

## **COUNCIL**

**17 DECEMBER 2020**

# **INNOVATION PARK MEDWAY LOCAL DEVELOPMENT ORDER ADOPTION**

Portfolio Holder: 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

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### **Summary**

This report asks Full Council to adopt the Innovation Park Medway Local Development Order. The Innovation Park Medway Local Development Order builds upon the masterplan to set principles for development to bring forward high quality development in the high-value technology, engineering, manufacturing and knowledge-intensive sectors. Amendments have been made to the documentation following public consultation and the final documents are now being presented Full Council for adoption.

1. **Budget and Policy Framework**
  - 1.1 The Draft Innovation Park Medway Local Development Order has been prepared in accordance with The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. 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 In line with the updated Use Classes, the uses have been updated in the LDO from B1 and B2 to E(g) and B2.
  - 1.3 A Local Development Order (LDO) 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. This report asks Full Council to adopt that the LDO as set out at Appendix A to the report.

- 1.4 As the site sits across the Local Authority Boundary, Tonbridge & Malling Borough Council must also agree to adopt a separate LDO for the site.

## 2. Background

- 2.1 The Innovation Park Medway (IPM) site is situated on land previously leased to Rochester Airport Ltd. The site also includes land leased to BAE and Woolmans Wood Caravan site which is privately owned. A small part of the BAE-owned site is also included. A section of the Medway Council owned site sits within the Tonbridge & Malling Borough Council authority boundary. A site plan is shown at Appendix B to the report.
- 2.2 The Rochester Airport masterplan (2014) was reviewed and refreshed to produce the Innovation Park Medway Masterplan (2020). The IPM 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.
- 2.3 Public consultation was undertaken on the IPM masterplan and on 5 March 2019, the Cabinet agreed to adopt it subject to Highways England confirming they were content (decision no. 37/2019 refers). Highways England have confirmed they are satisfied with the proposals through their consultation response on the LDO, and the masterplan can now be formally adopted (item 4 on the agenda). The masterplan establishes a clear policy context that sets parameters but allows for flexibility to support market interest and deliverability.
- 2.4 Cabinet agreed on 5 March 2019 to consult on an LDO (decision no. 39/2019 refers). A Design Code, included as background documentation to the report, supports the LDO, setting the key principles to which development on the site must adhere. Flexibility has been allowed for to ensure that this is not discouraging. Early feedback suggested that a Design Code provides certainty for businesses as to the standard of surrounding plots, which gives confidence in the quality of the site.
- 2.5 EIA screening and scoping opinions have been undertaken and the development has been identified as requiring an Environmental Impact Assessment. An Environmental Statement therefore supports the LDO. A number of technical studies have been undertaken to support the masterplan and where appropriate these have been used to support the Environmental Statement. Some further studies were also scoped into the EIA, which required additional work to be undertaken. Further work has been undertaken as a result of the scoping advice received, including consultation feedback from Statutory Consultees (such as Highways England and Natural England). A non-technical summary of the Environmental Statement is set out at Appendix C to the report.

- 2.6 An initial consultation on the LDO was undertaken from 7 June to 19 July 2019. Comments received are included in the Consultation Statement, at Appendix D to the report.
- 2.7 A number of further actions were required to address concerns regarding the transport assessment for Highways England, prior to the adoption of the LDO. Additional modelling was undertaken in consultation with Highways England and KCC Highways, to identify the traffic impacts from IPM with consideration of the potential wider impacts from the Strategic Transport Assessment. Mitigation design and further modelling was then undertaken for the key local and strategic junctions to demonstrate the impacts of the development could be mitigated satisfactorily.
- 2.8 Natural England also required several actions to address the impacts on the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Area of Conservation (SAC). These related to landscape and visual impact on the AONB, noise and tranquillity impact on the AONB, and air quality impacts on the North Downs SAC.
- 2.9 Further work has been undertaken to address the concerns raised and an addendum to the Environmental Statement was produced, including an additional chapter of the Design Code to reflect Natural England's concerns regarding landscape and visual impact on the AONB.
- 2.10 A second public consultation was then undertaken by Medway Council on the new information from 26 October to 27 November 2020. Additional comments were gathered from statutory and public consultees which are set out at Appendix E to the report. Tonbridge & Malling ran a separate consultation in parallel with a difference of three days to the start and end dates.
- 2.11 Response from Natural England has been positive, recognising the additional work done to satisfy their concerns. Their comments give a steer to some minor tweaks to the design code, which have been undertaken. The Kent Downs AONB Unit response is less positive however it does acknowledge the work done to date to further mitigate the impacts on the AONB, with input from both Natural England and the AONB unit.
- 2.12 Officers have worked very closely with Highways England to reach agreement on the way forward. Further changes were made to the LDO to clarify the delivery of necessary mitigation measures at the right time and in the right place to be informed by a Monitor and Manage Mitigation Strategy. KCC Highways have also reached an agreed position whereby the Monitor and Manage Mitigation Strategy will consider the necessary trigger point for mitigation, particularly at Bridgewood Roundabout and the junction of Rochester Road/Laker Road, in consultation with KCC Highways and Highways England. On this basis KCC Highways have confirmed they do not wish to raise objection on highway grounds.
- 2.13 Once adopted, the LDO will allow future occupants and developers to submit proposals through a self-certification form, verifying their proposals against the criteria set out in the Local Development Order and Design Code. The

process will be limited to 28 days following a 7-day validation, to help provide a swift response and allow development to come forward in a short timeframe. This timeframe includes discharge of conditions and no further consultation is required prior to approval.

