



Meeting note

File reference	South East Staffordshire Project Briefing (Unallocated)
Status	Final
Author	Tayo Olaitan
Date	22 May 2014
Meeting with	IPaD Limited
Venue	Temple Quay House, Bristol
Attendees	Promoter BDW Trading Limited (BDW) Richard Pettitt – IPaD Limited (Representing BDW) Stephen Stoney – Wardell Armstrong (Representing BDW) Planning Inspectorate (PINS) Mark Wilson – Principal Case Manager Tayo Olaitan – Assistant Case Officer David Watts – Consents Service Unit Oliver Lowe – Consents Service Unit Lynne Franklin - Legal
Meeting objectives	For BDW to brief the Planning Inspectorate about their proposed development and for the Planning Inspectorate to indicate whether it falls within the scope of the Planning Act 2008 (PA2008) regime, and give advice on the Nationally Significant Infrastructure Project (NSIP) process.
Circulation	All attendees and invitees
Absences	N/A
Duration	10.30am – 12.30pm

Summary of key points discussed and advice given:

The Planning Inspectorate explained its openness policy and the commitment to publishing any advice under s.51 of the Planning Act 2008 (PA2008), and also noted that any advice given under s.51 does not constitute legal advice upon which applicants (or others) can rely.

This is one of the first mixed-use developments to arise since the list of prescribed NSIPs was expanded by the Growth and Infrastructure Act 2011, as defined in The Infrastructure Planning (Business or Commercial Projects) Regulations 2013¹.

1.0 Development Briefing by BDW Representatives

The development spans 800 hectares, crossing two local authority areas, East Staffordshire Borough Council (East Staffordshire) and Lichfield District Council (Lichfield), and runs alongside the A38 from Fradley South towards Burton. Staffordshire County Council is the county level authority. The overall project includes water-sports, road, rail, employment opportunities and housing elements.

The northern and southern components of the development are separated by the National Memorial Arboretum (NMA), a popular visitor destination. The northern end will support a commercial zone, a Water-sports Centre based around two lakes and a new railway station. The southern end would capture another new railway station, housing - which would be distributed among five new villages, new school buildings, and the creation of a suitable alternative natural green space (SANG). The latter will be a form of mitigation, as the development falls within the 15km influence zone of Cannock Chase, another popular visitor destination in the region. There will be upgrades to local road and rails links and potentially some canal diversion works as well.

The northern and southern ends of the site are currently designated gravel working sites, with the northern end largely exhausted (due to archaeological sensitivities) and the southern end approximately 50% worked, with the remainder programmed for extraction before development takes place. The mineral rights are owned by Hansons in the north and Lafarge in the south. Lafarge is also the owner of the land upon which the NMA is situated, and one of the eight key landowners identified, comprising approximately 95% of the privately owned development land.

Additional Detail about the Development's Main Components

1.1 Water-sports Centre

This part of the development will become the home venue to various professional water sports governing bodies and provide international level training facilities, for rowing, sailing and kayaking, which would also be available for leisure use by the public. The creation of a water-sports centre of excellence on this site, is an aspiration of Staffordshire County Council, and has been worked into the development as a result.

The relevant sporting governing bodies have shown significant interest in the scheme. A modified floodplain scheme is being developed with the Environment Agency's (EA) approval, but remains to be signed off.

1.2 Road

A number of improvements to the A38 trunk road are proposed which would introduce an average speed limit to increase capacity, reduce accidents and improve access, by building new junctions and upgrading existing ones. Construction of a foot bridge/cycle path over the Coventry canal where it meets the A38 near Fradley South will redirect pedestrian/rider traffic away from the road and also improve safety.

1.3 Rail

The intention here is to hasten completion of the missing section of passenger service route on the existing Birmingham to Lichfield Cross City rail line, beyond Lichfield Trent Valley to the Derby-Birmingham Main Line, with a view to reinstating a direct 10 minute passenger service between Lichfield and Burton. Currently only freight and Cross Country trains routing to the Bombardier maintenance depot are able to travel beyond Lichfield Trent Valley towards Burton on this non-electrified section. A feasibility study on reinstatement is currently being undertaken and reinstating a second track on the single track section is also being considered.

