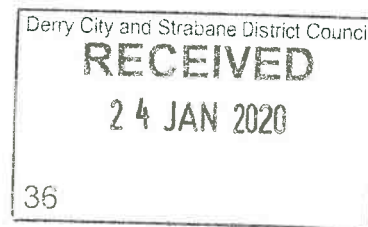


Sarah-jayne Boyle

From: Eamonn Loughrey <Eamonn@inaltus.com>
Sent: 24 January 2020 10:59
To: Planning
Subject: Draft Plan Strategy Derry & Strabane
Attachments: LISNAGELVIN SUBMISSION.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 now enclose a representation for your consideration relating to Retailing matters and particularly Lisnagelvin District Centre.

I trust this is satisfactory.

Please acknowledge safe receipt.

Regards

Eamonn Loughrey
eamonn@inaltus.com



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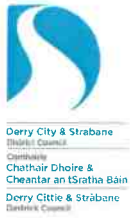
PART 1 OF 2

Derry City & Strabane District Council

Local Development Plan

(LDP) 2032

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



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 DOS 1, Policy RP 1; Policy RP 4 & RP 10

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 DOS1, RP 1, RP 4 & RP10

(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 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 (14)(i)

Client: Inaltus Limited

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 **Appendix A**.

2. The summary of our case was:
 - Lisnagelvin is a mixed use District Centre designated in the Derry Area Plan 2011;
 - the District Centre boundary is undefined;
 - the District Centre is centred on the Tesco store and mall shops but also includes the Longs Supermarket;
 - it also includes civic uses including the Leisure Centre, church and police station;
 - the Council should confirm that the Leisure Centre is within the District Centre;
 - Derry's population is growing and the Council are seeking to create up to 15,000 jobs;
 - the land around Lisnagelvin is a key opportunity to support shopping in Waterside;
 - 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;
 - if Derry City Centre targets the regional comparison shopping function for the north west, then convenience shopping at District Centres will complement that function;

- the City Centre needs to focus on high order comparison shopping and allow local convenience shopping to be built elsewhere where the local population have easy access to it.

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).

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 additional 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.
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 floorspace in centres as there are speculative retail developments in locations such as Springtown, Arntz Belting Factory and the Three Rivers Project.
8. The Springtown commitment has long been a proposal that has never been occupied since it was built about 15 years ago. 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 assumes 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 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 Derry Table 9B assumes a constant market share for Derry, meaning that there is no ambition that Derry might attract additional retail expenditure into the area in the future. There is an inherent inconsistency in the Study that Derry's catchment extends to only Zone 1 & 2 and that assumes it will have three new commitments come forward 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 Derry. This paints the bleakest possible picture - all commitments come forward and no expansion of the catchment. If these commitments did acquire retailers and were built out it clearly would increase inflow to Derry, but again this is not incorporated in to the Retail Capacity Study.

11. Table 9B also shows that current shops are performing above their benchmark turnovers by about £38million in 2032. This is known as "headroom" meaning that there is scope to increase floorspace in the catchment to take pressure off over trading shops.

12. Table 9B assumes that this headroom will be taken up by the commitments in Springtown and Buncrana Road sites. This ignores the fact that one of the most popular stores which is over trading is Tesco Lisnagelvin, which is located on the Waterside and not the Cityside. The Council's consultants assume that the overtrading and spending growth in the Waterside area will be taken up by retail commitments in the Cityside and particularly in the Springtown Centre which the draft Plan is also concerned about due to its high vacancy rates. It is very dangerous to assume spending growth in Derry over the Plan period will be accommodated in a Centre which the Plan itself will be monitoring due to its concern about its viability and ability to attract retailers. This must make the draft Plan Strategy unsound as it has not had proper regard to the realistic scenario that retailers will not locate in Springtown and this will place increasing pressure on already overtrading stores and increase demand for new stores in out of centre locations.

13. Moreover, it is debatable about whether people in the Waterside will be willing to travel to the Cityside for their convenience shopping needs. We note that the household survey (Table 4) finds the majority of trade to Lisnagelvin is from Zones 2 and 3 (Waterside and east of Derry). It is unsustainable to expect shoppers living around Lisnagelvin and east of the City to travel to the Springtown District Centre for

convenience shopping. This encourages shoppers to make much longer car journeys for what should be local everyday shopping.

