



Forward Planning
Chesterfield Borough Council
Town Hall
Rose Hill
Chesterfield
S40 1LP

7 February 2013

ST/ar/LS-028

Dear Sirs

Chesterfield Borough Council, Staveley and Rother Valley Corridor Areas Action Plan (AAP), Preferred Option, November 2012

Knight Frank is instructed by Saint-Gobain to submit representations regarding the above document which is currently on consultation. These comments relate predominantly to the policies contained within the document and our thoughts regarding the soundness of the AAP. We also provide detailed comments regarding the investigative works we have already undertaken and our own project strategy and timescales for delivering development on the site.

Saint-Gobain Landholding

The Saint-Gobain landholding extends to approximately 40 hectares and was previously occupied by Saint-Gobain pipeworks and includes the former settling pond. The site is accessed off Works Road, Staveley and predominantly falls within the Lagoon Character Area of the AAP. We have been actively involved in stakeholder consultation regarding the AAP, the Core Strategy and evidence base for both of these Development Plan Documents (DPDs) over the past two – three years.

The National Planning Policy Framework

Since the last AAP consultation took place in August 2009, the Government has issued its National Planning Policy Framework (NPPF) and this replaces the various Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG's).

The NPPF contains key guidance in terms of Local Plan examinations and the test of soundness which will be considered at the Examination in Public (EiP) into the AAP. Paragraph 182 states that to pass the test of soundness, the plan should be:-

- Positively prepared – achieve sustainable development;
- Justified - should be the most appropriate strategy;
- Effective – be deliverable;
- Consistent with national policy.



The NPPF also contains some key guidance in relation to bringing forward housing and regeneration sites, which we consider are of relevance to the AAP:-

- Sustainable development – the NPPF makes a clear direction to support sustainable development; Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- Within the Core Planning Principles set out in the NPPF, the need to encourage the effective use of land by using brownfield land is expressed. Paragraph 17 refers to a preference for allocating land of lesser environmental value, encouraging the re-use of brownfield land and promoting mixed use development.
- Paragraph 21 advises that planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing in drawing up local plans, Local Authorities should identify strategic sites for investment and proactively encouraging sustainable growth.
- Paragraph 22 states that planning policies should avoid the long term protection of sites allocated for employment where there is no reasonable prospect of the site being used for that purpose. When this occurs, applications for alternative uses should be treated with regard to market signals and sustainability.
- The NPPF states the need for Local Planning Authorities (LPAs) to significantly boost the supply of housing and use the most up to date evidence and market indicators when setting housing targets.
- Paragraph 49 advises that relevant policies for the supply of housing should not be considered up to date if the Local Authority cannot demonstrate a five year supply of deliverable sites.
- In accordance with Paragraph 47 of the NPPF, Local Planning Authorities should *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of their housing against their housing requirement”*. Deliverable sites are defined in footnote 11 as being available and able to offer a suitable location for development now, be achievable with a realistic prospect that housing will be delivered on the site within five years and that development of the site is viable.
- Paragraph 47 of the NPPF continues that Local Planning Authorities should identify further supply of specific, developable sites or broad locations for growth, for 6 - 10 years and, where possible, for 11 - 15 years. To be considered developable, footnote 12 of the NPPF advises that: *“sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”*

In summary the NPPF encourages sustainable development and calls for Local Authorities to significantly increase their supply of land for housing. In doing this, Local Authorities are encouraged to re-use brownfield sites and consider identifying strategic sites. In relation to housing land supply, Local Authorities are however warned that where they cannot demonstrate a five year (+20% in some cases) supply of deliverable sites, applications for housing should be viewed favourably.



The Council appears to be seeking to bring forward both a Core Strategy and AAP in line with the NPPF's aim of delivering sustainable development and increasing the supply of housing, in particular looking to deliver 2,000 units on the brownfield AAP site. Given this is the Council's only strategic housing site, an approach we very much welcome, it does place even greater emphasis on the need for the AAP to be deliverable if the overall aims of the Core Strategy are to be delivered. It is therefore imperative that the Council acts within its power to ensure a flexible AAP policy is put in place which allows the market to take some control and deliver housing, i.e. meeting the tests of soundness. The AAP cannot afford to include onerous or restrictive policies which could delay development or detract investment.

