



Fermanagh & Omagh
District Council
Comhairle Ceantair
Fhear Manach agus na hÓmaí

Fermanagh & Omagh Draft Plan Strategy Representations Form

Hard Copies of the Draft Plan Strategy are available for inspection during normal opening hours at the council's principal offices. The documents, electronic copies of this form, and our 'Guidance for Making Responses to the Plan Strategy' may be viewed at: <https://www.fermanaghomagh.com/>

How to respond

You can make representations about the Draft Plan Strategy by completing this survey form, or if you prefer, you can fill out this form online.

For further assistance contact: developmentplan@fermanaghomagh.com or Tel: 0300 303 1777; All representations must be received by 21st December 2018 at 12:00 noon.

SECTION 1. Contact Details

Individual Organisation Agent (complete with your client's details first)

First Name

Last Name

Job Title (Where relevant)

Organisation (Where relevant)

Elm Grange Ltd

Address

████████████████████

Postcode

Telephone Number

Email Address

If you are an Agent, acting on behalf of an Individual or Organisation, please provide your contact details below. (Please note you will be the main contact for future correspondence).

First Name

[Redacted]

Last Name

[Redacted]

Job Title (Where relevant)

[Redacted]

Organisation (Where relevant)

[Redacted]

Address

[Redacted]

[Redacted]

[Redacted]

Postcode

[Redacted]

Telephone Number

[Redacted]

Email Address

[Redacted]

SECTION 2. Representation

What is your view on the Draft Plan Strategy?

Sound

If you consider the Draft Plan Strategy to be **sound**, and wish to support the Plan Strategy, please set out your comments below.

(Continue on a separate sheet if necessary)

OR

Unsound

If you consider the Plan Strategy to be **unsound**, please identify which test(s) of soundness your representation relates to, having regard to Development Plan Practice Note 6.

Soundness Test No:

- P1 Has the Draft Plan Strategy 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 Draft Plan Strategy been subject to sustainability appraisal including Strategic Environmental Assessment?**
- P4 Did the council comply with the regulations on the form and content of its Draft Plan Strategy and procedure for preparing the Draft Plan Strategy?**
- 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?**
- C4 Has the plan had regard to other relevant plans, policies and strategies relating to the council's district or to any adjoining council's district?**
- CE1 Does the Plan Strategy sets out a coherent strategy from which its policies and allocations logically flow and where cross boundary issues are relevant it is not in conflict with the Draft Plan Strategies of neighbouring councils?**
- CE2 Are the strategy, policies and allocations realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base?**
- CE3 Are there clear mechanisms for implementation and monitoring?**
- CE4 Is it reasonably flexible to enable it to deal with changing circumstances?**

Plan Component - To which part of the Draft Plan Strategy does your representation relate?

- (i) **Relevant Paragraph**
- (ii) **Relevant Policy**
- (iii) **Proposals Map**
- (iv) **Other**

Details

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.

See attached sheet

(Continue on a separate sheet if necessary)

Modifications

What, if any, modifications do you think should be made to the section, policy or proposal? What specific modifications do you think should be made in order to address your representation?

See attached Sheet

(Continue on a separate sheet if necessary)

If you are seeking a change to the Draft Plan Strategy, please indicate how you would like your representation to be dealt with at Independent Examination:

- Written Representations** **Oral Hearing**

SECTION 3. Data Protection and Consent

Data Protection

In accordance with the Data Protection Act 2018, Fermanagh and Omagh District Council has a duty to protect any information we hold on you. The personal information you provide on this form will only be used for the purpose of Plan Preparation and will not be shared with any third party unless law or regulation compels such a disclosure. It should be noted that in accordance with Regulation 17 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any representation available for inspection. The Council is also required to submit the representations to the Department for Infrastructure and they will then be considered as part of the Independent Examination process. For further guidance on how we hold your information please visit the Privacy section at www.fermanaghomagh.com/your-council/privacy-statement/

By proceeding and submitting this representation you confirm that you have read and understand the privacy notice above and give your consent for Fermanagh and Omagh Council to hold your personal data for the purposes outlined.

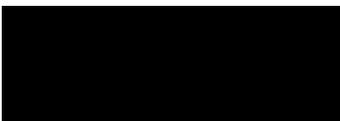
Consent to Public Response

Under planning legislation we are required to publish responses received in response to the Plan Strategy. On this page we ask for your consent to do so, and you may opt to have your response published anonymously should you wish.

