

# Re: Counter Objection

**CRDPS001**

[Redacted]

Thu 02/05/2019 18:11

To: Development Plan <developmentplan@fermanaghomagh.com>;

 1 attachments (395 KB)

Fane Valley Counter Rebuttal.pdf;

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Sir/Madam

Given the requirement to reconsult on the below, I am formally re-submitting my Counter Objection below and attached.

Dear Sir/Madam

## COUNTER OBJECTION TO FERMANAGH AREA PLAN DRAFT PLAN STRATEGY

On behalf of my client Fane Valley please find enclosed a Counter Objection to comments made by other parties in respect of the Draft Plan Strategy.

Please acknowledge receipt.

Regards

[Redacted]



## Fermanagh & Omagh Draft Plan Strategy - Counter Representations Form

Hard Copies of the Draft Plan Strategy, all Representations received and our 'Guidance note for Making Counter Representations' are available for inspection during normal opening hours at the Council's offices at: 7 Shore Road, Enniskillen, BT74 7EF; Strule House, 16 High Street, Omagh BT78 1BQ; The Grange, Mountjoy Road, Lisnamallard, Omagh, Co Tyrone, BT79 7BL and; Townhall, 2 Townhall Street, Enniskillen, Co Fermanagh, BT74 7BA or may be viewed at <https://www.fermanaghomagh.com>

### How to make Counter Representations

You can make counter representations by completing this form, by email to [developmentplan@fermanaghomagh.com](mailto:developmentplan@fermanaghomagh.com) or by post to: Local Development Plan Team, Strule House, 16 High Street, Omagh BT78 1BQ.

For further assistance contact: [developmentplan@fermanaghomagh.com](mailto:developmentplan@fermanaghomagh.com) or Tel: 0300 303 1777

### SECTION 1. Contact Details

Agent or Personal Submission - Are you submitting on behalf of someone or in an individual capacity?

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

**First Name**

**Last Name**

Click or tap here to enter text.

**Job Title** (Where relevant)

Click or tap here to enter text.

**Organisation** (Where relevant)

Fane Valley C/O Turkington Holdings

**Address**

Click or tap here to enter text.

**Postcode**

Click or tap here to enter text.

**Telephone Number**

Click or tap here to enter text.

**Email Address**

Click or tap here to enter text.

**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** Click or tap here to enter text.

**Last Name** Click or tap here to enter text.

**Job Title** (Where relevant) Click or tap here to enter text.

**Organisation** (Where relevant) [Redacted]

**Address** [Redacted]

**Postcode** [Redacted]

**Telephone Number** [Redacted]

**Email Address** [Redacted]

**SECTION 2. Counter Representation**

Have you submitted a representation to the council regarding the Draft Plan Strategy?

**Yes**  **No**

If yes, please provide the Reference Number of your representation and a summary of the issue raised in your representation below.

DPS010 Objection to Policy TCR 01 and Absence of Development Opportunity Sites.

*(Continue on a separate sheet if necessary)*

### **Details of Your Counter Representation**

Please provide the reference number of the site-specific representation to which your counter representation relates to:

DPS106/DPS245

Please give reasons for your counter representation having particular regard to the soundness test(s) identified in the above referenced site-specific representation. Please note that your counter representation must not propose any new changes of the draft Plan Strategy.

#### **Counter Objection to Gravis Planning on behalf of Showgrounds Retail Park (Ref: DPS 106)**

Gravis Planning support the introduction of a Retail Impact Assessment test for retail proposals of 1000 sq m in a town centre but outside the Primary Retail Core (PRC) (despite the fact their own client's lands are outside the PRC). There is no regional policy basis to introduce a test where town centre investment is required to incur significant expense and uncertainty in this manner. This is an anti-competitive proposal and would deter town centre investment and undermine town centres. The policy should apply to retail proposals outside the town centres. Proposals inside town centres should be welcomed and not have policy barriers introduced such as this. We object to this proposal and consider there to be no evidence to support this proposal and as such it would be unsound under Development Plan Practice Note 6 (DPPN 6) Criterion C3 and CE2.

Gravis Planning seeks the PRC to be extended to include the Showgrounds. We consider this would not be the correct approach as it would include a much wider area and include significant non retail land uses within the PRC. However, if we are wrong and the Council choose to extend the PRC to extend as far as the Showgrounds, then our clients lands at Drumragh Avenue are of the same proximity and connectivity to Market Street/High Street and benefit from extant retail planning permission and should be included inside any enlarged PRC.

#### **Counter Objection to Retail NI (Ref: DPS 245)**

Retail NI support the 500 sq m threshold for the need for a Retail Impact Assessment on the basis that Nexus find average shop size in Omagh to be 197 sq m. The evidence of Nexus is that average convenience shops in Omagh are 482 sq m. A threshold that is so low will impact on small regional shops and will be a deterrent to them seeking representation in a town. The evidence that the average convenience shop is almost 500 sq m illustrates that the 500 sq m threshold is too low. In 20 years we are unaware of a single proposal for a store of 500 sq m that has been refused because of harmful retail impact. There is no evidence that shops between 500 sq m – 1,000 sq m threshold pose a threat to town centres. We object to any proposal for Retail Impact Assessments being required for town centre developments. A threshold of 1,000 sq m should be applied to all retail developments outside town centres. We object to this proposal and consider there to be no evidence to support this proposal and as such it would be unsound (DPPN 6 Criterion C3 and CE2).

*(Continue on a separate sheet if necessary)*

We note Retail NI's suggestion that there should be a 'call for sites'. Our suggestion that our client's site which benefits from a recent extant retail permission should be identified in the Plan as a Development Opportunity Site to accommodate large scale mixed retail development would be an ideal location for retail development, and we would commend it to the Council should there be a 'call for sites'.

Retail NI suggest further that 300 sq m should be applied for Retail Impact Assessment under policy TCR 01 for retail warehousing. Retail Warehouses are well established retail formats that do not easily fit inside town centres because they are typically 1,000 sq m+. If they can be fitted inside the town centre, they should be welcomed as they add diversity to the town centre retail offer. Barriers such as Retail Impact Assessments should not be created to deter such investment. There is no regional policy support for this proposal. We would therefore oppose the suggestion by Retail NI. We object to this proposal and consider there to be no evidence to support this proposal and as such it would be unsound (DPPN 6 Criterion C3 and CE2).

### **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 19 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the council must make a copy of any counter representation available for inspection. The Council is also required to submit the counter 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/](http://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 Publish Response**

The Council is required by law to publish your representation and make it available for inspection. Unless otherwise stated by yourself, this will include your name and postal address. Your personal telephone number, personal email address and signature will not be published.

If you do not wish for your name and postal address to be published please tick the box below.

**Please do not publish my name and postal address**

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.

**Signature**

[Redacted signature box]

**Date**

10 April 2019