

8th February 2013

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Alan Morey
Major Sites Officer
Chesterfield Borough Council
Town Hall
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S40 1LP

Dear Alan

Staveley and Rother Valley Corridor Area Action Plan: Preferred Option Consultation

I am writing on behalf of the Chatsworth Settlement Trustees ('CST') to welcome the publication of the Staveley and Rother Valley Corridor Area Action Plan: Preferred Option ('SRVCAAP:PO') and offer comments in general support of it.

Importance of AAP Process

As you will be aware, CST is a major landowner within the Staveley and Rother Valley Corridor ('SRVC') and through the Area Action Plan ('AAP') process has supported proposals for its comprehensive regeneration. Publication of the SRVCAAP:PO represents an important stage in moving towards agreement on the type of development that may be appropriate in the area and securing the benefits that development can bring to the communities around the SRVC and the Borough as a whole.

Staveley Works Area: Regeneration Masterplan

Following completion by the Council of the Staveley Corridor Area Action Plan Feasibility Study reports (June 2009, January 2011), CST instructed Capita Symonds to undertake additional analysis. Key objectives of those additional investigations was to inform CST's decision making in respect of its land within the AAP boundary and engagement in the local plan making process. The Staveley Works Area: Regeneration Masterplan ('SWA:RM') was a product of that process. A copy of the document was provided along with CST's submissions on the publication draft Core Strategy.

CST notes that the principles set out within the SWA:RM remain generally consistent with those now presented within the SRVCAAP:PO.

SRVCAAP Boundary

It is disappointing that the boundary of the SRVCAAP does not include the Hall Lane landfill. As set out in CST's submissions to the Core Strategy and Sites and Boundaries: Issues and Options, the boundary of the SRVCAAP should be extended to include the Hall Lane Landfill Site which abuts the north eastern corner of the AAP as currently drawn, i.e. land to the west of Hall Lane and south of the railway line.

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The Hall Lane Landfill Site is currently being restored in accordance with relevant planning permissions and will form an area of landscaped open space. The baseline investigations undertaken to inform the SRVCAAP considered the potential of the landfill site to contribute to comprehensive regeneration. Those studies identified the contribution the restored landfill site could make to the provision of public accessible open space. Options arising from the AAP Options process included the landfill within the red line boundary. It is unclear why the area has been subsequently excluded.

Investigations undertaken by the CST, as illustrated within the SWA:RM, acknowledged the open greenspace role of the restored landfill. Any comprehensive redevelopment within the SRVC is unlikely to deviate from the conclusion that the most appropriate use of the restored land fill is open greenspace. It is artificial to exclude the area of the landfill from the AAP boundary and has the potential to lead to suboptimum development solutions for comprehensive regeneration. The red line between the south western edge of the restored land and the AAP area does not accord with features that now exist 'on the ground'. It is based on an artificial and now historic boundary (a former railway line long since removed and ground form substantially changed). The edge of the restored landfill merges with adjacent grassland and current land uses are the same across both sides of the red line.

Inclusion of the restored landfill within the SRVCAAP policy area would not impede the ongoing implementation of its restoration. Exclusion of the restored landfill from the SRVCAAP could however impede effective comprehensive masterplan-led regeneration of the wider area.

Although the planning permission for the landfill provides for its full restoration, the landfill is associated with the area of change that is the SRVC. Policy, proposals and any associated funding sources should be applicable to all of the area of change. Exclusion of the former landfill site from the SRVCAAP could unnecessarily limit the opportunities for development-led benefits within the area.

Need for Flexibility

Redevelopment within the SRVC will only be successful if it provides an appropriate mix of uses, in suitable locations at the right time. Any policy framework and associated masterplan for the site must be flexible enough to be able to respond and adapt to updated information, changed circumstances and revised priorities.

The SRVCAAP should ensure it avoids unnecessary detail and retains its focus as a 'framework' within which more detailed decisions can be made in the future; a set of principles which will both guide the preparation of specific development proposals and criteria against which planning applications can be assessed.

A SRVCAAP that set too rigid a framework could limit the ability of landowners, development partners and other agencies to respond in a timely manner to development and funding opportunities that may arise through, for example, programmes managed by the Sheffield City Region or the Homes and Communities Agency, or footloose investment seeking a new site for a major employer.