The option also exists for the provision of a dedicated link from the proposed Twin Rivers Parkway Station to the NMA, which would improve overall site accessibility and increase security for visiting VIPs. The business case for these works has been completed and the costings are known. Discussions with Network Rail (NR) are on-going and BDW are at stage 3 of NR's Governance for Railway Investment Projects (GRIP)² process.

1.4 The Commercial (employment) Zone

The intention is to provide an alternative to B8 distribution centre type employment which is already sufficiently catered for in the area. The majority of the 14 thousand jobs envisaged for this development are expected to come from high-tech manufacturing plus research and development, with further opportunities arising from proximity to the Water-sports Centre. The expansion plans of the Football Association (FA) for their nearby centre of excellence at St George's Park could also be supported by complimentary development here, and talks have occurred to discuss requirements, so as to avoid the duplication of facilities.

The site falls within the remit of both the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) and Staffordshire LEP, which have also identified the provision of a major water-sports centre as a driver for local economic growth.

1.5 Housing (Financial enabling factor)

The housing element is intended to provide the majority of the funding for the rest of the development.

Although housing is excluded from the NSIP regime, the intention is to achieve concurrent submissions of an NSIP Development Consent Order (DCO) application to PINS and outline planning permission for the housing element to Lichfield. Delivery of the housing element would be over a period of 20 to 30 years. A modified floodplain design has been agreed in principle with the Environment Agency (EA), but remains to be signed off.

1.6 Reasons for Considering the NSIP Route

BDW confirmed that they were considering the DCO option because of the scale and complexity of the scheme, the cross boundary issues and the national significance of the project.

BDW advised that the local plans of Lichfield, East Staffordshire and Birmingham City Council will be examined consecutively this year (2014), with Lichfield's currently underway. **BDW** will be making representations at all three. The housing element of the development falls within Lichfield's area but the site has not been designated in their local plan. However, Lichfield is recognised as being the number one travel to work location for journeys to Birmingham, and **BDW** considers this to be a highly sustainable location, straddling as it does, the northern end of the Birmingham Cross City rail line.

BDW advised that they want the development to be considered as a whole, and they feel the NSIP option (minus the housing element) could achieve this. They commented that this application would be highly likely to be called-in by the Secretary of State (SofS) if it were made via the Town and Country Planning Act (TCPA) route.

BDW reported that there would be a significant amount of preparatory works to be completed, especially in relation to remodelling the gravel workings for the proposed Water-sports Centre.

BDW confirmed they are negotiating or have agreements in place with the following organisations:

- The Canal and River Trust
- The Environment Agency
- Natural England
- Network Rail
- Lafarge
- Hansons
- The Highways Agency
- All key Landowners

2.0 PINS View on Development Applicability to NSIP Regime

PINS explained that in order to engage in the NSIP regime, **BDW** must first seek and obtain a Direction from the relevant Secretary of State (SofS). **PINS** committed to providing contact details for the relevant SofS in due course.

PINS advised they would be able to provide advice and review the documentation prior to submission to the SofS, if BDW seek a Direction. The DCLG Policy Statement (see attached annex) will assist in the preparation of any request to the SofS.

PINS confirmed that housing could not be included in a NSIP application, even as associated or enabling development. The housing proposed in the southern part of the scheme would need to be brought forward separately as a TCPA application. PINS would welcome further discussions about the extent to which an overarching Environmental Statement (ES) could knit the NSIPs and TCPA (housing) applications together, so that they would be environmentally assessed as a single coherent project. PINS suggested that based on the information provided, there appeared to be at least four potential NSIPs in the whole project, which could possibly be considered under one application:

- Road
- Rail
- Commercial (employment)
- Sport/Leisure

PINS emphasised the need for BDW to consider the project in the context of the NSIP definitions and thresholds in the PA2008. It was up to them to define their own project in these terms and it was advised that they take legal advice about this.

