarded and protected?
7. In response to LA03/DPS/0102, the Council has suggested a minor change "... for the purposes of clarification to make the Council's legal responsibility under Section 8 of the Marine Act (NI) 2013 explicitly clear". The change involves insertion of new paragraph SP 1.3 as follows: "In addition any development proposal which affects or might affect the whole or any part of the marine area of Belfast Lough must accord with the provisions of the UK Marine Policy Statement and the Draft Marine Plan for NI once adopted unless relevant considerations indicate otherwise." Given that it involved an addition to the strategic policy, can this be described as a minor change and is it necessary to ensure the Plan is sound?
8. Again in response to LA03/DPS/0102, the Council has suggested 'minor changes' "... to clarify and acknowledge that the protection of the Borough's natural and historic environment includes the marine environment. This minor change is also intended to complement those suggested minor changes which seek to clarify and make clear the Council's legal responsibility under Section 8 of the Marine Act (NI) 2013". The changes involve the following: SP 1.6(g) being altered by adding the words 'including the marine environment' after reference to the historic environment; paragraph 4.2 being altered by adding the words 'including the adjacent marine area' at the end of the first sentence; and policy SP 1.4 being amended by the insertion of the words '(to include where relevant impacts on the marine area)' in the first sentence. Are these changes minor?
9. Does policy SP 1.11 take account of the SPPS? Is there potential conflict between SP 1.11 and the general thrust of policy which seeks to direct development to urban areas?
10. Is it the Council's intention to produce the supplementary guidance referred to in policy SP 1.17 so that it will be available when the DPS is adopted? If not, does this raise a soundness issue?
11. Is there potential for part (e) of the Spatial Growth Strategy (p65 of DPS), where it refers to housing and employment opportunities in the countryside, to undermine the aims of parts (a) to (d)?

12. Is Policy SP 1.6 (c) unduly restrictive in seeking consolidation, rather than growth, in Crumlin and Randalstown? What does the term 'consolidation' actually mean when it comes to making decisions on allocations to these settlements?
13. Should Policy SP 1.6 (d) refer to the benefits of accessibility to key transport routes? Should increased allocations be made to villages with better transportation links?
14. Should paragraph 4.7 of the DPS refer to villages in the interests of consistency?
15. How will policy SP 1.10 work in practice? Should the Plan identify circumstances where the 'overriding reasons' exception would be triggered?
16. With regard to policy SP 1.13, should the Plan clarify what the term 'in appropriate cases' means (second sentence)?
17. What mechanisms are in place to permit the submission of financial guarantees or bonds referred to in policy SP 1.16?

Settlement Hierarchy

18. The Council's Evidence Paper 2 – Settlement Evaluation identifies Crumlin as a town (p53). Paragraphs 8.23 – 8.30 of that document refer to Crumlin as a small town. Representation LA03/DPS/0044 advocates Crumlin being identified, along with Ballyclare, as a large town. (a) Is there justification for such a reclassification? (b) Is the Council's evidence base sound in respect of the classification of Crumlin in the DPS?
19. The RDS identifies Metropolitan Newtownabbey as part of the Belfast metropolitan Urban Area and Antrim as a Main Hub. This is reflected in Table 1 of the DPS. Given this, what justification would exist for Metropolitan Newtownabbey and Antrim being placed within the same category?

22nd June

Topic 11 – Homes

Strategic Policy

1. Has the Council adequately taken account of predicted growth in jobs during the Plan period (objective is for 9000 new jobs) in arriving at the overall housing allocation of 9750 units?
2. Should SP 4 contain a definition of affordable housing?
3. Will changes to current rural policy in respect of new dwellings lead to changes in the quantum of housing approved per annum, rendering it a possibility that 750 new dwellings will not be provided, or that this figure could be significantly exceeded, over the Plan period? In particular I refer to policies DM 18.4, DM 18.8, DM 18.14 and DM 21. Has this issue been taken into account in drafting the DPS and, if so, can the Council direct me to the relevant evidence in respect of the matter?
4. The plan identifies an allocation of 350 units for Crumlin. Evidence Paper (EP) 6, at page 23, identifies a need for 179 additional social housing units in Crumlin by 2030. Topic Paper 1 on housing indicates that all zoned sites in the Legacy plan had either been completed or development was ongoing in March 2021 (date paper was produced). The table in Annex 5 of Topic Paper 1 shows that the already committed total for Crumlin is 392 units. Has the allocation to Crumlin taken adequate account of the identified social housing need? Has the Borough allocation, similarly, taken social housing need into account?
5. It is submitted by representors that there is effectively no land available for housing in Crumlin. There are no uncommitted zonings and only 25 units are identified under the Urban Capacity column in the table contained in Annex 5 of Topic Paper 1. Is it realistic and appropriate to adopt such a position in respect of this town?
6. Why has the Council rejected submissions arguing for the use of pre-recession build rates in calculating the overall housing allocation for the Borough?

