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27 April 2011

Delivered by Post and E-mail

Inner Moray Firth Local Development Plan Call for Sites
Director of Planning and Development
Glenurquhart Road
Inverness
IV3 5NX

Our ref: SAIE2024

E: tferguson@turleyassociates.co.uk

Dear Sirs

INNER MORAY FIRTH LOCAL DEVELOPMENT PLAN CALL FOR SITES LAND AT BALMAKEITH, FORRES ROAD, NAIRN

We write on behalf of Sainsbury's Supermarkets Ltd, in relation to the above site.

The subject site received planning permission on 30 April 2010 for Class 1 retail units (including food and non-food retail), petrol filling station, vehicular access, car parking, landscaping and ancillary works following call in of the application by Scottish Ministers (Refs: 07/00099/OUTNA, NA/HLD/045). Since then two applications for approval of matters specified in conditions have been approved by Highland Council on 18 November 2010 and 3 December 2010 (Refs: 10/02995/MSC and 10/04197/MSC respectively). The development is currently under construction.

Sainsbury's would now like to take this opportunity to promote their site in Nairn as a Commercial Centre for food and non-food retail development (Class 1).

We enclose the following which form Sainsbury's representation to the Inner Moray Firth LDP:

- Completed site form;
- PL(1) 01 Site Location Plan;
- PL(2) 01 Revision L Site Layout Plan as Proposed.

In addition, representations made to the Highland Wide Local Development Plan Main Issues Report and Proposed Plan have been attached to this submission. We ask that the content be taken into consideration as part of the Inner Moray Firth Local Development Plan call for sites.

Sainsbury's respectfully request that this representation is taken into account in preparation of the next stage of the LDP with the subject site denoted as a Commercial Centre within the forthcoming Main Issues Report.

Yours sincerely



Turley Associates

Site Forms

YOUR DETAILS	
Your Name (and organisation if applicable)	Sainsbury's Supermarkets Ltd
Your Address / Contact Details	c/o Turley Associates
Landowner's Name (if known / applicable)	Sainsbury's Supermarkets Ltd
Agent (if applicable)	Turley Associates
Agent's Address / Contact Details (if applicable)	2 Multrees Walk Edinburgh EH1 3DQ tferguson@turleyassociates.co.uk

DETAILS OF SITE SUGGESTED	
Site Address	Balmakeith, Forres Road, Nairn
Site/Local Name (if different from above)	
Site Size (hectares)	3.4 ha
Grid Reference (if known)	
Proposed Use (e.g. housing, affordable housing, employment, retail, waste, gypsy traveller, utility, community, retained public open space)	Retail Park and Petrol Filling Station (Commercial Centre)
Proposed Non Housing Floorspace / Number of Housing Units (if known/applicable)	6,503 sq.m gross food and non-food retail development Please note the site has planning permission for the above retail floorspace (refs: 07/00099/OUTNA, 10/02995/MSC, 10/04197/MSC)
Map	Please see attached plan.

If you wish to suggest a site that should <u>not</u> be built on, fill in this form	
REASONS WHY YOUR SITE SHOULD BE SAFEGUARDED FROM BUILDING	
How do the public enjoy the space - e.g. used for dog walking, children's play?	N/A
What makes the site more special than other areas in the village/town?	N/A
Does the site have attractive or rare features such as mature trees, historical significance or protected wildlife?	N/A

Landowners, developers and/or agents wishing to suggest a site should fill in the following form and as much as possible of the strategic environmental assessment form (at the end of this document) which assesses the environmental effects of possible development sites.

If you wish to suggest a site that should be built on, fill in this form	
REASONS FOR YOUR DEVELOPMENT SITE SUGGESTION	
How can the site be serviced? (give details of proposed access, foul drainage, surface water and water supply arrangements)	<ul style="list-style-type: none"> • Site under construction. • Formation of roundabout and access from A96. • Public infrastructure connections will be in place.
FORM CONTINUES BELOW	

REASONS FOR YOUR DEVELOPMENT SITE SUGGESTION

<p>What are the site's constraints and how can they be resolved or reduced? (e.g. does the site flood, are there protected species present, will good farmland be lost, will the local landscape be affected, will valued trees be felled, are any other heritage features likely to be affected?)</p>	<ul style="list-style-type: none"> • All constraints addressed as part of previous planning application(s).
<p>What benefits will result to the wider community from the site's development? (e.g. will there be more or better jobs, will the land be put to a more productive use, will the development increase infrastructure capacity for others, will more affordable houses result, is there an unmet demand for the development?)</p>	<ul style="list-style-type: none"> • Address retail deficiencies. • Create jobs. • Provide shopping choice for the residents of Nairn. • The land will be put to a more productive use than the site's current Local Plan allocation (business use).
<p>What impact will there be on travel patterns from the site's development? (e.g. will more or less people engage in active and healthy travel (walk / cycle) or go by public transport as a result of the site's development rather than travel by private car?)</p>	<ul style="list-style-type: none"> • People will have the option to travel to the site on foot, by public transport, by bicycle or by car. • There will be pavements to connect the site into the town, provision of cycle racks within the site and two new bus stops and pedestrian crossings on the A96 immediately to the front of the store. • All other transport matters are addressed within the Transport Assessment approved by Highland Council.
<p>Is the site well connected? (e.g. will the average travel time to community and commercial facilities reduce or increase as a result of the site's development, is the proposed use compatible with existing / proposed surrounding uses?)</p>	<ul style="list-style-type: none"> • Well connected to existing public transport routes. • The consented retail development is subject to a Section 75 agreement which requires a financial contribution to be provided towards public transport.
<p>Is the site energy efficient? (e.g. will the site allow for energy efficient siting, layout, building design and local renewable energy source connection?)</p>	<ul style="list-style-type: none"> • The proposed development incorporates a number of energy efficient technologies in terms of internal and external store design and layout.
<p>What other negative impacts will the development have and how will they be resolved or offset? (e.g. will the site's development increase any form of pollution or decrease public safety?)</p>	<ul style="list-style-type: none"> • Any potential negative impacts and mitigation measures have been addressed during the course of previous planning applications.

STRATEGIC ENVIRONMENTAL ASSESSMENT FORM

Landowners, developers and/or agents wishing to suggest a site should fill in as much as possible of the following form. Strategic environmental assessment of local development plan sites is now a statutory requirement and considers the possible environmental effects of development proposals. We will check your answers and fill in any gaps.

