

PAPER I

APPENDIX C

Representations
And
Supporting Letter from Agent

Julie Millman

From: Andrew Buxton [REDACTED]
Sent: 23 July 2011 20:06
To: Planning
Subject: Tesco Application Reference 11/177/CP

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir, I would like to make a comment on the above application for planning. I am not an objector to the actual plan but I do believe that the Council should force Tesco to implement the Councils own policy on recycling of waste, and also should force Tesco to be specific on using locally produced produce.

1. Recycling.

The Scottish Government has set a target of recycling 70% of waste by 2025. At present Highland Region is well below that target. In 2008 the Highland region recycling targets were 40% by 2010 and 50% by 2013, so Highland Region is lagging its own targets.

Supermarkets are major producers of packaging, a significant part of which cannot, at present, be recycled. Indeed Highland Council's own guidance to households says " Do not buy items with excess plastic packaging such as prepacked fruit" . Yet Tesco continue to sell products in packaging that cannot be recycled.

If Tesco are given planning permission for a new store in Aviemore, Tesco should be given a target for selling all goods in packaging that can be recycled locally by 2015. If the National Park Authority and Highland Council give planning permission for a new enlarged store, both Authorities should ensure joined up government and should incorporate a target for recycled packaging that help the Councils reach their target.

2. Locally Produced Produce.

In the application Tesco have undertaken to " use their best endeavours" to source produce locally. This is purposely vague and undefined. The National Park Authority and Highland Council should set a % target for sales of produce sourced within the National Park and Highland Region and a separate target for sales of produce sourced within Scotland. This would force Tesco to look for opportunities to promote Scottish produce. I suggest targets of a minimum of 10% for produce from the National Park/Highland Region and a minimum of 20% for Scottish produce. These targets may not be high enough.

Andrew Buxton Drumcluan PH21 1NQ

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Application Comments for 11/02017/FUL

Application Summary

Application Number: 11/02017/FUL

Address: Land Adjacent To The Winking Owl Grampian Road Aviemore

Proposal: Erection of Class 1 retail store with associated parking, servicing and landscaping

Case Officer: Andrew McCracken

Customer Details

Name: Mr Arthur Lay

Address: 46 Graignagower Avenue, Aviemore PH22 1RW

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have followed the various options for the development of this site with interest and am sure the latest layout was rejected in the past. This was because of the filling in of the lochan and much more importantly the siting of the noisiest part of the operation (service, loading and storage areas) in close proximity to an existing private housing scheme. I find it difficult to understand why Tesco would place this service area close to houses where it would be an ongoing problem leading to likely restricted hours of operation to ensure some comfort to their nearest neighbours. Please move the service area to a more sensible location.

Arthur & Avril Lay.

Dear Andrew,

RE: Tesco's development at Aviemore

The British Dragonfly Society (BDS) objects to the removal of a breeding pond (grid reference NH894128) for Northern Damselflies, as requested in the proposed Tesco's development at Aviemore. The pond contains a breeding population of Northern Damselflies (*Coenagrion hastulatum*) which are listed as Endangered in the Red Data Book. There are also several other species of Odonata breeding in the pond.

The BDS firmly believes the best option for the well being of Northern Damselfly is to retain the original breeding pool, however, if the pond is removed, then the following mitigation measures are both necessary and appropriate.

- Immediate research (funded by the developers) into the habitat requirements of the Northern Damselfly (water chemistry, NVC vegetation type and vegetation structure).
- Location of a suitable local pond to transfer the population of Northern Damselflies into. This should be chosen as a result of the findings of the habitat requirement study. The pond should not currently hold a population of Northern Damselflies and should have the optimal habitat for this species.
- Translocation of the population at the threatened pond to the chosen suitable pond. The translocation will be of the larvae and should happen next spring.
- A new local pond to be created to mitigate for the loss of the current pond.
- Other damselflies, dragonflies, rare inverts, plants and amphibians will also need to be relocated to suitable habitats.
- Interpretation boards to be provided to identify local Odonata with special reference to the Northern Damselfly.

