

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

18 January 2021

To: MEMBERS OF THE CABINET  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held online via Microsoft Teams on Tuesday, 26th January, 2021 commencing at 7.30 pm. Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

- |    |                          |        |
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| 1. | Apologies for absence    | 7 - 8  |
| 2. | Declarations of interest | 9 - 10 |

*Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting*

3. Minutes 11 - 20

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 14 October 2020

4. Matters Referred from Advisory Boards 21 - 52

*The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making have previously been circulated.*

*(NB. Items related to the budget will be referred to the Cabinet meeting of 11 February 2021)*

5. Matters Referred from Advisory Panels and Other Groups 53 - 62

*The minutes of meetings of Advisory Panels and Other Groups are attached, any recommendations being identified by an arrow.*

#### **Matters for Recommendation to the Council**

6. Review of CCTV - Recommendations from Overview and Scrutiny Committee 63 - 66

*Members are invited to give further consideration to the recommendations from the Overview and Scrutiny Committee dated 3 December 2020 in respect of CCTV.*

#### **Executive Key Decisions**

7. Section 106 Protocol and Monitoring 67 - 88

*This report seeks approval for the adoption of a planning obligations protocol and associated monitoring fee which is intended to provide a clear and transparent framework in respect of how the service will negotiate and secure planning obligations under Section 106 of the Town and Country Planning Act 1990 in order to mitigate the impact of development taking place across the Borough.*

*Referred from Planning and Transportation Advisory Board of 11 November 2020*

## **Executive Non-Key Decisions**

8. Innovation Park Medway - Adoption of the Local Development Order and Masterplan 89 - 282

*This report seeks permission to recommend to Full Council that the Innovation Park Medway Local Development Order (LDO) is adopted.*

*The LDO, which went out to public consultation at the end of October 2020, sets out the principles for development to bring forward a high quality development that supports growth in the high-value technology, engineering, manufacturing and knowledge-intensive sectors. In line with this, this report also seeks approval to adopt the Innovation Park Medway masterplan for economic development and marketing purposes.*

*Due to its size the Masterplan is available as a supplementary paper. All documents can also be viewed on the [website](#).*

9. Coronavirus Update 283 - 292

*This report provides an overview of a range of aspects as the Council and our communities continue to respond and adapt to living with coronavirus.*

10. Borough Economic Recovery Strategy 2021-23 293 - 318

*Item ERG 20/14 referred from Economic Regeneration Advisory Board of 3 November 2020*

11. Recovery of Voluntary and Community Sector 319 - 330

*A report relating to the recovery of the voluntary and community sector was considered by the Overview and Scrutiny Committee on 3 October 2020. The Minutes extract is attached for information.*

*Item OS 20/26 referred from Overview and Scrutiny Committee of 3 December*

12. Kings Hill Parish Council - Request for advance of Precept Monies 331 - 338

*Item FIP 20/5 referred from Finance, Innovation and Property Advisory Board of 6 January 2021.*

*Recommendations from the Overview and Scrutiny Committee of 19 January 2021 will be circulated to Members in advance of Cabinet.*

13. Leybourne Lakes Country Park Lease 339 - 352

*Item FIP 21/19 referred from Finance, Innovation and Property Advisory Board of 6 January 2020*

## **Matters submitted for Information**

14. Decisions taken under Emergency Provisions 353 - 364

*The Decisions taken under Emergency Provisions since the last meeting of Cabinet are attached:*

- *D200013EM (Engagement and Enforcement Activity – Grant Funding)*
- *D200014EM (Local Restrictions (Closed) Scheme Grant)*
- *D200015EM (Additional Restrictions Grant Scheme)*
- *D200016EM (Local Contact Tracing)*
- *D200017EM (Christmas Support Grant – Wet Led Pubs)*
- *D200018EM (Local Restrictions (Open) Scheme Grant)*

15. Urgent Items 365 - 366

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **Matters for consideration in Private**

16. Exclusion of Press and Public 367 - 368

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

## **PART 2 - PRIVATE**

17. Urgent Items 369 - 370

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## MEMBERSHIP

Councillor N J Heslop, (Leader) and (Economic Regeneration)  
Councillor R P Betts, (Street Scene and Environment Services)  
Councillor M A Coffin, (Finance, Innovation and Property)  
Councillor D Lettington, (Strategic Planning and Infrastructure)  
Councillor P J Montague, (Housing)  
Councillor M R Rhodes, (Community Services)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

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Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### CABINET

Wednesday, 14th October, 2020

**Present:** Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes.

Councillors Mrs J A Anderson, M C Base, Mrs P A Bates, Mrs S Bell, R W Dalton, D A S Davis, M A J Hood, Mrs A S Oakley, W E Palmer, S A Hudson, H S Rogers, J L Sergison, T B Shaw and N G Stapleton were also present pursuant to Access to Information Rule No 23.

### PART 1 - PUBLIC

#### **CB 20/61 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **CB 20/62 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 30 June 2020 be approved as a correct record and signed by the Chairman.

#### **CB 20/63 MATTERS REFERRED FROM ADVISORY BOARDS**

The Notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

- Communities and Housing Advisory Board of 21 July 2020
- Finance, Innovation and Property Advisory Board of 22 July & 16 September 2020
- Planning and Transportation Advisory Board of 28 July 2020
- Economic Regeneration Advisory Board of 2 September 2020
- Extraordinary Planning and Transportation Advisory Board of 29 September 2020
- Street Scene and Environment Services Advisory Board of 5 October 2020

With regard to Parks and Leisure (referred to in Minute Number [CH 20/17](#)), the Cabinet Member for Communities was pleased to announce that Leybourne Lakes Country Park and Haysden Country Park had again been awarded Green Flag status. In addition, Tonbridge Racecourse Sportsground had received the Green Flag award for the first time. Appreciation was expressed to all staff and volunteers for their hard work and management in receiving these awards, as well as to residents and visitors for using the parks.

The Leader referred to Minute Number [PE 20/18](#) of the Extraordinary meeting of the Planning and Transportation Advisory Board of 29 September and advised that the letter sent to the Secretary of State related to planning reforms had received some local media coverage.

Finally, the Cabinet recorded appreciation to all Borough Council staff for maintaining services and continuing to support residents during the current pandemic. It was recognised that many staff were working from home, located in different places and taking on new roles.

**RESOLVED:** That the report be received and noted.

#### **CB 20/64 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS**

The Notes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced with these Minutes.

- Parish Partnership Panel of 3 September 2020
- Tonbridge Forum of 7 September 2020
- Joint Transportation Board of 21 September 2020

**RESOLVED:** That the report be received and noted.

#### **MATTERS FOR RECOMMENDATION TO THE COUNCIL**

#### **CB 20/65 LEYBOURNE LAKES COUNTRY PARK - FACILITIES IMPROVEMENTS**

Consideration was given to the recommendations (FIP 20/36) from the Finance, Innovation and Property Advisory Board of 16 September 2020.

**RECOMMENDED:** That

- (1) the project to develop a lakeside purpose built facility at Leybourne Lakes Country Park be transferred from List C to List A of the Council's Capital Plan;
- (2) a report on the design, procurement and timescale of the project be reported to a future meeting of the Communities and Housing Advisory Board;
- (3) a further report be brought to the Communities and Housing Advisory Board on the potential transfer of the management of Leybourne Lakes Country Park to the Tonbridge and Malling Leisure Trust including any new facility; and

- (4) (subject to further investigation) the Denbighshire County Council UK Leisure Framework be utilised to progress the project.

**\*Referred to Council**

**CB 20/66 IT STRATEGY UPDATE AND ENTERPRISE DOCUMENT MANAGEMENT SYSTEM**

Consideration was given to the recommendations (FIP 20/37) from the Finance, Innovation and Property Advisory Board of 16 September 2020.

**RECOMMENDED:** That

- (1) the progress in respect of the IT Strategy be noted;
- (2) any technology training which might be helpful for elected Members be identified; and
- (3) the List C project 'Enterprise Document Management Solution' be transferred to List A of the Council's Capital Plan and funded from the Invest to Save Reserve.

**\*Referred to Council**

**CB 20/67 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW**

The report of the Director of Finance and Transformation set out the recommendations arising from the Audit Committee of 28 September 2020.

**RECOMMENDED:** That

- (1) the action taken by officers in respect of treasury management activity for the period April to August 2020 be endorsed; and
- (2) the existing parameters intended to limit the Council's exposure to investment risks be retained.

**\*Referred to Council**

**CB 20/68 PLANNING FOR THE FUTURE AND OTHER PLANNING REFORMS**

Decision Notice D200066CAB

Consideration was given to the recommendations from the extraordinary meeting of the Planning and Transportation Advisory Board of 29 September 2020 (as set out at Minute Number PE 20/18).

The Cabinet Member for Strategic Infrastructure and Planning referred to the excellent debate at the extraordinary meeting of the Planning and Transportation Advisory Board and recognised the significant contribution made by Members to the Borough Council's consultation response and covering letter to Government.

Finally, the Cabinet recorded appreciation to the Director of Planning, Housing and Environmental Health and Planning Officers for a well-argued and analysed response.

**RESOLVED:** That:

- (1) the response to the Changes to the Current Planning System consultation submitted by the deadline of 1 October be endorsed;
- (2) the proposed response to the Planning White Paper – Planning for the Future (set out in Annex 2) form the basis of the Borough Council's formal response to Government;
- (3) the Director of Planning, Housing and Environmental Health, in consultation with the Leader and Cabinet Member for Strategic Planning and Infrastructure, finalise and submit the Borough Council's response to the Planning White Paper- Planning for Future consultation by the deadline of 29 October 2020 and having regard for the points raised by Members; and
- (4) the letter setting out in more detail concerns of Members and their constituents be sent to the Secretary of State for Housing, Communities and Local Government as drafted.

#### **CB 20/69 ON-STREET PARKING UPDATE**

Decision Notice D200067CAB

Consideration was given to the resolutions of the Joint Transportation Board of 21 September 2020 (as set out at Minute Number JTB 20/16).

Reference was made to the Business Permit Scheme and the Director of Street Scene, Leisure and Technical Services indicated that there was potential for this to be reviewed as part of the annual review of car parking charges.

**RESOLVED:** That the resolutions, as set out in the report to the Joint Transportation Board and detailed below, be endorsed:

- (1) the consultation for the proposed on-street parking fees and charges be progressed and the outcome reported to the meeting of the Joint Transportation Board of 8 March 2021;

- (2) the outcome of the Phase 12 Parking Action Plan informal consultation be reported to the next meeting of the Joint Transportation Board; and
- (3) subject to the informal consultation responses (set out in Annex 2) with minor alterations to proposals on Queen Street, Discovery Drive and Regent Way, the Kings Hill Parking Review be progressed to formal consultation.

## **CB 20/70 CLIMATE CHANGE STRATEGY**

Decision Notice D200068CAB

Consideration was given to the recommendations from the Street Scene and Environment Services Advisory Board of 5 October 2020 (set out at Minute Number SSE 20/15).

In response to a question about energy efficiency standards in new build properties, the Leader indicated that this level of detail could be addressed at future meetings of the Street Scene and Environment Services Advisory Board.

The Cabinet recorded appreciation to the Scrutiny and Partnerships Manager for the significant amount of work undertaken in preparing the Climate Change Strategy. Appreciation was also expressed to the individuals, organisations and groups who had responded to the consultation.

**RESOLVED:** That:

- (1) the revised Climate Change Strategy, as set out at Annex 2 to the report, be adopted;
- (2) the Year 1 Climate Change Action Plan, as set out at Annex 3 to the report, be adopted; and
- (3) options for the establishment of a Climate Change Forum, to provide a mechanism for engagement with key stakeholders and interested parties, be explored and reported to a future meeting of the Street Scene and Environment Services Advisory Board.

## **CB 20/71 OFF STREET CAR PARKING CHARGES**

Decision Notice D200069CAB

Consideration was given to the recommendations from the Street Scene and Environment Services Advisory Board of 5 October 2020 (as set out at Minute Number SSE 20/16).

**RESOLVED:** That:

- (1) the revised off-street parking fees and charges as previously agreed by the Street Scene and Environment Services Advisory Board (as set out at Annex 1 to this report) be progressed to come into effect from 4 April 2021 in line with all relevant legislation; and
- (2) a survey to ascertain user profiles and duration of stay at the Martin Square and Aylesford car parks be undertaken at a point in time when it is deemed the parking has returned to some level of normality following the Covid-19 pandemic.

**CB 20/72 COMMUNITY AND BUSINESS SUPPORT - FOCUSING ON REVIEW, REORIENTATION AND RECOVERY**

Decision Notice D200070CAB

Consideration was given to the recommendations from the Overview and Scrutiny Committee of 27 August 2020 (as set out at Minute Number OS 20/16).

**RESOLVED:** That:

- (1) the reinstatement of all Community Hub support in the event of a second wave or regional/local lockdown be endorsed;
- (2) the reinstatement of business support in the event of a second wave or regional/local lockdown be endorsed;
- (3) the ongoing commitment to the District and Community Recovery cell to aid support to the local community be endorsed; and
- (4) the suggested amendments (highlighted in paragraph 1.3.7 of the Overview and Scrutiny Committee report) regarding revisions to the Economic Regeneration Strategy to support businesses and the local economy be endorsed.

**CB 20/73 CORONAVIRUS UPDATE**

Decision Notice D200071CAB

The report of the Chief Executive and the Management Team gave an overview on a number of aspects as the Borough Council and its communities continued to adapt to living with coronavirus. Updates were provided on the key issues identified as part of the framework for review, reorientation and recovery.

There had been good progress made on the actions identified in the Corporate Strategy – One-Year Addendum and included work on a new



consultation draft of the Economic Recovery Strategy, the Climate Change Strategy, the Medium Term Financial Strategy and Savings and Transformation Strategy, the Air Quality Action Plan and support for the Leisure Trust.

Particular reference was made to operational issues relevant to the pandemic and included proposals related to a change of telephone hours for customer services (detailed in 1.7.2 of the report); the grant award of £125,000 from the national Next Steps Accommodation Programme to support those at risk of rough sleeping or homelessness during the winter months to remain in accommodation (detailed in 1.7.4 of the report) and the introduction of a Track and Trace Payment Scheme for those who had a legal obligation to self-isolate as a result of a positive Covid-19 test. The latter had required implementation by 12 October 2020 and the short timescale had necessitated the need for a 'Decision to be Taken Under Emergency Provisions' ([D200012EM](#)).

The Cabinet again recorded appreciation to the Chief Executive, the Management Team and all staff at the Borough Council in supporting residents, businesses and dealing with the effects of the pandemic.

**RESOLVED:** That:

- (1) the Borough Council's ongoing response to the evolving scenario regarding Covid-19 be endorsed; and
- (2) progress in respect of the Corporate Plan Addendum be noted.

**CB 20/74 UPDATE OF THE MEDIUM TERM FINANCIAL STRATEGY, THE SAVINGS AND TRANSFORMATION STRATEGY AND BUSINESS RATES POOL**

Decision Notice D200072CAB

The report of the Director of Finance and Transformation provided Members with an update to the Medium Term Financial Strategy and the Savings and Transformation Strategy. In addition, the Borough Council's position regarding business rate pooling for 2021/22 was set out and it was recommended that the Borough Council should not be part of the formal business rates pool due to the prevailing economic climate and budget risks.

The Director of Finance and Transformation emphasised the challenging financial position faced by the Borough Council and advised that a figure of £1.37M had to be found and delivered within the next four years (by 2024).

In addition, the Cabinet Member for Finance, Innovation and Property advised that this represented a 10% reduction in overall spending and was a significant challenge for the organisation. However, it was the

responsibility of Members to identify areas of savings in collaboration with officers.

**RESOLVED:** That

- (1) the latest forecast of the Medium Term Financial Strategy and the funding gap of £875,000 (as set out in paragraph 1.2.10 of the report) be noted;
- (2) the need to deliver the savings/transformation contributions already included in the Medium Term Financial Strategy (as set out in paragraph 1.2.11 of the report) be noted;
- (3) the progress being made towards the 'Essential Spend Only' target of £500,000 in relation to 2020/21 and the first ongoing savings target of £100,000 (as set out in the table at paragraph 1.2.16 of the report) be noted;
- (4) the submission made in relation to the Comprehensive Spending Review (Annex 1) in liaison with the Leader and Cabinet Member for Finance, Innovation and Property (as set out in paragraph 1.2.18 of the report) be noted;
- (5) the updated version of the Savings and Transformation Strategy (Annex 2) prepared by the Management Team be endorsed; and
- (6) the view that Tonbridge and Malling Borough Council should not be part of the formal Kent Business Rates Pool in 2021/22 be endorsed and submitted to Government by 23 October 2020.

**CB 20/75 INNOVATION PARK MEDWAY LOCAL DEVELOPMENT ORDER - REQUEST TO RE-CONSULT**

Decision Notice D200073CAB

The report of the Chief Executive sought permission to re-consult on the draft Innovation Park Medway Local Development Order (LDO) following amendments made as a result of discussions with Highways England and Natural England. This document sets out principles for development which will ultimately allow developers and businesses to bring forward high quality development in the high-value technology, engineering, manufacturing and knowledge-intensive sectors.

**RESOLVED:** That

- (1) the content of the report be noted; and
- (2) delegated authority be granted to the Director of Planning, Housing and Environmental Health and the Director of Central Services, in consultation with the Leader and the Cabinet Member

for Strategic Planning and Infrastructure to finalise and approve the Environmental Statement prior to public consultation in the interest of satisfying Environmental Impact Assessment requirements, and to approve any necessary minor amendments to the draft LDO prior to the public consultation for the purposes of presentation and clarity.

## **CB 20/76 REVIEW OF COMMUNITY SAFETY**

Decision Notice D200074CAB

The report provided an update on the progress made since the review of community safety, including the provision of CCTV, was initially considered by the Overview and Scrutiny Committee in 2019. A decision regarding the future level of CCTV operation had been deferred pending correspondence with the Police and Crime Commissioner and Clarion Housing regarding their level of financial contribution. The responses received were summarised in paragraphs 1.1.6 – 1.1.9 of the report.

Following a recent discussion with the Deputy Chief Constable, the Leader advised that Kent Police greatly valued the CCTV network/operation across the County. However, they recognised the difficult financial pressures faced by local authorities and as CCTV was the responsibility of district/borough councils Kent Police would not object to the cessation of live monitoring by Tonbridge and Malling Borough Council.

**RESOLVED:** That

- (1) the responses received from the Police and Crime Commissioner and Clarion Housing be noted; and
- (2) in light of the response of the Police and Crime Commissioner and Clarion Housing and the ongoing discussions with Kent Police (as set out in the report) this matter be referred back to the Overview and Scrutiny Committee on 3 December 2020 for further consideration.

## **CB 20/77 EXTENSION OF THE EXISTING ALLINGTON INTEGRATED WASTE MANAGEMENT FACILITY STATUTORY PRE-APPLICATION CONSULTATION UNTIL 16 OCTOBER 2020 - NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) - DEVELOPMENT CONSENT ORDER (DCO)**

Decision Notice D200075CAB

Consideration was given to the recommendations from the Street Scene and Environment Services Advisory Board of 5 October 2020 (as set out at Minute Number SSE 20/18).

**RESOLVED:** That

- (1) the content of the report be noted; and
- (2) the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Street Scene and Environment Services, issue the response set out at Annex 9 to the report as the Council's formal position on the public consultation.

#### **CB 20/78 REVIEW OF DOMESTIC ABUSE SERVICES**

Decision Notice D200076CAB

Consideration was given to the recommendations of the Overview and Scrutiny Committee of 8 October 2020.

**RESOLVED:** That the Safer and Stronger Communities Manager

- (1) work with the domestic abuse organisations operating within Tonbridge and Malling to explore and develop options around the new initiatives proposed within the report (detailed at 1.3); and
- (2) review the financial support offered to the Domestic Abuse Volunteer Support Service and recommend, if appropriate, a level of funding that could be provided by the Borough Council.

#### **CB 20/79 DECISIONS TAKEN UNDER EMERGENCY PROVISIONS**

Details of the Decisions taken in accordance with Emergency Provisions were presented.

The Cabinet recorded appreciation to the Director of Finance and Transformation and Finance Officers for the timely implementation of the Track and Trace Payment Scheme which had been drafted, tested and published over the weekend. Frustration was also expressed at the short deadlines imposed by Government which created unfair pressure on local authorities.

**RESOLVED:** That the report be received and noted.

#### **CB 20/80 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.05 pm

# Agenda Item 4

The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making have previously been circulated.

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **ECONOMIC REGENERATION ADVISORY BOARD**

**Tuesday, 3rd November, 2020**

**Present:** Cllr B J Luker (Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr G C Bridge, Cllr R I B Cannon, Cllr N Foyle, Cllr M A J Hood, Cllr F A Hoskins, Cllr D W King, Cllr J R S Lark, Cllr L J O'Toole, Cllr J L Sergison, Cllr K B Tanner and Cllr C J Williams

Councillors Mrs J A Anderson, Mrs S Bell, R P Betts, V M C Branson, M A Coffin, N J Heslop, D Lettington, M R Rhodes, H S Rogers and Miss G E Thomas were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor W E Palmer

#### **ERG 20/11 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **ERG 20/12 MINUTES**

**RESOLVED:** That the notes of the meeting of the Economic Regeneration Advisory Board held on 2 September 2020 be approved as a correct record and signed by the Chairman.

#### **ERG 20/13 THE ECONOMIC IMPACT OF COVID-19 CRISIS - AN UPDATE**

To assist the Board's consideration of the matters presented to the meeting the Economic Regeneration Manager provided a comprehensive update on the impact of the Covid-19 crisis on the local economy. Attention was drawn to support which could be available to local businesses in light of the recent Government announcement of a national lockdown. Particular reference was made to the impact on the 'High Street' economy and to planning for its recovery.

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **ERG 20/14 BOROUGH ECONOMIC RECOVERY STRATEGY 2021-23**

The report of the Chief Executive set out the proposed changes to the draft Borough Economic Recovery Strategy 2021-23 in light of feedback received during the consultation exercise undertaken in September and October 2020.

**RECOMMENDED:** That the Borough Economic Recovery Strategy, as set out at Appendix 1 to the report, be commended to the Cabinet for approval.

**\*Referred to Cabinet**

## **ERG 20/15 BUSINESS RATES RETENTION PILOT AND POOL UPDATE**

Decision Notice D200077MEM

The report of the Chief Executive provided an update on projects funded from the Business Rates Retention Pilot and Business Rates Pool. Further to the initial report presented to the Board on 2 September 2020 (Minute ERG 20/6 refers), the report set out details of potential priority projects which supported economic growth and resilience and could be funded from the remaining funds.

