

ANNEX B – Response Pro-forma

Name: EAMONN LOUGHREY

Address: 15 Cleaver Park, Belfast, BT9 5HX

Original Representation Reference Number: MUDPS/94 (for administrative use only)

Please tick the applicable box below.

- a) I confirm that I wish for my original representation to be considered as my representation.

- b) I confirm that I wish to amend or add to my original representation.

- c) I confirm that I wish for my original representation to be withdrawn and that I no longer wish to make a representation.

Signature

[Redacted Signature]

Date: 16/3/2020
16/3/2020

If you require assistance when completing the above, please contact developmentplan@midulstercouncil.org

Please ensure you return this completed Pro forma (along with any additional documents if you have ticked [b]) above) to Development Plan Team, Planning Department, Mid Ulster District Council, 50 Ballyronan Road, Magherafelt, BT45 6EN, by 5pm on 21st May 2020.

Michael McGibbon

From: Eamonn Loughrey <[REDACTED]>
Sent: 18 April 2019 16:48
To: DevelopmentPlan@midulstercouncil.org
Subject: Re: Mid Ulster Development Plan Draft Plan Strategy
Attachments: Final Oaks DC Submission.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

MID ULSTER DEVELOPMENT PLAN - REPRESENTATION ON DRAFT PLAN STRATEGY

On behalf of my clients Oaks Shopping Centre please find enclosed a representation to the Mid Ulster Council Draft Plan Strategy in respect of retail and office development in Dungannon.

Please acknowledge receipt

Regards

Eamonn Loughrey

[REDACTED]
[REDACTED]

Submission of a Representation to Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Local Development Plan
Representation Form
Draft Plan Strategy

Ref:
Date Received:
(For official use only)

Name of the Development Plan Document (DPD) to which this representation relates

Draft Plan Strategy

Representations must be submitted by 4pm on 19th April 2019 to:

Mid Ulster District Council Planning Department
50 Ballyronan Road
Magherafelt
BT45 6EN

Or by email to developmentplan@midulstercouncil.org

Please complete separate form for each representation.

SECTION A

1. Personal Details

Title

First Name

Last Name

Job Title
(where relevant)

Organisation
(where relevant)

2. Agent Details (if applicable)

Address Line 1	C/O Agent	15 Cleaver Park Belfast
Line 2		
Line 3		
Line 4		
Post Code		BT9 5HX
Telephone Number		[REDACTED]
E-mail Address	[REDACTED]	

SECTION B

Your comments should be set out in full. This will help the independent examiner understand the issues you raise. You will only be able to submit further additional information to the Independent Examination if the Independent Examiner invites you to do so.

3. To which part of the DPD does your representation relate?

- | | |
|--|----------------------------|
| (i) Paragraph | 13.26-13.31; 13.46 & 12.13 |
| (ii) Objective | |
| (iii) Growth Strategy/
Spatial Planning Framework | |
| (iv) Policy | RE 3, RE 7 & ECON 1 |
| (v) Proposals Map | |
| (vi) Site Location | Dunganon |

4(a). Do you consider the development plan document (DPD) is:

Sound		Unsound	X
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4(b). If you consider the DPD to be unsound, please identify which test(s) of soundness your representation relates, having regard to Development Plan Practice Note 6 (available on the Planning Portal Website at <https://www.planningni.gov.uk/index/advice/practice-notes/development-plan-practice-note-06-soundness-version-2-may-2017-2a.pdf.pdf>).

Soundness Test No.

C3, CE 2 & CE4

5. Please give details of why you consider the DPD to be unsound having regard to the test(s) you have identified above. Please be as precise as possible.

If you consider the DPD to be sound and wish to support the DPD, please set out your comments below:

See Attached Report.

(If not submitting online and additional space is required, please continue on a separate sheet)

6. If you consider the DPD to be unsound, please provide details of what change(s) you consider necessary to make the DPD sound.

Please note your representation should be submitted in full and cover succinctly all the information, evidence, and any supporting information necessary to support/justify your submission. There will not be a subsequent opportunity to make a further submission based on your original representation. After this stage, further submissions will only be at the request of the independent examiner, based on the matters and issues he/she identifies at independent examination.

