WEST HIGHLANDS & ISLANDS LOCAL PLAN EXAMINATION

HEARING SESSIONS IN RESPECT OF PORTREE, BROADFORD AND KYLE OF LOCHALSH AREAS

CO-OPERATIVE GROUP DOCUMENT LIST

CG1	Supplementary Statement provided by GL Hearn on behalf of the Co-operative Group in respect of the commerce centre for Portree (Dunvegan Road). Dated 18th January 2010.
CG2	Supplementary Statement provided by GL Hearn on behalf of the Co-operative Group in respect of the commerce centre for Broadford. Dated 18th January 2010.
CG3	Supplementary Statement provided by GL Hearn on behalf of the Co-operative Group in respect of the commerce centre for Kyle of Lochalsh. Dated 18th January 2010.
CG4	Co-operative Group (GL Hearn) Response to Deposit Draft West Highlands and Islands Local Plan dated 11th February 2009
CG5	Co-operative Group (GL Hearn) Response to Deposit Draft West Highlands and Islands Local Plan dated 13th March 2008.
CG6	Letter from GL Hearn to Highland Council dated 10th July 2007
CG7	Representation made on behalf of the co-operative Group in respect of Planning Application 07/00357/OUTSL, Proposed Supermarket, Dunvegan Road, Portree. Oatridge Ltd. Dated 13th April 2007
CG8	Representation made on behalf of the co-operative Group in respect of Planning Application 07/00357/OUTSL, Proposed Supermarket, Dunvegan Road, Portree. Oatridge Ltd. Dated 25th October 2007.
CG9	Letter to Highland Council from GL Hearn dated 2nd May 2008 concerning applications 07/00357/OUTSL & 07/00212/FULSL.
CG10	Representation made on behalf of the co-operative Group in respect of Planning Application 07/00357/OUTSL, Proposed Supermarket, Dunvegan Road, Portree. Oatridge Ltd. Dated 23rd July 2008.
CG11	Representation made on behalf of the co-operative Group in respect of Planning Application 07/00357/OUTSL, Proposed Supermarket, Dunvegan Road, Portree. Lidl. Dated 31st May 2007.

CG12	The Highland Council, Ross, Skye and Lochaber Planning Applications Committee, 6th May 2008, Report by Area Planning and Building Standards Manager, Application Ref: 07/00357/OUTSL Oatridge Ltd.
CG13	The Highland Council, Ross, Skye and Lochaber Planning Applications Committee, 24TH June 2008, Report by Area Planning and Building Standards Manager, Application Ref: 07/00357/OUTSL Oatridge Ltd. Supplementary Report No.1.
CG14	The Highland Council, Ross, Skye and Lochaber Planning Applications Committee, 4th September 2008, Report by Area Planning and Building Standards Manager, Application Ref: 07/00357/OUTSL Oatridge Ltd. Supplementary Report No.2.
CG15	The Highland Council, Ross, Skye and Lochaber Planning Applications Committee, 6th May 2008, Report by Area Planning and Building Standards Manager, Application Ref: 07/00212/FULSL Lidl.
CG16	The Highland Council, Ross, Skye and Lochaber Planning Applications Committee, 24th June 2008 2008, Report by Area Planning and Building Standards Manager, Application Ref: 07/00212/FULSL Lidl. Supplementary Report 1.
CG17	Letter from Highland Council dated 27th April 2009 confirming withdrawal of application 07/00212/FUL (Lidl)
CG18	Extract from White Young Green Retail Study prepared on behalf of Highland Council – October 2007

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Date: 18th January 2010
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GL HEARN

Dear Mr Archibald,

EXAMINATION OF THE WEST HIGHLANDS AND ISLANDS LOCAL PLAN. NOTICE OF REQUEST FOR INFORMATION IN WRITING: ISSUE 95 – THE COMMERCE CENTRE FOR PORTREE (DUNVEGAN ROAD). REPRESENTATION NO 515 – THE CO-OPERATIVE GROUP

I refer to our recent correspondence regarding the above and to the request by the Reporter for additional information from The Highland Council and from the Co-operative Group in respect of the commerce centre for Portree (Dunvegan Road). Consequently, on behalf of my client, The Co-operative Group, and further to our previous submissions, I write to provide a supplementary written submission in response to the Reporter's request.

In their supplementary submission, Highland Council seek to justify the draft Dunvegan Road Urban District Centre allocation on the basis that Dunvegan Road has become an increasing locus for development and on the basis of 'recently completed or permitted retail developments', making reference to the existing Co-op store, the Oatridge permission and erroneously referring to the Lidl 'consent'.

While new residential development at Home Farm has seen the settlement extent northwards the scale of Portree has not changed fundamentally and the gravity of the settlement remains largely the same as before with the majority of commercial activity and town centre functions located within the defined Portree town centre.

At paragraph 1.1 of their statement, the Council appear to suggest that Dunvegan Road has its own commercial catchment area which justifies the allocation of the Urban District Centre. However, Portree is a relatively compact and small scale settlement and the Dunvegan Road area is not so detached from Portree town centre that it requires an allocation of a second centre of a size greater than the existing town centre.

In terms of retail development at Dunvegan Road, the existing Co-op opened in 2002, and despite the Council's assertion at paragraph 1.2, it is not a considered to be a recently completed development. It is also important to note that when granting permission for the existing Co-op store, the Council enforced a sales restriction on the former store to preclude the sale of food on the basis that there was insufficient capacity to allow for two stores. It is inconceivable that since 2002 there has been such a growth in capacity to merit support for the allocation of a new district centre and for food retail development of approximately 150% above that already available.

Moreover, the decision by Highland Council to allocate the Dunvegan Road District Centre in the emerging Local Plan pre-dates the Council's consideration of the proposals by Lidl and Oatridge. Consequently, the suggestion by the Council's that the proposed district centre is a response to these proposals is considered to be somewhat misleading as the decision to include the draft allocation was made in advance of these proposals being determined.

At this time, the existing Co-op store is the only existing food retail store on Dunvegan Road and the decisions made by in 2008 by Highland Council in respect of foodstore proposals by Oatridge and Lidl do not justify the draft district centre allocation as there is no certainty that these sites will come forward for development during the forthcoming plan period.

In terms of the Lidl proposal on the McCrae Garage at Dunvegan Road, the Council erroneously refer to there being consent in place, however this is not the case and no such consent exists. The Lidl application (Ref: 07/00221/FUL) was presented to Highland Council's Ross Skye and Lochaber Planning Applications Committee on 24th June 2008 where the committee were minded to grant the application, subject to the conclusion of a section 75 agreement for the establishment and safeguarding of a required trunk road visibility splay of 9 metres by 70 metres. Following the 24th June committee meeting, no progress was made in terms of concluding the required Section 75 agreement and the application was formally withdrawn by Lidl.

It is understood that the Lidl withdrew their application as they had significant concerns regarding the site's title and also due to issues of site contamination and their inability to achieve the visibility splays required to safely access the site. In addition, the decision by Highland Council to grant Oatridge planning permission for a 2,885 sqm foodstore on land at Dunvegan Road may also have had an influence on Lidl's decision to withdrawn their application.

Following the withdrawal of their application, it is understood that Lidl no longer have any interest in the McCrae Garage site on Dunvegan Road and as a consequence there is little prospect of this site coming forward for development over the forthcoming plan period. Consequently, the planning history of this site does not lend any support for the draft district centre allocation.

Turning to the Oatridge proposal at Dunvegan Road, outline planning permission (Ref: 07/00357/OUTSL) was granted by Highland Council for the development of a 2,885 sqm foodstore, which is almost double the amount of the existing convenience floorspace in Portree. The outline planning permission was granted contrary to officer recommendation, with Council officers recommending refusal of the application on the basis that the proposed store would seriously undermine the aims of the Adopted Local Plan and Deposit Draft Local Plan to reinforce and enhance the viability and vitality of the town centre, would have a detrimental impact on established

retail centres in other settlements outwith Portree and have a negative impact on the established retail hierarchy of the area. In addition the Council's own independent retail consultants who identified that the proposed supermarket would impact negatively upon the vitality and viability of Portree, Broadford and Kyle of Lochalsh town centres to the extent that it would most likely result in the closure of numerous retailers in Portree, Broadford and Kyle of Lochalsh.

