

Sarah-jayne Boyle

From: Eamonn Loughrey <Eamonn@inaltus.com>
Sent: 23 January 2020 12:41
To: Planning
Subject: Draft Plan Strategy Derry & Strabane
Attachments: Kennedy Retail Park Submssion.pdf

Dear Sir/Madam

RE: DERRY CITY AND STRABANE DISTRICT COUNCIL DRAFT PLAN STRATEGY

I refer to the Council's recent publication of the Derry City and Strabane District Council draft Plan Strategy and on behalf of my client Kennedy Retail Park enclose a representation for your consideration.

I trust this is satisfactory.

Please acknowledge safe receipt.

Regards

Eamonn Loughrey
eamonn@inaltus.com

Part 1 of 2

Derry City & Strabane District Council

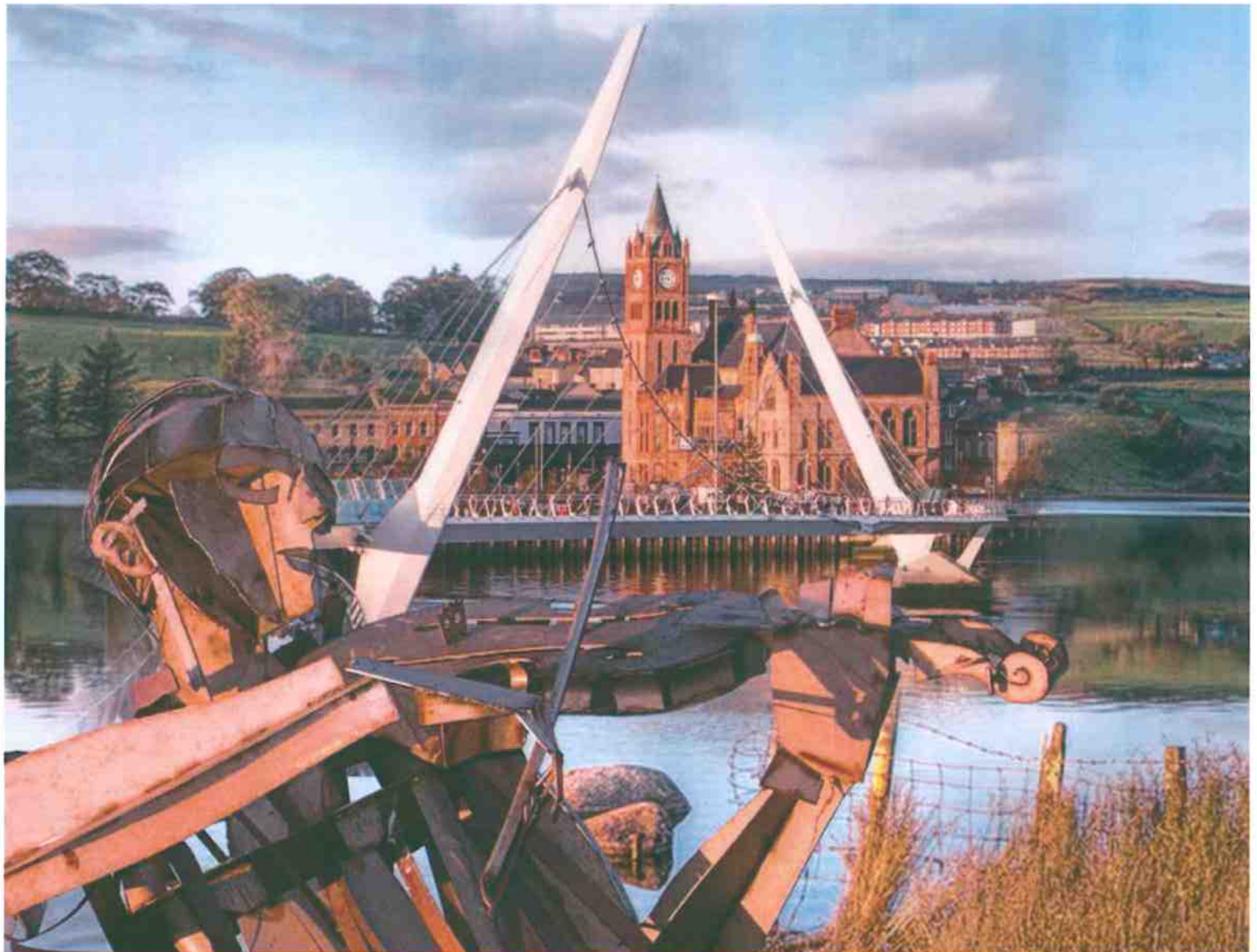
Local Development Plan

(LDP) 2032

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



Derry City & Strabane
District Council
Cathair Dhoire &
Cheantar an tSrátha Báin
Derry Cittie & Strábane
Districte Coimisiúnaí



December 2019

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

Introduction

Derry City and Strabane District Council is planning for the future. It is the start of a challenging and exciting journey. It will be a long-term and collaborative process, driven by the Council which is committed to grasping the opportunities and addressing the challenges that face us, some unique to our situation and others generated by global forces beyond our control.

United by a shared vision, the Council's Local Development Plan (LDP) and our Community Plan - the Strategic Growth Plan, will drive this process as we seek together to strategically grow and improve social, economic and environmental wellbeing for all. The publication of the LDP draft Plan Strategy is the next step on this journey.

What is the Local Development Plan (LDP)?

The new LDP will guide land-use development and set out Planning policies and proposals for the use, development and protection of our settlements and countryside across our District to 2032. Crucially, it will help to deliver the outcomes in the Strategic Growth Plan. Once the LDP is adopted, its Planning policies, zonings and development proposals will be used to determine planning applications across the District. The LDP will comprise of two development plan documents: this LDP Plan Strategy and, in due course, the LDP Local Policies Plan.

What is the LDP Plan Strategy (PS)?

This LDP draft Plan Strategy sets out the Council's strategic Planning objectives, designations and policies for the District in line with regional strategies and policies, but tailored to the local needs of this City and District.