See Attached Report.

(If not submitting online and additional space is required, please continue on a separate sheet)

7. If you are seeking a change to the DPD, please indicate if you would like your representation to be dealt with by:

Written Representation Oral Hearing

Please note that the Department will expect the independent examiner to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

Signature: Date:

Area Plan Objection

Objection to Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Objection made by: Inaltus Limited

Objection Made on behalf of : Oaks District Centre

Date: 19th April 2019

Site: Oaks District Centre, Dungannon

Designation: N/A

Policy: RE 3 Retail and Main Town Centre Uses Outside of Town Centres
RE 7 Financial and Professional Services, Office/Business Use Development
ECON 1 Economic Development in Settlements

Paragraph: 13.26-13.31; 13.46 & 12.13

Map: N/A

POPS Reference: MUPOP/168

Introduction

1. This objection is made against the Mid Ulster draft Plan Strategy (dPS) and the dPS policies relating to retailing and town centres/district centres, and office use particularly in relation to the policy applicable to the Oaks District Centre.
2. Our clients seek that the Oaks District Centre is given greater prominence in the policy reflective of its important role in Dungannon and that its role and function is not unduly curtailed as currently set out in the dPS.

Summary of Objection to Preferred Options Paper (POP)

3. We welcome designation of the Oaks as a District Centre in the retail hierarchy. We contend that edge of centre development in Dungannon is constrained by topography, and that the Oaks should be a second choice in retail locational terms under a modified sequential test. We would seek to enlarge the boundary of the Oaks to allow for retail and economic development (office) use. The Council need to prepare a Retail Capacity Study to inform the designations, policies and boundaries of the Plan.

Policy Context

4. We set out the policy context in our original submission. However, the key policy considerations are that under the Strategic Planning Policy Statement (SPPS) Local Development Plans (LDPs) need to adopt a sequential approach to the identification of retail and main town centre uses (SPPS paragraph 6.271 bullet 2) and be informed by up to date evidence in relation to need and capacity (SPPS paragraph 6.271 bullet 3). In preparing LDPs council's must undertake an assessment of the need or capacity for retail and other main town centre uses across the plan area. Town centre health checks will help form an evidence base for LDPs (SPPS paragraph 6.285). In terms of 'edge of centre' Council's may set other thresholds to take account of local issues such as constrained areas and topography (SPPS paragraph 6.287). As shown below the fact the Oaks is in an edge of centre location is a local issue that the Council should have regard to.
5. The SPPS sets out that District Centres should be retained and consolidated (i.e. make stronger) as a focus for local everyday shopping and ensure their role is complementary to

the role and function of the town centre. Extensions are permitted where it has been shown that a proposal does not have an adverse impact on town centres.

