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29497/A3/HE/mg

Dear Ms Smith

HOO DEVELOPMENT FRAMEWORK (SEPTEMBER 2022)
PUBLIC CONSULTATION
RESPONSE ON BEHALF OF UNIPER ENERGY LTD

I am writing on behalf of Uniper in response to the latest public consultation regarding the "Hoo Development Framework" (HDF).

Uniper welcomes the publication of this document and the anticipated role it will/may play in helping to shape future development growth plans on the Hoo Peninsula. To date, Uniper has also actively participated in the series of "workshops" that have been conducted by Medway Council and is pleased to have the opportunity to comment further via the HDF consultation presently.

Uniper's responses is constructed as follows:

- i) Background and MedwayOne update
- ii) HDF - Specific comments
- iii) Role & Purpose of HDF in "decision-making"

i) MedwayOne (Former Kingsnorth Power Station)

Uniper is an International energy company which owns the Site and other energy assets at Grain. Following the decommissioning of the former coal fired Power Station which commenced in 2013 and ended in 2018, Uniper has looked to prepare proposals for the comprehensive redevelopment of this allocated and uniquely positioned strategic brownfield site to realise its potential to support economic growth in Medway.

The Site was the former premises for the Kingsnorth Coal Fired Power Station built in 1967 by the Central Electricity Generating Board (CEGB), providing 2,000MW electricity. It ceased generation in 2012 and since 2013 the Site has been going through a process of decommissioning and demolition, which was completed in December 2018.

Uniper has invested **in excess of £45M+** in the remediation of this major strategic brownfield site in order to attract long term investment to the region and an extensive range of new job opportunities.

This resulted in the preparation and submission of a comprehensive Outline Planning Application (MC/21/0979) in March/April 2021, which has recently received a "resolution to approve" by Medway's Planning Committee (16 Nov 2022). Further details of the Application proposals can be found via the following weblink: [Medway One – This is MedwayOne, the former Kingsnorth Power Station site](#)

We recognise that this "resolution to approve" has occurred subsequent to the publication of the present HDF consultation, and that Outline consent will hopefully have been granted/formalised by the time the HDF responses are reported to Committee/Members (perhaps in Spring 2023) – but we consider such changes should also be reflected in any subsequent HDF iterations, ie MedwayOne is now an extant consent.

The majority of the Site is/was allocated (2003 Local Plan) for the (majority) of the proposed uses that were the subject of this Application – namely a mix of Business Uses (Class B1c, B2 and B8) – specifically LP Policies S12, ED1, ED5, ED7 and ED8. The general principle of employment development in this location is therefore already well established – and the recent "resolution to approve" reaffirms this.

This is particularly important in the consideration of the wider HDF proposals, insofar as the operation and functioning of the existing extant uses and recently approved uses, are not compromised in any way from the emerging draft HDF aspirations. Indeed, the importance of this is recognised in the NPPF (Para 187) as the "agent of change" principle:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

(NPPF 2021, Para 187) (underlining my emphasis)

An example of this is the proposed "East of Hoo St Werburgh Neighbourhood", which is located either side of the main vehicular access road to the existing Kingsnorth Employment Area (inc MedwayOne) and operational 24hrs each day and 7-days a week. It is unclear whether the existing operational activities of the existing employment area (inc significant HGV movements) have been given due regard when thinking about future residential and community uses in this "new neighbourhood".

Uniper therefore has significant concerns in this regard due to the apparent lack of detail/mention of "employment matters" in the present draft HDF – particularly in respect of extant employment uses. This is explored further below.

ii) **Present HDF Consultation**

As Uniper has previously highlighted in earlier HDF representations (May 2020), and whilst in general support the overall thrust of the consultation document and the expansion of Hoo, it currently fails to appropriately recognise the need to deliver strategic employment opportunities to support the sustainable expansion of the settlement. This is worrying both in terms of long-standing extant Policy allocations (2003 Local Plan) and the recent/present significant opportunity **MedwayOne** presents in meeting this requirement.

