

Whitby Business Park Area Action Plan

Joint Meeting of Members from North York Moors National Park Authority and Scarborough Borough Council

Helmsley Town Hall

27th July 2011 10am

AGENDA

1. Appointment of Chairman
2. Apologies for absence
3. Minutes of meeting held 24th June 2011
4. Matters Arising
5. Retail Issues (verbal report)
6. Securing developer contributions for infrastructure and highway improvements (verbal report)
7. Next steps
8. Any Other Business
9. Date and time of next meeting

Whitby Business Park Area Action Plan Joint Meeting

Notes of the meeting held at Whitby Seafoods, Whitby Business Park on 24 June 2011.

Present:

Scarborough Borough Council	Cllr Dorothy Clegg, Cllr Jane Mortimer, Cllr Jim Preston
North York Moors National Park Authority	Tim Lawn, Philip Lawson, Jane Mitchell

In attendance:

Scarborough Borough Council	David Walker, Doug Kendall, Marcus Whitmore
North York Moors National Park Authority	Chris France, Sarah Housden, Caroline Skelly, Fiona Farnell
North Yorkshire County Council	James Kennedy
Whitby Seafoods	Graham Whittle
Yorwaste	Tony Prudom

Prior to the meeting a tour of the Business Park took place.

Welcome

Councillor Dorothy Clegg welcomed Members and Officers to the meeting, an around the table introduction took place. Thanks were also extended to Graham Whittle for his hospitality.

Appointment of Chair

Members agreed to appoint Councillor Dorothy Clegg as chair of the meeting.

Apologies for absence

Mrs Helen Swiers

Minutes of meeting held on 31 August 2010

The minutes of the meeting were agreed.

Matters Arising

Councillor Mortimer asked that Broomfield Farm be borne in mind at all times.

Consideration of Draft Area Action Plan

Mr Walker noted that work on the Area Action Plan had been significantly delayed due to the amount of revision and re-drafting necessary on the original draft of the document. Further work had also been commissioned in relation to the retail evidence.

Martin Tonks has been asked to carry out a bespoke piece of work on the retail element of the business park with should be ready in 2/3 weeks time.

Mr Kendall updated Members on a meeting held with the Regional Growth Fund to ascertain the criteria required for Department for Business Innovation and Skills (BIZ). Also the proposed wind farm at Dogger Bank has raised interest from several private sector companies. Alex Richards from Scarborough Borough Council will be leading on this. Scarborough Borough Council has also submitted a bid for Scarborough to be an 'enterprise zone', targeting the area at Scarborough Business Park.

Members and Officers decided to go through the Action Plan by Section with Members able to ask questions at any time.

Section 1 – Introduction

Mr Walker informed Members that Broomfield Farm needed to be addressed and that the Local Development Framework would look at the options for the land.

Section 2 – An Economic Profile of the Whitby Area

No questions were asked.

Section 3 – Spatial Vision and Objectives

Mr Walker noted that some small changes had been made and that this was clearly an important area.

Section 4 – Developing the Business Park

Mrs Housden informed Members that the background of the rationale was to diversify the economic base of the town apart in addition to tourism, this included businesses associated with Dogger Bank. The consultation carried out in 2009 showed a lot of support for new land to expand the current Business Park to support employment opportunities. The map attached to the Action Plan included 3 sites covering 14ha.

Site 1 – At the end of Enterprise Way. A rising site with undergrounding of electric lines needed and careful consideration with regard to the height of the proposed buildings. Work in progress re: infrastructure.

Site 2 – At the back of Fairfield Road. This site has infrastructure issues, contains the telecommunications mast which will require a buffer zone and access to the mast at all times. The site also drops steeply away to the beck. Part of this site is already developed. With the extension to Whitby Seafoods premises.

Site 3 – Is on Chomley Way and is in the ownership of Scarborough Borough Council.

Officers noted the key issue with all 3 sites were highway issues. The sites also represented a substantial expansion in landscape terms which needed to be managed without encroaching onto the landscape of the National Park or Whitby as a whole.

A Member commented that a circular vehicle route was required with additional parking spaces, the use of the central greenspace was discussed, however this is a holding area for surface water.

Section 5 – Mix of Uses

Mr Walker pointed out that consideration needed to be given to the approach to the mix of uses, with permissions having been given for retail development in recent times, with ancillary retail taking place on other areas of the business park.

Mr Walker noted that once the retail evidence had been received a more detailed look could be taken as this area of work.

Members agreed to discuss this in more detail at the next meeting.

Section 6 – Environment and Appearance

Mrs Housden informed Members that Policy 2 highlighted the need for good quality new design and energy use to be minimised but at the present time Officers at the National Park did not have capacity to compile a Design Brief. Mr Walker informed Members that a temporary team of staff at Scarborough Borough Council may have capacity to undertake this work.

