



Local Development Plan 2032

Draft Plan Strategy

Representation Form

Please complete this representation form online and email to LDP@lisburncastlereagh.gov.uk or alternatively print and post a hardcopy to:-

Local Development Plan Team
Lisburn & Castlereagh City Council
Lagan Valley Island
Lisburn
BT27 4RL

All representations must be received no later than 5pm on the 10th January 2020

SECTION A: YOUR DETAILS

Please tick one of the following:-

- Individual
 Planning Consultant / Agent
 Public Sector / Body
 Voluntary / Community Group
 Other

First Name

Last Name

Details of Organisation / Body

Address

Postcode

Email Address

Phone Number

Consent to Publish Response

Under planning legislation we are required to publish responses received in response to the Plan Strategy, however you may opt to have your response published anonymously should you wish.

Even if you opt for your representation to be published anonymously, we still have a legal duty to share your contact details with the Department for Infrastructure and the Independent Examiner appointed to oversee the examination in public into the soundness of the Plan Strategy. This will be done in accordance with the privacy statement detailed in Section C.

- Please publish *without* my identifying information
- Please publish with only my Organisation
- Please publish with my Name and Organisation

SECTION B: YOUR REPRESENTATION

Please set out your comments in full. This will help the independent examiner understand the issues you raise. *You will only be permitted to submit further additional information to the Independent Examiner if the Independent Examiner invites you to do so.*

What is your view on the Plan Strategy?

- I believe it to be SOUND

If you consider the Draft Plan Strategy to be sound, and wish to support the Plan Strategy, please set out your comments below:-

(If submitting a hardcopy & additional space is required, please continue on a separate sheet)

OR

I believe it to be **UNSOUND**

PLAN COMPONENT - To which part of the Plan Strategy does your comment relate?

IF YOU WISH TO SUBMIT ANY FURTHER REPRESENTATIONS, PLEASE COMPLETE SECTION B FOR EACH INDIVIDUAL ISSUE

Part 1 – Plan Strategy

- Chapter 1 - Introduction
- Chapter 2 - Policy & Spatial Context
- Chapter 3 - Vision & Plan Objectives
- Chapter 4 - Strategic Policies and Spatial Strategy
- Chapter 4A - Enabling Sustainable Communities & Delivery of New Homes
- Chapter 4B - Driving Sustainable Economic Growth
- Chapter 4C - Growing our City, Town Centres, Retailing & Other Uses
- Chapter 4D - Promoting Sustainable Tourism, Open Space, Sport & Outdoor Recreation
- Chapter 4E - Protecting & Enhancing the Historic & Natural Environment
- Chapter 4F - Supporting Sustainable Transport & Other Infrastructure
- Chapter 5 - Monitoring & Review

Part 2 –Operational Policies

- Operational Policy (Please State Individual Policy using Policy Reference e.g. HOU 1)

SP14, TC1, TC3,
TC4 and
Supplementary
policy on cafe
& fast
food

SOUNDNESS TEST:

Please identify which test(s) of soundness your representation relates to, having regard to Development Plan Practice Note 6 (available on the Planning Portal website at https://www.planningni.gov.uk/index/s/development_plan_practice_note_06_soundness_version_2_may_2017.pdf)

- P1 Has the 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 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 set out a coherent strategy from which its policies & allocations logically flow & where cross boundary issues are relevant it is not in conflict with the 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?

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

(If submitting a hardcopy & additional space is required, please continue on a separate sheet)

MODIFICATIONS

If you consider the Plan Strategy to be **unsound**, please provide details of what changes you consider necessary to make the Plan Strategy sound.

See attached sheet

(If submitting a hardcopy & additional space is required, please continue on a separate sheet)

SECTION C: DEALING WITH YOUR REPRESENTATION

Please indicate how you would like your representation to be dealt with.



Written Representation



Oral Representation

Please note that the Independent Examiner will be expected to give the same careful consideration to written representations as to those representations dealt with by oral hearing.

SECTION D: DATA PROTECTION

In accordance with the Data Protection Act 2018, Lisburn & Castlereagh City 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 also 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 (DfI) as they will 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.lisburncastlereagh.gov.uk/information/privacy

By proceeding and signing this representation you confirm that you have read and understand the privacy notice above and give your consent for Lisburn & Castlereagh City Council to hold your personal data for the purposes outlined.

