

Mr. Eoin Bennis,
Planning and Housing (Finance & Policy) Section,
Department of Environment, Community,
& Local Government,
Custom House,
Dublin 1.

20th December 2011

Re: Draft Retail Planning Guidelines

Dear Mr. Bennis,

The Irish Planning Institute welcome the publication of the Draft Retail Planning Guidelines for Planning Authorities. It is considered that the Guidelines as they exist represent best international practice but that some aspects need to be altered in the light of experience.

The submission has been framed such as to address the board strategic issues first and then makes specific reference to the actual draft guidelines themselves.

1.0 General Comments

1.1 Retail Hierarchy

The Institute considers that the Draft Retail Guidelines like any other guidelines should be part of an overall comprehensive suite of guidelines that takes its direction from national policy. Good planning should be based on a 'plan-led' approach from national level feeding down to local level. Therefore, the National Spatial Strategy plays a pivotal role in informing the settlement hierarchy at regional and local level. The review of the NSS is, therefore crucial, as the settlement hierarchy and infrastructure provision will have a direct knock on effect on the retail hierarchy.

1.2 Retail Strategies

Paragraphs 33 and 34 of the RPG provide that it is not sufficient to simply preserve existing town centres, but that it is also important to undertake 'positive action to promote change' including the requirement to undertake 'effective management and promotion of the town centre'. This requirement should be more strongly reflected in the Guidelines and enshrined in emerging retail strategies. This area of retail planning has been largely neglected and ignored in many town centres. Without effective Active Town Centre Management in place, centres will inevitably decline, which has the twin affect of impacting on competitiveness and innovative retail solutions.

With regard to the preparation of retail strategies, there is no indication as to who will assess the quality and content of the multiple retail strategies referred to in the Guidelines in Section A 3.3. It is considered that there needs to be an arbitrary body when these plans are being prepared to ensure the retail strategies don't undermine the National Spatial Strategy and the Regional Planning Guidelines. It would also be useful to define what is meant by the gateway area e.g. gateway definition as per the NSS and geographical area as per the RPGs?

1.3 Baseline Information

Baseline information regarding special forms of trading such as internet shopping are weak. It is considered that more research on this would provide a more accurate picture of growth in expenditure and as a proportion of consumer spending. Some of the internet retailers do not have a street presence and if this market is growing, this may have implications for physical planning in the long term.

1.4 Omission of Guidance on District Centres

The Draft Retail Planning Guidelines, unlike the current guidelines, do not give any guidance on one of the well established components of the retail hierarchy, "district centres". No guidance is set out on the appropriate location, scale, mix of uses or urban design approach for district centres. This is a significant omission from the guidelines. This omission appears to arise from confusion in the terminology in the guidelines and, in particular, the use of the term "shopping centre" where the term "district centre" would be the appropriate term.

In the glossary the term "shopping centre" is defined as both a **"type of retailing"** and a **"type of centre"** as follows:

Shopping centres are a "type of retailing" and not a "type of centre".

Shopping centres are a form of retail development found in all types of centres. They are commonly found in city and town centres, in district centres and, on a smaller scale, are sometimes found in neighbourhood centres.

The guidelines recognise on page 8 that: *"The development of major shopping centres within city and town centre areas has contributed very positively to the vitality of these areas and has been a major success of previous planning policy."*

Many shopping centres in Ireland are not located in district centres and indeed many city and town centres have shopping centres.

The guidelines also state on page 8 that the *"physical form or mix of functions makes a city or town centre different from a shopping centre and provides much of its character."*

Some district centres also have a physical form or mix of functions, which makes them distinct from shopping centres. Traditional district centres that have these qualities include Rathmines, Phibsborough, Clondalkin and Blackrock- all designated district centres with a mix of traditional shopping streets and shopping centre retailing.

The definition in respect of the term "shopping centres", under the "types of centre" in Annex 1 is in fact a much closer fit for a definition of a "district centre". The term "shopping centres" should be changed to district centre for the purpose of clarity, and to avoid ongoing confusion in respect of this use of terminology.

