



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)

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

Dermot

Last Name

Monaghan

Job Title (Where relevant)

Town Planner

Organisation (Where relevant)

MBA Planning acting on behalf of **Lidl Northern Ireland GmbH**

Address

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Belfast

Postcode

BT12 4HQ

Telephone Number

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Email Address

planning@mbaplanning.com

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 pages 9 and 10.

(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 page 10.

(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**

Details of Why the Draft Plan Strategy is Unsound

Draft Policy TCR01 relates to Town Centres. The third paragraph states that all applications including extensions for retail development above a threshold of 500sqm gross external area which are outside the primary retail core shall be accompanied by a full assessment of retail impact as well as need.

This approach is out of step with the SPPS, which only requires a need assessment in the absence of an up-to-date LDP (see paragraph 6.282). Policy TCR01 would form part of an up-to-date LDP.

The need test in the retail planning context was considered by the Barker Review of Land Use Planning in 2006 (commissioned by the Department for Communities and Local Government in England). This concluded that development proposals should not be assessed on the basis of need as this is anti-competitive, impairs growth and leads to more limited choice and higher prices of goods. It concluded that *“requiring the demonstration of need can therefore be removed without weakening the overall policy of seeking to promote the vitality and viability of town centres”*.

The need test was dropped as long ago as 2009 in England with the introduction of PPS4. Barker’s conclusions are equally applicable in Northern Ireland and there is no evidence base for supporting the inclusion of a need requirement in the Fermanagh & Omagh LDP.

Setting a threshold for retail impact assessment on the basis of gross external area is inappropriate because it is the sale of goods on a shop’s net sales area that causes retail impact. For example, Lidl may wish to extend a number of their stores in the District but the majority of extra floorspace is likely to be for more storage space (to reduce the amount of deliveries for efficiency reasons) or for additional staff welfare facilities. Such floorspace would have no retail impact on the vitality and viability of town centres.

Therefore, we conclude that Policy TCR01 does not comply with the following soundness criteria:

- C3 because it does not take account of the SPPS in relation to need;
- CE2 because –
 - (a) there is no robust evidence base to justify the inclusion of a need test,
 - (b) the requirement to assess retail impact using a gross external floor area threshold is inappropriate, and

(c) there is no evidence base to support the use of a threshold based on gross external floor area.

Modifications Proposed

These issues can be remedied by:

- (i) dropping the requirement to assess need; and
- (ii) changing the threshold for the assessment of retail impact to net sales area rather than gross external area.