The preparation of the PS has been informed by the Council's LDP Preferred Options Paper (POP – May 2017) which provided the basis for consulting with the public and stakeholders on a series of options for dealing with key issues in the Plan area. It set out the Council's initial proposals and policy direction, therefore aiming to stimulate public comment and help interested parties to become involved in a more meaningful way at the earliest stage of Plan preparation. The published draft LDP PS fully reflects a consideration of all the representations made during the POP consultation period and all engagement with stakeholders, consultees and elected Members of the Council.

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 A: Data Protection

Local Development Plan Privacy Notice

Derry City and Strabane District Council is a registered data controller (ZA119397) with the Information Commissioner's Office and we process your information in accordance with the General Data Protection Regulation and Data Protection Act 2018 (GDPR).

Derry City and Strabane District Council only collects and processes personal information about you in order to fulfil our statutory obligations, to provide you and service users with services and to improve those services. Your personal information will be used to populate the LDP Representations Database.

If you wish to find out more about how the Council processes personal data and protects your privacy, our Corporate Privacy Notice is available at:

<https://www.derrystrabane.com/Footer/Privacy-Policy>

It contains the standards you can expect when we ask for, or hold, your personal information and an explanation of our Information Management Security Policy. All representations received will be published on our website and made available at our Local Planning Office, 98 Strand Road, Derry BT48 7NN, for public inspection and will be forwarded to the Department for Infrastructure (DfI) and hence to the Independent Examiner / PAC.

Why are we processing your personal information?

- To enable the preparation of the Council's Local Development Plan;
- To consult your opinion on the Local Development Plan through the public consultation process;
- To ensure compliance with applicable legislation;
- To update you and/or notify you about changes; and
- To answer your questions.

If you wish to find out more information on how your personal information is being processed, you can contact the Council's Data Protection Officer:

Data Protection Officer
47 Derry Road
Strabane
BT82 8DY
Telephone: **028 71 253 253**
Email: **data.protection@derrystrabane.com**

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 D: Organisation

If you have selected that you are responding as an organisation, there are a number of details that we are legally required to obtain from you. If you are responding on behalf of a group or organisation, please complete this section, then proceed to Section F.

Organisation / Group Name (Required)

Your Job Title / Position (Required)

Organisation / Group Address (if different from above)

Address (Required)

Town (Required)

Postcode (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 F: Soundness

The LDP draft Plan Strategy will be examined at Independent Examination (IE) in regard to its 'soundness'. Accordingly, your responses should be based on soundness and directed at specific strategic policies or proposals that you consider to be unsound, along with your reasons. The tests of soundness are set out below in Section J.

Those wishing to make representations seeking to change the draft Plan Strategy should clearly state why they consider the document to be unsound having regard to the soundness tests in Section J. It is very important that when you are submitting your representation that your response reflects the most appropriate soundness test(s) which you believe the draft Plan Strategy fails to meet. There will be no further opportunity to submit information once the consultation period has closed unless the Independent Examiner requests it.

Those who make a representation seeking to change the LDP draft Plan Strategy should also state below whether they wish to be heard orally at the Independent Examination (Please see www.pacni.gov.uk for further details on the IE procedures.)

Section G: Type of Procedure

Q5. Please indicate if you would like your representation to be dealt with by: (Required)

Please select one item only

- Written (Choose this procedure to have your representation considered in written form only)
- Oral Hearing (Choose this procedure to present your representation orally at the public hearing)

Unless you specifically request a hearing, the Independent Examiner will proceed on the basis that you are content to have your representation considered in written form only.

Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

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.

Not Applicable.

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 J: Tests of Soundness (Required)

State which Chapter / Policy / Paragraph / Map that this Section refers to:

Chapter 10 Designation HC1 and paragraph 10.15; policy RP 4 and paragraph 10.30

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.

Procedural tests

- P1. Has the plan been prepared in accordance with the Council's timetable and the Statement of Community Involvement?
- P2. Has the Council prepared its Preferred Options Paper and taken into account any representations made?
- P3. Has the plan been subject to Sustainability Appraisal including Strategic Environmental Assessment?
- P4. Did the Council comply with the regulations on the form and content of its plan and on the procedure for preparing the plan?

Consistency tests

- C1. Did the Council take account of the Regional Development Strategy?
- C2. Did the Council take account of its Community Plan?
- C3. Did the Council take account of policy and guidance issued by the Department

Coherence and effectiveness tests

- CE1. The plan sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant, is it in conflict with the plans of neighbouring Councils.
- CE2. The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.
- CE3. There are clear mechanisms for implementation and monitoring.
- CE4. The plan is reasonably flexible to enable it to deal with changing circumstances.

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)**

Designation HC1 & RP 4

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

10.15 and 10.30

(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 Sheet

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 Sheet

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

Section L: Sustainability Appraisal

If you wish to submit an 'expression of opinion' in relation to the Sustainability Appraisal (SA) of the LDP draft Plan Strategy (incorporating the Strategic Environmental Assessment (SEA)) please state them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the SA.

Not Applicable

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

Section M: Draft Habitats Regulation Assessment (HRA or AA)

If you have any comments or opinions in relation to the Draft Habitats Regulation Assessment (HRA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the HRA.

Not Applicable

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

Section N: Draft Equality Impact Assessment (EQIA)

If you have any comments or opinions in relation to the Draft Equality Impact Assessment (EQIA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the EQIA.

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

Section O: Draft Rural Needs Impact Assessment (RNIA)

If you have any comments or opinions in relation to the Draft Rural Needs Impact Assessment (RNIA) report of the LDP draft Plan Strategy, please submit them below or by email to LDP@DerryStrabane.com. If sending by email, please clearly state that your comments are in relation to the RNIA.