From the findings of the Council's own retail consultants and our own findings, if the Oatridge proposals were to be implemented, the turnover of proposed foodstore would be such that it would consume virtually all of the available convenience expenditure within the Skye and Lochalsh catchment area. A store of this nature would dominate the Skye retail market to the extent that it would create a monopoly position, acting against the interests of competition and choice and in conflict with the aims and objectives of national policy in SPP8 and the emerging Local Plan.

The Oatridge proposal represented a significant departure from national, strategic and local planning policy and there is no justification for the emerging Local Plan to offer policy protection and support for large scale retail development on the Oatridge site and we are opposed to the draft district centre allocation as it would offer policy support for a 30,000 sqft foodstore on Dunvegan Road which would have a detrimental impact on existing centres and stores across Skye.

Since outline planning consent was granted, there is no evidence that the consent will be implemented and there appears to be no market demand for such a large foodstore. We are also aware that there are third party title issues affecting the Oatridge which are likely to prevent it from coming forward and is another example of how the Council should not be using planning decisions to justify the draft commerce centre allocation at Dunvegan Road. Certainly, the existence of an outline planning permission does not justify the draft urban district centre and despite the Council's comments at paragraph 1.2, there is no 'changed reality' at Dunvegan Road that requires the allocation of a new District Centre.

It is evident that the Council's decisions in respect of the proposed developments by Lidl and Oatridge do not justify the draft district centre allocation and the emerging Local Plan should not be used to correct anomalies in development management decisions. There also remains an inherent conflict between the allocation of the town centre as a 'Sub Regional Town Centre' and the Dunvegan Road 'Urban District Centre'. The effect of the draft allocation is to offer support for large scale retail development along Dunvegan Road without there being any context or justification for such development.

SPP8 sets out the Government's policy on identifying a network of centres and establishes that to promote a sustainable approach to development, development plans should promote a network of centres in which the individual role of each centre supports and is supported by the role of other centres. SPP8 is also clear that investment priority should focus on town centres.

The proposed Dunvegan Road district centre would also lead to Dunvegan Road becoming the focus for retail activity in Portree and Skye, undermining the Council's objectives for Portree Town Centre and their aspirations to develop additional retail floorspace at Bayfield in Portree town centre.

We consider that the proposed Dunvegan Road district centre only serves to undermine the aims and objectives of Portree town centre and fails to meet the Government policy in having a network of complementary and supporting centres and the proposed Dunvegan Road district centre offers support for retail development of a scale and nature that it would cause significant harm, not only to Portree town centre but also to the other centres on Skye such as Broadford and Kyle of Lochalsh.

In allocating the draft Dunvegan Road District Centre boundary it would appear that little or no consideration has been given to the quantitative and qualitative requirements for all town centres uses, something that is required by national planning policy.

I trust that the above comments are of assistance and will be taken into account by the Reporter along with our earlier representations.

Yours sincerely

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GL HEARN

Dear Mr Archibald,

EXAMINATION OF THE WEST HIGHLANDS AND ISLANDS LOCAL PLAN. NOTICE OF REQUEST FOR INFORMATION IN WRITING: ISSUE 96 – THE COMMERCE CENTRE FOR BROADFORD. REPRESENTATION NO 515 – THE CO-OPERATIVE GROUP

I refer to our recent correspondence regarding the above and to the request by the Reporter for additional information from The Highland Council and from the Co-operative Group in respect of the commerce centre for Broadford. Consequently, on behalf of my client, The Co-operative Group, and further to our previous submissions, I write to provide a supplementary written submission in response to the Reporter's request.

The draft local plan allocates Broadford as a local centre and its allocation as a local centre would suggest an acknowledgement that its scale and function is such that while Broadford is an important centre, its role is subservient to other higher order centres such as Portree.

We welcome the allocation of Broadford as a local centre and consider that implicit in this allocation is the acceptance that Broadford has its own localised catchment and that retail facilities in Broadford should be of a scale and nature that is appropriate for a local centre.

However, while the Council have allocated Broadford as a local centre, they are not necessarily interpreting it as a local centre and see its role and in their supplementary statement describe Broadford as one of three principal service and employment centres within Skye together with Portree and Kyle. The Council also advise that Broadford is the best placed of the centres on Skye to accommodate more commercial development in terms of its centrality and availability of relatively less constrained development sites.

We do not necessarily agree that Broadford is less constrained than other settlements on Skye and as acknowledged by the Council in their statement on Dunvegan Road, there are development opportunity sites in Portree, particularly on the northern edge of the town. Furthermore, while Broadford may have sites that are capable of accommodating development it does not necessarily follow that support should be given to the allocation of land for retail development of an unspecified nature and scale and which would be inappropriate for Broadford's role as a local centre.

The Council also advise that Broadford as a settlement was felt to be suitable for additional retail development because of its centrality to the Skye and Lochalsh population catchment and its relative lack of constraints to residential and employment expansion compared to Portree and Kyle of Lochalsh. Here the Council seem to be suggesting that Broadford could perform a regional retailing role serving the Skye and Lochalsh catchment, something that is completely at odds with Broadford's role as a local centre.

While Broadford performs a local retailing function, it is important to understand the regional retail capacity context. In 2008, when considering retail proposals in Portree by Oatridge Ltd and Lidl, Highland Council commissioned a retail study which found there to be limited capacity for additional retail floorspace in Skye & Lochalsh. Following the decision by Highland Council to grant outline planning permission to Oatridge Ltd for a 2,885 sqm foodstore on Dunvegan Road in Portree, there is a surplus of existing and committed convenience goods turnover when compared with expenditure in the Skye catchment area and therefore there is no reasoned justification for the Council to support the development of further convenience retail floorspace in Broadford.

Despite being allocated as a local centre and despite the absence of any capacity within the Skye and Lochalsh catchment to support any additional food retail floorspace, the draft plan allocates two sites for retail development in Broadford with the draft plan and the Council's supplementary statement offering little in the way of justification for these two sites (Allocations MU: Land to Rear of Broadford Library and MU3: Glen Road North).

In terms of the site to the rear of Broadford Library (Ref: MU) the Council seek to justify the draft allocation by advising that the site is large enough to accommodate a store and that it has good active travel and public transport accessibility, has the competitive commercial advantage of visibility from the A87 trunk road which isn't available to many other similar sites within the settlement.

The fact that the MU site is capable of accommodating a 'store' is not proper justification for its allocation for a retail development of unspecified scale and nature. Similarly the fact that the site may be commercially attractive is irrelevant in light of the fact that there is no need or requirement for such an allocation.

In terms allocation MU3, the Council have clarified that the recent permissions granted in Portree should absorb any spare convenience capacity across Skye and Lochalsh and the advantages of trunk road visibility and area centrality may justify a non food retail warehouse or similar commercial use.

While we welcome the move to broaden the list of acceptable uses on the MU3 site, the turnover of the Oatridge proposal far exceeds the very limited capacity that existed prior to the consent being granted and consequently food retailing should not be acceptable on this site. While the MU3 site may have good roadside visibility this is not in itself justification for allocating it for retail use and support certainly should not be given to food retailing on this site.

The Council also state that it is not appropriate for the plan to artificially limit competition between retailers and it is therefore reasonable for it to retain retail as one of a list of acceptable uses for the site. At no time have we argued that the draft plan should seek to restrict competition and that we are only seeking for the emerging plan to offer support for additional food retail floorspace where it would not cause harm to existing defined centres. Recent research undertaken by ourselves and by Highland Council has demonstrated that there is no capacity within the Skye and Lochalsh

catchment for additional food retail floorspace and as such the plan should not offer support for development that would cause harm to existing centres.

