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email [REDACTED]

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Planning Policy Team
East Northamptonshire Council
Cedar Drive
Thrapston
NN144LZ

Dear Sir / Madam

EAST NORTHAMPTONSHIRE LOCAL PLAN PART 2: DRAFT PLAN CONSULTATION – REPRESENTATIONS ON BEHALF OF CONALGEN ENTERPRISES SA

On behalf of our client, Conalgen Enterprises SA, we write to submit representations to East Northamptonshire District Council (ENDC) in respect of the East Northamptonshire Local Plan Part 2: Draft Plan consultation.

Conalgen Enterprises SA are the freeholders of land at Nene Park ("the Site"), as shown on the plan at **Appendix 1**. The Site, which comprises the former home of Rushden and Diamonds Football Club, covers an area of approximately 9 hectares and was once occupied by a football stadium, two practice / training pitches and associated parking and landscaping. Demolition and site clearance works commenced in early 2017 and the Site now lies vacant. The area of this Site is broadly similar to that identified in respect of draft allocation **Policy EN39** (Former Rushden and Diamonds FC Stadium Site).

Context for Representations

In April 2016, ENDC confirmed its intention to prepare a new district-wide Local Plan Part 2. The Local Plan Part 2 will replace the remaining policies of the Rural North, Oundle and Thrapston Plan (2011) and East Northamptonshire District Local Plan (1996) and sit alongside the North Northamptonshire Joint Core Strategy (the Local Plan Part 1), which was adopted in July 2016.

Initial (Regulation 18) consultation took place between 27 January and 13 March 2017 and a series of Member and Town / Parish Council workshops were held between May 2017 and April 2018.

ENDC are now consulting on the first draft Local Plan Part 2, ahead of the publication of the Pre-Submission Local Plan Part 2 (Regulation 19) for consultation, which is scheduled to take place in February / March 2019.

We have reviewed the Draft East Northamptonshire Local Plan Part 2, specifically in relation to the land at Nene Park, Irthlingborough, and set out below our thoughts.

Section 7.0 (Economic Prosperity)

Section 7.0 of the draft Local Plan Part 2 sets out the proposed district-wide economic strategy in order to meet the objectives defined by **Policy 22** (Delivering Economic Prosperity) and **Policy 23** (Distribution of New Jobs) of the Joint Core Strategy.

Paragraph 7.33 of the draft Local Plan recognises the role of the Joint Core Strategy in providing overarching policy criteria for safeguarding existing employment areas and identifies the need for the Local Plan Part 2 to identify those industrial and commercial sites that should be designated as protected employment areas.

The proposed employment protection areas are detailed at Appendix 1 of the draft Local Plan Part 2 and include Nene Park / Nene Business Park (Site Ref. EPA12). The draft Local Plan proposes a new policy (**Policy EN18** (Protected Employment Areas)) to be read in conjunction with **Policy 22** of the Joint Core Strategy, which states:

"The existing employment sites, as shown on the Policies Map, are protected for employment use. Proposals for re-development or changes of use of existing buildings should ensure that the overall provision of employment after development is no less than that of the current use of most recent use. A reduction in the level of employment or development for non-employment uses will be only be supported where it can demonstrated that:

- a) There is no realistic prospect of the site or buildings being used or re-used, including redevelopment, for employment purposes; or*
- b) Constraints associated with the site or buildings mean these would be unsuitable for re-use, in terms of siting, design, access, layout and relationship to neighbouring buildings and uses; and*
- c) Development contributions will be made to support economic development across the district."*

Conalgen Enterprises SA support the proposed district-wide economic strategy, including the designation of Nene Park / Nene Business Park as a designated employment site. Whilst the objectives of proposed **Policy EN18** are broadly supported, in order to ensure that the delivery of development at the designated employment sites is viable, employment uses should be considered to include 'other' employment uses (i.e. beyond the typical B Class uses), where they would be compatible and complementary with the intended primary use of a site and other relevant planning policy considerations. Such uses are identified under Table 11 earlier in Section 7.0 of the draft Local Plan Part 2 and, for the avoidance of doubt, should be cross referenced under **Policy EN18**.

Section 9.0 (Town Strategies)

Section 9.0 of the draft Local Plan Part 2 sets out ENDC's growth strategy for each of the six towns within East Northamptonshire, including guiding principles and the identification of redevelopment opportunities.

In addition to the priorities for Irthlingborough defined in the adopted Joint Core Strategy, the draft Local Plan Part 2 provides further direction, including a focus upon delivering the Irthlingborough West sustainable extension, and identifies a number of redevelopment opportunities in the urban area, including the former Rushden and Diamonds FC Stadium Site.

Paragraph 9.43 of the draft Local Plan recognises the longstanding role of Irthlingborough East as the main employment and leisure location for the town and divides the area into six distinct parts. Area '3' covers an area

of circa 7.2 hectares, incorporating the former Rushden and Diamonds FC Stadium Site and associated infrastructure.