**RECOMMENDED:** That

- (1) the report be noted; and
- (2) the proposed funding areas, as set out in Appendix 1 to the report, be approved and submitted to Kent County Council for its agreement.

## **ERG 20/16 WEST KENT KICKSTART PROGRAMME**

Decision Notice D200078MEM

The report of the Chief Executive provided an outline of the national Kickstart Scheme together with an update on measures undertaken to set up a 'gateway' to help tackle youth unemployment in West Kent. The report identified areas in which the Borough Council could actively support and encourage participation in the West Kent Kickstart Programme.

**RECOMMENDED:** That the support of the West Kent Kickstart Programme and, specifically, the provision of placements at the Borough Council through the programme, be endorsed.

### **MATTERS SUBMITTED FOR INFORMATION**

## **ERG 20/17 WEST KENT PARTNERSHIP UPDATE**

The report presented details of the key matters discussed at the meeting of the West Kent Partnership held on 9 October 2020.



**MATTERS FOR CONSIDERATION IN PRIVATE**

**ERG 20/18 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.47 pm

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**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**COMMUNITIES AND HOUSING ADVISORY BOARD**

**Tuesday, 10th November, 2020**

**Present:** Cllr J L Botten (Chairman), Cllr Mrs J A Anderson, Cllr Mrs S Bell, Cllr R W Dalton, Cllr N Foyle, Cllr F A Hoskins, Cllr S A Hudson, Cllr K King, Cllr Mrs R F Lettington, Cllr W E Palmer, Cllr Mrs M Tatton and Cllr Miss G E Thomas

Councillors Mrs P A Bates, R P Betts, V M C Branson, C Brown, A E Clark, M A Coffin, Mrs T Dean, N J Heslop, M A J Hood, D Lettington, P J Montague, Mrs A S Oakley, M R Rhodes, R V Roud, N G Stapleton and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor L J O'Toole

**PART 1 - PUBLIC**

**CH 20/24 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.


**CH 20/25 MINUTES**

**RESOLVED:** That the notes of the meeting of the Communities and Housing Advisory Board held on 21 July 2020 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**CH 20/26 REVIEW OF CHARGES AND FEES 2021/22**

The report of the Director of Planning, Housing and Environmental Health provided an update on existing fees for licensing a house in multiple occupation (HMO) or caravan site together with recommended charges following a review of the costs of processing the respective applications. The proposed fee increases had been benchmarked against neighbouring authorities.

**RECOMMENDED:** That the following charges be approved with effect from 1 April 2021: 

£545 for processing a new mandatory HMO licence application;  
£500 for the processing of a renewal application for a mandatory HMO licence;

£395 for processing a new caravan site licence application where the use of the site is for permanent residential use; and  
£190 for the transfer of a caravan site licence for a permanent residential use site.

**\*Referred to Cabinet**

#### **CH 20/27 REVIEW OF CEMETERY CHARGES 2021/22**

Consideration was given to the joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Finance and Transformation setting out charging proposals for 2021/22 regarding Tonbridge Cemetery. Details of the proposed charges were set out at Annex 2 to the report. A comparison with other Kent district councils' charges was provided and it was anticipated that the proposals would generate additional net income of approximately £700.

A number of Members expressed concern that the low level of income in comparison to expenditure meant that Tonbridge Cemetery was, effectively, being subsidised and suggested that a strategic and comprehensive review of the charges should be undertaken. It was hoped that, as the facility became more self-sustained, the burden on the general tax-payer could be reduced in the longer term.

**RECOMMENDED:** That Cabinet be asked to consider whether the Overview and Scrutiny Committee should undertake a broad, strategic review of the charges applied at Tonbridge Cemetery. ◀

**\*Referred to Cabinet**

#### **CH 20/28 TEMPORARY ACCOMMODATION POLICY**

Decision Notice D200079MEM

The report of the Director of Planning, Housing and Environmental Health provided details of a Temporary Accommodation Policy which set out the Council's approach to meeting its Statutory Housing Duties regarding the demand, supply, prioritisation and suitability of temporary accommodation. Particular reference was made to the need to demonstrate a clear and consistent approach to the provision of temporary accommodation.

**RECOMMENDED:** That the Temporary Accommodation Policy, as set out at Annex 1 to the report, be adopted.

#### **CH 20/29 UPDATE ON DISABLED FACILITIES GRANT BUDGET AND SPEND**

Decision Notice D200080MEM

The report of the Director of Planning, Housing and Environmental Health gave an update on spend against the 2020/21 Disabled Facilities

Grants (DFG) budget and advised how changes in distribution of this money were being built into the Estimates process to provide a degree of certainty regarding funding for the approved social care capital projects in the current financial year as well as an option to fund hospital discharge/handypersons costs in 2021/22.

**RECOMMENDED:** That

- (1) the following revisions, which are being incorporated into the 2020/21 Revised Estimates and 2021/22 Estimates due to be presented during the forthcoming budget cycle, be noted:
  1. the amendment of the 2020/21 capital plan provision for mandatory DFGs to £900,000;
  2. the use of £89,000 to fund the hospital discharge/handypersons costs for the current financial year 2020/21;
  3. the use of £16,000 to fund the One You Your Home scheme for the current financial year 2020/21;
  4. the use of £90,000 of underspend this year to enable the funding of hospital discharge/handypersons costs in 2021/22;
  5. the allocation of £77,400 from this year into the 2021/22 mandatory DFG budget to provide a buffer for an unknown allocation from central Government moving forwards; and
- (2) the removal of £125,000 of Council funding for DFGs in 2020/21 during the update of the Capital Plan be noted and viewed as an in-year saving.

**CH 20/30 RENT GUARANTEE PILOT FOR PRIVATE LANDLORDS**

Decision Notice D200081MEM

The report of the Director of Planning, Housing and Environmental Health outlined a proposal to pilot rent guarantee and incentive payments for tenancies in the private rented sector. Under the proposal rent would be guaranteed through a financial commitment to pay any rent arrears during a tenancy to give financial reassurance to private landlords. Incentives would be through one off payments to private landlords.

**RECOMMENDED:** That

- (1) a pilot offer for incentive payments and rent guarantee, using both Discretionary Housing Payments (DHP) and the homelessness reduction initiatives budget, be approved to access tenancies in

the private rented sector. This to continue until 31 March 2021 initially with scope to continue beyond this date, dependent on the number of tenancies secured and associated staff resources. Incentive payments will be one off payments to a landlord and rent guarantee will be in place for 6 - 12 months;

- (2) in view of the pressure on the Temporary Accommodation budget and the difficulty in finding good quality private rented accommodation that can be used to discharge the duties of the Borough Council, the decision be taken by the Cabinet Member for Housing, in liaison with the Cabinet Member for Finance, Innovation and Property, and not held over to the next meeting of Cabinet in order to expedite this opportunity as quickly as possible; and
- (3) the pilot offer be monitored and a progress report provided to the Communities and Housing Advisory Board at regular intervals for review and consideration of extending the pilot offer. Monitoring of the pilot will include tenancy sustainment success, administration options, homelessness prevention and landlord and tenant feedback.

#### **CH 20/31 REVISED SAFEGUARDING POLICY**

Decision Notice D200082MEM

The report of the Chief Executive sought endorsement of an updated Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk. Attention was drawn to the different reporting arrangements and responsibilities arising from the change of the Kent Safeguarding Children Board to become the Kent and Medway Safeguarding Children Multi-Agency Partnership (KSCMP) and to the reporting of concerns about adult safeguarding.

**RECOMMENDED:** That

- (1) the revised version of the Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk be endorsed; and
- (2) Councillor M Rhodes be the Member Champion for Safeguarding.

#### **CH 20/32 LEYBOURNE LAKES COUNTRY PARK- FUTURE MANAGEMENT AND FACILITY DEVELOPMENT**

Decision Notice D200083MEM

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the proposed transfer of the site

management of Leybourne Lakes Country Park (LLCP) to the Tonbridge and Malling Leisure Trust (Leisure Trust) and on the Capital Plan scheme for the provision of additional lakeside facilities. Members were reminded that the proposed transfer had been identified in the Council's First Year Addendum to the Corporate Strategy.

**RECOMMENDED:** That

- (1) subject to the Monitoring Officer being satisfied about the legality of the actions in relation to the potential transfer:
  1. the potential transfer of the site management continues to be addressed in liaison with the Leisure Trust in accordance with the principles of the existing Management Agreement;
  2. consultation continues with the relevant on site staff at LLCP in liaison with HR regarding their potential TUPE transfer to the Leisure Trust;
  3. a report be presented to the next meeting of this Board on the financial implications/viability of a future transfer; and
  4. the transfer only be progressed if it achieves a saving to the Council and an income stream to the Leisure Trust; and
- (2) in regard to the potential development of a new Lakeside Facility at LLCP
  1. Alliance Leisure Services Ltd be appointed through the UK Leisure Framework to progress the project up to the Cost Confidence stage outlined in its Development Proposal;
  2. the project only be progressed to the Cost Certainty stage by Alliance Leisure Services Ltd if there is confidence that the project can be funded from within the available budget; and
  3. approval be granted for a Planning Application to be submitted for the proposed facility development.

**MATTERS SUBMITTED FOR INFORMATION**

**CH 20/33 COMMUNITY SAFETY PARTNERSHIP UPDATE**

The report of the Director of Central Services provided an update on the recent work of the Community Safety Partnership. Particular reference was made to the impact of the coronavirus pandemic on crime levels and incidence of domestic abuse, the support of the White Ribbon campaign and the development of the national 'Friends Against Scams' initiative.

**MATTERS FOR CONSIDERATION IN PRIVATE****CH 20/34 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That, as public discussion would disclose exempt information, the following matters be considered in private.

**CH 20/35 LEISURE TRUST UPDATE**

**(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)**

Decision Notice D200084MEM

The report of the Director of Street Scene, Leisure and Technical Services provided updates on the reopening and operation of the Council's leisure facilities operated by the Leisure Trust and to potential changes to the Management Agreement and the Service Management Fee as a result of the Covid-19 virus.

**RECOMMENDED:** That

- (1) the Service areas identified in sub-section 1.4 of the report be reviewed further in liaison with the Leisure Trust and updates be reported to future meetings of this Board;
- (2) the management fee (provisional) for the year 2020/21 be set at £300,000 and the cash advance remaining at the year-end be rolled forward and that the assumed level of support required in 2021/22 be part of the forthcoming budget setting process subject to the Monitoring Officer being satisfied as to the legality of the action to be taken; and
- (3) an update on the Government's recent funding announcement to support council leisure centres most in need be provided to the Communities and Housing Advisory Board.

The meeting ended at 9.17 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **PLANNING AND TRANSPORTATION ADVISORY BOARD**

**Wednesday, 11th November, 2020**

**Present:** Cllr R W Dalton (Chairman), Cllr J L Botten (Vice-Chairman), Cllr V M C Branson, Cllr D J Cooper, Cllr D A S Davis, Cllr M O Davis, Cllr D Keers, Cllr D W King, Cllr Mrs C B Langridge, Cllr H S Rogers, Cllr N G Stapleton, Cllr M Taylor and Cllr D Thornewell

Councillors Mrs J A Anderson, Mrs S Bell, R P Betts, M A Coffin, N J Heslop, M A J Hood, F A Hoskins, D Lettington, B J Luker, P J Montague, Mrs A S Oakley, W E Palmer, M R Rhodes, R V Roud and T B Shaw were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Bishop, M D Boughton and S A Hudson

#### **PE 20/20 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **PE 20/21 MINUTES**

**RESOLVED:** That the Notes of the meeting held on 28 July be approved as a correct record and signed by the Chairman, subject to recording that Councillor Mrs Anderson was also in attendance.

#### **PE 20/22 MINUTES OF EXTRAORDINARY MEETING**

**RESOLVED:** That the Notes of the extraordinary meeting of the Planning and Transportation Advisory Board held on 29 September be approved as a correct record and signed by the Chairman.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **PE 20/23 SECTION 106 PROTOCOL AND MONITORING**

The report of the Director of Planning, Housing and Environmental Health recommended the adoption of a Planning Obligations Protocol and associated monitoring fee. This was intended to provide a clear and transparent framework in respect of how planning obligations under section 106 of the Town and Country Planning Act 1990 would be negotiated and secured, in order to mitigate the impacts of development across the Borough.

In addition, the report recommended that a flat fee of £300 per obligation be required to cover the cost of monitoring and reporting on delivery of s106 obligations and outcomes.

Concern was expressed about the level of legal skill and knowledge required to negotiate and understand a legal agreement/planning obligation and that the proposed Protocol could be too prescriptive to the detriment of smaller developers and applicants. Members asked that consideration be given to amending the Protocol to maintain a level of flexibility to assist and support all types of applicant.

Reference was made to the new requirement for Local Planning Authorities to publish an annual Infrastructure Funding Statement which identified infrastructure needs, the total costs of this infrastructure, anticipated funding from developer contributions and the choices made by the authority about how these contributions would be used. Unfortunately, given the timescales involved it was not possible to provide a draft Statement for Member consideration and the Director for Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Strategic Planning and Infrastructure, would develop a final Statement for publication. Officers committed to sharing information with Members as the final Statement was being developed.

**RECOMMENDED:** That

- (1) the principal of a Planning Obligations Protocol be adopted; subject to consideration by the Cabinet of further adjustments to reflect the concerns raised by this Advisory Board and to introduce a level of flexibility for all applicants;
- (2) the associated monitoring fee of £300 per planning obligation (as set out in Annex 1 of the report) be adopted; and
- (3) the production and publication of the Infrastructure Funding Statement by the deadline of 31 December 2020 be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure.

**\*Referred to Cabinet**

**PE 20/24 REVIEW OF PLANNING APPLICATION CHARGING REGIME**

The report of the Director of Planning, Housing and Environmental Health provided a review of the pre-application charging regime and set out proposed new charges for 2021/22. It was necessary to review the protocol annually to ensure that the Borough Council continued to provide a comprehensive, high quality service and that the evidence base remained up to date. The charging schedule was also considered

annually and to ensure that this was applied fairly and cost recovery continued to take place proportionately, an increase in fees was proposed.

Attention was drawn to a drafting error in the pre-application charging schedule 2021/22 (Annex 1) and it was confirmed that the fee for large scale, strategic development should read £1,200.

**RECOMMENDED:** That the updated Pre-application Charging Schedule 2021/22 (as attached at Annex 1 to the report) be adopted; subject to

- (1) the correction of a drafting error (as set out above) and that the fee for large scale, strategic development was £1,200 plus VAT.

**\*Referred to Cabinet**

**PE 20/25 REVIEW OF PLANNING PERFORMANCE AGREEMENT AND CHARGING SCHEDULE**

The report of the Director of Planning, Housing and Environmental Health provided a review of the planning performance agreement protocol and set out proposed new charges for 2021/22. To ensure that the Borough Council continued to provide a comprehensive, high quality service and that the evidence based remained up to date it was necessary to review the protocol and charging schedule annually.

**RECOMMENDED:** That the updated Planning Performance Agreement Charging Schedule 2021/22 (attached at Annex 1 of the report) be adopted.

**\*Referred to Cabinet**

**PE 20/26 REVIEW OF BUILDING CONTROL FEES 2021/22**

Members were provided with an update on the working arrangement with Sevenoaks District Council and following internal discussions the Borough Council had been given notice to dissolve this partnership. A full assessment of service requirements was being undertaken and revised arrangements would be presented to Members in due course.

The report also recommended Building Control fees for 2021/22 for the Borough Council only.

**RECOMMENDED:** That a 1% increase to the Building Control Charges from 1 April 2021, as per the list of fees attached at Annex 1 to the report, be approved.

**\*Referred to Cabinet**

## **PE 20/27 DEVELOPMENT MANAGEMENT UPDATE**

(Decision Notice D200085MEM)

Members were updated on a number of matters related to the Development Management function during the current year.

It was reported that the ongoing work, as set out in the report, would ensure that all functions undertaken by the Development Management team continued to meet all statutory duties and requirements. In addition, all these services were managed within existing budgets.

Members commented on the quality of the technical advice provided by Officers which had resulted in a successful record of defending planning appeals and the Borough Council consistently performing above national targets.

Finally, the development of on-line training for Members was welcomed and it was hoped that sessions could be resumed as soon as possible.

**RECOMMENDED:** That

- (1) the contents of the report be noted; and
- (2) the provision of excellent technical advice, service and expertise on a range of planning issues be recognised and appreciated

## **PE 20/28 KENT RAIL STRATEGY CONSULTATION**

(Decision Notice D200086MEM)

The report provided details of the Kent Rail Strategy consultation and set out a proposed response (attached as Annex 1) to be submitted to Kent County Council by the deadline of 17 November 2020.

The Kent Rail Strategy aimed to influence train services in the county for the next decade and set out requirements for rail infrastructure enhancements to keep pace with increased demand for services. The Borough Council expressed support for the Strategy as it included known rail priorities for Tonbridge and Malling. In addition, a greater role for the Medway Valley Line was promoted by the Borough Council in the proposed response to the consultation.

Members welcomed the proposals for improved rail services and hoped that residents could be encouraged to adopt new ways of travelling which could benefit the Climate Change Strategy.

Particular reference was made to the value of the Medway Valley Line as an important strategic link for the north of the Borough.

Disappointment was expressed that the frequency of train services on this line had reduced, especially the connecting service to Tonbridge. Members recognised the importance of maintaining high speed services at peak times on this route to benefit commuters and residents in Snodland and the surrounding areas.

Finally, it was hoped that improvements at Aylesford and New Hythe train stations could be considered as part of development opportunities in the area.

**RECOMMENDED:** That

- (1) the content of the report be noted; and
- (2) the issues raised in response to the Kent Rail Strategy consultation (set out in Annex 1 to the report) be agreed by the Cabinet Member for Strategic Planning and Infrastructure, in consultation with the Leader and Director of Planning, Housing and Environmental Health, and submitted to Kent County Council by the deadline of 17 November 2020; subject to emphasising the value of the Medway Valley Line as an important strategic link for the north of the borough and Tonbridge.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **PE 20/29 A229 BLUE BELL HILL JUNCTION IMPROVEMENT SCHEME - CONSULTATION**

The report of the Director of Planning, Housing and Environmental Health provided an overview to junction improvements on the A229 Blue Bell Hill and set out the Borough Councils response to the consultation which had closed on 19 October.

Due to the timing of this deadline the response had been prepared in consultation with the Cabinet Member for Strategic Planning and Infrastructure and submitted to the County Council.

The Borough Council's formal response was set out in Annex 1 to the report and expressed a preference for option 2 as the enhanced arrangement at the Bridgewood Roundabout could provide the most direct and convenient route for traffic heading eastbound on the M2 and the southbound on the A229.

Local Members expressed significant concern about the impact of future development in the Medway Gap area, particularly on rural roads (A20 – London Road, A227, A228, A229, M2, M20 – junction 4) and the consequential impacts on the M25 and M26. Particular concern was raised about the Lower Thames Crossing and the significant increase in traffic movement through rural villages.

Kent County Council were invited to prepare a comprehensive report on future impacts on local rural roads and highway matters in the Medway Gap area for consideration by the Joint Transportation Board and the Planning and Transportation Advisory Board.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PE 20/30 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.10 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD**

**Tuesday, 8th December, 2020**

**Present:** Cllr M O Davis (Chairman), Cllr Mrs S Bell (Vice-Chairman), Cllr G C Bridge, Cllr D J Cooper, Cllr D A S Davis, Cllr M A J Hood, Cllr F A Hoskins, Cllr D Keers, Cllr R V Roud, Cllr J L Sergison, Cllr T B Shaw and Cllr Miss G E Thomas

Councillors Mrs J A Anderson, M C Base, Mrs P A Bates, R P Betts, M D Boughton, V M C Branson, A E Clark, N J Heslop, Mrs F A Kemp, D Lettington, B J Luker, Mrs A S Oakley, W E Palmer, M R Rhodes, N G Stapleton, K B Tanner and Mrs M Tatton were also present pursuant to Council Procedure Rule No 15.21.

#### **PART 1 - PUBLIC**

##### **SSE 20/22 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **SSE 20/23 MINUTES**

**RESOLVED:** That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 5 October 2020 be approved as a correct record and signed by the Chairman.

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

##### **SSE 20/24 REVIEW OF FEES AND CHARGES**

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Planning, Housing and Environmental Health set out the proposed fees and charges for the provision of services in respect of garden waste subscriptions, fixed penalty notices for littering, household bulky refuse and fridge/freezer collections, 'missed' refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private water supplies with effect from 1 April 2021.

Consideration had been given to a range of factors, including the Borough Council's overall financial position, market position, trading patterns, the current rate of inflation and customer feedback. In addition, the set of guiding principles for the setting of fees and charges approved by the Finance, Innovation and Property Advisory Board had also been taken into account.

**RECOMMENDED:** That

- (1) the proposed scale of charges for garden waste subscriptions, fixed penalty notices for littering, household bulky refuse and fridge/freezer collections, 'missed' refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private waste supplies, as detailed in the report, be approved; and
- (2) the proposed scale of charges be implemented from 1 April 2021.

**\*Referred to Cabinet**

**SSE 20/25 KENT AND MEDWAY ENERGY AND LOW EMISSION STRATEGY**

Decision Notice D200087MEM

The report of the Chief Executive sought endorsement of the Kent and Medway Energy and Low Emissions Strategy (ELES) which outlined the approach to be taken to achieve a reduction in carbon emissions and improvements in air quality across the county. The Strategy, attached at Annex 1, identified a number of priority actions (set out on pages 15-28 of the Strategy) and included a commitment to meet the UK Government target to achieve net-zero emissions by 2050. The ELES had been formally adopted at the Kent and Medway Net-Zero Conference held on 27 November and district councils would work in partnership to support the implementation of the priority actions.

The report identified the links between the ELES and the Tonbridge and Malling Climate Change Strategy and Action Plan and the Borough Council's aspiration of carbon neutrality within 10 years. In addition, the report recognised the synergies between the aims and objectives of the Strategy and the Borough Council's Air Quality Action Plan (AQAP), due to go out to public consultation in January 2021, which focussed on transport, planning and infrastructure, policy guidance and public health and well-being.

The Cabinet Member for Street Scene and Environment Services drew attention to a pilot scheme by Kent County Council and DEFRA to create community woodlands across the county and advised that preliminary discussions had been held regarding identification of a possible site within the Borough.

