



## Local Development Plan 2032

### Draft Plan Strategy

### Representation Form

Please complete this representation form online and email to [LDP@lisburncastlereagh.gov.uk](mailto: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 10<sup>th</sup> 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)

**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](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 letter

*(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 letter

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

I wish to attach supporting information with my representation e.g. map

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

## 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](http://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](mailto:data.protection@lisburncastlereagh.gov.uk) or telephone: 028 9244 7300.

Signature



Date

10. 01. 2020

Lisburn & Castlereagh City Council  
Local Planning Office  
Lagan Valley Island  
Island Civic Centre  
The Island  
Lisburn  
BT27 4RL

Our Ref: SPU001

Your Ref:

10 January 2020

Dear Sirs

**Lisburn & Castlereagh City Council Local Development Plan  
Response to the Draft Plan Strategy relating to Sprucefield**

This letter is submitted on behalf of our client Corbo Limited in relation to the publication of the Lisburn and Castlereagh City Council Draft Plan Strategy (the "DPS") which was launched by the Council on Friday 11 October 2019.

Our client has property interests throughout Belfast, including Belfast City Centre and Cityside District Centre. As centres which are protected by current planning policy, our clients are justifiably concerned at the proposed strategic policies for Sprucefield Regional Shopping Centre. Our detailed comments are outlined below.

Development Plan Practice Note 6 sets out 3 main tests of soundness for Local Development Plans, with each test having a number of criteria, as follows:

Procedural Tests

- P1 Has the DPD 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 DPD been subject to sustainability appraisal including Strategic Environmental Assessment?*
- P4 Did the council comply with the regulations on the form and content of its DPD and procedure for preparing the DPD?*

Consistency Tests

- 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?*

#### Coherence and Effectiveness Tests

- 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;*
- CE2 *The strategy, policies and allocations are realistic and appropriate having considered the relevant alternatives and are founded on a robust evidence base;*
- CE3 *There are clear mechanisms for implementation and monitoring; and*
- CE4 *It is reasonably flexible to enable it to deal with changing circumstances.*

#### **STRATEGIC POLICIES AND SPATIAL STRATEGY**

It is noted that draft Policy SMU03 relates to Sprucefield Regional Shopping Centre and states as follows:

#### **SMU03 Sprucefield Regional Shopping Centre**

The Plan will support development proposals within Sprucefield Regional Shopping Centre that are accompanied by a Transport assessment, in accordance with operational policy and subject to the following key site requirements:

- a) A maximum of an additional 50,000 square metres gross external floor space will be permitted consisting of:
- up to a maximum of 25,000 square metres gross external floor space for retail uses as defined by Class A of the Planning Use Classes Order 2015
  - up to a maximum of 25,000 square metres gross external floor space for leisure and recreation uses, including café/restaurant or tourism-related uses as defined by the Planning (Use Classes) Order 2015
- b) The type of retail goods offered should be mainly comparison goods, the type, scale and nature of which to be determined through the submission of a retail impact assessment
- c) Any proposal individually or cumulatively exceeding more than 1,000 square metres gross external floor space will require a Retail Impact Assessment and needs assessment in accordance with regional policy; this includes applications for any extension(s) which would result in the overall development exceeding 1,000 square metres gross external floor space
- d) Car showrooms will be permitted as part of the 25,000 square metres gross external floor space for retail uses
- e) Appropriate provision for public transport, walking and cycling infrastructure, both within the site and linking to existing or planned networks.

It is noted also that a boundary for Sprucefield Regional Shopping Centre is provided in Map 10 of the DPS:



*Fig. 1 – Sprucefield Boundary (including Area of Development Potential)*

Policy SMU03 proposes allowing up to 50,000 square metres gross external floorspace consisting of 25,000 square metres gross external floorspace for mainly comparison goods, and up to 25,000 square metre gross external floorspace for leisure and recreation uses. However, we consider that Policy SMU03 is unsound for the reasons set out below.

With reference to the comparison retail floorspace, this conflicts with previous approach, assessments and policy findings elsewhere regarding Sprucefield. In this regard, following the subsequent Public Inquiry in 2007-2008 in relation to the Draft Belfast Metropolitan Area Plan 2015, the Planning Appeals Commission reported that the recommendation of the Retail Study that informed the production of draft BMAP was that retail growth at Sprucefield should “...be restricted to the retailing of bulky comparison goods only.”<sup>1</sup> (see excerpt from PAC report in **Annex 1** to this submission).

