

Chloe Duddy

From: Dermot Monaghan <Dermot@mbaplanning.com>
Sent: 27 January 2020 15:08
To: Local Development Plan
Subject: Response to Draft Plan Strategy
Attachments: Response to Draft Plan Strategy - MBA Planning.pdf

Dear Sir/Madam,

Please find response to Draft Plan Strategy attached. I would be grateful if you would acknowledge receipt.

Many thanks,

Dermot Monaghan

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Derry City & Strabane District Council

Local Development Plan

(LDP) 2032

**Representations Form for the LDP Draft Plan Strategy
& Associated Appraisal / Assessments**



December 2019

<http://www.derrystrabane.com/Subsites/LDP/Local-Development-Plan>



How We Are Consulting

The best way to submit a representation is by completing our online representations form:
<https://haveyoursay.derrystrabane.com/mkt/ldpconsultation>

Alternatively, complete this draft Plan Strategy Representations Form and either return by email to **LDP@DerryStrabane.com** or download a copy and post to:

**Local Development Plan Team,
Council Offices,
98 Strand Road,
Derry,
BT48 7NN**

Hard copies of the form will be available at the above address and our other main office at 47 Derry Road, Strabane, Tyrone, BT82 8DY. Please note that if you are making a representation in any other format, it must include the requested information set out in this form and address the Tests of Soundness

The draft Plan Strategy is published for formal public consultation for a period of eight weeks beginning on **Monday 2nd December 2019** and closing on **Monday 27th January 2020**. Please note that in order for comments to be considered valid, you must include your contact details. We will use these details to confirm receipt of comments and to seek clarification or request further information. Anonymous comments or comments which do not directly relate to the draft Plan Strategy will not be considered as part of the consultation process.

Section B: **Your Details**

Q1. Are you responding as an individual, as an organisation or as an agent acting on behalf of individual, group or organisation? (Required)

Please only tick one

- Individual (Please fill in Question 2, then proceed to Section C.)
- Organisation (Please fill in the remaining questions in the section, then proceed to Section D.)
- Agent (Please fill in the remaining questions in the section, then proceed to Section E.)

Q2. What is your name?

Title

First Name (Required)

Last Name (Required)

Email

Q3. Did you respond to the previous LDP Preferred Options Paper?

- Yes
- No
- Unsure

Section C: **Individuals**

Address (Required)

Town (Required)

Post code (Required)

On completion, please proceed to Section F

Section E: Agents

If you have selected that you are responding on behalf of another individual, organisation or group there are a number of details that we are legally required to obtain from you. Please provide details of the individual, organisation or group that you are representing.

Client Contact Details

Title / First Name (Required)

Last Name (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required)

On completion, please proceed to Section F

Agent Contact Details

Title / First Name (Required)

Last Name (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (Required)

Email address (Required)

On completion, please proceed to Section F

Q4. Would you like us to contact you, your client or both in relation to this response or future consultations on the LDP? Please only select one

Agent

Client

Both

Section H: **Is the draft Plan Strategy Sound?**

Your comments should be set out in full. This will assist the Independent Examiner to understand the issues you raise. You will only be able to submit further additional information if the Independent Examiner invites you to do so.

Sound

If you consider the Plan Strategy to be Sound and wish to support the LDP Plan Strategy, please set out your comments below.

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

Section I: **Unsound**

In this section, we will be asking you to specify which part(s) of the draft Plan Strategy you consider to be unsound.

Note: If you wish to inform us that more than one part of the draft Plan Strategy is unsound each part should be listed separately, and Sections J and K filled out for each separate part of the draft Plan Strategy. (i.e. if you believe that multiple parts of the draft Plan Strategy are unsound, please fill out multiple copies of Sections J & K.).

Q6. If you consider that the LDP draft Plan Strategy is unsound and does not meet one or more of the tests of soundness below, you must indicate which test(s) you consider it does not meet, having regard to Development Plan Practice Note 6 available at:

https://www.planningni.gov.uk/index/news/dfi_planning_news/news_releases_2015_onwards/development_plan_practice_note_06_soundness__version_2__may_2017_.pdf

Please note that if you do not identify a test(s), your comments may not be considered by the Independent Examiner. Continued on next page.

Section K: Which part(s) of the draft Plan Strategy are you commenting on?

This should relate to only one section, paragraph or policy of the LDP draft Plan Strategy. If you wish to inform us that you consider more than one part of the LDP draft Plan Strategy is unsound, you can submit further representations by completing and submitting additional copies of this section.

Relevant Chapter number(s)

10

(and/ or) **Relevant Policy number(s)**

Policies RP1 'Town Centre First' and RP9 'Out Of Centre Development'

(and/or) **Relevant Paragraph number(s)**

(and/or) **District Proposals Map**

Please give full details of why you consider this part of the LDP draft Plan Strategy to be unsound, having regard to the tests(s) you have identified above. Please be as clear and concise as possible.