No.	Issue	Detailed Explanation	Answer	Any Proposed Mitigation Measures (how will you reduce or offset the effects of your development?)
1	<p>a) Will the site safeguard any existing open space within the area?</p> <p>b) Will the site enable high quality open space to be provided within the area?</p>	<p>Will the site have any impact on useable public open space (such as parks, playing fields etc) or any opportunities to create additional public open space?</p>	No.	N/A
2	<p>Will the site encourage and enable provision for active travel (walking, cycling and public transport use)?</p>	<p>Is any part of the site within 400m straight line distance of any community/commercial building? or will development provide a community/commercial building within walking distance of existing residential areas?</p> <p>- Are there opportunities to create new walking/cycling routes or improve existing routes?</p>	<p>Yes.</p> <ul style="list-style-type: none"> The development will provide two new bus stops and pedestrian crossings on the A96 immediately to the front of the store. Dedicated pedestrian walkway provided from the A96. Cycle racks will be provided within the site to encourage cycling. 	
3	<p>Does the site provide an opportunity for you to provide a financial contribution towards encouraging more sustainable travel patterns?</p>	<p>For example, can a subsidy to a local bus route be provided?</p>	<ul style="list-style-type: none"> The consented retail development is subject to a Section 75 agreement which requires a financial contribution to be provided towards public transport. 	
4	<p>Will the site involve "off site" road improvements that will contribute to road safety?</p>	<p>Is the site likely to improve the local road network such as junctions or crossings?</p>	<p>Yes.</p> <ul style="list-style-type: none"> Planned off site road works will improve use of the local road network. 	

5	Is there scope for road safety measures as part of the development of the site?	Will development incorporate on-site traffic calming measures (e.g. speed bumps) or street lighting? Will it incorporate the principles of Designing Streets available via: http://www.scotland.gov.uk/Publications/2010/03/22120652/0	Yes. <ul style="list-style-type: none"> Relevant safety measures included within the site design. Refer to the relevant planning drawings. 	
6	Is the site near any existing "bad neighbour" uses?	Will the site be negatively affected by any neighbouring use? (bad neighbour uses include those that affect residential property by way of fumes, vibration, noise, artificial lighting etc). Is the site affected by any of the Physical Constraints identified in the Council's Physical Constraints Supplementary Guidance?	No.	
7	Are there any contaminated land issues affecting the site?	Are you aware if the site has been previously used for industrial or any other uses likely to cause contamination?	<ul style="list-style-type: none"> A Geo-Environmental Assessment submitted in support of the planning application(s) found that there could be some contamination on the site associated with past agricultural activities. Relevant remediation works will be undertaken as part of the site development. The relevant works were approved by Highland Council. 	
8	a) Is the site on derelict, vacant or other land that has previously been used? b) Is the site on greenfield land?	a) Has the site been identified in Scottish Government's Vacant and Derelict Land Survey (which can be found here: http://scotland.gov.uk/Publications/2010/01/26135819/0) or has the land got an existing use? b) Will the site be located on presently undeveloped land e.g. presently or capably used for agriculture, forestry or amenity purposes?	<ul style="list-style-type: none"> Site previously used for agricultural uses and contained a redundant agricultural shed. Site currently allocated for business uses in the adopted Nairnshire Local Plan. 	
9	Is the site within the current settlement	Is the site within any identified settlement boundary in the Local Plan? Is it allocated for	<ul style="list-style-type: none"> Site is within the current settlement boundary. 	

	boundary?	any uses?	<ul style="list-style-type: none"> It is allocated for business uses (Balmakeith South) within the current Local Plan. 	
10	Will the site affect the distinctiveness and special qualities of the present landscape character or affect any landscape designation?	Does the site conform with the Landscape Capacity Assessment (if available)? Will the site result in the removal of valued landscape features or negatively affect any key views? Is it located within or would otherwise affect a National Scenic Area or Special Landscape Area, having regard to their special qualities?	<p>No.</p> <ul style="list-style-type: none"> Adjacent uses include residential to the west and the Balmakeith Industrial Estate and Business Park to the north on the opposite side of the A96. Site will not affect any areas with landscape designations such as National Scenic Areas or Special Landscape Areas. Development on site will incorporate significant new landscaping as approved by Highland Council. 	
11	Will the site affect any areas with qualities of wildness? (that is land in its original natural state?)	Are you aware if the site is inside or likely to affect an area of Wild Land? (These areas are identified on Map 3 of SNH's Policy Statement, Wildness in Scotland's Countryside) and areas of Remote Coast identified by the Council, or an area of wildness identified in the draft Wild Land Supplementary Guidance?	<p>No.</p> <ul style="list-style-type: none"> Ecology Survey undertaken and approved by Highland Council. 	
12	Will the site affect a conservation area?	Is the site inside or likely to affect the character of a confirmed Conservation Area?	No.	
13	Will the site impact on any listed building and/or its setting?	Is there a listed building or a part of the setting "area" of a listed building within the site?	No.	
14	Will the site affect a site identified in the Inventory of Gardens and Designed Landscapes?	Is any part of the site inside the outer boundary of an Inventory "entry" or will the site affect the setting of an "entry"?	No.	
15	Will the site affect any locally important archaeological sites	Does the site contain any Features identified in the HER? If yes, will the site affect the feature?	<p>No.</p> <ul style="list-style-type: none"> Archaeology Investigation undertaken and approved by 	

	identified in the Historic Environment Record?		Highland Council.	
16	Will the site impact on any Scheduled (Ancient) Monument and/or its setting?	Is there any SAM within the site boundary or will a SAM be affected?	No.	
17	a) Will the site affect any natural heritage designation or area identified for its importance to nature conservation? b) Will the site affect any other important habitat for the natural heritage?	a) Is any part of the site inside or likely to affect the designation (SAC, SPA, SSSI, NNR, Ramsar) or Local Nature Conservation Site? b) Is any part of the site within or likely to affect non-statutory features identified as being of nature conservation importance e.g. Ancient, Semi-Natural or Long-Established Woodland Inventory sites, priority BAP habitats, habitats included on the Scottish Biodiversity List, non-designated habitats listed in Annex 1 of EC Habitats Directive?	No.	
18	a) Will the site affect any protected species? b) Will the site affect any other important species for the natural heritage?	a) Will the site affect any European Protected Species, Badgers and species (birds, animals and plants) protected under the Wildlife and Countryside Act 1981 as amended. If such a species may be present on or near the site, a survey should be carried out to inform this assessment (for which a licence from SNH may be required) b) Will the site affect species listed in the UK and Local BAPs, the Scottish Biodiversity List and relevant annexes of the EC Habitats Directive?	No.	<ul style="list-style-type: none"> Ecology Survey undertaken and approved by Highland Council.
19	Is the site proposed to provide any form of renewable energy?	For example, will the site provide or be capable of providing a district heating system, solar panels of a wind turbine?	Yes.	<ul style="list-style-type: none"> The proposed development incorporates a number of energy

