

Issue 11	Inverness Retail and Business Park	
Development plan reference:	Policy 11 (paras. 11.8-11.9, pages 40-41 & Map 6)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number)		
Health and Safety Executive (HSE) (53), CB Richard Ellis for Grosvenor Eastgate Unit Trust (Eastgate) (193), Pritchett Planning for Scottish Widows Investment Partnership Property Trust (SWIP) (228), Scottish Wildlife Trust (285), Scottish Property Federation (291), Scottish Environment Protection Agency (SEPA) (326), Hazel House Dental Surgery (HHDS) (361), Burnetts for Hercules Unit Trust (409), GH Johnston Building Consultants Ltd for land at Beechwood (473), Tesco Stores Limited (520).		
Provision of the development plan to which the issue relates:	Bulky goods retail allocation	
Councils summary of the representation(s):		
<u>HSE (53)</u> <ul style="list-style-type: none"><li>• Reports its duty to ensure that unsuitable (in terms of type and scale) developments are not proposed within the consultation distances of major hazard sites and pipelines. This site is in the general proximity of both a high pressure gas pipeline and an aviation fuel pipeline. Quotes legal support for position from EC Directive 96/82 which requires the UK to take account of the objectives of preventing major accidents and limiting the consequences of such accidents in land use policies. Sensitive uses are residential and those frequented by the public (53).</li></ul>		
<u>Eastgate (193)</u> <ul style="list-style-type: none"><li>• Supports bulky goods only restriction for allocation. Believes the Plan should specifically restrict other town centre uses such as restaurants and bars at this location. Fears that any relaxation of this approach will block shoppers from the east travelling further into the city and using the facilities in the city centre.</li></ul>		
<u>SWIP (228)</u> <ul style="list-style-type: none"><li>• Inshes District Centre and other retail centres defined within the approved development plan should be prioritised in the period 2011-2016 ahead of new allocations such as that suggested under Policy 11 because this would best meet the Plan's priority of consolidating the City.</li></ul>		
<u>Scottish Wildlife Trust (285)</u> <ul style="list-style-type: none"><li>• Believes that the allocation's green networks and open space developer requirement should be more explicit about the natural heritage benefits of a green network - e.g. the habitat (connectivity) benefits to badgers and other protected species and the common benefits to people and wildlife of having a green network.</li></ul>		
<u>Scottish Property Federation (291)</u> <ul style="list-style-type: none"><li>• Supports the development of the retail park for bulky goods and believes that there is evident demand for the intensification of this use in this location.</li></ul>		
<u>SEPA (326)</u> <ul style="list-style-type: none"><li>• Objects to allocation unless the policy includes a specific developer</li></ul>		

requirement that any development proposals are subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy. Believes the allocation is subject to flood risk (but no source referenced).

#### HHDS (361)

- Seeks assurance that a cycle / pedestrian connection will be made between Stoneyfield Business Park and Inverness & Retail Business Park. States this is required because there is no bus service within Stoneyfield Business Park, that two dental surgeries exist within the Park, and that a large proportion of the customers of the two surgeries require public transport. The lack of a public transport connection generates more vehicle trips which also results in problems of parking overflow and refuse bin collection.

#### Burnetts for Hercules Unit Trust (409)

- Requests its views as owner of the Inverness Retail Park are fully taken into account.
- Wants support for additional bulky goods retail to also apply to existing Retail Park (excluding Tesco's landholding). This would be delivered via mezzanine and within curtilage extensions. Reasons that this is a sustainable way to add additional floorspace without loss of greenfield land, habitat and natural watercourses. Also it will not cause additional surface water flooding problems.
- Wants supporting text and Policy 11 to be amended only to require developer improvements that pass the tests in Scottish Government Circular 01/2010 Planning Agreements.

#### GH Johnston Building Consultants Ltd for land at Beechwood (473)

- Supports but urges completion of pedestrian / cycle link between Stoneyfield Business Park and Inverness Retail and Business Park because this is important to active travel connectivity and there is a path through Stoneyfield already.