In conclusion, the emerging Local Plan does not provide any rationale for the aforementioned draft allocations that offer support for retail development in Broadford of a scale and nature that is inconsistent with the role and function of Broadford as a local centre. The existence of sites that are capable of being developed is not a justification for allocating land where there is no market demand.

I trust that the above comments are of assistance and will be taken into account by the Reporter along with our earlier representations.

Yours sincerely

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GL HEARN

Dear Mr Archibald,

EXAMINATION OF THE WEST HIGHLANDS AND ISLANDS LOCAL PLAN. NOTICE OF REQUEST FOR INFORMATION IN WRITING: ISSUE 53 – THE COMMERCE CENTRE FOR KYLE OF LOCHALSH. REPRESENTATION NO 515 – THE CO-OPERATIVE GROUP

I refer to our recent correspondence regarding the above and to the request by the Reporter for additional information from The Highland Council and from the Co-operative Group in respect of the commerce centre for Kyle of Lochalsh. Consequently, on behalf of my client, The Co-operative Group, and further to our previous submissions, I write to provide a supplementary written submission in response to the Reporter's request.

As indicated in our previous representations, we are of the view that the draft centre boundary for Kyle creates a situation whereby the draft local plan does not actually define a 'centre' for Kyle of Lochalsh and instead offers support for retail development throughout the entire settlement, even within areas which are allocated for other land uses, including residential and business development and on areas of open space.

Having a commercial centre whose boundary follows the settlement boundary also presents difficulties in applying the sequential approach to site selection and the proposed commerce centre boundary could potentially result in the somewhat unusual situation where edge of centre retail proposals would actually lie outwith the settlement boundary. Consequently, we consider that the proposed commerce centre boundary for Kyle of Lochalsh should be re-defined to only cover an identified retail or commercial core of the town.

The Council's justification for the commerce centre boundary is that a tighter boundary would only reflect the existing distribution of commercial uses and would not add value to the development plan and that it would not enclose nor be close to any viable, large scale commercial development sites.

In response, we would stand by our original comments regarding the draft town centre boundary and the inability to meaningfully apply the sequential approach to site selection. In addition, if the Council consider there to be an identified need to allocate land in Kyle of Lochalsh to meet a need

for the development of town centre uses then they should be using the emerging Local Plan to extend the settlement boundary and allocate a site or sites for such development rather than simply having the commerce boundary mirror the settlement boundary.

In terms of redefining the centre boundary for Kyle of Lochalsh we would suggest a boundary that is focused around what one might reasonably consider to be the commercial core of the village, centred around the A87, Station Road and Plock Road. Such a definition would allow for the plan to establish a meaningful retail centre for Kyle, offering planning policy protection for existing town centre uses and avoiding any conflict or confusion with other land use allocations within the settlement.

I trust that the above comments are of assistance and will be taken into account by the Reporter along with our earlier representations.

Yours sincerely

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Date: 11th February 2009
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GL HEARN

Dear Sirs,

West Highland and Islands Local Plan: Deposit Draft (December 2008)
Response on behalf of the Co-operative Group

I refer to your recent correspondence regarding the above and to the previous representations that were submitted on behalf of the Co-operative Group on 13th March 2008 in response to the West Highlands & Islands Local Plan: Deposit Draft December 2007.

For your information, I have enclosed a copy of our previous submission to the December 2007 draft which made a number of objections in relation to the following:

- Policy 15: Developer Contributions
- Draft Policy: 17 Commerce
- Draft Commerce Centre Boundaries
- Inset SL1: Portree
- Inset SL38: Kyle of Lochalsh
- Inset SL2(A): Broadford (West)
- Inset L013: Ballachullish South
- Inset L031: Mallaig

It is noted that following the submission of our previous representations, Highland Council have issued a revised Deposit Draft Local Plan (December 2008), incorporating a number of changes to the draft plan. We have taken the opportunity to review the December 2008 Deposit Draft and offer the following response.

Draft Policy 17 'Commerce'

Draft Policy 17 'Commerce' identifies a network of centres and establishes the following hierarchy of centres:

- Sub Regional/Town Centre
- Urban District Centre
- Urban Neighbourhood Centre
- Retail Park
- Sub-Area / Local Centre
- Villages

Although we welcome the introduction of a network of centres, the draft policy fails to make any distinction between the function and role of the sub regional/town centres, urban district centres, and sub-area / local centres. The draft policy identifies that all of these centres have the same role and function, something which has the potential to cause confusion as it implies that these centres all have an equal position within the hierarchy.

In order for the proposed network of centres to have meaning, draft Policy 17 must provide greater clarity on the role and function which each of the identified centres should play. SPP8 gives detailed consideration to the identification of a network of centres and establishes that the network should provide a context for the assessment of proposals for new development. The network contained at draft Policy 17 does not achieve this and does not provide any guidance as to where, dependent upon scale, new retail development should be located.

Amending draft Policy 17 to provide greater clarity on the role of each centre would also allow for the policy to better reflect the comments that are made at Section 4.2 of the draft Local Plan where it acknowledges that in order to sustain the role and function of places, development requires to be at a scale commensurate with their size, location and the distribution of the population.

SPP8 also establishes that in identifying a network, consideration should be given to the broad quantitative and qualitative requirements for all town centres uses. It is evident that such consideration was not undertaken in establishing the network of centres contained within draft Policy 17. Despite there being pressure for additional retail floorspace within the Skye and Lochalsh catchment area, the draft plan fails to acknowledge the issue of quantitative or qualitative retail requirements as required by SPP8.

It is understood that Highland Council commissioned White Young Green to prepare a retail capacity study to consider the Skye and Lochalsh catchment area and to establish the capacity which exists to support additional retail floorspace. Consequently, Highland Council have the necessary background information to ensure that the emerging Local Plan establishes clear parameters for the development of retail floorspace in the Skye and Lochalsh catchment over the forthcoming plan period. This issue is particularly important, given the recent decision by Highland Council to grant planning permission to Lidl and Oatridge Ltd for new food retail developments at Dunvegan Road, Portree.

Draft Commerce Centre Boundaries

Linked to the network of centres identified by draft Policy 17, is the identification of specific 'commerce centre' boundaries on the proposals maps of the draft Local Plan.

While we welcome the move to identify 'Commerce Centres', we do not consider that the proposed approach is appropriate and consider that the commerce centre allocations identified on the proposals maps should reflect the centre's position within the network of centres. Therefore, rather than simply having defined 'commerce centres' the proposals maps should specifically identify centres which correspond with the centres identified within Policy 17 of the draft plan.

We have also taken the opportunity to review the proposed 'Commerce Centre' boundaries and have concern at the extent and nature of some of the centres that have been identified. Prior to making specific comment on the individual centres it is important to consider the purpose of defining a town centre boundary and the benefits that this can deliver. Government guidance on the approach taken to the physical definition of town centres is contained within SPP8 and it advises that the delineation of a town centre boundary will be dependent on the identification and evaluation of the full range of town centre uses. SPP8 advises that in most cases this will include the retail core, which consists of the primary and secondary retail areas.

In applying this policy, the typical approach taken is to define a town centre boundary around what one might consider to be the retail core of a town. However, where there is an identified need for additional retail floorspace within an area, the plan may seek to expand the town centre to include areas where subject to access, land availability and scheme viability, the planning authority would accept future retail development.

We consider that defined town centre boundaries are only meaningful where they accurately reflect the true extent of what one would consider to be the town centre of a settlement and where they allow for the application of the sequential approach as per the requirements of national policy in SPP8. From our review of the draft Local Plan we do not consider that the commerce centre boundaries defined on many of the proposals maps represent realistic interpretations of what one would consider to be the commercial core of a settlement and nor do many of the defined centres allow for the sequential approach to be properly applied.

