

# **Babergh District Council**

## **Statement of Response to Matters Raised by the Inspector**

**February 2013**



# **BABERGH CORE STRATEGY EXAMINATION**

## **MATTER 9b – Brantham Regeneration Area**

### **Statement of Babergh District Council in response to the Questions identified by the Inspector for Discussion.**

Questions:

1. **“General issues identified at matter 9a above” – see response to 9a.**
  
2. **“The site was identified in the 2006 Local Plan as a Special Policy Area, which was to have been the subject of a feasibility study and a redevelopment brief. With this background, does the current evidence base indicate that development is viable and likely to take place and thereby justify inclusion in the Core Strategy?”**

1.1 The Council has actively pursued the regeneration of this site since before the adoption of the Local Plan. The major part of the site consisted of a very dated collection of industrial premises which were in slow decline, both physically and operationally. Eventually the operations closed down, and the site was acquired in two tranches by the current site owners, St Francis Group (“SFG”). The Council has been working with this company since their acquisition of the land in 2008. SFG is a company that specialises in the long term regeneration of redundant industrial sites. It has acquired the site in order to promote development. No doubt their own submission will explain their background and objectives in further detail.

1.2 The challenge that this site presents is set out at para 2.8.5 of the draft Plan. The Council has published a Planning Position statement (J01) and has also involved the Haven Gateway Partnership, (a locally based public/private sector partnership) who have funded a number of studies as the first steps towards developing a optimum viable development package for the site. These can be found at Documents J02 to J09.

1.3 The focus of efforts at present is on viability appraisal, looking at a number of different options for various land uses. The Council is being assisted here by the Atlas section of the Homes and Communities Agency. This is a complex and detailed matter, involving many different financial assessments and inputs. Once the financial “facts of life” are fully

established and agreed upon for the site, a broad format for a viable development will emerge, and the parties can then progress to community engagement and Master Planning stages.

1.4 SFG also own Greenfield land between the site (Map F) and the village.

This land has historically been in the same ownership as part of the factories, and was not allowed to be developed originally (i.e. many years ago) because the industrial activities carried on consisted of the making of explosives.

1.5 SFG have suggested that some of this land could be developed for residential purposes, to cross-fund the significant remediation and other site preparation costs involved, and the costs of meeting some of the requirements of policy CS6a e.g. the preparation and use of the land south of the railway as a natural/wildlife area (policy proviso B). The Council is not necessarily set against the inclusion of some of the adjacent Greenfield land in the development package in principle, provided it enables a good calibre overall regeneration package that would otherwise not come about. The scale, form and extent of the land take would depend upon the results of testing.

1.6 The Council is prepared to see this door opened within policy CS6a, in the specific interests of securing this large industrial site's successful regeneration, and with the developer, has proposed a revision to Policy CS6a within the submitted Statement of Common Ground – see Appendix. This proposed policy amendment is included within the submitted list of Main Modifications, and if the Inspector is favourably disposed to this Modification, then public consultation will of course follow.

1.7 Thus BDC contends that the issue of viability is being addressed, and that, provided all parties are realistic and flexible, we should emerge from the process with a well-planned development that enhances the area as a whole on a number of fronts. This may or may not involve the residential development of part of the adjacent Greenfield land.

1.8 Although this Greenfield land is in close proximity to designated landscapes, it is sandwiched between substantial tracts of built development and there are no over-riding objections to development identified within the Visual Impact and Landscape Character Assessment (J04 and J05). The Council considers this (assessment) evidence document and its findings acceptable.

1.9 The developer will confirm and demonstrate clearly the viability of site development from his point of view, under the scenario set out by the proposed amendment to policy CS6a, and his approach to development.

1.10 Thus the Council believes that fundamentally the development is viable in some form or other and that development will indeed take place. Therefore, a scheme can be designed that meets the identified main objectives and respects financial realities, and this is the key point. The details of the parameters and form of such a development cannot be identified yet, but these will be worked up, considered and discussed in the near future. There is every expectation that development will be in a position to proceed within the relatively near future, but of course, we have to work within economic cycles. In addition, the Council has confidence in the preparation of a deliverable/viable scheme that is also capable of offering significant wider benefits to the site/wider area (such as a reduction in built development and the beneficial re-use of land to the south of the railway line)

3. **“Is there a clear indication in the Core Strategy of the various constraints affecting the site, including nature conservation and landscape designations, flooding issues and the need for decontamination, can be addressed”**

3.1 Policy CS6a gives a full indication of the issues that affect the site. It requires that “Applications will be assessed with regard to “ issues which include “biodiversity” (which means in effect nature conservation)(see J03), “landscape impacts” (J04 & 05), flooding (through the production of a Flood Risk Assessment)(J07 & J10) and “land contamination” . Should the Inspector feel that these should be amended in any way the Council is open to suggestions. However, as a Core Strategy, the inclusion of significant detail and the addition of volume to the size and nature/focus of the document has been avoided.