Whilst the PAC went on to recommend deletion of those policies in draft BMAP restricting the goods to be sold at Sprucefield Regional Shopping Centre to bulky comparison goods,<sup>2</sup> (Policy R4 and element 4 of the Retail Strategy of draft BMAP (2004 version), critically, the Department of the Environment did not accept the PAC recommendations and proceeded to adopt draft BMAP to include the restriction for bulky comparison goods only in its BMA Retail Strategy and in Policy R3.

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<sup>1</sup> Public Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 - PAC Report on the Strategic Plan Framework, 31 March 2011, para. 6.4.6

<sup>2</sup> Ibid, para. 6.49



Whilst it is noted that the decision to adopt draft BMAP was subsequently found to be unlawful following a legal challenge, we consider it is still relevant and significant that the decision was taken to restrict the sale of comparison goods at Sprucefield to bulky comparison goods only.

It appears that the recommendation for a maximum of an additional 50,000 square metres of gross external floorspace is derived from the Retail Capacity Study (RCS) prepared by the Council to inform the preparation of the DPS, which considers Sprucefield to be an out town regional shopping centre. In attempting to explain this, the RCS refers to English regional policy (PPS6) which defines regional out of town shopping centres as, “generally over 50,000 square metres gross retail area, typically comprising a wide variety of comparison goods stores.”, the previous GL Hearn report prepared for the Department for the Environment and the results of the household survey in the RCS.

In response however, we do not consider that Sprucefield functions as a regional shopping centre and therefore the proposals in Policy SMU03 to allow significant expansion of Sprucefield are unjustified and therefore unsound and the reasoning for this is as follows.

First, following the BMAP Public Inquiry, the PAC concluded that Sprucefield is not trading at a regional centre level.<sup>3</sup>

Second, in our opinion, the findings of the RCS household survey do not support the notion that Sprucefield is a regional shopping centre. The RCS considers that it is functioning as a regional shopping centre since the household survey indicates that around half the turnover of Sprucefield is generated by customers from beyond the Council area.<sup>4</sup> However, there is no indication in the household survey of how far away these customers live, and this does not therefore provide a sound evidential base on which to claim that Sprucefield is operating as a regional shopping centre.

As a result of all of this, we consider that Sprucefield is not functioning as a regional shopping centre and therefore proposed Policy SMU03 to allow a large extension Sprucefield on the basis that it is functioning as a regional shopping centre is unsound.

It is considered therefore that Policy SMU03 relating to Sprucefield Regional Shopping Centre is unsound as it fails the following soundness test:

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

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<sup>3</sup> Public Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 - PAC Report on the Strategic Plan Framework, 31 March 2011, para. 6.4.7

<sup>4</sup> Local Development Plan, Technical Supplement 5: Retail Capacity Study, October 2019, para. 6.5.3.

We propose that the remedy to this is to delete the following Key Site Requirements in Policy SMU03:

- a) A maximum of an additional 50,000 square metres gross external floor space will be permitted consisting of:
  - up to a maximum of 25,000 square metres gross external floor space for retail uses as defined by Class A of the Planning Use Classes Order 2015.*
- b) The type of retail goods off offered should be mainly comparison goods, the type, scale and nature of which to be determined through the submission of a retail impact assessment.*

We trust the above submission will be taken into account in the preparation of the Plan Strategy and that we will be kept informed on the next stages of the plan preparation.

Yours faithfully

Enc **ANNEX 1: Excerpt from Public Inquiry into Objections to the Belfast Metropolitan Area Plan 2015, PAC Report on the Strategic Plan Framework 31 March 2011.**

