



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

DPS 010

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)

Fane Valley C/O Turkington Holdings

Address

[Redacted Address]

Postcode

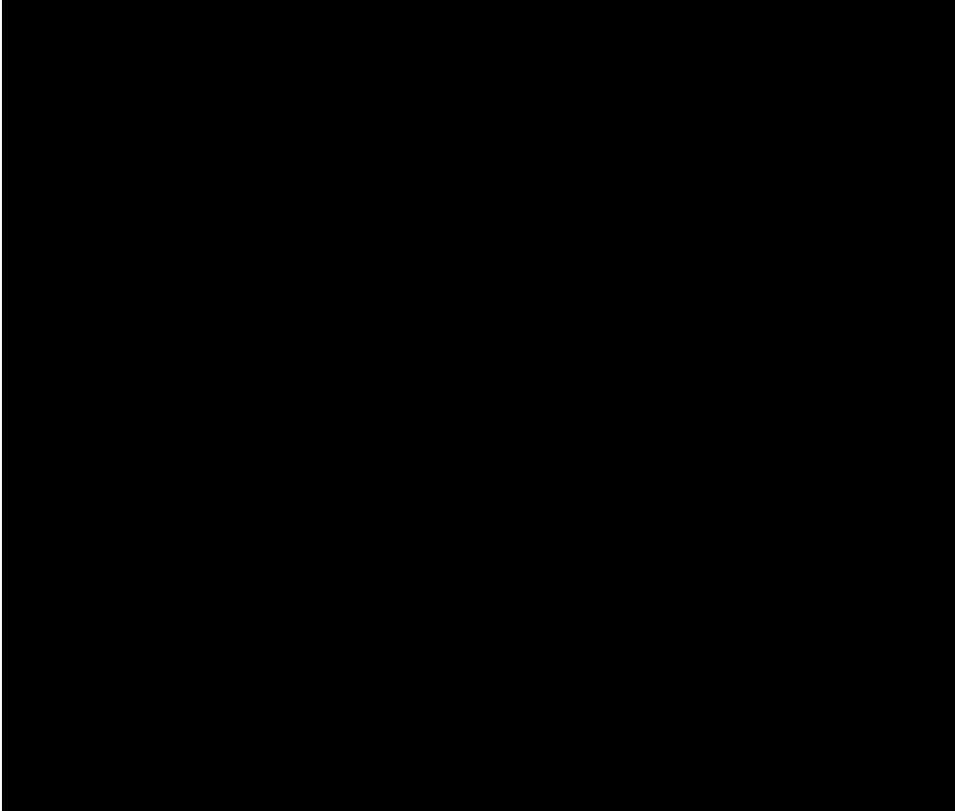
Telephone Number

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

Last Name

A large black rectangular redaction box covers the entire area where contact details would normally be provided, obscuring any text that might have been present.

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 | 4.27-4.36 |
| (ii) Relevant Policy | TCR01 |
| (iii) Proposals Map | |
| (iv) Other | Section 4 Economy |

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
TURKINGTON HOLDINGS AND FANE VALLEY

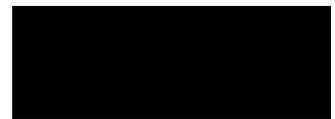
SECTION 4.0 ECONOMY RELATING TO TOWN CENTRES AND
RETAILING (PART 2 OF 2)

Date: December 2018

Reference [REDACTED]

[REDACTED]

[REDACTED]



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 Turkington Holdings and Fane Valley.
- 2) Our clients' have a particular interest in the retailing environment of Omagh and have a planning permission (Reference K/2014/0481) for a superstore of 4,800 sq m gross floorspace granted by Fermanagh and Omagh Council in September 2017. A copy of the Site Location Plan is at **Appendix 1**.

Grounds for Objecting

- 3) Our clients' object to Draft Policy TCR01 – Town Centres and the decision not to include Development Opportunity Sites as part of the town centre for Omagh at this stage.