Simply put, as effective as the Council and its partners may be today in assessing options for the site based on information available today, the opportunities offered by tomorrow can never be entirely certain.

High Speed 2

One example of the need for flexibility was the publication on 28th January 2013 by the Government of proposals for a second phase of the High Speed 2 ('HS2') railway line from Birmingham to Leeds and Manchester. As well as passing through the eastern part of the Borough, the proposals include an Infrastructure Maintenance Depot within the SRVC. Background reports published alongside maps of the

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preferred route suggest that the depot could take up around 15.5 ha of land towards the eastern end of the SRVCAAP boundary.

These HS2 proposals will be subject to formal consultation by the Government later in the year. The timeframe in which a final decision might be made on the route and any associated depots that may be required is unclear, though the line itself is not expected to open until 2032. For the time being, the SRVCAAP will need to have regard to the potential impact of HS2 and the Infrastructure Maintenance Depot.

The Infrastructure Maintenance Depot would be located on land that, within both the SRVCAAP:PO and the SWA:RM, is identified as forming part of a later phase of development. It would not prejudice the ability of early phases to be delivered. Subject to detailed design requirements of a depot, the indicative alignment of the spine/link road within the SRVCAAP:PO and SWA:RM may need to be adjusted. There is sufficient land within the SRVC to accommodate such flexibility of design.

The HS2 reports identify that development of an Infrastructure Maintenance Depot within the SRVC would require investment in infrastructure (including a rail spur from the HS2 line and road improvements). It could also facilitate investment in ground remediation and other works, such as flood defences. Such investment could reduce the burden on development within the balance of the SRVC.

An Infrastructure Maintenance Depot would generate employment opportunities both directly within the depot and within companies serving the depot's needs (e.g. engineering services support). This would help meet one of the key objectives of the SRVCAAP – job creation.

On the basis of the proposals as currently published, CST expresses cautious optimism as to the benefits HS2, and specifically an Infrastructure Maintenance Depot, could bring to the area.

Before progressing towards submission, the SRVCAAP will need to have further regard to how the HS2 proposals can be accommodated. This need not unnecessarily delay the AAP but greater clarity will in the first instance be required.

Coal Extraction

The support for the potential extraction of coal by open casting within the SRVCAAP:PO is welcome. Initial options for an extraction scheme to the west of Works Road were presented as an Appendix to CST's Statement to Session 2 of the Core Strategy Examination. Coal extraction offers a significant opportunity to help address the need to remediate the site, both in terms of physical works and a contribution to the cost of such works.

Saint-Gobain Lagoon Restoration

A planning application for the restoration of the lagoon (former landfill) located within that part of the site owned by Saint-Gobain ('SG') has been submitted to Derbyshire County Council. CST welcomes this investment by SG as an essential step towards achieving the overall objectives of the SRVCAAP.

Links to Other Policy Documents

Explicit reference to other policy, programme or guidance documents that could influence the capacity to deliver regeneration within the SRVC would help to signal the importance of a joined-up approach if the objectives of the SRVCAAP are to be achieved. For example, the Local Transport Plan ('LTP') identifies the importance of the Chesterfield-Staveley Regeneration Route but no funding has yet been confirmed towards it through the LTP process. The SRVCAAP should not omit the opportunity to 'flag up' the potential importance, and returns to local community and the Borough, that could be realised through investment in the SRVC.

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The SRCVAAP should be a vehicle that can be used to help secure commitments from other agencies, including funding where appropriate, to the delivery of regeneration. An appropriate policy framework and commitments from other parties (such as the Local Highways Authority, Homes and Communities Agency) will help to provide the necessary level of certainty and confidence to allow landowners and developer partners to invest in the SRVC.

Non Development Regeneration Programmes

Securing regeneration benefits to the communities around the SRVC will rely not only on physical regeneration through the redevelopment of land but non-land development initiatives, focussed on identified local needs. These could include skills and training and healthy lifestyle schemes. The SRVCAAP could usefully introduce and provide links to the wider context of regeneration and the multi-agency approach that will be required to secure optimum benefits for the area. The focus of physical regeneration will be within the boundary of the SRVCAAP but there will be many positive 'spill over' effects linking it to the surrounding areas.

