

Laura Crawford

From: Andy Stephens <andy@matrixplanningconsultancy.com>
Sent: 23 May 2022 07:45
To: Planning; Joan Baird
Cc: Denise Dickson; Glyn Roberts; Joeline@retailni.com; jamie@colerainebid.com
Subject: Ref - SPEAKING REQUEST - OPPOSITION - Item 5.3 - LA01/2021/0933/F - Unit 12 & 13 and Front of Unit 17 Riverside Centre, Castleroe Road, Coleraine

Dear Planning Office & Chair of the Planning Committee

Further to the above item being recommended for approval and listed to be presented for determination at the 25th May 2022, Planning Committee.

I would please request to speak in opposition to the recommendation and proposal on behalf of Retail NI.

Persons appearing before Committee would be;

Mr Andy Stephens, on behalf of Retail NI (Presenter)
Mr Jamie Hamill, on behalf of Coleraine BID (Questions Only)

I would simply state at this juncture that this recommendation is perverse in the context that a town centre retailer located in The Diamond at the heart of Coleraine town centre is being assisted/facilitated by the Council to move to an out of centre location. The decision is inconsistent with the previous decisions of the Causeway Coast & Glens Council and the PAC in respect a conflict with NAP 2016 and the objectives of the plan and complementary function that Riverside Centre is supposed to plan. Finally it is completely irrational given the "town centre first" approach of the SPPS and the available alternative sites within the catchment.

Retail NI is completely dumbfounded by Officers lack of consideration of these matters in the Committee and Addendum Reports before members.

Whilst the Courts accept that a Planning Committee Report, does not need to cover every point. This report is devoid of any actual consideration on these matters and amounts to a "sleepwalking" of the Committee into an unlawful decision, which would not be legally robust.

In the recent application for judicial review in the matter of *Duff v Causeway Coast & Glens Borough Council {2022} NIQB11*, I note the comments of Mr Justice Scofield at paragraph 16 where he stated;

"In Mr Morgan's submissions, at my request, he provided further details of the aspects of the Council's consideration which, on reflection and with the benefit of legal advice, it now accepted gave rise to a legal vulnerability in its decision warranting the grant of a quashing order so that the application would be reconsidered".

This recommendation is legally vulnerable and it would appear that no lessons have been learnt from recent legal decisions.

Perhaps you could please confirm that this request has been received, that speaking rights have been granted.

Kind regards

Andy Stephens

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