

Our Reference

Your Reference

16 March 2026

LDP Team
Ards and North Down Borough
Council
2 Church Street
Newtownards
BT23 4AP

Dear Sirs

Ards and North Down Draft Local Development Plan Strategy Representation on Behalf of Fraser Homes Limited

Introduction

This representation relates to the soundness of the draft Local Development Plan Strategy (dLDPS).

While the dLDPS identifies a housing requirement that is derived from regional policy, the cumulative impact of the various policies of the dLDPS and the present timescales in relation to adoption of development plans generally raises some very significant concerns regarding the Plan's effectiveness and deliverability within the plan period. This issue is amplified the ever changing property market and so by the time the dLDPS is adopted the property market is likely to be in a very different place to the current position.

This submission assesses the dLDPS against the established Tests of Soundness as set out below. There is an overreliance on windfall development as well as significant issues with the documents including significant internal tension within and between the policies and significant barriers to delivery of the dLDPS's objectives.

Even inside settlement limits, the dLDPS is highly likely to constrain housing through (a) "gateway" development-management tests, and (b) topic policies that remove and/or reduce land available for development, add requirements, or affect viability of schemes and timing of delivery in particular in relation to windfall development. This is in the context of a severe housing crises in the form of insufficient allocation of housing and a long standing and worsening lack of supply of housing land that is in part responsible for the shortage of housing availability and the severe issues surrounding affordability.

Excessive Windfall Allocation

The Council estimates around the likely delivery of dwellings from windfall is 2,390 units. The definition of windfall is provided on page 513 of the dLDPS as being:

*“Housing sites that are neither zoned **nor anticipated** during the formulation of the development plan but which become available during the lifetime of the plan. It can arise as a result, for example, for plot sub-division or property conversion and can normally make a significant contribution to the housing land supply over any Plan period.”* (authors emphasis).

Given this definition it seems hard to understand how sites that are not anticipated during the formulation of the development plan can be anticipated and included in the formulation of the development plan. The inclusion of any allocation to windfall seems at odds with this very definition.

Paragraph 2.16 of Technical Supplement 2B – Urban Capacity Study (UCS) elaborates on this by re-stating the definition above and expanding to say that windfall cannot be precisely anticipated and may arise as a result of *“plot sub-division or property conversion, residential redevelopment of redundant industrial or commercial buildings, and the erection of dwellings within the gardens and grounds of existing residential or commercial property.”*

The dLDPS carries strategic operational policies that prevent the above types of delivery mechanisms for windfall housing from occurring. These go well beyond a simple tension between policies, lead to serious coherency issues within the plan that fatally harm its ability to deliver its housing allocation and render it unsound.

- HOU2(a) ties development to the surrounding context in terms of scale, proportions, massing and appearance as well as the spacing between buildings and landscaped areas effectively preventing the sub-division of plots or the erection of houses in gardens.
- HOU2(c) and (g) require adequate provision of open space and car parking which also can restrict plot sub-division.
- HOU2 (i) requires that new residential development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, or overshadowing which effectively precludes development in back gardens.
- There are further restrictions in Conservation Areas and ATCs within HOU2.
- There are also further restrictions in Established Residential Areas where not only do the above restrictions apply but also additional criteria that restrict windfall development as set out in the dLDPS and the Urban Capacity Study.
- HOU2 (k) requires the density to not be significantly higher than that found in the area, in practical terms this is interpreted by this Council to be no higher than that found in the immediate surrounding area.
- HOU2 (l) requires the pattern of development to be in keeping with the character of the area.
- HOU2 (m) requires minimum sizes of apartments.

There are yet more restrictions for the conversion and reuse of buildings to flats or apartments within HOU2.

- HOU2 (n) requires there to be no adverse effect on the local character, environmental quality or residential amenity of surrounding areas.
- HOU2 (o) requires the maintenance or enhancement of the form, character and architectural features, design and setting of the existing building.