14. The appropriate approach would be understand the level of demand in Zone 2 generated by convenience expenditure growth and the scale of overtrading. The growth in expenditure is modest at about £0.4million, however the scale of overtrading is substantial at £16.6million. This is shown below (extrapolated from Table 8a).

Table 8a: Convenience Goods Benchmark Turnover, 2018

Store/Centre	Convenience Goods Floorspace (Sq M)	Sales Density (£)	Actual Turnover (£mill)	Total Turnover (£Mill)	Headroom (£Mill)	Floorspace Net (Sq M)	Floorspace Gross (SQ M)
Lisnagelvin District Centre	4170		60.4	43.8	16.6	1844	2838
SuperValu (Long's) Lisnagalvin	1000		6	6			
Tesco, Lisnagelvin	3170	11918	54.4	37.8			

Notes

1. Figures taken from Table 8a
2. Headroom a deduction of benchmark turnover from actual turnovers
3. Net Floorspace converted at £9000/sq m
4. Gross : Net Floorspace Ratio of 65:35

15. The above Table translates the overtrading or headroom at Lisnagelvin into floorspace and shows a need for convenience floorspace of 1844 sq m net and 2838 sq m gross. Allowing for car parking and servicing this would require a site of about 1 -1.5ha. The Lisnagelvin Leisure Centre site is about 1.1ha and so would be well placed to accommodate this level of floorspace.

16. In the absence of any convenience commitments in the Waterside area, the Council should confirm that Lisnagelvin is where this quantitative need should be met.

17. Furthermore the Retail Capacity Study (paragraph 6.57) notes that Tesco Lisnagelvin has a particularly strong overtrading performance. It concludes that *“The overtrading does suggest some qualitative improvements in provision may be beneficial within the catchment”*. Similarly in paragraph 6.63 the Study notes that while some shopping centres are undertrading, that is not the case in Lisnagelvin. While not stated explicitly, this is an acknowledgement that Lisnagelvin is overtrading and there is therefore both a quantitative and qualitative need for more convenience retailing at Lisnagelvin.

18. Paragraph 6.64 notes that while demand from the major food retailers of Tesco, Asda and Sainsbury's may not exist there is demand from discounters. We would agree with this but would also ask the Council to note that the range of discount supermarkets goes beyond Lidl and Aldi. Other examples are Home Bargains, Poundland and B&M Bargains. There is demand from these types of retailers where the location is right and space is available. Paragraph 6.65 confirms our view that there is demand from retailers to have scope to have stores on both sides of the River Foyle, and if retailers have a demand for a store in the Waterside, Lisnagelvin District Centre should be the location to accommodate it.

19. In summary the Retail Capacity Study should recognise the need to increase floorspace in Zone 2 to meet the quantitative and qualitative need identified and be clear that Lisnagelvin District Centre is the optimum location to provide this.

The Retail Hierarchy

20. Part 2 of the Retail Study looks at the Retail Hierarchy. We note and welcome the designation of Lisnagelvin as a District Centre. We note the Health Check provided for Lisnagelvin and note that no boundary has been defined. We also note that the recommendation is that the Retail Park is excluded from the District Centre boundary. While we have no comment on this matter, we would note that the potential to redevelop the Lisnagelvin Leisure Centre for convenience retailing would allow customers to move freely between food shops and share the Lisnagelvin Road and share car parking spaces. Retail development at Lisnagelvin Leisure Centre could easily integrate into the existing shopping environment and would be just as integrated with Tesco as Longs is in terms of distance and accessibility.

P2 Has the Council taken into account Representations Made?

21. 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 we have sought that Lisnagelvin District Centre should include the Leisure Centre site. 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?

22. 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.
23. 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 for additional convenience retail floorspace 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 Derry, the Council has not properly considered an appropriate alternative to the non-implementation or non-occupation of foodstores in the Cityside and whether those commitments can be expected to meet the demands generated in the Waterside in any event.
24. Allocating the Lisnagelvin Leisure Centre as part of the District Centre would reinforce the role and function of this Centre should out of centre proposals come forward. The Leisure Centre site is within walking distance of local housing areas. Including it as

part of the District Centre is a sustainable policy approach and is in the wider public interest by ensuring local people have easily accessible food shopping opportunities.

25. 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 Lisnagelvin Leisure Centre could also be used to accommodate office space.