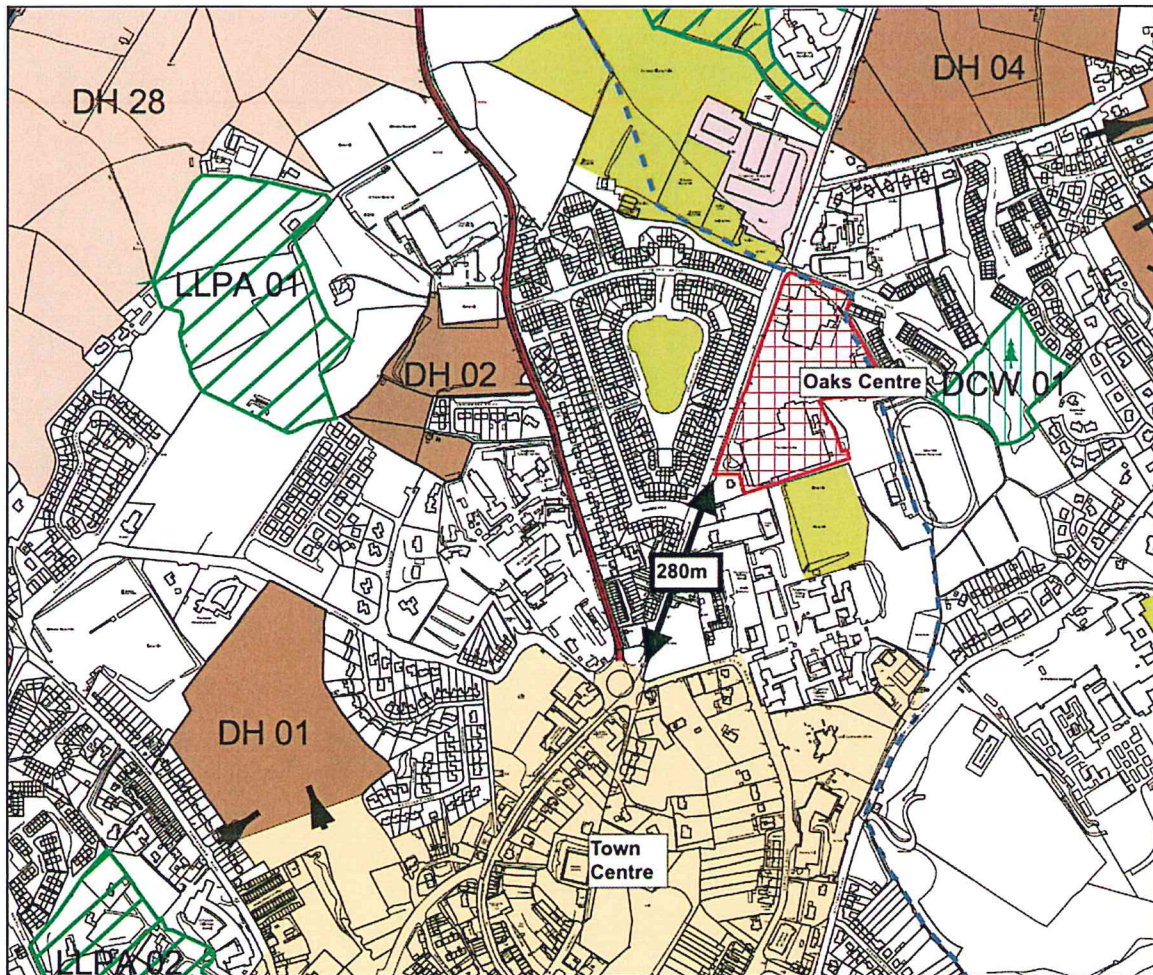
6. PPS 4 Planning and Economic Development policy PED 1 Economic Development in Settlements for Class B1 Business Use states *“A development for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre”*.
7. Development Plan Practice Note 07 (DPPN 07) deals with The Plan Strategy. It states at paragraph 20.4 *“A council must ensure that its town centre and retail strategy is based upon a robust and reliable evidence base to justify its policies and proposals for the plan area. Therefore, a council must undertake an assessment of need or capacity for retail and other main town centre uses across the plan area as well as regular town centre health checks to ensure that any information remains relevant and up to date”*.

Draft Plan Strategy (dPS)

8. dPS paragraphs 13.2-13.3 set out some notable comments on retailing in Dungannon in contrast to Cookstown. In essence the Council view Dungannon as the weaker of the town centres, and that it has land suitable for expansion. It states that Dungannon would be greatly strengthened by the arrival of new retail development.
9. dPS paragraph 13.3 confirms that the Council have not prepared a Retail Capacity Study to inform the Plan Strategy and review of the background papers shows that no up to date health check has been undertaken either. The current data is taken from 2015, which is now 4 years out of date and by the time the Strategy is adopted will be 5 years old. Indeed according to the SPPS, town centre health checks should be reviewed regularly and preferably at least once every five years. As such, when the Plan Strategy is adopted the town centre health check for the towns will be in need of review.
10. dPS paragraph 13.7 also states that non statutory Town Centre Masterplans were accompanied by a Retail Capacity Study. This appears to be incorrect as Paragraph 5.5 of Position Paper 4 states that a Retail Capacity Study for Dungannon was not undertaken. The two Retail Capacity Studies undertaken were for Cookstown and Magherafelt and these date to 2010. There is no evidence of any Retail Capacity Study for Dungannon.