Confusion is also found in the main body of the text in Section 5.11, under the title *"Assessing New Development – Types of Retail Development"*.

Under the sub heading "shopping centres", a description is given of this retail type. However, this description again does not fit well with the term "shopping centre" as commonly understood and it would appear what has been described is in fact a "district centre".

For example, the description in Section 5.11 of "shopping centre" states that the provision of additional shopping centres needs to be based on a significant growth in population in the intended location or on a demonstrable level of under-provision in the area. These criteria are not appropriate for new shopping centre developments in city and town centres, where shopping centres are commonly found. These criteria are more relevant to development of new "district centres" rather than new "shopping centres".

It should be noted that the term district centre has been established for many decades and is a term that has been used and is well understood in Development Plans since the 1970's. The term is found in the Core Strategies and the Retail Strategies of Development Plans, and in joint Retail Strategies, as well as in the current Retail Planning Guidelines. It is used extensively in the joint Retail Strategy for the Greater Dublin Area for example. The draft Guidelines do in fact use the term "district centre" on a number of occasions while omitting any statement as to what is meant by the term and omitting any guidance on this form of retail and development.

In the development of new district centres, and the redevelopment of older district centres in urban areas, there has been a strong move away from the "shopping centre" concept in recent years. There is a move away from the inward looking and enclosed shopping centre mall type environment to a much more open and active environment comprising of open streets with public spaces comprises a strong mix of uses and active frontages.

If the Department has concerns about the scale and role of some district centres in urban areas, then this should be addressed by giving very clear guidance on the appropriate location, scale and mix of uses and urban design approach in district centres, rather than by using confusing terminology to seek to address this concern.

1.5 Types of retailing

It is noted that the term 'superstore' has been omitted from the draft guidelines. There are concerns that a literal interpretation of the draft Guidelines would result in proposed stores either being of a scale of up to 2,500 sq.m. or of a hypermarket scale with no provision of a type of store between 2,500sq.m. to 4,999sq.m. This apparent gap needs to be addressed in the interests of clarity. The Institute recommend the use of specific examples of potential type of retail applications setting out what category of retail they fall within and how the caps are to be applied.

Further, the Guidelines should clarify how retail applications currently within the planning system should be considered? If proposals do not comply will an opportunity be afforded to applicants to revise such or are such applications to be refused outright?

1.6 Net and Gross Floor areas

The Institute consider that the definitions of net and gross floor areas are such that will still lead to confusion and inconsistencies in their application. The Institute suggest that practical examples for calculating both net and gross floor areas of different types of retail units should be provided. For example, does a bakery area within a supermarket constitute retail floor space? Are distribution centres associated with units considered to be retail space or classed as storage space notwithstanding that these areas can be used for extensive home deliveries?

The draft Guidelines refer to net retail area as also including 'area in-front of checkouts'. What is meant by the term 'in-front of checkouts'? Does this refer to the area before or after you pass through the check-out?

1.7 Types of Location

The draft guidelines set out similar list of types of location as in the current guidelines i.e.

- Centre
- Edge-of-centre
- Out-of-centre
- Out-of-town

This is considered appropriate. However the definitions should make it clear that proposals in designated district and neighbourhood centres are to be regarded as 'in centre' provided they comply with the development plan objectives and retail strategy. Clearly appropriate proposals in designated district and neighbourhood centres are not edge of centre, out of centre or out of town and this should be made clear to avoid unnecessary confusion in

interpretation. Clearly, district centre and neighbourhood centre retail needs cannot be met by development in the city or town centre as they serve different roles and different functions in the retail hierarchy.

1.8 Companion guidance documents

The draft retail guidelines refer to the preparation of a non-statutory Best Practice Manual in relation to design issues and retailing which will accompany the final Guidelines. Whilst this is welcome, the Institute also considers that a companion document regarding the preparation of retail strategies and retail impact assessments would be useful and would also ensure a degree of consistency in both the preparation and assessment of these processes. As set out previously in a submission to the Department, the Institute considers that perhaps a new Annex should be provided that would list reliable data sources retail analysis (though it should be made clear that this list is not prescriptive or exhaustive).