ED3 is also a protectionist policy in relation to economic development uses and zoned employment land, it includes both and prohibits the *“loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses”* as well as *“proposals that would result in the loss of an existing Class B2, B3 or B4 use or land last used for these purposes”*.

These additional policy tests and requirements mean that the approval and delivery of any kind of infill, back land development or conversion of residential or commercial property or the reuse of commercial land or buildings is highly restricted and will choke off the land supply. Therefore where the UCS states that windfall will come from “*plot sub-division or property conversion, residential redevelopment of redundant industrial or commercial buildings, and the erection of dwellings within the gardens and grounds of existing residential or commercial property*” each of those is very effectively excluded by the criteria of HOU2. It is clear that the effects of the dLDPS’s policy framework on the deliverability of windfall housing has not been considered. The Council has failed to justify, given that windfall is a diminishing resource, how the policy criteria of HOU2 will ensure that past levels of windfall delivery will continue during the lifetime of the LDP once adopted. As currently drafted, the dLDPS is not sound in respect to windfall.

The historic provision of housing from windfall development is unusually high in the Borough given its relatively small population and the Council in the preparation of the dLDPS has simply extrapolated that provision over the lifetime of the Plan. Belfast City Council by contrast has an even more ambitious housing delivery target of 31,660 new dwellings (all of which was to be located on sites within the urban footprint) and yet the total allocation from windfall was only 2,000.

This raises the question of why Ards and North Down has such a high level of delivery from windfall. One reason might be that the North Down portion of the Borough has an incredibly old and out of date development plan in the form of the North Down and Ards Area Plan 1984 – 1995 (NDAAP) with the Ards portion of the Borough being under the provisions of the Ards and Down Area Plan 2015 published in 2009.

In all settlements within the NDAAP there are large swathes of land within the settlement limit that are not zoned for any particular purpose, development on those parcels of land would fall within the definition of windfall provided by the Council. For instance, in Bangor there are a number of housing sites that have come forward during (and after) the lifetime of the plan that were unforeseen and which delivered exceptionally high numbers of dwellings. These include but are not limited to the former youth justice site on Rathgael Road that delivered around 400 units, the former civic amenity site also on Rathgael Road that delivered around 200 units and land at Bangor Rugby Club that delivered over 100 units.

Those areas of land are now used, that previously delivered 700 + units and which will not be capable of being delivered again, this demonstrates that windfall is a diminishing resource and that the windfall allocation requires to be sieved through the Council’s policies to ascertain how that is likely to affect delivery from this source. It is not robust nor is it accurate to simply take what has been delivered in the past and project that over the lifetime of the plan especially in the context of diminishing build rates that are not reflected or expressed in the housing figures.

A. “Gateway” policy that impacts on almost all housing proposals

Policy GP 1 – General Principles

GP1 is a key “hurdle” policy because it requires proposals to demonstrate (among other things):

- Alignment with the Spatial Growth Strategy and availability and commitment of essential infrastructure including public wastewater infrastructure of which there is a known deficiency;
- Design quality and in particular respecting local character that is proven to drive down density and deliverability particularly on urban infill and windfall sites;
- Protection of environmental interests using a precautionary approach which increases the uncertainty around development proposals and can operate against the granting of permission particularly on urban infill and windfall sites;

- Transport, access, parking standards, provision of open space which all drive down density and create deliverability issues; and
- Avoidance of sites with low level environmental constraints including those at risk of flooding and requirements to not exacerbate flooding elsewhere.

Why this restricts development within settlements

Even where land is in principle acceptable, such as land inside settlement limits, or on land zoned, GP1 will still block and delay schemes if, for example, wastewater capacity isn't confirmed. This restriction is baked into the dLDPS in a situation where everyone knows and the dLDPS recognises that this is a very real constraint. That is true even on land zoned for housing (NS19) and where there is developer provision of infrastructure (that releases both NS19 and NS20 lands) and also NIW funding for further additional infrastructure to improve the situation for all residents. In addition, the implementation of design and amenity tests are often so over prescribed so as to reduce and delay delivery.