11. DPS paragraph 13.12 states *“To complement town centre we have identified a District Centre at Oaks Road, Dungannon. District Centres provide for the daily shopping needs of residents within that quadrant of the town. It is designated in order to retain and consolidate existing provision and is not seen as centres for future growth”*. This is a conflicting statement. Consolidating retail provision means strengthening retail provision and policy permits the strengthening of the District Centre provided it does not harm the town centre.

12. DPS paragraph 13.17 sets out the retail strategy and hierarchy and fails to mention the role of District Centres. It identifies a table of ‘Hubs’ which is not a term used in the SPPS and would be better described as *“Main Towns”* and includes a reference to Tesco, Dungannon as an edge of centre store. It identifies the Oak Centre as a District Centre; however as shown below it is also an edge of centre location.



Proximity of Oaks to Dungannon Town Centre

13. The dPS does not set out an explicit sequential test, instead it implies that retail development in the primary retail core will accord with the plan (policy RE 1), retail development elsewhere in the town centre will be given favourable consideration (policy RE 2); favourable consideration will be given to edge of centre sites ahead of out of centre sites where no town centre site are available (policy RE 3), and out of centre sites will be only permitted where there is no significant impact.
14. dPS paragraph 13.29 notes that retail developments over 1,000 sq m have the potential to be supermarkets that can offer customers the potential to acquire all of their weekly needs without needing to visit the town centre. In the case of Dungannon, there is no main town centre supermarket other than Lidl. The supermarkets are outside the town centre.
15. dPS paragraph 13.30 states that for the purposes of this policy District Centres are not considered as Town Centres and are not suitable for large retail development. Any proposals to extend them with development over 1,000 sq m will be considered with the provisions of this policy (policy RE 3).
16. dPS paragraph 13.31 states *"Therefore such development will have to provide evidence of comprehensive assessment of alternative sites within the town centre, but will also be required to carryout a professional Retail Impact Assessment to demonstrate that the proposed development will not harm the viability of the designated town centre or any District Centre"*.
17. Policy RE 3 makes no comment on the need to consolidate and retain District Centres. It is our consideration that in order to 'retain District Centres' they should be protected in the first instance under the dPS. The final sentence of paragraph 13.31 implies that District Centres are protected, and this is welcomed, but the policy basis for this should be explicit. If the SPPS requires District Centres to be retained, that must mean any harmful developments that could undermine their vitality and viability should be refused.
18. The dPS is ambiguous. It is our clients position that given the District Centre is also an edge of centre location, it should benefit from explicit unequivocal protection in the dPS.
19. It is also notable that the dPS seeks to focus growth on Dungannon under policy SPF 2 with between 30% and 60% of HGIs being allocated to the three main towns. Dungannon is predicted to need between 1314 and 2628 new houses and 60ha of economic development

lands. Dungannon will be the largest town in Mid Ulster. It seems paradoxical that it has the weakest retail offer, and this is further cause for the Council to now prepare as part of the dPS a full Retail Capacity Study for the town. Given Dungannon is the largest town in the Council area and will be the focus of most growth, with large areas of growth likely to take place around the Oaks District Centre, the District Centre should be identified as the key location for meeting the day to day needs of these new residents.

20. Policy ECON 1 does not provide any clarity on the suitability of District Centres for office development. dPS paragraph 12.13 notes that *“Proposals for office development will be addressed elsewhere in the Plan, specifically under policy RE 3”*. However policy RE 3 does not deal with offices. The Council have advised that dPS paragraph 13.24 is included in error.
21. Policy RE 7 deals with office and business use. It make no reference to District Centres. dPS paragraph 13.47 notes that small office development can be located in local centres. It seems illogical that the dPS does not encourage office development in the Oaks District Centre when the SPPS and PPS 4 allow it and the dPS allows offices in town centres and local centres. District Centres should be given as much opportunity to accommodate office development as town centres and local centres.