Not Applicable

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

Derry City & Strabane District Council Local Development Plan

Response to the Draft Plan Strategy

Ref: 16/11 (13)(i)

Client: Kennedy Retail Park

Part 2 of 2

Please give details of why you consider the Plan Strategy to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

Summary of POP Arguments

1. We submitted an objection to the POP and include it at **Annex 1**.

2. The summary of our case was:
 - Kennedy Retail Park should be included in the LDP as a District Centre;
 - Strabane has pockets of high deprivation;
 - the POP acknowledged the location of Kennedy Retail Park in Strabane;
 - areas around the edge of Strabane town centre have potential to flood;
 - the Council has bold and ambitious objectives relating to creation of new jobs and attracting investment. There needs to be ambitious policies to promote retail growth;
 - The Retail Capacity Study should reflect the ambitious growth plans set out in the POP objectives;
 - Strabane needs to have ambition to deliver new retail floorspace consistent with its status as the second largest town in the Council area. Kennedy Retail Park is a key shopping location that should be supported and enhanced;
 - The LDP should consider inclusion of an office policy directing office use to the Kennedy Retail Park;

- The Kennedy Retail Park is the right location for a District Centre for the growing south Strabane area. It is sufficiently close to the town centre to allow people to make linked trips.

Review of Derry City & Strabane District Council Retail and Capacity/Town Centres Study

3. The Council commissioned Avison Young/Juno Planning to prepare a Retail Capacity and City/Towns Centres Study. This is in two parts:-
 - a. Part 1 is Retail Capacity & City/Town Centres Study; and
 - b. Part 2 provides recommendations on Centres, Uses and Planning policies.

This Study informed evidence Paper 10 City / Town Centre, Retailing, Offices, Leisure & Other Uses (EVB 10).

Retail Capacity

4. A fundamental aspect of the Retail Capacity Study is the approach taken towards committed developments. If committed developments are included the Capacity Study finds there to be no need for additional convenience floorspace in the Council area over the Plan period. This is set out below.

From the above table, it is apparent that there is not anticipated to be any floorspace capacity across the Council area for convenience floorspace, principally as a result of existing commitments. If these are not to be implemented over the Plan period, this would potentially free up some capacity in the future.

5. It is plainly difficult to agree with a Study that suggests that an area which:-
 - a. has a Regional Centre;
 - b. has the second city of Northern Ireland;
 - c. has a population within its catchment of over 300,000;
 - d. is located on an international border between the UK and ROI/the European Union; and
 - e. is seeking to deliver up to 15,000 new jobs

will have no quantitative need for addition convenience floorspace in the next 15 years. That does not seem remotely credible and is symptomatic of a mechanistic

approach to retailing rather than a realistic and dynamic approach that the retail sector is renowned for.

6. A simple interrogation of the assumptions of the Study can illuminate the inflexibility of the Study and the resultant draft Plan Strategy that it has informed.
7. The Study finds there to be a potential available convenience expenditure of £32million in the Study Area (Table 9a excluding commitments) but that there is no need for any new spending in town centres as there are speculative retail developments in locations such as Springtown and the Three Rivers Project (which is assumed to have a turnover of £48 million).
8. The Springtown commitment has long been a proposal but has never come forward in the last 15 years. The Three Rivers Project was approved in December 2014 as an outline application and reserved matters are required to be submitted within 5 years. The permission will expire 7 years post approval being 2021. There is no record on the planning portal that any reserved matters application for the foodstore has been submitted. These commitments are unlikely to come forward. However because the Capacity Study does assume these schemes will come forward it unnecessarily constrains the potential growth of Derry and Strabane. It also means there is no need to plan for future growth of centres as the Council are assuming out of centre retailing will be developed to take up retail spending growth. That approach does nothing to support the Strabane and Derry retail centres in the hierarchy.
9. The consultants themselves are dubious about the likelihood of commitments coming forward as shown below. They class them as speculative proposals. However what is not provided is any guidance on what Centre should be designated should these commitments fail to transpire or how existing Centres should respond if they do come forward.

Commitments

5.40 The commitments which have been included in the convenience and comparison goods floorspace assessments are listed in Table 8b within Appendix 3. As the table shows, this is principally comprised of speculative retail commitments. Some of the speculative commitments are not constrained to selling any particular type of retail goods and in such cases we have made judgements about how the permitted Class A1 floorspace will be split in terms of convenience or comparison goods sales or other Class A1 uses.

Retail Capacity Study Commitment Comments

10. In terms of Strabane Table 9C assumes a constant market share for Strabane, meaning that there is no ambition that Strabane might attract additional retail expenditure into the area in the future. There is an inherent inconsistency in the Study that Strabane's catchment extends to only Zone 4 and that assumes it will have a new out of centre commitment at the Three Rivers project, located on the border with the ROI and yet there will be no additional inflow of trade or no change in market share in the Study Area for Strabane. This paints the bleakest possible picture - all commitments come forward and no expansion of the catchment. If the Three Rivers project did come forward it clearly would increase inflow to Strabane, but again this is not incorporated in to the Capacity Study.
11. Table 9c also includes an allowance for current shops that are performing below their benchmark turnovers to take up future retail capacity.
12. An alternative more realistic scenario based on two assumptions that:
 - a) current shops can continue to be sustained at current turnover levels; and
 - b) the future Three Rivers project will not occur,would mean that Strabane has a retail capacity of £54million. There is no contemplation about how to accommodate this potential convenience retail spending growth over the next 15 years if this scenario occurred.
13. The Retail Capacity Study should realistically inform the draft Plan Strategy. However in this case the assumptions regarding which retail commitments will come forward and how the Plan should respond to that potential is a matter that the Retail Capacity Study and the draft Plan Strategy has failed to have proper regard to.
14. It is our view that in Strabane, the Council need to acknowledge that:-
 - a. there is a potential available spend of £54 million;
 - b. while there is an existing commitment for a large superstore outside the town centre, there is no evidence that it is likely to come forward;
 - c. there is a need to prepare Strabane to either make sufficient provision for additional retail floorspace with a turnover of £54 million should the

commitment not be developed, or to make provision for additional retail development to be accommodated in existing important town and district centres to allow them to adequately compete with the commitment in the unlikely event that it should come forward.