7. To what extent has the DPS taken into account housing need in Metropolitan Newtownabbey based on predicted/planned growth in the Belfast City Council area?
8. Does the Plan's overall allocation to the Borough take account of the SPPS at paragraphs 6.140 and 6.141 in that "...as a minimum, a 5 year supply of land is maintained"? Is there, and will there be, a 5 year supply of housing land available at all times up to 2030?
9. Did the Council consider any measures to support a managed approach to the release of land, especially in relation to 'uncommitted' zonings and greenfield land that the Council has taken the decision should be carried forward into the new plan?
10. Will the allocations to the villages achieve what is set out in part (d) of the spatial growth strategy, i.e. to sustain and maintain the role of the villages as centres providing opportunities for housing?
11. Is it realistic to rely on a plan review before 2030 to identify any shortcomings in the allocations, given that adoption of the LPP is likely to be several years distant?
12. What is the Council's view, in respect of representation 044, that there is a 'backlog' in terms of housing supply that needs to be factored into the overall allocation for the Borough?
13. Has the Council estimated how many of the rural approvals since 2015 have been for replacement dwellings, and estimated how many of those approvals replaced what were effectively uninhabitable properties due to their physical condition?
14. Does the Council wish to comment on submissions arguing that it's assessment of migration into and out of the Borough, and population growth predictions, was flawed?

15. How robust is the Council's approach to windfall calculations as set out on page 32 of EP 6? Are the windfall figures shown under the heading 'Committed Residential Units' in Annex 5 of Topic Paper 1, units built, or a combination of units built PLUS predicted windfall units?
16. Does the statement in DPS paragraph 7.14 indicate that allocations higher than those in table 6 of the Plan could be made at LPP stage if circumstances indicate this is appropriate?
17. Representation 0054 advocates the use of a Housing Market Analysis in assessing allocations. I note that document DPS-S-014 was part of the DPS submission. The document states that "the purpose of this document is to provide an update on the current housing market and housing issues in the Antrim and Newtownabbey area. Unlike the previous document this report will be based on the Antrim & Newtownabbey Council area". Has the impact of the Belfast Travel to Work Area, and the influence of Belfast City as an economic driver, been adequately taken into account in arriving at the overall allocation of 9750 units?
18. Representation 066 raises concern that a reduced or limited land supply will have an impact on the Social Housing Development Programme (SHDP). Current estimates from the NIHE Housing Needs Assessment (HNA) indicate that 1,272 units are required to the year 2030. Can the Council explain how the current allocation in the DPS addresses this need?
19. Representation 0067 submits that the Draft Plan Strategy is unsound due to overreliance on the excess of existing housing commitments, as the evidence on which it is based is not sufficiently robust. In particular, it is argued that the potential remaining yield within settlements, has not been sufficiently examined in order to ensure that the identified "Committed Sites" are both adequate and available, as required under Policy RG 8 of the RDS 2035. What is the Council's response to this submission?
20. Has the allocation process taken account of the specific needs of individual settlements – for example Randalstown and Crumlin?
21. In terms of methodology and calculating yield (see Annex 5 of Topic Paper 1), (a) is there a possibility that windfall sites could draw from the same sources as urban capacity sites, thereby resulting in 'double counting'? (b) is there any certainty that DOS sites would be developed for housing? and (c) do the figures in the table in Annex 5 tally with the figures in Appendix 4 of EP 6?

22. Straid is identified as a village and thus it could be anticipated that the level of growth of that village would be in line with other similar settlements. Why is the proposed allocation to Straid so low? Does this respect part (d) of the Spatial Growth Strategy?