Please note that when you make a representation (or counter-representation) to the Local Development Plan your personal information (with the exception of personal telephone numbers, signatures, email addresses or sensitive personal data) will be made publicly available on the council's website. Copies of all representations will be provided to DfI and an Independent Examiner (a third party) as part of the submission of the Local Development Plan for Independent Examination. A Programme Officer will also have access to this information during the IE stages of the Plan preparation. DfI, the Programme Officer and the Independent Examiner will, upon receipt, be responsible for the processing of your data in line with prevailing legislation. If you wish to contact the council's Data Protection Officer, please write to:

Data Protection Officer
Lisburn & Castlereagh City Council,
Civic Headquarters,
Lagan Valley Island,
Lisburn,
BT27 4RL

or send an email to: data.protection@lisburncastlereagh.gov.uk or telephone: 028 9244 7300.

Signature

Date

10th January 2020

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Upper Lisburn Road
Belfast
BT10 0LY

www.one2one-planning.co.uk

Plan Manager
Planning Department
Lisburn City and Castlereagh Council

10th January 2020

**RE: Representation to Draft Plan Strategy for Lisburn City and Castlereagh Council
Local Development Plan 2032**

Forestside Acquisitions Limited welcome the publication of the draft plan strategy document; which, it is hoped it will assist progression towards more certainty in the retail climate for the metropolitan area after the quashing of BMAP. They do not however, consider the policies therein recognize appropriately the role, status or potential of Forestside within the Borough.

What does the draft plan strategy say?

At Part 1 Chapter 4 of the Plan Strategy document, it sets out the Plan Objectives including 'Objective C: A Vibrant Place Growing our City, Town Centres, Retailing and Other Uses'. This outlines those actions the Council will adopt to grow city and town centres and retailing as below¹:

- *1) Promote the regeneration of our city and town centres as quality places to live, work, shop and visit*
- *2) Promote Lisburn City Centre as a vibrant destination offering a mix of residential, shopping, employment, high-grade office development, leisure and community uses; and better transportation linking people and places*
- *3) Support our towns and villages, encouraging appropriate retailing, offices, mixed use and housing opportunities*

¹ Chapter 4 - Page 94

- 4) Promote regeneration and reuse of existing buildings and previously developed land for mixed use development, whilst maintaining environmental quality and protecting residential amenity
- 5) Promote a vibrant and thriving night-time economy in our city and town centres to support economic growth, furthering opportunity for enhancing their vitality and viability; and
- 6) Support the role of Sprucefield as a regional retail destination at a key strategic location within Nit4`.

Strategic Policy 14 Town Centres, Retailing and Other Uses states that:

The Plan will support development proposals that:

- a) promote town centres, retailing and other uses within the City and town centres to enhance their vitality and viability in accordance with their role and function in the retail hierarchy; and
- b) support Sprucefield Regional Shopping Centre in recognition of its regional status in accordance with key site requirements (Page 96).

In both the Plan Strategy and Strategic Policy 14 there is a lack of recognition of value of the promotion of the District Centre at Forestside. This is unsound in terms of Criteria C3 as the SPPS requires at Para 6.277 that LDPs should 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 when decision taking.

As set out at Figure 1 below, the retail hierarchy includes District Centres, with Forestside the only district centre in the Council Area. City and Town Centres are referred to in accordance with the top tier of the hierarchy in Strategic Policy 14 (and the plan objectives), yet the rest of SP14 ignores the district centre tier and instead focuses on Sprucefield, a centre which the SPPS is silent on. In accordance with the SPPS there should be recognition of the role of the district centres within Plan Objective C and SP 14.

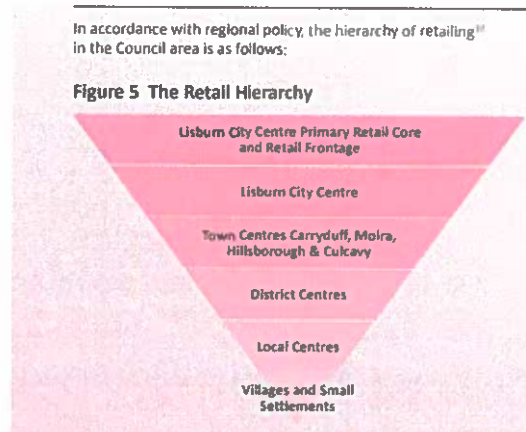


Figure 1 – Retail Hierarchy Extract taken from Part 1, Page 97, Figure 5

In the second dps document, Part 2 – Operational Policies, Section 6 details with Retail and Town Centres. **Policy TC1 Town Centre, Retailing and Other Uses** (Page 56) requires that a Sequential Approach will be adopted for planning applications for retail and other city/town centre uses.

