

DRAFT (Dated January 2012)

Local Development Order – Statement of Reasons

Rotherham Metropolitan Borough Council

Enterprise Zone – Business Rate Relief Sites

Introduction

Article 34 of the Town and Country Planning (Development Management Procedure) (Order) 2010 DMPO paragraph (1) outlines that 'where a local planning authority propose to make a local development order (LDO) they shall first prepare:-

- (a) a draft of the order; and
- (b) a statement for their reasons for making the order'.

A draft of the individual LDOs is provided at **Appendix A**

Article 34 paragraph (2) of the DMPO states that 'the statement of reasons shall contain:-

- (a) a description of the development which the order would permit; and
- (b) a plan or statement identifying the land to which the order would relate'.

The text in this document acts as the statement of reasons for making the LDOs. Plans identifying the individual LDOs are attached at **Appendix B**

Background / Context

To create jobs and economic growth, the UK needs to invest in sectors and areas with real economic opportunities and export led growth potential. This investment needs to support growth which is driven by the private sector and is sustainable in the long term.

The Sheffield City Region (SCR) has been granted Enterprise Zone Status (EZ) and the Local Enterprise Partnership has designated an economically linked cluster of sites as a Modern Manufacturing and Technology Growth Area (MMTGA). This reflects the reality of the SCR economy, removes a number of barriers to investment and growth and is clustered around a number of the city region's key advanced manufacturing and related technology assets.

The selection of this Enterprise Zone, represents a varied, yet cohesive offer of development opportunities, giving businesses (those starting up, expanding or inward investors) the choice of quality, size and type of space they need.

Analysis clearly demonstrates that businesses in the MMTGA's target sectors need designated sites and/or premises that offer choice and flexibility. There

is latent demand for quality industrial space in SCR, both from local firms seeking to grow (constrained by inappropriate premises) and from inward investors, who are continually looking to the SCR due to its range of economic assets which are vital to the sector.

Both local and national evidence and consultation with businesses highlights that a lack of appropriate sites and ageing stock of buildings acts as a barrier to winning inward investment and facilitating growth of indigenous firms. Designated sites that offer choice and flexibility are needed. The SCR Enterprise Zone will deliver:

- Sites across a range of sizes, with some larger sites of between 20-30 hectares
- A range of property tenures and sizes, particularly larger units in excess of 2000sqm
- A mix of 'industry only', hybrid and office sites
- A choice of newly built property or 'development-ready' sites affording greater flexibility for bespoke requirements.

The range of sites will provide the opportunity for the accelerated delivery of the following mix and type of developments:

- Research and development intensive space, suitable for delivering roll out of high technology, research and development
- Hybrid space, encompassing a mix of industrial space and offices, ideal for modern manufactures and emerging sectors such as low carbon industries and medical technology
- Large, undeveloped sites, which provide flexibility and can be developed with potential inward investors specifically around their needs. This could provide much needed space for heavier industrial use and or large scale investments, like data centres.
- General industrial space and office space, where this is needed to meet the needs of manufacturing and technology firms, and allows supply chain agglomeration.

The portfolio of sites for Enterprise Zone status has been selected to ensure that it is market-led and importantly meets the needs of the Sheffield City Region's priority sectors.

Objectives

The MMTGA will secure and accelerate development of modern manufacturing in the SCR; one of the largest concentrations of modern manufacturing in the UK. It will also capitalise on and accelerate growth in the other related technology sectors in which SCR has a competitive advantage and that have been identified as a priority by the Local Enterprise Partnership (LEP), including low carbon industries, creative and digital, and medical technologies.

The SCR approach is built on removing the barriers to growth that will deliver the wider vision for the SCR MMTGA as a key asset of the SCR. The focus is firmly on advanced manufacturing and technology, attracting inward investment and foreign direct investment to the City Region and the UK, as well as providing the environment where the indigenous business base can grow and continue its transformation and where new start-ups will establish.

The MMTGA is a key element in delivering the LEP's vision for the SCR, which highlights the importance of supporting and developing the sectors with the greatest growth potential, helping to build a more balanced, resilient and diverse economy.

Why a Local Development Order

The SCR approach to accelerating development across the MMTGA is through the creation of a number of Local Development Orders which will simplify planning permission requirements across the Enterprise Zone sites that are set to benefit from Business Rate Relief. This will give businesses and developers more certainty in an uncertain economic climate by detailing the specific types of development and uses which are permitted.