24th June 2022

Topic 11 continued

Homes in Settlements

1. Can the Council direct me to the evidence base to support the thresholds cited in DM 17.1 (d) in respect of Lifetime Homes?
2. Should the lifetime Homes requirement be a planning requirement [as in DM 17.1 (d)] or should it be a requirement of the Building Control Regulations? If it was a requirement of the latter Regulations, would it apply in respect of all dwellings?
3. In the interests of clarity and consistency, should DM 17.1 (d) direct the reader to the standards that would be applied in respect of the Lifetime Homes approach?
4. Is DM 17.1 (d) sufficiently flexible to deal with circumstances where the Lifetime Homes approach could not feasibly be adopted?

Affordable Housing

5. Given what is stated in Section 6 of Topic Paper 2, in respect of delivery of social housing in the borough, is there any need for a policy on affordable housing at all? Would the mechanisms referred to in paragraph 6.143 of the SPPS be incapable of delivering the quantum of affordable housing that the Plan seeks to provide?
6. Can the Council direct me to the evidence base and justification for the thresholds adopted in DM 17.3 for provision of affordable homes? Were alternatives considered?

7. Has the DPS taken account of the SPPS in devising policy DM 17.3?
8. Is a 'blanket' approach to the requirement in DM 17.3 appropriate, given that need for affordable/social housing may not be uniform across the whole borough? Is the policy sufficiently flexible to deal with changes in circumstances? Has the policy taken account of paragraph 49 of PPS12?
9. Representation 044, inter alia, refers to social housing and intermediate housing and submits that these two elements together represent affordable housing. It is argued that, unless the policy is reworded to clearly reflect that new developments in areas of identified social housing need must address this aspect first, developers may try to deliver the full quota of affordable housing as intermediate housing and that this would have a significant impact on the ability of registered housing associations to deliver social housing. What is the Council's response to this point?
10. Was any examination undertaken in respect of the likely impact of the policy on developers; in particular would it represent a hindrance to development or have knock-on effects on pricing for the remaining 90% of dwellings where the policy is applied?

Public Open Space Provision in New Residential Developments

11. Can the Council direct me to the evidence base for the figures and thresholds for public open space provision contained in DM 17.6? Were alternatives considered?

27th June 2022

Topic 11 continued

Farm Dwellings

1. Is DM 18.3 A (b) confusing in that it could be read that a previous permission for a farm dwelling would preclude any further farm dwellings being approved, given the presence of the word 'and' in the first line of the policy?
2. Is the policy sufficiently flexible to allow for instances where there has been a break in activity or a period of dormancy on the farm for genuine reasons? Is the word 'continuous' appropriate, given that it does not appear in paragraph 6.73 of the SPPS or in policy CTY10 of PPS21?
3. Paragraph 6.73, bullet point 3, refers to visual linkage between proposed farm dwellings and other buildings on the farm or siting to cluster with same. The former is clearly a visual test and the latter a physical test. What is the Council's rationale for not including the visual linkage test?
4. Does DM 18.4 undermine the concept of sustainability in the countryside, given the benefits of physical clustering in terms of sharing utilities, services etc?
5. Does the reference to exceptionality in DM 18.4 need to be qualified, as it is in PPS21 policy CTY 10? Given the wording of the policy, is the test of exceptionality in DM 18.4 not an inappropriately low hurdle, particularly the term 'more limited impact'?

Replacement Dwellings

6. Does the term 'it can be demonstrated the building was previously used as a dwelling' permit approval for replacement of buildings where a change of use to non-residential had taken place? Is this an intention of policy and does it take account of the SPPS and PPS 21 policy CTY 3?
7. What is the rationale and evidence base to justify the approach in policy DM 18.8? Does the policy take account of the SPPS and PPS 21?

8. Does DM 18.8 undermine the concept of sustainable development in the countryside where it allows for approval of new dwellings on sites that are very likely to require provision of new services and utilities?
9. Is the reference to the term 'derelict' in DM 18.14 likely to create confusion? What does the term mean; for instance, could it apply to a dwelling where the external structural walls were not substantially intact? Would the refurbishment and reuse of a 'derelict' dwelling be tantamount to its replacement?
10. In the interests of clarity, should policy DM 18.14 refer the reader to policy DM36?
11. Representation 094 refers to replacement of park homes, static caravans and other 'temporary' buildings, which have been used for residential purposes for many years. Does the DPS deal adequately with the matter? Has the policy taken account of PPS21 policy CTY 3 in respect of this matter?