Either way the draft Plan Strategy needs to define a robust retail hierarchy for Strabane that includes a District Centre in the south of the town that can accommodate future local everyday shopping opportunities.

The Retail Hierarchy

15. Part 2 of the Retail Study looks at the Retail Hierarchy. The Study fails to make any recommendation for any changes to the now long established retail hierarchy. This is surprising. The Local Development Plan process is the only mechanism to designate new District Centres. District Centres can be designated because either:-

- a) they are already performing the role and function of a District Centre; or
- b) they have the potential to perform the role of a District Centre.

16. Unfortunately, the approach taken by the Council's consultants has been to find that there is no retail need (because of out of centre commitments) and so there is no need to consider whether further District Centres are required and have solely focused on the current role and function of centres.

17. In respect of the Kennedy Retail Park the Study states as follows:

- | | |
|------|---|
| 2.36 | It is noted that there are a number of existing out-of-centre shopping locations, both within Derry and Strabane. These include retail parks such as Crescent Link and Faustina Retail Parks. There are also a number of convenience shopping nodes that have evolved outside any existing centres such as Iceland/Lidl on Buncrana Rd, Derry and Home Bargains, Melmount Rd, Strabane. There is also retail presence within existing industrial/business parks, which includes a mixture of bulky goods, small scale convenience, A2 office, leisure and service uses. |
| 2.37 | It is recommended that these areas sit outside the retail hierarchy as out-of-centre development as they do not meet the description of any of the tiers in the hierarchy. |

and that

4.16 The findings of this study have not identified any need to recommend that specific out of centre locations are identified for retail development in the LDP.

18. A similar conclusion is followed through in to EVB 10 as shown below:-

6.19 The status of Crescent Link was considered in the study. The study found that it was difficult in terms of the role and function its plays to describe Crescent Link as a District Centre. In summary, the study found that District Centres should be the focus for everyday shopping and remain complimentary to the role and function of the town centre. Crescent Link performs a different role in terms of its draw and its food offering; it is a commercial centre – mainly bulky goods provision with a secondary local centre level provision as was envisaged in the DAP 2011. Changing this would affect the city centre and nearby District Centres. Similar conclusion could be drawn to consideration of other locations as District Centres, such as Lidl Buncrana Rd and Kennedy Retail Park. These stores and/or locations do not perform the role and function of a District Centre.

19. We disagree with the findings of the Study and EVB 10. While Crescent Link might have a much broader role than a District Centre, the same conclusion cannot be reached for the Kennedy Retail Park. A District Centre is defined in the SPPS paragraph 6.276 as:-

“a focus for local everyday shopping”

20. Local everyday shopping is, in other words, convenience shopping. If a centre displays this role then it can be considered as a District Centre. The Kennedy Retail Park has a Home Bargains supermarket and a Winemark off licence. Both shops provide local everyday shopping, they do not detract from the mixed use role of Strabane town centre and is close enough to the town centre (i.e. less than 800m) to allow linked shopping trips and to complement the role and function of the town centre of Strabane. Kennedy Retail Park is wholly consistent with the SPPS definition of a District Centre.

21. The retail hierarchy set out at Designation HC 1 of the draft Plan keeps the same hierarchy as exists now. There are no new centres identified, no expansion of centres predicted and no centres downgraded. This not an objective assessment of future need, it simply envisages that the status quo of centres that emerged in the 1970s-1980s will persist into 2030. If there is no need to consider the requirements of the

retail hierarchy and no scope of alteration, then there is little point in including it within the LDP at all. The Council's ambitious employment growth is unfortunately not being matched by an ambitious retail strategy and retail hierarchy.

22. The Council needs an ambitious approach to address the current and future retail challenges not least from the changes that have arisen as a consequence of online shopping which have changed shopping patterns of people for good but also to be sufficiently flexible to deal with the opportunities and challenges of Brexit. The draft Plan Strategy has not engaged in what the role and function of centres are in the face of the increasingly challenging retail market.

P2 Has the Council taken into account Representations Made?

23. The Council's response to the comments made in the POP is set out in EVB 10 and copied below. It does not engage with the fact that the Kennedy Retail Park was requested to be considered as a District Centre. It sidesteps the matter. As such the Council have not properly taken into account the representations made to the Preferred Options Paper.

Consideration of POP responses

- 4.47 Whilst there was a range of opinions put forward at POP stage, there was broad support for the options as outlined above. There was a clear indication from consultation responses at POP stage that the Council needed to underpin the options with a robust and up-to-date evidence base. This was recognised by Council through the commissioning and completion of a Retail Capacity and Town Centre Health Check Study' to support the preparation of the Draft Plan Strategy and Local Policies Plan stages of the LDP.
- 4.48 The preferred options therefore remained unchanged at this stage. The subsequent consideration of the above points is detailed under the Draft Plan Strategy Stage of this paper.

CE2 Is the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base & CE4 is the plan reasonably flexible to deal with changing circumstances?

24. The SPPS paragraph 6.277 requires LDPs to define a network and hierarchy of centres – town, district and local centres and set out the appropriate policies that make clear

the uses that will be permitted and also allocate a range of suitable sites to meet the scale and form of retail needed.