Staveley and Rother Valley Corridor Area Action Plan

We set out below specific references to the text and policies contained within the AAP, accompanied by our professional opinion as to how this meets the test of soundness set out in NPPF.

Para. 1.10 - Relationship to LDF and other Policies and Programmes

We support the general approach of Policy PS5, Staveley and Rother Valley Corridor as per our earlier representations in relation to the Core Strategy (ref LS028, dated 23 March 2012 and 3 August 2012). We would however stress that the ability of the Council to retain a plan-led approach to development (as per NPPF) will very much be determined by the successful implementation of Policy PS5. For example, if sites do not come forward within the AAP for early housing development, the Council may find itself in a position where it cannot demonstrate a five year supply (+20%) and be forced to grant planning permission on greenfield sites. The Council should seek to avoid such a situation arising, and work with AAP landowners to assist in development commencing at the earliest possible stages of the plan period.

Paragraph 2.0 Spatial Portrait (Existing Situation)

We suggest that a further paragraph is added in relation to the Saint-Gobain holding to provide a more positive outlook for development in the short term.

The part of the site previously used for open cast mining has already been substantially remediated and only ground improvements/engineering works are required to bring this to a standard suitable for residential development. Such works will take a matter of months to complete. The existing drainage pond (often referred to as the lagoon), is currently subject to a separate application for the revocation of its waste management licence (with the Environment Agency) and planning application (with the County Council). This will lead to the restoration of this part of the site. This land can then be used for open space and the pond to assist with flood management.

We consider these two points of information should be included as they provide a more up to date description of this part of the AAP and also present a more positive framework for development. This clearly demonstrates that part of the AAP is ready for development and this should provide greater comfort and clarity to the developer interest that currently exists.

Paragraph 3.0 Vision and Objectives

We support the vision and objectives section of the AAP.



Paragraph 4.0 Regeneration Key Objectives

We support the key objectives identified but suggest that the inclusion of a housing related objective. Whilst we note there is separate Housing Key Objectives (and we comment below) we consider, the delivery of housing within the AAP is inextricably linked to the wider regeneration. In our experience of similar regeneration projects, we suggest that before any critical mass of residential development there is unlikely to be wider development and investment in the form of a Local Centre or large scale employment or leisure. Such uses will only follow residential development, hence why we propose a reference to housing development within the Regeneration Key Objectives.

Paragraph 4.6 Housing Key Objectives

We strongly support the identification of the AAP for the delivery of 2000 new dwellings. We do however question the feasibility of 2,000 units being delivered within the plan period (2012-2031) without there being a release of AAP land for housing within the earlier stages of the plan period. An early phase development would not only contribute to the Council's rolling housing land supply (benefits of which are outlined above) but also serve to attract further investment and developer interest to the AAP. In our experience, an early stage release for development can often generate interest and be a catalyst for development in the wider area. Without early development, there is a risk that the AAP, or part of it remains stagnant for a number of years despite an allocation in either the Core Strategy or AAP, which can often lead to developer uncertainty and market negativity. We suggest that the Council does all it can to encourage the earliest development possible or risks failing to deliver the proposed 2000 units in the plan period.

Paragraph 4.9 Economy Key Objectives

We generally support these objectives and consider they will contribute to the delivery of a sustainable community. We note the reference to a Local Centre being created along Works Road and support this approach and recognise the benefits it will deliver. We do however consider there will also be capacity within the rest of the 180ha of the site to accommodate Neighbourhood Centres which can provide convenience retail and smaller scale community uses to their immediate neighbourhood. Such uses will be necessary to ensure all phases of development are sustainable; it is unrealistic to think that new residents in housing to the west of the AAP or people working in the eastern parts of the AAP will all walk to Works Road for convenience products.