Please note: Even if you opt for your details to be published anonymously, we will still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner/Authority they appoint to oversee the examination in public into the soundness of the plan. This will be done in accordance with the privacy statement above.

- Yes with my name and/or organisation**
- Yes, but without my identifying information**

Signature



Date

18.12.18

FERMANAGH AND OMAGH LOCAL DEVELOPMENT PLAN

RESPONSE TO DRAFT PLAN STRATEGY ON BEHALF OF ELM
GRANGE LIMITED

SECTION 4.0 ECONOMY ISSUES RELATING TO TOWN CENTRES
AND RETAILING (PART 2 OF 2)

Date: December 2018

Reference



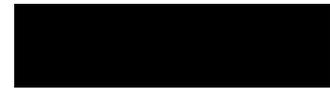


1. INTRODUCTION

- 1) This response to the Draft Fermanagh Omagh Local Development Plan (LDP) Plan Strategy published by Fermanagh Omagh Council is submitted on behalf of Elm Grange Ltd.
- 2) Our client's have a particular interest in the retailing environment of Enniskillen and have a planning permission (References L/2003/0798/O & L/2007/1025/RM and L/2010/0924/F) for a retail park of 13,331 sq m gross retail floorspace. This development is located at the former Unipork Factory site, Cornagrade Road, Enniskillen. A copy of the site plan is at **Appendix 1**.

Grounds for Objecting

- 3) Our clients object to the draft Strategy on three principal grounds:
 - a. the absence of their site being identified in the draft Plan Strategy to be allocated as a potential District Centre;
 - b. The inclusion of a site at the Former Thompson Feed Yard & Storage, Holyhill Link Road within the town centre for retail development that has no realistic prospect of delivering retail development during the Plan Period; and
 - c. The Council's evidence basis in the form of the Nexus Report is unsound.
- 4) This is our client's first representation to the Plan. They did not make any representation to the Preferred Option Paper.
- 5) In preparing this response we have reviewed the Fermanagh and Omagh Retail Capacity and Leisure Needs Assessment (2017) prepared by Nexus Planning (Nexus Report), the Local Development Plan Town Centres and Retailing Report (October 2018) prepared by Fermanagh Omagh District Council, the Council's Summary Table of Public Representations to the LDP Preferred Options Paper; and the Draft Plan Strategy itself.



2. WHY IS THE DRAFT PLAN STRATEGY UNSOUND?

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.

- 6) The SPPS provides the policy direction for preparation of the Plan. SPPS paragraph 6.271 sets out the Regional Strategic Objectives which includes the sequential approach to the identification of retail and main town centre uses in Local Development Plans; and to ensure LDPs are informed by robust and up to date evidence in relation to need and capacity.
- 7) SPPS paragraph 6.277 requires LDPs to:
- *“define a network and hierarchy of centres - town, **district** and local centres, acknowledging the role and function of rural centres;*
 - ***define the spatial extent of town centres** and the primary retail core;*
 - *set out appropriate policies that make clear which uses will be permitted in the hierarchy of centres and other locations, and the factors that will be taken into account for decision taking;*
 - *provide for a diverse offer and mix of uses, which reflect local circumstances; and*
 - ***allocate a range of suitable sites to meet the scale and form of retail, and other town centre uses**”*. [emphasis added]
- 8) SPPS paragraph 6.280 states that *“A sequential test should be applied to a planning applications for main town centre uses that are not in an existing centre and are not **in accordance with an up -to-date LDP**”* [emphasis added]. This implies that an LDP can have a location such as a District Centre where it may be acceptable to have retail development, without the requirement to comply with the sequential approach.
- 9) SPPS paragraph 6.284 states that *“The preparation of a LDP provides the opportunity to address the needs, challenges and opportunities facing town centres and retailing in the plan area”*.



- 10) SPPS paragraph 6.287 states that *“In judging between allocations on non primary area sites, preference will be given to edge of town centre land before considering out of centre sites ... **Council’s may set other thresholds to take account of local issues such as constrained areas and topography.** The measuring or ranking of alternatives should include an assessment of the physical distance and functional linkage of sites with the primary retail core and other relevant factors”*. [emphasis added]
- 11) SPPS paragraph 6.288 states *“The requirement to allocated sites should be considered on the basis of fulfilling **sustainably and objectively assessed needs for retail/economic development during the plan period**”*. [emphasis added]
- 12) Policy therefore requires any case for a new district centre to be made through the LDP process, and that there can be arguments made that would support a new district centre focused on issues such as need, location and constrains on town centre expansion.