The Orders attached at Appendix A will be specific to Rotherham Metropolitan Borough Council but all of the Local Planning Authorities within the SCR are committed to simplifying the planning process through this approach.

The overall SCR approach is captured in a Memorandum of Understanding (MoU), which all Local Planning Authorities within the SCR MMTGA are signed up to. This details a number of factors, including:

- (a) The vision for the MMTGA and a statement of common themes that will underpin all of the Local Development Orders – this will ensure that each Local Development Order has a basis even though they may differ in minor detail to reflect local circumstances
- (b) The use classes permitted for each of the EZ sites will promote advanced manufacturing and related technology, as well as other related uses which support these industries. In order to reflect the sectoral focus of the MMTGA the individual Local Development Orders will specify uses relating to Research and Development and Light and General Industry (Use Classes B1b, B1c and B2) together with more limited amounts of Office and Warehousing (B1a and B8). Specific proportions for each site will be identified in order to ensure that the EZ delivers a coherent and attractive portfolio of sites and premises which meet the needs of businesses across the identified priority sectors.
- (c) The approach for dealing with the planning process across all growth poles and EZ sites – ensuring that this can deliver a streamlined and fast-track planning process which meets the needs of business.
- (d) Any local considerations relating to distinctiveness and quality in order to ensure that we deliver economic growth alongside maintaining a quality environment, one of the SCR's key assets.

The Local Development Orders (LDOs) for specific EZ sites are being developed by individual planning authorities in line with the MoU detailed above, these will define precisely the range and classes of development to be permitted and promoted without the need for express planning permission.

Through the precise and targeted use of Local Development Order relaxations, and the cluster approach to defining Enterprise Zone sites across the MMTGA, designated sites which meet the range of specifications outlined above can be identified and accelerated, ensuring that we deliver economic growth for both the local and national economy.

Legislative Framework governing the LDO Process

Primary legislation

LDO provisions are contained in sections 61A-D of and Schedule 4A to the *Town and Country Planning Act 1990*, as amended. The primary legislative provisions related to LDOs were introduced by the *Planning and Compulsory Purchase Act 2004*, and commenced in 2006

Secondary legislation

These primary powers were amended by the commencement of section 188 of the *Planning Act 2008* in June 2009. The effect of this amendment was to remove the requirement that LDOs must implement local plan policies.

More detailed legal provisions on LDOs are contained in Article 34 of and Schedule 7 to the *Town and Country Planning (Development Management Procedure) (England) Order 2010* (the 'DMPO'). The DMPO came into force in October 2010 as a consolidation of the *Town and Country Planning (General Development Procedure) Order 1995* and instruments which have amended that Order.

Area Covered by the LDO

The 3 areas covered by Rotherham Metropolitan Borough Council's LDOs are identified on the plans attached at Appendix B and a brief summary is provided below.

1. AMP
2. Templeborough – Magna 34
3. Templeborough – Grange Lane

Some of the areas within each of the LDO sites have been subject to outline planning permission for a range of commercial uses and work has continued to transfer this information and carry out new assessment of sites to enable the delivery of the intended Enterprise Zone outcomes.

AMP

The Advanced Manufacturing Park (AMP) is the UK's premier advanced manufacturing technology park, providing world-class advanced manufacturing technology solutions to ensure repetitive advantage for industry.

Technologies on the AMP centre on materials and structures, covering metallic and composite materials; typically used in precision industries including; aerospace, automotive, medical devices, sport, environmental and energy, oil and gas, defence and construction. The AMP is home to world-class research and manufacturing organisations, such as; the University of Sheffield's AMRC with Boeing; Rolls Royce; Castings Technology International (Cti); Dormer Tools, TWI's Yorkshire Technology Centre and the new Nuclear AMRC.

The AMP offers a full range of property and development opportunities, from small office and workshop space, through medium-sized hybrid & light industrial units, to larger custom-built Design & Build options such as the Centre of High Value Manufacturing Technology Innovation Centre. The site is particularly suited to research and development intensive space, suitable for delivering roll out of high technology, research and development and hybrid space, encompassing a mix of industrial space and offices, ideal for modern manufacturers providing 'manu-services', and in growth sectors such as low carbon industries and medical technology.

Templeborough - Magna 34

Templeborough forms a key gateway between Rotherham and Sheffield that has been the focus of a number of highly successful development schemes. The Magna 34, Ignite and Fusion@Magna provide a concentration of over 30,000 sq m of new business incubation space, offices, manufacturing facilities and warehousing adjacent to the Enterprise Zone development sites. The sites are particularly suited to small units of general industrial space and office space, needed to meet the needs of manufacturing and technology firms, and allows supply chain agglomeration.

