

HMS GANGES' SITE

After a break, welcome to the latest newsletter aimed at keeping key stakeholders informed about issues connected to the former HMS Ganges site.

With a new planning application likely in the next couple of months or so, we wanted to bring everyone right up-to-date.

Q: Although recognising that any decision on a planning application will be made on its merits, does Babergh have a corporate view about the site?

A: Bearing in mind that two of its current priorities are for a strong and sustainable Babergh economy and ensuring that Babergh has vibrant places and strong communities, Babergh District Council recognises that redevelopment of the currently redundant former HMS Ganges site has been established as an acceptable principle and that a positive future for this area needs to be identified.

With this in mind, Babergh believes that an overall sustainable mixed-use development solution has the greatest potential for generating benefits for the local community and the wider stakeholder group interested in the safeguarding of the remaining naval heritage assets, including the two Martello towers, mast and the fort.

Both the site's complexities, such as the associated highways access, and great opportunities, not least as a result of its unique setting, for development are recognised. These mean that a carefully planned, bespoke development is required that will reflect and complement Shotley Gate's locally distinct nature.

We believe that the site has the potential to be a viable place to work and live in as it is located on one of the gateways to Suffolk.

This site has the potential to generate new homes, new jobs and new community facilities for local communities on the Shotley Peninsula.

There is also the opportunity to realise the tourist potential of the site by safeguarding and enhancing its naval heritage, its history and its conservation value by opening up public access to, and understanding of, this unique site.

Obviously, we recognise that the consideration of any planning application for the site by Babergh's Development Committee must be made against strict planning criteria.

Q: Given that previous planning applications for the site have been rejected either by Babergh or on appeal, what is the latest situation?

A: Landowners Haylink have been in contact with Babergh's planning department for a number of months and have been working on a new planning application aimed at addressing the various concerns raised regarding earlier such applications.

The decision of the Planning Inspectorate last year to refuse the reserved matters (reserved matters deal with certain more detailed aspects of an outline planning application, including those relating to access, appearance, landscaping etc.) for a retirement community at the Ganges site was the subject of a Judicial Review. In October of this year, the site owners secured a Court Order to overturn the decision of the Planning Inspector to refuse reserved matters for 404 retirement homes at the HMS Ganges site.

This means that the Planning Inspector will need to re-visit his decision and consider the appeal (or part of it) afresh, probably at another Public Inquiry. In practice, however, we anticipate that a new planning application will be submitted for a new scheme to develop the site in a comprehensive manner and that the appeal may be held in abeyance pending determination of the new application.

The Planning Inspectorate's decision was quashed by the High Court because the Inspector did not consider the East of England Plan in arriving at his decision. The Inspector had not done so because at the time of the Inquiry the Secretary of State had purported to abolish regional

spatial strategies. The abolition was subsequently found by the Courts to have been unlawful. Consequently, the East of England Plan needs to be considered.

Q: What are the basics regarding the emerging planning application?

A: With the caveat that these figures could change between now and when the planning application is formally registered, it looks as if Haylink is considering a reduction in the number of proposed homes to 285, comprising 200 dwellings on the open market and the remaining 85 being either affordable or retirement properties. This compares to a figure of 325 homes in the previous planning application (2005) and 404 retirement homes within the Reserved Matters scheme. It is likely that the planning application will be submitted before the end of this year.

Obviously, the application will be considered against a range of planning criteria, which will include the likely benefits to the area in terms of additional affordable housing and community facilities and the long-term protection of the many heritage assets on the site, including the mast and the Martello towers, weighed against any identified adverse impacts and how such things might be avoided or mitigated.

Q: What consultation has there been between Haylink and key stakeholders?

A: The company has been speaking both with the local parish council and local Babergh officers and councillors, as well as English Heritage regarding their proposals. They have also carried out wider consultations with the peninsula community including public displays of their latest proposals. Obviously, once a planning application has been received and registered by Babergh a much broader consultation process will begin.

Q: As a Grade II listed structure, the mast has been an issue of local concern. What are the plans for Mast in the emerging new planning application?

A: It appears that the mast will be central to the new layout, acting as a focal point within its square and as part of a bigger open area surrounded by community buildings.

Haylink has also given assurances that once planning permission has been secured and work starts to develop the site, funds will be made available for the repair work to the mast.

Q: In the meantime, what is Babergh's current view as to the state of the mast?

A: As part of its periodic checking regime, Babergh officers have recently visited the mast on August 26 2011. At that stage, it was felt that although it was in a poor condition, it could not be considered as a building at risk and did not appear to have deteriorated to such an extent that would warrant formal action.

Q: What has Babergh's approach been to getting Haylink to make the necessary repairs to the mast?

A: The resolution of the Strategy Committee in September 2009 agreed that officers should look to seek a negotiated solution with the developers. Following extensive negotiations, listed building consent for the lowering of the mast (to facilitate its repair off site and its re-erection in the current position) was applied for by Haylink and was subsequently granted in January 2010.

This consent remains valid and contains conditions related to a specification of works and the re-erection of the mast within certain time periods following its lowering. Babergh see this proposal as a clear intent from the landowners to carry out the works in due course.

Babergh has also recently designated the area as a Conservation Area, and has produced and adopted a Conservation Area Appraisal as Supplementary Planning Guidance. The mast is referred to at numerous points in this document, reaffirming its importance within the context and understanding of Shotley Gate.

This designation provides additional policy support for the character of the area, including the mast, in all considerations of the use of the site and its future.

Q: Why hasn't Babergh made use of either Repairs Notices or Urgent Works Notices?

A: These powers are confined to urgent works. In the Secretary of State's view, their use should be restricted to emergency repairs e.g. works to keep a building wind and weather-proof and safe from collapse. The steps taken should be the minimum consistent with achieving the objective, and should not involve an owner in great expense.

The Council would need to commission a survey of the mast, at its own expense, to be satisfied that such action would be viable. The resolution from Strategy Committee in 2009 noted these legislative options and the potential financial implications of pursuing formal action and agreed that a co-operative solution with the landowner should be sought.

Q: But what about its other ordinary enforcement powers? Why can't Babergh itself contract the work to be done and then bill Haylink?

A: Babergh would only be able to intervene in this way if the works that needed doing could be classified as 'necessary' or 'urgent' in ensuring the long term preservation of the mast.

As explained above the state of the mast does not appear to fall into these categories. The likely cost of any basic repair work would likely run into a large five figure sum – which Babergh may not be able to recover from the company. This would leave all of Babergh's Council Taxpayers out of pocket.

Q: So what will Babergh be doing in the short term?

A: Babergh will continue to work with the landowner to ensure that the mast remains a focal point in any scheme that is brought forward. Monitoring of the condition of the mast will continue to ensure that any changes in the condition of the mast are noted and understood relative to the long-term health of the structure.

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