**RECOMMENDED:** That

- (1) the Kent and Medway Energy and Low Emissions Strategy be endorsed; and



- (2) implementation in line with existing Borough Council Climate Change and Air Quality objectives be supported.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **SSE 20/26 IMPACT OF COVID-19 PANDEMIC ON THE ENVIRONMENTAL HEALTH SERVICE**

The report of the Director of Planning, Housing and Environmental Health provided an update on the impact the Covid-19 pandemic had had on both the Environmental Protection and the Food and Safety teams within Environmental Services. Additionally, reference was made to the agreed First Year Addendum to the Corporate Strategy.

It was noted that requests to the Service had increased dramatically throughout the pandemic and both teams had experienced significantly increased pressures and changes to their role and current priorities.

#### **SSE 20/27 STREET SCENE AND WASTE SERVICES - RESPONSE TO COVID-19**

The report of the Director of Street Scene, Leisure and Technical Services provided an update on progress with the themes and activities identified within the Street Scene and Waste section of the approved First Year Addendum to the Corporate Strategy. This included updates on service performance, the roll out of the new service arrangements to flats and communal areas, the reduction in the number of bring bank sites and the reintroduction of the weekend bulky waste collection service, subscriptions for garden waste and the transfer of public conveniences to Parish/Town Councils.

#### **SSE 20/28 WASTE AND STREET SCENE SERVICES UPDATE**

The report provided updates on a number of issues and initiatives managed by the Waste and Street Scene Service Services. Particular reference was made to the retendering of the Pest Control, Dog Warden and Public Toilet Cleaning contracts and to the performance of the waste contractor which had seen a significant improvement since the engagement of a new manager in August.

#### **SSE 20/29 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.30 pm

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**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD**

**Wednesday, 6th January, 2021**

**Present:** Cllr M C Base (Chairman), Cllr Miss G E Thomas (Vice-Chairman), Cllr T Bishop, Cllr J L Botten, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark, Cllr M O Davis, Cllr K King, Cllr Mrs R F Lettington, Cllr H S Rogers, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr F G Tombolis and Cllr C J Williams

Councillors Mrs J A Anderson, Mrs P A Bates, Mrs S Bell, R P Betts, V M C Branson, M A Coffin, M A J Hood, N J Heslop, F A Hoskins, J R S Lark, D Lettington, B J Luker, Mrs A S Oakley, W E Palmer, M R Rhodes, R V Roud, J L Sergison and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

**PART 1 - PUBLIC**

**FIP 21/1    DECLARATIONS OF INTEREST**

Councillor M Tatton declared an Other Significant Interest in the item on the Covid Winter Grant Fund in that she was a Trustee of the East Malling Centre. She withdrew from the online meeting during consideration of the item and took no part in the discussion and voting thereon. Councillor N Heslop declared an Other Significant Interest in the same item in that he was a Trustee of The Bridge Trust. He withdrew from the online meeting during consideration of this item.

Councillors T Bishop and M Davis each declared an Other Significant Interest in the item on the Leybourne Lakes Country Park Lease on the grounds that they were the Borough Council's appointees to the Tonbridge and Malling Leisure Trust. Councillor Bishop further declared that he was appointed to the Leybourne Lakes Country Park User Panel. They withdrew from the online meeting during consideration of the item and took no part in the discussion and voting thereon.

In the interest of transparency, Councillor T Bishop referred to the item on the Proposed Transfer of Public Conveniences and advised that he was the Chairman of the Amenities Committee of East Malling and Larkfield Parish Council. Councillor M Taylor referred to the same item and advised that he was the Chairman of Borough Green Parish Council. Reference was made to both parish councils within the report.

**FIP 21/2 MINUTES**

**RESOLVED:** That, subject to the amendment of item FIP 20/34 (Declaration of Interest) to record that Councillor G Thomas had advised that she volunteered as an advisor at 'Crosslight Debt Advice' and not 'Crossroads Care Kent', the notes of the meeting of the Finance, Innovation and Property Advisory Board held on 16 September 2020 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**FIP 21/3 REVENUE ESTIMATES 2021/22**

The report of the Director of Finance and Transformation referred to the responsibility of the Cabinet under the Constitution for formulating initial proposals in respect of the Budget. Reference was made to the role of the Advisory Board in assisting the Cabinet and Council in the preparation of the budget within the context of the Medium Term Financial Strategy (MTFS) and the Council's priorities. The report outlined the process for referring the Advisory Board's recommendations to the Overview and Scrutiny Committee prior to consideration by the Cabinet on 11 February and thereafter by the Council at its Budget meeting.

Attention was drawn to the difficulties experienced within the budget setting process of incorporating an estimate of the scale of the impact of the Covid-19 pandemic on the Borough Council's finances in 2020/21 and 2021/22 and over the medium term.


**RECOMMENDED:** That

- (1) the draft Revenue Estimates contained at Annex 1 to the report, be endorsed for consideration by Cabinet at its special meeting on 11 February 2021; and
- (2) the Savings and Transformation Strategy be updated to reflect the latest projected funding gap as part of the budget setting process.

**\*Referred to Cabinet**

**FIP 21/4 CAPITAL PLAN**

Consideration was given to the report of the Director of Finance and Transformation which reviewed the current position of the existing Capital Plan (List A). It also recommended schemes for addition to List C, some existing List C schemes for deletion or evaluation and schemes for inclusion on List B from those List C schemes previously selected for evaluation or in certain circumstances identified for Fast-Track evaluation.


**RECOMMENDED:** That the following be endorsed for consideration by the Cabinet 

- (1) the Capital Plan (List A) position as shown in Annex 1 to the report be endorsed;
- (2) the amendment of List C as detailed in paragraph 1.5.3 of the report;
- (3) the selection of those schemes listed in paragraph 1.6.4 of the report for evaluation including the scheme recommended for Fast-Track evaluation (electric/hybrid pool car);
- (4) the transfer of the schemes listed in paragraph 1.7.3 of the report from List C to List B; and
- (5) the Capital Strategy as set out at Annex 4 to the report be endorsed for adoption and publication on the Council's website.

**\*Referred to Cabinet**

**FIP 21/5 KINGS HILL PARISH COUNCIL - REQUEST FOR ADVANCE OF PRECEPT MONIES**

The joint report of the Chief Executive and the Director of Finance and Transformation set out details of a request received from Kings Hill Parish Council for an advance of £60,000 from part of the 2021/2022 local precept. The request, dated 17 December 2020 and attached at Annex 1, indicated that income from usage of community facilities had been decimated due to the coronavirus pandemic. It was noted that an 'interest free' advance of the sum requested would have minimal financial implications for the Borough Council and that the Parish Council had suggested that this would be repaid in two instalments in April and September. The report confirmed that the advance would be automatically recovered through the biannual payment of precept and, therefore, there was no risk to the Borough Council.

**RECOMMENDED:** That the request from Kings Hill Parish Council for an advance of £60,000 and repayment as set out in the report be endorsed for consideration by the Overview and Scrutiny Committee and recommended to Cabinet for approval. 

**\*Referred to Cabinet**

**FIP 21/6 REVIEW OF FEES AND CHARGES 2021/22**

The report of the Management Team brought forward for consideration, as part of the Budget setting process for 2021/22, proposals in respect of those fees and charges that were the responsibility of the Cabinet Member for Finance, Innovation and Property or not reported elsewhere.

**RECOMMENDED:** That

- (1) in respect of the recovery of legal fees payable by third parties, the Council's charges remain the same for 2021/22 and continue to reflect existing practices as highlighted in paragraph 1.2 of the report;
- (2) the proposed scale of fees for local land charges searches and enquiries set out at Annex 1 to the report be adopted with effect from 1 April 2021;
- (3) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained;
- (4) the fee Schedule for Street Naming and Numbering set out in section 1.5 of the report be adopted with effect from 1 April 2021;
- (5) the amount of council tax and business rates Court costs recharged remain the same for the 2021/22 financial year (as set out at paragraph 1.6.4 of the report); and
- (6) the fees and charges 2021/22 related to Tonbridge Castle tours (as set out at paragraph 1.7.2), fees for schools (as set out at paragraphs 1.7.6 and 1.7.7) and the fee models for ceremonies (as set out at paragraphs 1.7.8 to 1.7.12 of the report) be approved.

**\*Referred to Cabinet**

**FIP 21/7 APPEALS - EXPANDED RETAIL DISCOUNT**

Decision Notice D210001MEM

The report of the Director of Finance and Transformation gave details of businesses appealing the decision to not award the Expanded Retail Discount for the 2020/21 financial year and invited determination of these appeals. Guidance from the Ministry of Housing, Communities and Local Government (MHCLG) was attached at Annex 1.

**RECOMMENDED:** That

- (1) the appeal from Countryside Properties PLC be dismissed for the reasons set out in the report;
- (2) the appeal from Watts Farm Catering Limited be dismissed for the reasons set out in the report; and
- (3) the appeal from Green Parking Limited be dismissed for the reasons set out in the report.

**FIP 21/8 REVISION TO THE IT STRATEGY (2018-2022)**

Decision Notice D210002MEM

The report of the Director of Finance and Transformation set out details of a number of revisions made to the IT Strategy (2018-2022) to reflect the changing environment the Borough Council operated within. Particular reference was made to the Digital Strategy, adopted in 2019, which continued until 2023. It was recommended that the Strategies should have aligned timescales to underpin the Borough Council's Corporate Strategy.

**RECOMMENDED:** That the revised IT Strategy, attached as Annex 1 to the report, be approved and extended until 2023 to align with the Digital Strategy.

**FIP 21/9 PROGRESS WITH NEW COUNCIL WEBSITE**

Decision Notice D210003MEM

The joint report of the Director of Finance and Transformation and the Director of Central Services provided an update on the progress made with the technical implementation and the preparation of content for the new website and advised that, in liaison with the Member Working Group, the launch of the new website had been deferred until June 2021. The delay would mitigate the risk related to local County Council and Police and Crime Commissioner Elections in May 2021 and allow sufficient time for the development of website content and enhanced digital services for local residents.

**RECOMMENDED:** That:

- (1) the progress in delivering the technical aspects of the website be noted;
- (2) the deferral of the launch of the website until June 2021 for the reasons set out in the report be endorsed; and
- (3) the additional costs of the deferral of the launch of the website be built into draft Estimates for 2021/22.

**FIP 21/10 COVID WINTER GRANT FUND**

Decision Notice D210004MEM

The joint report of the Chief Executive and the Director of Finance and Transformation provided details of the new Winter Grant Fund and set out a process to ensure that vulnerable households, particularly those with children, were not struggling to pay for food or fuel over the winter

months. Full guidance for the grant was attached at Annex 1 to the report.

Groups and organisations working in the community had been invited to submit bids based on a number of requirements, as detailed in 1.1.3 of the report. A summary of the applications received was set out in 1.2.1 of the report. The report highlighted that the application by Aylesford Parish Council had not met the scheme criteria but could be incorporated with the application submitted by St Peter and St Paul's Church, Aylesford in respect of a new food bank.

**RECOMMENDED:** That:

- (1) Covid Winter Grants be awarded in accordance with the approved bids listed in 1.2 of the report, with the exception of the Aylesford Parish Council bid of £3,000 which was to be added to the bid from St Peter and St Paul's Church; and
- (2) the balance of £5,600.55 be held on reserve for use as necessary within the parameters of the Scheme under direction of the Chief Executive or the Director of Finance and Transformation.

#### **FIP 21/11 PROPOSED TRANSFER OF PUBLIC CONVENIENCES**

Decision Notice D210005MEM

The report of the Director of Central Services and Deputy Chief Executive set out the proposed terms of the freehold disposal of public conveniences to Parish and Town Councils. It was noted that West Malling Parish Council had indicated that it did not wish to proceed with the transfer but that this had yet to be formally confirmed. It was also noted that Borough Green Parish Council had requested the transfer to them of two areas of public open space and that this matter would be investigated and reported to a future meeting of the Advisory Board.

**RECOMMENDED:** That

- (1) subject to the receipt of formal confirmation from West Malling Parish Council as to whether or not it wishes to proceed with the transfer, the public conveniences at Borough Green, East Malling and Larkfield, East Peckham and West Malling be transferred to the respective Parish Councils in line with the terms outlined in the report;
- (2) the request by Borough Green Parish Council regarding the transfer of land at Crowhill and Staleys Acre, Borough Green be investigated and a report submitted to a future meeting of the Advisory Board; and



- (3) options for the disposal/alternative use of any public convenience sites not transferred to Parish/Town Councils be investigated.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **FIP 21/12 TEST AND TRACE SUPPORT PAYMENTS**

The report of the Director of Finance and Transformation provided details of the local introduction and operation of the National Government Test and Trace Support Payment Scheme.

#### **FIP 21/13 BUSINESS GRANT SCHEMES**

The report of the Director of Finance and Transformation provided details of the latest Government schemes to assist businesses and charities affected by the Covid-19 lockdown and 'tiered' measures. It was noted that 9 schemes were being operated within the Borough with approximately £1.72 million paid out since 1 December 2020. Members commended the officer teams for their exceptional administrative work and speed of delivery of funding and support to local businesses.

#### **FIP 21/14 REVENUE AND BENEFITS UPDATE REPORT**

The report provided details of recent developments in respect of council tax, business rates, council tax reduction and housing benefits.

#### **FIP 21/15 BUSINESS CONTINUITY INCIDENT - IT DISASTER RECOVERY**

The report of the Director of Finance and Transformation provided a record of the issues arising from the disruption of the Council's IT systems for part of the day on 26 November 2020. A detailed timeline of the incident was set out at Annex 1 to the report.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **FIP 21/16 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**FIP 21/17 DEBTS FOR WRITE-OFF**

(Reasons: LGA 1972 Sch 12A Paragraph 2 – Information which is likely to reveal the identity of individual)

Decision Notice D210006MEM

The report of the Director of Finance and Transformation sought approval to the writing-off of debts considered to be irrecoverable.

**RECOMMENDED:** That the 4 items shown in the schedule of amounts over £5,000 (as set out in Annex 1 to the report), totalling £28,733.95 be written off the reason stated within the schedule.

**FIP 21/18 USE OF SCAPE FRAMEWORK**

(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Decision Notice D210007MEM

The report of the Director of Central Services and Deputy Chief Executive set out the proposed use of the Scape Minor Works Framework to deliver the conversion of properties at Pembury Road, Tonbridge for use as temporary accommodation.

**RECOMMENDED:** That the conversion scheme at Pembury Road, Tonbridge be progressed via the Scape Minor Works Framework.

**FIP 21/19 LEYBOURNE LAKES COUNTRY PARK LEASE**

(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report of the Director of Central Services and Deputy Chief Executive set out the proposed terms of a lease to the Tonbridge and Malling Leisure Trust in respect of Leybourne Lakes Country Park.

**RECOMMENDED:** That a lease for Leybourne Lakes Country Park be granted to the Tonbridge and Malling Leisure Trust as detailed in the report of the Director of Central Services and Deputy Chief Executive.

**\*Referred to Cabinet**

**FIP 21/20 ANGEL INDOOR BOWLS ASSOCIATION LEASE**

(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Decision Notice D210008MEM

The current position regarding a lease to the Angel Indoor Bowls Association was outlined and options to progress the matter were set out for consideration in the report of the Director of Central Services and Deputy Chief Executive.

**RECOMMENDED:** That delegated authority be given to the Director of Central Services and Deputy Chief Executive, in consultation with the Cabinet Member for Finance, Innovation and Property, to set out the proposed terms for a new lease in a Section 25 notice (or by way of a response to the purported s26 notice if it is deemed to be valid) and that a further report be brought back to the Finance, Innovation and Property Advisory Board to agree the final terms of any lease renewal.

The meeting ended at 8.41 pm  
having commenced at 6.30 pm

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# Agenda Item 5

The minutes of meetings of Advisory Panels and Other Groups are attached, any recommendations being identified by an arrow.

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **PARISH PARTNERSHIP PANEL**

**Thursday, 12th November, 2020**

**Present:** Cllr N J Heslop (Chairman), Cllr M A Coffin (Vice-Chairman), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr R W Dalton, Cllr P M Hickmott, Cllr S A Hudson, Cllr D Lettington, Cllr B J Luker, Cllr M R Rhodes and Cllr M Taylor.

Together with representatives from Addington, Aylesford, Birling, Borough Green, Ditton, East Peckham, Hadlow, Hildenborough, Ightham, Plaxtol, Ryarsh, Shipbourne, Stansted, Trottiscliffe, West Peckham Parish Councils and County Councillors Mrs T Dean, Mrs S Hohler and Mr H Rayner.

Councillors A P J Keeley, P J Montague, Mrs A S Oakley, W E Palmer, R V Roud, T B Shaw and Mrs M Tatton were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors F A Hoskins and Mrs C B Langridge.

### **PART 1 - PUBLIC**

#### **PPP 20/23 MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 3 September 2020 be approved as a correct record and signed by the Chairman, subject to recording that West Peckham Parish Council were in attendance.

#### **PPP 20/24 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES**

##### **PPP 20/17 – Invitation to Southern Water**

The Chairman extended apologies that unfortunately, due to other priorities, an invitation had not yet been extended to representatives of Southern Water to attend a future meeting of the Parish Partnership Panel. This would be progressed as soon as possible.

##### **PPP 20/18 (d) – Development Management processes and consultation/guidance**

The Chairman of Plaxtol Parish Council thanked the Borough Council for recognising the challenges faced by Parish/Town Councils in adapting to a change of process and welcomed the solutions related to technical responses on List B and Officers patience in addressing concerns. However, particular reference was made to the outstanding commitment

to enable parish clerks to be notified by e-mail when planning applications were validated. Currently, clerks were having to search the Public Access system for individual applications which was time consuming and challenging.

The Cabinet Member for Strategic Planning and Infrastructure (Councillor David Lettington) thanked Plaxtol Parish Council for their constructive correspondence. It was explained that the issue of notification emails appeared to be an internal problem related to the way the systems were set up. However, it was believed that a technical solution could be found and this continued to be explored.

### **PPP 20/22 (c) - Climate Change Strategy**

The Chairman, in his role as Leader of the Borough Council, advised that the Street Scene and Environment Services Advisory Board of 5 October had recommended that the Climate Change Strategy and the Year 1 Action Plan be adopted. It had also recommended that options for the establishment of a Climate Change Forum, to provide a mechanism for engagement with key stakeholders and interested parties be explored and reported to a future meeting of the Advisory Board. It was noted that the Climate Change Forum could provide a suitable vehicle for communication with Parish/Town Councils.

In addition, the Cabinet Member for Street Scene and Environment Services (Councillor Robin Betts) advised that, unfortunately due to the ongoing coronavirus pandemic and the introduction of new lockdown measures, the progress of the Strategy had been delayed as Officers were diverted into other priorities to support communities and residents. However, the Borough Council remained committed to climate change and were continuing to work with an external consultant to identify the best outcomes.

### **PPP 20/25 BOROUGH COUNCILS RESPONSE TO THE CORONAVIRUS PANDEMIC**

The report of the Chief Executive and the Management Team, presented to Cabinet on 14 October, had provided an overview on a number of aspects as the Borough Council and its communities continued to adapt to living with coronavirus.

Initially, there had been good progress made on actions identified in the Corporate Strategy – One Year Addendum and included work on a new consultation draft of the Economic Recovery Strategy, the Climate Change Strategy, the Medium Term Financial Strategy, the Savings and Transformation Strategy, the Air Quality Action Plan and support for the Leisure Trust.

Unfortunately, the lockdown measures imposed by Government, effective from 5 November to 2 December 2020, had impacted on these



areas of work as the Borough Council adapted to new restrictions, new financial pressures and identifying ways to support communities, businesses and residents.

The Chairman, in his role as Leader of the Borough Council, advised that since the publication of the agenda, the position locally had changed. Tonbridge and Malling had seen an increase in coronavirus figures, with clusters in Aylesford South, East Malling and Trench ward in Tonbridge. Whilst the local figures were slightly below the county average they were following the upward trajectory.

Residents were asked to continue to follow national guidance by maintaining social distancing, wearing face coverings and washing hands to reduce the spread of the infection. Anyone developing symptoms should self-isolate and follow Government advice.

Government funding in two parts had been allocated to the Borough Council to provide further financial support to local businesses. A new Local Restrictions Support Grant (Closed) Scheme utilising the first government funding allocation of £1,413,378 would be launched as soon as the funding allocation had been received, which was expected on Friday 13 November. Further detail of the Scheme and associated Policy was provided in the Decision taken under Emergency Provisions ([D200014EM](#))

The Borough Council would use the second tranche of government funding to provide further support under a discretionary scheme which would be launched in the next few weeks.

Currently, 4,000 residents had been identified as clinically extremely vulnerable (CEV) and the Borough Council were working closely with Kent County Council on assessing and supporting these individuals.

## **PPP 20/26 UPDATE ON THE LOCAL PLAN AND SECTION 106 PROTOCOL**

The Cabinet Member for Strategic Planning and Infrastructure (Councillor David Lettington) provided an update on the progress of the Local Plan and advised that although the examination in public had started, the Planning Inspector had 'paused' the process after 3 days of hearings. Concerns about legal compliance of the Local Plan had been cited but the Borough Council were still waiting for an explanation as to the reason for the 'pause'. However, the Cabinet Member remained hopeful that the process would continue and indicated that any action that might become necessary would be a joint decision between Members and Officers.

There was also an update on the Section 106 Protocol and the Panel was advised that the Planning and Transportation Advisory Board of 11 November had given this careful consideration and raised a number of concerns that would be revisited by Officers. Whilst s106 was the

responsibility of the Borough Council, as the Local Planning Authority, comments were welcomed from key stakeholders, service providers and parish/town councils.

Details of the draft Protocol were set out in the report of the Director of Planning, Housing and Environmental Health, attached to the agenda.

The following concerns and points were raised, discussed and noted:

- The ongoing delay in the Local Plan process which was disappointing, frustrating and meant that developers were submitting applications at short notice;
- There were no obvious reasons why parishes couldn't pursue private arrangements outside of the s106 protocol with developers to secure agreements on sewerage issues;
- Parishes believed they could assist the Borough Council in negotiating s106 obligations due to local knowledge and experience;
- To ensure transparency related to s106 obligations was there potential to publish details;
- It was indicated that priorities identified by Parish/Town Councils in relation to s106 would be considered as part of the overall assessment in line with other commissioning services, such as KCC Education, Highways and the NHS.

