

20 January 2022

Dr D O'Neill BSc DipTP PhD MRTPI
C/o Barry Fegan (Programme Officer)
Park House
87/91 Great Victoria Street
Belfast
BT2 7AG

**WILLIAMS
GALLAGHER**

Williams Gallagher
Portman House
5-7 Temple Row West
Birmingham
B2 5NY

williams-gallagher.com
m. 07944 513 126
e. heather@williams-gallagher.com

By Email Only

Dear Mr Fegan,

**INDEPENDENT EXAMINATION
FERMANAGH & OMAGH DISTRICT COUNCIL
LOCAL DEVELOPMENT PLAN: PLAN STRATEGY
FURTHER WRITTEN SUBMISSION ON BEHALF OF CCP IV ERNESIDE SÀRL**

I write further to your letter dated 7 January 2022 in which you confirmed that the Commissioner presiding over the Fermanagh and Omagh District Council (FODC) Local Development Plan (LDP) Examination would accept a further written submission on behalf of our client, CCP IV Erneside Sàrl, in relation to what we consider to be a material change in circumstance since the Plan was submitted for Examination. This is in lieu of us being able to attend the relevant Hearing (owing to the company responsible for submitting representations on behalf of our client at the time not specifically indicating that they wished to attend / participate at the Hearings on behalf of our client (DPS104)).

As set out in my email dated 21 November 2021, the Commissioner will be aware that since the draft LDP was submitted for Examination, an application for the redevelopment of an out of centre site in Enniskillen (known locally as the 'Unipork' site and referred to by the owner of the site (Elm Grange Ltd) as Lakelands Retail & Leisure Park (Application Ref: LA10/2019/1392/F)) was considered by FODC's Planning Committee on 16 June 2021. The Committee decided they were 'minded to approve' the application for a mixed-use retail and leisure development comprising 5 retail units, 2 garden centres, 1 indoor adventure play unit, hotel, cinema, bowling alley, coffee pod, drive-thru restaurant and self-service pay at the pump station (despite a clear and substantive officer recommendation for refusal). The application is now with the Department for Infrastructure (DfI) for consideration as to whether the application should be referred to it for further consideration and determination. In the context of Enniskillen, this proposal is significant as it comprises a significant amount of retail and leisure floorspace in an out of centre location.

We are writing to you today as we consider it highly likely that this application will be debated at the Town Centres Hearing on the afternoon of 25 January and consideration potentially given to the Unipork site being allocated for the types of uses currently proposed. This is of concern as we understand the owners of the site (Elm Grange Ltd) are to be represented at the Hearing; there are however no participants representing Enniskillen Town Centre, which to our mind is essential if the Commissioner wishes to have a balanced debate as regards to the LDP's draft retail and town centre policies - Elm Grange Ltd having previously argued that their site be allocated as a District Centre (see Counter Rep Numbers CRDPS 01-03 and Rep Number DPS011).

It is with the above in mind that we wish to reiterate that notwithstanding FODC's 'minded to approve' decision in respect of Application Ref: LA10/2019/1392/F, no reliance can be placed on this until such time the DfI returns its verdict as to whether or not the application should be referred to them for further consideration and determination.

Furthermore, to allocate this site as a District Centre, the Commissioner would need to be satisfied that there is demonstrable need or capacity for the scale of development proposed and that it would have no adverse impact on Enniskillen Town Centre. It is quite clear from the evidence commissioned by FODC

(namely the Fermanagh and Omagh Retail Needs Assessment (FORNA) (2020 Update)) that such need or capacity does not exist. In fact, the FORNA makes clear that there is no capacity for comparison goods through to 2030 and beyond and limited capacity for convenience goods.

The Officer Report to Committee in respect of Application Ref: LA10/2019/1392/F (16 June 2021) also concluded that the proposal would have a significant adverse impact on trade and turnover for both convenience and comparison good traders in Enniskillen Town Centre overall and that it would also have a significant adverse impact on the vitality and viability of Enniskillen Town Centre.

This assessment of impact had regard to the health of Enniskillen which, at the time of reporting, was considered to be fragile and thus extremely vulnerable to the proposed development (the proposed development being substantial in scale in terms of retailing floorspace, equivalent to 20% of the existing town centre).

The Officer Report also went on to note that:

- there is already an oversupply of retail floorspace within the town - the development would draw trade away from existing town centre businesses and be in direct competition with them;
- there is no need for additional cinema screens or tin pin bowling in Enniskillen;
- there is no *qualitative* need for the only confirmed retail occupier of the site (The Range) – indeed, existing provision is considered largely sufficient; there is also very little leakage of spending from the District in terms of comparison goods and even less in terms of bulky goods;
- the proposal will likely encourage town centre businesses to vacate their existing premises and move out to this out of centre location leaving their existing units vacant and unlikely to be filled;
- where there are high levels of vacancy, in conjunction with a substantial oversupply of floorspace and negative residual expenditure, the proposal will not be accommodated through increased growth in spending, it will instead be accommodated by taking a greater trade draw from the town centre leading to a greater impact on the town centre;
- these impacts will damage investor confidence in regenerating the town centre and vacant sites with existing and committed investment in the town centre regeneration wasted, as well as a likely loss of committed and planned investment (e.g. Station Green);
- there is a sequentially preferable site to accommodate the proposal; that is, the site identified as Policy Area 3 “Land to the North of Dublin Road/Tempo Road” (Fermanagh Area Plan) – this includes the Station Green site).

In addition to the above, and notwithstanding a lack of demonstrable quantitative / qualitative need for and the likely adverse impacts of the proposal, the suggestion that the Unipork site be allocated as a District Centre is, to us, somewhat absurd given the proposal subject to Application Ref: LA10/2019/1392/F lacks any of the qualities of that of a traditional District Centre.

In other words, what is being proposed is an out of centre retail and leisure development which relies on car borne trade and fails to provide the mix of uses that would usually be expected to be provided as part of a District Centre offer, most notably a food store, but also uses such as a Post Office, doctors surgery, retail services etc). It is simply inconceivable that such a development could ever be regarded as a bone fide District Centre.

In view of the above, we respectfully request that any suggestion that the Unipork site be allocated for either a District Centre or for general retail / leisure be dismissed out of hand. We also request that any amendment to the LDP relating to town centres of the Unipork site be consulted upon prior to the Plan being adopted.

Yours sincerely

A handwritten signature in black ink, appearing to read 'HEARNELL' with a large, stylized initial 'H'.

Heather Arnell
WILLIAMS GALLAGHER

Enc: 1) Fermanagh and Omagh Retail Needs Assessment (FORNA) (2020 Update)
2) Officer Report to Planning Committee 16 June 2021