We have set out our concerns with specific commercial centre boundaries below, together with our concerns regarding a number of site specific allocations in the settlements of Portree, Broadford, Kyle of Lochalsh and Ballachulish South.

Inset SL136: Portree

Following our previous representations it is noted that the proposed commerce centre for Portree has been amended and the December 2008 Deposit Draft now allocates two commerce centres for Portree, the first around what can reasonably be considered to be the commercial core of Portree and the second around an extensive area of land at Dunvegan Road. Policy 17 identifies that the area around the village centre id designated as a 'Sub Regional Town Centre' while the area at Dunvegan Road is allocated as an 'Urban District Centre'. In terms of their function, draft Policy 17 establishes that both centres are appropriate for 'Mixed Use Comparison & Convenience'.

As already mentioned above, there is a direct conflict between the two allocations and there is a lack of clarity regarding their relationship and position in the network of centres due to the fact that the draft plan identifies that both centres have the same role and function.

While the 'Sub Regional Town Centre' identified around the central area of Portree reflects what one would reasonably consider to be the commercial core of the village, the proposed Dunvegan Road 'Urban District Centre' covers an extensive area, overlapping with other draft allocations, including the mixed use (MU2) allocation at Struthan Road, the H2 Housing Allocation at Dunvegan Road and the I2 Industry allocation at the Portree Industrial Estate.

Policy 17 'Commerce' of the draft plan advises that Highland Council will encourage retail, office and leisure development in allocated commerce centres and in 'Urban District Centres' support is offered to mixed uses, including comparison and convenience retailing. Consequently, the draft commerce centre allocation at Dunvegan Road has the potential to lend support for large scale retail development in Portree without there being any context or justification for such development, particularly in light of the recent planning permissions that have been granted to Lidl and Oatridge. Again, it can be seen that the Deposit Draft Local Plan fails to establish a robust set of retail policies that will establish parameters for additional retail floorspace in Portree.

While it is acknowledged that Dunvegan Road is home to a number of existing commercial uses, some of which are retail, we do not consider that this creates sufficient justification for the Council to identify such an extensive commercial centre area at Dunvegan Road and to offer support for further food retail development at this location. Indeed, no reference is made in the draft plan as to why such a large commercial area has been allocated and the scale of retail development that is considered appropriate within this area.

Inset SL1: Kyle of Lochalsh

Our previous representations expressed concern at the proposed Commerce Centre boundary for Kyle of Lochalsh, establishing the position that we did not consider it appropriate for the commerce centre boundary to simply mirror the proposed settlement development area boundary.

The Deposit Draft (December 2008) does not include an amended Commerce Centre boundary for Kyle of Lochalsh and as such we maintain our objection to Inset SL1 of the draft Local Plan.

The Deposit Draft plan identifies Kyle of Lochalsh as a Sub Area / Local Centre where there is support for 'Mixed Use Comparison & Convenience'. The centre boundary identified on Inset Plan SL1 mirrors the settlement boundary and creates a situation whereby the draft local plan does not actually define a 'centre' for Kyle of Lochalsh and instead offers support for retail, development throughout the entire settlement, even within areas which are allocated for other land uses, including residential and business development and on areas of open space.

Having a commercial centre whose boundary follows the settlement boundary also presents difficulties in applying the sequential approach to site selection and the proposed commerce centre boundary could potentially result in the somewhat unusual situation where edge of centre retail proposals would actually lie outwith the settlement boundary. Consequently, we consider that the proposed commerce centre boundary for Kyle of Lochalsh should be re-defined to only cover an identified retail or commercial core of the town.

Inset SL138(A) Broadford (West)

Page 71 of the draft Local Plan sets out the draft plan's objectives for Broadford and while we are supportive of their general thrust, there are some inconsistencies with other parts of the plan. Draft Policy 17 establishes that Broadford is a 'Sub-Area / Local Centre' but the objectives at page 71 refer to Broadford's role as an 'Area Centre' with paragraph 9.15 referring to the need to 'consolidate and create a recognisable village centre'.

The plan's references to Broadford as a 'Sub-Area / Local Centre', 'Area Centre' and as a 'Village' ' has the potential to cause confusion, particularly given the content of draft Policy 17 which identifies Broadford as a 'sub area centre' and places villages in a separate category further down the identified network of centres. The draft local plan should seek to redress this inconsistency and remove any confusion about Broadford's position within the network of centres.

In terms of specific allocations we note that the draft Local Plan allocates 3.3ha of land to the south of Broadford Library for retail development and that the mixed use allocation at Glen Road (North) also offers support for retail development.

Despite these allocations, the draft local plan does not provide any rationale for these allocations or guidance on the type of retail development which the Council wish to direct to these sites. The White Young Green Skye retail study found that there is a limited requirement for additional convenience retail floorspace in the Skye and Lochalsh catchment and this has all been taken up by the permissions recently granted to Lidl and Oatridge for Council for new supermarket developments in Portree. Indeed, the aforementioned permissions have created a situation where the Skye and Lochalsh catchment will suffer from a convenience expenditure deficit.

In addition to the consents granted to Lidl and Oatridge in Portree, the Co-op are in the process of extending their existing supermarket in Broadford and this extension will serve to improve the convenience retail offer in Broadford, reducing the need for residents to travel elsewhere in the catchment area for their food shopping. In light of this, we do not consider that there is a

requirement to identify land for food retail development in Broadford and any retail allocations within the town should only offer support to non food retail proposals.

We also note that part of the proposed retail allocation to the south of the library in Broadford lies within the proposed commerce centre boundary. Draft Policy 17 advises that the Council will encourage retail, office and leisure development within commerce centres. However, Inset Plan SL138(a) indicates that only retail development is acceptable on the site to the south of Broadford Library. Given that draft Policy 17 offers support a range of uses within the defined commerce centres, we consider that the allocation should be amended to reflect this position.

Inset LO3: Ballachulish South

Our previous submission, requested that the draft Local Plan should designate a centre for Ballachulish South, including the land at Station Yard which is the subject of planning permission reference 03/00057/FULLO. It was also requested that the site covered by the aforementioned planning permission should be removed from a housing allocation and be specifically allocated for retail use.

We note that the Deposit Draft (December 2008) now allocates a commerce centre for Ballachulish South and that the land at Station Yard is covered by a draft Mixed Use allocation. While we welcome the inclusion of a defined centre for Ballachulish South, the draft written statement does not appear to make any specific reference to the mixed use allocation on the Station Yard in order to advise the mix of uses that the Council consider as being appropriate for this site and whether this includes retail development.

Consequently, we retain our previously stated position that the land at Station Yard which is the subject of planning permission reference 03/00057/FULLO should be specifically allocated for retail use.

Policy 15 – Developer Contributions

The final part of the draft Local Plan that we wish to object to is the proposed wording of draft Policy 15 'Developer Contributions'.

While we recognise that in certain circumstances, it will be appropriate for Highland Council to seek developer contributions we consider that Draft Policy 15 fails to provide certainty as to the circumstances where the Council will seek developer contributions.

We suggest that the policy is amended to clarify that developers will only be required to make developer contributions where development will create or exacerbate deficiencies in, or impose significantly increased burdens on existing infrastructure. The policy should also be strengthened by clarifying the manner in which the Council will seek to determine the nature and scale of any developer contribution.

In this respect we suggest that the policy is amended to make reference to the provisions of 'Circular 12/96 – Planning Agreements' as it will provide developers with confidence that any development contribution sought, as detailed in the policy, will meet the relevant tests as outlined in this Circular.

Conclusions

In conclusion, we consider that the Deposit Draft West Highlands and Islands Local Plan fails to properly address issues relating to retail development within the plan area. While we welcome the Council's efforts in seeking to establish a network of centres it is apparent that little or no

consideration has been given to the broad quantitative and qualitative requirements for all town centres uses, something that is required by national planning policy.