In conclusion, the Cabinet Member welcomed the comments of Members and indicated that the Borough Council would be happy to cooperate with parishes where appropriate. The points raised would be discussed with the Director of Planning, Housing and Environmental Health to see if any of these could be pursued. It was intended that the introduction of a Section 106 Protocol would be mutually beneficial to all involved in the planning obligation process.

## **PPP 20/27 UPDATE ON WASTE SERVICES**

The Cabinet Member for Street Scene and Environment Services (Councillor Robin Betts) provided an update on a number of areas related to Waste Services.

Since the engagement of a new manager in mid-August there had been an improvement in the performance of the contractor with a full completion of rounds achieved on a regular basis. However, a number of 'hotspots' remained and these would be monitored.

There was also good news on recycling performance, with a figure of 57% achieved. This demonstrated that residents were actively supporting climate change by exceeding target figures for recycling of waste. The following collection rates between June – August were noted:

- Refuse up to 28%
- Dry recycling up to 28%
- Paper/card up to 45%
- Food waste up to 13%
- Going to landfill was approximately 0.01%, with anything not recycled being converted to energy

Unfortunately, the coronavirus pandemic had placed greater pressure on the contractor with daily collection tonnages exceeding the amount usually collected over the Christmas period.

Borough Council Officers were now based at the Tonbridge depot to monitor activity and daily performance and the aim was now to maintain consistency on completion of rounds.

Finally, the Cabinet Member advised that the closure of the waste transfer station in Sevenoaks until 21 December was likely to significantly impact on waste collections at that end of the Borough, as North Farm would be dealing with increased volumes.

The following concerns and points were raised, discussed and noted:

- The number of complaints received by Ward Members had reduced;
- Unfortunately, there had been increased incidents of fly tipping;
- Guidance on how to prosecute fly tippers and evidence gathering would be shared with Parish/Town Councils and promoted on the website;
- There was over 50% subscription to the garden waste collection scheme which exceeded original targets. A direct debit facility for renewals was currently being tested;
- There was a significant issue with the facilities at Allington due to ongoing repairs and maintenance, which might have a consequential impact on waste collections in the North of the Borough;
- Road cleansing along Pilgrims Way around Wouldham, Burham and Peters Village had not been undertaken recently;
- The reinstatement of the weekend bulky waste collection service remained under review and was subject to risk assessment and ensuring that it was Covid safe;

Particular reference was made to the aerobic digester located at Blaise Farm which for technical reasons was emanating odours across Kings Hill and Offham, leading to complaints from residents. It was hoped that once the facility was operating fully, the emissions would reduce and improve the situation. Guidance on reporting issues would be placed on the website.

In conclusion, the Cabinet Member was pleased at the improved performance of the waste contractor, resident's commitment to recycling

and climate change and committed to providing more detailed information around fly tipping to a future meeting of the Parish Partnership Panel.

### **PPP 20/28 KENT COUNTY COUNCIL SERVICES UPDATE**

Members noted the report provided by the County Member for Malling North (Councillor Sarah Hohler) and circulated in advance of the meeting.

Particular reference was made to the opportunity for residents to submit comments on potential areas of spending reductions and the level of Council Tax to help shape and balance the 2021-22 Budget. This [consultation](#) closed on 24 November 2020.

Details of a number of County initiatives and consultations were also set out for information. Attention was drawn to:

- Knock and Check – encouraging residents to reignite the community spirit seen during the initial months of the pandemic and to help the most vulnerable during the winter.
- Food vouchers had been given to families to help feed children during half-term.

All Kent County Council consultations could be viewed online at:

<http://consultations.kent.gov.uk/consult.ti>

Finally, it was noted that the County Council had joined the Borough Council in opposing the potential large increase in housing targets for the South East. The overall annual requirement for Kent and Medway was already forecast to rise from 7,577 homes a year to 12,073 (60% increase) following the current standard method. The proposed changes would increase this by a further 2,835 to 14,908 homes a year.

### **PPP 20/29 AIR QUALITY MANAGEMENT AREAS**

The Parish Partnership Panel noted the report of the Director of Planning, Housing and Environmental Health presented to the Street Scene and Environment Services Advisory Board, which provided an updated Air Quality Action Plan and identified actions to be taken to reduce pollutants within the 6 Air Quality Management Areas (AQMAs) and to tackle Nitrogen Dioxide across the Borough as a whole.

It was indicated that the comments and concerns previously raised at the Street Scene and Environment Services Advisory Board of 5 October had been noted by Officers. The Cabinet Member for Street Scene and Environment Services recognised the challenge in reducing air pollutants and commented on the benefits of encouraging people to move to electric vehicles.

Reference was made to the Kent County Council Rail Strategy Consultation, considered by the Planning and Transportation Advisory Board of 11 November, which supported low carbon travel.

The following concerns and points were raised, discussed and noted:

- It was unlikely that air quality could be improved unless road and traffic issues were addressed;
- The value of progressing the junction 5 east facing slip road to benefit West Kent, which the Borough Council continued to lobby for;
- The lack of detailed data from Public Health England on mortality rates due to air pollutants;
- UK Powers Network continued delay in setting up the equipment in Borough Green to provide statistical information. This position was being actively pursued by the Cabinet Member and Officers; and
- The difficulty in balancing ongoing housing development, particularly along the A20 corridor, the pressure to meet housing targets imposed by Government and reducing air pollutants.

The meeting ended at 9.30 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

26 January 2021

#### Joint Report of the Director of Central Services and Deputy Chief Executive and the Director of Street Scene, Leisure and Technical Services

#### Part 1- Public

#### Matters for Recommendation to Council

#### 1 RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF CCTV

Members are invited to give further consideration to the recommendations from the Overview and Scrutiny Committee dated 3 December 2020 in respect of CCTV.

In the event that Members are minded to take forward the recommendations of the Overview and Scrutiny Committee, Members are also requested to consider whether the recommendations present an opportunity to identify funding to support wider Community Safety Partnership initiatives e.g. Domestic Abuse Volunteer Services (as identified at the previous meeting of Cabinet on 14 October 2020).

#### 1.1 CCTV

1.1.1 At the previous meeting of the Cabinet on 14 October 2020 Members considered an update on the progress made since the review of community safety, including the provision of CCTV, had been initially considered by the Overview and Scrutiny Committee in 2019. A decision regarding the future level of CCTV operation had been deferred pending correspondence with the Police and Crime Commissioner and Clarion Housing regarding their level of financial contribution.

1.1.2 Following discussions with the Deputy Chief Constable, the Leader advised that Kent Police greatly valued the CCTV network/operation across the County. However, they recognised the difficult financial pressures faced by local authorities and as CCTV was the responsibility of district/borough councils Kent Police would not object to the cessation of live monitoring by Tonbridge and Malling Borough Council.

1.1.2 It was therefore resolved by Cabinet that

- (1) the responses received from the Police and Crime Commissioner and Clarion Housing be noted; and

- (2) in light of the response of the Police and Crime Commissioner and Clarion Housing and the ongoing discussions with Kent Police the matter be referred back to the Overview and Scrutiny Committee on 3 December 2020 for further consideration.
- 1.1.3 The Overview and Scrutiny Committee of 3 December 2020 therefore gave further consideration to the provision and operation of CCTV within the Borough and were provided with updated statistics related to operational analysis and the number of incidents recorded to aid deliberation.
- 1.1.4 Members had detailed discussion on the options set out in the report and recognised the value of CCTV in supporting crime prevention and public safety. However, Members also acknowledged the significant financial pressures faced by the Borough Council and discussed the benefits of live versus passive monitoring; the potential of new technology to reduce costs and which option represented best value for money. It was also recognised that community safety initiatives could be enhanced to maintain residents' confidence, safety and act as a crime deterrent.
- 1.1.5 The Committee recommended to Cabinet that
- a passive only CCTV operation be provided, with a saving of circa £100,000 contributing towards the Borough Council's overall savings target within the Medium Term Financial Strategy. Due to the existing agreement, 2 years written notice was required to be given;
  - a further piece of work be undertaken to review the appropriate locations for passive only cameras; and
  - a further detailed analysis be undertaken to include any possible exit costs and reported to Cabinet prior to a final decision.
- 1.1.6 Prior to a final decision being taken in respect of the principle of moving to a passive only CCTV operation, it is intended that the further work identified at bullet points 2 & 3 above be undertaken and reported back to Cabinet.
- 1.1.7 Given the correlation between the operation of the CCTV system and our wider community safety functions, Members may wish to consider whether the recommendations of the Overview and Scrutiny Committee (if agreed) offer an opportunity to identify funding towards other community safety initiatives. For example, Members will recall that the Overview and Scrutiny Committee of 8 October 2020 reviewed domestic abuse services within the Borough and recommended that the Safer and Stronger Communities Manager:
- Work with the domestic abuse organisations operating within Tonbridge and Malling to explore and develop options around the new initiatives proposed with the report; and



- Review the financial support offered to the Domestic Abuse Volunteer Support Services and recommend, if appropriate, a level of funding that could be provided by the Borough Council, subject to the view of Cabinet.

1.1.8 These recommendations were agreed by Cabinet on 14 October 2020 (Decision notice D200076CAB).

## **1.2 Legal Implications**

1.2.1 As set out in the report to Overview and Scrutiny Committee on 3 December 2020.

## **1.3 Financial and Value for Money Considerations**

1.3.1 As set out in the report to Overview and Scrutiny Committee on 3 December 2020.

## **1.4 Risk Assessment**

1.4.1 As set out in the report to Overview and Scrutiny Committee on 3 December 2020.

## **1.5 Equality Impact Assessment**

1.5.1 It is not considered that the provision of CCTV is a function that impacts upon a specific group with protected characteristics in any different way to end users and any service changes recommended would have a remote or low relevance to the substance of the Equality Act.

## **1.6 Policy Considerations**

- Customer Contact
- Communications
- Community
- Crime & Disorder Reduction

## **1.7 Recommendations**

1.7.1 Members are requested to note the recommendations of the Overview and Scrutiny Committee dated 3 December 2020, as listed in 1.1.5 above.

1.7.2 Prior to a final decision being taken by Cabinet, it is RECOMMENDED that Officers are asked to undertake the following further work and report back to Cabinet:-

- a review of the appropriate locations for passive only cameras. This would include statistics on the number of times live monitored CCTV has been used by all agencies within the Community Safety Partnership and an

analysis of the impact of moving to passive CCTV on those key cameras which are subject of the most reports;

- a detailed financial analysis to include any possible exit costs;
- an evaluation as to whether any savings achieved could contribute to ongoing funding of the Community Safety Partnership priorities and resources

Background papers:

Nil

contact: Anthony Garnett  
Andy Edwards

Director of Central Services and Deputy Chief Executive  
Adrian Stanfield

Director of Street Scene, Leisure and Technical Services  
Robert Styles

## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

26 January 2021

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Executive Key Decisions

#### 1 SECTION 106 PROTOCOL AND MONITORING

**Summary: This report seeks approval for the adoption of a planning obligations protocol and associated monitoring fee which is intended to provide a clear and transparent framework in respect of how the service will negotiate and secure planning obligations under Section 106 of the Town and Country Planning Act 1990 in order to mitigate the impact of development taking place across the Borough. Successful negotiation of planning obligations requires effective management and monitoring to ensure timely and appropriate use of collected obligations.**

#### 1.1 Background

- 1.1.1 The report of the Director of Planning, Housing and Environmental Health recommended the adoption of a Planning Obligations Protocol and associated monitoring fee. This was intended to provide a clear and transparent framework in respect of how planning obligations under Section 106 of the Town and Country Planning Act 1990 would be negotiated and secured, in order to mitigate the impacts of development across the Borough.
- 1.1.2 In addition, the report recommended that a flat fee of £300 per obligation contained within each legal agreement be required to cover the cost of monitoring and reporting on delivery of s106 obligations and outcomes.
- 1.1.3 Members raised concern that the protocol was too prescriptive which may have been to the detriment of smaller developers and applicants with limited knowledge of the planning system and the requirements of legal agreements. As such, Members asked that consideration be given to amending the Protocol to maintain a level of flexibility to assist and support all types of applicant. Discussions have now taken place regarding the detailed content in these respects and amendments have now been made in liaison with the Cabinet Member for Strategic Planning and Infrastructure. The amended Protocol is contained at Annex 1 to this report.
- 1.1.4 Reference was also made to the new requirement for Local Planning Authorities to publish an annual Infrastructure Funding Statement which identified

infrastructure needs, the total costs of this infrastructure, anticipated funding from developer contributions and the choices made by the authority about how these contributions would be used. Unfortunately, given the timescales involved it was not possible to provide a draft Statement for Member consideration and the Director for Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Strategic Planning and Infrastructure, undertook to develop a final Statement for publication. The Statement has now been published in accordance with those requirements. All Members have been provided with a copy of the Statement and officers will answer individual questions as they arise and also take the opportunity to review content for the 2021 Statement at the earliest opportunity with a view to sharing with Members during the course of the coming year.

## **1.2 Legal Implications**

- 1.2.1 The Local Government Act 2003 provides the power for local authorities to charge for discretionary services (as defined in the Local Government Act 1999). Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision. The power to charge under this provision does not apply where the power to provide the service in question already benefits from a charging power or is subject to an express prohibition from charging.
- 1.2.2 The Local Government Act 2003 places a duty on authorities to ensure that, taken one year with another, the income from charges for each kind of discretionary service does not exceed the costs of provision. An authority may set charges as it thinks fit, and may, in particular, charge only certain people for a service or charge different people different amounts.
- 1.2.3 Local authorities are required to have regard for any guidance that may be issued by the Secretary of State in terms of carrying out their functions under the 2003 Act. Section 93(7) of the Act provides that certain prohibitions in other legislation preventing authorities from raising money are specifically dis-applied in relation to the exercise of the charging power.
- 1.2.4 Local Planning Authorities therefore have powers to recover the costs of monitoring work in recognition of the time officers have to spend ensuring compliance with obligations.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 It is appropriate to review the protocol and charging schedule every year, to ensure the evidence base is up to date and that the monitoring is fairly applied.

## **1.4 Risk Assessment**

- 1.4.1 Robust monitoring should be carried out every year to ensure the protocol and charging schedule in place is based on up to date evidence.

## 1.5 Equality Impact Assessment

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.6 Recommendations

- (1) the Planning Obligations Protocol in its revised form **BE ADOPTED**; and
- (2) the associated monitoring fee of £300 per planning obligation (as set out in Annex 1 of the report) be adopted;

Background papers:

Annex 1: Finalised Section 106 Protocol (with associated Annexes)

contact: Emma Keefe  
Development Manager

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

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**Tonbridge and Malling Borough Council**  
**Planning Obligations Protocol**



[www.tmbc.gov.uk](http://www.tmbc.gov.uk)

**Contents:**

- 1 Introduction and Context
- 2 Practice
- 3 Role of developers and applicants
- 4 Role of the County Council
- 5 Involvement of Councillors, Town and Parish Councils and local community groups
- 6 Unilateral Undertakings
- 7 Execution of the Agreement
- 8 Legal Costs
- 9 Implementation and Monitoring

**Annexes:**

1. Guidance to promote local engagement
2. Collecting quantitative and qualitative evidence of need for provision and enhancement of community owned public open space



## **1. Introduction and Context:**

- 1.1 This document is intended to provide best practice guidance on managing Section 106 Planning Obligations related to development taking place in the Borough of Tonbridge and Malling. It is intended to amplify adopted local and national requirements whilst looking towards a collaborative approach to the provision of affordable housing, infrastructure projects and public services across the Borough. The Council believes it is essential that the means of securing such obligations takes place in a fair, open, transparent and reasonable manner in order to retain public confidence in the system and to provide greater clarity to all those involved.
- 1.2 The Council does not operate a Community Infrastructure Level (CIL) charging schedule. It was decided at the meeting of the Community Infrastructure Levy Panel on 19 December 2011 to not move forward with production of such a schedule, although this position is continually kept under review. In determining planning applications for new development, the Council therefore relies on the provisions of the Town and Country Planning Act 1990 to ensure that appropriate and successful mitigation of development takes place in all instances.
- 1.3 Under Section 106 of the Act any person interested in land in the area of a Local Planning Authority may, by agreement or unilaterally, enter into a planning obligation –
- (a) restricting the development or use of land in any specified way;
  - (b) requiring specified operations or activities to be carried out on the land;
  - (c) requiring the land to be used in any specific way;
  - (d) requiring a sum or sums to be paid to the authority on a specified date for an agreed purpose.
- 1.4 Such agreements are effectively a mechanism designed to ensure a development proposal is acceptable in planning terms where it would not otherwise be acceptable. The statutory tests for such agreements are that the obligations must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 1.5 This is further supported in policy through the National Planning Policy Framework 2019 (NPPF) at paragraph 55.

1.6 Common examples of what may be sought as planning obligations in order to make development acceptable in this Borough are as follows:

- Affordable housing;
- Provision of public open space and public realm enhancements;
- Highways, transport and travel schemes including cycle and public transport improvements, highway infrastructure works, pedestrian links and facilities;
- Educational facilities;
- Libraries;
- Healthcare facilities;
- Provision of community facilities;
- Local environmental improvements including enhancement of designated nature conservation areas;
- Flood defence;
- Securing an acceptable mix of uses on development sites;
- Securing affordable business space;
- Archaeology and conservation schemes;
- Pollution mitigation;
- Fire and rescue facilities;
- Crime and disorder prevention activities;
- Town centre improvements; and
- Employment and training.

1.7 However, the above list is not exhaustive and the precise details of what will be sought by way of a planning obligation will be dependent on the scale and nature of the application and will be governed by relevant development plan policies in force in the area and any other material considerations. As such, prospective developers and applicants are advised to read this Protocol in conjunction with all relevant adopted development plan policies and are encouraged to enter into early pre-application discussions with the Council (as set out in more detail at Section 2).

- 1.8 In addition, the Infrastructure Delivery Plan (the “IDP”) identifies critical infrastructure and for strategic allocations the IDP identifies what, where, when and how critical new infrastructure will be provided. For strategic locations the IDP identifies likely infrastructure requirements and the measures needed to ensure their future delivery. As the process for bringing forward the sites progresses, this information will be updated and may identify other more minor infrastructure that is required.
- 1.9 The Council will always seek to explain to prospective applicants what mitigation will need to be provided by Section 106 agreement in the event that they seek pre-application advice. Requirements in this respect are set out in full within the suite of adopted policies contained within the Council’s adopted development plan, which are available on the Council’s website. All prospective applicants are strongly encouraged to engage with the Council through the pre-application advice service at the earliest opportunity.

## **2. Practice**

- 2.1 It is important that the negotiation of planning obligations does not unnecessarily delay the planning process, thereby holding up development delivery. It is therefore essential that all parties proceed as quickly as possible towards the resolution of meaningful and enforceable obligations in parallel to planning applications (including through pre-application discussions wherever appropriate) and in a spirit of early engagement and co-operation, with deadlines and working practices agreed in advance as far as possible (via formal planning performance agreements wherever possible to do so) in order to shape better quality schemes and improve the outcomes of a proposed development.
- 2.2 The Council will advise developers and applicants at the earliest opportunity if a planning obligation is required in connection with their development proposal as well as the reasons for this. Ideally this will form part of the pre-application discussions and further advice on this is provided in the pre-application protocol which is available on the Council’s website. In addition, applicants will be informed as soon as possible if it is likely that there is a potential reason for refusal which could be overcome through a planning obligation arising from engagement and consultation with the relevant infrastructure delivery bodies (both internal to the Council and external providers such as the County Council).
- 2.3 The need for and calculation of financial contributions will be applied consistently by the Council but may, occasionally, be subject to negotiation with the Development Management case officer dealing with the application in consultation with relevant colleagues both within and outside the Council, Where any departure from adopted policy is being proposed this will be made explicit and fully justified and in full accordance with the planning practice guidance.

- 2.4 The Development Management case officer in their report (whether delegated or committee) will include a detailed analysis setting out the requirements within the section 106 agreement explaining why it is necessary to make the development acceptable in planning terms, stating how the requirements are directly related to the development being proposed and demonstrating how they are fairly and reasonably related in scale and kind. This section of the officer report can then be referred to in any future enquiries or planning appeals.
- 2.5 Wherever possible, all parties should use their best endeavours to ensure by the time applications are reported to the relevant Planning Committee, the legal agreement has either
- a) been signed by all necessary parties; or
  - b) detailed drafting of the legal agreement has been agreed and execution of the agreement is imminent.
- 2.6 In terms of the latter, when a Planning Committee determines an application for planning permission subject to the completion of the legal agreement, the permission will not be issued until the legal agreement has been completed and signed. Officer reports will, in all cases, make recommendations as to the length of time reasonable to ensure the agreement is completed and signed with recourse to either allow for further time to be built into the process if negotiations are continuing proactively, or to allow for delegated authority to refuse planning permission if it becomes clear that the obligations are not going to be met and there is a clear and justified reason for doing so.

### **3. Role of developers and applicants**

- 3.1 Wherever possible to do so, and in particular where the applicant has engaged in pre-application discussions with the Council, it is preferable that detailed Heads of Terms or fully drafted agreements are submitted with planning applications where policy triggers are met in accordance with adopted development plan policy or where pre-application advice has indicated that obligations will be required from external providers (including the County Council). Failure to provide either of these at the submission stage may result in the planning application being made invalid and possibly returned to the applicant. This is in accordance with the Council's published Local Validation Requirements.
- 3.2 Once a valid application has been received, in all instances, the Development Management case officer will be responsible for leading on and coordinating all negotiations pertaining to planning obligations. At this point, applicants and agents should not directly contact individual service providers but rather allow the case officer to collate, consider and coordinate any requests for obligations to ensure an effective and consistent approach. This is consistent with the ways

of working of the Development Management Team and internal and external stakeholders are aware of this requirement.

- 3.3 In the event that the development is considered unviable by the applicant because of the level of contributions being requested then the Council will always seek detailed evidence from the applicant in accordance with the national Planning Practice Guidance (the “PPG”). Again, this should be provided at the submission stage because the applicant would have understood all policy requirements as part of effective pre-application discussions. In the event that no such evidence is provided and the application is not subject to a Planning Performance Agreement (PPA), the applicant will be given one opportunity to withdraw the application within a prescribed time period after which the Council will refuse planning permission.
- 3.4 In circumstances where viability evidence is put forward, the applicant must provide a full financial appraisal of the scheme (which accords with the requirements set out in the Planning Practice Guidance) and allow the appraisal to be verified, at their expense, by an independent agent chosen by the Council. In these instances, such a process should wherever possible be enshrined within an agreed PPA.

