



Belfast City Council

Report to:	Development Committee
Subject:	Sprucefield Public Inquiry
Date:	9 December 2009
Reporting Officer:	Shirley McCay Acting Director of Development ext 3459
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Relevant Background Information

In August 2008, Sprucefield Centre Ltd submitted a revised application for a significant retail development (including John Lewis Partnership) at Sprucefield. The proposed scheme will comprise: a John Lewis Department Store of 22,300 m² (covering four floors); 19 individual retail units with a total area of 22,500 m² (no more than four of the units to be less than 250 m² and the majority more than 500 m²); and 7 food units totalling 1,580 m².

The Council submitted an objection to the Planning Appeals Commission (PAC) reiterating the previously articulated position that the application would be considered contrary to both the current (RDS) and the proposed planning policies (BMAP) by virtue of the adverse implications for the existing retail centres and the future regeneration of Belfast and other adjoining centres.

The Department of Environment requested the Planning Appeals Commission to conduct an Article 31 Public Inquiry for the purpose of considering the implication arising from the Sprucefield Centre Ltd application. The inquiry date was set for Monday, 30 November 2009 at Park House, Great Victoria Street. In advance of the Public Inquiry, the Council submitted a statement of case to the PAC on Friday 18 September 2009. Following the exchange of the statements of case in the following week, the Council prepared a rebuttal commenting on the other parties' cases which was scheduled to be submitted to the PAC by Friday, 23 October 2009.

The approach to preparation and participation in the public inquiry utilised internal resources supported by Dr Tony Quinn, the retail planning expert previously commissioned by the Council to provide specialist evidence.

Key Issues

On the 26th October, the Planning Appeals Commission notified objectors that the applicant Sprucefield Centre Ltd had not complied with Regulation 15 (2A) of the Planning (Environmental Impact Assessment) Regulations (NI) 1993. The applicant did not submit the required information on the Environmental Impact Assessment within the 3 month period and it appeared that there was no written agreement between the applicant and the Department to extend the time period to submit the further information beyond the 3 months specified in Regulation 15(2A). The PAC assumed that this would result in the application being deemed refused in March 2009 therefore the Commission would have no statutory authority to consider it at a public Inquiry.

The Department of the Environment stated that they were seeking legal advice on the status of the application but, due to the uncertainty, the Planning Appeals Commission decided to notify objectors of the postponement of the Inquiry and the arrangements for the submission of the rebuttals. The Commission also stated that if the Courts determined that the application remains live, the Inquiry process would be re-activated by the Commission at a later date.

It should be noted that Sprucefield Centre Ltd resubmitted the same application (reference W/C 2/11/09) on 27 October. The Department has declared the application Article 31 and formally written to all objectors and consultees in relation to the resubmitted application. The Council was required to resubmit the letter of objection prior to the deadline 1 December 2009 and did so. The Council's previous letter of objection, statement of case and rebuttal statement remain relevant as the details of the application remain unchanged.

Resource Implications

The provision of specialist retail planning assistance for the Sprucefield Public Enquiry has been estimated to cost £8,000. A payment of £6,349 has been made for external retail planning expertise in relation to the preparation and submission of the statement of case and the preparation of the rebuttal statement.

Recommendations

Members are requested to:

1. note the postponement of the Sprucefield Public Enquiry and the Council's resubmission of the objection to the Sprucefield Centre Ltd application - Reference W/C 2/11/09

Key Abbreviations

PAC – Planning Appeals Commission
RDS – Regional Development Strategy