Paragraph 9.46 identifies the former Rushden and Diamonds FC Stadium Site as “one of the most significant brownfield sites within the district” and Paragraph 47 outlines the importance of securing a suitable redevelopment scheme on the site to secure future investment for Irthlingborough.

The draft Local Plan Part 2 suggests that the range of potential uses for the former Stadium Site is restricted by a number of development constraints, including the site’s location adjacent to the Upper Nene Valley Gravel Pits SPA/ Ramsar site. In addition to this, the draft Local Plan states that majority of the site is situated within the Environment Agency’s Flood Zone 3, which, in most circumstances, precludes all but less vulnerable and water compatible uses.

Policy EN39 (Former Rushden and Diamonds FC Stadium Site, Nene Park, Diamond Way, Irthlingborough) of the draft Local Plan Part 2 outlines the details of the proposed policy allocation for the former Stadium Site and states:

“The former Rushden and Diamonds FC Stadium site, as shown on the Policies Map, is allocated for a mix of main town centre, business and leisure uses. Proposals should deliver:

- a) Flood compatible employment uses such as tourism, cultural or leisure related development, complementing the nearby offers of Irthlingborough, Higham Ferrers and Rushden town centres, and Rushden Lakes;*
- b) Appropriate flood risk mitigation measures;*
- c) Measures to enhance biodiversity, deliver ecosystem services and ensure that any development does not have a significant adverse impact upon the adjacent SPA/ Ramsar site;*
- d) Improved arrangements for pedestrian and cyclists, crossing the A6 to Station Road and the town centre (east);*
- e) Pedestrian and cycle connections to the East Northamptonshire Greenway, via the Old Bridge and Marsh Lane (west);*
- f) High quality landscaping; and*
- g) Provision for new moorings along the River Nene Navigation and direct riparian access”.*

Conalgen Enterprises SA strongly support the principle of the allocation of the former Stadium Site for employment-led development within the Local Plan Part 2, in the light of its acknowledged importance to the ongoing regeneration of Irthlingborough. However, they have significant concerns regarding the suggested flood based restrictions in terms of the range of uses proposed under part ‘a’ of draft **Policy EN39**. It is considered that the evidence base that is informing this position is fundamentally flawed and, as such, as currently worded, the proposed policy is overly restrictive.

In order to address these concerns, Campbell Reith have been appointed to provide strategic flood risk advice regarding the development potential of the Site.

At this early stage, Campbell Reith have undertaken a review of current flood data, as supplied by the Environment Agency. As a result of Campbell Reith’s initial investigative work, it is suggested that the Environment Agency’s standard flood mapping, on which the proposed allocation under **Policy EN39** is grounded, does not accurately reflect the actual conditions of the Site. Indeed, based on measured site levels

(survey undertaken in 2014) and using current Environment Agency modelling date (dated 2013, supplied December 2018), Campbell Reith have found evidence to suggest that a significant area of the Site is, in fact, located within Flood Zone 2, rather than Flood Zone 3.

Clearly, the location of a large part of the Site within Flood Zone 2 has significant ramifications, particularly in terms of the range of uses that may be appropriate at the Site. As shown in Figure 1 below, 'more vulnerable', 'less vulnerable' and 'water compatible' uses are recognised to be appropriate uses at sites located within Flood Zone 2, whereas only 'less vulnerable' and 'water compatible' uses are considered to be appropriate at sites located in Flood Zone 3a, and just the latter in Flood Zone 3b.

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓*

Key:

✓ Development is appropriate

✗ Development should not be permitted.

Figure 1: Flood Risk Use Vulnerability and Flood Zone Compatibility Table (Source: Planning Practice Guidance)

This is particularly pertinent to the proposed allocation of the former Stadium Site under **Policy EN39**, which, as currently drafted and based on the Environment Agency's standard flood mapping, permits only "flood compatible employment uses" (i.e. those suitable for sites located in Flood Zone 3). Under a Flood Zone 2 designation, a greater range of employment generating sites would be acceptable in this location, including inter alia buildings for general industry, storage and distribution and offices, which would be of great benefit to the Town Centre. Clearly, such uses would significantly improve the likelihood of a viable scheme coming forward in accordance with the strategic objectives for the Site.

On this basis, it is considered that to apply a blanket restriction on the range of uses permissible across the entirety of the Site in line with the Environment Agency's current standard flood mapping would be wholly inappropriate. We, therefore, object to the current wording on these grounds.

Campbell Reith are progressing detailed discussions with the Environment Agency, in order to better understand the flood levels across the remainder of the Site and to establish any appropriate flood development strategies for these remaining areas. Whilst these works are well underway, it will take some time for Campbell Reith and the Environment Agency to resolve this matter. Until such time, we respectfully suggest that to further progress

Appendix 1

Indicative Site Location Plan