We believe that the emerging Local Plan needs to take a more pro-active approach to retail development to ensure that the policies and allocations contained within the new Local Plan are informed by relevant background research which as far as possible offer retailers and developers certainty over the lifetime of the forthcoming Local Plan.

Moreover, the draft commerce centre allocations contained within the draft plan create a situation where there is conflict between the various centres within the identified network and it has been demonstrated that a number of the centres are wholly inappropriate, both in terms of their form and in terms of the support that they offer for retail development without any regard to the need for additional retail floorspace.

We are aware that Highland Council commissioned White Young Green to undertake a retail study for the Skye and Lochalsh and this study provides the Council with the necessary background information relative to the Skye and Lochalsh area that is required to ensure that the retail strategy of the emerging local plan is properly informed by empirical evidence.

Our client's have retail interests throughout the plan area and the overall strategy within the new Local Plan should provide a policy context which ensures the protection of the vitality and viability of all tiers of centres. This is something which Draft Policy 17 fails to achieve and the policy requires significant alteration in order for it to provide greater clarity on the role and function which each of the centres should play.

I trust that the above comments will be taken into account by the Council during the preparation of the emerging Local Plan. We would welcome the opportunity to discuss the above observations with your department in due course. In the meantime we look forward to receiving your written response upon receipt of this letter.

Yours sincerely

[redacted]

Graeme Laing
Associate Planning Director
[redacted]

Enc.

cc Nigel Smith – Co-operative Group
Ruairidh Jackson – Co-operative Group

WEST HIGHLAND AND ISLANDS LOCAL PLAN - HOW YOU WISH TO PROCEED WITH YOUR VIEWS

Please clarify how you wish to proceed with each of your views (representations) by choosing one of the options below for each issue you made comment on and return to: *Director of Planning & Development, Highland Council Headquarters, Glenurquhart Rd., Inverness IV3 5NX (Freepost envelope enclosed)*

Your Signature [redacted]
Date 12/2/09
Your Name GRAEME LAING
Day-time Telephone Number [redacted]

Client (if applicable) CO-OPERATIVE GROUP
E-mail (if applicable) [redacted]
Organisation (if applicable) GL HEARN
Your Ref. Number (on addressee label)

ISSUE(S) Please list each issue (site, boundary, policy or text) – continue on separate sheet if necessary	HOW I WISH TO PROCEED — EITHER: **WITHDRAW** my views *(where you are content with the Council's response to your views and/or you do not wish to take the matter any further)*	OR: ✓ **CONFIRM** my representation as a formal **OBJECTION** to the Plan *(where you are not content with the Council's response to your views and wish a Scottish Government Reporter to provide an independent judgement on the issue)*
Example: A person who commented on two sites, one in Roy Bridge and another in Portree who wishes to withdraw his/her representation to the Roy Bridge site but confirm an objection to the site in Portree would complete the table as follows:		
Roy Bridge - Field off Bohenie Road (H1)	✓	
Portree - Kiltaraglen East (H5)		✓
ISSUE(S)	**WITHDRAW**	**CONFIRM OBJECTION**
POLICY 17 - COMMERCE		✓
COMMERCE CENTRE BOUNDARIES		✓
INSET SL136 : PORTREE		✓
INSET SL1 : KYLE OF LOCHALSH		✓
INSET SL138(A) BROADFORD WEST		✓
INSET L03 : BALLACHULISH SOUTH		✓
POLICY 15 : DEVELOPER CONTRIBUTIONS		✓

CG5

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Date: 13th March 2008
Our Ref: GL/128156/J019506/L001v2

The Highland Council
Planning and Development Service
Glenurquhart Road
Inverness
IV3 5NX

By Fax and Post

GL HEARN

Dear Sirs,

Co-operative Group – Response to Deposit Draft West Highlands and Islands Local Plan

I refer to the above plan that has been published for consultation purposes and on behalf of my client, the Co-operative Group, hereby submit the following representation.

As you may be aware, the Co-operative Group have extensive property interests throughout plan area, including retail stores in Portree, Broadford, Kyle of Lochalsh and Mallaig.

Retail Development – A Plan Led Approach

Prior to making our response to the specific policies and allocations that are contained within the draft Local Plan we wish to make comment on the general approach to retail development, particularly as it affects the Skye and Lochalsh area.

The deposit draft Local Plan has been published at a time when Highland Council are considering two planning applications for new supermarkets in Portree with Lidl seeking permission for a 1381m^2 gross supermarket at Dunvegan Road, Portree (App Ref: 07/00212/FULSL) and Oatridge Ltd seeking permission for a 2885m^2 gross supermarket on land at Dunvegan Road, Portree (App Ref: 07/00357/OUTSL).

It is likely that the pressure for new food retail development in Skye, particularly in Portree, will continue throughout the forthcoming plan period and therefore the emerging Local Plan needs to establish a clear and robust framework to guide new retail development to appropriate locations and to ensure that any new retail floorspace is of a scale that is commensurate with the settlement in which it is located.

You may be aware that on behalf of the Co-operative Group, we have submitted objections to both the Lidl and the Oatridge applications, expressing our concern that the applications currently before the Council, together with other retailer interest, have the potential to undermine the Council's proposals for Skye as expressed in the Deposit Draft West Highlands and Islands Local Plan and could potentially impact upon the Council's ability to follow a plan led approach to retail development in Skye and Lochalsh.

Notwithstanding specific objections that we have made to both applications, and despite our requests for Highland Council to resist the applications on the basis of prematurity and to deal with the issue of retail need through the emerging Local Plan we understand that both applications are

being actively progressed towards determination, possibly with the applications being reported to Committee.

It is appreciated that elements of the Deposit Draft West Highlands & Islands Local Plan may have been prepared prior to the submission of the Lidl and Oatridge applications and we understand that the Plan has not been informed by any background retail studies. However, we are aware that as part of the consideration of the Lidl and Oatridge applications, Highland Council commissioned White Young Green (WYG) to undertake a retail study of the Skye and Lochalsh area and the findings of this retail study are of direct relevance to the Local Plan review.

We have had the opportunity to review the White Young Green report and are aware of its recommendations to Highland Council and it concludes that there is only sufficient capacity within the Skye and Lochalsh catchment area to support additional convenience goods floorspace of between 1086m^2 (net) and 2600m^2 net, dependent upon the end operator and the type of development.

While we are not offering direct or unequivocal support for the White Young Green report, this should be a material consideration to any retail planning matters affecting Skye and Lochalsh. We appreciate that this detailed information on retail capacity was not available to Highland Council in time for it to inform the content of the West Highlands & Islands Local Plan, the Council now have the necessary background information to ensure that the retail strategy of the emerging Local Plan is properly informed, allowing for the Council to develop an appropriate strategy to meet the limited requirement for additional convenience floorspace within the Skye and Lochalsh catchment area.

The applications currently before the Council have the potential to undermine the current Local Plan review process, impacting upon the Council's ability to follow a plan led approach to retail development in Skye. Indeed, if Highland Council were to approve both of the submitted applications, the development of two out of centre supermarkets in Portree would render the retail strategy contained within the Deposit Draft Local Plan almost meaningless.

Highland Council are now in a position to address the requirement for additional retail floorspace in the Skye and Lochalsh catchment area through the current Local Plan review. It is essential that this is done in order that retailers can have certainty that national and development plan policy on retailing will be properly applied to development proposals in Skye and Lochalsh in accord with the interests of the proper planning of the area and the Government's support of town centres, and this approach should also be consistently applied across the rest of the Highland Council area.

In light of the above and given the progress that the Council have made with the draft Local Plan we respectfully request that the Council resist the applications currently before them in Skye and more propertly deal with the issue of retail need through the Local Plan review process.

Notwithstanding all of the above, we now offer comment on the specific policies and allocations that are contained within the draft Local Plan.