The BDS is happy to advise on any aspect of this work, should that prove necessary.

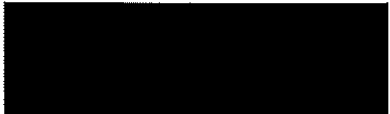
Yours sincerely,

Gary Roberts
Chief Executive

Claire Install
Conservation Officer

Pam Taylor
President

Claire Install
Conservation Officer
British Dragonfly Society



c/o Natural England (West Midlands), Parkside Court, Hall Park Way, Telford, TF3 4LR

PRITCHETT PLANNING CONSULTANCY	
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A Tait
Planning Officer
Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire
AB35 5QB

Your Ref: 11/177/CP

Our Ref: 09/1123

27 March 2012

Dear Mr Tait

**Proposed Class 1 Retail Store and Associated Works, Grampian Road,
Aviemore
On Behalf of Tesco Stores Limited/Santon Group Developments**

Following recent meetings, telephone conversations and email correspondence regarding the above planning application we write to confirm all the supporting information which has recently been lodged with your department and which should now be considered to be the most up to date position of the applicant.

Site Layout and Design

Following our discussion and agreement at the meeting held in your offices on 2 November 2011 the site layout has been adjusted to ensure a continuous 10m wide landscape and environmental corridor along the Aviemore Burn. As the design and access statement indicates and as we have previously stated to you, it is the applicant's firm view that the layout proposed is the most appropriate and sensitive scheme for this site taking all issues into account. In devising the site layout plan we have explained to you that in order to provide a service to customers and to ensure that the site functions efficiently and safely the layout indicated is the most appropriate. The layout also ensures that the important views along Grampian Road are preserved and enhanced and that the car parking area is easily accessible to customers who will use the facility when visiting other parts of the town centre. The site layout plan has been updated to enhance important gateways into the site and significant areas of landscaping and boundary features will ensure that the building is situated within a high quality environmental setting.

Approval is sought for the following plans in addition to those which have not been amended but which were lodged with the original submission:

Manson Architects Location Plan	1538 (PL) 301
Manson Architects Existing Site Layout	1538 (PL) 302
Manson Architects Proposed Site Layout	1538 (PL) 303 E
Manson Architects Proposed Elevations	1538 (PL) 304 B
Manson Architects Proposed Sections	1538 (PL) 305
Manson Architects Proposed Roof Plan	1538 (PL) 306 A
Manson Architects Proposed Service Yard Plant	1538 (PL) 307 A
Manson Architects Proposed Boundary and Surface Treatment	1538 (PL) 308 A
Manson Architects Proposed ATM	1538 (PL) 309
Manson Architects Proposed Trolley Bays	1538 (PL) 310
Manson Architects Proposed Cycle Rack Details	1538 (PL) 311
Manson Architects Proposed Site Plan with Public Realm	1538 (PL) 312 A
Manson Architects Proposed Context Sections	1538 (PL) 314 B
Manson Architects Proposed Sections around existing properties	1538 (PL) 315
Manson Architects Demolition Plan	1538 (PL) 390

Environmental/Ecological Issues

In respect of the removal of the pond the ecological issues have all been assessed in detail through the submission of the APEM report which accompanied the planning application. A further Ecological Enhancement Statement has also been lodged under cover of my email dated 9 February 2012.

The landscape and ecological design of the site layout provides the following features that are of ecological benefit:

- A dry stone dyke;
- Two areas of mixed wildflower grassland;
- Retention of approximately 55% of the existing trees forming a corridor along the northernmost and western boundaries;
- A mixed, species-rich hedge;
- Planting of shrubs and trees;
- The retention of existing areas of vegetation; and
- The main 'ecological areas' are away from the more urban end of the site.