Again the District Centre tier in the retail hierarchy is excluded despite the requirement that draft Plan strategy (DPS) documents should set specific policies for their area. By ignoring the single retail location at this level of the hierarchy, the DPS SP 14 and Policy TC1 is unsound under:

- Criteria C3 as they are inconsistent with the retail hierarchy as set out in the DPS at Figure 5: and
- CE2 in that the strategy and policy is not realistic and ignores the evidence base as set out in the Retail Capacity Study in Technical Supplement 5.

Policy TC4 District and Local Centres (Page 57) states:

In these centres, planning permission for retailing, business or community development proposals will be granted provided it is demonstrated that:

- a) the proposal meets a local need*
- b) it would not adversely affect the vitality and viability of existing centres in the catchment area of the proposal*
- c) the proposal would not alter the role and function of the centre*
- d) proposed B1 (a) office developments do not exceed 400 square metres of gross floorspace.*

The Justification and Amplification states: *The existing Forestside District Centre and Dundonald Local Centre provide a focus for local shopping and offer a complementary role in providing shoppers with convenience and choice. They should not compete with other hierarchy centres; however, they form an important role for local communities, allowing people to shop close to where they live.*

Proposals for other town centre uses within these designated centres must remain appropriate to the primary convenience retailing role of these centres, ensuring that their function, scale and character is maintained. For this reason, business use as defined under Class B1 (a) of the Planning (Use Classes) Order (NI) 2015 will be limited up to 400 square metres. All proposals must comply with the other relevant operational policies contained within this Plan Strategy (for example in relation to traffic movements and road safety). It is intended to assess the District and Local centre boundaries as part of the Local Policies Plan.

Consistency Tests C1 and C3 - Contrary to Regional Policy in the RDS and direction of the SPPS.

The SPPS is policy issued by the Department and at Para 6.276 it states that '*Planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping, and ensure their role is complementary to the role and function of the town centre. In these centres, extensions should only be permitted where the applicant has demonstrated that no adverse impact will result on town centres in the catchment*'.

DPPN6 provides planning advice on the Plan Strategy. Paragraphs 1.2 & 1.3 states that the PS should:

- *establish the strategic direction early in the plan process in order to provide "a level of certainty on which to base key development decisions in the area as well as the necessary framework for the preparation of the local policies plan";*
- *ensure that its objectives are integrated with, add value to and assist in the delivery of regional policy.*

District centres form part of the retail hierarchy yet Policy TC4 does not fulfil the obligation within the SPPS to provide policy guidance. There is no detail as to how:

- The local need will be assessed;
- The role and function of the centre;
- How proposals for change of use within the centre are to be assessed.

There is also no policy test for extensions to the district centre; or justification for the 400sqm office threshold. Given Forestside is the only district centre in the Borough, the use of this figure is not founded in any evidence within TS 6 – Retail Capacity Study.

CE1 – Coherent strategy from which its policies and allocations logically flow

District Centres should have a policy distinct from that for local centres. Forestside operates at an entirely different level within the hierarchy, with previous appeals for the area acknowledging its role more akin to a town centre and previous retail capacity exercises for BMAP and for DSD recognizing it operating at a level above the other Metropolitan District Centres in a similar manner to Abbey Centre. It has advanced beyond the role of local convenience provision, with a significant level of comparison retailing and a catchment also significantly extending beyond local. By including its policy along with that for the local centre at Dundonald it results in an inappropriate recognition of its role and status and lack of acknowledgement of the contribution it makes to the area.

The retail strategy and policies TC4 and TC1 as drafted, offer no incentive for new business to locate in a district centre over an out of centre site, nor is there any provision within these policies for retail impact on District Centres to be a material consideration in planning applications.

There is also a conflict with the DPS of neighbouring Belfast council. Retail catchments overlap yet plan policy RET3 in the Belfast DPS sets a district centre first approach outside of the City Centre, for major retail development, leaving an inconsistency on whether or not district centres require consideration dependent on which side of a council boundary a proposal is located within.

CE2 - The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base.