B. Housing chapter requirements that can reduce yield, slow delivery, and affect viability

Policy HOU 1 / HOU 2

The housing section of the draft LDPS requires Design Concept Statements and, for larger sites/thresholds, Concept Master Plans; it also states that poor quality or piecemeal development will not be permitted. Whilst these are not new requirements and have been part of the landscape for a significant amount of time their interpretation creates issues and exacerbates delay in processing of applications and therefore delivery of development.

Likely restriction mechanism:

- Longer pre-application and application preparation timescales to include preparation of concept evidence, coordination across ownerships and proof of public infrastructure availability.
- Reduced developable area and density particularly on larger sites where layouts are generally roads dominated, confirmation of infrastructure connections (in the context that there are known and acknowledged problems in this area), protection of features deemed worthy, provision of both private and public open space, landscape buffers both between zones of the development and around the edge of the development, and landscaping all use up space and reduce the developable area and reduce density of development.
- Potential refusal where proposals are seen as "piecemeal" especially on large, zoned land brought forward in parts, although as mentioned above the Council has permitted piecemeal development to take place on large zoned sites.

Policy HOU 3 – Affordable Housing

Policy HOU 3 requires a minimum of 20% affordable housing on sites that seek to provide 5 units or more or are on sites of at least 0.1ha. This policy also seeks to resist the artificial subdivision of sites to avoid the threshold. Whilst this is similar to other Council's the reality is that housing associations do not want small numbers of social or affordable units scattered around towns and villages. This type of provision creates significant management issues for the main providers of this type of accommodation, increased costs of providing housing, lower revenue returns as a result of increased costs and ultimately lower provision of new dwellings.

The Intermediate Rent sector is very much in its infancy in Northern Ireland with only one housing association provided with funding for this type of tenure. The provision of Intermediate Sale is more developed in the form of co-ownership but setting the provision at the level of 5 units mitigates the provision of rented tenure social/affordable units within these small scale developments – Housing

Associations do not want provision in small numbers and there is only very limited Intermediate Rent funding available and only a single provider thereof.

In addition, setting the level at such a low level, impacts on scheme viability and in effect reduces the density of development achievable as developers artificially reduce the number of units proposed to below this level in favour of more generous car parking and open space provision. This assists in avoiding a scenario that results in the single (small number) social/affordable unit(s) not being capable of being disposed of but which if provided would incur build costs thereby making the scheme unviable. Profit margins are lower and viability is more uncertain with these kinds of small scale infill/windfall sites, they are more vulnerable to unforeseen events (despite reasonable contingency), and also to increased costs.

As a result, this policy is a further restriction mechanism on the deliverability of the Council's ambitious housing target.

Likely restriction mechanism:

- Can impact scheme viability particularly on brownfield land for infill/windfall development, where there are higher relative abnormal-costs, or in lower-value locations which can delay starts, reduce output, or lead to delays.
- Can reduce the number of sites that are “deliverable” within the plan period without public subsidy or tenure partners that are not available or not interested in small numbers of units scattered randomly around the Borough as this creates a significant management burden and increase costs for social housing providers, ultimately leading to reduced delivery of social/affordable housing.

Policy HOU 4 – Accessible/adaptable homes and wheelchair standard on larger schemes

It is recognised that this provision is necessary, however nonetheless it adds specification requirements to housing developments in the form of internal layouts amendments; provision of lifts in apartment blocks; and wheelchair units on larger schemes.

Likely restriction mechanism:

- Higher build costs and impacts on both yield and layout which again potentially affects more marginal sites where viability and timing are crucial in delivery.

C. Open space protections that can remove land from the supply

Policy OS 1 – Protection of Open Space

Policy OS1 creates a very strong presumption against development that would result in the loss of all existing open space regardless of its condition, subject only to limited exceptions. Part of the issue with this is the interpretation of these kinds of policies which effectively mean that open space of public value is whatever decision maker says it is at the time they declare it. In instances where the open space is not accessible or of low value in amenity or nature conservation terms those sites should not be capable of being declared open space worthy of protection.