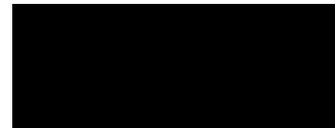
Observations on the Evidence Base

- 13) The Council’s key evidence base is the Nexus Report which deals with retail capacity. This report finds the following:
- a. The Study Area claims to have considered the Republic of Ireland, but the maps provided at Figure 4.2 only show zones within Northern Ireland. No Study Area is provided for the Republic of Ireland.
 - b. Nexus Report paragraph 4.3 states that they have included a Zone 6 which covered the towns of Donegal, Sligo, Ballyconnell and Belturbet;
 - c. The population figures set out in Figure 3 do not include the population of Zone 6;
 - d. The catchment is too narrow in our view and should include areas to the north and east. Population growth in the catchment (which excludes Zone 6 population) is 7,233 people. However, the Plan is seeking to provide 5,190 new houses in the Plan Area and create 4,875 new jobs. The increase in households alone (adopting a household size of 2.5) would provide a



population increase of 12,975. Allowing for half the new jobs to be an inflow of commuters could add a further 2000 people to the catchment. On this basis the Nexus Report population is underestimated;

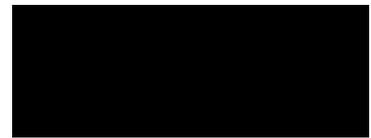
- e. The Nexus Report sources data of Experian Retail Planner Briefing Note 14. This is out of date. The most up to date is Retail Planner Briefing Note 16 issued in December 2018;
- f. Figures 4.6 and 4.7 which are stated to be the total available convenience and comparison expenditure across the Study Area is underestimated as it does not include spending in Zone 6;
- g. Nexus Report states at paragraph 5.3 that the Council specifically wanted to understand the issue of cross border trade. This is because the Council and any local shopper will be well aware that Enniskillen draws significant levels of cross border trade, and any survey of the town centre shoppers or indeed their cars would highlight the significant volumes of cross border trade that occurs in Enniskillen. Indeed an appreciation of the strength of the euro against the sterling pound, the lower VAT rates and the lower excise duty on alcohol all contribute to Enniskillen being highly attractive to cross border trade. Large food retailers such as Asda and Tesco in Enniskillen, Asda in Strabane and Sainsbury's in Newry are among the top performing stores of the groups;
- h. The Nexus Report survey asked 25 households in Sligo, Donegal, Ballyconnell and Belturbet about cross border shopping. This is a wholly unrepresentative sample and ignores the fact that there is a massive rural catchment in the border region that will choose Enniskillen over these main towns that have been wholly missed as part of the survey;
- i. Nexus adopts a constant market share for convenience and comparison goods. As a border region, the ability to draw customers across the border is greater than in parts of GB where there is no land border with another country which has a different currency. It would be more appropriate to make an allowance for increased market share for Enniskillen;



- j. Nexus Report paragraph 5.21 state that *“our Study shows that there is only limited cross-border inflow from the Republic, and that what trade there is, relates almost entirely to Enniskillen”*. Nexus paragraph 5.23 states that *“It is not possible to accurately quantify this inflow in monetary terms. That would require a more detailed shopper survey of large proportions of the Republic. However, as we detail further in Section 6, we estimate, conservatively, that this inflow of convenience goods trade is worth at least £6m per annum to the District”*. Nexus Report paragraph 5.24 notes that *“when it comes to Zone 6, residents of the Republic listed ‘value for money’ (16.6%) and ‘lower prices’ (14.9%) as their main drivers. This is indicative of the current market climate, where shopping in Northern Ireland is seen to be better value in the border regions. This is also reflected in the answers to Q8 of Appendix C where residents in Zone 6 are also prepared to travel the longest distances for main food shopping (19.71 minutes, versus a Study Area average of 14.75 minutes). In view of the current uncertainties around the impact of Brexit, these may or may not be long term trends, and so caution must be applied when forecasting in this area”*. In fact the Nexus Report does not ‘forecast’ or provide any alternative scenarios that might inform an objective assessment on need, they apply a constant market share for inflow from Zone 6. They assume their very limited survey evidence is correct, when it is clearly an underestimate, they do not identify any potential scenario that Enniskillen may benefit from Brexit when quite clearly there is a potential that it will, and fail Nexus to acknowledge that Enniskillen has long experienced cross border trade due to different retailers being available in the north that are not present in the south (Asda being the obvious one);
- k. Indeed, the Nexus Report’s own surveys show that Enniskillen stores are significantly over trading, which is another indication that either there are insufficient shops in the town or the town is attracting custom from beyond its catchment;