2.14 The anticipated programme for the adoption of the LDO is set out below;

<b>Process</b>	<b>Date</b>
Medway Council Cabinet recommendation to adopt the Local Development Order	15 December 2020
Medway Council Full Council decision to adopt the Local Development Order (special meeting)	17 December 2020
Tonbridge & Malling decision to adopt the Local Development Order	TBC (early 2021)

### 3. Options

3.1 It is recommended that the Innovation Park Medway Local Development Order is adopted in line with the case officer report at Appendix F to the report. A Local Development Order is the appropriately identified planning mechanism to fast track development on the site and achieve a high quality result.

3.2 If the LDO is not adopted, the alternative approach is to seek outline planning permission for the site. This would require further work and delay the programme for development. 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 Innovation Park Medway, the LDO should be adopted. Tonbridge & Malling Borough Council must also agree to adopt a separate LDO.

4.2 The report recommends delegated authority is given to the Director of Place and Deputy Chief Executive to approve any necessary minor amendments to the LDO and Design Code, in consultation with the Leader and Portfolio Holders for Inward Investment, Strategic Regeneration and Partnerships and Planning, Economic Growth and Regulation. This will allow Medway Council and Tonbridge & Malling Borough Council to ensure consistency across both LDOs.

4.3 A Diversity Impact Assessment has been carried out during the consultation stage and is included at Appendix G to the report.

4.4 The Cabinet will consider this report on 15 December 2020 and the outcome of consideration will be reported to this meeting.

## 5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Not proceeding to adoption	It is a strategic objective to bring forward Innovation Park Medway. Not adopting the LDO means that there will not be a cohesive planning process in place for the site, risking the quality and type of development.	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 adopt their LDO	Without LDOs adopted on both authority areas of the site, there will not be one cohesive planning approach for the site which may confuse developers/ applicants.	Collaboration and engagement have taken place throughout the LDO development at both an officer and Member level. Consultation comments from both authorities will be addressed prior to adoption.	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 and LDO, 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.	C3

## 6. Consultation

- 6.1 Public consultation on the IPM draft masterplan was undertaken from 17 September to 29 October 2018.
- 6.2 Public consultation on the LDO was initially undertaken from 7 June to 19 July 2019 and subsequently from 26 October to 27 November 2020.
- 6.3 Tonbridge & Malling undertook a separate consultation process on their version of the LDO.
- 6.4 Following adoption, the Secretary of State must be notified promptly and further publication and notification will be necessary.

## 7. Financial implications

- 7.1 The LDO and supporting documents have been prepared with funding from the SELEP Sector Support Fund (SSF) and match funding from Medway Council and Tonbridge & Malling Borough Council. If adopted there will be costs associated with delivering the proposals set out in the LDO; the first and second phases of works are to be funded through the Government's Local Growth Fund round 3 (£3.7m) and 3b (£1.5185m) from the South East Local Enterprise Partnership (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 was publicly consulted upon after being approved by Cabinet for consultation.
- 8.2 As the site crosses the boundary with Tonbridge & Malling Borough Council, a separate LDO must be adopted by Medway Council and Tonbridge & Malling Borough Council.

## 9. Recommendations

- 9.1 Full Council is asked to adopt the Local Development Order (LDO), as set out in Appendix A to the report, in line with paragraph 3.1 of the report.
- 9.2 Full Council is asked to agree to delegate authority to the Director of Place and Deputy Chief Executive in consultation with the Leader and the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to approve any necessary minor amendments to the LDO for the purposes of presentation, improving clarity, and consistency with Tonbridge & Malling Borough Council.

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## Appendices

Appendix A - Innovation Park Medway Local Development Order and Statement of Reasons

Appendix B – Site Plan

Appendix C – Environmental Statement Non-Technical Summary and Addendum

Appendix D – Initial Consultation Statement

Appendix E – Updated Consultation Statement

Appendix F – Case Officer Report

Appendix G – Diversity Impact Assessment

## Background papers

[Rochester Airport Masterplan 2014](#)

[Innovation Park Medway Masterplan Cabinet Paper](#) (item 4, Cabinet Agenda 15 December 2020 refers)

[Full Environmental Statement](#)

[HRA Screening Report](#)

[Lankester Parker Rd Preliminary Junction Drawing](#)

[Design Code](#)

[Ecological Management and Enhancement Plan \(EMEP\)](#)