				efficient measures including air source heat pumps and use of sun pipes.	
20	Is any part of the site at risk from fluvial or coastal flooding as shown on SEPA's flood map or from local knowledge?	Are you aware of any part of the site being within the 1 in 200 year flood risk contour as identified by SEPA? (which can be found here: http://www.sepa.org.uk/flooding/flood_risk_maps/view_the_map.aspx)	No.		
21	Will development of the site result in the need for changes in land form and level? If yes, how will soil and drainage issues be addressed?	Will there be any change in rate, quantity, quality of run-off plus groundwater impact on or off site? If so, will these affect priority habitats, especially blanket bog?	Yes. <ul style="list-style-type: none"> SUDS incorporated into the development and all relevant level changes addressed and approved by Highland Council. 		
22	Is there a watercourse, loch or sea within or adjacent to the site? If yes, how will the water environment be protected from development?	Will there be any culverting, diversion or channelling of existing watercourses?	No. <ul style="list-style-type: none"> There is a burn in close proximity to the site, however, this will not be affected by the proposal. 		
23	Will the site offer opportunities for sustainable waste management?	Will the waste produced by the site be minimised and processed close to source in a sustainable way?	Yes. <ul style="list-style-type: none"> Sustainable Waste Management Plan prepared and approved by Highland Council. 		
24	Can the site be connected to the public water and sewerage system?	Can the site be connected at reasonable cost? If not, what alternative is proposed?	Yes.		
25	Will the site require alteration to the local landform?	Can the site (including access) be developed without significant re-contouring etc.? Will access tracks and parking areas have significant cut and fill?	Yes.		
26	Will the site affect or be affected by coastal erosion or natural	This will be noted on any relevant shoreline management plan.	No.		

	coastal processes?	Will development make best use of the site in terms of energy efficiency?	Yes. <ul style="list-style-type: none"> The site is exposed to wind however, landscaping will assist in reducing the effects of this. 	
27	Is the site sheltered from the prevailing wind and does it have a principal aspect between SW and SE?	Is the site near areas of employment or close to public transport? Such developments are less likely to result in additional traffic which may contribute to air pollution.	<ul style="list-style-type: none"> The site is close to areas of employment and residential dwellings. The site is accessed via the A96 which already provides a flow of traffic in the area. The proposed development will result in a marginal increase to the flow of traffic in the area. It is not considered to have a significant negative impact on local air quality. 	
28	Will the site have any impact upon local air quality?	Is it likely that the Council policy likely will require street lighting at this location? Are there proposals for floodlighting on the site?	Yes. <ul style="list-style-type: none"> The lighting strategy for the site was submitted to and approved by Highland Council. 	
29	Will the site have an impact on light pollution levels?	a) Will the site affect features that currently provide for the movement of species and/or people e.g. woodland, hedgerows, field margins, watercourses, coastlines, tree belts, greenspace? b) Will connectivity of natural features or open space and paths used for public amenity be improved? Will existing fragmentation of habitats and open spaces be improved? Will species be enabled to move where at present there is an obstacle?	No.	
30	a) Will the site affect the present green network of the area? b) Will the site provide opportunities to enhance the present green network of the area?	Is the site close to (within 1.5km) an opportunity to come into contact with nature/natural environments e.g. Local Nature Reserves, local greenspace, green networks? Are there proposals which will		
31	Will the site provide opportunities for people to come into contact with and appreciate nature/natural		Yes. <ul style="list-style-type: none"> The site is immediately adjacent to open countryside. 	

	environments?	increase opportunities to come into contact with nature/natural environments?		
32	a) Will the site affect any core paths or right of way? b) Will the site affect any other existing paths or outdoor access opportunities? c) Will the allocation provide new access opportunities within the site and linking to the path network beyond the site?	a) Is a diversion of a core path or right of way required? Will there be any impact on the usability of a core path or right of way? b) Will it affect an existing path in the Highland Path Record? Will it provide additional access opportunities or adversely affect access opportunities afforded by the Land Reform (Scotland) Act 2003? c) Will new paths be created within and beyond the site? Will any existing paths be improved e.g. to increase accessibility to a wider range of users? Will the site help to realise priorities identified in the Council's outdoor access strategy or aspirational paths identified in the core path plans?	No. Yes. <ul style="list-style-type: none">It could be possible to provide new access routes to adjoining land.	
33	Will the site have an impact on the geodiversity of the area?	Are you aware if the site lies within or adjacent to an un-notified Geological Conservation Review site or Local Geodiversity Site? (or other site with geodiversity value e.g. distinctive landforms, areas with natural processes, rock exposures for study?)	No.	
34	Will soil quality and capability of the site be adversely affected?	Will the site result in a loss of soil due to development or removal of good quality soil from the site? Is the site on land identified as Prime Quality Agricultural Land?	No.	
35	Is the site on peatland?	Is the site within or functionally connected to an area of peatland? Would the allocation involve the disturbance of peat? If yes, how would impacts on peatland be avoided or minimised? Would any tree felling be required?	No.	
36	Will the site have any	Does the site represent a significant loss of	No.	

	affect on the viability of a crofting unit?	good quality inbye crofting land or common grazing land?		
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Notes
 All dimensions are in millimetres unless otherwise stated.
 Any dimensions in brackets are for reference only.