#### **4. Role of the County Council**

4.1 Kent County Council is a key service and infrastructure provider within Tonbridge and Malling Borough. As such, it is important to recognise the need for a collaborative working approach between the County and Borough Council in securing necessary planning obligations. As part of this, Tonbridge and Malling Borough Council undertakes to:

- Highlight to developers at the pre-application stage the need to engage with the County Council to establish what requirements they might have in order to incorporate into the finalised proposal and application submission (and for this to be enshrined within the planning performance agreement where applicable and possible to do so);
- Consult the County Council on all applications for major development across the Borough and invite views on likely infrastructure and services required;
- Request that the County Council at all times clearly sets out the basis on which infrastructure or other contributions are required and provides this information by a specified deadline;
- Fully consider any representations from Town Councils, Parish Councils and other community groups seeking contributions where they are in accordance with the adopted development plan and have been fully evidenced.

- Ensure effective and full liaison between instructed solicitors in order to finalise and execute any agreement.
- 4.2 Tonbridge and Malling Borough Council are the local planning authority that will have the ultimate responsibility for the determination of planning applications across the Borough. To assist the Council's assessment of any proposals and the need for planning obligations, the County Council will be expected to clearly stipulate the type of infrastructure contributions required to make the development acceptable in planning terms having regard to adopted policy and established evidence base and reasoned justification for the contributions sought.
- 4.3 The Borough Council's Development Management case officer will be responsible for leading and coordinating all negotiations regarding planning obligations. Where developer approaches are made at a pre-application stage direct to the County Council, the Borough Council should be copied in to any advice given. Once an application has been formally submitted, any such approaches should be directed back to the relevant case officer with any appropriate advice or guidance to assist negotiations.

## **5. Involvement of Borough Councillors, Town and Parish Councils and local community groups**

- 5.1 Developers promoting larger and strategic schemes are often keen to meet with local Councillors to discuss local needs and the issue of wider community benefits that may come forward as planning obligations. There is an opportunity for Councillors to do this without pre-determining the outcome of the application process through structured and organised Member briefings. Presentations by prospective developers are also possible but officers should also be in attendance at these.
- 5.2 The need for such Member briefings is a matter best addressed through developers and applicants entering into a formal PPA where parameters and timeframes can be agreed between the parties. However, in all instances Council officers would take the lead in providing such briefings, utilising where necessary material provided by the developer.
- 5.3 Where obligations are required and where it is considered necessary to identify and evidence suitable local projects in accordance with policy requirements, the case officer will discuss with the relevant Ward members at the earliest opportunity.
- 5.4 Similarly, it is recognised that Town and Parish Councils and other local community groups can positively engage in this process in order to identify projects within their communities that may be funded through contributions. Such contributions may only be spent on new facilities or improvements to facilities where the new development has been identified as contributing to the

need for that facility or will have an impact on the existing facilities. It should however be remembered that costs related to revenue expenditure or costs which primarily relate to the maintenance of existing facilities such as minor repairs, replacement or redecoration will be will not meet the necessary tests.

- 5.5 The Council would expect such groups to clearly identify and robustly evidence any such projects at the time they make their representations on a planning application to enable the Council to make an assessment of the project and take it forward as part of the negotiations with the developer. Submitting this evidence in this manner will in no way prejudice any objections raised within the wider representations made. Where such projects are taken forward, the terms of the obligations will be shared with the group in question so they understand the relative requirements prior to the agreement being finalised. Similarly, if it is not considered that the project can be taken forward, an explanation as to the reasons will be provided within the officer's report.
- 5.6 Further guidance on how to compile such evidence can be found at Annexes 1 and 2 of the Protocol.
- 5.7 It should be remembered that Town and Parish Councils must prepare a report for any financial year in which it receives levy receipts. The information that parish councils should report on is prescribed in Regulation 121B of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. The report must be published online. A copy of the report should be sent to the charging authority from which it received levy receipts (the Borough or County Council), no later than 31 December following the reported financial year, unless the report is, or is to be, published on the charging authority's website.

## **6. Unilateral Undertakings**

- 6.1 The submission of unilateral undertakings on behalf of applicants may be acceptable. If this approach is being considered on behalf of the applicant then it is important that it is discussed at the pre-application stage with the relevant Development Management case officer before any work is done on the proposed undertaking. A unilateral undertaking must comply with the same statutory and policy requirements as a bilateral agreement. Where a unilateral undertaking is submitted and it meets the relevant tests then it will be taken into account as a material consideration when determining the application. However, if the obligation does not meet those tests and the proposed development is unacceptable without it, then the planning application will be recommended for refusal. If an alteration to the undertaking would overcome the reason for refusal then the Council will advise the developer prior to determining the application.

## **7. Preparation and Execution of the Agreement**

- 7.1 If the Council has resolved to grant planning permission subject to the execution of a planning obligation, the planning permission will only be issued once the agreement has been executed by all parties and dated by the Council. The Council will ask for evidence that the owner has capacity to enter into the agreement and that any persons signing the agreement on behalf of the owner are authorised to do so. Ideally, this should be provided at the submission stage along with the Heads of Terms/draft agreement.
- 7.2 Applicants requiring a s.106 agreement or undertaking are expected to instruct a specialist solicitor to assist them with the preparation and completion of these documents. These are important and contractually binding documents which are often legally complex. The Council does not produce or expect a “standard format” of agreement to be followed, as this cannot account for every eventuality which a planning obligation may need to address.
- 7.3 All obligations and conditions contained within the agreement will become legally binding once the agreement has been signed. The obligations and conditions contained within the agreement cannot subsequently be changed unless the consent of the owner is obtained together with further approval by Planning Committee or the Director of Planning, Housing and Environmental Housing as is appropriate or necessary. If any such variation is subsequently sought, the developer will be expected to provide a full, reasoned and evidenced justification for such a variation.
- 7.4 Once completed, legal agreements form part of the planning permission and are a public document. As such, anyone may see a copy of it by viewing the documents on Public Access.

## **8. Legal costs**

- 8.1 The Council will require the developer to pay the Council’s legal fees of preparing the planning obligation or checking any draft agreement or unilateral undertaking. These costs vary according to the type of agreement or unilateral undertaking and the scale or complexity of the associated development. The Council’s Legal Department will be able to advise on the cost of dealing with the agreement once they have received instructions from the Planning Department.
- 8.2 The majority of the Council’s section 106 agreements are outsourced to the Council’s appointed external advisers save in a minority of cases where they are legally unable to act for the Council, in which case the matter will be dealt with by the Council’s internal legal team.

## **9. Implementation and Monitoring**

- 9.1 Once planning obligations have been agreed it is important that they are implemented, monitored and, where necessary, enforced in an efficient and



transparent way. This is to ensure that contributions are spent on their intended purpose and that the associated development contributes to the sustainability of the area. This will require monitoring which, in turn, may involve joint-working by different parts of the Council.

9.2 Following the finalisation of a planning obligation there are a range of different activities that need to be undertaken by a variety of different parties, to different timetables, sometimes extending over a number of years. Some of these tasks include:

- ensuring the delivery of on-site obligations by the developer to the required standard and timetable;
- ensuring that the necessary infrastructure that the Council or another public body has agreed to provide (wholly or in part, funded by contributions) is delivered;
- ensuring receipt of financial contributions at appropriate times;
- monitoring adherence to restrictions on all parties, including the Council, imposed through planning obligations;
- managing applications for the modification or discharge of agreements; and
- any necessary enforcement action.

9.3 If the Council's monitoring work indicates that contributions from developers have not been spent for their specified purpose within an agreed timeframe, which will be set out in the obligation and depend on the level of the contribution and its proposed end use, they will be returned to the developer. The time periods during which financial contributions are to be spent will run from the date the contribution is received by the Council once the trigger point is reached as opposed to the date of the agreement or obligation.

9.4 If the contribution cannot be spent for the originally specified purpose within the timescale set out in the agreement the Council will first seek to negotiate with the developer, or their successor in title, an alternative purpose for the financial contribution.

9.5 In order that the monitoring and enforcement of planning obligations is carried out efficiently and effectively for the benefit of communities affected by development, the Council will levy a monitoring fee on each planning obligation (rate of £300 for each obligation contained within the agreement). This monitoring fee will be enshrined within the planning obligation and must be paid by the developer or other parties as may be specified in the obligation on signing the section 106 agreement. The fee will be applied to all obligations whether these are by agreement or submitted as unilateral undertakings.

Similarly, the monitoring fee applies to all obligations including those payable to the County Council (and notwithstanding any fees they may levy in addition) because the Borough Council as determining local planning authority is under a duty to monitor compliance with those obligations as a matter of course too.

## **Annex 1: Guidance to promote local engagement**

### **What are Section 106 Agreements?**

Section 106 agreements are mechanisms for making sure that the necessary financial or other contributions are secured to mitigate the impact of a development on the local area. (Section 106 refers to the relevant section of the Town and Country Planning Act 1990).

This is the method that is currently used by the Council. There are other methods used by other Councils and you may have heard of the Community Infrastructure Levy (CIL) which relies on fixed levels of contribution. However, the planning system is currently in a state of flux so the methods of seeking developer contributions may change over time. Regardless there will always be a role for the local community to feed into the process and the purpose of this guidance is to make this possible in the most effective way.

Section 106 agreements are negotiated between the Council and the developer, and sometimes include the County if for example highway or education matters are involved. The Government's National Policy Planning Framework (NPPF) currently sets out how such agreements should be delivered. The agreements need to meet three tests.

- the project is necessary to make the development acceptable in planning terms
- it is directly related to the development; and
- it is fairly and reasonably related in scale and kind to the development

The Council negotiates Section 106 Agreements directly with the developer. Contributions relating to affordable housing provision, health care, education, libraries and other County run services, including highway matters, are negotiated directly with the providers. Council owned open amenity and play space is subject to specific adopted policy to calculate the necessary contributions. However it is also important that Town and Parish Councils, and other community groups, also feed into this process.

### **How can my community become involved?**

It is possible to contribute to this process by making specific comments and recommendations on every relevant planning application. However this has a number of disadvantages.

- S106 agreements often relate to large scale housing developments. Such applications are likely to be complex and sometimes controversial. There is limited time for consultation which may not allow for proper consideration of community need which could benefit from S106 contributions.
- There is a perception that comments on large scale planning applications which relate to potential community benefits are a 'developer's bribe', and that

by seeking S106 contributions the Parish or Town Council is supporting the development. This perception is unhelpful. This is the opportunity for the community to benefit as a whole if the planning application is found to meet national and local planning policy and subsequently approved.

- In order for the Council to seek S106 contributions on behalf of Parish and Town Councils, and other community groups, the need must be evidenced. This is absolutely vital. The Council cannot seek S106 contributions for the local community unless the need is proven. The time constraints are such that community based groups would struggle to meet this requirement given the limited consultation time for individual planning applications.

### **The advantages of a creating a plan**

The solution to these disadvantages is the production of a document or plan. The Parish or Town Council, or potentially a community group, can draw together a document or plan which lists the needs of their community.

- A plan can be prepared in advance of the submission of any large scale planning applications. This will allow for a fully considered response to any potential new development.
- A plan will set out the needs of the community as a whole and having been prepared in advance of any submissions will avoid accusations of ‘developer bribes’.
- The plan will be suitably evidenced and have the support of the local community. This will mean that the Council can use the plan as robust evidence of need in its negotiations with developers over S106 agreements.

The plan can take many different forms and can be at any scale – whatever is most appropriate for your community. There have already been a range of initiatives that some communities may have undertaken which could form the basis for such a document. There are also a number of initiatives being undertaken by communities in other districts. One such initiative is the Parish Infrastructure Spend Plan.

A Parish Infrastructure Spend Plan is plan produced by Parish and Town Councils which identifies and prioritises the necessary infrastructure works in a specified area. This specific type of plan is aimed at those Parish and Town Councils whose Borough Councils have adopted CIL. However similar principles can apply.

### **Hints on how to draft a plan**

Identify those assets that are already in the ownership or control of the Parish or Town Council, or other community group

This will help to focus the plan. The temptation will be to create a ‘wish list’. Whilst this may be a useful exercise for the community and one that may be worth pursuing as a starting point for your plan, the plan must be based on need relating to potential

development and not merely aspiration. It is important not to artificially raise the expectations of the community as not all projects will meet the criteria of S106 requirements.

This may be best illustrated in the following examples:

- S106 contributions can be sought for a sports club that is already operating at full capacity and the relevant development will further increase demand. S106 contributions cannot be sought if the sports club has spare capacity even allowing for the increased demand due to the relevant development.
- S106 contributions can be sought to improve an existing play area which is located near to the relevant development as the play area will be used by the residents of the relevant development. S106 contributions cannot be sought if the existing play area is some distance from the relevant development and therefore the new residents would be unlikely to use it.
- S106 contributions can be sought to mitigate the impact of any new traffic generation if the existing traffic congestion exists to ensure the situation is no worse. S106 contributions cannot be used to mitigate existing traffic congestion if this is not increased by the new development.

#### Review any existing initiatives that may have already been undertaken in your area

Your Parish, Town Council or other community group may have already undertaken survey work which could contribute to your plan. A village design statement, community action plan or neighbourhood plan for example. Whilst this information may be dated it may still provide a useful starting point for your plan.

#### Identify wider projects that could be eligible for S106 funding

You may wish to do this as a community wide exercise. It is appreciated that Parish and Town Councillors are likely to be aware of the needs of their community and this may provide a good starting point. However remember for the plan to be robust it must represent the views of the local community. It may be useful to contact the existing community groups in your area which is likely to give a broader approach, but always remember the three golden rules of S106 contributions – is the project necessary to make the development acceptable in planning terms, is the project directly related to the development, and is the project fairly and reasonably related in scale and kind to the development. Also remember that the projects must be capital projects and cannot be used as general subsidies for staff payments or running costs regardless of the excellent work that may be being done by any particular group or organisation.

#### Prioritise the identified projects

You may find it useful to rank the identified projects. This may be in terms of short, medium or long term need. This may be in terms of scale or proximity to any

potential site within your area. It will also be useful to estimate the likely costs of any project. This does not need to be an exercise to be undertaken by experts but there is guidance available which can estimate costs. For example, Sport England provides costing examples on its website.

#### The plan must have the support of your community

In order for the plan to be effective it must reflect the views of your community. This is a simple phrase with huge implications, but it is essential in the production of any plan. However each Parish or Town Council, or other community group, is likely to already have mechanisms in place to seek the views of residents, and you might wish to organise a series of public consultations or have a presence at existing community functions. It will also be necessary to ensure that the formation of the plan is open and transparent. This will ensure credibility and reassure your community that the manner in which the plan has been drawn up has been fully inclusive. It might be useful to include summary details of this process within the plan, as an introduction or annex possibly.

#### The plan must be flexible and regularly updated

The plan needs to be a flexible document to reflect the changes in need in your community. You may wish to view the document as working document which can be easily updated in order to respond quickly to change.

#### What should a plan include?

- The area it covers and the location of any identified projects
- A list of projects and summary details
- A justification for each project including evidence of public support
- The indicative cost of each project
- The envisaged timescale for the delivery of each project

There are examples of similar documents that have been prepared by other Parish and Town Councils and these can be accessed through a general internet search. You may find viewing other examples helpful but be minded that every community is different and some may relate to CIL rather than S106 contributions.

**Annex 2: Collecting quantitative and qualitative evidence of need for provision and enhancement of community owned public open space**

[to be read in conjunction with the guidance provided at Annex 1]

It is firstly important to remember that the Borough Council as Local Planning Authority is statutorily required to determine planning applications in accordance with the adopted development plan unless material considerations indicate otherwise. It is within this context, and more specifically the requirements set out in the Protocol itself, which any contributions towards the provision or enhancement of community owned public open space should be sought.

The evidence base for seeking such contributions is key and whilst the Borough Council maintains records in connection with its own sites, in order for us to accurately consider other sites that Parishes own, it would be advantageous to compile a list of open spaces you have along with the proposed improvements. Please note that this list does not mean that funding is available or that a site will be chosen. This will be decided on a case by case basis and include other open spaces that are not owned by parishes/community groups. The exact funding could vary between developments from hundreds of pounds to potentially hundreds of thousands of pounds dependant on the size and dynamic of the new development so it is important you list all needs, even if they are very small or very big.

Please could you break down you open spaces into the relevant areas of –

- Parks and Gardens
- Amenity open space
- Outdoor sport
- Natural green space
- Children's play areas

You are also advised to refer to Annexes 3 and 7 of the Open Space Strategy Technical Study Annexes which will assist in compiling your evidence.

[https://www.tmbc.gov.uk/data/assets/pdf\\_file/0004/57280/OPEN\\_SPACE\\_STRATEGY\\_TECH\\_STUDY\\_ANNEXES\\_FEB\\_2009.pdf](https://www.tmbc.gov.uk/data/assets/pdf_file/0004/57280/OPEN_SPACE_STRATEGY_TECH_STUDY_ANNEXES_FEB_2009.pdf)

Please use this as a guide to fill in the table below for existing and new open spaces that you own and maintain and include this within any representations you make in which you seek to secure contributions.

**Name of Parish:**

Name and type of open space	Location	Identified need and evidence base	Cost Estimate	Funding Source	Action/Programme/Comments (Who/When)
Page 88		<p>Eg new or enhanced pavilion/change facility, new or enhance play area, additional fencing, wildflower meadow, paths, new or improved pitches, floodlighting, skate park tree work/planting etc</p> <p>Suggest inspection sheet examples provided are utilised</p>			



## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

26 January 2021

#### Report of the Chief Executive

#### Part 1- Public

#### Executive Non Key Decisions

#### **1 INNOVATION PARK MEDWAY – ADOPTION OF THE LOCAL DEVELOPMENT ORDER AND MASTERPLAN**

This report seeks permission to recommend to Full Council that the Innovation Park Medway Local Development Order (LDO) is adopted. The LDO, which went out to public consultation at the end of October 2020, sets out the principles for development to bring forward a high quality development that supports growth in the high-value technology, engineering, manufacturing and knowledge-intensive sectors. In line with this, this report also seeks approval to adopt the Innovation Park Medway masterplan for economic development and marketing purposes.

#### **1.1 Background**

- 1.1.1 In April 2017, the 'North Kent Enterprise Zone' was established - a multi-site Enterprise Zone comprising sites in three locations – Kent Medical Campus (Maidstone), Ebbsfleet Garden City and Rochester Airfield, also known as Innovation Park Medway (IPM).
- 1.1.2 The IPM site is a key priority for Medway Council, who are leading the project, and own the majority of the site. The majority of the site is also located within their administrative area. However, approximately 3.75 hectares of the site falls within Tonbridge & Malling Borough (see **Appendix B**), in both Burham and Wouldham ward and North Aylesford and Walderslade ward.
- 1.1.3 Medway Council's preferred option for taking forward the development of the site has been the adoption of a Local Development Order (LDO) covering the entirety of the site, supported by a Masterplan, Design Code and Environmental Statement. The main reason for this is that the LDO allows plots to proceed with speed and ease for developers and/or businesses. In achieving full LDO coverage for the IPM site, two separate but identical LDOs are required to be adopted – one by Medway Council (covering the land that falls inside Medway) and one by the Borough Council (covering the land that falls inside Tonbridge and Malling borough).
- 1.1.4 The masterplan was initially consulted upon in 2018, and was adopted by Cabinet, subject to Highways England concerns being addressed, in March 2019. As is set out in this report, the concerns raised by Highways England, chiefly around the

mitigation of traffic impact, have now been addressed through the LDO consultation, and as such, the request to adopt the masterplan for economic development and marketing purposes has been included in this report.

- 1.1.5 An initial public consultation exercise on the LDO and associated documents was undertaken in summer 2019, which received comments from public and statutory consultees, most notably from Highways England, Natural England and the Kent Downs Area of Outstanding Natural Beauty (see **Appendix D**). Accommodating the comments made by these public and statutory consultees resulted in a number of changes to the LDO, Environmental Statement and supporting documentation that subsequently required further consultation on this new information.
- 1.1.6 This second public consultation was undertaken by the Borough Council from 29 October until 30 November 2020. Medway Council ran a separate consultation which started and finished slightly earlier – from 26 October to 27 November 2020. Additional comments were gathered from statutory and public consultees, which are set out later in this report and in **Appendix E**.
- 1.1.7 As Project Lead, Medway Council is very keen to ensure that the IPM site is brought forward soon in order to realise the benefits of the North Kent Enterprise Zone and to maximise the use of Local Growth Funding, which has been allocated towards the project by the South East Local Enterprise Partnership.

## 1.2 LDO Consultation – 29 October to 30 November 2020

- 1.2.1 In preparation for the consultation, a number of key measures were undertaken in order to ensure that the Borough Council met the requirements of the relevant regulations, and further efforts were made to make people aware of the upcoming consultation. These included:
- A public notice was put in the Kent Messenger (Medway and Malling editions) on 29 October.
  - Site notices in three locations near to the IPM site.
  - Notice being served to relevant landowners and tenants.
  - A dedicated webpage was set up for the consultation with direct links to documentation and to the planning portal. This webpage received 47 page views during the 30+ days of consultation.
  - Direct mail outs to local residents and public and statutory consultees.
  - Use of the Borough Council's social media accounts to get regular messaging out.
  - Use of the Borough Council's Business Bulletin e-newsletter which goes out to around 600 local businesses and organisations.
  - Hard copies of the documentation were made available, subject to appointment, at the Kings Hill offices.

1.2.2 Overall, the level of feedback to the consultation was extremely low, with comments from the following organisations/people:

- a) Highways England - Following the first consultation, considerable work had been undertaken with Highways England to reach agreement on the way forward. As a result of this most recent consultation, further changes were required to clarify the delivery of necessary mitigation measures at certain trigger points through a Monitor and Manage Mitigation Strategy.
- b) Kent Highways – do not raise any objections on highways grounds on the basis of the Monitor and Manage Mitigation Strategy setting out trigger points for mitigation, particularly at Bridgewood Roundabout and the junction of Rochester Road/Laker Road.
- c) Natural England - Having expressed some strong concerns during the first consultation exercise in 2019, Natural England were more positive about the IPM during this consultation, recognising the additional work that had been undertaken to satisfy their concerns. On the other hand, the Kent Downs AONB unit (response to Medway Council’s consultation) was slightly less positive, acknowledging the additional work that had been done to further mitigate the impacts on the Kent Downs AONB, although still expressing some concerns.
- d) Environment Agency – did not raise any objections.
- e) Maidstone Borough Council – supportive of the North Kent Enterprise Zone.
- f) Sport England – did not formally comment.
- g) Representatives of the owners of Woolmans Wood (southern site of Innovation Park Medway) – whilst they share the general aspirations for high quality development, they felt the LDO and Design Code are too restrictive and should include B8 use.
- h) 1 Local Resident – objected on the grounds of losing a runway at Rochester Airfield and the potential traffic impact of this development.

