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Local Development Plan Team  
Lisburn & Castlereagh City Council  
Civic Headquarters  
Island Civic Centre  
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Dear Sir/Madam,

### **Local Development Plan 2032 - Representation on the Draft Plan Strategy**

We are pleased to set out below a representation on the Draft Plan Strategy (DPS) of the Local Development Plan 2032 (LDP 2032) which has been published by Lisburn & Castlereagh City Council (LCCC) for public consultation. We note that the DPS is comprised of 2 documents namely Part 1 Plan Strategy and Part 2 Operational Policies, together with supporting documentation in the form of technical supplements, assessment papers, position papers and supplementary planning guidance.

#### **Introduction**

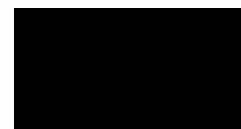
This representation is submitted on behalf of Central Craigavon Ltd (CCL) and relates essentially to the DPS '*Strategic Mixed Use Policy*' (SMU03) for '*Sprucefield Regional Shopping Centre*' set out in Part 1 of the DPS (pages 102 - 105 , Chapter 4 '*Strategic Policies and Spatial Strategy*') and related operational policies set out in Part 2 of the DPS (pages 56 - 57, Chapter 6 '*Town Centres, Retailing and Other Uses*').

#### **Request for Oral Hearing at the Independent Examination**

We would confirm, as part of this representation, that we wish to be heard orally at the Independent Examination into the DPS of LDP 2032.

#### **Soundness Meaning**

In setting out our comments on soundness, regard has been paid to Development Plan Practice Note 6 '*Soundness*' (DPDN 06) which states that '*Whilst the term 'sound' is not defined in the 2011 Act, it may be considered in this context within its ordinary meaning of 'showing good judgement' and 'able to be trusted' and within the context of fulfilling the expectations of legislation*' (para 5.1, DPDN 06).



## Soundness Tests & Consideration

Having regard to the ordinary meaning of soundness, as set out in DPPN 06, and considered against the relevant 'Consistency' and 'Coherence and Effectiveness' Tests it is considered that the strategic policy for Sprucefield is unsound. The representation comments are set out below under each of the relevant soundness tests.

### C 1 Did the Council take account of the Regional Development Strategy?

The Regional Development Strategy 2035 (RDS 2035), which was approved by the Executive on 26th January 2012 and launched on 15th March 2012, contains a Spatial Framework and Strategic Guidelines. The Strategic Guidelines are comprised of Regional Guidance (RG), which applies to everywhere in the region, and Spatial Framework Guidance (SFG), which is tailored to each of the 5 elements of the Spatial Framework (namely the Metropolitan Area centred on Belfast, Londonderry, Hubs and Clusters of Hubs, the Rural Area and Gateways and Corridors).

The only reference to Sprucefield in the RDS 2035 is made under SFG1 which is titled '*Promote urban economic development at key locations throughout the BMUA and ensure sufficient land is available for jobs*' (page 54, RDS 2035). Under the second sub-heading titled '*Enhance Lisburn City as a major employment and commercial centre*', the following reference is made to Sprucefield: '*Sprucefield will continue to retain its status as a regional out-of-town shopping centre*' (page 54, para 3.41, RDS 2035)

SFG 3 of the RDS 2035, which relates to Belfast City Centre, is titled '*Enhance the role of Belfast City centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities*' (page 56, RDS 2035). Under the second sub-heading '*Support and strengthen the distinctive role of Belfast City centre as the primary retail location in Northern Ireland*', the following is noted: '*Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping centre*' (page 54, para 3.46, RDS 2035).

No definition of a regional out-of-town shopping centre is provided in the RDS 2035 or, indeed, in any other regional policy or guidance document. Notwithstanding the absence of a definition, it is apparent that RDS 2035 notes Belfast City Centre as the primary retail location which has developed its regional shopping offer and the continued need for a precautionary approach in relation to major out-of-centre shopping developments.

SFG 10 of the RDS 2035 is titled '*Identify and consolidate the roles and functions of settlements within the clusters*' (page 70, RDS 2035). The first and second sub-heading of SFG 10 notes the need, respectively, to '*assess the roles and functions of settlements*' and to '*build and strengthen existing cluster settlements*' (page 70, para 3.87, RDS 2035). SFG 10, along with SFG 13 below, recognises that Northern Ireland is a comparatively small region with a wide range of settlements many of which contain a town centre. In the context of a small region with a wide range of settlements, RG7 of the RDS 2035 is titled '*Support urban and rural renaissance*' (page 38, RDS 2035) and notes that '*Regeneration is necessary to create more accessible, vibrant city and town centres which offer people more local choice for shopping, social activity and recreation*' (para 3.12, RDS 2035).