Denotes application boundary

REVISION HISTORY	REV.	DESCRIPTION	DATE	BY
	1	Issue made for Pre-Application Submission	21/05/19	DS



PLANNING		SCALE	ORIGINAL
PROJECT NO.	61090	1:1250	A3
PROJECT NAME	PL(1)01		
PROJECT ADDRESS	SAINSBURY'S NAIRN FORRES ROAD, NAIRN Sainsbury's 23 HOLBORN, LONDON, EC1N 2HT		
DATE	21/05/19	DATE	21/05/19
DRAWN BY	DS	CHECKED BY	DS
PROJECT NO.	61090	DRAWING NO.	PL(1)01
REVISION		REVISION	



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SAINSBURY'S MAIRN

SUPERMARKET
 1000 sqm (10,764 sq ft)
 1500 sqm (16,146 sq ft)
 2000 sqm (21,528 sq ft)
 2500 sqm (26,916 sq ft)
 3000 sqm (32,304 sq ft)
 3500 sqm (37,692 sq ft)
 4000 sqm (43,080 sq ft)
 4500 sqm (48,468 sq ft)
 5000 sqm (53,856 sq ft)
 5500 sqm (59,244 sq ft)
 6000 sqm (64,632 sq ft)
 6500 sqm (70,020 sq ft)
 7000 sqm (75,408 sq ft)
 7500 sqm (80,796 sq ft)
 8000 sqm (86,184 sq ft)
 8500 sqm (91,572 sq ft)
 9000 sqm (96,960 sq ft)
 9500 sqm (102,348 sq ft)
 10000 sqm (107,736 sq ft)

METAL LIMITS
 1000 sqm (10,764 sq ft)
 1500 sqm (16,146 sq ft)
 2000 sqm (21,528 sq ft)
 2500 sqm (26,916 sq ft)
 3000 sqm (32,304 sq ft)
 3500 sqm (37,692 sq ft)
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 8500 sqm (91,572 sq ft)
 9000 sqm (96,960 sq ft)
 9500 sqm (102,348 sq ft)
 10000 sqm (107,736 sq ft)

CAR PARKING SCHEDULE
 1000 sqm (10,764 sq ft)
 1500 sqm (16,146 sq ft)
 2000 sqm (21,528 sq ft)
 2500 sqm (26,916 sq ft)
 3000 sqm (32,304 sq ft)
 3500 sqm (37,692 sq ft)
 4000 sqm (43,080 sq ft)
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 8500 sqm (91,572 sq ft)
 9000 sqm (96,960 sq ft)
 9500 sqm (102,348 sq ft)
 10000 sqm (107,736 sq ft)

PETROL FILLING STATION
 1000 sqm (10,764 sq ft)
 1500 sqm (16,146 sq ft)
 2000 sqm (21,528 sq ft)
 2500 sqm (26,916 sq ft)
 3000 sqm (32,304 sq ft)
 3500 sqm (37,692 sq ft)
 4000 sqm (43,080 sq ft)
 4500 sqm (48,468 sq ft)
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NOTES
 1. All dimensions are in meters unless otherwise stated.
 2. All areas are approximate and subject to change.
 3. All areas are subject to the availability of services.
 4. All areas are subject to the availability of land.
 5. All areas are subject to the availability of funds.
 6. All areas are subject to the availability of time.
 7. All areas are subject to the availability of materials.
 8. All areas are subject to the availability of labor.
 9. All areas are subject to the availability of equipment.
 10. All areas are subject to the availability of weather.

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- 9. All areas are subject to the availability of equipment.
- 10. All areas are subject to the availability of weather.



PLANNING

SITE LAYOUT

SAINSBURY'S MAIRN

Sainsbury's

PROJECT NO.	DATE	SCALE	STATUS
01070		1:100	AT
PL1201			L



**Highland wide Local Development Plan - Main Issues Report
Consultation Summary and Actions Sheet**

Reference Number:	HWLDP-MIR-267
Organisation/Individual:	Turley Associates – Sainsbury's Supermarkets

Action:

Immediate Response Required	
Meeting required with Respondent	
Issue for Area Local Development Plan	
Further Information Required	
Other (Please Specify)	

If no box ticked - Issues raised will be dealt with in preparation of the Proposed Plan.

Issues Raised in Response:

Purpose of Main Issues Report	
NPF2 for Scotland	
Vision for the Highlands	
Inverness and A96	
The A96 Corridor	X
Phasing of Development	
Developer Contributions	X
East Inverness	
Nairn	X
Tornagrain	
Smaller Settlements in A96	
Calthness and North Sutherland	
Easter Ross and Nigg	
Development of Local Centres	
Wider Countryside and Fragile Areas	
Population and Housing	
Housing in the Countryside	
Affordable Housing	
Planning for an Ageing Population	
Gypsies/Travellers	
Retailing	X
Developer Contributions	X
Natural, Built and Cultural Heritage	

Previously used Land	
Wild Land	
Water Environment	
Renewable Energy	
Flooding	
Waste Management	
Air Quality	
Sustainable Design	
Business and Industrial Land	X
Accessibility and Transport	
Agricultural Land	
Subdivision of Existing Crofts	
Allocation of Inbye Land	
New Crofting Township	
Small Scale New Crofts	
Coastal Development	
Forestry and Woodland	
Minerals	
Open Space and Physical Activity	
Access to the Outdoors	
Comments on Consultation Process (+ve)	
Comments on Consultation Process (-ve)	

Key:

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Notes:

Should be certainty of funding, in total, for any infrastructure
 Infrastructure requirements should be prioritised
 Developer contributions may threaten viability of projects in A96 corridor
 Proposed plan should provide a strategy for addressing retail provision in Nairn
 Further clarity is required about a network of centres
 Deficiencies in retail capacity need to be outlined in proposed plan
 Competition commissions funding should be taken into account once the Scottish Government stance has been taken

Action Sheet Completed by:	SH
Date:	14/12/09

TURLEY ASSOCIATES

2 Mulrees Walk
Edinburgh
EH1 3BQ

T: [REDACTED]
F: [REDACTED]

www.turleyassociates.co.uk

17 November 2008

Delivered by Email

Freepost
Director of Planning and Development
The Highland Council
Freepost SC05568
Inverness
IV3 5BR

Our ref: SAIE2014

E: [REDACTED]

Dear Sirs

HIGHLAND WIDE LOCAL DEVELOPMENT PLAN MAIN ISSUES REPORT (AUGUST 2008)

Thank you for the opportunity to provide initial comments on the Main Issues Report (MIR). On behalf of our clients, Sainsbury's Supermarkets Ltd, we are pleased to make the following comments.

Sainsbury's serves around 580,000 customers each week in Scotland and employs approximately 6,000 people. Sainsbury's currently has 37 stores in Scotland where it has an estimated 6% market share compared to a 14.7% market share UK wide. In September, Sainsbury's announced that it is to create nearly 1,300 additional jobs in Scotland by summer 2010. The new jobs are an integral part of Sainsbury's plans to increase its presence and number of stores in Scotland and provide investment to the Scottish economy.