Likely restriction mechanism:

- Prevents housing on many windfall opportunities that would otherwise be brought forward, unless an exception is clearly met. Infill and windfall opportunities are a diminishing resource and part of the reason why the Council has had such high numbers of windfall historically is in part due to the more relaxed approach to the loss of what would now be determined as

being open space in conjunction with protectionism of economic development land and the very historic nature of the development plan context. This highlights starkly the problem with the Council's massive windfall housing allocation figure.

- Increases pressure to deliver the same housing numbers on fewer sites, that would in theory push densities up elsewhere and increase potential for local opposition. However, HOU 2's restrictive nature combined with the Council's DM team prevents effectively the very increased densities required to deliver the ambitious housing target and demonstrates clearly the issues and tensions within the dLDPS.
- Relatedly, policies supporting open space provision in new residential development can also consume developable land within schemes and drive density and deliverability down.

D. Infrastructure capacity (especially wastewater) as a practical constraint

The very significant financial and physical strain that the NIW wastewater infrastructure is under is a matter of public knowledge and is highlighted in the dLDPS. Within the dLDPS there are very restrictive policies including WN1 and 2 that establish the requirement for NIW to demonstrate a need to the local planning authority in relation to the provision of improved infrastructure. In relation to the provision of new or improvement of existing public wastewater treatment facilities that of itself is likely to be cause major delay to the delivery of such facilities and therefore delay the provision of the additional housing set out by the Council as its ambition. There are further requirements that applicants should engage early with NIW on capacity in the public infrastructure and to find solutions if available, this is already an established process that the Council is seeking to duplicate, interfere with and seek control over.

Policy WM4 establishes constraints to development in the vicinity of existing wastewater treatment works or waste management facilities but does not define "vicinity" nor is it apparent that these cordon sanitaires have been taken into account in relation to housing allocation or delivery since they will by necessity restrict the available land for development of housing or other uses. Again, this is duplication of a regulatory regime that falls within NIW's jurisdiction.

Policy GP 1 a) also requires that essential infrastructure be available or if lacking that there is a firm commitment to its timely delivery. In practice this Council does not seek to facilitate this process in that even where there is a firm commitment to the timely delivery of essential infrastructure by a developer in conjunction with NIW it does not prioritise the very applications that NIW requires to have approved prior to the expenditure of public money to delivery said infrastructure.

The Council's Non-Mains Wastewater Strategy seeks to support development where mains wastewater infrastructure is present through the application of operational planning policy. Policy NMW 1 imposes a significant burden on applicants seeking to provide non-mains wastewater infrastructure including a requirement to comply with policy GP 1 which as referenced above requires that essential infrastructure be available or that there is a firm commitment to its provision, this is more than a tension between GP 1 and the NMWS, it is unworkable and severely impacts rural dwellings and other development that could potentially be served by package sewage treatment.

It is also important to remember that there is an existing regulatory regime for the provision of non-mains wastewater infrastructure whereby the infrastructure has to be designed to an adoptable standard and approved by NIW and then the discharge from the infrastructure must be to a quality standard capable of discharge into a water course and approved by NIEA. Hence this whole area of policy is a duplication of standards already applicable and in place, and, most importantly governed by branches of Government with the appropriate levels of expertise. It is a principle of administrative law that the functions of one public body cannot be taken over by another. This whole area of policy seeks to take over and duplicate the established mechanisms, add an additional layer of bureaucracy and layer of approval and therefore delay delivery of development further.

Likely restriction mechanism:

- Even if land is acceptable in planning terms for residential or other development, connection constraints and programmed upgrades can throttle the rate of permissions being granted, and being implemented and therefore will push out delivery beyond the plan period.
- The tension between policies creates an unworkable situation where delivery will be stopped, stalled or otherwise delayed.