Dwellings Within a Built up Frontage

12. The DPS does not contain a policy resisting ribbon development. Such a policy has been a feature of rural policy for many years. Does the Plan contain a lacuna in this respect and is there thus an inherent soundness issue?
13. What is the evidence base/rationale for effectively changing the definition of a built-up frontage? Has the policy taken account of PPS21 policy CTY 8 and the SPSS?
14. Policy DM 18.17(C) refers to "as a general rule, the gap site ... etc". What circumstances would exist where this general rule would **not** apply? Does the Plan need to clarify the matter?
15. DM 18 C (e) states that a proposal should respect the existing development pattern. (a) Does this not need to be qualified by identifying some sort of geographical extent within which the decision maker would examine the pattern of development? (b) Would 2 dwellings on a 60m wide site be acceptable if this does not reflect the existing pattern of development?

Dwellings Within an Existing Cluster

16. What is the rationale/evidence base for requiring a cluster of development to contain a group of 5 or more substantial buildings? Has the policy taken account of PPS21 policy CTY2a?

28th June 2022

Topic 11 continued

Dwellings in Exceptional Circumstances

1. Should the Plan clarify that a new dwelling will not be acceptable under DM 18.22 solely to provide security for a rural business?

Conversion of Vernacular and Locally Important Buildings to Dwellings

2. In terms of policy DM 18.25, should the Plan clarify what the term 'of a temporary construction' means?

Affordable Housing in the Countryside

3. Should Policy DM 18 G contain a specified upper limit or define what is meant by a small group of dwellings? In the absence of this, are there potentially significant implications for the quantum of housing provided in the countryside, and hence the strategic housing allocations?

Traveller Accommodation

4. Policy DM 20.2 states that where need for a transit site or a serviced site for travellers cannot be met within a settlement, policy DM 18 G will be the relevant policy under which a proposal would be considered. Is there a potential conflict in applying the entirety of DM 18 G to a proposal for traveller accommodation given that DM 18.29 refers to Registered Housing Associations and DM 18.32 generally resists proposals for more than 1 group of 'affordable dwellings' per settlement?

Specialist Residential Accommodation

5. Policy DM 21 appears to support proposals for specialist residential accommodation, irrespective of its location inside or outside a settlement. Is this an intention of the policy? If yes, are there implications for the strategic allocation of dwellings to the countryside and the general objective of directing growth to settlements?

Residential Extensions and Alterations

6. Will the Addenda to PPS 7 continue to be material considerations after the adoption of the DPS? If the document is withdrawn by DfI, what implications are there for the Antrim and Newtownabbey Local Development Plan?

29th June 2022

Topic 12

Monitoring and review

1. NIHE has suggested that the quantum of 'Wheelchair Units' is included as a monitoring indicator. Why does the Council consider this unnecessary?
2. It has been suggested that the Plan lacks detail on how Nutts Corner Strategic Employment Location delivery will be monitored to show if the intended job creation is being achieved. What is the Council's response to this?
3. Should the each of the indicators of the IMF contain 'triggers' whereby remedial action is deemed necessary?

Topic 13

Status of changes

1. During the hearing sessions, questions were posed in respect of many, but not all, of the Council's published Minor Changes. Some changes propose amendments to the wording of policy. Some involve additions to policies. Others involve amendments to amplification or other text. Where the wording of policy or amplification text changes, should these have been subject to consultation, bearing in mind the approach advocated in paragraph 4.6 of DPPN 10?
2. With regard to Minor Changes, paragraph 4.5 of DPPN 10 states that I should not treat these as part of the proposed plan to be examined. What is the Council's view as to how I should deal with Minor Changes?
3. Some representors suggested changes to evidence papers. Is there any need to consider changes to the wording of these? Does the wording of evidence papers have a bearing on the soundness of the LDP?

Topic 14

Errors and Typographical changes

1. The Council has previously referred to typographical errors and minor changes not identified in its submission to Dfl. These will need to be incorporated into my Report. Can the Council identify these?

Any other Matters

Closing of IE Hearings