Paragraph 4.14 Connections Key Objectives

We continue to object to the identification of a Spine Road across the whole of the site and the need for the CSSR to come forward to serve the AAP and wider area. We have undertaken our own investigative works which demonstrate that it is possible to bring the AAP forward without the Spine Road being developed through the distribution of traffic. We are also concerned that if the Spine Road is included it could greatly impact of the viability and thus deliverability of the whole AAP. We accept that a link will need to be made across the site, but this can be done by a downgraded route, which will not be seen as critical to all stages of development. In relation to the CSSR, there is no funding available and our investigations suggest it is not required.

It is important to note that the Saint-Gobain holding, along with the Omnivale Ltd holding, can be accessed without any third party land being required. There is no need for Spine Road to be developed for this are i.e. the Lagoon Character Area to be brought forward. The impacts of the proposed Saint-Gobain development site have been means tested in terms of road safety and operational capacity based on the surrounding highway network (between the M1 and Chesterfield). This study was scoped through Derbyshire County Highways and Chesterfield Borough Council along with the Highways Agency in 2010/11.



The study accommodated all committed developments within a 10 mile radius along with the full development of the AAP site and found that the existing highway networks could be upgraded to operate within design capacity thresholds by 'sweating' the existing assets, as opposed to constructing new expensive and disruptive pieces of infrastructure such as the Chesterfield-Steveley Regeneration Route.

Broadly the study identified the following works would be required to accommodate the full regeneration of the area:

- Localised widening to Works Road;
- Provision of an emergency link off Bilby Lane (South of Canal);
- Signalisation of the Brimington Gyratory;
- Improvements to the A61 / A619 roundabout including the construction of a filter lane off of the Tesco Access;
- Improvements to the Troughbrook Lane / A619 Junction;
- Improvements to the Dukes Street / Hall Road / A619 roundabout including the installation of a signal controlled junction.

To ensure the findings were viable, concept layouts were developed in-line with relevant highway design standards and guidance.

It is noted that the proposed measures identified by Opus are comparable to those identified by Arup, when they analysed the highway network on behalf of Chatsworth Settlement Trustees (See Core Strategy Reference: 227443-00, respondent reference: 01346), al-be-it, Opus's findings identified that the full development of the AAP could be accommodated by constructing off-site highway improvement measures.

More recently in 2012, the assignment and distribution technique adopted within Opus' study was compared to a new Saturn Model developed on behalf of Derbyshire County Council (DCCs). The findings were found to be comparable and therefore provide a good level of consistency and confidence in the Opus' findings. It is noted that DCCs Saturn model was not adopted by Arup for their assessment.

As above, the findings of the Opus study are in line with Chesterfield Borough Councils view that the safeguarded route for the CSSR may not be required. Essentially, flexibility should be provided to accommodate the development of the AAP, and that alternative means of integrating with the adjacent highway should be left open.

To summarise, we are confident that we can demonstrate both the Saint-Gobain holding and AAP can be brought forward without a Spine Road and without the CSSR. Our model shows how traffic will be distributed and indicates neither are needed to serve the development or wider area. We suggest a downgrading of the Spine Road would be far more flexible and viable and not delay development west of Works Road. As stated, we have evidence to demonstrate that the CSSR is not required and support the Council in looking at alternative options.

Paragraph 4.21 Green Infrastructure Key Objectives

We support the Green infrastructure Key Objectives and consider the development of the Lagoon Character Area as an early phase will greatly assist in creating the desired landscape setting to the whole of AAP. This is mainly due to the works due to start in and around the pond (lagoon) within the Saint-Gobain ownership.



As noted above, an application has already been submitted for the revocation of the waste management licence to the Environment Agency and a planning application to the County Council. Works should shortly be underway to remove the grounds from the base of the former settling pond (lagoon), this ground will then be subject to engineering works and capped for licence purposes. This land can then be used to create an open green space for residents and visitors to enjoy. We also expect smaller ponds to be created which could serve as balancing ponds to contribute to the wider water management of the site as well as being a water feature. This work will only take several months to complete, and as noted above an application has already been submitted.

Paragraph 4.35 Coal Extraction Key Objectives

We strongly object to any proposal for mineral extraction that could delay development of the AAP. As has already been indicated to the Council, land within the Saint-Gobain ownership will not be made available for either extraction or assisting in the extraction of adjoining landholdings. This option has been considered but found to be neither viable nor compatible with the restoration of the former landfill site (which has to be done for EA licence purposes).

