

CABINET

4 AUGUST 2020

INNOVATION PARK MEDWAY LOCAL DEVELOPMENT ORDER – REQUEST TO RE-CONSULT

Portfolio Holders:	Councillor Alan Jarrett, Leader Councillor Rodney Chambers OBE, Inward Investment, Strategic Regeneration and Partnerships Councillor Jane Chitty, Planning, Economic Growth and Regulation
Report from:	Richard Hicks, Director of Place and Deputy Chief Executive
Author:	Lucy Carpenter, Senior Regeneration Officer

Summary

This report seeks permission from Cabinet that the Draft Innovation Park Medway (IPM) Local Development Order (LDO) is re-consulted upon. The Draft IPM LDO builds upon the masterplan to set principles for development which will allow developers and businesses to bring forward high quality development in the high-value technology, engineering, manufacturing and knowledge-intensive sectors. Following public consultation, the LDO and supporting documents will be presented to Cabinet and Full Council for adoption.

1. Budget and Policy Framework

- 1.1 The Draft IPM LDO has been prepared in accordance with the Town and Country Planning (Development Management Procedure) (DMP 2015). The Medway Local Plan 2003 is the current development plan for the authority and therefore forms part of the council's policy framework.
- 1.2 This report seeks permission to publicly consult on the draft LDO, set out at Appendix A to the report, for a period of 32 days. As the site sits across the Local Authority Boundary, agreement to consult must also be sought from Tonbridge & Malling Borough Council on a separate LDO document for the site.
- 1.3 Additionally and in line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in can be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. The Chairman of the Regeneration, Culture and Environment Overview and Scrutiny Committee has agreed that the decisions proposed are reasonable

in all the circumstances and to them being treated as a matter of urgency and to waive call-in as this will enable officers to undertake consultation at the earliest opportunity.

2. Background

- 2.1 The Rochester Airport masterplan (2014) has been reviewed and refreshed as part of the IPM masterplan (2019). The 2019 masterplan outlines a scheme that will deliver a high-quality innovation park, with flexible plots to encourage a wide range of high-value technology, engineering, manufacturing and knowledge-intensive businesses. Public consultation was undertaken on the draft masterplan and it was proposed that the final masterplan was adopted by Cabinet on 5 March 2019 subject to Highways England (HE) comment. The masterplan seeks to establish a clear policy context that sets parameters but allows for flexibility to support market interest and deliverability.
- 2.2 The site covers an area of land currently in use by Rochester Airport Ltd. The masterplan also covers land leased to BAE and Woolmans Wood Caravan Site which is privately owned. A small part of the BAE-owned site is also included.
- 2.3 The preferred option for taking forward the masterplan is an LDO. This allows plots to come forward with speed and ease for developers and/or businesses. An LDO also provides clarity and certainty for the potential occupants with regard to the expected quality of development. A Design Code supports the LDO, setting the key principles to which development on the site must adhere. Flexibility has been allowed for to ensure that this does not discourage developments.
- 2.4 Environmental Impact Assessment (EIA) screening and scoping opinions have been undertaken and the development has been identified as requiring an EIA. An Environmental Statement will therefore support the LDO.
- 2.5 A public consultation process was undertaken in 2019, which received comments from public and statutory consultees. Liaison has since been ongoing with statutory consultees to ensure their concerns are addressed prior to adoption of the LDO. This has resulted in some changes to the LDO, Environmental Statement and supporting documentation, which require re-consultation as a legislative requirement. Ongoing liaison with HE and Natural England (NE) in particular, have led to changes to the Design Code and transport assessment work.
- 2.6 HE required further traffic assessment work and preliminary mitigation design to address their concerns. Ongoing liaison with HE has enabled the preliminary mitigation design to be produced for key junctions surrounding IPM and comments from HE are awaited following completion of Road Safety and Non-Motorised User Audits.
- 2.7 NE concerns focused on three key issues: landscape and visual impact on the Kent Downs AONB, noise and tranquillity impact, and air quality impact on the North Downs Special Area of Conservation (SAC). Ongoing liaison with NE has identified an appropriate way forward for these issues and final

amendments are being made to the supporting documentation prior to public consultation.