Circumstances of the Oaks Centre

22. The Oaks District Centre is about 280m north of the edge of the town centre boundary as defined in the Dungannon and South Tyrone Area Plan (DSTAP). It is an edge of centre location. The Oaks is an important shopping location in Dungannon and provides a mix of retail, service and leisure uses. It is anchored by a Sainsbury’s store, has a variety of shops and services and cafes and a cinema. It has a substantial area of car parking and is within easy walking distance of residential areas and places of employment and indeed the town centre.
23. As the dPS states the Oaks Centre is located to serve the northern quadrant of the town. It is notable that there are a number of housing zonings in the area around the north of the town that are undeveloped (under the DSTAP designations DH 03, DH 04 in part, DH 06 in part) and significant phase 2 zonings (DH 28, DH 29, DH 30 and DH 31) that if released would all support additional day to day retail growth around the Oaks Centre. It is also an area of industrial and business land (DSTAP zoning DI 04). It appears clear that there will be significant demand for local day to day retailers around the Oaks which needs to be catered for. A Retail Capacity Study is likely to confirm this.

Tests of Soundness

C3 - take account of policy and guidance issued by the Department

CE 2 - the strategy, policies and allocations are founded on a robust evidence base

24. The Council have not taken full account of the requirements of DPPN 07, the SPPS or PPS 4. There is a need for the Council to have undertaken a Retail Capacity Study to inform the retail hierarchy and the policies relating to the town centre and the District Centre. The Council simply do not know what scale of retail demand exists in Dungannon and whether there is adequate sites within the town centre to accommodate the long term retail growth of the town. As part of the Retail Capacity Study the awkward hilly topography of Dungannon Town Centre would also need to be assessed to understand whether there is scope to provide viable and suitable additional retail sites around the edge of the town centre.
25. Without a full understanding of retail demands, or a full up to date town centre health check it is inappropriate for the Council to devise policies that seek to curtail retail growth at the Oaks Centre when it is already a well established edge of centre retail development that meets the needs of many residents of Dungannon and the rural hinterland.
26. It is inappropriate to ignore the fact that the Oaks Centre is both a District Centre and also an edge of centre location being within 300m of the edge of the town centre.
27. It is inappropriate to ignore policy that directs B1 industrial use to District Centres. There are strong sustainability grounds to encourage a broad mix of uses in the District Centre to allow future users to benefit from ease of access to shopping, leisure and food facilities both in the District Centre and in the nearby town centre. To allocate industrial lands in peripheral locations instead of encouraging it to look to the District Centre first is contrary to the principles of sustainability.

CE4 – It is reasonably flexible to enable it to deal with changing circumstances

28. The dPS is inflexible and wholly fails to recognise the potential for the Oaks Centre to help accommodate retail and office development that may come forward over the Plan period, which may not be able to be accommodated within the town centre. The fact that the Oaks is both an edge of centre location and a defined District Centre would indicate that

strengthening it would support the District Centre itself and also encourage linked shopping trips with the town centre.

What is Needed to Make the Plan Sound?

- 29. The Council needs to prepare a Retail Capacity Study to understand the need for additional retail use in Dungannon Town Centre and at the Oaks to ensure boundaries are adequate to cater for the defined need.
- 30. The Council needs to prepare a comprehensive suite of town centre health checks to ensure the dPS is based on robust retail evidence.
- 31. Para 13.12 should be recast as follows:

*“13.12 To complement town centre we have identified a District Centre at Oaks Road Dungannon. District Centres provide for the daily shopping needs of residents within that quadrant of the town. It is designated in order to retain and consolidate existing provision. **Future growth at the Centre will be guided by the retail policies CE 3 and CE 7. and is not seen as centres for future growth.**”*

- 32. To make the Plan Strategy sound policy RE 3 needs to be recast as follows:

“POLICY RE 3 –RETAIL AND MAIN TOWN CENTRE USES OUTSIDE OF TOWN CENTRES

*Retail and town centre uses outside of town centres will only accord with the Plan where it has been demonstrated that there are no suitable sites available within the town centre. Favourable consideration will be given to edge of centre sites **including the Oaks District Centre** before out of centre locations.*

*Development will only be permitted outside a town centre where there will be no significant impact on an existing centre **including the Oaks District Centre** and in the case of a retail use, where a need has been established.*