### 1.3 Amendments to the Local Development Order

1.3.1 Following the closure of the consultation period, a handful of changes were made to the documentation in light of the responses received by both ourselves and Medway Council. The main changes to the LDO itself were directly as a result of input from public and statutory consultees and include:

- Inclusion of sections 3.31-3.42 covering delivery and governance specifically setting out the ‘monitor and mitigation’ approach to the development. This includes an overview of highways infrastructure delivery required to mitigate the

impact of the delivery, measures on air quality mitigation and biodiversity offsetting.

- Inclusion of additional Conditions (RN1-6) covering the Monitor and Manage Mitigation Strategy and trigger points within the development.
- Minor amendments to Condition H4 to be more explicit about the need to consult Highways England and Kent Highways on Travel Plans; Condition E5 to include ecological compliance and Condition C3 to reference paragraph 170 of the National Planning Policy Framework.

1.3.2 The Local Development Order and Statement of Reasons is available as **Appendix A**.

1.3.3 Within the supporting documentation, these changes to the LDO are reinforced through additions to the Environmental Statement. The Environmental Statement Addendum (Non-Technical Summary) is available as **Appendix C**.

#### **1.4 Innovation Park Medway Masterplan**

1.4.1 In addition, it is worth noting that no changes to the supporting masterplan document (**Appendix G**) have been required since the recommendation to adopt, subject to Highways England comments in 2019.

#### **1.5 Adoption Process**

1.5.1 Medway Council formally adopted their Local Development Order at Full Council on 17 December 2020. This decision is subject to a 6-week period within which a Judicial Review might be brought. It is proposed that, subject to any legal issues being resolved on the Medway LDO, the Borough Council adopt their Local Development Order at the next Full Council meeting in February 2021, as per the Case Officers report (**Appendix F**).

1.5.2 If the LDO is adopted by Full Council, the Secretary of State must be notified promptly and further publication and notification will be necessary.

1.5.3 Should the LDO be adopted, it 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 the discharge of conditions and no further consultation is required prior to approval.

1.5.4 If the LDO isn't adopted, the alternative approach would be for Medway Council to seek an outline planning permission for the site as a whole. However, this approach has not been recommended due to the view that this would create further delays in the programme for development.

## 1.6 Legal Implications

- 1.6.1 A local development order is of no effect unless it is adopted by resolution of Full Council. That decision by Full Council will also be subject to a 6 week period within which a legal challenge may be brought against such adoption.

Once adopted, the Council must produce, within its annual monitoring report under s.35 Planning and Compulsory Purchase Act 2004, a statement on the extent to which the LDO is achieving its purposes.

## 1.7 Financial and Value for Money Considerations

- 1.7.1 The LDO and supporting documents have been prepared using funding from the SELEP Sector Support Fund (SSF) and Medway Council, with a small contribution from Tonbridge & Malling Borough Council. The future development of the site will be undertaken by Medway Council, with the first phase of works being funded through the Government's Local Growth Fund Round 3. According to the masterplan, plots within Tonbridge and Malling Borough will come forward in Phases 2 and 3, which will generate business rates receipts.

## 1.8 Risk Assessment

Risk	Description	Mitigation	Risk Rating
Not agreeing to proceed to adoption	This would mean there is a different planning process in place for the area of the site within Tonbridge and Malling in comparison to that in Medway, creating a relatively confusing planning framework for the site as a whole.	Adoption of the LDO.	Medium
Poor quality development that does not realise the objectives for the site.	Without a formal adopted planning document, quality will not be assured on this site.	The adoption of the LDO establishes key parameters that have to be adhered to, therefore controlling the uses and quality of development.	Medium
Privately owned or leased land not coming forward in line	If privately owned sites are not developed in line with the ambitions for IPM then the site	The land that the LDO in Tonbridge and Malling relates to is solely within the ownership of	Medium

with the strategic ambitions for IPM	will become disjointed and lack a cohesive identity.	Medway Council, who are leading this project, as such the aspirations of private landowners is a matter for Medway Council.	
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## 1.9 Equality Impact Assessment

1.9.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.10 Recommendations

- a) That the content of the report **BE NOTED**; and
- b) That the Innovation Park Medway Masterplan **BE ADOPTED** for economic development and marketing purposes.
- c) That, subject to no legal challenge being lodged by way of Judicial Review that the Local Development Order, as set out in Appendix A, **BE RECOMMENDED** to Full Council for adoption.
- d) That it **BE RECOMMENDED** to Full Council to agree to delegate authority to the Director of Central Services and Director of Planning, Housing and Environmental Health in consultation with the Leader and Cabinet Member for Strategic Planning and Infrastructure to approve any necessary minor amendments to the LDO for the purposes of presentation, improving clarity, and consistency with Medway Council.

The Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

None

contact: Emma Keefe,  
Development Manager

Jeremy Whittaker, Economic  
Regeneration Manager

Julie Beilby  
Chief Executive

# Appendix A

## INNOVATION PARK MEDWAY

### STATEMENT OF REASONS AND LOCAL DEVELOPMENT ORDER



**MADE BY TONBRIDGE & MALLING BOROUGH COUNCIL**

December 2020

## **VISION STATEMENT**

INNOVATION PARK MEDWAY WILL DELIVER UP TO 101,000 SQM OF HIGH VALUE TECHNOLOGY, INNOVATIVE, QUALITY COMMERCIAL SPACE IN A PRIME LOCATION BETWEEN LONDON AND THE CONTINENT. THE SITE WILL BE A MAGNET FOR HIGH VALUE TECHNOLOGY, ENGINEERING, MANUFACTURING AND KNOWLEDGE INTENSIVE BUSINESSES LOOKING TO GROW IN THE SOUTH EAST, JOINING THE 14,000 BUSINESSES WHICH HAVE ALREADY MADE MEDWAY THEIR HOME. PART OF THE NORTH KENT ENTERPRISE ZONE, THE SITE WILL OFFER ACCESS TO WORLD-CLASS RESEARCH AND DEVELOPMENT AND HIGHLY SKILLED TALENT THROUGH THE CLUSTER OF KENT AND MEDWAY BASED UNIVERSITIES.



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**Appendix 1:** Interpretations and Definitions

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**Appendix 3:** Intention to Start-on-Site Form

## **Interpretations and Definitions**

*Please see Appendix 1*

## Foreword

### **Cllr Nicolas Heslop (Leader and Cabinet Member for Economic Regeneration, Tonbridge & Malling Borough Council)**

*Tonbridge & Malling Borough Council is hugely positive about supporting its local economy. We want to help foster an environment in which local businesses can flourish, as we recognise the massive contribution they make to the economic well-being of the Borough.*

*In this vein, the Council is undertaking a range of actions with its partners to help create a strong, dynamic and inclusive economy that fosters sustainable growth in Tonbridge & Malling, with the delivery of Innovation Park Medway as “a key location for business growth where businesses are supported to innovate and thrive and our local population has access to quality jobs and skills development”.*

### **Cllr Alan Jarrett (Leader of Medway Council)**

*'Medway is fast becoming known as the new economic powerhouse for the south-east'*

*This is an exciting time for Medway, with a monumental regeneration programme already underway and providing opportunities for those who live, study and work in the area. Medway is fast becoming known as the new economic powerhouse for the south-east and has a growing reputation for innovative businesses.*

*We are committed to creating a high quality, commercial innovation space for a wide range of high-value technology, engineering, manufacturing and knowledge-intensive businesses, and Innovation Park Medway ('IPM') does just that. It offers new and existing businesses the opportunity to grow and be surrounded by successful companies, some of which already do business internationally.*

*The site also offers attractive business rates, something we were keen to introduce to further support our business community. We recognise the importance of helping businesses grow and to build foundations now to benefit Medway's future and the development of IPM is fundamental to achieving this.*

## Executive Summary

The core ambition of the Council is to strengthen the performance of the local economy, securing high value jobs in the local area, capitalising on the further and higher education offer, and realising the area's potential.

Whilst, Tonbridge and Malling ranks within the top 25% of authorities in relation to GVA per head (with this having increased from £26,471 in 2015 to £29,606 in 2019), it now ranks lower compared to other authorities in relation to economic indicators such as, job density, workplace earnings and employment rate<sup>1</sup>. We therefore recognise the importance of IPM and the role it can play in enhancing the wider economic performance of the area.

The aim is for Innovation Park Medway ('IPM') to provide modern day commercial space that will both enable and encourage innovation and business growth across both Tonbridge & Malling Borough and Medway, complementing the existing Innovation Centre and Innovation Studios. IPM will deliver approximately 101,000 sqm metres of high value technology and high quality commercial floor space designed in such a way to encourage collaboration, the sharing of skills, ensure flexibility of workspaces to foster face-to-face communication and to allow for technology change and at the same time strengthen links with local universities which already provide highly skilled talent and world-class research and development facilities.

Through the implementation of the Local Development Order ('LDO') and the creation of a site of high value-technology, engineering, advanced manufacturing and knowledge-intensive businesses, IPM will help create many new high-skilled jobs and allow for the up-skilling of local residents and thereby, reduce the levels of out-commuting. It is the expectation that IPM will act as the key driver in continuing the growth of professional, scientific and technical industries jobs which in 2019 accounted for 21.3% (1,265/5,935) of all businesses in Tonbridge and Malling. This is still slightly higher than the South East average of 19.8% and well above the England & Wales average of 17.6%<sup>2</sup>.

High-value technology, engineering, advanced manufacturing and knowledge-intensive businesses are therefore sectors which the Council are keen to encourage and see as very important for the future growth of the economy. Tonbridge and Malling is already home to a number of businesses in these sectors including MEP Ltd and Ecolution as well as learning establishments such as Mid Kent College, West Kent College and Hadlow College along with independent research institutions such as NIAB EMR at the East Malling Research Station. The presence of a range of successful universities and Further Education providers in the area presents great opportunities to raise skills levels and enable

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<sup>1</sup> Kent Economic Indicators 2019 (April 2019)

<sup>2</sup> UK Business Counts – Information on Businesses in Kent (KCC, October 2019)

further economic development based on a knowledge economy, providing for higher value employment that could drive the success in the local area. It is the intention of IPM to build on this platform.

# 1 STATEMENT OF REASONS

## Purpose of Document

- 1.1 This section provides the justification for undertaking the type of development sought on an area of land extending to 3.7 hectares within the administrative boundary of Tonbridge & Malling Borough Council (hereafter referred to as the 'Council') through a Local Development Order ('LDO') at Innovation Park Medway ('IPM')
- 1.2 The LDO will support the objectives of both the Council and Medway Council ('Medway'), who as the administrative bodies, are seeking to create high value jobs, improve skills, retain talent and deliver on the opportunities that arise from IPM forming part of the North Kent Enterprise Zone ('NKEZ'). An LDO is a favoured route to secure this type of development and the justification for this is set out below.
- 1.3 The aim is to deliver a high-tech cluster of companies sharing similar skills, infrastructure, ambition and drive. IPM comprises Use Class E(g) and Use Class B2 uses focused on high value technology industries, engineering, manufacturing and knowledge intensive industries. All businesses are committed to delivering high GVA and exploring opportunities and synergies for collaboration, innovation and skills retention with links to universities. Specifically, this LDO will deliver up to 101,000 sqm (GEA) including up to 23,700 sqm (GEA) for Use Class E(g) and up to 76,948 sqm (GEA) for Use Class B2 of buildings falling within the following Use Classes of the Town and Country Planning (Use Classes) Order 1987 (Amendment) (England) Regulations 2020:
  - Use Class E(g)(i) - Business (Office);
  - Use Class E(g)(ii) - Research and Development of products and processes
  - Use Class E(g)(iii) – Industrial processes; and
  - Use Class B2 (General Industrial).
- 1.4 Within IPM there will also be a small amount of ancillary floor space Use Class E(a) (Sale of cold food and drink only) and Use Class E(b) (Sale of food and drink for consumption (mostly) on the premises).
- 1.5 This LDO provides certainty as to the type, use and form of development that is permitted and in return, facilitate economic growth, enabling it to happen in a timely manner and allowing firms to react quickly to growth opportunities through a simplified planning process. Through the LDO providing certainty to developers, it will stimulate investment by reducing the potential and perceived risks and barriers associated with the formal planning process. The LDO also reduces

associated costs as a full technical evidence base with all required studies have been carried out in support of the LDO.

1.6 Through the implementation of the LDO, the accompanying IPM Design Code ('Design Code') and Environmental Statement ('ES'), the Council will be able to strengthen the performance of the local economy, create high skilled jobs and drive innovation in order to secure growth and prosperity in the region, and to realise the potential of the area whilst ensuring the operational longevity of Rochester Airport. This LDO will also support the Council's goals of supporting commerce and encouraging the development of high value technology, advanced manufacturing and engineering and knowledge-intensive businesses which are considered by the Council to be key target areas with the potential for significant economic growth.

1.7 Other intentions of this LDO include:

- Providing the Council, Local Highways Authority, local community and other stakeholders with certainty as to the type, use and form of development permitted at IPM;
- Deliver a key part of the NKEZ and assist the economic growth of both Tonbridge and Malling and Medway, the Thames Estuary and the wider South East by utilising and enhancing the linkages of local universities;
- Providing IPM with a source of competitive advantage compared to other areas in Kent, the South East and wider area;
- Creating high skilled jobs for local people;
- Ensuring the layout and design of IPM embraces the spirit of innovation and where possible exceeds, the prevailing sustainability standards;
- Ensuring new landscape character types enhance the sustainability, amenity and bio-diversity value at IPM;
- Creating an environment that puts Medway on the map as a smart and sustainable city; and
- Ensuring that the IPM is a good neighbour and mitigates its impacts.

## **Sector Focus**

1.8 Whilst the percentage of businesses in Tonbridge and Malling that operate in the professional, scientific and technical industries has increased in recent years to approximately 21% in 2019, the Council is keen to ensure that the local economy remains competitive and creates high quality jobs. Science and technology are therefore sectors which the Council is keen to encourage and sees as very important for the future growth of local economy.

1.9 By promoting the creation and expansion of technology, advanced manufacturing and knowledge-intensive businesses, IPM will help create new high-skilled jobs and allow for the up-skilling of local residents to help meet the needs of new business occupiers and help increase student retention and reduce the issue of out commuting. Approximately two-thirds of economically active residents currently commute out of the Borough for work (mostly travelling to work in Maidstone, Sevenoaks, Tunbridge Wells, and including further afield to London).

- 1.10 Investment to enhance the skills of local residents will be made through the creation of new apprenticeships, post-graduate opportunities and training facilities. This will then go on to improve the resilience of local residents in today's complex working world and allow wider access to job markets.
- 1.11 The local Universities produce many high-calibre graduates but many currently seek graduate opportunities elsewhere. IPM will create opportunities for graduates to establish themselves, grow and flourish in the local area.
- 1.12 The LDO is intended to be in place for a period of 10 years and has been made to drive economic development through the delivery of IPM which will act as a new and vibrant employment hub for high-value technology, advanced manufacturing, engineering and knowledge-intensive businesses all as part of 21<sup>st</sup> century sustainable development.

### **Spatial extent of LDO**

- 1.13 Due to IPM falling across two authorities, two separate LDOs have been prepared - one to guide development proposals in Tonbridge and Malling and one for Medway, and the exact coverage within each administrative boundary is shown below at Figure 1. The total floor space set out in the Description of Development of 101,000sqm is across both authority areas.
- 1.14 IPM is located on two areas of the Rochester Airport site which is a general aviation aerodrome on the southern edge of Rochester approximately 3.5 kilometres (km) to the south of Chatham and Rochester town centres and 57 km east of Central London. It is located approximately 1.4 km north of Junction 3 of the M2 motorway and 5.7 km north of Junction 6 of the M20 motorway, linking the site with London, the M25 motorway and Continental Europe thereby making IPM an attractive location for business. Javelin Trains using HS1 mean Rochester is just 37 minutes from Central London, whilst Eurostar services to Europe can be accessed from Ebbsfleet International Station.
- 1.15 The Universities at Medway and their ability to provide the skilled workforce required by creative, digital and advance manufacturing businesses have been identified as key components to the future economy. The presence of a number of well performing Universities presents great opportunities to raise skills levels and enable further economic development based on a knowledge economy, providing for higher value employment that could drive the success of the area.

### **The Site**

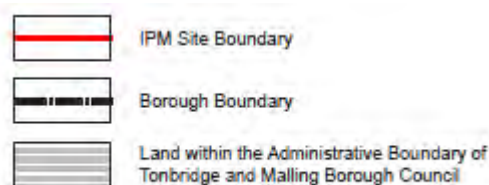
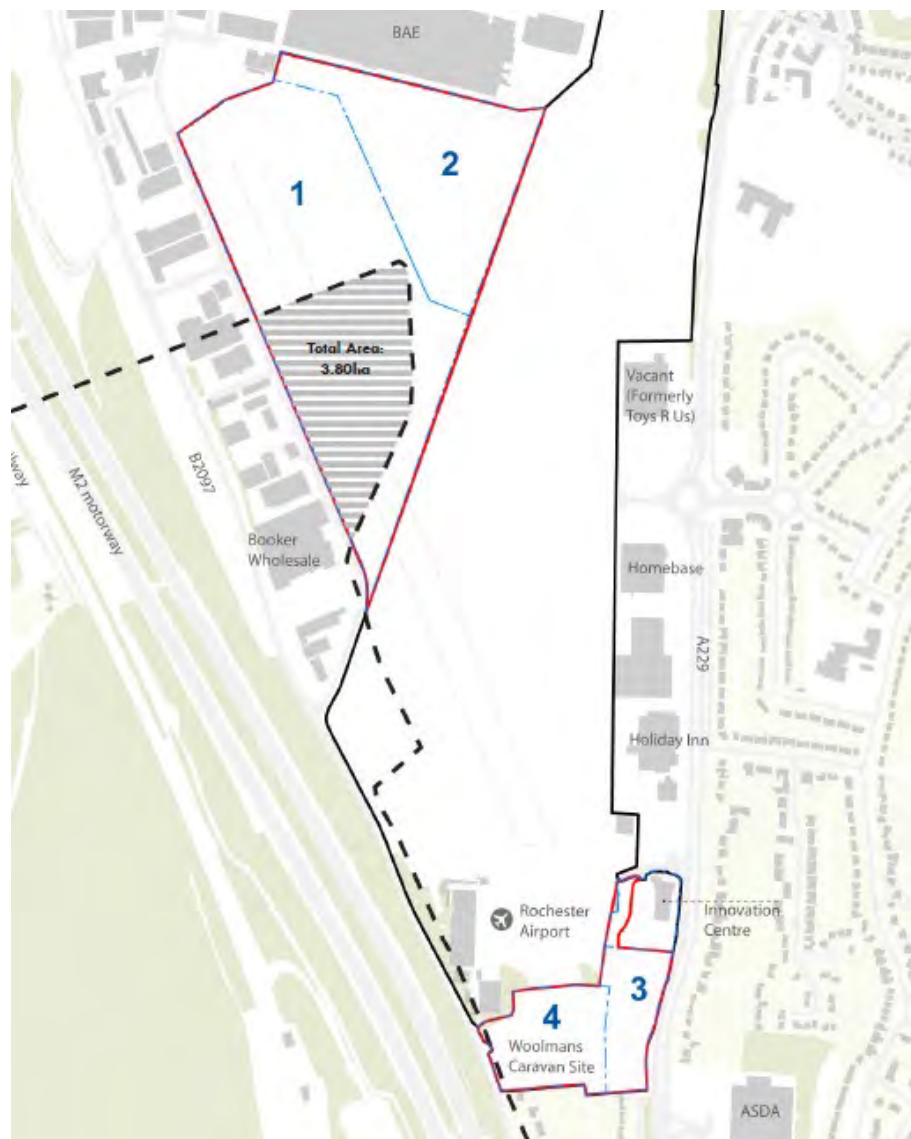
- 1.16 IPM will be split into two separate areas which will comprise two distinct parcels with the overall area extending to 18.54ha across both Tonbridge and Malling and Medway, of which 3.7ha sits within the Council's administrative boundary with the remaining 14.84ha being within Medway. The Northern site consists of a main parcel (Parcel 1) which currently forms part of Runway 16/34



and is made up of laid to well-maintained grass and a second parcel (Parcel 2) currently laid to concrete slabs with a secured palisade fence since it is used by BAE Systems as a car park. The Southern site consists of an eastern parcel (Parcel 3) which comprises the remnants of previously demolished structures, a small utilities structure, associated compound and an overflow car park for the adjacent Innovation Centre Medway. The western parcel (Parcel 4) comprises an operational caravan storage park, Woolmans Wood Caravan Park, which has capacity for approximately 100-125 caravans (see Figure 1 below).

1.17 The areas within the LDO are split into a number of smaller development areas and these are the subject of general parameters and conditions as set out within the LDO and the Design Code.

**Figure 1 - IPM LDO Area**



## The Surrounding Area

- 1.18 Adjacent to the Airport are a number of successful employment uses including the BAE Systems Rochester Campus and Rochester Airport Industrial Estate to the north and west and to the east the Innovation Centre Medway which opened in 2008.
- 1.19 Running alongside the eastern edge of the Airport is a Holiday Inn hotel and Horsted Retail Park, which is home to a number of national retailers. To the South East of the Airport is the Bridgewood Manor Hotel and an Asda superstore, which includes a pharmacy and petrol station. Immediately to the south is a small collection of residential homes whilst further east of the Airport are the residential suburbs of Walderslade.
- 1.20 To the west of the Airport, on the opposite side of the M2 motorway, is the Kent Downs Area of Outstanding Natural Beauty ('AONB') which stretches from the county border with Surrey down to Dover (see Figure 2 below). The AONB is a peaceful, rural landscape with significant ecological value and also provides recreational opportunities. It is afforded the highest status of protection in relation to landscape and scenic beauty. As part of the management of the AONB, Medway is a member a member of the Joint Advisory Committee ('JAC') a body of twelve authorities who have joint responsibility to prepare and manage the Management Plan.