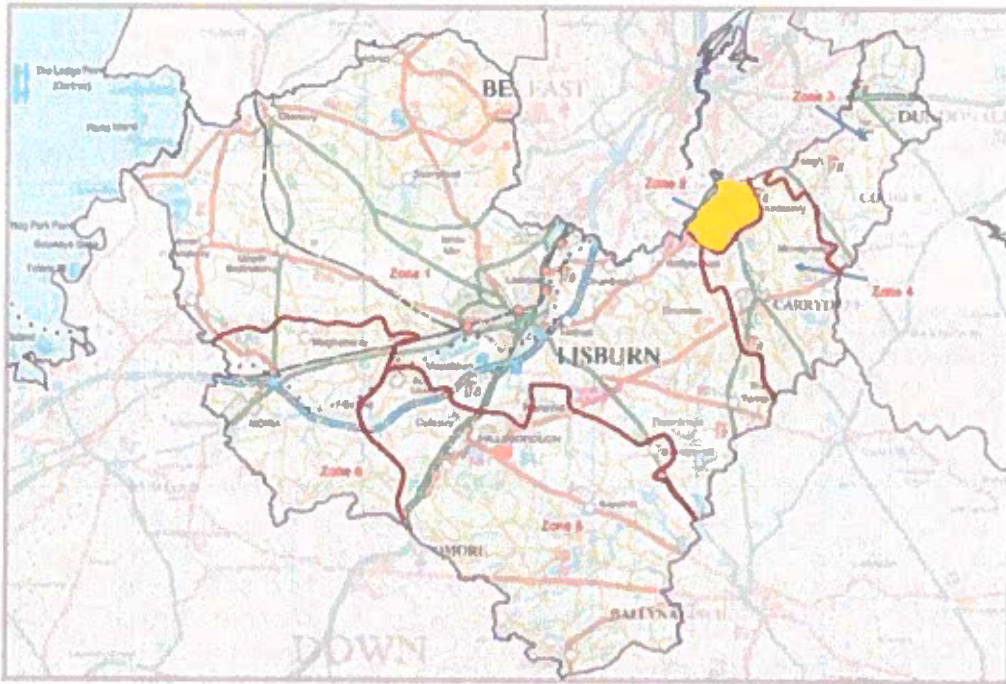
One of the tests of soundness for representations to the LDP is whether the policy is consistent with the evidence base. Technical Supplement 6 is a retail capacity study been prepared by Arup to accompany the DPS. The document refers to the Castlereagh Urban Integrated Development Framework, 2014 and in respect of Forestside, it notes a diverse range of businesses is proposed to balance the dominance of retail development and how the retail function should act as a focus for expanding this centre with complementary uses. The Framework identifies Forestside and in particular, Galwally House as an area which could support office development. Under this scheme a business hub was suggested with the possible creation of purpose built high specification office accommodation. Against this context the 400sqm threshold in policy TC4 for office space is inconsistent with the evidence base.

At Para 4.37 the Arup report refers to the Preferred Option 14a – Extend District and Local Centre Boundaries at Forestside and Dundonald: it states

'there is little scope for any additional convenience retail floorspace at Forestside, but the catchment would support modest additions to the comparison retail offer and the existing uses around Drumkeen Retail Park and Homebase would support and consolidate Forestside in its role as a District Centre'.

Against this context it is unjustified that the DPS policy requires proposals in district Centres to demonstrate a local need for retail provision. The Arup report supports additional comparison floorspace at the centre, rather than convenience floorspace, which is the class of goods that the justification and amplification text refers to.

In addition, this conclusion of the retail assessment is not robust - the relevant Section of the ARUP report is 8.3. It defines the catchment of Forestside as Zone 2. This is a small area as set out below and highlighted in yellow.



Six Survey Zones

Figure 2: Extract from Retail Capacity Study TS 6, Para 8.3 with Zone 2 Catchment for Forestside highlighted in yellow

There is no explanation for such a restricted catchment for Forestside. As an example, there is no explanation for such a why a larger area is allocated to the Carryduff catchment (Zone 4) than Forestside (given Forestside is the stronger centre and Carryduff does not have any current large food stores for convenience retail). The reduced size reduces the available catchment spend and has the effect of artificially undermining the significance of Forestside in the Council area. It also has the effect of allowing for additional spend in the Lisburn/Sprucefield catchment. In another example the Hillsborough catchment is some 10 times larger than the Forestside catchment despite its much smaller offer. The catchments are not robust.

The catchments used effect the headroom floorspace capacity calculations. The Retail Capacity document does not forecast any spare convenience capacity for Forestside over the 10 years.

In terms of comparison retail expenditure capacity, there is forecast nearly £8 million by 2027 at the low end of the range and up to £22 million at the high end. The indicative floorspace is 1,400 sq m net to 4,700 sq m net. The forecast capacity to 2022 is negligible, with most of the forecast growth from 2022-27. Given the draft Policy TC4 requires that proposals meet a local need (often equating to headroom expenditure) the capacity assessments indication of a lack of short-term expenditure cannot be relied on.