Policy 3 took account of bats and badgers in the vicinity.

Section 7 – Accessibility

Mr Walker reminded Members that during the tour options were available to link through routes to improve operations.

Mr Kelly noted that in Site 1 on Enterprise Way another area of land had been offered so that the current owners site was not split in two.

Members also commented that there were parking issues on the Business Park. A Member suggested that one solution to the problem was the possibility of a bus route being diverted through the site and therefore relieving some parking problems. A further Member suggested a cycle route/marked pathway. Mr Kennedy informed Members that a cycle path was proposed from Whitby to the new Sainsbury's site.

Section 8 – Infrastructure

Mrs Housden noted that the safeguarding of the current electricity use was needed as there are a number of high energy users already on the Business Park.

Members agreed that 'next generation' technology was required for the business park.

Policy 10 – under this policy most of the units will be caught and therefore guidance will be given to developers to build on and use.

Mr Walker informed Members that at present developer contributions are collected via Section 106 Agreements. These are to be greatly reduced in the next couple of years and therefore a 'Community Infrastructure Levy' would potentially be taking its place, which is a tariff applied to developments, with the tariff being put towards key infrastructure

Section 9 – Implementation of the Area Action Plan

To be left until the next meeting.

Next Steps

Mrs Housden noted that until the action plan and policies have been adopted any planning applications that were received had no policies to be determined under, however the submission of the Area Action Plan to the Secretary of State would be a significant commitment by both authorities to the development of the site and this should be given weight in any relevant application decisions.

Any Other Business

There was no other business.

Date and time of next meeting

The date of the next meeting is 27 July 2011 at The Old Vicarage, Helmsley at 10am.

Whitby Business Park Area Action Plan

27 July 2011

Contributions to Infrastructure Improvements including Strategic Transport Improvement Master Plans

Report to Joint Meeting of Members from North York Moors National Park Authority and Scarborough Borough Council

1. Introduction

- 1.1 Members will be aware that significant highway and other infrastructure improvements are needed to enable improvement and expansion of the Business Park. The Feasibility Study produced by White Young Green in July 2010 estimated that the overall cost of these improvements would be £3.7 million, and adding on the cost of design fees and allowing for contingencies, a figure of £4.1 is a realistic estimate. This covers highway and other landscaping and drainage improvements.
- 1.2 The Area Action Plan must demonstrate that it is deliverable and therefore include details of how and when infrastructure improvements will be implemented and by whom. In practice, funding will come from a combination of sources including a bid to the Regional Growth Fund and developer contributions via s106 agreements. However, North Yorkshire County Council is seeking to secure developer contributions to strategic highway improvements via Strategic Transport Improvement Master Plans (STIMPs) in the run up to the introduction of the Community Infrastructure Levy (CIL) in 2014. The STIMP process is proposed to deliver strategic transport infrastructure to enable Local Development Framework (LDF) allocations to come forward and the funding collected will be ring fenced for this purpose.
- 1.3 This report sets out how the STIMPs policy could work in relation to highway improvements at Whitby Business Park and assesses the potential role of CIL. It is proposed that the STIMP approach will readily transfer to form the transport element of any CIL. The York and North Yorkshire sub Regional Transport Board endorsed the process and consequently all North Yorkshire Local Planning Authorities are being encouraged to take the necessary decisions within their organisations to adopt the principle of STIMPs and this will be considered by the National Park Authority's Planning Committee in September.

2. Strategic Transport Improvement Master Plans

- 2.2 Through STIMPs, NYCC is proposing a mechanism to collect a contribution from every development within a specific area and pool these contributions into pots of funding which will be used to pay for the essential transport infrastructure required to facilitate delivery of land allocations in Local Development Frameworks. It is considered that the level of transport infrastructure required to deliver LDF allocations together with the current financial situation facing local authorities means that it would not be possible nor equitable to secure the necessary improvements using the current approach on a site by site basis. The current approach does not adequately consider the combined impact on the transport network of smaller developments where developer contributions are not required.

2.3 There are two distinct elements to STIMPs:

- The 'Policy Statement' which establishes the methodology and embeds it as a policy commitment at County, District and National Park level and provides the mechanism for requiring developer contributions
- The 'Intervention Plans' which identify the transport improvements that are required in each local authority area.

2.4 The basic principle of STIMPs is that the traffic generated by the land allocated in the LDF funds the strategic transport infrastructure required to deliver the allocations. Individual contributions will be based on the daily level of traffic (average annual daily flow) generated by the proposal. The forecast growth in traffic will then be modelled using the traffic models held by the Local Highway Authority to establish the impact of the proposals at key locations on the highway network. To assist developers a set of local traffic generation rates will be established based on nationally recognised trip generation rates for specific use classes.