- 2.8 In order to satisfy EIA requirements and ensure statutory consultee concerns are fully addressed prior to consultation, it is recommended that the Cabinet agrees to delegate authority to the Director of Place & Deputy Chief Executive in consultation with the Leader, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to finalise and approve the LDO, Environmental Statement and Design Code for consultation. This will be resolved prior to public consultation to ensure that consultees have the full suite of documents. Additional work may change the content of the Draft LDO, although conditions have been included in the LDO that address potential mitigation and/or remediation requirements. The full results of any further work required, incorporated into the Environmental Statement and Design Code, will be available for Cabinet to review prior to the adoption of the LDO. A working draft LDO, Statement of Reasons and self-certification form have been attached at appendices A and B, however amendments may be made to these prior to consultation as set out above.
- 2.9 Pace of delivery is essential at IPM to realise the reinvestment of business rates which is one key benefit of the North Kent Enterprise Zone. The 25-year window runs from 2017. The LDO allows future occupants and developers to submit proposals through a self-certification form, verifying their proposals against the criteria set out in the LDO and Design Code. The process will be limited to 28 days from validation to help provide a swift response and allow development to come forward in a short timeframe.
- 2.10 Approval by Cabinet to consult with delegated authority as set out in section 2.8 above will ensure consultation can begin as soon as statutory consultee comments are addressed, with no delay. It is expected that the LDO can then be brought to Cabinet and to Full Council late 2020 for adoption.

3. Options

- 3.1 It is recommended that the Draft IPM LDO is taken through a second public consultation process.
- 3.2 If the revised LDO and Environmental Statement are not re-consulted upon, they cannot be adopted. The alternative approach is to seek outline planning permission for the site; this would require further work and delay the programme for development, reducing the benefits realised through the Enterprise Zone window. This option is not recommended.

4. Advice and analysis

- 4.1 In order to meet the council's key objective of bringing forward regeneration at Rochester Airport through the development of IPM, consultation should be undertaken as soon as possible once the LDO, Environmental Statement and Design Code are finalised. Tonbridge & Malling Borough Council must also agree to undertake public consultation.

- 4.2 The Design Code includes principles for sustainable development, high quality design and sympathetic design treatment for buildings facing the AONB and residential buildings.
- 4.3 Appendix A and B include working draft documentation which may be subject to change as a result of representations from HE, NE and/or Tonbridge & Malling Borough Council.
- 4.4 The report recommends delegated authority is given to the Director of Place & Deputy Chief Executive, to approve any necessary amendments to the Draft LDO, in consultation with the Leader, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation. Delegated Authority is also sought as set out in section 2.8.
- 4.5 A Diversity Impact Assessment will be carried out during the consultation stage and will support the subsequent report to the Cabinet when a recommendation is made to adopt the final version of the LDO.

5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Not proceeding to consultation or adoption	It is a strategic objective to bring forward IPM. Not consulting on the LDO means that there will not be a planning process in place for the site, risking the quality and type of development.	Consult and adopt the LDO	E1
Poor quality development	Without a formal adopted planning document, quality will not be assured on this high priority site.	The adoption of the masterplan and LDO establishes high quality parameters that must be adhered to.	D2
Tonbridge & Malling Borough Council do not agree to consult on the LDO.	There is a risk that TMBC may not agree to consult on the LDO.	Collaboration and engagement has taken place throughout the LDO development at both an officer and Member level. Officers continue to liaise with TMBC regarding the documentation.	D2

