

Our Reference

Your Reference

16 March 2026

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

Dear Sir/Madam

## **Ards and North Down Draft Local Development Plan Strategy Representation**

### **DLDPs Housing Issues: Villages Focus**

#### 1. 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.

While this representation relates primarily to the villages tier of the hierarchy; in general, 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 crisis that has arisen as a result of insufficient allocation of housing in part plans 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. These issues are exacerbated in the villages tier, where substantially reduced supply coupled with improved transport links has led to higher property values that the local population cannot afford.

## 2. Housing Supply Issues Affecting the Delivery of the 15,608 Homes Target

### 2.1 Excessive Windfall Allocation

The Council estimates around the likely delivery of dwellings across all settlements 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.

The areas of land that were previously available for windfall provision are now largely used, that will not be capable of being used a second time, 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. For instance in Ballygowan there is limited available land for windfall to be delivered on, the village is largely developed out and the land within the settlement limit that is available is restricted by environmental constraints including but not limited to reservoir inundation flood plain.

## **2.2 “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 is not 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.

It is for this reason that the allocation of a block figure to all villages instead of an individual assessment of each to take account of the available public infrastructure is essential and the absence of such an assessment will inhibit development across all villages. Not all villages have the same constraints and each must be individually assessed before a homogeneous figure is applied, the Council has avoided this aspect of its plan making function which is contrary to the requirements set out in the SPPS.

## **2.3 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, 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.

## **2.4 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.

## **2.5 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 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.

An assessment of each of the settlements to identify available public infrastructure and to provide an appropriate level of allocation to each on the basis of deliverability is essential at this strategic stage. Ballygowan for instance has a shortage of residential development land, its proximity to Newtownards and Belfast make it a sustainable location and the recent public wastewater infrastructure improvements make it entirely suitable for additional allocation over most of the other villages.

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 (such as in Ballygowan).

The Council's Non-Mains Wastewater Strategy seeks to support development where mains wastewater infrastructure is present through the application of operational planning policy, this would support an additional allocation for Ballygowan. 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.

**2.6 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 provides a generic global allocation for all villages within the dLDPS area with no breakdown of that. The Council will no doubt say that the breakdown of the village allocation is part of the Local Policies Plan stage, for the avoidance of doubt that is incorrect. A strategic allocation to each village, taking account of the deliverability in each specific village to include an assessment of the available and deliverable wastewater infrastructure provision as well as the environmental and setting constraints is the only robust way to allocate housing at this strategic stage. The Local Policies Plan stage determines which sites in each village receives a zoning, this stage is to determine whether an individual village gets what proportion of the allocation.

The dLDPS proposed phasing is based on the published urban footprint maps; of which there are none for any of the settlements in the villages tier and below. The effect of this is to prevent any development coming forward in the villages, even on designated land and the allocation provided is accordingly undeliverable.

### **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. As noted above the villages tier is not within any urban footprint map and it is only logical to conclude that whole tier is, for the purposes of the dLDPS, within Phase 2. The effect of this is clear in relation to the delivery of dwellings within the villages.

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.

### **3. 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:

#### **3.1 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.

### 3.2 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
<b>General Principles (GP1)</b>	Overarching: infrastructure, environment, design quality.	Creates tension. Adds evidence requirements delaying permissions and reducing yield.
<b>Housing Design &amp; Quality (HOU1/HOU2)</b>	Masterplanning, design standards, avoidance of piecemeal development.	Slows delivery and reduces developable areas of settlements and sites.
<b>Affordable Housing (HOU3)</b>	20% on qualifying sites.	Not wanted by Social Housing providers, increases viability pressures and introduces/increases delivery delay on marginal sites.
<b>Accessible &amp; Adaptable Homes (HOU4)</b>	Higher standards.	Higher build costs; reduction in unit numbers.
<b>Open Space Protection (OS)</b>	Protects existing open spaces; provision for public open space in new schemes.	Removes potential windfall and infill sites; reduces density potential.
<b>Infrastructure/Utilities</b>	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.
<b>Economic Development (ED) Policies (e.g., ED 3)</b>	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

## 4. Assessment of Soundness of the Draft Local Development Plan Strategy

### 4.1 Relevant Soundness Tests

The established Tests of Soundness that are considered relevant to the Ards and North Down Draft Local Development Plan Strategy (dLDPS) 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 raised in this representation relate primarily to **tests CE1–CE4**, along with **C2** and **C4**, which address whether the plan provides a clear, workable and deliverable framework for development.