Perhaps a good (and hopefully unintended) indication of this is the fact that on each of the majority of the "Framework Plans" (Fig 1.7; Fig 4.2 – by way of 2No examples) MedwayOne and the wider "Kingsnorth Employment Area" are situated underneath the accompanying information keys for these plans and become obscured.

Employment Opportunities in addition to Housing

Whilst it is understood that the principal focus of the HDF and associated HIF (Housing Infrastructure Funding) is the provision of major new "housing", it nevertheless remains the case that the role and function of employment opportunities will be key in achieving a balanced and sustainable community. This is recognised in the introduction of the present HDF consultation:

The draft Framework reflects the council's ambitions for sustainable development. It sets out key principles to guide growth that meets people's needs for homes, jobs and services, whilst respecting the natural and historic environment.

However, the remainder of the HDF is almost entirely silent on the role of extant employment opportunities and those of proposed "new employment areas" to help achieve the Council's overarching ambitions (inc "jobs" alongside "homes" and "services").

As presently drafted/published, the HDF also fails to demonstrate the need for any further "employment land" over and above what is already available at the existing Kingsnorth Employment Area (inc MedwayOne and London Medway Commercial Park) and nearby at the main Isle of Grain site (ie extant National Grid consent).

A further example of this oversight is the absence of any "employment opportunities" when analysing the "4No Key Principles" (Section 3). Whilst mention is made to the new "commercial hub" adjacent to the proposed new rail station, there is no reference at all to the existing Kingsnorth Employment Area (inc MedwayOne).

This fails to substantially address the need to deliver coordinated strategic employment opportunities to support the wider sustainable expansion of Hoo and the significant benefits of redeveloping existing employment sites, such as MedwayOne, that can contribute to the other identified aims and aspirations of the HDF. In particular, the redevelopment of existing employment sites will assist in the HDF's aim of "*encouraging more sustainable growth that respects the limits of our natural resources...*" through reducing reliance on further greenfield release.

Unfortunately the HDF fails to provide an overview or schedule of both extant and emerging employment opportunities or suggested phasing/priority plan. This is considered to result in a further potential oversight, namely the possible release of "new greenfield employment allocations" ahead of the re-use of previously developed employment land. The absence of such an important considerations would fail to make the most effective use of brownfield land in plan-making and be contrary to the long established principles set out in the NPPF:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

[NPPF 2021, Para 119]

As presently drafted, the HDF is contrary to the above plan-making requirement and could seriously result in the release of less constrained (ie cheaper) greenfield employment allocations ahead of existing extant allocation/consents that seek to remediate/restore previously contaminated brownfield land.

It is considered this oversight is compounded due to the failure/absence of an "employment neighbourhood", alongside the other 6No "neighbourhoods" – which could include the "new employment areas" and extant employment areas – in order to provide a thorough understanding of overall employment opportunities as part of a more balanced sustainable wider community. This is all the more surprising given that Section 2 (Fig 2.78 "Opportunities Summary" and Fig 2.81 "Road and Public Transport Network) identifies a "major employment zone" (in the vicinity of the "Kingsnorth Employment Area", and then fails to provide any more "employment detail" at all in the remainder of the HDF.

The "**Employment Hub**" or "**Employment Neighbourhood**" should therefore be included as part of the next iteration of the HDF – in order to provide for greater understanding and to further illustrate how strategic employment provision is central to the sustainable expansion of Hoo.

This would also then provide the opportunity to clarify the importance of making the most effective use of brownfield land and ensure the reuse of previously developed land ahead of the release of unconstrained (ie cheaper) greenfield land. Plus also to provide the opportunity for the reasoned justification (Evidence Base) for any new/further employment areas over and above extant allocations/consented schemes.