Sainsbury's is the third largest food retailer in the UK, but is only the 7th largest in Scotland. Currently it does not operate, nor does it have planning permission to operate, any stores in Highland. It is Sainsbury's desire to expand their presence in Scotland and, more specifically, obtain a presence in Highland. Making comments on the Main Issues Report is part of this strategy.

Please find enclosed the completed MIR Questionnaire with papers apart dated 17 November 2008.

The comments relate to the following key issues:

- Spatial Strategy – A96 Corridor
- Developer Contributions in the A96 Corridor
- Nairn
- Retailing
 - Network of Centres
 - Deficiencies in retail provision (retail capacity)

BELFAST | BIRMINGHAM | BRISTOL | EDINBURGH | GLASGOW | LEEDS | LONDON | MANCHESTER | SOUTHAMPTON

Turley Associates Limited is registered in England, No. 3233187, registered office: The Chartery, 38 Spence Street, Manchester, M2 1WJ.

- Sequential approach
- Assessing proposed developments
- Competition issues

• **Business and Industrial Land**

Sainsbury's look forward to working with Highland Council and being involved in the preparation of the Proposed Plan. We hope that you find these comments helpful and we would be pleased to meet you to discuss these further.

Yours sincerely,



Richard Phillips
Director

Highland wide Local Development Plan Main Issues Report

Questionnaire

Please fill in this questionnaire. Your views are extremely important to us and we will take them into consideration when preparing the proposed plan.

If you would prefer you can answer only the questions on the issues that you are interested in. If you have any general comments, please put them in the box on page 12.

Please fill in your details below so we can keep you up to date with the progress of the Highland wide Local Development Plan.

Name SAINSBURY'S SUPERMARKETS LTD

Address c/o TYLEY ASSOCIATES

2 MULTEES WALK

EDINBURGH

Postcode ..EH1 3DQ

Phone

Email

You can respond via e-mail: [REDACTED]

Fax: [REDACTED]

Post: Director of Planning and Development
The Highland Council
Freepost SCO 5568
Inverness
IV3 5BR

This form can also be filled in online at <http://www.highland.gov.uk/developmentplans>

**This Questionnaire must be returned by
5pm Monday 9th November, 2009**

SPATIAL STRATEGY

Please tick one box

Spatial Strategy: Inverness

- Q1 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

Spatial Strategy: A96 Corridor

- Q2 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments

SEE PAPER PART DATED 17/11/09

continue on a separate sheet if you need to

Developer Contributions in the A96 Corridor

- Q3 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes	No
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments

SEE PAPER PART DATED 17/11/09

continue on a separate sheet if you need to

East Inverness in the A96 Corridor

- Q4 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

Naim in the A96 Corridor

- Q5 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments

SEE PAPER APART DATED 17/11/09

continue on a separate sheet if you need to

Tornagrain in the A96 Corridor

- Q6 Do you agree with our Preferred Option? If not, tell us why
Are there any other alternatives that should be considered?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

Smaller Settlements in the A96 Corridor

- Q7 Do you agree with our Preferred Option? If not, tell us why
Are there any other alternatives that should be considered?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

Action Plan for Callhness and North Sutherland

Yes No

Q8 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Action Plan for Nigg and Easter Ross

Yes No

Q9 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Development of Local Centres

Yes No

Q10 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

The Wider Countryside and Fragile Areas

Yes No

Q11 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

SUSTAINABLE HIGHLANDS

Population and Housing requirement

Q12 Do you agree with our Preferred Option? If not, tell us why

Yes No

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Housing in the Countryside

Q13 Do you agree with our Preferred Option? If not, tell us why

Yes No

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Affordable Housing

Q14 Do you agree with our Preferred Option? If not, tell us why

Yes No

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Planning for an Ageing Population

Q15 Do you agree with our Preferred Option? If not, tell us why

Yes No

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Needs of Gypsies / Travellers

Q16 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

Retalling

Q17 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments

SEE PAPER APART DATED 17/11/09

continue on a separate sheet if you need to

Developer Contributions

Q18 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

SAFEGUARDING OUR ENVIRONMENT

Natural, Built and Cultural Heritage

Q19 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Yes No

Comments

continue on a separate sheet if you need to

Previously Used Land

Q20 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Yes No

Comments

continue on a separate sheet if you need to

Wild Land

Q21 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Yes No

Comments

continue on a separate sheet if you need to

Water Environment

Q22 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Yes No

Comments

continue on a separate sheet if you need to

SUSTAINABLE DEVELOPMENT AND CLIMATE CHANGE

Renewable Energy

Yes No

Q23 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Flooding

Yes No

Q24 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Waste Management

Yes No

Q25 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Air Quality

Yes No

Q26 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Sustainable Design

Yes No

Q27 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

COMPETITIVE, SUSTAINABLE & ADAPTABLE HIGHLAND ECONOMY

Business and Industrial Land

Q28A Do you agree with our Preferred Option? If not, tell us why

Yes No

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

SEE PAPER APPR DATED 17/11/09

continue on a separate sheet if you need to

Accessibility and Transport

Q28B Do you agree with our Preferred Option? If not, tell us why

Yes No

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Crossing and Agriculture

Q29 Do you agree with our Preferred Option? If not, tell us why

Yes No

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Subdivision of Existing Crofts

Q30 Do you agree with our Preferred Option? If not, tell us why

Yes No

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Comments

continue on a separate sheet if you need to

Allocation of Inbye land

Q31 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes No

Comments

continue on a separate sheet if you need to

New Crofting Township

Q32 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes No

Comments

continue on a separate sheet if you need to

Small Scale New Crofts

Q33 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes No

Comments

continue on a separate sheet if you need to

Coastal Development

Q34 Do you agree with our Preferred Option? If not, tell us why
Do you prefer the stated alternative?
Are there any other alternatives that should be considered?

Yes No

Comments

continue on a separate sheet if you need to

Forestry and Woodland

Q35 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

Minerals

Q36 Do you agree with our Preferred Option? If not, tell us why

Do you prefer the stated alternative?

Are there any other alternatives that should be considered?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

A HEALTHIER HIGHLANDS

Open Space and Physical Activity

Q37 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

Access to the Outdoors

Q38 Do you agree with our Preferred Option? If not, tell us why

Are there any other alternatives that should be considered?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Comments

continue on a separate sheet if you need to

End of Questionnaire

Paper apart

**Highland wide Local Development Plan
Main Issues Report (August 2009)**

Sainsbury's Supermarkets Ltd

17 November 2009

Spatial Strategy: A96 Corridor (Phasing of Development)

Question 2.(a) Do you agree with our Preferred Option? If not, please tell us why.