25. In light of our comments above, we consider that the draft Plan Strategy as set out in Designation HC 1 is not robust and does not meet the requirements of the SPPS. Instead of allocating suitable sites in policy preferred locations to meet future retail need, the Council are accepting that there is no need due to out of centre retail commitments. This undermines the draft Plan Strategy and fails to consider the realistic prospect that a number of the large retail commitments that are speculative will never come forward. In the context of Strabane, the Council has not properly considered an appropriate alternative to the non-implementation of the foodstore at Three Rivers project.
26. Furthermore, the draft Plan Strategy is not reflective of the role and function of Kennedy Retail Park. There is a fundamental inconsistency in the Council's decision to include Springtown as a District Centre and to exclude the Kennedy Retail Park. Both locations have a main food operator and an off licence. Both locations have small local shops on their periphery such as a chemist and post office.
27. Given the fact that Kennedy Retail Park is the main local everyday shopping location for south Strabane it is reasonable to seek its inclusion as a District Centre. In the context where there is a potential that additional convenience retailing will be required in Strabane, the Council should indicate that a District Centre at Kennedy Retail Park is a preferred location to provide for some of that need. Kennedy Retail Park has two parcels of land that can be used to provide additional local retailing opportunities that would consolidate its existing local everyday shopping.
28. Allocating the Kennedy Retail Park as a District Centre would also give policy protection to this Centre should out of centre proposals come forward. The Kennedy Retail Park is within walking distance of local housing areas and if it was undermined by large out of town proposals this would negatively impact the local community. Designating the Kennedy Retail Park as a District Centre is a sustainable policy and is in the wider public interest by ensuring local people have easily accessible food shopping opportunities.

29. Furthermore SPPS paragraph 6.85 states that in larger settlements appropriate proposals for Class B1 business uses (such as offices and call centres) should be permitted if located in a location that may be specified for such use in a LDP such as a district or local centre. The Council are seeking to provide up to 15,000 jobs under its Economic Development Strategy, and include District Centres as a location for B1 uses as set out in policy RP 10 and RP 1. The Kennedy Retail Park could be used to accommodate office space. Given the level of deprivation in the south Strabane area it would be prudent for the Council to allocate the Kennedy Retail Park as a District Centre to provide a location for office accommodation and job creation.

Retail Policy

30. Designation HC 1 fails to properly assess the need for additional retail floorspace in south Strabane and the important benefits that Kennedy Retail Park provides to the local community and the ability of Kennedy Retail Park to accommodate future local shopping and office uses. Given Kennedy Retail Park exhibits these characteristics it should be included as a District Centre.

31. RP1 sets out the Town Centre first approach that includes District Centres in the second tier of the sequential approach. We note that paragraph 10.15 seeks to define a District Centre. This definition goes beyond the scope of the SPPS. However, even with this definition the Kennedy Retail Park is compliant as it has a large food offer and caters for the needs of a district within Strabane rather than the whole of the town.

32. Policy RP 4 applies to District Centres and whilst we do not object to the policy we would note it should include Kennedy Retail Park at paragraph 10.30.

33. Policy RP10 allows B1 offices in all centres outlined in the hierarchy in RP 1 which includes District Centres which we welcome as this is compliant with the SPPS.

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

34. The supporting evidence base of the Retail Capacity Study should be re-worked to properly reflect the potential that commitments identified are not likely to come forward, and even if they do, there is a need that designated Centres have the scope

to compete for the same retail demands. To allow centres to effectively compete requires the draft Plan Strategy to:

- a. have a properly defined retail hierarchy;
- b. adopt robust policies protecting District Centres;
- c. define District Centres with boundaries adequately wide to accommodate future retail floorspace.

35. In the context of Strabane, this means that the Kennedy Retail Park should be identified as a District Centre where its current provision of local everyday shopping can be consolidated by further retail expenditure in convenience goods over the Plan period, to allow it to either compete with the commitment at the Three Rivers project or to allow it to meet the retail needs of south Strabane if the Three Rivers project does not come forward.

36. In policy terms the following is necessary:

- Designation HC 1 should identify Kennedy Retail Park as a District Centre, and paragraph 10.15 should also include reference to Kennedy Retail Park; and
- Paragraph 10.30 should confirm that policy RP 4 also applies to Kennedy Retail Park as District Centre.

Annex 1

POP Submission

ANNEX 1

DERRY AND STRABANE LOCAL DEVELOPMENT PLAN

**RESPONSE TO PREFERRED OPTIONS PAPER ON BEHALF OF
KENNEDY RETAIL PARK, STRABANE**

ISSUES RELATING TO TOWN CENTRES, RETAILING AND OFFICES

Date: August 2017

Reference: IN16/11(13)

Company Registration No. NI608497

Registered as Inaltus Limited

1. INTRODUCTION

- 1) This response to the Preferred Options Paper (POP) published by Derry and Strabane Council to inform the Derry and Strabane Local Development Plan (LDP) is submitted on behalf of the Kennedy Retail Park, Strabane.
- 2) The Kennedy Retail Park is a shopping development undesignated in the Strabane Area Plan 1986-2001, located on the Melmount Road, about 500m south of Strabane town centre. It is occupied by Home Bargains and Winemark and has a vacant unit available to let and space for two additional units/ a drive thru. See Brochure at **Appendix A**. Opposite the road is a local convenience store/Post Office and a pharmacy.

Scope of the Representation

- 3) This response provides general comments on legislative and policy matters before considering the issues on retail and office aspects of the POP. It then turns to respond to a number of specific questions set out in the POP.

2. LEGISLATIVE AND POLICY MATTERS

- 4) The Planning Act (Northern Ireland) 2011 (“the Act”) introduces the plan-led system as provided for in Section 6(4) of the Act which states that *“Where in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.
- 5) Section 10 of the Act sets out an important requirement of the local development plan being to ensure that it is sound. This involves (inter alia) ensuring that in preparation of the various stages of the plan that it has followed the correct procedural approach and been informed by a robust evidence base.
- 6) The Strategic Planning Policy Statement (SPPS) sets out the requirements for a LDP in general terms (Section 5) and in retail and commercial terms (paragraph 6.267-6.292). SPPS paragraph 5.16 notes that a LDP must take account of the RDS 2035 and the SPPS.
- 7) The Regional Strategic Objectives of the SPPS for retailing includes the adoption of a sequential approach to the identification of retail and main town centre uses in Local Developments Plans; and ensure LDPs are informed by robust and up to date evidence in relation to need and capacity.
- 8) SPPS paragraph 6.274 states *“In preparing LDPs councils must undertake an assessment of the need or capacity for retail and other main town centre uses across the plan area”*. SPPS paragraph 6.275 states *“LDPs should include a strategy for town centres and retailing, and contain appropriate policies and proposals that must promote town centres first for retail and other main town centre uses”*.
- 9) In the context of District Centres:
 - a. SPPS paragraph 6.276 states *“Planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping, and ensure their role is complementary to the role and function of the town centre. In these centres, extensions should only be permitted where*

the applicant has demonstrated that no adverse impact will result on town centres in the catchment”.

b. SPPS paragraph 6.277 states (inter alia) that “LDPs should also:

- *define a network and hierarchy of centres - town, district and local centres, acknowledging the role and function of rural centres;*

10) It is notable that the Plan is required to define a District Centre having regard to scale and function of an area. The Kennedy Retail Park is functioning as a District Centre to the south of Strabane town. It is providing convenience and comparison retail for the surrounding area.