- l. Nexus do not in fact use the surveys to determine inflow – instead they apply professional judgement of 10% (paragraph 6.17). They acknowledge that such an estimate is likely to be ‘conservative’. Again, this does not serve to provide a robust assessment for the purposes of the Plan. A 10% level of inflow might be applicable in GB, but there is clearly grounds for significantly more inflow given the special circumstance of the border region;
- m. Furthermore it is unclear how the Nexus Report’s market shares tables are capable of translating the survey data in to monetary values when there is no available spend provided for Zone 6;
- n. Notwithstanding these significant failings Nexus still finds there to be a capacity in Enniskillen for between 3,900 sq m and 6,100 sq m of comparison floorspace;
- o. The only comparison commitment identified to soak up any of this floorspace is the Former Thompson Feed Yard application L/2012/0452/F. This has 1530 sq m of comparison floorspace, leaving between 2,370 sq m and 4,750 sq m of need in Enniskillen. However, this application expired in November 2018 and we have asked the Council to confirm whether the development actually started. We comment below on the difficulties this site has in terms of car parking, and the likelihood of it actually providing any retail floorspace;
- p. Again, despite the highly conservative approach, Nexus still find Enniskillen has surplus convenience expenditure of £37.9million and a need for between 3,000 sq m and 3,800 sq m convenience floorspace. As above the only commitment is the Former Thompson Feed Yard which has 1,530 sq m, leaving between 1,470 sq m and 2,270 sq m floorspace. However, the reality is this development will not come forward, and the actual floorspace needed is likely to be significantly above the conservative Nexus estimates;
- q. What is clear is that the suggested benchmark turnover applied for the Former Thompson Feed Yard of £4500/ sq m for comparison goods and £10,108/ sq m for convenience goods are completely unrealistic and a gross over estimate.



Such estimates again undermine the Study and show capacity figure to be underestimated;

14) The Council's Draft Plan Strategy cannot be sound given the clear failing in the key supporting evidence base of the Nexus Report. The Plan is required to be '*founded on a robust evidence base*' (CE2). It clearly has not been.

15) Moreover, the SPPS requires the Nexus Report to have undertaken an objective assessment of need. The Nexus Report is not an objective assessment given its failure to take into account:-

- a. the planned residential population increase;
- b. the planned employment increase; and
- c. the significant levels of cross border trade.