No. The preferred approach is to endorse the development sites set out in the A96 Corridor Framework and to support early development, subject to certain triggers being reached. A relationship with the development of sites in Inverness is also identified in the preferred strategy.

The approach taken in the A96 Growth Corridor Development Framework has only been approved by Highland Council as Interim planning guidance. It is not yet part of the development plan and it has not been subject to full public scrutiny. The Proposed Local Development Plan should not therefore place too much reliance on this document in the first place. However, the preferred approach has greater potential than an alternative strategy to look at long term expansion in other directions (e.g. north of Inverness). For example, there is significantly more developer interest in the A96 corridor and a greater amount of base information.

Sainsbury's welcome a review of the phasing of delivery of the infrastructure improvements across the A96 corridor. This work should also carefully review the necessity for these improvements in the first place. There may be circumstances where development can proceed without infrastructure development at all. Where it is required there needs to be clarification of the level of commitment that the private sector on an individual development proposal can give towards ensuring that the infrastructure can be in place when it is needed. Much depends on public sector funding and other decisions as well as land assembly and separate consent process (e.g. roads).

The premise for any review must be that if it relies on upfront funding from the private sector or even a commitment to deliver infrastructure at a particular point then this will threaten the viability of development projects in the A96 Corridor. It will also be essential that where private sector funding is being sought for infrastructure, that there is certainty over its funding in total (including from the public sector), its timescale for delivery and over its details (e.g. location, scale of development).

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It would be preferable to target priorities for infrastructure development. This may mean allowing a greater amount of development or a particular type of development to proceed without infrastructure development being in place or commitments being made by the private sector. New development, particularly retail development, can act as a catalyst for subsequent stages where higher development values can be achieved which would have a greater prospect of bringing forward development.

The relationship to the development of sites in Inverness, outwith the A96 Corridor, also needs to be carefully considered. There is a real risk of delaying beneficial development in both regions before other development comes forward. There appears to be an unnecessary overlap between the application of strategies to develop sites and encourage investment in the Inverness and the A96 Corridor areas. This should be clarified and reviewed.

Q2.(b) Do you prefer the stated alternative?

No. See 2(a) above.

Q2.(c) Are there any other alternatives that should be considered?

Yes. See 2(a) above.

12/11

TURLEY ASSOCIATES

Paper apart

**Highland wide Local Development Plan
Main Issues Report (August 2009)**

Sainsbury's Supermarkets Ltd

17 November 2009

Developer Contributions In the A96 Corridor

Question 3.(a) Do you agree with our Preferred Option? If not, please tell us why.

No. The preferred strategy states that all development in the A96 corridor expansion areas will contribute to a revised developer contributions protocol. An alternative strategy set out in the MIR is to negotiate on a case by case basis.

The approach taken in the A96 Growth Corridor Development Framework has only been approved by Highland Council as interim planning guidance. It is not yet part of the development plan and it has not been subject to full public scrutiny. The Proposed Plan should not therefore place too much reliance on this document in the first place.

Secondly, the Framework is dependent on substantial public and private sector investment in infrastructure. The credit crisis and steep changes in borrowing and funding regimes raise serious doubts as to whether the framework can ever be delivered in its current form. A review of its provisions for developer contributions is therefore welcome.

Sainsbury's understand the Council's dilemma in attempting to deliver infrastructure across the A96 Corridor. But if the revised protocol relies on upfront funding from the private sector then this will threaten the viability of development projects in the Corridor. It will also be essential that where private sector funding is being sought for infrastructure that there is certainty over its commitment and funding from the Council and relevant infrastructure providers, its timescale for delivery and on its details (e.g. location, scale of development).

It may also be important to explore other forms of funding streams to help deliver major infrastructure.

Sainsbury's recognise that there will be circumstances where it is appropriate to make developer contributions. For example, where it serves a planning purpose, relates to the development

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proposed, be related in scale and kind to the proposed development and be reasonable in all other respects. It should follow the principles set out in Circular 12/1996 on planning agreements. The approach to securing developer contributions has been endorsed in the draft revised circular 12/1996 published by Scottish Government in December 2008. Sainsbury's will continue to provide appropriate contributions to local infrastructure including consideration to the enhancement of town centres.

Q3.(b) Do you prefer the stated alternative?

No. See 3(a) above.

Q3.(c) Are there any other alternatives that should be considered?

Yes. See 3(a) above.


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Paper apart

Highland wide Local Development Plan
Main Issues Report (August 2009)

Salisbury's Supermarkets Ltd

17 November 2009

Area Specific Issues - Nairn

Question: 5.(a) Do you agree with our Preferred Option? If not, please tell us why.

No. The MIR preferred option for Nairn reflects the existing local plan sites including a broad corridor where the bypass can be delivered coupled with expansion sites at Deines and Nairn South. The alternative option presented in the MIR is to restrict development to those sites within the existing local plan sites and only when they are completed should other sites be brought forward.

In June 2009 the Council resolved to grant planning permission to a planning application for major food and non-food bulky goods retail development on a site at Forres Road, Nairn (HC ref. 07/00099/OUTNA). Consequently the strategy for Nairn, perhaps surprisingly, does not follow this Council decision.

Neither option, set out in the MIR, is considered appropriate to deal with Nairn's present needs as well as its future ones. Another alternative should be considered. The Proposed Plan should adopt a strategy that addresses the identified shortfall in retail provision for the town. It should put forward the site at Forres Road for such development whilst providing for appropriate local infrastructure improvements, as agreed with the Council as part of the recent planning application. Furthermore the strategy should allow this development to come forward outwith the A96 Corridor protocol on infrastructure provision and developer contributions.

The above planning application was called in by Scottish Ministers and a public inquiry was held. To date the Ministers decision is awaited. The comments below bring together the main aspects of the case which were unchallenged by the Council at the inquiry:

- There is already a quantitative and qualitative deficiency in retail provision that needs to be remedied now. This position has nothing to do with the planned expansion of Nairn, which Salisbury's support, or associated with the A96 Framework or otherwise, which will only make matters worse and even more pressing. The strategy of the Proposed Plan should not prevent retail development from coming forward now.