Templeborough – Grange Lane

Templeborough forms a key gateway between Rotherham and Sheffield that has been the focus of a number of highly successful development schemes. This site offers development potential adjacent to a former warehouse that has been the subject of significant investment and improvement to create a modern manufacturing facility. The site offers flexibility to accommodate bespoke development specifically around the needs of a new inward investor or to accommodate indigenous business growth. This could comprise a large footprint for heavier industrial use and or a range of smaller units suitable for the needs of the modern manufacturing supply chain.

Planning Policy Context

Current planning policies for the area are set out in the Unitary Development Plan (UDP) and the emerging Core Strategy.

All three sites are allocated as Industry and Business in the UDP and the proposed uses set out above are in accordance with the requirements of the relevant UDP Policies.

A Local Development Framework is being prepared and the uses set out will help to deliver the Core Strategy aims as set out within the emerging draft Policies.

There are no significant issues in terms of compliance with national planning policy. The LDO will also accord with existing and emerging local development plan policies, which are also being developed with close regard to current national planning policies.

Environmental Impact Assessment (EIA)

Developments which are likely to have a significant impact on the environment are subject to Environmental Assessment (EIA). The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (EIA Regulations) require the developer to provide an Environmental Statement (ES) where the development(s) proposed are:

- a) Within one of the categories of development in Schedule 1;
- b) Either it is in a sensitive area or is above a given threshold for that type of development (listed in Schedule 2) and the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location (i.e. 'EIA development').

A formal decision on whether the development proposed is 'EIA development' (and hence an ES is required) can be obtained from the Local Planning Authority through a screening opinion request. It should be additionally noted that Article 34 paragraph 13 part (b) of the DMPO prohibits the use of an LDO to grant permission for development which falls within one of the categories in Schedule 1.

All individual projects will be screened as part of the proposed self-certification process as the agreed uses for the LDO site do not fall within the development projects identified in "Schedule 1".

The proposals are classed as an "Urban Development Project" within Part 10, "Infrastructure Projects" of Schedule 2. As such the need for an Environmental Impact Assessment has to be considered.

Circular 2/99 provides guidance on the regulations. In general, EIA will be needed for Schedule 2 developments in three main types of case. These are:

- i) for major developments which are of more than local importance
- ii) for developments which are proposed for particularly environmentally sensitive or vulnerable locations, and
- iii) for developments with unusually complex and potentially hazardous environmental effects.

Circular 2/99 also gives indicative thresholds to assist in identifying Schedule 2 development requiring EIA. These include:

- i) where the size of the site is greater than 5 hectares; or
- ii) where it would provide a total of more than 10,000m² of new commercial floorspace; or
- iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings)

Consultation on the LDO

A fundamental principle of LDOs is that they represent a partnership approach to development management. This requires an approach to consultation which seeks support for the concept of the LDO and its objectives, both among the direct participants; the communities affected; and wider stakeholders.

It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 34 of the *Town and Country Planning (Development Management Procedure) Order 2010* (Statutory Instrument 2010/2184). Consultation must include any person with whom the local planning authority would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO.

As part of the preparation of this LDO the following consultation arrangements will be undertaken:

- Compliance with the publicity and consultation requirements of Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) which relates specifically to publicity requirements for LDOs;
- Formal approval to consult on the draft LDO required by the Cabinet Member responsible for Town Centres, Economic Growth and Prosperity;
- Compliance with the consultation requirements of Rotherhams Statement of Community Involvement;
- Direct consultation with the stakeholders listed at the end of this document

Consultees will be notified of the draft LDOs and given a consultation period of 28 days.

Following the expiry of the consultation period all responses received will be recorded, analysed and assessed in a Statement of Community Engagement Report which will inform the final version of the LDO.

Monitoring and Enforcement

Through the Intention to Start forms the LDO's will be subject to on-going monitoring to assess its effectiveness in delivering development that supports the Enterprise Zone.

Failure to comply with the terms of the LDO or any other statutory requirements may result in appropriate enforcement action being taken by the Council and / or other agencies.

Displacement

The LDO places limits on the types of uses it allows and the maximum size of certain units. This is intended to deal with the potential for 'displacement' of development from adjoining areas. This is where development that would have taken place without the incentives offered by the Business Rates Relief and LDO simplified planning approach, is attracted from other areas to the LDO site. It will therefore encourage these uses and further focuses on the advanced manufacturing sector.