Draft Policy 17 'Commerce'

Draft Policy 17 'Commerce' identifies a network of centres and establishes the following hierarchy:

- Sub Regional/Town Centre
- Commercial Centre
- District Centre
- Neighbourhood Centre
- Sub Area Centre
- Villages

Although we welcome the introduction of a network of centres, the draft policy fails to make any distinction between the function and role of the sub regional/town centres, district centres, neighbourhood centres and sub-area centres. The policy identifies that all of these centres have the same role and function, something which has the potential to cause confusion as it implies that these centres all have an equal position within the hierarchy.

In order for the proposed network of centres to have meaning, draft Policy 17 must provide greater clarity on the role and function which each of the centres should play. SPP8 gives detailed consideration to the identification of a network of centres and establishes that the network should provide a context for the assessment of proposals for new development. The network contained at draft Policy 17 does not achieve this and does not provide any guidance as to where, dependent upon scale, new retail development should be located.

Amending draft Policy 17 to provide greater clarity on the role of each centre would also allow for the policy to better reflect the comments that are made at Section 3 of the draft Local Plan where it acknowledges that in order to sustain the role and function of places, development requires to be at a scale commensurate with their size, location and the distribution of the population.

SPP8 also establishes that in identifying a network, consideration should be given to the broad quantitative and qualitative requirements for all town centres uses. It is evident that such consideration was not undertaken in establishing the network of centres contained within draft Policy 17. Despite there being pressure for additional retail floorspace within the Skye and Lochalsh catchment area the draft plan fails to acknowledge the issue of quantitative or qualitative retail requirements as required by SPP8.

As noted above, the Council, in the form of the White Young Green retail study, now have background information that establishes clear parameters for the Council to consider retail need in Skye and Lochalsh.

Draft Commerce Centre Boundaries

Linked to the network of centres identified by draft Policy 17, is the identification of specific 'commerce centre' boundaries on the proposals maps of the draft Local Plan.

Broadly, we welcome the move to identify 'Commerce Centres' but we do not consider that the proposed approach is appropriate and consider that the commerce centre allocations that are identified on the proposals maps should reflect the centre's position within the network of centres.

Therefore, rather than simply having defined 'commerce centres' the proposals maps should specifically identify sub regional, commercial, neighbourhood, sub area and village centres. Making such an amendment would assist with ensuring consistency between the proposals maps and Policy 17 of the draft Local Plan.

Moreover, not all of the centres that are identified within draft Policy 17 have defined 'Commerce Centres' on the corresponding proposals maps. For example, draft Policy 17 identifies Broadford and Mallaig as sub area centres, but only Broadford has a defined commerce centre shown on the proposals map. Again, there is seen to be inconsistency in the Councils approach to defining centre boundaries which causes some confusion in establishing the role and function of the centres that are identified within the proposed network of centres.

We have also taken the opportunity to review the proposed 'Commerce Centre' boundaries and have concern at the extent and nature of some of the centres that have been identified. Prior to making specific comment on the individual centres it is important to consider the purpose of defining

a town centre boundary and the benefits that this can deliver. Government guidance on the approach taken to the physical definition of town centres is contained within SPP8 and it advises that the delineation of a town centre boundary will be dependent on the identification and evaluation of the full range of town centre uses. SPP8 advises that in most cases this will include the retail core, which consists of the primary and secondary retail areas.

In applying this policy, the typical approach taken is to define a town centre boundary around what one might consider to be the retail core of a town. However, where there is an identified need for additional retail floorspace within an area, the plan may seek to expand the town centre to include areas where subject to access, land availability and scheme viability, the planning authority would accept future retail development.

We consider that defined town centre boundaries are only meaningful where they accurately reflect the true extent of what one would consider to be the town centre of a settlement and where they allow for the application of the sequential approach as per the requirements of national policy in SPP8. From our review of the draft Local Plan we do not consider that the commerce centre boundaries defined on many of the proposals map represent realistic interpretations of what one would consider to be the commercial core of a settlement and nor do many of the defined centres allow for the sequential approach to be properly applied.

We have set out our concerns with specific commercial centre boundaries below, together with our concerns regarding a number of site specific allocations in the settlements of Portree, Broadford, Kyle of Lochalsh, Ballachulish South and Mallaig.

Inset SL1: Portree

The proposed commerce centre identified on draft Inset Map SL1 comprises a large regularly shaped boxed area which does not follow any readily identifiable boundaries. Although it covers part of what would reasonably be considered to be the commercial core of Portree, it also includes other extensive tracts of Portree as well as Loch Portree.

We consider that the proposed boundary should be re-defined to only include areas of land within the central area of Portree which are home to existing town centre uses.

As noted in the earlier section of this letter, Portree is currently the focus of significant developer interest for the development of additional convenience floorspace and we consider that this pressure will remain throughout the forthcoming Local Plan period. Consequently, it is vitally important that the emerging Local Plan defines a meaningful town centre boundary for Portree that allows the sequential test to be properly applied and although somewhat dependent on the outcome of the Lidl and Oatridge applications, seeks to provide certainty regarding the scale of additional retail development that may be required in Portree and where this floorspace should be located.

While there are no specific retail allocations in Portree, it is noted that the draft local plan offers support for the inclusion of retail floorspace as part of the mixed use allocations at Bayfield (MU3) and Upper Bayfield (MU4). However, the draft Local Plan does not offer a detailed explanation as to the type or scale of retail development that would be supported at these locations.

Although we are generally supportive of the Council's efforts to improve Portree Harbour through development at Bayfield, from our review of the schedule contained at page 64 we are not convinced that either of the proposed mixed use development sites (MU3 & MU4) represent effective development opportunities as their development is dependent upon land reclamation and the outcome of coastal and fluvial risk assessments. Consequently, it is considered unlikely that these sites will come forward for development during the forthcoming plan period and unless it can

be demonstrated otherwise, they should not be relied upon for meeting any land use requirements at this time.

Inset SL38: Kyle of Lochalsh

Although the draft commerce centre boundary for Kyle of Lochalsh is more conventional than the boundary proposed at Portree (see above), we nevertheless do not consider that it is appropriate for the commerce centre boundary to simply mirror the proposed settlement development area boundary.

In this respect, the draft local plan does not actually define a 'centre' for Kyle of Lochalsh but instead creates a situation where draft Policy 17 would offer support for retail, office and leisure development throughout the entire settlement, even within areas of existing residential development and within proposed residential allocations H1 and H2.

Having a commercial centre whose boundary follows the settlement boundary also presents difficulties in applying the sequential approach to site selection and the proposed commerce centre boundary could potentially result in the somewhat unusual situation where edge of centre retail proposals would actually lie outwith the settlement boundary.

Consequently, we consider that the proposed commerce centre boundary for Kyle of Lochalsh should be re-defined to only cover an identified retail or commercial core of the town.

Inset SL2: (A) Broadford (West)

Page 66 of the draft Local Plan sets out the plan's objectives for Broadford and while we are supportive of their general thrust, there are some inconsistencies with other parts of the plan. Draft Policy 17 establishes that Broadford is a 'sub area centre' but the objectives at page 66 refer to Broadford's role as a 'principal settlement' and the need to 'consolidate and create a recognisable village centre'.

The plan's references to Broadford as a 'principal settlement' and as a 'village' ' has the potential to cause confusion in light of draft Policy 17 which identifies Broadford as a 'sub area centre' and places villages in a separate category further down the identified network of centres. The plan should seek to redress this inconsistency to remove any confusion about Broadford's position within the network of centres.

In terms of specific allocations we note that the draft Local Plan allocates 3.3ha of land to the south of Broadford Library for retail development and that the mixed use allocation at Glen Road (North) also offers support for retail development.

Despite these allocations, the draft local plan does not provide any rationale for these allocations or guidance on the type of retail development which the Council wish to direct to these sites. The findings of the WYG Skye and Lochalsh retail study find that there is a limited requirement for additional convenience retail floorspace in the Skye and Lochalsh catchment and this could potentially be taken up by the application proposals that are currently before the Council for new supermarket development in Portree. This simply reinforces the need for the White Young Green report to inform the Local Plan process and for any planning applications to be deemed premature until such times as the Plan is adopted.