11) While not all requirements of the SPPS need be carried out as part of a POP, or indeed as part of the Plan Strategy, retail hierarchy and retail capacity are matters that are of a strategic nature that should be considered at this point in the process.

12) SPPS paragraph 6.284 states “*The preparation of a LDP provides the opportunity to address the needs, challenges and opportunities facing town centres and retailing in the plan area. Given the wide range and complexity of issues that influence the development, role, function and success of town centres councils should work collaboratively with other relevant stakeholders to inform plan preparation*”.

13) Our clients are clearly significant stakeholders in the Strabane retailing environment and would welcome the opportunity to work collaboratively with the Council during the plan process.

Economic Development

14) In terms of economic development SPPS paragraph 6.85 states that “*In these larger settlements appropriate proposals for Class B1 business uses (such as offices and call centres) should be permitted if located within city or town centres, and in other locations that may be specified for such use in a LDP, such as a district or local centre*” [emphasis added].

15) SPPS paragraph 6.95 states “Where appropriate, LDPs should specify the type or range of economic development uses that will be acceptable within zoned sites or broader areas of economic development designated by the Plan. Within larger settlements such as towns and cities, the Plan may zone individual sites for a particular industrial and business use class, such as Class B1 Business, Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution. The Plan may also set out restrictions as to where particular types of economic development should be located in order to meet particular Plan objectives. For example, office uses may be restricted to town or district centres in order to promote the vitality and viability of the centre.” [emphasis added].

3. CONSIDERATION OF ISSUES

- 16) Strabane is a principal settlement in the Derry Strabane Council area.
- 17) As a District town Strabane is a main shopping and employment location for northwest County Tyrone.
- 18) The RDS paragraph 3.49 acknowledged that *“There are severe pockets of deprivation particularly around Ballycolman and the East Wards of Strabane”*.
- 19) Paragraph 7.19 of the POPs paper notes that in Strabane there has been some limited retailing developed at Melmount Road in Strabane, and again at paragraph 7.40 it states *“Home Bargains has recently opened at the former Long’s supermarket site on Melmount Road”*.
- 20) We would ask the Council to note that parts of the area around the Town Centre of Strabane that might be considered edge of centre, are not available for development as they are liable to flooding and even though benefiting from flood defences, their development would be contrary to PPS 15. This reinforces the case for the Kennedy Retail Park to be given District Centre status as a suitable retail location south of the town centre.
- 21) The POP’s *“Economic Objectives”* seeks to create jobs and promote prosperity; create 15,000 new jobs, reduce unemployment rates and investment driven growth at a variety of locations and for a step change in growth.
- 22) These are important objectives, and to be achieved the Council need to have bold and ambitious policies to promote growth in retail development. To include constrained retailing policies would contradict the growth objectives and undermine the Council’s ability to meet its ambitious targets.
- 23) The POPs paper does not appear to suggest the designation of any new District Centres or Local Centres. This is inappropriate as any centres that are performing such a function should be identified as part of the plan process.

24) It is noted that page 69-70 states that *“the Local Development Plan will need to commission a comprehensive up to date Retail Capacity Study”*. It is vitally important that this Study is produced to inform the Plan Strategy and the scale of additional retail lands to support the needs of future population and spending growth. The Study must also include an allowance to reflect the ambitious growth plans set out in the objectives. We would welcome the opportunity to comment on the Study when it is published as part of the on going plan process.

Summary

- 25) Our clients message at this time is that Strabane needs to have ambition to deliver new retail floorspace, consistent with its status as the second largest town in the Council area. The Kennedy Retail Park is a key shopping location that should be supported and enhanced in the policies being considered in the new LDP.
- 26) The POPs paper should consider inclusion of an office policy directing this type of use (and other suitable uses) to the Kennedy Retail Park.

4. RESPONSE TO POP QUESTIONS

27) Turning to the questions posed in the POP the following are the relevant questions and our clients response.

Q. City and Town Centres Generally – Do you agree with this Preferred Option?

28) Paragraph 7.20 acknowledges that it will be necessary for the LDP to formulate designations and policies to promote and protect any District or Local Centres. We welcome this statement, but consider that in the absence of a detailed capacity statement on retailing and economic growth, it is not appropriate for the Council to select Option 2 over Option 3 at this time. Limited development in District Centres or on their edge may be appropriate, but equally if there is a retail capacity case, Option 3 might be more appropriate in order to ensure local populations are able to access local accessible retail opportunities. In response to the question “How do we get the balance between our city/town centres and edge of town shopping”? The answer lies in understanding the long term retail capacity of the area, and the ability of City Centre and District Centres to accommodate future retail needs. Constraining boundaries of designated Centres with too few realistic development opportunity sites will cause a tension between “in centre” and “out of centre” development and will undermine the ability of the Plan to deliver its growth targets.

Q. Retail Capacity Options - Do you consider we have enough retailing provision in our City and Town Centres and is it in the right locations?

29) This is an issue that must be addressed during the strategic considerations of the plan. However, any response to this without the evidence to support it is purely a subjective view, and would be contrary to the SPPS.