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- There are substantial levels of retail expenditure leakage for all types of shopping (i.e. convenience, general comparison and bulky comparison) particularly to Elgin and Inverness. The level of convenience shopping leakage is unsustainable and not appropriate for a town of Nairn's size and status in Highland's hierarchy of centres.
- In terms of the sequential approach to identifying sites there is no suitable town centre or edge of centre site on which a retail development of the necessary size could be developed.
- The retail proposal is likely to enhance the vitality and viability of Nairn town centre. For example, retail provision on the Forres Road site will help increase trade in the town centre. The availability of enhanced convenience and bulky goods shopping in the town is likely to encourage more people to do their whole shop in Nairn more often.
- The retail proposal supports the existing settlement hierarchy and the role that each settlement plays for the population it serves. Nairn is a significant centre and should provide as full a range of services as possible. The retail development would be of an appropriate scale for Nairn.
- The retail proposal contributes to sustainable development objectives by bringing shopping as close as possible to the customer, rather than relying on travel to a distant location.
- The retail proposal is supported by public opinion. A comprehensive public consultation exercise including an exhibition has been undertaken. The headline responses to those questions were as follows:
 - 82% of respondents said Nairn and the surrounding area would benefit from new shopping facilities.
 - 77% of respondents said that they do the majority of their shopping outwith Nairn.
 - 79% of respondents said they travel by car to shop for food.
- Sainsbury's support the allocation of business land east of Nairn as shown in the MIR. Retail development can come forward in this area without prejudicing the scale of release for other business uses. It is relevant that a retail development will also bring investment and jobs to the community. It would provide approximately 300 jobs and also potentially act as a stimulus to further investment in the town

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- The retail allocation of the site would accord with Scottish Planning Policy, including SPP8. SPP8 also applies the sequential test to bulky goods but recognises that out-of-centre locations may be appropriate for such uses.

The retail allocation stands apart from, and independent from the A96 Framework. The retail allocation is being presented to meet current deficiencies which can be accessed from the A96 on its present alignment without the need for a bypass. The allocation would not prejudice the strategy set out in the A96 Corridor document to deliver development which in any event is many years away.

Q5.(b) Do you prefer the stated alternative?

No. See 5(a) above.

Q5.(c) Are there any other alternatives that should be considered?

Yes. See 5(a) above.

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TURLEY ASSOCIATES

Paper apart

**Highland wide Local Development Plan
Main Issues Report (August 2009)**

Sainsbury's Supermarkets Ltd.

17 November 2009

Retailing

Question 17.(a) Do you agree with our Preferred Option? If not, please tell us why.

In general the preferred strategy is supported but further detail is required. The following comments are made.

Network of Centres

A fundamental matter to town centre and retail policy is the definition of a 'network of centres' and the role of each individual centre. It has implications for the sequential approach and to the assessment of the impact of proposed development. The Proposed Plan should define these matters and list the town centres and commercial centres. In doing so, it should not only recognise centres in Inverness but also the strategic significance of the smaller towns in rural areas.

Deficiencies in retail provision ('retail capacity')

The Proposed Plan should identify qualitative and quantitative deficiencies in retail provision across the region. This should be based on up to date evidence. This may involve a review of existing Council studies or adopting retail assessments carried out in association with recent planning applications for major retail development. In some circumstances these should be replaced by a new region wide study based upon household shopper surveys. This can then inform retail capacity for additional retail floorspace. It should also consider qualitative issues such as the distribution of retail provision and to improving choice and competition.

Sequential approach

The sequential approach in terms of site selection is an important policy to help guide retail development to the most appropriate location. Sainsbury's supports this approach to retail planning which should be set out in the Proposed Plan.

Assessing proposed developments

TURLEY ASSOCIATES

The Proposed Plan should set out the circumstances where retail development would be supported. This should not preclude retail development in out of centre locations. Rather it should qualify the position and set out a list of criteria that each development proposal should be assessed against. The criterion should have regard to Scottish Planning Policy as well as taking into account of significant public benefits of retail development such as job creation and regeneration.

Competition Issues

The Council will be aware of the findings of the Competition Commission contained in its report, "The supply of groceries in the UK: market investigation". The Competition Commission decided to recommend that a competition test be implemented within the planning system. The decision and recommendation apply to Scotland as well as the other parts of the United Kingdom. This means that the issue of a competition test in the context of retail planning policy remains a very significant issue which needs to be addressed in the Proposed Plan.

Sainsbury's, along with many other retailers believe that the introduction of a competition test will protect local markets from exploitation. Sainsbury's considers that the Proposed Plan should give a clear commitment to reviewing the retail section of the SDP once the Scottish Government's decision has been made known.

In more general terms Sainsbury's endorse the importance and benefits that competition can bring to customers. The ability of the planning system to foster such competition must be recognised in the Proposed Plan.

Q17.(b) Do you prefer the stated alternative?

See 17 (a) above.

Q17.(c) Are there any other alternatives that should be considered?

See 17 (a) above.

13/11

TURLEY ASSOCIATES

Paper apart

Highland wide Local Development Plan
Main Issues Report (August 2009)

Sainsbury's Supermarkets Ltd

17 November 2009

Business and Industrial Land

Question 28A.(a) Do you agree with our Preferred Option? If not, please tell us why.

No. The preferred strategy fails to take into account the contribution that retail development has to sustainable economic development. Sainsbury's believes that a positive approach should be taken in the Proposed Plan towards development that could contribute to sustainable economic growth. It should confirm that economic development covers a wide range of development, including retail. Retail development, both in town centres and elsewhere, provides major employment opportunities, generates wealth in an area and helps attract further investment. The retail industry is one of Scotland's largest business sectors. This also applies to the Highland area. This is a particularly relevant issue at this time as new retail development continues to be active despite difficult economic circumstances.

Q28.(b) Do you prefer the stated alternative?

See 28(a) above.

Q28.(c) Are there any other alternatives that should be considered?

See 28(a) above.

17/11

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3 December 2010

Delivered by Email

Director of Planning and Development
The Highland Council
Freepost SCO5568
Inverness
IV3 5BR

Our ref: SAIE2014

E: rphillips@turleyassociates.co.uk

Dear Sirs

HIGHLAND WIDE LOCAL DEVELOPMENT PLAN (HWLDP) PROPOSED PLAN (SEPTEMBER 2010)

On behalf of our client Sainsbury's Supermarkets Ltd, thank you for the opportunity to make a representation to the above document. Having reviewed the Proposed Plan we believe our comments dated 17 November 2009 to the Main Issues Report (MIR) remain valid and seek that the points made be brought forward and addressed as part of the HWLDP review. A copy is enclosed for your information.