Retail Policy

26. Designation DOS 1 notes that Development Opportunity Sites will be identified through a call for sites at the Local Policies Plan. Based on the Council's Retail Capacity Study, which we consider to be flawed in its approach to commitments means there is no need for a call for sites for convenience purposes. However, as set out above, there does need to be additional lands identified for convenience retailing in Waterside.
-
27. RP1 sets out the Town Centre first approach that includes District Centres in the second tier of the sequential approach. We welcome this policy approach however consider that the third criteria of edge of town centre should include an allowance for edge of District Centres where a proposal is designed to meet local everyday needs for the immediate population (consistent with the policy approach set out in policy RP 4).
-
28. Policy RP 4 applies to District Centres and whilst we do not object to the policy we would note it includes an allowance for edge District Centre retail development. Of course, our position is that given there is a demand for additional convenience retail floorspace in the Waterside, it would be appropriate to Plan for this during the LDP process and ensure that the boundary of Lisnagelvin District Centre is of a sufficient size to accommodate this need. This is easily achieved by including the Lisnagelvin Leisure Centre within the District Centre boundary.

29. 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.

30. 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, in Derry there is a mismatch between the location of the retail demand (i.e. the Waterside) and the location of the retail supply (i.e. the Cityside).
31. There is a need that designated Centres have the scope to compete for the same retail demands as commitments. To do so 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.
32. In the context of Derry, this means that the Lisnagelvin District Centre should include the lands of the Lisnagelvin Leisure Centre to provide a Development Opportunity Site for future convenience retailing.
33. In policy terms the following is necessary:
- Designation RP 1 should identify edge of town centre *“and district centres when considering convenience retail proposals”* as the third sequentially preferable location.

Appendix A

POP Submission

APPENDIX A

DERRY AND STRABANE LOCAL DEVELOPMENT PLAN

RESPONSE TO PREFERRED OPTIONS PAPER

ISSUES RELATING TO DISTRICT CENTRES

Date; August 2017

Reference; IN16/11(14)

Company Registration No. NI608497

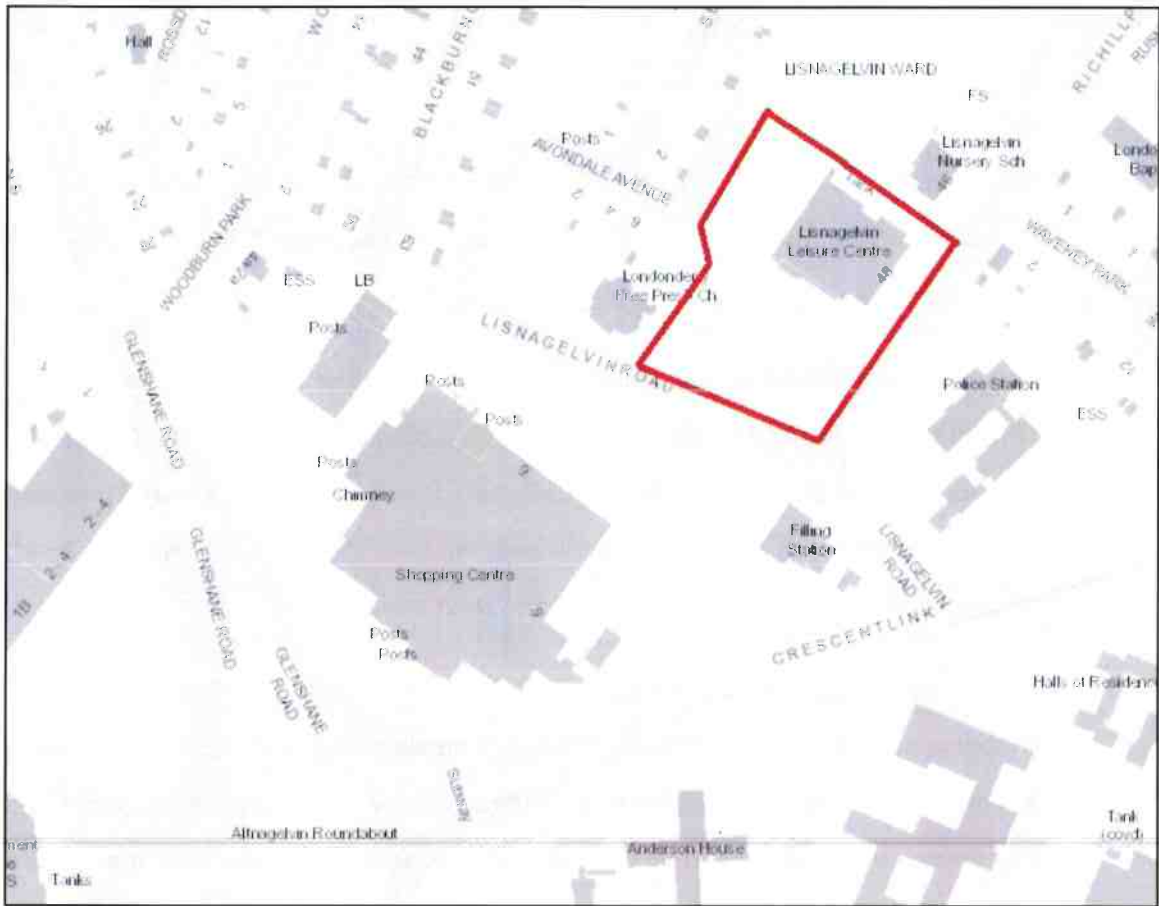
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1. INTRODUCTION