Background

- 4) We made a representation to the Council's Preferred Options Paper (POP). In summary that representation sought:
 - a. More specific objectives to be applied in the Plan. The objectives were not accountable;
 - b. We considered the 1,000 sq m floorspace figure for a retail impact assessment was an historic arbitrary figure. The figure is designed to encourage retailers to locate in the town centre;
 - c. We considered the town centre boundary should include our clients' site and should be included in the retail capacity exercise;
 - d. The Primary Retail Core (PRC) should be focused on Market Street and High Street, but should be sufficiently wide to accommodate additional retail; and
 - e. The Fane Valley site should be identified as a Development Opportunity Site.



- 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) Our response to the POP sets out the legislative basis to the preparation of the Plan. We do not repeat it here suffice to note:

- a. The SPPS provides the policy direction for preparation of the Plan;
- b. Plans should:
 - o *“define a network and hierarchy of centres - town, district and local centres, acknowledging the role and function of rural centres;*
 - o *define the spatial extent of town centres and the primary retail core;*
 - o *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;*
 - o *provide for a diverse offer and mix of uses, which reflect local circumstances; and*
 - o *allocate a range of suitable sites to meet the scale and form of retail, and other town centre uses”.* [emphasis added]

7) Importantly in respect of Draft Policy TCR01 – Town Centres, the SPPS states the following:

- a. Paragraph 6.269 *“It is important that planning supports the role of **town centres**”;*[emphasis added]
- b. Paragraph 6.271 Strategic objective 1 *“secure a **town centre first** approach”;* [emphasis added]
- c. Paragraph 6.283 states:-

*“All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area **which are not proposed in a town**”*



centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need. This includes applications for an extension/s which would result in the overall development exceeding 1000 square metre gross external area. Where appropriate the planning authority may choose to **apply a lower threshold taking into account local circumstances such as the size, role and function of their town centres.** In preparing a LDP councils will have flexibility to set an appropriate threshold for their area, above which all applications for such development should be accompanied by an assessment of retail impact and need. This threshold can be up to, but must not exceed 2500 square metres gross external area". [emphasis added]

d. Paragraph 6.290 sets out the factors to assess in retail impact assessments as follows:

- “the impact of the proposal on trade and turnover for both convenience and comparison goods traders, and the **impact on town centre turnover overall** for all centres within the catchment of the proposal;
- the impact of the proposal on existing committed and planned public and private sector investment and investor confidence **in the town centre/s**;
- the impact of the proposals on the delivery of the planned/allocated sites and the LDP strategy;
- the impact on the vitality and viability of existing **centres** including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities.
- Cumulative impact taking account of committed and planned development, including plan commitments **within the town centre** and wider area; and,
- a review of local economic impacts". [emphasis added]

8) The SPPS policy provides a ‘**town centres first**’ approach. It does **not** promote ‘a Primary Retail Core (PRC) first’ approach. There is no SPPS policy support for the



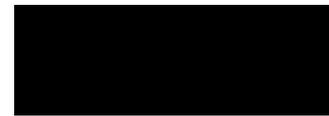
requirement for a retail impact assessment to be carried out to protect the Primary Retail Core from other town centre development. Regional policy only requires a retail impact assessment to consider impacts of out of centre developments on the town centre. The Council's approach is not supported by the SPPS and must be unsound as it has not taken proper account of policy and guidance issued by the Department (C3).