Privately owned or leased land not coming forward in line with the strategic ambitions for IPM	Woolmans Wood and land leased to BAE are included in the masterplan, as these comprise part of the North Kent Enterprise Zone. If these are not developed in line with the ambitions for IPM the site will become disjointed and will not have a clear identity.	The LDO sets the framework through which the site can come forward. If development is not in line with the LDO schedules, permission will not be granted through the self-certification process. Approval would need to be sought through a traditional planning application route, although applications would not be in line with adopted masterplan guidance. Third parties are not tied to development, but any development that does come forward should be in line with the parameters in the masterplan and LDO.	D3
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6. Consultation

- 6.1 The previous Rochester Airport masterplan (2014) was consulted on publicly, and this document has been used to inform the development of the IPM masterplan and subsequent Draft LDO and supporting documents.
- 6.2 Public consultation on the IPM Draft Masterplan was undertaken over a six-week period from 17 September to 29 October 2018.
- 6.3 Public consultation on the first draft LDO was undertaken from 17 June to 19 July 2019.
- 6.4 Consultation is proposed for the Draft LDO for a period of 32 days. This will follow the Statements of Community Involvement for both Medway Council and TMBC. Consideration will be given to consultation processes in the context of Covid-19.
- 6.5 Agreement to consult must be made by TMBC before the consultation process can begin as the LDO, Design Code and Environmental Statement must align to ensure a cohesive approach to site development. Liaison with TMBC colleagues is ongoing to ensure the documents across both authorities align and amendments may be required under the delegation set out in sections 2.8 and 4.4 to ensure that their comments are reflected in the Medway Council documentation. Consistent documentation across both authorities will help to simplify the process for future applicants.

7. Financial implications

- 7.1 The LDO and supporting documents have been prepared within existing budgets, with funding from the South East Local Enterprise Partnership (SELEP) Sector Support Fund (SSF) and match funding from Medway Council and TMBC. If adopted there will be costs associated with delivering the proposals set out in the LDO; the first phase of works is to be funded through the Government's Local Growth Fund round 3 (£3.7m) from the

SELEP. However, development of the site will generate income through sale or lease of the site and business rates receipts.

8. Legal implications

- 8.1 In order for the LDO to be adopted, the document must be publicly consulted upon for a minimum of 30 days, after being approved by Cabinet for consultation.
- 8.2 As the site crosses the boundary with TMBC, a separate LDO must be adopted by both Medway Council and TMBC.

9. Recommendations

- 9.1 Cabinet is asked to approve consultation on the draft Local Development Order as set out in this report.
- 9.2 Cabinet is asked to agree to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to finalise and approve the Local Development Order, Environmental Statement and Design Code prior to public consultation, as set out in paragraph 2.8 of the report, in the interest of satisfying Environmental Impact Assessment requirements.
- 9.3 Cabinet is asked to agree to delegate authority the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to approve any necessary amendments to the draft Local Development Order prior to public re-consultation as a result of representations from Highways England, Natural England and/or Tonbridge and Malling Borough Council.
- 9.4 Cabinet is asked to agree that these proposed decisions are considered urgent and therefore should not be subject to call-in.

10. Suggested reasons for decision(s)

- 10.1 Public consultation on the LDO and Environmental Statement is necessary in order to adopt the LDO, allowing high quality development to come forward at IPM.

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Appendices

Appendix A – Working Draft Innovation Park Medway Local Development Order and Statement of Reasons

Appendix B – Working Draft Innovation Park Medway Self-Certification Form

Background papers

Rochester Airport Masterplan 2014

https://www.medway.gov.uk/download/downloads/id/2225/rochester_airport_masterplan_-_january_2014.pdf

Medway Statement of Community Involvement 2014

<http://www.medway.gov.uk/planningandbuilding/planningpolicy/scicommunityinvolvement.aspx>

Tonbridge & Malling Statement of Community Involvement

https://www.tmbc.gov.uk/_data/assets/pdf_file/0008/173915/SCI_Final_Feb15.pdf