2.5 LDFs will need to include suitable policies to secure delivery and NYCC can assist in drafting robust policies which will include the local tariff per vehicle trip per day. These should then be adopted as part of the LDF and will also apply to other developments outside the LDF allocations. Once the tariff is established payment of contributions by developers will be made in a similar way to existing s106 payments and held by the Local Planning Authority in a ring fenced account until the works are commissioned.

2.6 The Intervention Plan will identify the package of transport services and infrastructure necessary to accommodate the LDF developments including an estimate of the cost of delivery of each element of the package and the package as a whole. The geographical coverage of the Intervention Plan will be dependent on the scale of the transport improvements being proposed. The development of the formal Intervention Plan will usually follow the publication of a site allocations or policies Development Plan Document.

3. **Applying STIMPs to Whitby Business Park**

3.1 Since the last meeting of the Member Working Group a discussion with the Highway Authority has taken place to discuss how the STIMPs approach might be applied to the Whitby Business Park Area Action Plan. The Plan is a joint document and administering the contributions 'pot' will be more complex, however in principle it should be possible to adopt a STIMPs approach within the Area Action Plan.

3.2 The National Park Authority and the Borough Council are at different stages in the LDF process. The Area Action Plan is proceeding ahead of the Scarborough Core Strategy, however the existing Scarborough Local Plan includes Policy C6 which requires developer contributions where new development will generate the need for additional infrastructure provision or community facilities. The North York Moors Core Strategy does not contain an 'equivalent' developer contributions policy, however Core Policy H sets out a commitment to providing more employment land at Whitby Business Park. As the Area Action Plan will be a Development Plan Document it can establish a new policy relating to STIMPs but this must be in 'conformity' with the Core Strategy.

- 3.3 Although STIMPs is geared towards a 'whole settlement' approach, NYCC has indicated that the two authorities can define the specific area within which the contributions will be sought. In this case, the area within which the STIMP will apply will be identical to the area of the Business Park as defined in the Area Action Plan in order that monies are spent on the specific improvements identified to meet the needs of the Business Park and not more widely across Whitby.
- 3.4 A precise wording for the STIMP element of the developer contributions policy will be drawn up in consultation with NYCC and included in the draft Area Action Plan for consultation. However, this is likely to be one element of an overall policy on developer contributions as funding will also be required for other types of infrastructure work such as drainage and landscaping.
- 3.5 In terms of preparing an Intervention Plan, the Feasibility Study work done by White Young Green during 2010 provides a good basis for developing an Intervention Plan in more detail. Further consideration will be given to whether any other travel and highway related improvements should be included in the overall costs such as cycle paths. The Intervention Plan will be published alongside the final publication version of the Area Action Plan that is submitted to the Secretary of State.

4. Community Infrastructure Levy

- 4.1 CIL came into force in April 2010 and allows Local Planning Authorities to raise funds from developers to fund a wide range of infrastructure needed as a result of the development, including transport. A levy is payable on chargeable development for example, per m² of residential or commercial floorspace. The levy can vary by geographical area and type of development. However, the level has to be established with regard to the effects on the viability of different types of development for which evidence is needed usually in the form of a Viability Study. The levy must also be related to a sound assessment of the infrastructure requirements arising from development across the Local Planning Authority area which are usually identified in an Infrastructure Delivery Plan.
- 4.2 It is considered that at present, s106 agreements and STIMPS are likely to be the most appropriate mechanism for securing funding for infrastructure improvements at Whitby Business Park. Neither authority has prepared a CIL charging schedule and to do so for Whitby Business Park would require considerable evidence which would delay the submission of the Area Action Plan. Furthermore, administering a joint CIL between two authorities would be complex. At a recent Planning Advisory Service event on CIL, the point was made by both developers and viability consultants that in the north of England charging a levy on the development of employment land would make it unviable, however evidence is nevertheless required to adopt a £0 levy.
- 4.3 After 2014, although s106 agreements can still be sought for developer contributions, no more than 5 can be 'pooled' for spending purposes. It is anticipated that the development of the Business Park will be substantially committed and/or underway by that date. It is therefore suggested that CIL is not the most suitable approach in the current circumstances for Whitby Business Park.

5. Conclusions

Members are invited to:

- (i) note the need to adopt a consistent approach between Scarborough Borough Council and the National Park Authority to infrastructure provision at Whitby Business Park and through the Area Action Plan process set out in more detail the mechanics for achieving this through section 106 agreements and STIMPs.

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Background Documents to the Report

File Reference

1. Stainsacre Lane Industrial Estate

3050/14 (NPA)