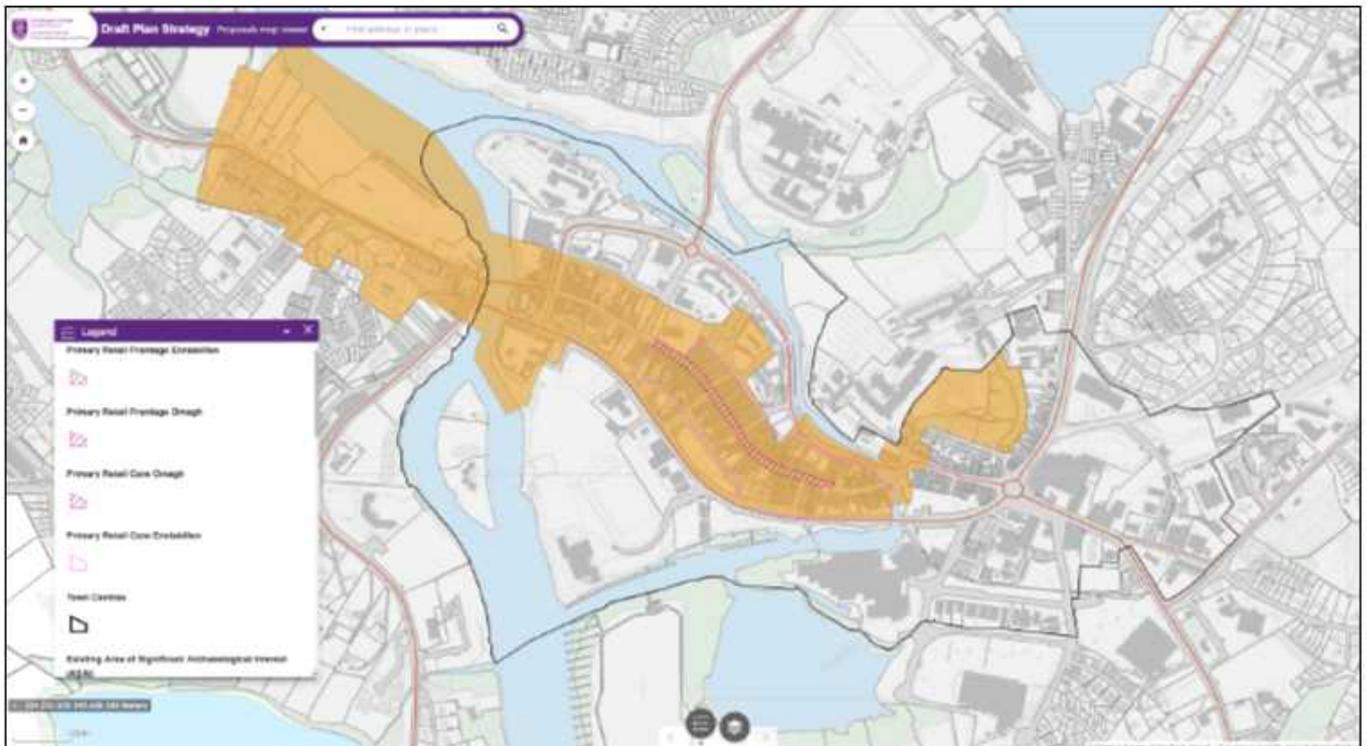
16) The above combined with the decision to take into account a commitment that is not deliverable means the LDP is not based on a sustainable and objective assessment of needs for retail/economic development during the plan period.

Town Centre Boundary

17) The Council has not proposed any increase in the town centre boundary, despite the growth required in retail terms as found by Nexus. The decision not to increase the size of the town centre means Enniskillen will be left with the same town centre that was adopted in 1997. All the opportunity sites that can be developed have already been developed as are the Policy Areas. Appendix 3 of the LDP Town Centres and Retailing (October 2019) sets out that only Johnston Basin and land beside Fermanagh College are undeveloped. These sites are for non retail uses in any event and are not suitable for retail. The ability to expand the town centre is heavily constrained by the lakes that surround the town centre and the topography of the town. There is no scope to expand the town centre to the south, north and west due to the lakes. To the east, any expansion of the town centre will impact on residential development and will impact on traffic congestion around the Dublin Road. In the 2000s, Asda and



Tesco had to develop in the only locations available which were the edge of town centre sites to the south and east.



18) As set out in the SPPS the Council are required to take account of local issues such as constrained areas and topography when deciding on retail allocations.

19) The town centre traders (Nexus Report page 35) noted that the town centre is an island and there is a limit to the developable space without compromising on the character of the centre and/or compromising on the availability of car parking.

20) Enniskillen has clear physical constraints that prevent expansion of the town centre, and will prohibit the introduction of new retailers and will constrain competition. It is also confirmed by Nexus that the retailers in the town are over trading. The isolated nature of Enniskillen means that shoppers have little choice when seeking alternative shopping locations. In order to meet the demands of future retailers and provide a modern retail offer, the Council needs to have a second retail location that can complement the town centre.

21) No report has assessed demand from retailers not already present in Enniskillen. The town does not have retailers such as Home Bargains, The Range, Primark or Matalan.



The Council has not spoken to any commercial agents about retailers seeking to locate in the town. This is a further failing in the planning for the retail needs of the town.