PINS highlighted the front loaded nature of the NSIP process, which requires a full application to be submitted, as there is minimal scope to make significant changes after submission.

Unlike outline TCPA applications, NSIP applications need to contain enough detail to enable key stakeholders such as local authorities and statutory bodies to “pin down” the mitigation required to make the development acceptable in planning terms and more generally. Further discussion with BDW and key stakeholders would be welcomed on this point. In general terms, they should be prepared to have ready at submission:

- A detailed design plan
- A development brief e.g. plot sizes, building heights
- Agreements in place with relevant statutory parties e.g. Natural England
- Have the relevant host local authorities on board e.g. statements of common ground (SoCG)
- Details of how any compulsory acquisition will be funded and justified
- An agreed set of requirements
- The Heads of Terms of any planning obligation proposed or agreed with the relevant local authorities and others.
- A draft DCO, legally drafted as a Statutory Instrument if required in that format.

PINS also advised of the need for statutory s42 consultation with prescribed consultees, land owners and the public.

2.1 Legal Considerations

PINS queried which party would be taking the process forward on behalf of BDW, given the requirement to draft the DCO, a legal document, which would become a piece of legislation.

BDW confirmed that they had legal representation in place with past experience of the DCO process.

PINS reiterated the need to use s35 of the PA2008 to request a Direction in order for this development to proceed along the NSIP route; and stressed that in making their case to the SofS, they should address their reasons for wanting to use the NSIP regime.

PINS advised BDW to be clear about what they wanted a DCO to authorise and to give thought to which parts of the development would be associated development. (see DCLG Guidance)³

PINS explained that having multiple NSIPs in one application will be a first under the PA2008 regime, and although there was unlikely to be anything in the legislation to bar this occurring, BDW should also think about a multiple application scenario, and consider how the different DCOs might co-exist and potentially having to deal with multiple examinations.

PINS pointed out the need to use definitions correctly when drafting a DCO, e.g. red line, NSIP boundary, and confirmed that their red line would need to cover the whole project area, including the housing element, as the Environmental Impact Assessment (EIA) would need to consider its impact as part of the whole development.

BDW confirmed that only the railway line was currently excluded from the red line.

3.0 Consents Service Units (CSU) – Required Consents Falling Outside of the DCO Regime

CSU queried whether BDW were clear about the number of additional consents /environmental permits that would be required for the development.

BDW explained that, in terms of species licensing, this is still to be confirmed through further survey work but it is thought that white-clawed crayfish are present in parts of the development area and therefore a licence may be required.

CSU explained the work they do in relation to the DCO process, which covers 12 specific non-planning consents upon which they can give advice; the major ones being protected species licensing and environmental permits.

CSU explained they would usually put together a Consents Management Plan which would be a key mile stone prior to any DCO application. They confirmed it was a free service and offered to send BDW a skeleton plan, to help them decide whether this was something they might want to take advantage of.

BDW were provided with a copy of the CSU prospectus⁴ and confirmed they would be happy to receive any further documentation.

4.0 Other business

PINS advised that another developer had successfully applied for a Direction, for an NSIP project which had a housing element as an enabling factor, and suggested BDW make contact with them for a steer on phrasing their own Direction request. PINS committed to providing contact details to BDW in due course.

BDW confirmed they would be interested in doing so.

5.0 Actions and Follow up

PINS

To advise BDW of the relevant Secretary of State to contact for a s35 Direction

To provide BDW with contact details for the developer referred to

To supply BDW with a skeleton Consents Management Plan

BDW

To decide whether to contact the relevant Secretary of State for a s35 Direction and keep PINS apprised of developments

1 <http://www.legislation.gov.uk/ukxi/2013/3221/contents/made>

2 GRIP – Governance for Railway Investment Projects is Network Rail’s eight stage management and control process used to deliver projects

3 <https://www.gov.uk/government/publications/planning-act-2008-associated-development-applications-for-major-infrastructure-projects>

4 <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/05/CSU-Prospectus-v.1.0.pdf>