How these constraints could affect delivery of the 15,608 homes target

Because the housing requirement of 15,608 is explicitly an employment-led figure with a flexibility allowance, it assumes land can actually be brought forward and built out at scale.

The dLDPS also utilises tools like urban capacity studies, significant windfall allowance, and a sequential approach for larger settlements yet the windfall is overly optimistic with restrictions on deliverability, and it is these larger zonings in the larger settlements that will deliver a significant portion of the 15,608 dwellings target.

Most likely impacts on delivery

- Reduced effective land supply;
- Slower lead-in times;
- Viability pressure on marginal sites; and
- Infrastructure as a “rate limiter”.

What this means in practice is that a significant share of the plan's expected supply is intended to come from within the existing urban footprint and delivery to be phased to ensure the use of land supply within the urban footprint as a pre-requisite to the release of Phase 2 lands (which include zoned housing land outside the urban footprint) and at the same time relies on urban footprint maps that are massively out of date and some of which show housing already built on what would be Phase 2 land), these policies collectively tend to lower densities and yields of dwellings on sites, remove land/sites entirely from the delivery mechanism, and significantly delay build-out.

All of the above significantly increases the risk that the 15,608 new dwellings figure will not be met within the plan period. It is for the Council to justify and demonstrate that its proposals are appropriate and deliverable, at this stage it is not able to do that.

How Economic Development Policies (e.g., ED 3) Can Impact Housing Delivery

In the dLDPS the economic development (ED) policies generally protect all employment land and economic development uses to support jobs and economic growth, encourage business investment, skills and training infrastructure, and town centre vitality as well as resisting the loss of employment land to non-economic uses (including housing or mixed-use) unless certain tests are met. It is a protectionist policy in the context of a massive oversupply of employment land as established in paragraph 2.37 of the dLDPS of 37ha in excess of the 25ha required to achieve the Council's stated goals.

This is because the plan seeks to balance the need for housing with the need to maintain and grow a prosperous economy. The dLDPS, however, proposes a massive over supply of land for economic development the loss of which is prevented to other uses regardless of its suitability while simultaneously overestimating the likely number of dwellings from windfall development and undersupplying housing land.

Policy ED 3 will influence housing delivery as follows:

1. Restriction of Land Suitable for Housing

ED 3 strongly resists the change of employment land to housing regardless of its location, usefulness or condition and as a result some of the economic development land that could have been used for housing is not available. This has the effect of reducing the pool of deliverable housing sites, particularly in mixed-use or brownfield contexts.

2. Impact on Windfall and Infill Supply

Historically many infill or windfall opportunities have been on land previously used for employment uses such as small industrial estates or old workshops. The very strong ED 3 protection means that such sites cannot be utilised for housing thereby reducing the windfall supply.

Overall, whilst strong protection can be positive for the local job market and balancing jobs with homes, it will in practice constrain housing supply and reduce the available land for infill urban and windfall sites raising further significant questions about the Council's projected windfall allowance.

Policy-by-Policy Table

Policy / Policy Area	Summary	Practical Outworkings
General Principles (GP1)	Overarching: infrastructure, environment, design quality.	Creates tension. Adds evidence requirements delaying permissions and reducing yield.
Housing Design & Quality (HOU1/HOU2)	Masterplanning, design standards, avoidance of piecemeal development.	Slows delivery and reduces developable areas of settlements and sites.
Affordable Housing (HOU3)	20% on qualifying sites.	Not wanted by Social Housing providers, increases viability pressures and introduces/increases delivery delay on marginal sites.
Accessible & Adaptable Homes (HOU4)	Higher standards.	Higher build costs; reduction in unit numbers.
Open Space Protection (OS)	Protects existing open spaces; provision for public open space in new schemes.	Removes potential windfall and infill sites; reduces density potential.
Infrastructure/Utilities	Requires proof of essential public infrastructure delivery & capacity.	Duplicates existing mechanisms. Rate limits housing delivery without public investment that is outside the control of the Council. Rate limits provision of private infrastructure. Reduces and restricts housing supply.