Need for a District Centre

- 22) The Department allowed the application for the retail park at Corngrade Road as recently as 2012. There is no sequentially preferable site in the town centre or closer to the town centre than the Corngrade site, otherwise the Department would not have granted it as PPS 5 had a sequential test. The site is 1km north of the town centre and is easily accessed by the Corngrade Road or the Irvinestown Road.
- 23) The site is also located in the northern area of the town where there is limited retail offer, and it will provide a sustainable location for the population living in the north and east of the town to access food and non food shopping. The development site is large enough to provide a District Centre offer, including a large food superstore. The 2012 approval has permission for 3,858 sq m convenience floorspace and 9,473 sq m of comparison floorspace.
- 24) The site is well located to cater for people bypassing Enniskillen via the new Cherymount Link Road, visiting the new Area Hospital or the new residents that will live in the new housing sites located in the north of the town. It is ideally placed to relieve pressure of Tesco and Asda, and relieving traffic congestion around Gaol Square.
- 25) Nexus paragraph 3.21 highlights the fact that 21.7% of Irvinestown shoppers in Zone 2 did not visit Enniskillen because parking is too inconvenient. Providing a District Centre in the north of the town will encourage these people to Enniskillen.
- 26) The LDP process in the appropriate process to designate a District Centre. The SPPS requires LDPs to define a network and hierarchy of Centres including a District Centre.
- 27) The SPPS requires the LDP process to address the needs, challenges and opportunities of retailing in Enniskillen. Enniskillen needs more retail space – significantly more than Nexus predict. The physical environment of the town centre places a challenge and constraint on providing that floorspace, and the Corngrade Road site is a clear



opportunity to provide a retailing offer that will keep shoppers in Enniskillen, attract more shoppers and support the already very strong town centre.

28) The SPPS requires the LDP to allocate a range of suitable sites to meet the scale and form of retail needed. The current town centre boundary is not able to provide that, and again the Cornegrade Road site can.

29) Overall there is support for this proposal based on capacity; policy and physical characteristics in Enniskillen.

The Town Centre Boundary – Removal of the Former Thompsons Feed Yard Site

30) One of the tests of soundness is CE2 which asks if allocations are realistic and appropriate.

31) The town centre boundary should be reduced to remove the Thompsons Feed Yard site. This site has had repeated planning permissions granted for retail development. However the site does not have car parking and would rely upon the parking in front owned by the Council. Our understanding is that retailers have made enquiries about this location and found the site to be unviable as parking could not be provided.

32) We understand some efforts have been made to discharge planning conditions as recently as October 2018, only a few weeks before the planning permission expired. We have some doubt that the permission could have been technically started between the period of the 18th October 2018 when a condition was formally discharged and the 5th November 2018, when the permission expired. We have sought confirmation from the Council as to whether this consent has been started, but the Council have not been able to confirm this at the time of writing.

33) As such it is entirely unrealistic to continue to retain a site within the town centre boundary that is hidden from key roads, is backland development, has no car parking that the retailers will have control over and requires extensive demolition and land remediation works. It is noted that this site has been unable to attract any retailer since 1997. It is highly unlikely to attract a retailer in the coming years, as any retailer will be unable to secure a significant market share from Asda and Tesco or any of the



other town centre retailers because the site is highly inferior and lacks visual prominence and would be forgotten about by customers.

34) Our clients request the town centre is reduced to remove this site.



4. MODIFICATIONS TO THE DRAFT STRATEGY

What, if any, modifications do you think should be made to the section, policy or proposal? What specific modifications do you think should be made in order to address your representation?

Plan Insertion – District Centre

35) We request that the lands at Cornegrade Road are identified as a District Centre for Enniskillen. A map is at **Appendix 1**.

36) A new policy should be included that states:

“District Centre - Cornegrade Road

Planning permission will be granted for retail use within the Cornegrade District Centre for retail development that meets the local convenience shopping needs of the area or provides comparison retailing offer that is not capable of being located within the Primary Retail Core of the town centre”

37) The supporting text Plan Strategy should be amended to reflect the above policy changes.

Plan Deletion – Reduce the Town Centre Boundary

38) The town centre boundary should be reduced to remove the lands of the Former Thompsons Feed Yard as illustrated at **Appendix 2**.