#### Tesco (520)

- Asserts that the allocation of only part of the wider retail park is inappropriate because it creates inconsistencies with the adopted Inverness Local Plan and with Scottish Planning Policy. Both of these policy frameworks (would) classify the retail park as a commercial centre.

#### **Modifications sought by those submitting representations:**

- Amendment to policy to exclude possibility of residential use and any others that include congregation of the public within the consultation distance of the gas pipeline (assumed) (53).
- Policy 11 amendment to specifically prevent town centre uses such as restaurants and bars on this allocation (assumed) (193).
- The bulky goods retail allocation should be deleted from Map 6 and that Policy 11 should only apply to the existing retail park not any extension of it (assumed) (228).
- A more explicit reference in Policy 11 to the natural heritage benefits of a green network - e.g. the habitat (connectivity) benefits to badgers and other protected species and the mutual benefits to people and wildlife of having a green network (assumed) (285).
- Policy 11 should include a specific developer requirement that any

development proposal is subject to a flood risk assessment before any application is determined and that no development takes place in an area subsequently found to be within the functional floodplain as defined by Scottish Planning Policy (326).

- A firmer commitment in Policy 11 to implement a cycle / pedestrian connection between Stoneyfield Business Park and Inverness & Retail Business Park (assumed) (361).
- Para 11.8.1 - add new text (underlined) in second sentence to read: 'This spatial strategy supports that further expansion, subject to necessary improvements being brought forward at the A96 trunk road... (409).
- Amend Map 6 and Policy 11 wording as follows. Extend bulky goods only allocation on Map 6 to cover existing Inverness Retail Park (less Tesco landholding). Clarify that Policy 11 applies to this wider site and that all listed developer requirements only apply in so far as they pass the tests in Circular 01/2010 (409).
- The allocation and the wider retail park should be allocated and classified as a commercial centre (520)

#### **Summary of responses (including reasons) by Planning Authority:**

##### HSE (53)

- The northern tip of the allocation is approximately 225 metres from the route of the Aberdeen to Conon Bridge high pressure gas pipeline at its closest point. That pipeline has a band of interest of 90 metres either side of its course. Scotland Gas Network Ltd's (the pipeline operator) consultation interest relates to civil engineering works within specified distances. The closest ones (which are theoretically relevant) of which are 15 metres for piling operations and 150 metres for demolition. The only operations with an applicable consultation distance would be blasting which carries a 250 metres distance and 1km for mining but these are irrelevant to the use proposed.
- Similarly, the Inverness to Lossiemouth aviation fuel pipeline comes within approximately 150 metres of the northern tip of the allocation. This pipeline doesn't carry an official, operator consultation distance but the Council has informally agreed a 100 metre distance with the operator Babcock Facilities Management.
- Accordingly, the Plan allocation is not proposing any relevant use within any applicable, hazard consultation distance.

##### Eastgate (193)

- The final bullet point of Policy 11 already specifically restricts this allocation to bulky goods retailing. The Council regards this Plan content as sufficient. However, there is an [outline non-food retail planning application](#) still pending for the allocation which indicatively shows two restaurants and a drive-thru establishment. If the Reporter deems it appropriate then the Council would accept any amendment to further strengthen or clarify the aim of the policy which is to restrict uses to those that cannot reasonably be accommodated within the city centre.

##### SWIP (228)

- Inverness Retail and Business Park lies within a wider area formerly known as West Seafield. The [adopted local plan](#) (policy 7, page 31) allocates West

Seafield as a retail park, along with Inshes and one other, within which or (if a suitable site can be found) on the edge of which, further bulky goods retail floorspace should be accommodated. The adopted local plan City Inset Map does not offer a definitive boundary for the West Seafield retail park but the wider notation includes the new Plan's Policy 11 allocation. Accordingly, the adopted local plan gives equal priority to the West Seafield and Inshes Retail Parks in terms of their acceptability to accommodate further bulky goods retail provision. It could be argued that such a proposal within Inshes Retail Park should have priority over one on the edge of West Seafield but the latter doesn't have a definitive edge in adopted plan terms and the former has very limited scope to accommodate new buildings within its boundary. Moreover, the new Plan's Policy 11 bulky goods allocation is suitable in terms of its site-specifics (subject to the developer requirement mitigation listed in the policy) and it is already allocated for this purpose in non-statutory but approved planning guidance ([The A96 Growth Corridor Development Framework](#) page 22).