### 4.2 Test CE1 – Coherent Strategy

Soundness test CE1 requires that the development plan establishes a coherent strategy from which the detailed policies logically flow.

The DLDPS seeks to achieve several objectives simultaneously, including:

- delivering 15,608 dwellings during the plan period;
- promoting economic growth through the creation of 7,500 additional jobs;
- protecting employment land;
- protecting existing open space and environmental assets; and
- requiring confirmation of infrastructure capacity prior to development.

While these objectives may be justified individually, the cumulative interaction of the policies intended to achieve them creates significant internal tension within the strategy.

In particular, the Plan Strategy relies heavily on windfall development and urban capacity sites to deliver a substantial proportion of the housing requirement. However, the operational policy framework simultaneously introduces multiple constraints which materially restrict the mechanisms through which such development would normally occur.

These include:

- restrictive residential design and density provisions within Policy HOU2;
- strong protection of open space through Policy OS1;
- strong protection of employment land through Policy ED3, despite the recognised oversupply of such land; and
- infrastructure preconditions embedded within Policy GP1 and related policies.

When considered cumulatively, these policies restrict the redevelopment, intensification and brownfield regeneration opportunities which historically generated windfall and urban capacity housing supply within the Borough.

This issue is particularly acute within the villages tier of the settlement hierarchy, where the DLDPS proposes a global housing allocation without undertaking a settlement-by-settlement assessment of environmental constraints, infrastructure capacity or deliverable land supply.

As a result, the Plan Strategy assumes housing delivery from sources which the policy framework itself materially constrains.

### **CE1 Test Conclusion**

The DLDPS does not clearly demonstrate how the proposed housing requirement of 15,608 dwellings will be delivered in practice.

The strategy relies heavily on windfall development without demonstrating that such delivery remains achievable under the policy framework proposed in the dLDPS. The interaction of restrictive operational policies and infrastructure constraints therefore undermines the coherence of the strategy.

Accordingly, the DLDPS fails soundness test CE1.

### **4.3 Test CE2 – Realistic and Appropriate Strategy**

Soundness test CE2 requires that the strategy, policies and allocations are realistic and capable of being delivered within the plan period.

The housing trajectory identified in the DLDPS relies significantly on:

- Urban capacity sites, and
- Windfall development.

Windfall development is defined within the Plan as development which was not anticipated during the preparation of the development plan but which becomes available during the plan period.

The reliance on windfall development at the level proposed raises a number of concerns.

First, windfall is inherently uncertain and represents a diminishing resource, particularly where earlier development plans contained extensive areas of unzoned land capable of accommodating such development.

Second, the historic levels of windfall development within the Borough occurred under a significantly more permissive planning policy context, particularly under the North Down and Ards Area Plan (1984–1995).

Third, the DLDPS introduces a significantly more restrictive policy framework which materially limits the mechanisms through which windfall development would normally arise.

These constraints include restrictions on plot subdivision, redevelopment of existing sites, reuse of buildings and redevelopment of former employment land.

### Infrastructure Constraints

Infrastructure availability represents an additional constraint on housing delivery.

The dLDPS requires confirmation of infrastructure capacity, particularly wastewater capacity, prior to development being permitted.

In practice, this requirement operates as a delivery precondition, despite the widely acknowledged funding and capacity constraints affecting Northern Ireland Water's wastewater infrastructure network.

While the provision of non-mains wastewater infrastructure could theoretically provide an alternative delivery mechanism, the policy framework introduced by the dLDPS places additional restrictions on such development, effectively preventing this option from functioning as a viable release valve.

Without clear evidence that infrastructure investment is programmed in parallel with housing allocations, there is a significant risk that sites identified as deliverable will not be delivered within the plan period.