30) The ‘right’ amount of retailing provision must be based first on the demands from within the town of Strabane and its wider hinterland and catchment. The south of the town is an increasingly developed area that has a large residential population. The location of the Kennedy Retail Park is the right location for a District Centre for this growing area. It is sufficiently close to the town centre to allow people to make linked

trips between it and the town centre. The need for increased development must be included over the Plan period, but the scale of it depends on the outcome of the capacity exercise.

Q. Strabane Town Centre - Options - Do you agree with this preferred Option (i.e. Option 1 maintain the boundaries of Strabane town centre)? Should the existing town centre boundary be expanded or contracted or remain the same?

31) We agree with this option as the scope to expand the town centre is restricted by flooding issues. More importantly and a question not posed in the POP is what designation should the retailing at Melmount Road have. As explained earlier, this area should be identified as a District Centre to complement the function of the town centre. The Plan should address this issue in the next stage of the process.

5. CONCLUSION

- 32) Our clients welcome the publication of the POP paper and the opportunity to comment on it and become involved with the plan during its preparation.
- 33) As a key stakeholder in the retail environment of Strabane they would welcome opportunity to discuss their plans for the Kennedy Retail Park, and to be involved in the preparation of the evidence base being prepared to inform the next stage of the LDP.
- 34) They request special consideration be given to the Kennedy Retail Park in the formulation of the sequential approach policy; that the Kennedy Retail Park be protected from large out of town retail development and that permissive policy be included that promotes the Park as a District Centre for a mix of retail and office/economic uses.
- 35) We do not propose a prescriptive District Centre boundary at this time, as such a boundary must be based on an up to date retail capacity study (among other things) and we reserve the right to discuss this in later stages of the Plan preparation.

Appendix A



TO LET

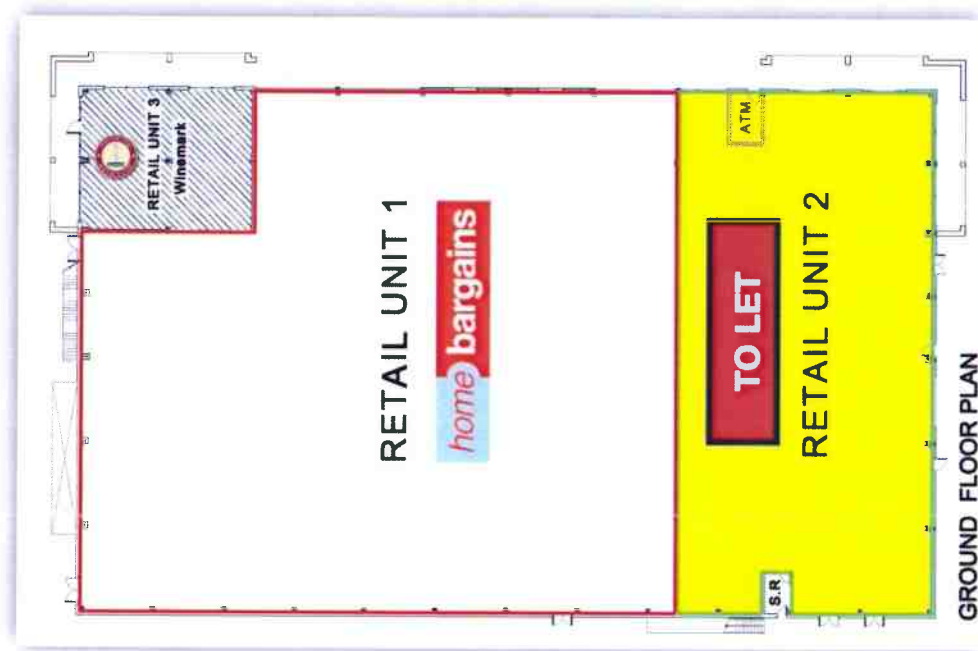
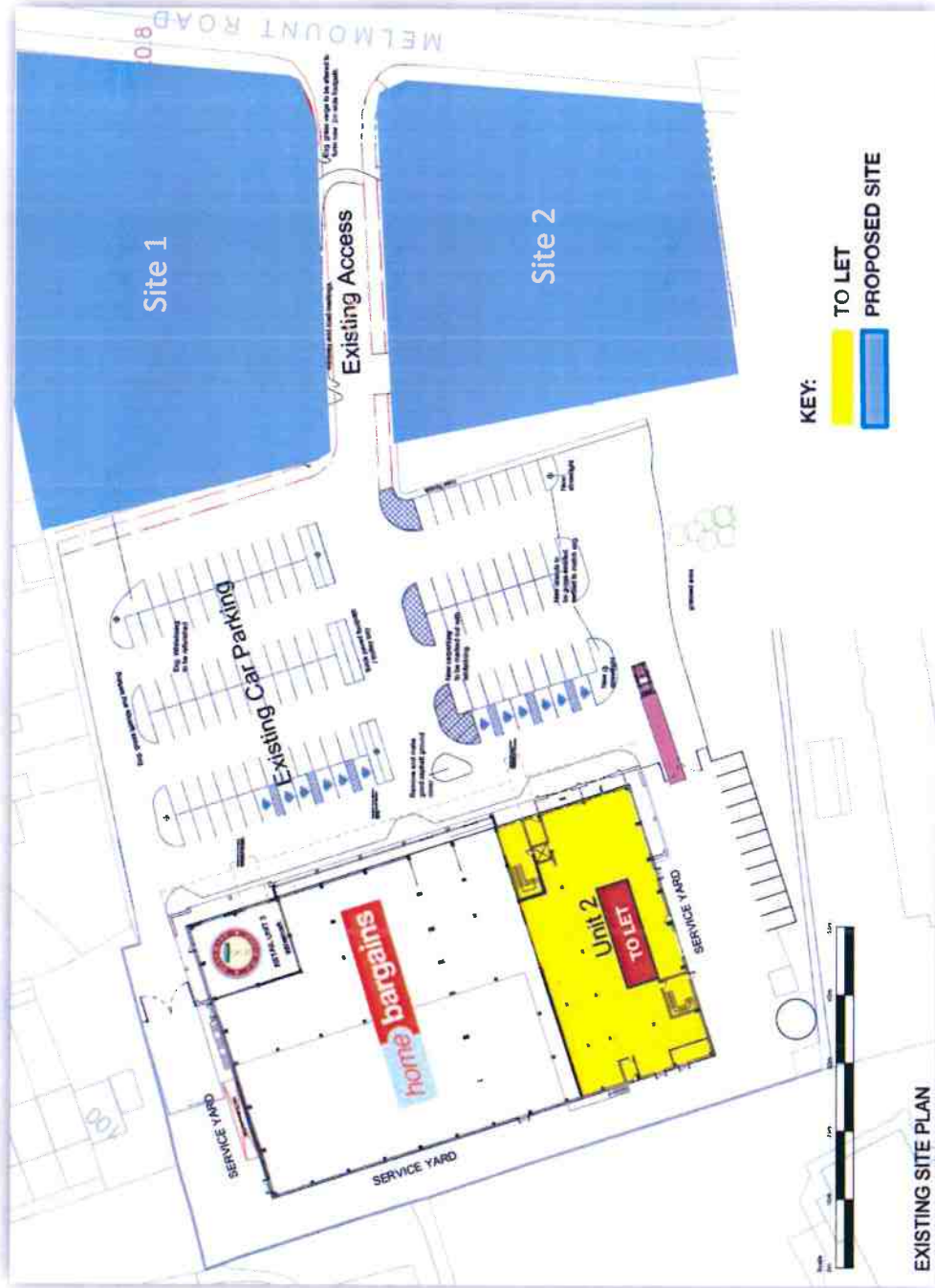
Retail Premises
extending to c. 10,000
sq ft (First floor space
available for office or
leisure use)