Policy / Policy Area	Summary	Practical Outworkings
Economic Development (ED) Policies (e.g., ED 3)	Protects employment land; prioritises business uses; controls alternative uses.	Potential housing on poor quality/unsuitable employment land impossible. Older mixed-use/brownfield sites will not be released for housing. Infrastructure focus may tilt toward jobs rather than residential dwellings.

Table 1 – Policy by Policy Impact

Assessment of Soundness of the draft Local Development Plan Strategy

Relevant Soundness Tests

The established Tests of Soundness that are considered relevant to the Ards and North Down draft LDPS are summarised as follows:

- **C3** – The Plan has been prepared in accordance with the Regional Development Strategy (RDS);
- **C4** – The Plan has had regard to other relevant plans, policies and strategies;
- **CE1** – The Plan sets out a coherent strategy from which its policies and allocations logically flow;
- **CE2** – The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives;
- **CE3** – There are clear mechanisms for implementation and monitoring; and
- **CE4** – The Plan is reasonably flexible to enable it to deal with changing circumstances.

The principal concerns relate to tests CE1 – CE4 and are set out below in the following sections.

Test CE1 – Coherent Strategy

The draft Plan Strategy seeks to:

- Deliver 15,608 dwellings over the plan period;
- Over reliance on unrealistic windfall site allocation;
- Promote economic growth in the form of creating 7,500 new jobs requiring 205,000sqm of additional employment floorspace on 25ha of land;
- Protection of existing employment land and floorspace from alternative uses – 37ha oversupply of land;
- Protection of existing open space;
- Application of strong environmental safeguards; and
- Require infrastructure (notably wastewater infrastructure) availability prior to approval of planning permission for development.

Whilst many of these are laudable aspirations in their own right the interaction between the significant unjustified overreliance on windfall sites for delivery, the very significant infrastructure constraints (in particular NIW's wastewater infrastructure funding difficulties and the massive constraints on the NIW wastewater system), the employment land protection policies (including Policy ED3), the policies that provide open space protection and those around environmental constraints including flood risk policies creates insurmountable internal tension between housing growth objectives and restrictive delivery mechanisms which while individually justified, cumulatively will significantly constrain effective housing supply particularly within settlement limits.

CE1 Test Conclusion

The draft Plan does not adequately demonstrate how the proposed housing requirement of 15,608 dwellings will be delivered in practice in particular there is an unjustified overreliance on windfall allocation that has not been scrutinised in the context of the plan constraints and under the combined effect of these constraints will not be delivered at all. This renders the whole of the delivery strategy incoherent.

Test CE2 – Realistic and Appropriate Strategy

To satisfy soundness test CE2, the housing trajectory must be:

- Based on effective land supply;
- Supported by infrastructure alignment; and
- Realistically deliverable within the plan period.

Windfall Site Allocation

There is a massive overreliance on windfall allocation. Windfall as described in the plan is housing that come forward during the lifetime of the plan that was not anticipated during the formulation of the plan. It is hard to square that circle.

Setting that aside the overreliance on windfall sites at the level proposed is not realistic because windfall is a diminishing resource, it is not sound to make an assumption that the previously achieved high levels of windfall delivery will continue without testing it against the policy framework that is due to be brought in with the dLDPS. The previously achieved delivery was in the context of the NDAAP 1984 – 1995 which contained excessive amounts of unzoned land on which windfall could be delivered. Further, the dLDPS introduces a suite of very restrictive policies that negate the principal sources of windfall sites through its HOU and ED policies and open space protection policies.

Infrastructure Constraints

The draft Plan policies that require infrastructure capacity (notably wastewater infrastructure) to be confirmed prior to planning permission being granted for development function as a delivery precondition. The provision of non-mains wastewater provision should act as a release valve but it cannot due to the restrictive nature of the wording of the plan; it is a duplication of existing protocols that facilitate this type of provision in the absence of public provision and adds an additional layer of approval on to the statutory control mechanisms of NIW and NIEA who collectively control the provision of facilities to adoptable standards and also the quality of the discharge.