#### 6.4 **Objection to Retail Strategy Element 4 and Policy R 4 - Sprucefield Regional Shopping Centre**

- 6.4.1 We propose to consider the policy context for Sprucefield Regional Shopping Centre in a chronological manner in order to trace the evolution of retail planning policy for the centre. It is interesting to note that A Planning Strategy for Rural Northern Ireland (1993) stated under Policy IC 10 on page 72: "the Department considers that there is no justifiable need for any regional out-of-town shopping centres in Northern Ireland". The shopping centre at Sprucefield had been approved in 1987 and it must be assumed that it was not considered to be a regional centre by A Planning Strategy for Rural Northern Ireland. The retail policies of PSRNI (including policy IC 10) were superseded by PPS 5, issued in 1996. Paragraph 35 of PPS 5 addresses Regional Shopping Centres. The text is descriptive and the document does not define a RSC. It identifies 3 RSCs - Belfast, Londonderry and Sprucefield, but does not set out any distinguishing features between the function of these centres. In locational terms, Sprucefield is identified as an out-of-town centre occupying a unique geographical location serving a wide catchment. Paragraph 35 states that the scale and nature of Sprucefield is to continue to be controlled taking into account the policies of PPS5. No explanation is provided about the scale and nature envisaged for the centre or why it should be subject to controls that are not proposed for the other RSCs. The final part of the sentence provides some insight in that it refers to impacts on other centres and the environment. It is implicit within this statement that the unchecked growth of Sprucefield could have an adverse impact on other centres and sustainable development, contrary to the objectives of PPS5. The need to take into account all relevant policies in PPS5 therefore presumably primarily refers to policies for major retail development found in paragraphs 36-48. Paragraph 35 is silent on the future growth of the other two RSCs, Belfast City Centre and the city of Londonderry, but in view of the objectives of PPS5 it must be assumed that these city centres are to be sustained and enhanced. To conclude otherwise would be perverse.
- 6.4.2 We note that the Commission in its report on Lisburn Area Plan (2001) recommended that Sprucefield was not brought into the development limit. The Department accepted that recommendation and Sprucefield remained as an out-of-town RSC in the adopted plan. The RDS (2001) seeks to promote shopping in Lisburn town (now city) centre and only refers to Sprucefield's complementary role in that regard (BMA 1.3). RDS Appendix 10 - Sprucefield RSC states that the scale and nature of retail development will continue to be controlled in accordance with the relevant planning policies, which must mean PPS 5. The locational advantages are described as making it suitable for major employment activities - there is no reference to retailing at this location, which suggests that mixed use is envisaged at Sprucefield in the RDS.
- 6.4.3 Insight into the Department's recent thinking is provided by draft PPS 5, published in 2006. The glossary defines "Regional Centre" as the Regional Shopping Centres of Belfast, Londonderry and Sprucefield. There is however, no definition of what a RSC is or the role it performs. Policy RRP 1

distinguishes Belfast and Londonderry from Sprucefield in that the retail cores of both should be the first choice for regionally significant retail developments and exceptionally such developments may be allowed elsewhere in the two designated city centres. The policy also states that regionally significant retail developments will not be permitted outside the designated city centres of Belfast and Londonderry where they would be likely to have an adverse effect on their distinctive role as regional shopping destinations. Regionally significant retail developments are defined as proposals for comparison shopping, mixed retailing and retail-led mixed use development with a net floorspace in the order of 15,000 m<sup>2</sup> or above. Despite its status as a RSC, Sprucefield is not to benefit from regionally significant retail developments. Sprucefield has its own policy - RRP2, which states that applications will be judged on their own merits. The criteria for assessing proposals are: their contribution to Sprucefield's regional role; consideration of their impact on Belfast City Centre and other retail centres and the provisions of Policy RRP 1. There is an inherent conflict in requiring proposals to contribute to Sprucefield's regional role and at the same time not allowing regionally significant development by virtue of Policy RRP 1. In contrast to the justification and amplification provided for Policy RRP 1, Policy RRP 2 does not set out the future role of Sprucefield as a RSC. Detailed policy for Sprucefield is left to this plan (i.e. BMAP). Again there is clearly an attempt to distinguish Belfast and Londonderry from Sprucefield and allow development at Sprucefield that will not impact on Belfast City Centre or other centres. However, the distinction and the reasons for it are unclear in the context of all three being Regional Shopping Centres. It is not the function of the development plan to specify the difference between different regional centres - that is a matter for regional policy to elucidate.