Update of Evidence Base – Nexus Report

39) It is clear that the Nexus Report is unsound, and for the Council to move forward with a sound plan, it must be grounded on a robust capacity study. The Nexus Report has fundamental failings that prevent the Council from fully providing the public with an objective assessment of the retail needs of the Plan area. The Nexus Report must be revisited and updated so that it consistent with the wider aspirations of the Plan in terms of population and employment growth, address the specific issue of cross border trade, the lack of retail commitments, the absence of modern retail District



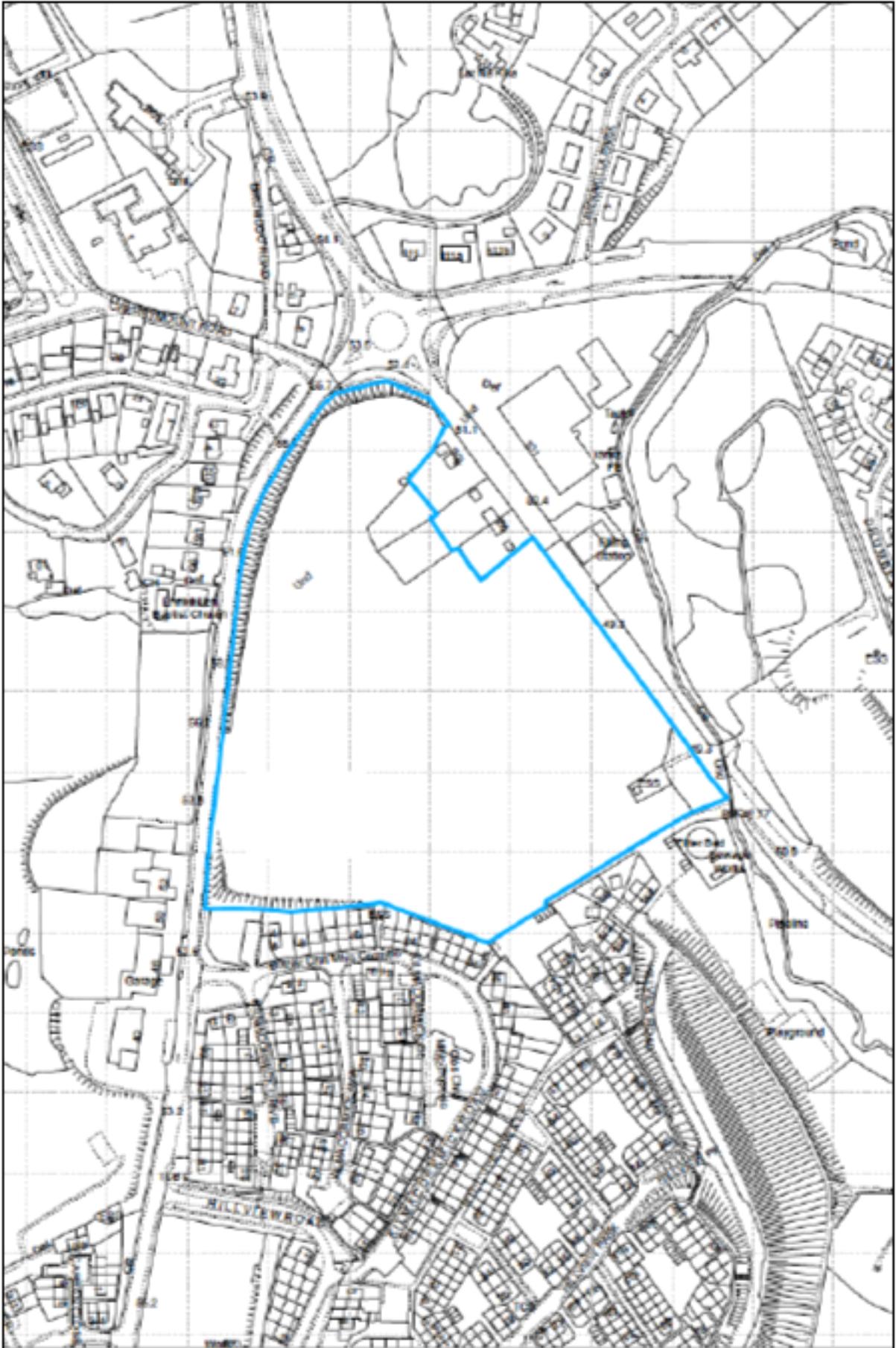
Centre development in the town and the demand from retailers seeking to located in the town.

- 40) Given the SPPS requires an objective assessment of need to support the LDP and future planning applications, it is vitally important that retail capacity studies are challenged and are accurate. Failure to do so could frustrate and hinder investment in Enniskillen over the coming plan period.



Appendix 1

Site Plan





Appendix 2

Proposed amendment to Town Centre Boundary