3.2 It is important that these constraints and ambitions are set out, to give guidance to the developer as to what sort of development can expect to receive planning permission. The evidence base already covers most of these requirements, (see in particular the documents referenced above) although the policy provides for updates as necessary, since evidence base material will have a finite shelf life, whereas the ability to revise/update core strategies is limited.

4. **“Given the acknowledged importance of the site, the constraints on development, and the fact that the Core Strategy provides for a review of the allocation in five years, is the plan sufficiently flexible to respond if this site is not progressed?”**

4.1 The Council has sought to strike the right balance between flexibility and aspiration. The Council has shown the latter through its preparedness to consider the benefits of including some of the adjacent Greenfield land within the development equation. If, in the final analysis, the development investigations mean that not every expected benefit can be achieved, as with all applications for planning permission, this will be weighed in the balance.

4.2 In setting out the constraints of the site, it is sometimes possible to lose sight of the opportunities the site presents. It is probably the only significant major development site within the Dedham Vale/Stour Estuary, in close proximity to Areas of Natural Beauty, and to a mainline railway station. The Council's view is that with careful planning, it could become an attractive place for work, open-space passive recreation, and for living. A suitable development should also enhance the amenities of Brantham village in a number of ways – employment, improved access to the estuary, open space, community facilities, and residential choice.

4.3 At this stage we need Planning Policy to set the scene for, and to encourage suitable development, and hopefully too, to inspire the developers into creating a high quality model development. It is considered of paramount importance to create the right conditions to promote certainty and confidence. This is what the Council has sought to achieve.

4.4 The Inspector may have concerns that the delivery of the site is not so important to achieving the growth strategy and thus a question over whether it should be allocated. However, the Council considers that non-allocation of the site does not present a realistic, desirable or a plan-led approach – the site is a significant issue to the District as a whole and must be addressed.

4.5 It is worth pointing out that whilst the site will not make a significant contribution to the housing targets within the Strategy, it is expected that it will be significant on the job creation front. The site is an important part of the Council's employment strategy, both numerically and locationally. The site constitutes the main employment allocation in the Shotley Peninsula, southern third of the District, and is also well placed to contribute to the employment issues facing the Tendring peninsula, just across the border into Essex.

4.6 The Council's over-riding aim has been to promote and encourage the most beneficial conditions under which a successful development may take place, and to do this as transparently as possible in the public domain, so that local communities may also have as much clarity as possible on what should happen to this important site in the future.

## APPENDIX - STATEMENT OF COMMON GROUND

The Parties: (a) Babergh District Council (“BDC”)

(b) Boyer Planning on behalf of St Francis Group Ltd (“SFG”)

Representation Nos: 11 – 00004 (1- ) and 12-10004 (1-7)

### Re – Matter 9b: Brantham Regeneration Area

1. The Parties agree that the regeneration of the site at Map F is a shared objective of the highest priority.
2. The Parties have worked together since the acquisition of the site by St Francis Group to promote regeneration, and the furtherance of Local Plan Policy EM 06. Technical Reports have been procured, some by the Council, with financial support from the Haven Gateway Partnership.
3. It is agreed that the development of a viable regeneration package delivering optimal employment benefits to the area as a whole may require the residential development of some of the Greenfield land in SFG’s ownership, between the site shown on Map F, and the built up area of Brantham village to the north west.
4. A viability assessment has been prepared by SFG which is undergoing testing of different development scenarios with the District Council and the Homes and Communities Agency.
5. The final conclusions will result from the ongoing exercise using the technical reports commissioned jointly by St Francis Group and the District Council. Whilst the viability has progressed, because of the range of inputs required to establish clear development proposals for the area, the conclusions will not be available prior to the Examination.
6. The Core Strategy need not await the outcome of this exercise. BDC is prepared to propose the following amendment to Core Strategy draft policy CS6a which will

allow these negotiations to proceed in good faith. If the Inspector accepts this amendment SFG will withdraw all of their objections to the Plan.

7. The Proposed amendment to Policy CS6a:

Add in after provisos A,B and C, a further proviso:

“D. If viability evidence for a comprehensive and integrated planning solution to the whole site suggests additional residential development on some of the adjacent Greenfield land, between the site and the village, this will be considered in relation to the benefits to the overall regeneration package.”

The policy otherwise to remain as written.

Signed, for BDC: Mr R Cooke,  
Spatial Planning Policy Corporate Manager .....  
Date .....

Signed, for SFG: Mr R Ricks, Director,  
Boyer Planning. ....  
Date .....

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