- 6.4.4 The lack of clarity is not helpful in terms of the future role of Sprucefield and in terms of guidance for development plan policy for the centre. The conclusions of the Retail Study were that Sprucefield and Belfast City Centre were both under-performing for their position in the retail hierarchy. The figures in the retail study update at Figure 3.34 on page 29 show that in 2002 Sprucefield's turnover was less than half that of Abbey Centre, Forestside and Bloomfield District Centres. Recent store openings at Sprucefield will have boosted its turnover, but the information available was that turnover was still likely to be less than at those three District Centres. Similarly, the development at Victoria Square has gone some way to redressing the balance for Belfast City Centre. In view of its status as a RSC, policy support for the promotion of Sprucefield and guidance for the future policy direction for Sprucefield would have been expected in draft PPS 5. However, the thrust of the draft policy would appear to be to treat proposals at Sprucefield in the same way as out-of-centre proposals elsewhere with the proviso that their (unspecified) contribution to the Centre's regional role should be considered. We note that it is proposed to bring Sprucefield within the development limit in the draft plan. There is significant confusion and lack of clarity within and between both existing and proposed policies. We find that this situation is not helpful and that the resultant difficulties are exacerbated by the delay in finalising revised regional policy.

- 6.4.5 There was no objection in principle to the designation of Sprucefield as a Regional Shopping Centre. The debate rather focussed on the impact of a proposed Department store and associated shops on city and town centres. It is not the function of the development plan inquiry to deliberate on an individual proposal and therefore we make no comment on this particular issue.
- 6.4.6 The point was made at the inquiry that policy for a regional centre serving (in theory) all of Northern Ireland, cannot be included in an Area Plan. We do not entirely accept this argument. The Department gave a commitment to include policies for Sprucefield in BMAP in the adoption statement for Lisburn Area Plan 2001. We also note that Sprucefield is within the development limit and zoned in BMAP. As stated above, paragraph 11 of PPS 5 allows the Department to indicate where retail development is to be focussed and existing provision is to be enhanced in development plans. There is therefore a role for detailed policy to give effect to and refine regional policy in the light of local circumstances. The role and function of different centres within the retail hierarchy or of different centres within the same level in the hierarchy is, however, a matter for regional policy. The recommendation of the Retail Study was that Sprucefield should be allowed to grow in floorspace terms to at least 75,000 m<sup>2</sup> and that this should be restricted to the retailing of bulky comparison goods only. The Department has adopted this recommendation. The bulky goods restriction relates to a fundamental characteristic of the centre to which there is no reference in either PPS5 or draft PPS 5. Such a restriction on the type of retailing to be permitted in one of the three RSCs is clearly a regional matter and should have been made explicit in regional policy (i.e. draft PPS 5). In the absence of any such reference in regional policy, the restrictions now proposed through BMAP would have the effect of fundamentally changing the nature of the designation and are not appropriate for introduction through the development plan process.
- 6.4.7 There is no doubt that Sprucefield is not trading at a regional centre level. Irrespective of the reasons for its original approval, it has now expanded to comprise a very large Marks & Spencer (which incorporates a furniture store, restaurant and Café), a Boots store, a sports store, a furniture store (now closed), PC World, an adjacent vacant retail warehouse and a fast food outlet on one site. There is a more recent set of units on the other side of a busy dual-carriageway which comprises: a Sainsbury's store and petrol filling station/shop, Next furniture, Argos Extra, Curry's, B & Q and Toys-r-Us. These units are typical of those found at retail parks and District Centres. The only distinguishing feature at Sprucefield is the size of the Marks & Spencer store and the range of goods it offers, which constitutes the only truly regional draw. It is not surprising therefore that Sprucefield is not trading at a regional centre level. The absence of a clear view about what type of RSC it is or indeed whether it is truly a RSC at all are factors that are likely to have contributed to this situation. The delay in finalising the revised regional policy is not assisting in this regard.
- 6.4.8 In view of the role of Sprucefield as identified in regional policy and its current under-performance in regional terms, policy in the plan should be focussed on supporting the position of the centre in the retail hierarchy. However, neither