### Employment Land Protection

Policy ED3 further restricts flexibility within the housing land supply by preventing the redevelopment of employment land for alternative uses.

This restriction is particularly problematic given that the DLDPs itself recognises a significant oversupply of employment land, estimated at approximately 37 hectares, compared with the 25 hectares required to meet projected employment growth.

In circumstances where housing allocations underperform, the rigid protection of surplus employment land removes a potential source of alternative housing supply within settlements.

### Impact on the Villages Tier

The issues identified above are particularly significant within the villages tier of the settlement hierarchy.

The DLDPs allocates a global housing figure across villages without undertaking a detailed assessment of the infrastructure, environmental and land supply constraints affecting individual settlements.

Furthermore, the phasing mechanism relies on urban footprint mapping, yet such mapping does not exist for settlements within the villages tier.

The practical effect of this approach is that housing delivery within villages is likely to be delayed or prevented altogether, even where suitable land may exist.

### Settlement-Specific Deliverability is Needed

The issues outlined above are particularly relevant to each village on a case-by-case basis. This assessment cannot be left until the LPP stage, it must be addressed at the Strategy stage. There are policy requirements in respect to this, see section C2 below.

To illustrate this point, the village of Ballygowan is materially different from the other villages (highlighting the necessity to consider each individually) as it is located within a highly sustainable corridor between Belfast and Newtownards, benefits from improved transport connectivity, is not likely to merge with other settlements, is not located in a designated landscape and has infrastructural capacity. As a result of its location, the village has become an increasingly attractive location for residential development.

However, the dLDPS does not undertake a settlement-specific assessment of:

- Available and deliverable land supply;
- Environmental constraints;
- Infrastructure capacity; or
- The realistic ability of the settlement to accommodate additional housing growth.

Instead, the dLDPS applies a single global housing allocation across all villages, with the distribution of that allocation deferred to the Local Policies Plan stage.

This approach raises concerns regarding soundness as it is clear from the above that the villages are not homogenous in the manner suggested by the global figure.

Strategic housing allocations must be informed by a clear understanding of the physical, environmental and infrastructure constraints affecting individual settlements. Without such an assessment, it is not possible to determine whether the proposed housing growth is realistically deliverable.

Using Ballygowan as an example again, there is a limited supply of land within the settlement limit capable of accommodating windfall development. Much of the remaining undeveloped land is constrained by environmental factors, including reservoir inundation floodplain. Other villages experience similar supply issues but are more constrained physically and in policy terms, while others have usable land supply but no infrastructure capacity or are not in accessible locations, each has its own issues that must be addressed at the strategy stage.

At the same time, the dLDPS acknowledges the importance of wastewater infrastructure capacity in determining the deliverability of development proposals. Recent wastewater infrastructure improvements in Ballygowan suggest that the village may have greater capacity to accommodate housing growth than other settlements within the villages tier.

In these circumstances, a settlement-specific assessment of housing capacity and infrastructure alignment would be necessary in order to determine the appropriate level of housing allocation.

The absence of such an assessment raises concerns that the housing allocation for villages has not been derived from a robust evidence base and therefore may not be deliverable in practice.

## **CE2 Test Conclusion**

The DLDPs does not demonstrate that the housing trajectory is realistically deliverable under the proposed policy framework.

The reliance on windfall development, combined with infrastructure constraints, restrictive operational policies and rigid employment land protection policies, creates a material risk of housing under-delivery.

Accordingly, the DLDPs fails soundness test **CE2**.

## **4.4 Test CE3 – Implementation and Monitoring**

Soundness test CE3 requires that the Plan contains clear mechanisms for implementation and monitoring.

While the DLDPs refers to monitoring of housing delivery, it does not clearly explain:

- how windfall delivery will be monitored;
- how infrastructure constraints will be addressed if delivery stalls;
- what intervention mechanisms are available to the Council;
- what triggers would prompt intervention; or
- how the proposed phasing mechanism will affect housing delivery within the villages tier.

Without clearly defined monitoring triggers and intervention mechanisms, the Plan risks becoming reactive rather than proactive.

## **CE3 Test Conclusion**

The DLDPs does not provide sufficient clarity regarding how housing delivery will be monitored or how the Council will respond if delivery falls below expected levels.

The Plan therefore raises concerns in respect of soundness test CE3.

## **4.5 Test CE4 – Flexibility**

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

However, the policy framework set out in the DLDPs:

- relies heavily on uncertain windfall delivery;
- strongly protects employment land despite the recognised oversupply;
- strongly protects open space regardless of quality or usability;
- applies prescriptive environmental constraints; and
- requires infrastructure availability that is outside both the Council's and developers' control.

Collectively, these policies significantly limit flexibility within the land supply.

If windfall delivery does not occur at the levels predicted, infrastructure constraints continue, or market conditions change—as is inevitable within the housing market—the Plan contains limited mechanisms to compensate.

#### **CE4 Test Conclusion**

The DLDPs does not contain sufficient flexibility to maintain housing delivery throughout the plan period and therefore raises concerns in respect of soundness test **CE4**.

#### **4.6 Test C3 – Consistency with Policy and Guidance issued by the Department**

The Regional Development Strategy requires sustainable settlement growth, adequate housing land supply and balanced economic development. While the DLDPs seeks to align with these objectives in principle, failure to ensure the deliverability of the housing requirement undermines alignment with regional housing growth objectives.

The SPPS clearly states at paragraph 6.142 that LDPs should set out the overall housing provision for each settlement over the plan period. There can be no equivocation over this, the policy is clear and failure to consider each village individually is inconsistent with the policy and guidance issued by the Department. The product of this is set out in the preceding considerations.

It is clear that the C3 test has been failed.

#### **4.7 Test C4 – Regard to Other Relevant Plans and Strategies**

Soundness test C4 requires that the Local Development Plan has had regard to other relevant plans, policies and strategies relating to the Council's district.

The Council's Integrated Tourism, Regeneration and Economic Development Strategy (2018–2030) establishes a spatial vision for economic growth across the Borough, including the development of town and village centres as hubs for economic activity and regeneration.

The Economic Strategy emphasises:

- Mixed-use regeneration within settlements;
- The reuse of existing buildings and brownfield land;
- The development of flexible workspaces within town and village centres; and
- The importance of sustainable transport corridors linking settlements to employment opportunities.

While the DLDPs acknowledges the Economic Strategy and adopts its employment growth projections, the detailed land-use policy framework does not clearly demonstrate how the regeneration and mixed-use development model promoted by that strategy will be facilitated.

In particular, the strong protection of employment land through Policy ED3 and the restrictive approach to redevelopment and intensification within settlements may limit the ability of the planning system to support the mixed-use regeneration opportunities identified in the Economic Strategy.

Accordingly, while the dLDPS has had regard to the Economic Strategy at a strategic level, there is limited evidence that the spatial policy framework fully reflects the regeneration approach promoted within that strategy.

This raises concerns in respect of soundness test C4.

## **4.8 Overall Soundness Assessment**

### **Soundness Test Assessment**

<b>C3</b>	Failure to set out overall housing provision for each settlement
<b>CE1</b>	Strategy coherence weakened by internal policy tensions
<b>CE2</b>	Deliverability of housing trajectory not sufficiently demonstrated
<b>CE3</b>	Monitoring and intervention mechanisms lack clarity
<b>CE4</b>	Insufficient flexibility to respond to delivery constraints

## **5. Overall Soundness Conclusion**

The dLDPS identifies an appropriate strategic housing requirement derived from regional policy. However, the Plan does not provide sufficient evidence to demonstrate that this requirement can be delivered within the plan period.

The reliance on windfall development, combined with infrastructure constraints, restrictive operational policies and limited flexibility within the land supply, creates a significant risk that housing delivery will fall below the levels required.

These issues are particularly evident within the villages tier of the settlement hierarchy, where the Plan allocates housing growth without undertaking a detailed assessment of infrastructure capacity or land availability within individual settlements.

Taken together, these concerns raise significant issues in respect of the coherence, realism, implementation and flexibility of the dLDPS.

Accordingly, the dLDPS cannot be considered sound in its current form.

### **5.1 dLDPS Soundness Conclusion**

When assessed against the established Tests of Soundness, the DLDPs raises significant concerns in respect of coherence, deliverability and flexibility.

The Plan identifies an ambitious strategic housing requirement of 15,608 dwellings but relies heavily on supply sources such as windfall development and urban capacity sites while simultaneously introducing a policy framework that materially constrains those same sources of supply. The interaction between restrictive housing policies, strong protection of employment land and open space, and infrastructure

preconditions creates internal tension within the strategy and raises serious doubts as to whether the housing trajectory is realistically deliverable.

These concerns are compounded by the well-documented infrastructure constraints affecting wastewater capacity within Northern Ireland. The requirement for infrastructure confirmation prior to development effectively operates as a delivery precondition in circumstances where the provision of infrastructure is outside the control of both developers and the Council. In the absence of clear evidence that infrastructure investment is aligned with the proposed housing trajectory, there is a significant risk that sites counted as deliverable will not come forward within the plan period.

The strategy also provides limited flexibility to respond to under-delivery. Despite acknowledging a significant oversupply of employment land relative to projected demand, the DLDPS adopts a strongly protectionist approach to employment land through Policy ED3. In circumstances where housing allocations underperform, this policy framework restricts the ability of the planning system to adapt and release alternative sources of housing land within settlements.

These strategic concerns are particularly evident in relation to the villages tier of the settlement hierarchy. The DLDPS allocates housing growth across villages without undertaking a settlement-specific assessment of land availability, infrastructure capacity or environmental constraints. As a result, the strategy does not clearly demonstrate how housing delivery will occur within individual settlements, including Ballygowan. Without such an assessment it is not possible to determine whether the proposed level of growth is realistically achievable or appropriately distributed.

In addition, while the DLDPS acknowledges the Council's Integrated Tourism, Regeneration and Economic Development Strategy (2018–2030) and adopts its employment growth ambitions, the detailed land-use policies do not clearly demonstrate how the mixed-use regeneration and centre-focused development model promoted by that strategy will be facilitated. The strong protection of employment land and the restrictive approach to redevelopment within settlements may limit opportunities for the type of flexible regeneration envisaged by the Economic Strategy.

Taken together, these issues raise significant concerns in respect of soundness tests CE1 (coherent strategy), CE2 (realistic and deliverable strategy), CE3 (implementation and monitoring) and CE4 (flexibility). They also give rise to potential issues under C2 and C4, relating to the alignment of the spatial strategy with wider strategic objectives and relevant strategies for the district.

Accordingly, the DLDPS does not currently demonstrate that it provides a clear, coherent and deliverable framework capable of achieving its stated vision and objectives, and therefore cannot be considered sound in its current form.

## 6. Suggested Modifications

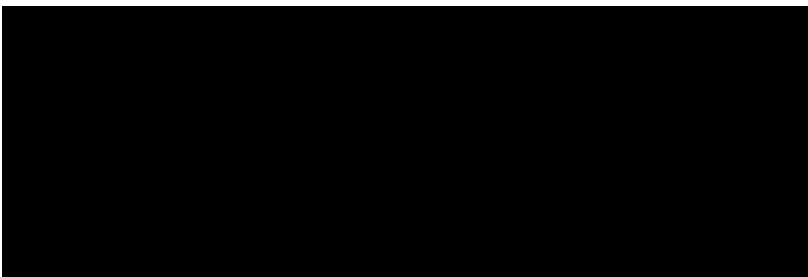
To ensure that the dLDPS meets the required tests of soundness, we suggest that the Council ought to consider the following:

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. Amend the implementation programme to enable phase 1 development within those villages that meet the tests above for infrastructure alignment.
7. Provide village housing allocation figures in accordance with the SPPS reflecting the physical, visual, and infrastructural constraints on each village.
8. 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.
9. 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 villages that are physically unconstrained and have adequate infrastructure provision such as Ballygowan, provide greater flexibility around the reuse of employment land for other purposes as a result of the massive over allocation of employment land and chronic under provision of housing land, and provide a policy regime that does not create tension within the plan and provides a clearer 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



David Worthington MRTPI  
For Pragma Planning and Development Consultants Limited