- 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 in respect of lands at Lisnagelvin District Centre.
- 2) Lisnagelvin is a mixed use development designated in the Derry Area Plan 2011 as a District Centre, located on the Dungiven Road, about a mile east of the Central Area. The boundary of District Centre is not defined in the Plan. This has allowed the District Centre to expand to incorporate additional lands to the west of Dungiven Road at Lisnagelvin Retail Park (where TK Maxx and Next are located).
- 3) The District Centre is centred on the Tesco store and the mall shops within the shopping centre, but also includes the Longs supermarket and adjacent retailing. It also includes the other civic uses in the area to the west including the Leisure Centre, the Church and Police Station. These are uses that make the area the focus for community activity in the Waterside.

Scope of the Representation

- 4) This response provides general comments on legislative and policy matters before considering the retail aspects of the POP. It requests that the Council confirm in the designation of the Lisnagelvin District Centre that lands of the Leisure Centre are within it. The Leisure Centre is coming to the market for sale at present and is an ideal location for future expansion of the retail offer within the District Centre. The site is outlined below.



2. LEGISLATIVE AND POLICY MATTERS

- 5) 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”*.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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”*.
- 10) 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;*

11) It is notable that the Plan is required to define a District Centre having regard to scale and function of an area. The Lisnagelvin Centre is functioning as a District Centre for the Waterside. It is providing convenience and comparison retailing for the surrounding area.

12) 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.

3. CONSIDERATION OF ISSUES

- 13) Derry is a principal settlement in the Derry Strabane Council area. It is a regional shopping centre in Northern Ireland.
- 14) The RDS paragraph 3.51 acknowledged that *“Unlike Belfast the population has been growing”*. SFG 7 seeks to *“Strengthen the role of Derry as the principal city for the Northwest”*. The City should be the focus for (inter alia) shopping and commerce.
- 15) Paragraph 7.19 of the POPs paper notes that in Derry, Lisnagelvin is one of 4 District Centres but provides no commentary on the significance or important role that Lisnagelvin has for the City.
- 16) 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.
- 17) 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.
- 18) 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

- 19) Our clients message at this time is that Derry needs to have ambition to deliver new retail floorspace, consistent with its status as the principal City for the northwest. The

area round Lisnagelvin is a key opportunity to support shopping in the Waterside that should be considered in the new LDP.

4. RESPONSE TO POP QUESTIONS

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

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

21) 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?

22) 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.

23) As regional shopping centre, the Council must set out its case as to whether Derry City Centre is seeking to cater for a local catchment or to perform a strong regional function on similar to Belfast. The RDS requires it to be the latter. Only when the Council set out its ambitions for the role of the City Centre can decisions be made about whether the surround shopping centres compete or complement the City.

24) If the City Centre is targeting the regional comparison shopping function for the north west of Ireland (as it should be), then convenience shopping at District Centres in Derry will complement that function. The problem in recent years has been that the City Centre's role has been focused too much on a localised catchment. The City attracts tourists for historic and cultural reasons, but the retailing offer is not of a regional centre scale that might attract shoppers from around Northern Ireland, Ireland and beyond. With Brexit and potential development of the A5, Derry City needs to take bold steps to achieve retail growth by focusing its retail offer on high order comparison retailing like Victoria Square in Belfast and allow local convenience shopping to be built elsewhere in the City in areas where the local population have easy access to it.

5. CONCLUSION

- 25) 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.
- 26) They request the LDP confirm the Leisure Centre is within the District Centre of Lisnagelvin.