Without clear evidence that infrastructure investment is programmed in parallel with housing allocations, there is a significant risk that sites counted as deliverable will not be delivered, and completions may lag significantly behind trajectory assumptions.

This is particularly relevant in Ards and North Down given the very significant funding issues faced by NIW, their lack of ability to deliver wastewater infrastructure and the handling of applications by this Council's development management planning team where funding is available for infrastructure delivery that is tied to planning applications.

Employment Land Protection (Policy ED3)

Policy ED3 of the draft Plan Strategy and related economic development policies that protect employment land from alternative uses, including housing also create further internal tension within the

draft Plan Strategy. While those policies support economic objectives, this reduces flexibility in land supply which is a particular problem because the draft LDPS recognises that there is a very significant over supply of employment land of 37.28ha (paragraph 2.37). This oversupply is very significantly greater than the required 25ha to ensure delivery of the 7,500 additional jobs. In circumstances where allocated housing sites underperform, the protection of employment land of which there is a massive oversupply creates a lack of alternative sources of supply within settlements.

Open Space Protection

Open space policies will sterilise potential infill and windfall land within settlement boundaries, further reducing flexibility.

CE2 Test Conclusion

The Plan has not sufficiently demonstrated that the housing trajectory is sound or that the windfall allowance is achievable under these cumulative constraints. There is an overreliance on windfall development and as a result there is a material risk of under-delivery that is compounded by restrictive HOU and ED policies as well as public infrastructure provision (which is a known constraint to which there is no answer), lack of flexibility in delivery mechanisms (in particular around the oversupply of employment land) and lack of monitoring provision.

Test CE3 – Implementation and Monitoring

The CE3 test of soundness requires clear mechanisms for implementation. While the Plan refers to monitoring, there is a distinct lack of clarity around:

- How the lack of delivery from windfall will be monitored;
- How the known infrastructure constraints will be resolved when delivery inevitably stalls;
- What methods of intervention the Council can deliver;
- What specific triggers would prompt intervention; and
- How employment land protection would be reconsidered when housing supply falls below trajectory in the context of the massive over supply of employment land.

Without explicit intervention mechanisms, the Plan becomes reactive rather than proactive which in the past has been workable given the swathes of land that were brought forward as windfall development but that is now running out and the protectionist policies of the dLDPS prevent windfall developments from being brought forward.

CE3 Test Conclusion

There is insufficient clarity on the delivery of windfall development at the levels the plan predicts, on the availability of and timing around contingency measures when delivery inevitably falls below required levels.

Test CE4 – Flexibility

Soundness test CE4 requires that in order to be sound a development plan must be sufficiently flexible to respond to changing circumstances.

The current policy framework set out in the dLDPS performs the following functions:

- Relies on an unrealistic windfall allocation;

- Strongly protects employment land – despite there being a massive oversupply of 37.28ha that far exceed the required 25ha required to accommodate the 7,500 additional jobs which the draft plan seeks to create;
- Strongly protects areas of existing open space regardless of quality or useability;
- Applies prescriptive environmental constraints; and
- Requires that planning applicants confirm the availability of infrastructure prior to development in the context where the provision of wastewater infrastructure is outside the applicants and the Council's control and where there are already very significant constraints on supply.

Collectively, these policy constraints remove flexibility in land release. In the event that windfall development does not occur at the levels predicted and that infrastructure delays continue to occur as they currently do (very highly likely given the issues and lack of resolution); large strategic sites stall; and or market conditions shift (which is inevitable in the housing market which is dynamic and inextricably linked to the broader economic conditions), then the Plan has no built-in flexibility to compensate. A situation which is particularly peculiar given that the Council acknowledges that it has capacity for flexibility given the massive oversupply of employment land in the Borough.