SWT (285)

- The Council's [Green Networks: Draft Supplementary Guidance](#) provides a full explanation of the natural heritage and recreational benefits of green networks. Also, the justification text (para. 23.1.2) for the Plan's general Policy 75 states these common benefits. It is not necessary to duplicate this cross-issue justification for every allocation.

SPF (291)

- Support noted.

SEPA (326)

- The allocation's developer requirements already include protection of natural watercourses, avoidance of the floodplain and the need for a sustainable drainage plan. In addition, the Plan's general Policy 65 Flood Risk, sets out further policy coverage. It includes the requirement for a Scottish Planning Policy (SPP) compliant flood risk assessment (FRA) for developments within any 1 in 200 year flood risk area. Therefore, the Council would assert that the Plan is sufficient in this regard.

HHDS (361)

- Policy 11 already includes a specific requirement that the development of the allocation is dependent upon a cycle / pedestrian connection between Stoneyfield Business Park and Inverness & Retail Business Park. This requirement is being negotiated with the relevant developer / owner, Inverness Estates, as part of the pending planning application.

Burnetts for Hercules Unit Trust (409)

- Burnetts for Hercules Unit Trust has, in recent years, been seeking to provide additional non-food retail floorspace within its Inverness Retail Park landholding via mezzanine floorspace proposals. This development pressure and the Council's resistance to it (because of concerns about parking and access) culminated in a refusal of a Certificate of Lawful Use and a subsequent appeal to Scottish Ministers. [DPEA appeal reference P/CLUD/270/4](#) gives full details of the outcome. The Council maintains that the appeal decision supports the Council's current development plan view that no further retail floorspace should be permitted in this locality without access and parking improvements.
- Burnetts for Hercules Unit Trust's representation implies that it now

accepts this dependency and with it the need to comply with the developer requirements (including contributions) listed in Policy 11. If the Reporter interprets Burnetts for Hercules Unit Trust 's representation in this way then the Council would agree that enlargement of the bulky goods allocation (as suggested by Burnetts for Hercules Unit Trust ) would be appropriate. However, the Council does not agree with Burnetts for Hercules Unit Trust 's suggested addition to the end of the first paragraph of Policy 11. The suggested wording implies Burnetts for Hercules Unit Trust is still disputing the necessity of parking and access improvements in relation to its development proposals. The Plan already references Circular 01/2010 in para. 18.10.1 in the preamble to its general policy on Developer Contributions. If the Reporter feels Burnetts for Hercules Unit Trust 's suggested insertion is appropriate then this would be the place for it rather than duplicating the reference for every allocation that lists developer requirements. The Council agrees that mezzanine floor and extension proposals tend (other things being equal) to have fewer environmental impacts than greenfield developments but their access and parking impacts tend (other things being equal) to be similar.

- The Inverness Retail Park parking, internal road layout and cul-de-sac access already exceeds its design capacities during peak periods. The appeal decision explains that the original planning permission floorspace limit for the Retail Park has already been breached. Moreover, the adjoining business park, which shares the same Eastfield Way cul-de-sac access, has still to develop its principal, frontage site. If any spare capacity exists in Eastfield Way and its connection with the A96 then arguably it should be reserved for the development of that committed, employment use.

#### GHJ (473)

- See HHDS (361) response above.

#### Tesco (520)

- It is not the purpose of Policy 11 to define a hierarchy of retail centres. The Plan's general Policy 41 Retail Development, sets a strategic retail hierarchy based on settlement size and function. However, at the sub-settlement scale (in this case within the City) it is not appropriate for a strategic policy document to detail a network of centres. The [Inverness Local Plan](#) (largely policy 7 on page 31 and City Inset Map) already provides this and its successor document, the Inner Moray Firth Local Development Plan, will provide an opportunity for a review of this network.

#### **Any further plan changes commended by the council**

None.

#### **Reporter's conclusions:**

Added by Reporter at later date.

#### **Reporter's recommendations:**

Added by Reporter at later date.