SFG 13 of the RDS 2035 is titled '*Sustain rural communities living in smaller settlements and the open countryside*' (page 74, RDS 2035). Under SFG 13, the RDS 2035 notes that the region has a

*'distinctive settlement of main and small towns, villages and dwellings in the open countryside'* that is *'unique within these islands'* (page 74, para 3.98, RDS 2035). It is considered, therefore, that adopting a definition of a regional out-of-town shopping centre which is used elsewhere in the UK or Ireland for use at Sprucefield fails to have regard to the distinctive and unique settlement pattern of Northern Ireland.

To ensure soundness under the C1 test, in having regard to the RDS 2035, it is considered that:

- (i) reference should be made to the context set by SFGs 3, 10 and 13 and RG7 of the RDS 2035;
- (ii) the policy review of the RDS 2035 should acknowledge that whilst the RDS 2035 notes a *'status'* for Sprucefield it does not explain its *'role'*;
- (iii) the Plan Strategy should state that the status and role of Sprucefield are matters not for a Local Development Plan but to be decided by the Department at regional level by way of regional policy.

### **C3 Did the Council take account of policy and guidance issued by the Department?**

Development Plan Practice Note 6 *'Soundness'* notes, in relation to this test, that *'A council should therefore be able to show how policy formulation and development has taken account of the SPPS and any other relevant policy and guidance prepared by the Department'* (page 16, para 5.4.10, DPPN 6).

A critical matter in relation to this test is the absence of regional retail policy and guidance for Sprucefield in the Strategic Planning Policy Statement (SPPS) which was published in September 2015. Planning Policy Statement 5 *'Retailing and Town Centres'* (PPS 5), published in June 1996 and cancelled by the introduction of the SPPS, provided some guidance in that it described Sprucefield as an *'out-of-town regional shopping centre'* and that *'The Department will also continue to control the scale and nature of the Sprucefield Centre taking into account all the relevant policies in this Planning Policy Statement'* (page 15, para 35, PPS 5). The SPPS does not refer to Sprucefield.

Section 5 of the SPPS titled *'The Planning Process: Implementation'*, notes that *'Successful implementation of the SPPS requires planning authorities to focus on delivering spatial planning. This requires a positive and proactive approach to planning, and a coherent long-term policy framework to guide and influence future development across the region'* (page 23, para 5.4, SPPS). The critical matter for a Council which seeks to take account, in relation to Sprucefield, of policy and guidance issued by the Department is that there is no coherent, long-term policy framework.

The considered and appropriate response to this matter was stated clearly in the report by the Planning Appeals Commission on the draft Belfast Metropolitan Area Plan 2015, dated 31st March 2011: *'We consider that the Department should decide at a regional level what the future status and role of Sprucefield should be and devise clear and unambiguous policy to fulfil that role. The introduction of regional policy in a development plan is unacceptable and cannot be supported'* (para 6.4.8, PAC Report on the Strategic Plan Framework).

LDP 2032 notes, under Policy SMU03 Sprucefield Regional Shopping Centre, that there is an *'absence of any regional policy or guidance relating to Sprucefield regional shopping centre'* (page 103, Part 1, LDP 2032). However, LDP 2032 then notes, that *'In the absence of any regional policy or guidance relating to Sprucefield regional shopping centre, it is the responsibility of the Plan to define what this role is'* (page 103, Part 1, LDP 2032). Following this statement, LDP 2032 notes the definition of regional and sub-regional shopping centres from UK Government Guidance namely the

cancelled Planning Policy Statement 6 and the National Planning Policy Framework (NPPF). As noted in the comments under C1 above, this fails to take account of Northern Ireland's distinctive and unique settlement pattern.

The LDP 2032 Technical Supplement 5: Retail Capacity Study acknowledges that *'The SPPS is silent on Sprucefield Regional Shopping Centre'* (para 2.21, Technical Supplement 5) and subsequently refers to Bluewater in Kent, Lakeside in Essex, Meadowhall in Sheffield and Braehead in Glasgow (para 2.24, Technical Supplement 5). In noting that the above centres are at major motorway junctions and comprised of more than 50,000m<sup>2</sup> of floorspace, the Technical Supplement states that *'They offer mainly comparison goods and have leisure associated in the form for example of cinemas, bowling, indoor play and indoor skiing'* (para 2.25, Technical Supplement 5). The conclusion is that *'The retail capacity study address the capacity of Sprucefield to grow as a regional out-of-town shopping centre as a retail and leisure destination'* (para 2.26, Technical Supplement 5).