Furthermore, the Co-op are in the process of extending their existing supermarket in Broadford and this extension will serve to improve the convenience retail offer in Broadford, reducing the need for residents to travel elsewhere in the catchment area for their food shopping. In light of this and given

the findings of the WYG study, we do not consider that there is a requirement to identify land for food retail development in Broadford and any retail allocations within the town should only offer support to non food retail proposals.

We also note that part of the proposed retail allocation in Broadford lies within the proposed commerce centre boundary. Draft Policy 17 advises that the Council will encourage retail, office and leisure development within commerce centres. However, Inset Plan SL2(a) indicates that only retail development is acceptable on the site to the south of Broadford Library. Given that draft Policy 17 offers support a range of uses within the defined commerce centres, we consider that the allocation should be amended to reflect this position.

Ballachulish South (Inset L013)

The designation of land at former Station Yard, Ballachulish as a housing land use policy allocation (H1) is objected to, in part. It is considered that the part of this allocation which is the subject of an extant planning permission for retail development (planning permission 03/00057/FULLO) should be removed from the housing allocation and given a retail allocation. A plan showing the general area concerned is enclosed for your information. The Co-operative Group have recently purchased this site and intend to develop this site for retail use.

It is noted that Ballachulish South is included within the hierarchy of centres outlined in draft Policy 17. Notwithstanding the points already raised in connection with this policy, Ballachulish South does perform the role of a retail and service centre for the surrounding area. In particular, the site which this representation is requesting be excluded from housing allocation H1 is in an area with town centre type uses and it is suggested that in order to enhance the role of the centre, and to improve retail facilities for the settlement and surrounding area, that the provision of a larger retail store is something which should be promoted in the Local Plan. It is suggested, in order to do this and to ensure the continued vitality and viability of the centre and its role in the surrounding area, that the Local Plan should reflect the retail opportunity and that it should be accordingly allocated as a retail use/opportunity.

In conclusion, it is requested that the draft Local Plan should both designate a centre for Ballachulish South, which will include the site which is the subject of planning permission reference 03/00057/FULLO and that the site covered by the aforementioned permission should be removed from the housing proposal land use allocation and be specifically allocated for retail use.

Mallaig (Inset L031)

Mallaig is identified as a 'Sub Area Centre' within the hierarchy of centres outlined in Policy 17 of the draft Local Plan but the proposals map of the draft Local Plan does not identify a commerce centre for Mallaig. Again, it can be seen that there is an inconsistency between the proposals map of the draft Local Plan and the accompanying written statement.

As with Ballachulish South, Mallaig performs the role of a retail and service centre and is home to a number of existing retail and other town centre uses that include a Co-op Market Town store, Scottish Hydro Electric Shop, Royal Bank of Scotland and a number of café's, restaurants, hotels and public houses. When compared with other centres in the plan area which have defined centres in the draft Local Plan (e.g. Broadford), Mallaig compares favourably in terms of its scale and function and we see no reason why the proposals map should not define a centre boundary for Mallaig.

It is therefore suggested that in order to ensure the continued vitality and viability of the centre and its role in the surrounding area, that the Local Plan should allocate a commerce centre for Mallaig

and this should be focused around the core area where retail and other commercial activity is focused.

Policy 15 – Developer Contributions

The final part of the draft Local Plan that we wish to object to is the proposed wording of draft Policy 15 'Developer Contributions'.

While we recognise that in certain circumstances, it will be appropriate for Highland Council to seek developer contributions we consider that Draft Policy 15 fails to provide certainty as to the circumstances where the Council will seek developer contributions.

We suggest that the policy is amended to clarify that developers will only be required to make developer contributions where development will create or exacerbate deficiencies in, or impose significantly increased burdens on existing infrastructure. The policy should also be strengthened by clarifying the manner in which the Council will seek to determine the nature and scale of any developer contribution.

In this respect we suggest that the policy is amended to make reference to the provisions of 'Circular 12/96 – Planning Agreements' as it will provide developers with confidence that any development contribution sought, as detailed in the policy, will meet the relevant tests as outlined in this Circular.

Conclusions

In conclusion, we consider that the Deposit Draft West Highlands and Islands Local Plan fails to properly address issues relating to retail development within the plan area. While we welcome the Council's efforts in seeking to establish a network of centres it is apparent that little or no consideration has been given to the broad quantitative and qualitative requirements for all town centres uses, something that is required by national planning policy.

We believe that the emerging Local Plan needs to take a more pro-active approach to retail development to ensure that the policies and allocations contained within the new Local Plan are informed by relevant background research which as far as possible offer retailers and developers certainty over the lifetime of the forthcoming Local Plan.

Since the draft Local Plan was prepared, the Council have commissioned White Young Green to undertake a retail study for the Skye and Lochalsh. This study provides the Council with the necessary background information relative to the Skye and Lochalsh area that is required to ensure that the retail strategy of the emerging local plan is properly informed by empirical evidence.

Our client's have retail interests throughout the plan area and the overall strategy within the new Local Plan should provide a policy context which ensures the protection of the vitality and viability of all tiers of centres. This is something which Draft Policy 17 fails to achieve and the policy requires significant alteration in order for it to provide greater clarity on the role and function which each of the centres should play.

I trust that the above comments will be taken into account by the Council during the preparation of the emerging Local Plan. We would welcome the opportunity to discuss the above observations with your department in due course. In the meantime we look forward to receiving your written response upon receipt of this letter.