the Retail Strategy nor Policy R 4 does anything in real terms towards fostering a truly regional centre. Several objectors referred to the Commission report on the extension to Marks and Spencer (1998/C009). The appointed Commissioner in his report expressed the view that the provision of more retail warehouses at Sprucefield would not assist in achieving a regional trade draw. Yet this is what the Department has opted for in its policy. The requirement for bulky goods retailing seems to be a measure to protect town centres. Yet proposals would have to meet the tests in paragraph 39 of PPS 5, in any event. This requirement is advanced at a time when future policy as set out in draft PPS5 appears to be moving away from separate consideration of retail warehouses and bulky goods retailing. It is difficult to see how more of this type of retailing will enhance Sprucefield as a regional centre. The plan states a minimum unit size of 6000 m<sup>2</sup>. The Department amended this to 3000 m<sup>2</sup> in their evidence. The justification for this size limit was not explained other than to distinguish Sprucefield from other out of town shopping centres. It is clear that this distinction arises from its role as a RSC. This restriction was not suggested in the recommendations of the Retail Study or Update. The point was made that there are very few operators who require this larger unit size. The main such operator is IKEA and they have built their Northern Ireland store at Holywood Exchange. We consider that to introduce the floorspace restriction proposed in the light of no discernable demand would not enhance the centre nor allow it to fulfil its stated potential as a regional centre. Furthermore, such a restriction, aimed at supporting the regional status of the centre, is not appropriate for inclusion in the development plan for the reasons set out in paragraph 6.4.6 above. 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 enable to fulfil that role. The introduction of regional policy in a development plan is unacceptable and cannot be supported. Accordingly, elements 2 and 3 of Policy R 4 and element 4 of the Retail Strategy should be deleted from the Plan. Element 1 of Policy R 4 is already a consideration under PPS 5 and does not need to be repeated. Element 4 is covered in the District Proposals in Designation LC16 and it is unnecessary to repeat it here. There is therefore no need for those elements of the policy either. This leads us to the inevitable conclusion that Policy R 4 should be deleted in its entirety.

- 6.4.9 In view of our conclusions about the lack of clarity surrounding the regional role of Sprucefield and the inappropriate nature of the proposed policy in a development plan context, we cannot support the suggestion that an additional criterion should be introduced favouring up to 50,000 m<sup>2</sup> of comparison retailing provided that it is associated with an anchor unit demonstrably serving a regional catchment. This proposal would introduce policy relating to the scale and nature of the centre into development plan policy which would be unacceptable for the same reasons as the Department's proposals. It could potentially prejudice existing and emerging regional policy for the centre which requires consideration of the impact of proposals on existing centres. Such impacts should properly be judged through the development control process in relation to individual proposals. The additional criterion suggested by Michael Burroughs Associates would preclude all comparison shopping at Sprucefield that would enhance the vitality and viability of town centres. This criterion would be too prescriptive

and has the potential to not allow for any new comparison shopping because all comparison retailing could be said to enhance the vitality and viability of town centres. This amendment is also unacceptable for the reasons set out earlier in this paragraph. It appears to us that the tests in paragraph 39 of PPS 5 address the issues identified by both objectors. Other suggestions have been considered above in our analysis of the Department's bulky goods and minimum unit size restrictions.

**Recommendation**

- We recommend that the additional criteria proposed for Policy R 4 is rejected and that Policy R 4 and element four of the Retail Strategy be deleted from the plan.

**6.5 Objection to Policies R 1 and R 2 - Retailing in City and Town Centres and Primary Retail Frontages**

6.5.1 Paragraph 11 of PPS 5 states that development plans may indicate where new retail development is to be focussed and may, where appropriate, identify a primary retail core. Paragraph 22 emphasises the important contribution of the diversity of town centre uses to their vitality and viability. Paragraph 23 states regional policy for the control of non-retail uses in primary retail core areas. BMAP policies relate to Retailing in Town and City Centres (R 1) and Primary Retail Frontages (R 2). The stated purpose of both policies is to support the vitality and viability of city and town centres. We consider that retailing proposals outside such centres are covered by regional policy and other BMAP policies and therefore do not need to be addressed by these policies. We note that although these matters are addressed by regional policies, development plan policies can be tailored for the BMA.

6.5.2 The Departmental response to several objections agreed that changes to both policies were of benefit. The agreed changes were as follows:

- In terms of policy R 1, it was agreed that the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> elements contained the same tests as paragraph 23 of PPS 5. If the criteria in paragraph 23 are accepted as planning policy by the Commission then they could be removed from R1. The first criterion is covered by Policy R 2 (response to objection 814).
- The Department agreed with some of Belfast City Council suggested changes to Policy R2. This introduced 25% of street frontages in non-retail use as a maximum figure. The Department considered that the issue of significant breaks of non-retail uses was covered by Policy R 1.

6.5.3 In this context, it is clear that there are significant overlaps between the policies and that the Department were willing to accept changes to their wording. Michael Burroughs Associates objection suggested amalgamating the two policies into one with the following suggested wording: