



RetailNI

Standing up for
Independent Retailers

Development Plan Team

Planning Department
Fermanagh & Omagh District Council
Strule House
16 High Street
Omagh
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20 December 2018

By Email Only

Dear Sir/Madam

Re: Consultation on Fermanagh & Omagh District Council Draft Plan Strategy

We welcome the opportunity to respond to the Council's Draft Plan Strategy and can confirm we have considered the document in full. Some parts are more relevant than others. Therefore, we have confined our comments predominantly to Section 4 - Economy, as it is of most relevance to our members.

I would highlight that whilst we are supportive of the Council's approach, we have concerns in respect of the coherence and effectiveness tests - CE3 and CE4 as outlined.

Policy SP01 – Furthering Sustainable Development

This policy is not coherent, and it is noted that there is no "Policy Clarification". It should be revised to simply "Sustainable Development". If the proposal constitutes Sustainable Development, then there would be no requirement to promote mitigation unless this was to address specific impacts derived from the development. It is overly wordy, ambiguous and difficult to understand how it would be applied or interpreted.

Policy IB01 – Industry & Business Development in Settlements

Towns

Different types of industry require different locations and development needs. It is acknowledged that there is still a significant amount of land zoned for industrial/employment use that remains undeveloped. Likewise, several previously used sites have now become redundant or are unsuitable. The re-use of existing sites and buildings should be actively encouraged. It may be appropriate to issue "a call for sites" as the Plan progresses to match business profiles with existing sites. This may result in the growth of Enterprise Zones to encourage new economic development and regeneration of existing underutilised employment sites.

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Retail NI is fully supportive of the sequential approach to limit the amount of business development outside of the town centre(s). The introduction of a “commitment test” will ensure there are specific end user requirements, which would justify an edge or out-of-centre location. However, applications of this type should not be approved at ground floor within the Primary Retail Core (PRC) where they would preclude retail or leisure activities that generate high levels of footfall.

Villages & Small Settlements

The approach must be to strike a balance between providing appropriate development opportunities at a variety of locations and the impact on the character of the area or adjoining uses. Evaluative planning judgement will be required to make assessments on the merits of the case, weighed against a presumption to grant permission to support small communities and minimise the need for travel.

Policy IB02 – Loss of Industry & Business Uses

Zoned Land

We are fully supportive of the overall approach and the protection of zoned employment land, as it ensures an adequate supply of suitable land at a variety of locations

We would suggest that “should” is replaced with “must” in the accompanying text in Paragraph 4.10, which is a mandatory approach and offers stronger protection. This is also consistent with the text in other parts of the document.

Unzoned Land

If a mixed-use scheme is being proposed on unzoned land, then it would be prudent to ensure a condition is attached to deliver the employment or wider economic development first. This should be added into the accompanying policy clarification text to provide greater certainty to all.

The timescale of one year in Criterion (iii) is relatively short and could easily be circumvented to seek alternative uses. A period of 18 or 24 months would be more robust.

Policy IB03 – Development incompatible with Industrial & Business Uses

Established industrial and business uses should be protected from incompatible development, which could limit or hamper their future growth and output. It may be appropriate to include a precautionary approach that in the absence of scientific evidence to the contrary, there will be a presumption against such incompatible development, particularly if there is the potential risk to human health.

Policy IB04 – Industry & Business Development in the Countryside

The policy lacks an exceptional circumstances clause to allow for a proposal that does not fit neatly within the five specified criteria. The criteria are more restrictive than those currently contained with PPS4 and may inhibit development and have a negative impact on rural dwellers, communities and business growth.

The wording of criteria (b) is completely unrealistic, as an established business, which has made a significant investment at its current location would not seek to relocate as it would not be financial viability, nor would it be suitable to consider an alternative site. This should be removed.

Policy IB05 – Farm Diversification

The wording of the policy only seeks to support the re-use or adaption of existing farm buildings. However current policy allows for a proposal. This is more generic and can also consider the use of the land and buildings. Therefore, to co-ordinate policy for securing the orderly and consistent development of land and the planning of that development, an alteration should be made to proposals or development rather than buildings. It is also noted that Policy IB06 uses proposals rather than buildings.

Whilst clustering and grouping has always been an important aspect in considering development in the Countryside to reduce the visual impact and erosion to the rural character, an exception should be provided for a new building away from the farm group, if it has a significant level of integration and screening, as there would be very limited visual impact and no detrimental harm on rural character.

Policy IB06 – Agricultural & Forestry Development

The policy text uses “must” in several place and seeks to apply a higher threshold than that contained in current policy. Given that paragraph 4.24 highlights that the agricultural and forestry sector are vitally important to the Council area and should be supported, the policy wording and tests are not aligned and should be based on the current policy wording in Policy CTY12.

Town Centres & Retailing Strategy

Retail NI notes the content and findings of the Fermanagh & Omagh District Retail & Leisure Capacity Study (FODC) 2017 with interest.

Paragraph 4.30 alludes to the fact that the reason there is no capacity for additional convenience floorspace is that unfortunately four large extant and speculative commitments for convenience retailing have consumed an estimated turnover of £110.4m. The purpose for highlighting this is that it demonstrates the negative effect speculative schemes can have on the vitality and viability of a town centres, by blocking expenditure and inhibiting future investment.

The wording of paragraph 4.31 should be altered from “shall” to “must” to provide continued protection.

The proposed town centre maps of the Local Towns appear to be constrained with several existing convenience stores, petrol filling stations and main town centre uses either straddling (Lisnaskea) or just outside of the proposed town centre boundary (Carrickmore and Dromore). Taking account of the hierarchy and the significant rural hinterland, the boundaries will inhibit even a small amount of growth.

Policy TCR01 – Town Centres

Retail NI is fully supportive of the sequential approach to retailing and main town centre uses. It has been demonstrated to work in both Enniskillen and Omagh town centres, which benefit from a lack of any significant out-of-town competition and high levels of independent traders. This results in low vacancy rates by comparison to the UK average where low levels of leakage and good comparison goods offering are observed. The evidence on the ground supports the policy approach as being both sound and logical.

The reduced threshold of 500sqm is well founded and supported by evidence in the FODC 2017, as highlighted in paragraph 4.35 in the policy clarification.

The physical and historical constraints of both Town Centres are also a consideration. To provide flexible and varied floorspace for both national multiples and local independents, perhaps it would be suitable to undertake a “call for sites” consultation exercise to identify redevelopment sites or where sites can be amalgamated to provide sufficient floorspace for larger convenience and comparison retail units within the town centre boundary. I would also suggest that a 300sqm threshold is introduced for a full assessment of retail impact as well as need for any Retail Warehousing outside of the town centre boundary.

The threshold to be applied to small scale convenience shops is too small at 200sqm and is not consistent with the threshold for ancillary shops associated with Petrol Filling Stations (PFS). This should be amended to 250sqm to be consistent and reflect the wider range of products and services that small shops now provide along with the change in consumer behaviour to undertake more frequent basket (top-up) visits at a variety of locations.

Policy TCR02 – Primary Retail Frontage

Retail NI agrees that the key is creating the town centres destinations for all; where the range and type of uses must be diverse to appeal to the widest number of users and attract significant footfall. The accumulation or proliferation of a type or range of use will undoubtedly create vulnerability to dynamic markets. Town Centres should be the focus of administration, commercial, cultural, leisure, entertainment, arts and retail activity, so they are not limited to the day-time economy.

Policy TCR03 – Local Neighbourhood Centres

It is agreed that comparison goods should not be sold in local neighbourhood centres. However, the threshold to be applied is too small at 100sqm and we suggest a modification to 150sqm. Taking account of the likely turnover of a single unit or the cumulative effect of multiple units, it could not reasonably be suggested that it would have an adverse impact on town centres within the catchment, and the third criterion should be removed.

Policy TCR04 – Village & Small Settlements

Retail NI fully supports the approach and the FODC 2017 highlights the importance of small convenience stores in the network of smaller towns and villages which surround Enniskillen and Omagh, where it is acknowledged that they are the lifeblood of the community. The District has a network of smaller convenience goods stores, which provide a basket (top-up) and sometimes main food service to residents in the rural community and provide them with much needed services. These should continue to be supported by policy.

Policy TCR05 – Petrol Filling Stations (PFSs)

Retail NI would wholeheartedly agree that PFSs perform a necessary retail function, particularly in the countryside. They are supported by passing trade and therefore tend to be located close to key transport corridors or main road networks.

The consistent threshold of 250sqm would protect the vitality and viability of existing centres. However, at some locations it may be suitable to group additional services due to the location and role they provide. The policy should retain flexibility to assess site specific circumstances and could introduce a retail impact assessment as well as assessment of need for any proposal >250sqm to provide robust consideration.

The statutory agency will be consulted in respect of matters pertaining to access, movement, parking and road safety so the inclusion of a safety case being demonstrated is unnecessary.

Glossary

Whilst it is understandable that the glossary cannot list every conceivable definition and term, it must be highlighted that historically, in the absence of retail designations in a statutory plan, that the PAC has consistently had regard to the definitions contained in the glossary.

Taking account of the complexity of retail planning, it would therefore be prudent to include a definition of retail expressions in the glossary or appendix guidance so that it aligns with the text used in the draft Policies TCR01 – TCR05.

If you would like to discuss the content of this letter in more depth then, please do not hesitate to contact me and I look forward to receiving future consultations as the LPD process progresses.

Yours faithfully



Glyn Roberts
Chief Executive

CC. Mr Nigel Maxwell – Chairman of Retail NI
Mr Andy Stephens – Matrix Planning Consultancy