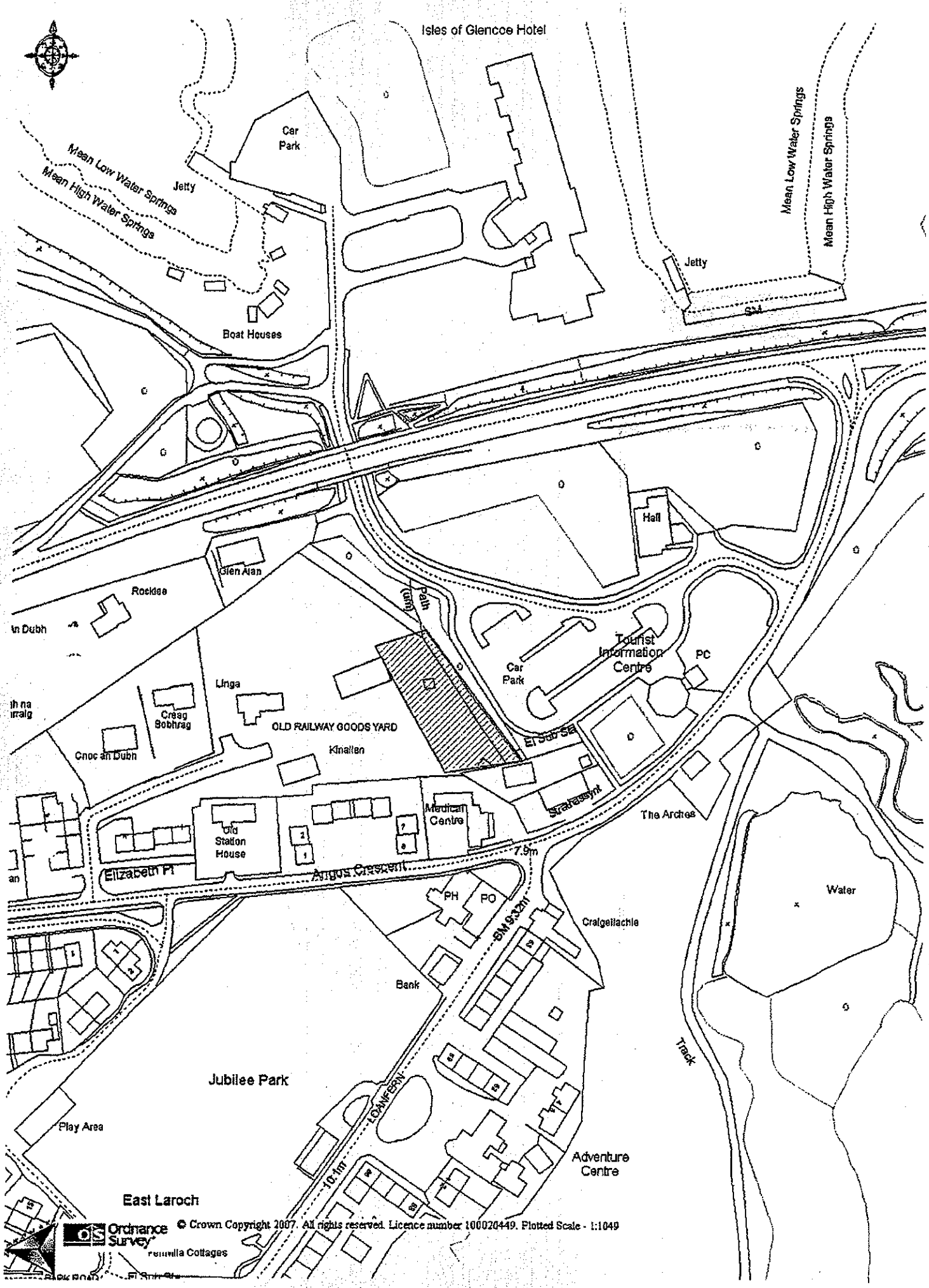
Yours sincerely

[redacted]

p.p. **Graeme Laing**
Associate Planning Director
[redacted]

Enc.

c.c.	Ruairidh Jackson	-	Co-operative Group Property Division
	Richard Hartland	-	Highland Council
	Michael Hoar	-	Highland Council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Date: 10th July 2007
Our Ref: GL/128156/J017938/L003

Mr Tim Stott
Highland Council
Planning &Development
Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

GL HEARN

Dear Mr Stott,

Proposed Retail Development – Skye & Lochalsh Local Plan

I refer to my discussions with your colleague Simon Fraser regarding an application proposal by Lidl for the erection of a new supermarket on land at Dunvegan Road, Portree (App Ref: 07/00212/FULSL). On behalf of our client, the Co-operative Group, we submitted a representation in response to this proposal (copy enclosed) and have been monitoring the progress of the application.

From my discussions with Mr Fraser I understand that the Lidl application is currently out to consultation and that the Council is likely to identify the key determining issues relate to retail capacity, retail impact and access/transportation. In addition to the current proposals by Lidl, the Council have also received an application by Oatridge Ltd for the erection of a supermarket on land adjacent to the existing Co-op store at Dunvegan Road, Portree (although this application has still to be registered). Furthermore, we are aware that in addition to Lidl and Oatridge other foodstore operators and developers may be seeking to acquire sites in Skye for new foodstore development.

Clearly, there is significant pressure for new food retail development in Skye, particularly in Portree. This pressure for new retail development is currently manifesting itself in the form of planning applications at a time when Highland Council are preparing a new Skye & Lochalsh Local Plan, the draft of which was approved by committee in March 2007.

I have reviewed the aforementioned draft plan and while it does propose allocations for additional retail development, it is understood that no need assessment has been undertaken by the Council. Consequently, there is no sound basis for any additional floorspace and this whole issue should be determined through the local plan review process following a full assessment of capacity by the Council. We consider that the issue of town centre boundaries also must be considered through the plan also as failure to determine need properly could seriously undermine the vitality and viability of key settlements and lead to serious negative impacts on local traders.

Notwithstanding the above, the applications currently before the Council, together with other retailer interest in Portree, have the potential to undermine the Council's proposals for Skye as expressed in the draft Skye and Lochalsh Local Plan and could potentially impact upon the Council's ability to follow a plan led approach to retail development in Skye.

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On this basis we would urge Highland Council to resist the applications that are currently before them on the basis of prematurity and to investigate and address any need for new retail floorspace through the emerging Local Plan, a strategy which would comply with national planning policy contained in SPP1 and SPP8 and would offer developers and existing retailers greater certainty with regard to the future of retail development in Skye.

As previously advised, we would be keen to engage directly with the Council in order to help inform the Local Plan review process with regard to the issue of retail capacity and to ensure that the emerging Local Plan provides developers and retailers with clarity and certainty in terms of the need, scale and location of any new retail development that may be required in Skye. In light of this, and to ensure that the emerging Local Plan is effective we consider that the Council should resist the proposals currently before them for out of centre retail development in Portree.

I trust that consideration will be given to our comments and we look forward to receiving your thoughts on the above issues in due course. In the meantime, should you wish to discuss any of the above matters further please do not hesitate to contact me.

Yours sincerely

[redacted]

Graeme Laing
Associate Planning Director
[redacted]

Enc.

cc Ruairidh Jackson – Co-operative Group
Simon Fraser - Highland Council

CG7

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Date: 13 April 2007
Our Ref: DXC/AB/128156/J018172/L001

Simon Fraser
Kingshouse
The Green
Portree
Isle of Skye
IV51 9BT

GL HEARN

Dear Sir

Planning Application by Oatridge Ltd for Erection of Supermarket at Dunvegan Road, Portree

I refer to the above application, which I understand has recently been received by Highland Council, and I write on behalf of my clients, the Co-operative Group Property Division, who own and operate a foodstore on neighbouring land to the application site.

I understand from discussions with one of your colleagues on 11 April 2007 that the application had not been registered, and that it is not accompanied by either a Transport or Retail Impact Assessment. With this in mind, and in light of my understanding that the application proposes a supermarket of 2,885 sq.m. with 230 associated car parking spaces, I am of the opinion, in line with national planning policy and the Council's own advice, that the application should not be registered until such times as these supporting documents have been submitted.

Paragraph 40 of SPP8 establishes that *"an impact analysis should be undertaken in support of applications for leisure and development over 2,500 sq.m. gross floorspace outwith a defined town centre and which are not in accordance with the development plan"*. The proposal is for in excess of 2,500 sq.m. of retail foorspace, the site is not in a defined town centre and affects land allocated for business and industry in both the adopted and emerging Local Plans.

PAN75 and associated Implementation Guide establish that a Transport Assessment should be required for all Food Retail developments in excess of 1,000 sqm gross floor area. The Oatridge Ltd application proposes 2,885 gross sqm of Food Retail floorspace. Furthermore, paragraph 67 and associated Table 2 of SPP17 establish a National Maximum Car Parking Standard of one space per 14 sq.m. for Class 1 Food Retail use. Given that the proposed supermarket has a floorspace of 2,885 sq.m. this would establish a maximum parking provision of 206 spaces. The provision of 230 car parking spaces would therefore be in excess of the maximum standard. Paragraph 68 of SPP17 goes on to advise that exemptions from the maximum car parking standards can be sought but that the case for such exemptions should be made in a Transport Assessment. In light of these two factors, and notwithstanding other issues that require assessment, I am of the opinion that a Transport Assessment should be required to support this application..

With the above in mind and then reflecting on the content of a letter that we received from Richard Hartland, dated 18 December 2006 (copy attached), I am of the opinion that this application should not be registered until all critical and relevant information has been submitted. In light of what I have set out above, I consider a TA and an RIA to be both critical and relevant to the consideration and determination of this application and, in line with the Council's established policy, the application should not be registered until this information has been submitted.

I trust that you will consider the above and I would ask you to confirm your intentions and/or action in this regard. I would also welcome confirmation of the Council's position with regards to the requirement to undertake neighbour notification as and when all appropriate information is submitted.

Yours sincerely

[redacted]

David Campbell
Planning Director
[redacted]

Enc.

c.c. Ruairidh Jackson - Co-operative Group Property Division
Richard Hartland - Highland Council