Other Representations to the POP & Council Response

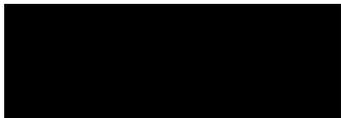
- 9) Retail representations to the POP are summarised at page 8 and 9 of the Council's Summary Table of Public Representations to the LDP Preferred Options Paper. One representation stated that the 1000 sq m for retail impact assessment is an *"inappropriately high figure for the Fermanagh and Omagh District Council area which would enable large scale units of up to 999 sq m to be promoted within the smaller towns and villages thereby damaging the vitality and viability of the main town centres"*. Other than our objection (which did not agree a figure), the other representations agreed with 1000 sq m threshold.
- 10) The Council's response to the objections raised is that:
 - a. A retail capacity study has been prepared;
 - b. Arising from the capacity exercise it was considered given the size of the town centres within Omagh and Enniskillen it would be appropriate to bring forward a policy that required a threshold of 500 sq m for all applications including extensions for retail development and town centre use outside the PRC;
 - c. No change to existing town centres is proposed;
 - d. The PRC was identified following analysis of town centre land use mapping;
and
 - e. The identification of Development Opportunity Sites is a matter for the Local Policies Plan Stage.

Observations on the Evidence Base

- 11) Our observations in terms of retail capacity for Omagh found in the Nexus Report are:



- a. The Survey Area has excluded areas outside the Council area such as Ballygawley, Castledearg and Sion Mills which are all towns that would traditionally look to Omagh for their shopping needs. Omagh is a main town in Tyrone and people look to it for much of their shopping needs. The catchment is constrained;
- b. Population growth in the catchment (which is too narrow) 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 population is underestimated;
- c. Nexus source data of Experian Retail Planner Briefing Note 14 is out of date. The most up to date is Retail Planner Briefing Note 16 issued in December 2018;
- d. 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 Omagh;
- e. The Report needs to be updated to reflect whether old permissions remain extant or have expired;
- f. Tables 26i to 26l applies. Table 26i assumes that Omagh has no 'inflow' of expenditure and that there is a surplus of comparison expenditure of £24.7 million leading to a need for 5,300 sq m of comparison floorspace;
- g. Nexus make an allowance for the development of an approval that has now expired. We have sought clarification from the Council as to whether permission K/2008/0779/O & K/2013/032/RM has been technically started. If it has not, the Council have underestimated comparison capacity; and



h. The same point applies to Omagh’s convenience goods set out at Table 6i to 6l, where £34.6million of surplus convenience spending in Omagh leads to a need for 3,500 sq m floorspace. This does not allow for inflow, and is reduced by the out of town approval (Ref: K/2008/0779/O & K/2013/032/RM) at Derry Road which may have already expired.

12) We consider there is capacity for additional floorspace and our clients’ site at Drumragh Avenue is ideally placed to accommodate it.

13) Moreover, there is work to be done by the Council to provide clarity on the need for retail floorspace in Omagh. 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 Omagh over the coming plan period.

14) In terms of the evidence to support policy TCR 01 the Council Draft Plan Strategy (page 109 footnote 12) relies on the Nexus Report to support its 500 sq m policy threshold. However, the table below shows that the average size of comparison shops in Enniskillen are 553 sq m. This means that the policy threshold for the PRC – which is the location of most comparison shops is too low. Indeed, many convenience shops in Enniskillen and Omagh are just below this threshold with Omagh’s average convenience shop 482 sq m.

Category	Enniskillen			Omagh		
	Size (Sq M)	No Units	Average Size (Sq M)	Size (Sq M)	No Units	Average Size (Sq M)
Convenience	9341	23	406	12538	26	482
Comparison	60282	109	553	44870	158	284
Retail Service	18762	158	119	12579	150	84
Vacant	4866	48	101	6912	56	123
Total	93251	338	276	76899	390	197