**Kennedy
Retail Park,
Melmount Rd
Strabane
BT82 9ED**



RETAIL PARK





VIEWING / FURTHER INFORMATION

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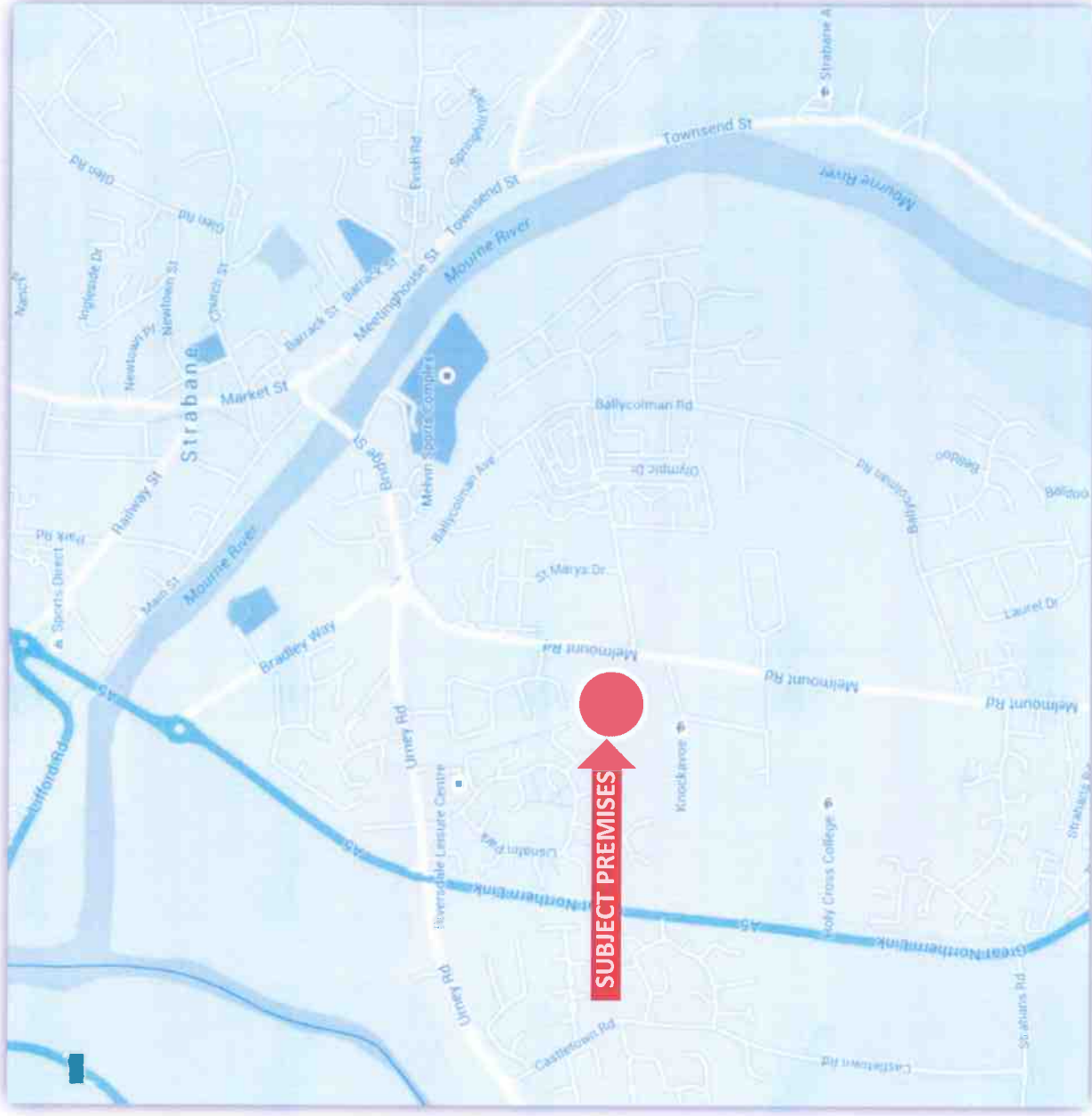
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