**Figure 2 - Location of IPM within the wider context**



## **Public Consultation and Engagement**

- 1.21 It is a requirement that LDOs are the subject of consultation with the procedures set out in Article 38 of DMPO 2015. The Council recognises the choice of consultation method needs to reflect the audience that it was seeking to reach and has ensured the consultation process is compliant with the requirements of not just Article 38, but also the EIA Regs 2017 and the Council's own guidance on public consultation as set out in the Statement of Community Involvement ('SCI') adopted in February 2015.
- 1.22 All necessary documentation was placed on the Council's website<sup>3</sup> from 29<sup>th</sup> October to 30<sup>th</sup> November 2020 and was available for inspection and public consultation for the statutory period.
- 1.23 Medway also undertook a separate consultation process from 26<sup>th</sup> October to 27<sup>th</sup> November 2020.

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<sup>3</sup> <https://www.tmbc.gov.uk/ijpm>

## 2 BACKGROUND TO THE LOCAL DEVELOPMENT ORDER

2.1 This section explains the legislative background, what an LDO is and the relevant policy/economic position.

### **Legislative Background / What is an LDO?**

2.2 LDOs were introduced through the Planning and Compulsory Purchase Act 2004 ('2004 Act') and allow Local Planning Authorities (LPAs) to extend permitted development rights for certain specified forms of development subject to conditions. The powers were subsequently amended in the Town and Country Planning Act 2008 ('2008 Act') which removed the requirement that LDOs should implement policies set out in the Development Plan. The Growth and Infrastructure Act 2013 ('2013 Act') went further and simplified the LDO process by replacing the requirement for LPAs to submit them to the Secretary of State ('SoS') before adoption. Instead, it is now a requirement to inform the SoS as soon as practicable after adoption. The 2013 Act also removed the requirement for an LDO to be reported on as part of the Annual Monitoring Report ('AMR').

2.3 As part of these amendments, updated legislation was published and set out the requirements for LDOs under Section 61A (2) of The Town and Country Planning Act 1990 ('1990 Act') (as amended) and Article 38 of the Town and Country Planning (Development Management Procedure Order) ('DMPO 2015').

2.4 Article 38, paragraph 1, of DMPO 2015 outlines that if a Council proposes to make an LDO they must first prepare:

- a) A draft of the Order; and
- b) A statement of their reasons for making the Order.

2.5 Article 38, paragraph 2, of the DMPO 2015 states that statement of reasons must 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.

2.6 The LDO satisfies the requirements of Article 38(1) and (2) of the DMPO 2015.

2.7 LDOs are recognised in the National Planning Policy Framework ('NPPF') at paragraph 51 as a means of setting the planning framework for a particular area where the impacts would be acceptable and where it would promote economic, social or environmental gains.

2.8 The process governing the preparation and the implementation of LDOs is outlined in Planning Practice Guidance ('PPG'). At paragraph 077 of the section entitled 'When is permission required?'<sup>4</sup> it states that an LDO cannot cross local authority boundaries. Two or more local

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<sup>4</sup> See: <https://www.gov.uk/guidance/when-is-permission-required>

planning authorities may wish to co-implement or co-consult on cross boundary LDOs, but each individual authority must adopt their own LDO. As the site crosses the authority boundary between Tonbridge & Malling and Medway, accordingly, both Councils have worked together to jointly prepare and consult on two separate LDOs before each adopting their own version.

- 2.9 Given the simplified process in granting permission, LDOs are gaining increasing importance as the government encourages local authorities to streamline planning to increase certainty and reduce both delay and cost in delivering sustainable development.

### **Strategic Environmental Assessment (SEA)**

- 2.10 Directive 2001/42/EC confirms the assessment of the effects of certain plans and programmes on the environment (the SEA Directive) requires that an environmental assessment is undertaken for all plans and programmes that are prepared for town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive (now 2014/52/EU), or in view of the likely effect on sites, have been determined to require assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC).
- 2.11 The Council and Medway, as the competent authorities, have considered the requirements of the SEA Directive and the applicable domestic legislation (Environmental Assessment of Plans and Programmes Regulations 2004) in the context of the LDO being prepared to support IPM. LDOs are not included in the list of applicable plans and programmes within domestic SEA guidance and the LDO does not provide the framework for future development consents; rather it will issue development consent for full planning permission once adopted. It will set out the form and nature of development to be permitted with additional guidance to supplement this. For these reasons, the competent authorities have confirmed that the LDO is not a plan or programme and that SEA will not be required.
- 2.12 The appropriate mechanism for the environmental assessment of LDOs is the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('EIA Regs 2017') within which Regulation 32 paragraph 5, provides specific guidance and this forms the basis for the EIA undertaken.
- 2.13 Regulation 32, paragraph 5, EIA Regs 2017 states that a Council must not make an LDO which would grant planning permission for EIA development unless:
- An Environmental Statement has been prepared in relation to that development; and
  - The EIA has been carried out in respect of that development.
- 2.14 The LDO is accompanied by an Environmental Statement ('ES') which was prepared to carry out the EIA for the development proposed. It comprises EIA development by virtue of it exceeding the threshold criteria of 0.5 hectares for industrial estate development as set out in Schedule 2 Category 10a of the EIA Regs 2017.

## **North Kent Enterprise Zone**

- 2.15 Officially opened for business in 2017, the North Kent Enterprise Zone ('NKEZ') is strategically located between London and the continent is one of the South East's new hubs for innovation and entrepreneurial growth. The NKEZ comprises five sites across three highly accessible locations in Medway, Maidstone and Ebbsfleet and includes IPM. Each site is intended to promote sustainable development alongside providing state-of-the-art commercial, space and a positive business environment for high value, forward-thinking companies.
- 2.16 The designation of the NKEZ was the result of successful collaboration between local authorities, the Thames Gateway Kent Partnership, Locate in Kent, the Kent & Medway Economic Partnership and the South East Local Enterprise Partnership.
- 2.17 Enterprise Zones are Government-designated areas that offer incentives to business occupiers to stimulate business growth and the creation of new jobs including simplified local authority planning such as LDOs.
- 2.18 Enterprise Zone status has already attracted an £8.1 million allocation in Government support from the Local Growth Fund to provide the infrastructure and facilities to make IPM a thriving high-value employment centre. The NKEZ has also provided a network to link private sector businesses, local universities at the Universities at Medway and other Higher and Further Education providers such as MidKent College. This network allows for discussion and collaboration between parties to share new ideas, skills and expertise. This drives forward innovation by breaking down the silos of different knowledge bases bringing together academic expertise and business know-how to create new opportunities.

## **The Council's Local Plan**

- 2.19 The Council's Adopted Local Development Framework (LDF) comprises the Core Strategy (adopted in 2007), Development Land Allocations DPD (2008), the Tonbridge Central Area Action Plan (2008), Managing Development and the Environment DPD (2010) and the Saved Policies (2010).

## **Emerging Local Plan and Programme**

- 2.20 The Council is now preparing a new Local Plan (covering the period up to 2031), which once adopted will replace the LDF. The Plan was submitted to the Secretary of State on 23 January 2019 and the first phase of the Examination in Public (EiP) is programmed to take place from the 6<sup>th</sup> October 2020, having been delayed by the Coronavirus restrictions. The current timetable anticipates adoption to be by the end of 2021.
- 2.21 The emerging Local Plan allocates 3.7ha of Rochester Airfield as an Employment Land Allocation (Policy LP36) for economic development uses and this accords with Medway's drive to attract high value businesses offering skilled employment opportunities through the delivery of IPM. It

is intended that the uses will include workspace for advanced manufacturing, R&D and prototyping and aims to be a focus for entrepreneurial growth to strengthen links between local academic and industrial partners.

- 2.22 Amongst the various issues identified in the emerging Local Plan and evidence base, economic regeneration is highlighted as a key priority for the Council.

### **The Local Economy**

- 2.23 Local growth in the employment rate between 2015 and 2019 was relatively flat, with an increase of only 0.3% over the course of this period. Further analysis shows that this falls notably below the level of growth seen over the same period in the Kent County Council ('KCC') area (1.8%).
- 2.24 However, between 2015 and 2019, whilst the number of businesses in Tonbridge and Malling increased by just over 18%, the number of enterprises in the KCC area grew at a slower rate of 13.1%. This indicates that the business growth in the Borough has primarily been driven by a strong increase in the number of micro businesses, with more limited growth in the number of small and medium enterprises. This is backed up by the high level of self-employment in the Borough, which is currently at 18% of the workforce.
- 2.25 Whilst the Tonbridge and Malling economy performs well, there are certainly specific elements of the local economy that need strengthening, and this has only been exacerbated by the recent Covid-19 crisis. This includes the need for greater investment in R&D, increased support for our self-employed and micro-businesses, helping to upskill the workforce and providing greater resilience in our sector mix.
- 2.26 In addition, although Tonbridge and Malling Borough is within the top 25% of authority areas in relation to GVA per head, it now ranks lower compared to other authorities in relation to job density, workplace earnings and employment rate .
- 2.28 We therefore recognise the importance of IPM and how this can be a factor in enhancing the wider economic performance of the borough. The realisation of this initiative will lead to the creation of high-quality jobs in the local area, capitalising on the further and higher education offer, and realising the area's potential which enjoys a strong strategic location with easy access to the M2, M20 and M26 as well as nearby ports. Furthermore, IPMs location offers excellent opportunities to capitalise on regeneration and other investment, and to stimulate business growth, benefiting from connectivity through the motorway and rail networks to the wider economy.

### **Employment Land**

- 2.29 To plan for future economic growth and to ensure that it supports the needs of the local economy, enabling it to remain competitive and create quality local jobs, the Local Plan evidence base

confirms the need for an additional 46ha of employment land which will need to be met through the allocation of new sites including IPM<sup>5</sup>.

2.30 Furthermore, the designation of the Enterprise Zone represents an opportunity for the Council to support the provision employment uses with an aspiration for accommodating high-value technology, engineering, manufacturing and knowledge-intensive businesses<sup>6</sup>. Thus, IPM has the ability to provide a development that is attractive to the modern day demands of higher value businesses wanting to locate into the area and which can 'develop initiatives that provide regular contact between students and employers, and run events that open up new [high skilled] employment opportunities for local residents<sup>7</sup>. In turn, it is the intention of the Council that this will reduce the level of out-commuting which currently accounts for two thirds of residents<sup>8</sup>.

2.31 It is therefore the intention of the Council to continue to provide the platform for GVA growth and improve levels of high quality employment opportunities and the delivery of the LDO is fundamental to this.

### **The Medway Regeneration Agenda**

2.32 The Council is supportive of the work being undertaken by Medway and its partners in the public and private sectors to regenerate the wider Medway area which is set out in Medway's regeneration strategy<sup>9</sup>, Medway 2037.

2.33 The strategy aims to deliver Medway's aspiration to become a thriving Waterfront University City that connects innovation, people and place and as the South East's leading smart city. IPM sits at the apex of their aspirations and will help deliver on the six priorities of the regeneration strategy as demonstrated below.

- **Destination and Placemaking:** put Medway on the map as a smart and sustainable waterfront university city;
- **Inward investment:** Increase high-value businesses and expand high-quality employment;
- **Innovation:** Continue to support business creation and growth;
- **Business Accommodation and Digital Connectivity:** Provide the right infrastructure for business success;
- **Sector Growth:** enhance a strong mixed economy; and
- **Improving employability:** Match business demand and skills supply.

2.34 With specific focus on IPM, a total of £9.6m has been awarded from Central Government's Local Growth Fund ('LGF3b') through the South East Local Enterprise Partnership ('SELEP') to help

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<sup>5</sup> TMBC – Economic Regeneration Strategy – (2019 – 2023)

<sup>6</sup> Employment Land Needs Assessment (Turley, November 2017)

<sup>7</sup> TMBC – Economic Regeneration Strategy – (2019 – 2023)

<sup>8</sup> TMBC – Economic Regeneration Strategy – (2019 – 2023)

<sup>9</sup> <https://www.medway.gov.uk/info/200177/regeneration>



bring this site forward for development, creating a hub for knowledge-based employment and innovation. Further funding has been awarded through the Growing Places Fund and Sector Support Fund to support the development of the IPM masterplan and the LDO.

### **The Vision**

- 2.35 Following a detailed analysis of the site including its opportunities and constraints, an illustrative Masterplan has been developed that incorporates design features based on research into the innovation environments of national and international best practice projects. The masterplan focuses on creating a place where people belong, make connections, test ideas and are inspired.
- 2.36 IPM will be a high value technology cluster of companies sharing similar skills, infrastructure, ambition and drive. IPM will comprise predominantly Use Classes E(g) and B2 focused on high value technology industries, engineering, manufacturing and knowledge intensive industries. All businesses will be committed to delivering high GVA and exploring opportunities and synergies for collaboration, innovation and skills retention and with links to universities.

### 3 THE LDO

3.1 The structure of this Section is detailed below:

- Details of the Evidence Base which supports the LDO;
- The Masterplanning;
- The Order; and
- Details of Development Permitted.

#### **Evidence Base**

3.2 The LDO is supported by a range of technical studies and assessments including:

- Design Code prepared by LDA Design, January 2019, updated September 2020
- Environmental Statement prepared by CampbellReith, June 2019 and includes the following technical appendices:
  - Request for an EIA Screening and Scoping Opinion prepared by CampbellReith, May 2019
  - Aviation Risk Assessment prepared by Geoff Connolly, December 2018
  - Transport Assessment prepared by CampbellReith, January 2019
  - Fore Consulting Modelling Report prepared by Fore Consulting, December 2018
  - Air Quality Assessment prepared by ACCON, January 2019
  - Land Quality Statement prepared by CampbellReith, May 2019
  - AONB Assessment prepared by LDA Design, January 2019
- ES Addendum, October 2020
- Landscape and Visual Impact Assessment prepared by LDA Design, January 2019, Addendum December 2019
- Ground Conditions Desk Study prepared by CampbellReith, September 2018
- UXO Screening Study prepared by Fellows International, January 2019
- Noise Impact Assessment prepared by ACCON, September 2018
- Ecological Impact Assessment prepared by BSG Ecology, September 2018
- Ecological Management and Enhancement Plan prepared by BSG Ecology (October 2020)
- Archaeological & Heritage Impact Assessment prepared by Headland Archaeology, August 2018
- SuDS Design prepared by CampbellReith, August 2018
- Flood Risk Assessment prepared by CampbellReith, August 2018
- Habitats Regulation Assessment Screening prepared by BSG Ecology, January 2019
- Travel Plan Framework prepared by CampbellReith, January 2019
- Illustrative Masterplan prepared by LDA Design, January 2019
- Parameter Plans including;
  - 6278\_PL\_001A (Site Boundary)
  - 6278\_PL\_0038 (Indicative Plot Plan)
  - 6278\_PL\_0048 (Parameter Plan Access)

- 6278\_PL\_0058 (Parameter Plan Landscape)
- 6278\_PL\_0038 (Parameter Plan Building Heights)
- Innovation Environment Study prepared by Vivid Economics, June 2018

3.3 In addition to these technical studies, the Council has prepared:

- Environmental Impact Assessment (EIA) Screening Opinion; and
- Environmental Impact Assessment (EIA) Scoping Opinion.

### **The Masterplan**

3.4 The Masterplan which has been prepared in support of IPM is based around the following ‘four big design moves’:

- ‘The Runway Park’ shown at Section 6, p.54 of the Masterplan;
- ‘Iconic Buildings’ shown at Section 6, p.54 of the Masterplan;
- ‘Pedestrian Friendly Clusters’ shown Section 6, p.54 of the Masterplan; and
- ‘Landscaped Character’ Areas shown at Section 6, p.54 of the Masterplan.

3.5 Further detail on land use, building heights, access & movement and landscape can be found in the masterplan document.

3.6 The Design Code (at pp. 26-31) then outlines four proposed character areas:

- **Park Edge** – This character area is centred around the proposed green spine that will serve as a significant structural element of the masterplan;
- **Runway Edge** – This character area is driven by the desire to respect site heritage. The development plots will be nestled into a unique landscape backdrop with pavilion typologies linking to the site’s heritage as ‘hangars’ on the airport;
- **Core** – Situated at the heart of the IPM development and enclosed by other character areas. This area should comprise the larger scale buildings with a strong central street accommodating major vehicular and public transport linkages. The masterplan for this area is driven by the desire to promote a higher quality density quarter as it is further away from the airfield and industrial estate; and
- **Woodland and Landscape Edge** – This will form a natural edge complementing the existing industrial estate to the north and residential area to the south. This area will form the gateway of the site, complemented by two iconic buildings to define the quality, and identify of IPM. The woodland should prevent visual coalescence of buildings in Phase 1.

### ***Plot Passports***

3.7 Within each character area, IPM is split into plot parcels as shown below which provide a greater level of guidance to assist with the design as set out in the Design Code. The plot passports do not aim to be an overly prescriptive manual but rather a tool to assist both Councils and the end

user. Each plot belongs to a defined character area (please refer to Section 3.6 - Character Areas of the Design Code at p.26).

### **The Order**

- 3.8 The Order sets out the relevant legal provisions under which the Council has made the LDO. It outlines the length of time for which the LDO is valid and highlights the limitations which apply to developments granted planning permission under the terms of the LDO Schedule.

### ***The LDO Schedule, Conditions and Informatives***

- 3.9 The LDO identifies the specific classes of permitted development which are granted planning permission by the Order. The range of permitted development is confirmed by the Schedule which is described in further detail in the next section.
- 3.10 Planning conditions for the various types of permitted development are listed under the respective class in the LDO Schedule. Any applicant wishing to remove or vary a condition can apply to do so through the standard procedure established in Section 73 of the 1990 Act.
- 3.11 The informatives provide additional guidance on particular issues but do not act as specific requirements of the LDO Schedule and conditions.

### ***LDO Appendices***

- 3.12 The LDO appendices should be read alongside the Order and LDO Schedule.
- 3.13 The LDO's conditions and appendices should be read in full to determine the precise details and requirements of the classes of the permitted development.

### ***Limitations***

- 3.14 There are a number of limitations to the types of permitted development which are set out in full in the Order.
- 3.15 The LDO does not allow for changes of use between use classes, including those that would otherwise be permitted under the GPDO 2015 (or any order amending, revoking and re-enacting that Order).
- 3.16 The LDO does not grant planning permission for any developments other than those expressly listed. Normal planning application requirements will apply to those developments that fall outside the scope of the LDO.

### ***The Lifetime of the LDO***

- 3.17 The LDO will be implemented for a period of 10 years from the date the LDO is made by the Council, but will be reviewed after 5 years or when the maximum of floor space has been developed (whichever is the sooner) to consider whether the terms should be amended.

- 3.18 Prior to the expiration of the 10 year period following adoption the LDO will be reviewed again to determine whether an extension to its lifespan should be considered, whether the terms should be amended, or whether it should be allowed to lapse.
- 3.19 Development permitted under the terms of the Order that has begun (as defined by Section 56 of the 1990 Act) before the LDO expires will be permitted to be completed and operated in accordance with the requirements and conditions of the LDO.
- 3.20 Uses which have been developed and implemented under the provisions of the Order will be allowed to continue to operate following the expiry of the LDO, provided these uses are carried out in accordance with the relevant conditions set out in the LDO.

***Prior Notification Procedure***

- 3.21 Applicants will be required to familiarise themselves with the general principles of the LDO, Masterplan and Design Code before discussing with officers at the Council.

**Step 1:**

Arrange a meeting with Medway Council's regeneration team prior to any pre-application discussions, whereby a suitable plot will be discussed and agreed. During these discussions, the Applicant will be made aware of the different statutory consultees/key stakeholders that would need to be consulted and any issues dealt with prior to a pre-application meeting being arranged.

Please find details via [www.medway.gov.uk/ipm/](http://www.medway.gov.uk/ipm/)

**Step 2:**

Consult with key stakeholders following the advice received at the meeting with Medway Council's regeneration team.

**Step 3:**

Arrange a pre-application meeting with officers at the Council to discuss proposal and to ensure validation.

For pre-application meeting costs and further information, please contact us on 01732 844522 or email us at [planning.applications@tmbc.gov.uk](mailto:planning.applications@tmbc.gov.uk) to arrange the pre-application meeting.

The first pre-application meeting is mandatory and would be charged at a cost of a standard pre-application meeting. Any follow up advice (where required) will be charged at the officer's hourly rate.

**Step 4:**

Complete Self-Certification Form following discussions with Council.

**Step 5:**

Consult the Design Code and Masterplan for more detailed guidance.

**Step 6:**

Submit Self-Certification Form with all necessary supporting evidence including evidence of the pre-application discussion (date and note of advice given by officers from Council) and confirmation of compliance with the Design Code. This should include details to discharge conditions.

All Self-Certification applications, should be submitted via email to [planning.applications@tmbc.gov.uk](mailto:planning.applications@tmbc.gov.uk) with the subject title '**LDO Application**' to enable the application to be processed in a timely manner.

**Step 7:**

Upon submission of the Self-Certification Form and accompanying documentation to the Council, officers will require 7 days to validate all of the information and for the case officer to confirm the content of the documentation is as agreed during the pre-application meeting. Upon completion of the 7 days, the case officer will either send a request for further information or provide confirmation of the application being validated.

**Step 8:**

Once the Council has confirmed that the application is validated, the 28 days for determination begins.

The development must not begin before the occurrence of one of the following:

- *receipt of written notice from the Council of their determination that such prior approval is not required;*
- *where the Council give the applicant notice within 28 days following the date of validating the application of their determination that such prior approval is required, the giving of such approval;*  
*or*
- *the expiry of 28 days following the date on which the application was validated without the Council making any determination as to whether such approval is required or notifying the applicant of their determination.*

- 3.22 Proposed development which falls outside the scope of the LDO will require the submission of a planning application or other appropriate application. For the avoidance of doubt, the LDO does not prevent applicants from applying for planning permission for developments that are not permitted by the Order. Neither does the LDO supersede the requirements for development to comply with all other relevant legislation including, but not limited to, Building Regulations, Environmental Health requirements, Hazardous Substances Consent, and licences or permits from bodies such as the Environment Agency and Natural England. Applications that are complementary to the aims and vision of IPM but not permitted under the LDO are encouraged

and will be determined on a case-by-case basis. Examples of certain ancillary / supporting uses are set out in Appendix 1 which include Use Class E(a) - Sale of cold food and drink only and Use Class E(b) - Sale of food and drink for consumption (mostly) on the premises.

### ***Application of the Design Code***

- 3.23 The Design Code is applicable within the boundary as defined as shown at Figure 1.
- 3.24 The Design Code will work alongside the Masterplan and the LDO to provide certainty as to what is considered acceptable design. The Design Code will also help ensure the high standard of place making at IPM is delivered.