It is considered that the LDP 2032 is unsound as it is the function of the Department to set out, at a regional level, the future status and role of Sprucefield. It is considered that it is not the function of a Local Development Plan or a retail capacity study, based on claimed comparative examples in England and Scotland which differ markedly in nature from Sprucefield. To ensure soundness under the C3 test, in taking account of policy and guidance issued by the Department, it is considered that:

(i) the Plan Strategy should state that the status and role of Sprucefield are matters not for a Local Development Plan but to be decided by the Department at regional level by way of regional policy.

**CE1 The DPD 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 DPDs of neighbouring Councils.**

Strategic Policy 14 *'Town centres, Retailing and Other Uses'* under Plan Objective C: A Vibrant Place states that *'The Plan will support development proposal 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 (b) support Sprucefield Regional shopping Centre in recognition of its regional status in accordance with key site requirements'* (page 96, part 1, LDP 2032). Strategic Policy 15 *'Evening/Night-time Economy'* focuses on City and Town Centres (page 100, Part 1, LDP 2032).

Under Operational Policy TC1 *'Town Centre, Retailing and Other Uses'* (page 56, Part 2 Operational Policies) it is noted that *'A Sequential Approach will be adopted for planning applications for retail and other city/town centre uses'* and notes that *'town centres, or where designated their primary retail core, and retail frontage will be the first choice for all retailing development'*. Operational Policy TC1 notes that Sprucefield Regional Shopping Centre will be excluded from the *'first choice'* requirement and that retail and other city/town centre uses include cultural and community facilities, retail, leisure, entertainment and businesses should *'follow this hierarchy approach'*. Operational Policy TC3 *'Town Centres'* seeks to strengthen the role of Carryduff, Hillsborough and Moira with retail and town centre uses and the application of the sequential approach of Operational Policy TC1.

The SMU03 *'Sprucefield Regional Shopping Centre'* policy notes that *'it cannot be seen as a town centre'* but it is considered that the result of the allocation up to 50,000m<sup>2</sup> Class A retail space and leisure and recreation uses under SMU 03, will result in Sprucefield effectively operating as a town centre and competing with town centres.

It is considered that LDP 2032 does not set out a coherent strategy in relation to retailing and

Sprucefield and that Policy TC1 and SMU03 are in fact, competing and contradictory. The TC1 policy is based on a town centre approach whereas the SMU03 approach is based on a capacity approach with the role of Sprucefield being set by *'its unique position within the region as a destination'* (page 104, Part 1 , LDP 2035) and not by regional policy.

The note that Sprucefield has a *'unique position within the region as a destination'* raises the matter of transport and land use. The SPPS notes that *'The successful integration of transport and land use is fundamental to the objective of furthering sustainable development'* (para 6.293, page 106, SPPS). Policy SMU03 includes one *'key site requirement'* relating to transport namely *'Appropriate provision for public transport, walking and cycling infrastructure, both within the site and linking to existing or planned networks'* (page 103, part 1 , LDP 2032). The serious and growing pressures on the M1 and A1 at Sprucefield (including, for example, long queues on the M1 slip roads) and the approval by the then Roads Service Board in March 2011 of the Stage 1 Assessment for an *'M1/A1 Sprucefield Bypass'* are evidence of the significant traffic congestion, capacity and safety issues which have arisen. The pressure on the existing transport infrastructure will increase further with proposed developments in the Maze and West Lisburn areas.

To ensure soundness under the CE1 test, in relation to the DPD setting out a coherent strategy from which its policies and allocations logically flow and where it is not in conflict with the DPDs of neighbouring Councils, it is considered that:

(i) the Plan Strategy should state that the status and role of Sprucefield are matters not for a Local Development Plan but to be decided by the Department at regional level by way of regional policy so that a coherent strategy from which policies and allocations flow can be prepared;

(ii) in the absence of regional policy and guidance on the role of Sprucefield, the Plan Strategy should not set floorspace allocations for Sprucefield and should not designate the *'Area of Development Potential'*;

(iii) the Plan Strategy, in the absence of regional policy for Sprucefield and in keeping with the precautionary approach, should restrict the type of goods sold to bulky durable goods only with a minimum unit size of 1,000m<sup>2</sup> gross; and

(iv) the Plan Strategy should state that a key site requirement for development at Sprucefield would be the provision of significant new infrastructure which, as a minimum, would incorporate signalisation of the Sprucefield junction.

In conclusion, it is considered that the DPD is unsound with respect to Sprucefield and the tests noted above under *'Consistency'* and *'Coherence and Effectiveness'*.

Yours sincerely