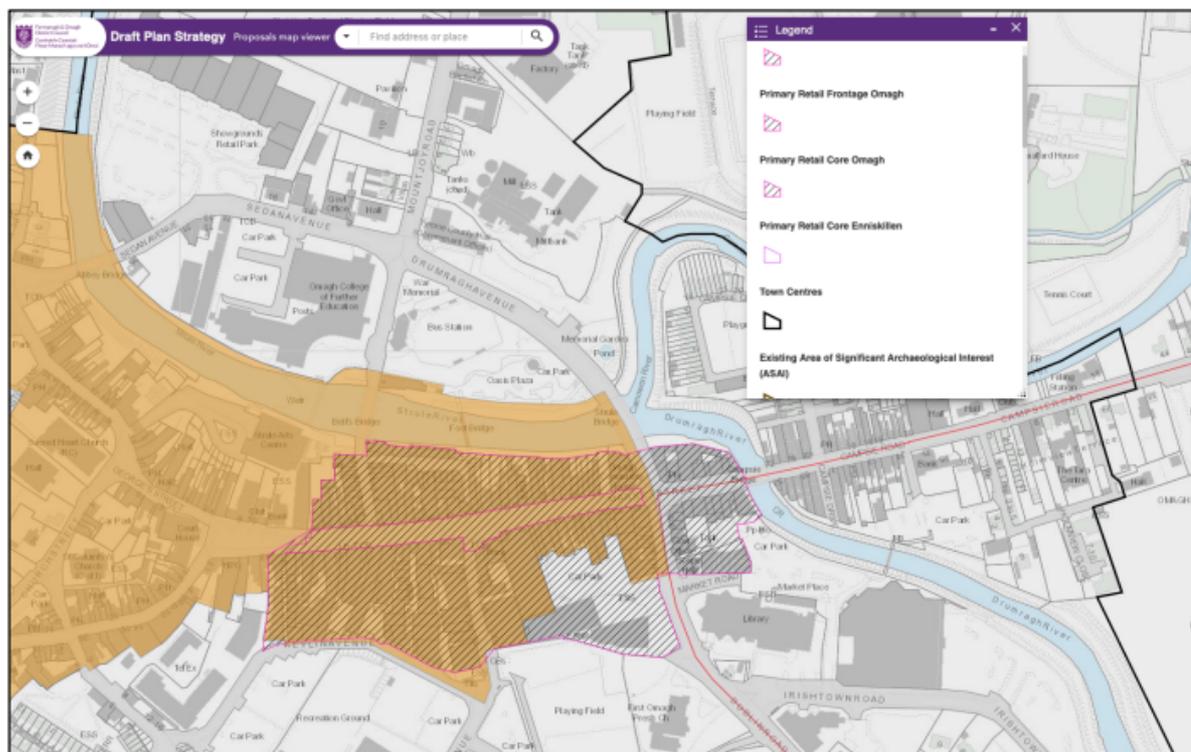
15) The Council’s reliance on the Nexus Report to support their policy is misplaced. The figure are misleading as they are averages for the entire town centre and not the average for the PRC. As such the policy is based on unsound evidence and has the



potential to make retailers go to the expense and delay of carrying out retail impact assessments when they are seeking to locate inside a town centre.

16) Nexus make no recommendation for Draft Policy TCR 01 - Town Centre. If their remit was to look at the size requirements for the need for a retail impact assessment for town centre development, they are highly unlikely to have relied on such a basic analysis.

17) Furthermore, the PRC is shown below. It is tightly drawn around the buildings in Market Street and High Street and a car park. There are no sites available within the PRC in which a new development could locate. The Council are requiring developments that physically cannot fit inside the PRC to provide a retail impact assessment to protect the PRC. There is no need for this approach as the PRC is already protected by the sequential test. There is no need for it to be protected further by requiring a retail impact assessment to be produced.