While the DPS notes that the extract boundary will be determined as part of the local policies plan, this is a clear indication of intent for the Forestside boundary to be revised to include the lands to the opposite side of the Galwally Road, (it is recommending an expansion of the district centre to include the Drumkeen Retail Park, the old Council office and the Homebase building). It is unclear why they would be suggesting such a change given their evidence base in TS 6 refers to a lack of capacity. While the boundary is a matter for the representation in the local policies plan, these units are used for mixed or bulky goods, which do not fall within the definition of a district centre and the proposed policy TC4 would then become the applicable policy and it does not provide any guidance as to how future applications within those units would be considered

CE3 – Are there clear mechanisms for implementation and monitoring?

The DPS provides no robust manner in which to monitor how Policy TC 4 will assist the district centre to function appropriately at their level on the retail hierarchy. The triggers set out in Part 1 provide no role in checking how their health is to be maintained, only in how the town centres are protected against its proposals.

CE4 – It is reasonably flexible to deal with changing circumstances?

Regional policy seeks to introduce more diversity within the way Centres are used. District Centres are among the most adaptable locations given their ability to respond quickly to local consumer demands. This inherent flexibility should be recognised to provide for adaptable retail provision as well as other uses including leisure.

What is the Requested Change to Policy TC4?

It is request that it should be reworded as follows:

- *The Council will encourage and support a diverse range of retail and complementary uses within Forestside. Planning permission will be granted for retailing, business, leisure or community development proposals provided it is demonstrated that:*
 - *a) the proposal meets a local need (delete)*
 - *b) it would not adversely affect the vitality and viability of Lisburn city and town centres in the catchment area of the proposal*
 - *c) the proposal would not alter the role and function of the centre as demonstrated via an up to date health check*
 - *d) Proposed B1 (a) Office proposals up to a maximum 400sqm will be permitted. Proposals individually or cumulatively of up to 1,000 square metres gross external floor space will require a needs assessment; this includes applications for any extension(s)*

Policy TC3 Town Centres

Policy TC3 Town Centres, also provides policy for proposals outside the town centre and states that:

'Beyond a designated town centre boundary proposals for town centre uses will only be granted planning permission in accordance with the sequential approach of Policy TC1, where it is demonstrated no suitable sites exist within the town centre, no adverse impact on the role and function of the town centre will occur as a result of the proposal and there would be no adverse impact on adjacent land uses.'

Why is this policy unsound?

As per the policy above out of centre proposals will require a sequential assessment and Demonstration that there is no adverse impact on the role and function of the town centre. Both apply irrespective of the size of the proposal. There is no need assessment required.

CE3 requires clear mechanisms for implementation of policies but this policy excludes a threshold for the test of retail impact and introduces ambiguity by firstly cross - referring the reader to Policy TC1, which excludes city centre sites and district centres, and then only in part replicating this policy by reference to sites within the town centres. This leaves the reader unsure if other locations within Policy TC1 are to be assessed. The cross reference to Policy TC1 is sufficient.

Cafes and Fast Food Outlets

The draft supplementary policies document includes provision for cafes and fast food outlets and proposals for new build and change of use. It provides the relevant considerations including the need to retain local retailing noting the proposal should not by itself or cumulatively with other non-retail uses undermine the primary role of the Centre in providing for local convenience shopping needs. The following is regarded as particularly relevant:

- The level and nature of existing non-retail uses;
- The number of unimplemented valid planning permissions for change of use to restaurants, cafes and fast food outlets; and
- The impact in terms of the size of the premises and whether they can be absorbed without dominating the district of local centre in the visual sense.

While Forestside has two convenience shops in the form of M&S and Sainsbury's, it also has a significant number of comparison retailers and it is unclear how this policy assists

with proposals for changes of use from comparison to café & restaurant units. This should be made explicit in policy.

Summary

In summary, Forestside's location in the retail hierarchy is not properly acknowledged, it is a unique centre which extends beyond a local catchment and provides a strong convenience and comparison role for both local residents and those living outside a local catchment including residents of Belfast. It requires a unique policy rather than one that refers to generic references equally applicable to the local centre tier. The vision and policies should be tailored to the unique role of Forestside Shopping Centre.

The expansion of the Centre to include Drumkeen Retail Park is not supported in evidence within the Arup report (TS6) given it does not show significant capacity and will undermine the long-term investment in the existing Forestside Shopping Centre. There is no benefit to bulky retailing being located within a district centre and the policy as drafted contains no provision for the change of use of these bulky units should they be included as part of the local policies plan.

Policy for out of centre proposals requires further consideration to set a threshold for retail impact and ensure that the role of district centres in the retail hierarchy are appropriately reflected in policy.