



RetailNI

Standing up for
Independent Retailers

Counter Representation DPS – 073 – LIDL Northern Ireland

LIDL is a Limited Assortment Discounter (LAD), with an accepted limited number of products 2,500 product lines. It is noted and accepted that LIDL are different to main supermarket retailers with 30,000 product lines.

LIDL presents all the economic benefits but fail to provide any detail on the nature of the employment (FT/PT or Zero hours), nor do they consider that the purported economic benefits could be delivered on sequentially preferable sites.

There is no independent economic assessment of the negative impacts on town and city centres in the catchment, nor the associated job losses to provide a balanced assessment.

It is noted that LIDL are trying to build just inside the settlement limit in Donaghadee and are examining towns lower down the settlement hierarchy, which are displaying good levels of vitality and viability, and lower levels of vacancy. The negative impacts will be the same as those witnessed elsewhere where LIDL seeks an unfair competitive advantage, selecting out of centre sites as the first choice for their retail model.

draft Policy RET1 – Retailing and main town centre uses

Whilst the term 'sound' is not defined in the 2011 Act, it may be considered in this context within its ordinary meaning of 'showing good judgement' and 'able to be trusted' and within the context of fulfilling the expectations of legislation.

Retail NI disagrees with the position set out at paragraph 12 as being unnecessary. Planning policy should be clear and precise, so that all parties understand the policy provisions and the requirements to be met. The wording should not be assumed, as that would not meet the coherence tests.

The dPS correctly introduces a needs assessment, and it is noted that the PAC have indicated on several occasions that need is not well defined in the SPPS. There is no indication of what "proportionate" means in this context, although such an assessment will involve planning judgement on a case-by-case basis on the part of the decision maker. The dPS is coherent in that it seeks a needs test, and it takes account of the lack of coherence in the SPPS, as noted by the PAC.

MBA continue to reference the position in planning policy in England, but that is in a different jurisdiction, which are not comparable to Northern Ireland, as they do not exhibit the same population density or catchments. It is also noted that the NPPF has more stringent sequential tests introducing disaggregation of developments.

The PAC decision enclosed at Appendix 1 pre-dates the SPPS and the Plan led system, which are the most significant changes in planning in Northern Ireland, so it is not relevant in the current context.

The Council can influence their own Plan and policy wording, so long as it is consistent with the SPPS. It is noted in the SPPS at paragraph(s) 2.2, 4.2, 4.4 all reference the role that planning authorities play in supporting positive place-making.

It is noted that LIDL accept that an out-of-centre proposal cannot contribute to the vitality and viability (V&V) of the town centre. Given the accepted harm that out-of-centre development will have on the town centre, the contribution to the town centre could be secured by legal agreement to off-set the harm on the V&V.

Retail NI has provided a re-wording of Policy RET1 in its previous submission, and in response to the lack of clarity in the initial version of the SPPS. The test is to comply with the SPPS not regurgitate it verbatim without addressing some of the previous coherence issues in its wording, as identified in PAC decisions, which MBA have been involved.

draft Policy RET6 – Out of Centre Development

Policy RET 6 is clear and coherent in that it references directly back to the tests in Policy RET 1 and the change proposed by MBA would simply duplicate the matter.

An assessment of need must be provided that is realistic and proportionate to support the application. It must incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the city or town centre and take account of committed development proposals and allocated sites.

It is without doubt a material fact that out of centre development relies exclusively on private car, and this is why surface level car parking is a requirement in all of LIDLs applications.

The assertion that out of centre developments could retain more shoppers in the town centre is utterly fanciful and without any supporting evidence. Out of town developments have accelerated the demise of town and city centres throughout Northern Ireland, as witnessed by increased vacancy where out of centre developments continue to be permitted.

The notion of clawback is an expression used in retail impact assessments (RIAs) where the turnover to support a new store does not exist within the catchment and the diversions would be significant on existing retailers in protected centres. Given that foodstores sell perishable items people will not travel long distances as claimed. This was considered in appeal 2011/A0150, paragraph 16.

The approach adopted is entirely consistent with Polic RET2 and will ensure controls on out of centre development. In any case Retail NI have suggested stronger wording of the retail policies in the dPS given the failure of the SPPS to adequately protect town and city centres since its inception.

Conclusion

The approach adopted by LIDL is unsound and contradictory in relation to the tests of Consistency, Coherence and Effectiveness and unsurprisingly it is self-serving in its approach.

I would welcome an opportunity to make an oral presentation on this matter as it progresses.

Yours faithfully



Glyn Roberts
Chief Executive of Retail NI

From: Anna Maria <anna@retailni.com>

Sent: 07 July 2026 16:29

To: General, Planning <planning@ardsandnorthdown.gov.uk>

Cc: Anna Maria <anna@retailni.com>; Glyn Roberts <glyn@retailni.com>; Andy Stephens <andy@matrixplanningconsultancy.com>

Subject: Ref - LDP DPS - Counter Representations - DPS 073 - MBA - LIDL

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Dear Sir/Madam,

Please find additional information attached.

Kind Regards,

Anna

Anna Maria Szadowiak

Head of Operations

Retail NI

245 Upper Newtownards Road

Belfast

BT4 1NL

M. 07542845834

E. anna@retailni.com

W. retailni.com