As a result of the increase in the extent of landscaped environment along the existing burn a number of additional ecological considerations are now provided including:

- Management systems to control light spillage onto the Burn and to the rear of the service yard
- Provision of Bird and bat boxes in the woodland areas
- Specific native planting mixes to be used along the Burn to enhance ecological diversity
- Specific zones and seeding techniques for wildflower seeding along the edge of the Burn
- Retaining dead wood in woodland areas (where safe and practical) as habitats

The planning policy position against which this application requires to be considered is contained in the Cairngorms National Park Local Plan. In paragraph 1.3 one of the aims of the national park is to *'promote sustainable economic and social development of the area's*

communities'. Aviemore is one of the largest settlements in the park and plays a key economic and social role year round in attracting tourism to the park and providing necessary economic and social facilities for residents. The development of a new supermarket on the application site has been supported by the park authority and by local community groups. All of the aims of the authority require to be weighed up in considering development proposals. In this regard the economic and social benefits of developing a supermarket on this site require to be weighed up against any effect on heritage and ecological assets.

To enable the authority to weigh up the ecological issues we have attached a note prepared by Semple Fraser solicitors. This concludes by stating that it is up to the authority to assess the weight to be given to environmental issues against economic and social issues, particularly when assessing the importance of particular ecological issues which are known to exist on site.

In weighing up the issues local plan policy 5 allows for development that would have an adverse effect on habitats or species identified in the Local Biodiversity Action where the developer can demonstrate that the need and justification for the development outweighs the contribution of the area of habitat. As stated above whilst one area of biodiversity would be removed as a result of the development this will be compensated for on site through the measures identified. In addition the need for a new modern supermarket in Aviemore is clear given the growing population, length of journeys required to other more distant shopping destinations, the number of jobs that will be created, the support for the town centre due to the location of the proposed store and the overall reuse of a significant area of vacant urban land which is an eyesore and provides a poor physical impression of this important gateway to the town centre and also the Aviemore Highland Resort site.

In respect of criterion (b) of policy 5 the design and access statement indicates that the removal of the pond habitat is unavoidable. Tesco cannot operate a supermarket which creates an unsafe environment for customers or staff and the designers have not been able to devise a site layout which retains the pond and also creates a safe car parking and servicing layout. Tesco takes the safety of its staff and customers very seriously. In respect of criterion (b) the loss of the pond is therefore unavoidable. As we have stated above the Ecological Enhancement Statement indicates how appropriate on site compensation and management measures can be provided as part of the redevelopment scheme which, over time, will create new habitats of commensurate or greater nature conservation value. The requirements of policy 5 can therefore be deemed to be satisfied as a result of the additional adjustments made to the site design and layout.

On the issue of squirrel habitats a further report on the use of the site by squirrels is being issued under separate cover.

Grampian Road Frontage

The landscape documents of the site are as follows:

TGP Landscape Proposals	L01 E
TGP Landscape Proposals with Public Realm	L02 A
Landscape Design Statement	

Plan L02 A provides additional details of the area between the Tesco site and Gramplan Road. Tesco is not in complete control of this land and we do not consider that the development as a whole relies on the upgrading of this area. However, it is recognised that the area of ground serves a useful town centre function and environmental upgrading of the area would be beneficial to the overall function of the town centre particularly if this enhances the use of the land for use as an outdoor market. Tesco has thoroughly investigated the legal ownership of the land in question and does not consider that there should be any reason why anyone holding rights over the land would not also consider environmental enhancement to be beneficial. However, Tesco does not consider that it is necessary to bind Tesco to undertaking the environmental works indicated for this land. It would therefore be preferable if a condition was imposed on the grant of planning permission which either requires the environmental works to be undertaken, or a monetary sum to be paid to the authority equivalent to the cost of the identified works.

Planning Gain Issues and Transportation

A response on transportation comments has been issued under separate cover. It is not considered that there are any adverse accessibility impacts which require monetary sums to be paid.

In conclusion the development proposed by Tesco/Santon has been fully assessed and justified. Full environmental reports have been provided. Tesco is fully committed to developing this new store and we should also inform you that a site search exercise is also ongoing to find a suitable petrol filling station location which will complement the offer in the new store and will be of significant benefit to local residents. It is therefore hoped that this application can be supported by the park authority.

Yours sincerely



Phil Pritchett