Transport

CST has made its position clear through submissions to the Core Strategy, comments on the Local Plan: Sites and Boundaries Issues and Options document and the SWA:RM that it considers the current protected alignment of the Chesterfield to Staveley Regeneration Route ('CSRR') does not offer optimum solutions to locally recognised transport and environmental aspirations. It is welcome therefore that the SRVCAAP:PO acknowledges that the protected alignment is in effect obsolete between Bilby Lane and Hall Lane and demonstrates how a spine road taken more centrally through the SRVC could better support regeneration. This is also consistent with the alignment of a potential link road shown with the SWA:RM.

It is encouraging that the SRCVAAP:PO highlights the potential to reallocate resources associated with the second phase of the Northern Loop Road towards delivery of the CSRR within the SRVC (s.4.14 refers). Certainty as to the level of investment that might be available towards the CSRR from other sources will become increasingly important as site development options are analysed in greater detail and commercial decisions need to be made by landowners and development partners.

Evidence appended to the Statements submitted by CST to Sessions 4 and 8b of the Core Strategy Examination demonstrates how Phases 1 and 2 (SWA:RM) of development of the site, i.e. up to 1,000 dwellings and associated development, could be provided for without the need to complete the CSRR.

Community Infrastructure Levy

The Council is in the early stages of the preparation of a Community Infrastructure Levy ('CIL') for the Borough. The potential impact of CIL on the delivery of development, including infrastructure, was explored within the Examination of the Core Strategy (see for example, CST Statement to Session 4).

CIL has the potential to be a positive force to support development within the Borough, but could also threaten development if implemented inappropriately.

CIL could provide enhanced certainty to developers; developer confidence is a critical factor in deciding whether to proceed with a development – or not. CIL could help to fund strategic infrastructure, e.g. the CSRR, where the benefits of development may extend beyond a specific site. Development of the SRVC would have strategic benefits that would extend to other parts of the Borough and beyond. CIL support for proposals within the SRVC would therefore be appropriate.

CIL has the potential to impose additional costs on development. To ensure the delivery of development that is consistent with the objectives of the SRCVAAP is not prevented from coming forward, consideration may

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need to be given to low / zero rating for some or all forms of development within the SRVC. A balance needs to be made between the opportunity to fund infrastructure through extracting value from development and whether desirable development then becomes unviable.

Viability

As options for regeneration within the SRVC are examined in greater detail, guidance within the SRCVAAP 'firmed up' and potential investment decisions become closer, it is increasingly important that viability is examined in more detail and regard had to it in decision making.

The National Planning Policy Framework ('NPPF') paragraphs 173 to 177 provide specific guidance on viability and deliverability. It makes it clear that *'pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable...sites...should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened'*. Clearly this links to any CIL proposals and other obligations that may remain to be secured through section 106 legal agreements.

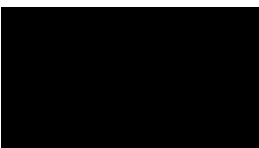
Securing value from initial development phases could be particularly important to help ensure positive investment decisions are made by landowners, development partners and other agencies. Assistance with the early delivery of infrastructure necessary to allow development on the site to commence may be of particular help. This could involve external funding or reduced or delayed developer obligations.

Summary

Publication of the 'Preferred Option' for the Staveley and Rother Valley Corridor Area Action Plan is an important step towards securing social, economic and environmental regeneration benefits for local people and the Borough as a whole. Whilst providing guidance as to the types of development that will be acceptable within the Corridor, it is also critical that the AAP remains a flexible policy framework with the ability to respond positively to new opportunities and updated information. It will play a central role in informing financial decision making (including CIL and the potential for external funding of infrastructure), helping to ensure development remains viable and supporting the investor confidence that will be key to unlocking the potential of the Corridor. If the aspirations for comprehensive redevelopment of the SRVC are not pursued then further deterioration of the site may follow with consequential negative perceptions of the surrounding areas. A 'do nothing' approach is not an option.

We trust these comments are helpful. CST looks forward to further involvement in the SRVCAAP process.

Yours sincerely



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cc W Kemp (CST)