Sustainable Energy Opportunities

Uniper continues to welcome reference to the potential/desire for “district heating networks” (Section 3.5), and recognises that the only opportunity to secure the delivery of such an “energy source” would be via that provided by MedwayOne. It is therefore disappointing that the HDF is silent on this specific opportunity, despite it forming an explicit part of Uniper’s (now approved¹) Outline Planning application at MedwayOne. The HDF should therefore be amended to highlight this specific opportunity and related funding opportunities available.

iii) Role & Function of HDF in Decision-making

Greater clarity is required as to the role and function of the HDF in the decision-making process, especially in the absence of a corresponding Reg 19 Local Plan. Such uncertainties are compounded in the absence of any corresponding “Infrastructure Delivery Plan” (IDP) and “Viability Report”.

The “Introduction” to the HDF advises that:

The council's HIF team has been consulting on the transport and environmental projects that form the Future Hoo infrastructure programme. Some of the comments received asked for more information about potential development proposals for housing and employment. People also asked about wider infrastructure, such as schools, health facilities and parks, that would be needed with increased housing on the peninsula.

The HIF programme has a specific focus on strategic transport and environmental projects. These investments address key constraints and are building blocks to enable future growth to be delivered sustainably on the Hoo Peninsula. The HIF funding is only available for these specific transport and environmental projects. Investment in other services, such as schools, surgeries, community and leisure centres would be needed alongside housing growth. Much of the funding for such services would be provided through contributions from developers.

At present, the HDF is silent upon any other potential transport requirements, plus funding for any other services that may be sought from developers. This unfortunately lacks clarity, is ambiguous and results in uncertainty for developers.

At this stage, we understand it is not the LPA’s intention for the HDF to be formalised into “supplementary planning guidance” (SPD) – albeit this could/should be clarified. This is particularly important, especially in the light of the Government’s PPG further advice in respect of plan-making, insofar as:

¹ Resolution to approve, Medway Planning Committee 16 Nov 2022

Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.

[PPG, Para 008: Ref ID: 61-008-20190315] [Our emphasis]

Given the above guidance in relation to SPDs, and our understanding that the HDF will sit “below” an SPD in any plan-making policy hierarchy (and the corresponding lesser degree of weight to therefore be afforded to it), the requirement of the HDF to “*not add unnecessarily to the financial burdens on development*” is all the more elevated.

However, the HDF “introduction” does go on to indicate that:

Whilst this work continues to develop, this document sets out high level design objectives, infrastructure requirements and masterplanning for what a new settlement on the Hoo Peninsula could look like. This work will be used as evidence base to develop the policy requirements for allocations on the Hoo Peninsula for the new settlement, however it is important to note that this document does not itself constitute planning policy.

Whilst the above indication is helpful in the context of the “plan-making” process, we are conscious that the next Local Plan will be several years in its preparation, examination, and eventual Adoption. However, it does not provide any context for any “decision-making” in the intervening period and present Applications.

The eventual HDF should therefore be amended to provide for greater clarification as to the intended role/purpose (and therefore degree of weight) in the decision-making and subsequent plan-making process.

Summary of Uniper’s Observations

In summary, and to support the sustainable expansion of Hoo and to realise the considerable opportunity that MedwayOne and wider existing employment sites play as strategic employment generators, the HDF should be amended to:

1. Identify the role and importance of existing employment sites (inc MedwayOne).
2. Recognise the recently approved (resolution to approve) planning consent @ MedwayOne.
3. Ensure existing employment uses/sites are not compromised (ie the “agent of change principle”).
4. Identify MedwayOne/Kingsnorth within a new “neighbourhood” and as part of the identified “major employment zone”.
5. Provide greater clarity as to the role/function of an “Employment Neighbourhood” – inc schedule/programme of existing/new employment opportunities.
6. Ensure the most effective use of brownfield the reuse of previously developed sites before the release of new greenfield employment allocations.

7. Clarify that MedwayOne is only opportunity to potential provide for District Heating.
8. Provide inter-related information re IDP and Viability considerations.
9. Clarify role/purpose of the HDF in decision-making terms

We trust that the above comments will be taken into consideration in the evolution of the Hoo Development Framework. However, if you have any questions regarding the above or wish to discuss these representations in any further detail, then please do not hesitate to contact me.

Yours sincerely



HUW EDWARDS
Planning Director

cc Adam Archer/Lucy Berry Uniper Energy Ltd