Sainsbury's is the third largest food retailer in the UK, but is only the 7th largest in Scotland. Currently it does not operate in Highland but has recently gained permission to develop a new store together with adjoining non-food retail units at Balmakeith, Nairn. It is Sainsbury's desire to expand their presence in Scotland and, more specifically, obtain a presence in Highland. This will bring forward significant public benefit to the Highland area which should be supported in the HWLDP and allow opportunities for new entrants to the market to come forward.

In addition to the comments made to the MIR our representation to the HWLDP relates to:

- The Spatial Strategy (Chapter 8)
- Nairn (Chapter 14)
- Delivering a Competitive, Sustainable, Adaptable Highland Economy - Retail (Chapter 20)
- Glossary (Appendix 6.1)
- Supplementary Guidance (Appendix 6.3)

Chapter 8: Spatial Strategy (paragraph 8.1)

The proposed Spatial Strategy denotes the hierarchy of settlements via identification on the Proposals Map; Regional, Sub-Regional and Local Centre. However the Plan does not define the role and function of each tier within the hierarchy or how that relates to the scale and direction of development growth. Moreover, given the planned growth of Nairn including the grant of planning permission for significant retail development and planned housing development, the town merits promotion in the settlement hierarchy from a Local Centre to a Sub-Regional Centre.

1. Objection is made on two grounds:
 - i) The lack of definition of the role and function of each tier in the settlement hierarchy (Regional, Sub-Regional and Local).
 - ii) Nairn should be identified as a Sub-Regional Centre in the settlement hierarchy rather than a Local Centre.

Chapter 14: Nairn

Nairn is a key growth town within the A96 Corridor Strategy. The existing and planned role of the town and its significant development allocations and recent permissions mean that it will grow in terms of regional importance. The scale and direction of planned growth of Nairn should also be recognised for retail development as well as residential, taking into account the recent planning permission for retail development at Balmakeith. Planning permission has been granted for a large scale retail development at Balmakeith on the east side of Nairn for a retail foodstore (4,180 sqm gross) and non-food retail unit(s) (2,323 sqm gross). Local deficiencies in shopping provision was one of the key reasons that planning permission was granted. This approach is supported in SPP2010 which states, *'The development plan should enable gaps and deficiencies in provision of shopping, leisure and other services to be remedied by identifying appropriate locations for new development and regeneration'*. (para 56, SPP2010).

2. Our objections are as follows:
 - i) The Nairn Strategy fails to appropriately recognise the town's existing/planned role within the settlement hierarchy. The town should be upgraded from a Local to a Sub-regional centre.
 - ii) The Balmakeith site should be identified as a 'commercial centre' and its function be suitably defined as a centre for the sale of retail goods.

Chapter 20 / Policy 41: Delivering a Competitive, Sustainable, Adaptable Highland Economy - Retail

Chapter 20 refers to the Council's settlement hierarchy (e.g. Regional, Sub-regional and Local Centres). Under Policy 41 (Retail Development) it refers to city, town and village centres which departs from the terminology in SPP2010. In order to properly guide retail development the Plan must

explain the relationship between centres defined in the Plan's settlement hierarchy and those retail centres.

The Plan should also define the role of each retail centre in the network, which should include the Nairn East commercial centre (see above) and the position in the hierarchy. This approach is required and supported by SPP2010 (para. 53). The relevant SPP policy states that development plans should identify a network of centres and explain the role of each centre in the network. The network of centre should be reflected in Policy 41 on retail development.

The development plan should also identify deficiencies in shopping provision and allow for that to be considered in the criteria based policy 41 in assessing new retail development proposals. This approach is supported in SPP2010 which states, '*The development plan should enable gaps and deficiencies in provision of shopping, leisure and other services to be remedied by identifying appropriate locations for new development and regeneration*'. (para 56, SPP2010).

3. Our objections are as follows:
 - i) The failure to identify the region's network of centres including their role and position in the hierarchy of centres. It should adopt the SSP2010 terminology of town centres, commercial centres and local centres.
 - ii) The plan should carry out an assessment of deficiencies in shopping provision and identify appropriate locations to remedy this.
 - iii) Policy 41 'Retail Development' should set out the role of Commercial Centres within its sequential approach as outlined within paragraph 62 of SPP, 2010. It should also set out the policy protection awarded to existing or planned commercial centres such as Balmakeith.
 - iv) Policy 41 should include a criterion dealing with the consideration of retail deficiencies within an area and how new development can remedy this deficiency.
 - v) Policy 41 is at variance with SPP2010 and such variance is not justified. For example, it fails to allow consideration of the 'availability' of alternative sites under the sequential assessment and not just its 'suitability' as currently worded in policy 41. Also, policy 41 requires an assessment of impact for in-centre retail development, yet SPP2010 states that, '*Where development of town centres uses is proposed within a town centre, assessment of its impact on the viability of similar uses in that centre will not be necessary*'. (para. 63, SPP2010).
 - vi) The Glossary (Appendix 6.1) should include Network of Centres, Commercial centres and sequential approach

Supplementary Guidance (Appendix 6.3)

Appendix 6.3 provides guidance with regard to forthcoming SG that will further support HWLDP Policy. It is disappointing to note that there is no specific SG on retailing within the Highlands.


It is noted that the Council intend producing Supplementary Guidance (SG) with regard to 'A96 Corridor Developer Contributions'. We would welcome the opportunity to comment on the drafting of any such guidance to ensure it is proportionate, fair and ultimately deliverable.

Developer contributions must clearly relate to the proposed development in question and should not be sought where developments have no direct relationship. The timing or phasing of valid contributions must also be thoroughly thought out to ensure that the scheme in which it seeks to deliver remains economically viable.

It is recommended that the Council undertake appropriate consultation with the development industry on any future SPG regarding developer contributions.

4. Our objection relates to the Council not proposing SG on retailing within the Highlands. There is a need for a strategy which will enhance existing and encourage new retailing within the region and how the Council intend addressing current and future retailing deficiencies as required by SPP2010 (para. 56).

We ask that this representation be taken into account in the finalisation of the LDP and would be happy to discuss the submission of further information and / or involvement in the Examination.



Richard Phillips
Director

Encs
MIR Comment, 17 November 2009
Site plan – Balmakeith