See attached.

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

If you consider the LDP draft Plan Strategy to be unsound, please provide details of what changes(s) you consider necessary to make the LDP draft Plan Strategy sound.

See attached.

Attach additional sheet(s) if necessary, but please be as clear and concise as possible.

Section K continued:

Policy RP1

1. **Policy RP1 'Town Centre First'** states that the Council will require applications for main town centre uses to be considered in the following order of preference:
 - *Primary Retail Core;*
 - *Town Centres (including town, district and local / village centres);*
 - *Edge of town centre;*
 - *Out of centre locations that are or can be made accessible by a choice of public transport modes.*
2. This town centre first approach is based upon policy set out in the Strategic Planning Policy Statement (SPPS) but it is not consistent with it in that the SPPS does not include district and local/ village centres in the list of sequentially preferable locations (see paragraph 6.281). This is acknowledged at paragraph 3.2 of Part 2 of the Avison Young Retail Capacity and City/Towns Centres Study.
3. Furthermore, unlike the SPPS, Policy RP1 does not indicate that potential alternative sites must be judged on the basis of suitability, availability and viability, and it does not clarify that it only applies to alternative sites within the proposal's catchment.
4. Policy RP1 is out of step with regional policy and should be altered to align with it.

Policy RP9

5. **Policy RP9 'Out of Centre Development'** states that proposals for retail and other main town centre development in an out-of-centre location will only be permitted provided it has been demonstrated that:-
 - (1) *the proposal will address a quantitative or qualitative deficiency or will meet the needs of an expanding residential or working population within its catchment area;*

Retail Capacity Study

10. The justification and amplification of Policy RET9 states (at paragraph 10.47) that the findings of the Council's 'Retail Capacity and Town Centre Health Check' have not identified any need to recommend that specific out of centre locations are identified or zoned for retail development in the LDP.
11. This Study appears to be based on a number of flawed and unsound assumptions. For example, it has estimated the turnover of existing stores within the Council area based on a household survey however as paragraph 5.30 of Part 1 of the Study acknowledges, this has a number of limitations. One is that it does not pick up certain expenditure trends and can underestimate expenditure within smaller stores, leading to an overestimation of the turnover of larger stores. This was acknowledged by the PAC in the conjoined hearing into retail proposals in Magherafelt (ref: 2014/C001 – see Appendix 1).
12. While the questionnaire attempted to address this by asking a number of questions about convenience shopping habits, it is evident from some of the survey derived turnovers that this has not been effective. For example, Table 8a indicates that the total convenience turnover of Northside District Centre which comprises a 1300sqm Supervalu and 350sqm of other net convenience floorspace is only £200,000. This gives a sales density of £121/sqm, but such floorspace (in a Centre that the health check states is 'performing well') is more likely to achieve a density of around £5000-£6000/sqm. A number of other store turnovers are also way off the mark, some are much too high while the 140sqm convenience store at Garden City is stated to have a zero (£0) turnover.
13. Table 9b indicates that there is no capacity for further convenience floorspace but this is only when three 'commitments' are taken into account. The two largest 'commitments' (which are shown to account for 90% of Derry's committed convenience turnover) are at Springtown Shopping Centre and at the former Arntz Belting site (ref: A/2014/0629/F). The Springtown permission (ref: A/2010/0802/F) has now lapsed and the Study has not undertaken any assessment in circumstances where the Arntz scheme, which accounts for over half of the area's committed convenience turnover, is not delivered.

Conclusion

18. Policy RP1 is unsound in that it is inconsistent with the SPPS, contrary to soundness test C3.

19. Policy RP9 is unsound for the same reason. It is also contrary to test C1 in that it is inconsistent with the RDS and it is contrary to test CE2 in that it is not realistic in assuming that the Arntz Belting development will be delivered and it is not founded on a robust evidence base.

Commission References: 2014/C001, 2014/C002, 2014/C003
Department References: H/2010/0245/F, H/2011/0104/O, H/2011/0145/F

PLANNING APPEALS COMMISSION

THE PLANNING (NI) Order 1991

Article 31

Conjoined hearing into:

Application H/2010/0254/F Proposed demolition of existing buildings and construction of a food superstore with car parking and servicing and associated access and other works on lands at 58a and 60 Moneymore Road and to the rear of 7 Killyfaddy Road, Magherafelt for Merit Investments and Properties Limited

Application H/2011/0104/O Proposed demolition of existing furniture store and erection of supermarket, associated parking and amended access at Castledawson Road, Magherafelt for Forbes Furniture Group

Application H/2011/0145/F Proposed demolition of existing filling station and retail units (with dental surgery above) to provide food superstore, replacement dental surgery and replacement filling station at 40 Ballyronan Road, Magherafelt for Corbo Limited

Report by

Commissioners A Beggs & M Watson

Hearing Dates: 10-13 & 20 March 2015

Report Date: 22 June 2015