With regard to assessment of retail impact and more specifically to Stage 5 'estimation of trade diversion', the Draft Guidelines set out that it is not intended to impose a required methodology to this stage of the calculation and that a variety of approaches can be taken at this stage. There is a notable absence of any details as to what approaches are acceptable and again is an example of one area where inconsistencies in the interpretation and application of data can and will arise.

The Institute suggest that any such companion documents should also be subject to public consultation.

2.0 Specific Comments

2.1 Paragraph 3.4: *"As part of this proactive approach to promoting city and town centres, the planning authority should also identify potential edge of town and out of town sites which may be considered if more suitable sites in city / town centre do not become available for whatever reason following application of the sequential approach. In this way the planning authority can guide development toward the most sequentially preferable of the edge / out of town sites."*

The Institute consider that whilst the identification of potential edge of town sites and out of town sites may help to steer retail development to the more appropriate sites should town centre site not be available, Planning Authorities need to ensure that adequate measures are put in place to address the barriers that exist to acquiring and assembling such sites. In this regard, the Institute previously indicated that the issue of site assembly needed to be addressed within the Guidelines. It is considered that little or no practical advice has been outlined within the guidelines to aid planning authorities and/or potential retailers/developers in this regard. The Guidelines should provide details of powers that are open to Planning Authorities to acquire sites such as CPO mechanism. In addition, practical examples should also be provided.

2.2 Paragraph 5.6 *Out-of-Centre Retailing* *"However, where an applicant can provide evidence that the requirement to set up in the sequentially preferable site is leading to them altering their core business model, and having a detrimental impact on the offering to the consumer, planning authorities may need to demonstrate flexibility in the assessment of the application."*

The need to protect a core business model should not be a material consideration, in the same manner as the Guidelines state that the assessment of impact on town centres should not be related to trade impact on an individual retailer.

2.3 Section A4.3 refers to quantitative assessments and an example of a more simplified approach to calculating such is provided. Whilst the approach cited is considered less methodical in its application, it is considered that the apparent under provision of both retail warehousing and shopping centre floorspace is not the case in reality. The downturn in the

economy has clearly led to higher retail vacancy rates within some towns. Additionally, the extent of vacant retail warehousing units throughout the country also needs to be acknowledged. Therefore, the Institute caution against the use of such a simplified method.

2.4 The definition of 'bulky goods' as provided in Annex 1 (page 55) should be expanded to provide clear direction on the extent of goods that are considered to be truly 'bulky'. Perhaps, a more important aid would be to outline goods typically being sold within retail warehousing units that are not considered 'bulky'. For example, the sale of convenience goods, smaller household electrical/utility items, clothes, toys are not 'bulky' items requiring the use of a car/van for their removal.

Conclusion

Section 1.1 of the Guidelines set out that it is the aim of the guidelines to provide comprehensive policy and practice framework to guide, *inter alia*, planning authorities and An Bord Pleanála in the assessment of planning applications and planning appeals and to guide retailers and developers in preparing development proposals. One of the key issues arising from the current guidelines is their inconsistent interpretation by decision makers. As previously highlighted by this Institute, this is a result of a combination of vagueness within the Guidelines themselves, and a lack of understanding of practitioners of the complexities of the retail market. It is the Institute's view that the Guidelines need to provide explicit guidance in the preparation of retail strategies and in the preparation and interpretation of impact assessment, including sequential assessment. This can be best done by the production of a "Good Practice Guide". The use of examples or specific case studies throughout the guidelines as a whole would be beneficial and would help to bring clarity to areas where inconsistencies currently exist.

We would welcome the opportunity of discussing these matters with you at your convenience.

Yours sincerely,



Brendan Allen

President