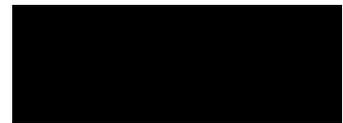




- 18) The policy basis and the evidential context does not support the introduction of Draft policy TCR01 – Town Centres. The policy threshold fails the test of soundness CE2 which requires policies and allocations to be realistic and appropriate having regard to relevant alternatives and are founded on a robust evidence base.
- 19) Furthermore, if the Council’s inclusion of this 500 sq m threshold is in response to the representation made at the POP stage (identified above) this would be inappropriate as the representation appears to be concerned that retail proposals of 999 sq m could be located in small town centres in the District instead of the main towns, resulting in damage to Omagh and Enniskillen. This implies that Omagh and Enniskillen town centres should be given priority in the retail hierarchy. That could have been achieved by an alternative sequential test, instead of introducing a retail impact test that will reduce the attraction of Omagh as a location to invest.
- 20) Overall therefore, our clients’ concerns are that they have a large retail development that they are seeking to attract a new tenant(s) for. There may be a requirement to make alterations to this development to accommodate new retailer demands. At present policy would not require a retail impact assessment to be provided if their approved store was split into separate units. They would have confidence that the Council will allow the subdivision of the building. However, draft policy TCR-01 raises the potential that the subdivision of the building would need a retail impact statement which is costly, delays decisions and poses a risk to investors. Our clients’ consider that their site should benefit from flexible planning policy to allow new retailers to be attracted to it and it should be protected from out of centre development. At present the draft policy fails to provide the flexibility or the protection needed.

No DOS Designations

- 21) We are surprised that the Council designate a town centre boundary in the Draft Plan Strategy, but do not identify any Development Opportunity Sites. We consider this is a strategic issue that should be considered as this stage to test the Nexus Report and to ensure town centres are capable of accommodating future retail needs and if they are not, suitable allocations are identified for retail development.



22) While we note the Council intends to leave identification of Development Opportunity Sites until the Local Policies Plan, should the Council or the PAC decide the issue should be considered at the Draft Plan Strategy stage, we would request our clients' site is identified as a Development Opportunity Site as, taking the need identified in the Nexus Report of between 2,700 sq m to 3,500 sq m net convenience floorspace and 3,400 sq m to 5,300 sq m net comparison floorspace for Omagh our clients' site with 4800 sq m gross (say 3,120 sq m net retail floorspace) is ideally placed to provide for some of the need that will emerge over the Plan period.



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?

Policy Modification - Draft Policy TCR01-Town Centre

23) Draft Policy TCR01-Town Centre should be reworded as follows:

“The Council will support proposals for new retail development within the Primary Retail Core (PRC) where defined. For other locations, a sequential approach to site selection will be applied in the following order of preference:

- a) Within the Town Centre boundary;*
- b) edge of Town Centre boundary (i.e. adjoining it); and*
- c) Out of centre locations (i.e. outside the Town Centre boundary) where sites are accessible by walking, cycling and public transport.*

Proposals for other town centre uses (cultural and community facilities, leisure, entertainment and businesses) shall follow the sequential order (a) to (c).

All applications including extensions for retail development and town centre uses above a threshold of ~~500m²~~ 1000m² gross external area which are outside the ~~primary retail Core~~ Town Centre shall be accompanied by:

- a) a full assessment of retail impact as well as need; or*
- b) in the case of a Local Town, a full assessment of retail impact in relation to the relevant main Town Centre within its catchment area.*

Outside town centres, permission may be granted for a small scale convenience shop where it can be demonstrated that:

- it meets a defined local need which cannot be met within an existing centre;*



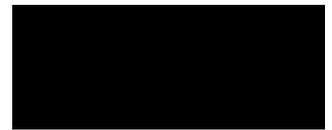
- *it will not adversely affect the vitality and viability of existing centres within its catchment; and*
- *it does not exceed ~~200m2~~ 500 m2 gross retail floorspace”.*

24) The supporting text should be amended to reflect the above policy changes.

Plan Insertion - Development Opportunity Sites

25) If the Council and PAC decide that Development Opportunity Sites should be considered at the draft Plan Strategy stage we would request our clients’ site be identified as Development Opportunity Site and the policy text states:

“Lands at Drumragh Avenue have been identified within the Town Centre which will be the first choice for accommodating future large-scale retail development of comparison and convenience floorspace in Omagh and any other town centre development”.



Appendix 1

Site Plan