We have not seen any evidence to suggest that such an activity would be viable and/or lead to wider remediation benefits. No indicative timescale has been provided for coal extraction, but we would expect any such activity to take a minimum of six years from planning to completion. Such a delay would contribute to market uncertainty which will, in our opinion, significantly impact on the deliverability of the AAP and Chesterfield's housing strategy.

It is a very realistic prospect that the Saint-Gobain and Omnivale Holdings could be brought forward for an early phase development; the contribution this will make to the delivery of housing, the AAP and Core Strategy significantly outweighs the benefits of any coal extraction. Coal extraction and indeed the policy as worded risks the delivery of this part of the AAP. Based on the current approach, there appears to be a clear conflict between potential coal extraction and housing delivery. If the AAP is suggesting that coal extraction may be possible, and that the Lagoon Character Area can only be developed after this (and after a Spine Road has been implemented) then the AAP is in our opinion fundamentally flawed and will not be deemed to be sound at EiP.

Paragraph 5.13 The Lagoon Character Area

We support the uses proposed for the Lagoon Character Area. We suggest the description of the area is re-worded to provide a more positive framework, perhaps noting that the land only requires restoration not remediation.

As per our comments above, we object to the proposed Spine Road and propose that this is removed with an acceptance that a downgraded, more viable route be developed across the site, rather than a costly, heavy infrastructure project.

Paragraph 6.1 Phasing and Planning Process

We note that the AAP acknowledges that some degree of phasing will be appropriate and that some elements of the scheme will rely on the advance delivery of site remediation or infrastructure. We ask that the AAP recognises that the Saint-Gobain ownership and Lagoon Character Area is least constrained in terms of both remediation and infrastructure. This point needs to be clearly made and set the basis for a development in the earlier stages of the plan period.

Paragraph 6.3 of the AAP states that any minerals extraction will also effect phasing as this will be an element of determining the timetable for remediation....while occurring, this activity and associated vehicle movements will limit the uses to which adjacent land can be put. The Council needs to carefully consider this wording as it is in danger of rendering its own strategic housing site, responsible for delivering 2,000 units of the plan period as undevelopable for the first six years (minimum) of the very same plan period. Such an approach conflicts with the NPPF and we believe would fail at EiP.



This would of course lead to an influx of Greenfield sites being put forward, which would be at odds with the Core Strategy approach.

This whole section of the AAP needs to be revisited and respond to objectives, and firm timescales of the landowners.

Saint-Gobain Objectives & Timescales

Following our lengthy discussions with Officers at the Council, you are aware that our client intends to submit an outline planning application for land within their ownership and Omnivale's ownership, for residential development with associated neighbourhood and community uses. Such uses would be wholly compatible with the uses described in the AAP. We fully understand that the application will need to demonstrate that the proposal does not prejudice the wider AAP being brought forward. Our application proposals will be widely based on those included within the AAP Preferred Options and fully compatible with Chatsworth's Settlement Trustees masterplan for their landholding. The proposal will not build in any flexibility of coal extraction.

Conclusions

In planning policy terms this vacant, brownfield site is in a sustainable location, so the proposal is in principle supported by the National Planning Policy Framework (NPPF, 2012). We also expect the Core Strategy will be adopted by late Spring/Summer 2013 and provide a further policy framework in support of the proposal.

We would add that the NPPF refers to suitability in its definition of 'deliverability' at footnote 11 (page 12) – *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.'*

As per our earlier representations, we consider we can demonstrate the Saint-Gobain site is deliverable:

- Land within our client's ownership has been substantially remediated and receives only some additional works and restoration prior to development;
- The site has been removed from Flood Zone Two;
- Site is vacant – i.e. it is immediately available;
- We have undertaken detailed investigations regarding the required highways works (see below) which demonstrates that with appropriate phasing and traffic distribution the site can be developed and served via the existing highways network (subject to improvement works); and
- Through effective masterplanning of the site, we can show the deliverability of the whole of the site will not be jeopardized through the release of this site as Phase One. This will assist in possible earlier releases of housing than envisaged in the Infrastructure Delivery Plan and Housing Trajectory, assisting the wider Core Strategy housing objective while at the same time providing the catalyst for the regeneration of this key strategic site.