CE4 Test Conclusion

The Plan has no flexibility built in to maintain housing delivery throughout the plan period. A situation which is highly peculiar given the potential capacity for flexibility provided by the massive oversupply of employment land in the Borough.

Test C3 – Consistency with the RDS

The Regional Development Strategy requires sustainable growth of settlements; adequate housing land supply, and balanced economic development.

While the Draft Plan Strategy seeks to align with these objectives, failure to ensure deliverability of the housing requirement undermines alignment with regional housing growth objectives.

Overall Soundness Conclusion

The overall soundness assessment is set out in the table overleaf:

Soundness Test	Assessment
C3	Tension when housing is under-delivered.
CE1	Strategy coherence weakened by cumulative restrictive effects.
CE2	Deliverability not sufficiently demonstrated.
CE3	Monitoring and intervention mechanisms lack clarity.
CE4	Insufficient flexibility if trajectory underperforms.

Table 2 – Soundness Assessment Table

Draft Plan Strategy Soundness Conclusion

The Draft Plan Strategy identifies an appropriate housing requirement; however, without clear evidence of deliverability and flexibility, there is a high risk that the Plan if adopted in the current form would not meet the established tests of soundness in respect of coherence, effectiveness and flexibility.

Modifications as outlined below would strengthen the Plan's robustness and ensure delivery of the 15,608 dwelling requirement.

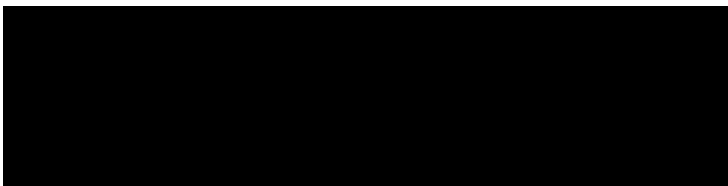
Suggested Modifications

To ensure that the draft Plan Strategy meets the required tests of soundness, we suggest that the Council ought to consider the following:

1. Demonstrate that the projected windfall is based on realistic assumptions and sieved through the Council's own restrictive policies. If the projected windfall is demonstrated to be unrealistic the Plan should allocate additional lands to accommodate the proposed growth in population and resultant increase in number of dwellings required.
2. Demonstrate that housing trajectory assumptions are based on effective (serviced and unconstrained) land supply. If this is demonstrated to not be possible the Plan should allocate additional lands to accommodate the proposed growth in population and resultant increase in the number of required dwellings.
3. Clarify that urban capacity figures exclude constrained and policy-sterilised land unless mitigation is demonstrably achievable.
4. Provide clear evidence of infrastructure alignment with housing growth in the context that wastewater provision is outside the jurisdiction of the Council. In the very obvious absence of the ability to evidence this alignment the plan should remove this as a policy requirement completely.
5. Introduce increased flexibility to allow the provision of private wastewater infrastructure in the form of non-mains wastewater provision to act as a release valve to the heavily constrained public supply of appropriate wastewater provision.
6. Introduce flexibility within Policy ED3 to allow release of unsuitable or unused employment land for the provision of housing supply by allocating required floorspace to each zoned site and allowing the residual land after employment development to be used for other purposes.
7. Establish clear monitoring triggers and contingency mechanisms when delivery falls below trajectory benchmarks.

We trust that this representation will be afforded the Council's full attention in the formulation of the dLDPS and humbly suggest that it amends the dLDPS to reduce the reliance on windfall that it cannot possibly predict, provide additional land zonings for housing particularly in the larger settlements such as Bangor, provide greater flexibility around the reuse of employment land for other purposes, and provide a policy regime that does not create tension within the plan and between the individual policies that cumulatively will block and delay delivery and that would provide a clearer and more coherent mechanism of achieving the Council's stated aim of population increase with the resultant increase in the number of homes and jobs within the Council's jurisdiction.

Yours faithfully



Michael Worthington FRICS MRTPI
For and on Behalf of Pragma Planning and Development Consultants Limited