*Any development over 100 sq. metres net floor area will require an assessment of available / alternative sites including any land at edge of centre **and District Centre** locations as well as a justification in terms of the market they propose to serve.*

*Any development above 1000 sq. metres gross external area should be accompanied by a Retail Impact Assessment and Traffic Impact Assessment as well as an assessment of available / alternative sites within an existing **town or district** centre or at edge of centre locations”.*

33. The supporting text should be altered as follows:

*“13.27 Where a developer wishes to undertake a retail development outside of the town centre, they must carry out an assessment of alternative sites which are available, primarily within the town centre and secondarily at **District Centre and** edge of centre locations. This assessment may involve consideration of properties which are available for rent or purchase in the relevant areas. The findings of this assessment must form part of the application in order to justify the need to locate outside of a designated town centre. Such development must be required to address a particular retail need and the developer will also have to identify this need as well as providing evidence that the proposal will not have a significantly negative impact on the retail offer available within the designated town centre.*

*13.28 Out of centre development should preferably be located in **a District Centre or** an edge of centre location before consideration is given to out of centre sites. A default distance threshold of 300m from the town centre boundary should be used to determine whether or not a site can be classed as an edge of centre location. However, this threshold may be open to interpretation where issues such as topography or other constraints like archaeological designations are relevant.*

13.29 Retail development over 1000 sq. metres which proposes to locate outside the town centre will have the potential to cause considerable harm to the viability of the town centre by virtue of attracting an undue amount of footfall and consumer spending away from the preferred town centre locations. Development like this, such as large supermarkets, can offer consumers the potential to acquire all of their weekly needs without needing to visit the town centre.

*13.30 For the purposes of this policy, District Centres are not considered as Town Centres **however, their important role and function in the area is supported by Regional Policy and therefore proposals that cause harm to District Centres should be refused.** ~~and are not~~*

suited for large retail development. Any proposals to extend ~~them~~ District Centres with development over 1,000sq. metres will be considered in line with the provisions of this policy.

13.31 Therefore, such development will have to provide evidence of comprehensive assessment of alternative sites within the town centre, but will also be required to carry out a professional Retail Impact Assessment to demonstrate that the proposed development will not harm the viability of the designated town centre or any District centre.”

34. To make the Plan Strategy sound Policy RE 7 should be recast as follows:

“POLICY RE 7 – FINANCIAL AND PROFESSIONAL SERVICES, OFFICE/ BUSINESS USE DEVELOPMENT

Financial and professional services shall accord with the Plan where they are located in existing or mixed use areas. Office and business uses will accord with the Plan where they are located in a town or District centre or on economic development zonings unless specified otherwise in the respective key site requirements in the Plan. Elsewhere within settlements proposals will be considered on their merits. The conversion of residential houses in residential areas to financial and professional service offices or other business uses will not normally be acceptable. Financial and professional services, offices and other business uses in the countryside will conflict with the Plan with the exception of where they conform with the provisions set out in Policy ECON 2”.

35. Paragraph 13.46 should be amended as follows:

“13.46 Major office development associated with financial, professional, administration or other kinds of services can make a significant contribution to the vitality and viability of a town or district centre because it will attract people who both avail of the services on offer and also those who are employed within. This footfall may not be as significant as that generated by retail outlets but it can still make a positive contribution to the vibrancy of the area. For this reason and in order to grow our towns as centres for services and employment such development should be encouraged to locate within town centres and district centres instead of other out of centre locations”.

36. To make the Plan Strategy sound Policy ECON 1 should be recast as follows:

"POLICY ECON 1 – ECONOMIC DEVELOPMENT IN SETTLEMENTS

Within towns, proposals for economic development on land zoned for such purposes and in District Centres will conform with the Plan, subject to meeting any Key Site Requirements. In all other cases, proposals will be determined on their individual merits. Within villages and small settlements, proposals that are of an appropriate scale, nature and design such as compatibility with nearby residential use, will be given favourable consideration".

37. Paragraph 12.13 should be amended to refer to policy RE 7 instead of policy RE 3.