For clarity we would also like to make the following points regarding infrastructure, and comment that this information further supports our proposition that this site should be identified for development within the earlier stages of the plans:



Contamination – in relation to the Saint-Gobain freehold only – this site was previously used for open cast mining and has already been substantially remediated. Only ground improvements/engineering improvements are required to bring this land up to the relevant standard for residential development. This will only take a matter of months to undertake, will use proven engineering techniques and cause no delay to development. The existing drainage pond area is subject to a separate application for the revocation of its waste management licence (with the Environment Agency), and this will lead to the restoration of this part of the site. This application has just been validated and demonstrates that works are already underway to prepare the site for redevelopment.

This will be done by removing the ground from the base of the pond, the ground will then be subject to engineering works and capped for licence purposes. This land can then be used to create an open space feature and the pond can be used as a water feature/balancing pond which also assist in flood management. This work will take several months to complete.

Highways – the site includes an access route running adjacent to the southern canal joining Hall Road, and therefore does not require infrastructure from the AAP site to be constructed prior to its development or require the Chesterfield to Staveley Relief Road to be put in place to accommodate its development. Opus International Consultants undertook detailed studies, on behalf of the Private Land Owner Saint-Gobain, in liaison with Chesterfield Borough Council, Derbyshire County Council Highways Department and the Highways Agency in 2010/2011 which ultimately identified that the CSRR was not necessarily required to fully develop the AAP site, along with adjacent committed developments, as it was considered the surrounding highway network could be upgraded to provide sufficient highway capacity.

Based on highway capacity studies undertaken by Opus in 2010/11, the ability to fully develop the AAP in tranches without the need to construct the CSRR and associated infrastructure was identified. This was considered to negate the need for a large initial financial infrastructure outlay. The Opus study broadly identified trigger levels for when external highway infrastructure required upgrade to enable the full construction of the AAP site, thus providing more phasing flexibility and improving the AAPs viability and deliverability.

Funding – we support your comments that options are being explored through the Sheffield City Region Infrastructure Investment Fund and through CiL. Given the Saint-Gobain site needs minimum infrastructure investment compared to the remainder of the AAP, we consider this again demonstrates that the site could be developed as an early Phase One release, which would also help in attracting further investment.

The Market - Knight Frank's residential team has undertaken its own market testing exercise and identified interest amongst several national and regional house builders in the Saint-Gobain site. We envisage in the current market, the site will be developed by potentially two to three house builders, with the site being disposed of in several lots. By dividing the site into development parcels, there is an increased likelihood of the site being brought forward at a faster rate as there could be more than one house builder on site at the same time, meeting different markets.

Whilst we are not able to provide the detail of these discussions due to confidentiality issues, we have been provided with sufficient certainty for our client to commit funding to the preparation and submission of an outline planning application in the short term (i.e. to be submitted once the Core Strategy has been adopted)

House builders are generally only acquiring sites once they have been granted outline planning permission as this reduces their risk and provides them with the certainty they need regarding S106 contributions. This is particular the case with brownfield sites where viability is a greater issue. We are seeing a strong preference for low density schemes, and many house builders are seeking to revise layouts of extant permission to ensure their attractiveness to the market and viability. This site is identified for low density housing in a landscaped setting (AAP Preferred Options Paragraph 5.15) which will enhance its attractiveness to the market and thus its overall deliverability.



In summary we support the general approach taken regarding the proposed development of the AAP and the uses specified. We do however have concerns in relation to the phasing of development and the impacts of the proposed Spine Road and coal extraction on the deliverability and soundness of the AAP. We would be happy to discuss this further and make available any of our evidence base if you feel this would be beneficial.

I trust the above is useful, if you have any queries regarding these comments or the Saint-Gobain land holding please do not hesitate to contact me.

Yours sincerely



Sophie Taylor
Associate



D/L [REDACTED]
M [REDACTED]
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c.c. Les Foulger