### ***Monitoring***

- 3.25 The 2013 Act removed the requirement for an LDO to be reported on as part of the AMR. However, the Council consider it useful to monitor the progress of IPM in order to assess the effectiveness of the LDO. As such, through information that will be requested and collated through the Form, the Council will include the following information about IPM in its AMR<sup>10</sup>.
- Amount and type of completed employment floor space in Use Class E(g) and Use Class B2;
  - Number of people employed and jobs created (both Full Time Equivalent (FTE) and part-time)<sup>11</sup>;
  - Gross Value Added (productivity); and
  - Trip generation.
- 3.26 The information will be updated annually and reported as part of the Council's AMR for the following monitoring period.
- 3.27 The monitoring data gathered will inform the first review of the LDO which will take place prior to 5 years after its adoption. The review will assess how successful the LDO has been in delivering development at IPM. Depending on the results of this assessment, the terms of the LDO may be altered to ensure more effective delivery.

### ***Compliance and Enforcement***

- 3.28 Failure to comply with the terms of this LDO or any other statutory requirements may result in appropriate enforcement action.

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<sup>10</sup> An AMR provides statistical information on a range of datasets for the annual period running between 1 April and 31 March of the following year. The report is a key element in effectively monitoring the Local Plan, measuring how far the policies set out are being achieved. The gap between reports must be no longer than 12 months.

<sup>11</sup> Each business that locates to IPM will be required to provide an update to the Council on the anniversary of opening

## **Development permitted by the LDO**

3.29 The types of permitted development are set out in four separate Schedules of the LDO which cover the following forms of development:

- Building Development including the provision of Infrastructure, Facilities and Public Realm (Schedule A);
- Extensions and Alterations (Schedule B);
- Change of Use (Schedule C); and
- Other Operations (Schedule D).

3.30 The LDO does not grant planning permission for any developments other than those expressly listed. Normal planning application requirements will apply to those developments that fall outside the scope of the LDO.

## **Delivery and Governance**

3.31 Medway Council as landowner will be delivering off-site mitigation required to enable delivery of the Innovation Park Medway and in doing so has identified trigger points where mitigation will be required. As developers occupy the site, this will be monitored closer to the estimated trigger points to understand what mitigations are required, where and when. Such mitigations include air quality, transport/travel plan, biodiversity (see Informative 8 and associated table on page 57).

### ***Highways and Local Road network***

3.32 Medway Council will be delivering the infrastructure required to bring forward development. This includes the main access through the site with associated public realm, accompanying infrastructure such as drainage/power/broadband and runway park. As the first phase of delivery on the IPM, it is anticipated that this works would create some construction traffic, however it is envisaged this would have minimal impact and can be satisfied by a comprehensive construction traffic management plan as required to discharge Condition C2.

3.33 We recognise the delivery of the IPM will have an impact on the strategic road network and the local road network. Medway Council considered the Taddington Roundabout M2 northbound off-slip' in the AM peak to be the most critical location to use as a trigger for mitigation. By 2024, or as a result of 10,159 sqm of IPM development being occupied, this location would see a delay increase of 30 seconds, understood to indicate a requirement to start considering the need for mitigation. The proposals are assessed as having an impact on junctions 2, 3 and 4 of the M2 in addition to the Laker Road and Lankaster Parker Road junctions and Rochester Maidstone Road - B2097. Medway Council has undertaken appropriate transport modelling which has predicted this as the worst-case scenario and identifying the required mitigation as a result. IPM will contribute towards impacts in the longer term but to a lesser and later extent than the emerging Local Plan. In preparing the new Local Plan, the Strategic Transport Assessment, due to be completed in Spring 2021, will address longer-term impacts at M2 Junction 2. No development



comprising buildings will take place until details of the monitor and manage strategy has been approved and appropriate mitigation delivered in the right place at the right time. Applicants are also expected to provide sustainable solutions to reduce vehicular movements required by Condition H4 (submission of travel plan).

- 3.34 In delivering the mitigation for each junction, trigger points have been estimated and are set out in conditions RN1-6 and in addition identifies a monitor and manage approach that will review the actual mitigation against the worst case to ensure the mitigation is fit for purpose and delivered at the appropriate stage determined by trip rates. The mitigation triggers have been derived from the modelling work previously undertaken, including detailed junction statistics showing queues and delays at each junction, as well as a table showing the differences between scenarios. In line with guidance provided by Highways England at a meeting on 4 September 2020, an increase in delay of 30s or more is considered to indicate a requirement to start considering the need for mitigation from an operational viewpoint. Similarly, an increase in queueing that results in the queue blocking back to the mainline carriageway indicates a need to consider mitigation from a safety perspective.
- 3.35 Considering the 2023 scenarios, the modelling results show increased delays on the A2045 Walderslade Woods and B2097 Rochester Road approaches to Bridgewood Roundabout as a result of IPM. Similarly, there is an increase in delay at the B2097 Rochester Road approach in the PM peak hour. There are no material increases in delay or queueing at other locations in the network. Whilst the increases at Bridgewood Roundabout are significant, it is unlikely that they are severe in the context of paragraph 109 of the NPPF, especially considering the lack of impact elsewhere in the network. Moreover, requiring the IPM development to deliver the full mitigation package prior to opening to address only the impacts at Bridgewood Roundabout is disproportionate to the impact. It was considered that no mitigation should be required prior to opening but that some mitigation would be required prior to 2028 with the proposed mitigation package which has been designed to address these issues. To derive triggers for each component, the most critical location has been identified. The mitigation has then been split into three packages based on when that mitigation is likely to be required and possible triggers in terms of occupied gross floor area (GFA) and two-way trip generation have been identified.
- 3.36 Mitigation package 1: Mitigation would be required at the M2 J3 Taddington Roundabout in approximately 2024 for a delay increase of approximately 30s. Therefore, by interpolation, 10,159 sq.m of employment could be occupied at IPM before the delay on the M2 westbound off-slip increases by 30s. This equates to a trip generation of 110 two-way trips. The table shows that mitigation would also be required at the Bridgewood Roundabout, B2097 Rochester Road / Lankester Parker Road and B2097 Rochester Road / Laker Road junctions in 2023. However, this mitigation would be deferred and included as part of the first mitigation package. The need for this mitigation will be determined by the monitor and manage approach.

3.37 Mitigation package 2: The below table demonstrates that the delay increase on the A229 (East) approach is 22.6s in 2023 and 39.9s in 2028. By interpolation, a delay increase of approximately 30s would occur in 2025. This equates to a floor area of 17,318 sq.m or 188 two-way trips. Modelling shows that there is no requirement to provide mitigation at M2 J4 as a result of the unmitigated impact of IPM, rather, it is the proposed full package of mitigation at the Bridgewood, Lord Lees and Taddington roundabouts that results in the requirement for mitigation. Since the Lord Lees roundabout mitigation completes this mitigation, this is taken as the trigger for the M2 J4 mitigation and is therefore included as part of mitigation package 2.

3.38 Mitigation package 3: The final component of mitigation is for M2 J2, which is a requirement to provide an additional eastbound mainline lane between the eastbound off-slip and the eastbound on-slip with associated changes to the diverge and merge facilities. This would be triggered when the eastbound mainline flow between the diverge and merge exceeds 5,400 vehicles per hour, which has been confirmed at 2026. This equates to a floor area of 24,477sqm GFA or 265 two-way trips.

**Summary of Mitigation and Triggers 1**

Mitigation Package	Mitigation components	Triggers		
		110 two-way trips (10,159sqm GFA)	188 two-way trips (17,318sqm GFA)	265 two-way trips (24,477sqm GFA)
Pre-occupation	No mitigation is required	N/A	N/A	N/A
Mitigation package 1 (A)	Bridgewood Roundabout	Y		
	Taddington Roundabout	Y		
	Rochester Road / Laker Road	Y		
	Rochester Road / Lankester Parker Road	Y		
	Lord Lees Roundabout		Y	

Mitigation Package 2 (B)	M2 Junction 4	No*	Y*	
Mitigation Package 3 (C)	M2 Junction 2			Y

\*Unless delivered by Gibraltar Farm under the 200 units threshold for mitigation at M2 Junction 4

3.39 At this point, it is anticipated the worst-case mitigation required at the following trigger points as follows:

**A. 110 two-way AM trips (10, 159sqm) triggers mitigation at Bridgewood Roundabout, Taddington Roundabout, Rochester/Laker road, Rochester/Lankester Parker Road**

**Bridgewood Roundabout:**

- Widening of the B2097 approach flare to three lanes and extending the flare in length.
- Two-lane exit on B2097 from roundabout merging to the existing single lane.
- Provision of shared footway/cycleway on the approach to the junction to connect with the existing Toucan crossing.
- Changes in lane use on the approaches and circulating lanes of the roundabout, including minor widening of the roundabout between the A2097 and A229 on-slip to allow widening of the circulatory lanes for HGVs.
- Improvement in the clarity of lane use for drivers on the approaches and circulating lanes of the roundabout.
- In response to the Road Safety Audit comment this scheme also includes extending the zig-zag road markings further south from the pedestrian crossing stop line to highlight the two-lane nature of this exit and provision of an additional lane on the northern side of the pedestrian crossing with an elongated merge.

**Taddington Roundabout (M2 Junction 3):**

- Changes to existing hatching to extend northern circulatory to three lanes and associated changes to lane allocations.

**Rochester/Laker Road junction:**

- Signalised junction.

**Rochester/Lankester Parker Road Junction:**

- Signalisation of the junction.
- Addition of a lane on the southbound approach to the junction for left turn movements.
- Addition of a lane on the westbound Lakester Parker Road approach to the junction and re-provision of the existing footway.

- Improved lane markings for the right-turn filter lane on the northbound A2097 approach to the junction
- Amendment to lane markings on the southbound approach to integrate with the previously proposed improvements to the Stoney Lane junction.

**B. 188 two-way AM trips (17, 318sqm) triggers mitigation at Lord Leeds roundabout and M2 junction 4**

**Lord Lees Roundabout:**

- Extending the three-lane flare on the northern and southern entry arms.

**M2 Junction 4:**

- Provision of the two-lane right turn from the westbound off-slip, including the provision of a two-to-one merge on Hoath Way to retain the existing segregated left turn lane from the eastbound off-slip.
- This mitigation can accommodate the Gibraltar Farm scheme as well as the IPM. The trigger point for the Gibraltar Farm scheme was agreed at 200 occupancy and the IPM at 188 trips. The monitor and manage strategy will keep under review the status of Gibraltar Farm and if delayed beyond the 188 trip IPM threshold mitigation will be delivered by IPM with a review of the trigger point.

**C. 265 two-way AM trips (24, 477sqm) triggers mitigation at M2 Junction 2**

- Improvements required as a result of merge and diverge assessments reliant on the monitor and manage strategy and likely to come forward as a later phase. IPM will contribute towards impacts in the longer term but to a lesser and later extent than the emerging Local Plan. In preparing the new Local Plan, the Strategic Transport Assessment, due to be completed in Spring 2021, will address longer-term impacts at M2 Junction 2.

3.40 As stated above, Medway Council will monitor and deliver the required mitigation in consultation with Highways England and Kent County Council. When a developer submits a Self-Certification Form and satisfies the travel plan requirements for development, Medway Council will consider the need for mitigations arising from the additional floorspace to be delivered in line with the monitor and manage strategy.

***Air quality***

3.41 A damage cost figure based on trip generation across the entire site is set out at Informative 8. In the first instance developers of plots will be expected to mitigate their air quality impacts on-plot. If mitigation cannot be achieved on plot, a contribution should be made and Medway Council as landowner will deliver strategic air quality mitigation measures in agreement with the Environmental Health Officer.

### ***Biodiversity***

- 3.42 An off-site payment is required to mitigate biodiversity impacts relating to net gain and loss of grassland. A contribution should be made by all plot developers as set out at Informative 8. Medway Council as landowner will manage the delivery of mitigation off-site as set out in the supporting Ecological Management and Enhancement Plan ('EMEP').

## 4 LDO SCHEDULE

4.1 The structure of this Section is detailed below and includes:

- The LDO Schedule, conditions and informatives; and
- Appendices 1 to 4.

### **Schedule A – Building Development including the provision of Infrastructure, Facilities and Public Realm**

4.2 Class 1 – Erection of office, research and development, studios, laboratories, high technology industries, light industrial, general industries, infrastructure, facilities, provision of ancillary uses (Use Class E(a)) (Sale of cold food and drink only) and (Use Class E(b)) (Sale of food and drink for consumption (mostly) on the premises) and public realm.

#### **Development Permitted**

4.3 The erection of up to the maximum 101,000 sqm (GEA) - comprising up to 23,700 sqm (GEA) for Use Class E(g) and up to 76,948 sqm (GEA) for Use Class B2 of buildings falling within the following uses of the Town and Country Planning (Use Classes) Order 1987 (Amendment) (England) Regulations 2020:

- Use Class E(g)(i) – Business (Office);
- Use Class E(g)(ii) – Research and development of products and processes;
- Use Class E(g)(iii) – Industrial processes; and
- Use Class B2 (General Industrial).

4.4 The erection of up to a maximum of 360 sqm (GEA) (within the 101,000 sqm development across IPM) of Use Class E(a) (Sale of cold food and drink only) and Use Class E(b) (Sale of food and drink for consumption (mostly) on the premises) split across up to three units; one maximum of 150-200 sqm and two of maximum 80 sqm.

4.5 Site investigation, engineering operations, provision of site infrastructure and/or public realm required by development, public realm and ancillary uses.

#### **Requirements**

4.6 Prior approval is provided under Class 1 of Schedule A subject to the following conditions:

- Compliance conditions (CO1 to CO3)
- Highways & Movement conditions (H1 to H8)
- Strategic and Local Road Network conditions (RN1 to RN6) and Informative 9
- Drainage & Flood risk conditions (D1 to D3)
- Construction conditions (C1 to C4)
- Landscaping conditions (L1 to L3)

- Ground Investigation & Contamination conditions (G1 to G5)
- Environmental conditions (E1 to E5)
- Archaeology conditions (A1 to A5)

**Development not permitted**

4.7 No development is permitted under Schedule A other than that expressly stated.

## **Schedule B – Extensions or Alterations**

- 4.8 Class 1 – Extensions or alterations of office, research and development, light industrial and industrial buildings up to the maximum 101,000 sqm (GEA) - comprising up to 23,700 sqm (GEA) for Use Class E(g) and up to 76,948 sqm (GEA) for Use Class B2 of buildings falling within the following uses of the Town and Country Planning (Use Classes) Order 1987 (Amendment) (England) Regulations 2020:

### **Development Permitted**

- 4.9 The extension or alteration of buildings within the following uses of the Town and Country Planning (Use Classes) Order 1987 (Amendment) (England) Regulations 2020:
- Use Class E(g)(i) – Business (office);
  - Use Class E(g)(ii) – Research and development of products and processes;
  - Use Class E(g)(iii) – Industrial process
  - Use Class B2 (General Industrial).
- 4.10 Site investigation, demolition and engineering operations directly required by development permitted by Class 1 of Schedule B.
- 4.11 The provision of associated site infrastructure and facilities directly required by development permitted under Class 1 of Schedule B.

### **Requirements**

- 4.12 Prior approval is provided under Class 1 of Schedule B subject to the following conditions:
- Extensions or alterations conditions (EA1 to EA3)
  - Compliance condition (CO1 to CO3)
  - Highways & Movement conditions (H3, H4, H5, H6, H7, H8)
  - Drainage & Flood risk conditions (D1 to D3)
  - Construction conditions (C1 to C4)
  - Landscaping condition (L1)
  - Ground Investigation / Contamination conditions (G1 to G5)
  - Environmental conditions (E1 to E5)
  - Archaeology conditions (A1 to A5)

### **Development Not Permitted**

- 4.13 No extension or alteration permitted other than that explicitly stated in Schedule B.
- 4.14 No extension to buildings in Use Class E(a) or Use Class E(b) is permitted.



## **Schedule C – Changes of Use**

- 4.15 This LDO permits the following change of uses subject to prior notification of the Council up to the maximum of 101,000 sqm (GEA) comprising up to 23,700 sqm (GEA) for Use Class E(g) and up to 76,948 sqm (GEA) for Use Class B2 of buildings.

### **Development Permitted**

- From Use Class E(g) to Use Class B2 (General Industrial); and
- From Use Class B2 (General Industrial) to Use Class E(g).

### **Requirements**

- 4.16 Prior approval is provided under Class 1 of Schedule C is subject to the following Conditions:

- Compliance condition (CO1 to CO3)
- Extensions or alterations conditions (EA1 to EA3)
- Highways & Movement conditions (H1, H5, H6, H7, H8)
- Drainage & Flood risk conditions (D1 to D3)
- Construction conditions (C1 to C4)
- Landscaping condition (L1)
- Ground Investigation / Contamination conditions (G1 to G5)
- Environmental conditions (E1 to E4)

- 4.17 None of the rights contained in Schedule [2] Part [3] of the GPDO 2015 (or any order amending, revoking and re-enacting that Order) shall apply to the development authorised by this LDO.

### **Development Not Permitted**

- 4.18 No change of use permitted other than that explicitly stated in Schedule C.

## **Schedule D – Other Operations**

- 4.19 This LDO permits Other Operations provided such operations are within the parameters of the LDO area and comply with both the conditions and Design Code.

### **Development Permitted**

- Class 1 – The installation, alteration or replacement of external cladding, shutters, windows or doors
- Class 2 – The installation, alteration or replacement of external lighting
- Class 3 – The erection, construction, maintenance, improvement or alteration of a fence, gate, wall or other means of enclosure
- Class 4 – The installation, alteration or replacement of fixed plant and equipment
- Class 5 – The installation, alteration or replacement of site required infrastructure and utilities
- Class 6 – The installation of a single storey structure for ancillary storage purposes
- Class 7 – The formation, layout or construction of a hard surface to form a service road or yard and the maintenance or improvement of such a surface

### **Requirements**

- 4.20 Prior approval is provided under Class 1 of Schedule D is subject to the following Conditions:

#### **Class 1 – The installation, alteration or replacement of external cladding, shutters, windows or doors**

- Compliance conditions (CO1, CO2)
- Extensions or alterations condition (EA1)

#### **Class 2 – The installation, alteration or replacement of external lighting**

- Compliance conditions (CO1, CO2)
- Environmental condition (E3)

#### **Class 3 - The erection, construction, maintenance, improvement or alteration of a fence, gate, wall or other means of enclosure**

- Compliance conditions (CO1, CO2)
- Highways & Movement condition (H2)
- Landscaping conditions (L1 to L3)

#### **Class 4 - The installation, alteration or replacement of fixed plant and equipment**

- Compliance conditions (CO1, CO2)

- Environmental Conditions (E1, E2)
- Construction condition (C1)

**Class 5 - The installation, alteration or replacement of site required infrastructure and utilities**

- Compliance conditions (CO1, CO2)
- Highways & Movement Conditions (H1, H2, H3, H5, H6, H7, H8)
- Drainage & Flood risk conditions (D1, D2)
- Construction conditions (C1 to C3)
- Landscaping conditions (L1 to L3)

**Class 6 - The installation of a single storey structure for ancillary storage purposes**

- Compliance conditions (CO1, CO2)
- Extensions or alterations condition (EA1)
- Construction conditions (C1 to C3)
- Ground Investigation / Contamination conditions (G1 to G5)

**Class 7 - The formation, layout or construction of a hard surface to form a service road or yard and the maintenance or improvement of such a surface**

- Compliance conditions (CO1, CO2)
- Highways & Movement (H1, H2, H3, H5, H6, H7, H8)
- Drainage & Flood risk (D1 to D3)
- Construction conditions (C2, C3)
- Landscaping conditions (L1 to L3)
- Ground Investigation / Contamination conditions (G1 to G5)
- Archaeology conditions (A1 to A5)

**Development Not Permitted**

4.21 No other operations are permitted other than that explicitly stated in Schedule D.

## Conditions

### COMPLIANCE

#### **Condition CO1: Confirmation of Compliance**

No development permitted by this LDO shall be begun until:

Full details of the development have been submitted to the Council by way of the completion of their Self-Certification Form together with all other supporting documents as required by the LDO Checklist contained as part of that Form.

Upon submission of the Self-Certification Form and any accompanying documentation to the Council, officers will have 7 days to confirm validation of the application.

The Council will issue written confirmation of compliance (or non-compliance) within 28 days of the date at which they confirm that the application has been validated. The Council will be deemed to have accepted the proposal if they fail to respond in writing (which may include a request for further information) within 28 days from the date of validation.

For the purposes of calculating the 28-day LDO Compliance Assessment Period, any Bank Holiday and any day between and inclusive of Christmas Eve and New Year's Day each year shall not be taken into account.

The subsequent development should be carried out strictly in accordance with the LDO Self Certification Form and the Design Code.

***Reason:** To ensure development conforms with the LDO and Design Code and to ensure that LDO development can be monitored over the lifetime of the LDO.*

#### **Condition CO2: Expiry of Prior Approval**

Development shall be commenced within 12 months of the date of the Council's confirmation that it is in conformity with the LDO.

***Reason:** To ensure construction is realised and realistic employment generating proposals proceed.*

#### **Condition CO3: Deliveries**

No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

***Reason:** In the interests of neighbouring uses.*

## **HIGHWAYS & MOVEMENT**

### **Condition H1: Highways**

Before the development of plot(s) / parcels within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, a scheme for all highways works to be undertaken on land within or serving that plot (including layout, geometry, dimensions, levels, gradients, surfacing, visibility splays, means of surface water drainage and street lighting) shall be submitted to and approved in writing by the Council.

All highways works shall then be constructed in accordance with the approved details and no permanent development, whether or not permitted by the provisions of the GPDO 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out at any time on the land so shown or in such a position as to prejudice those approved details.

***Reason:** To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety.*

### **Condition H2: Vehicular Visibility Splays**

The premises within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 shall not be occupied, until any road or vehicle junction access / egress on land within that area has been provided with visibility splays in accordance with the Design Code. The vehicular visibility splays shall be provided before the road junction or vehicle access point is first used by vehicular traffic and shall be retained free of any obstruction at all times thereafter. No permanent development, whether or not permitted by the provisions of this Order or the GPDO 2015 (or any order amending, revoking and re-enacting those Orders) shall be carried out at any time on the land so shown or in such a position as to prejudices those visibility splays.

***Reason:** To provide inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.*

### **Condition H3: Movement / Parking**

Before the development of plot(s) / parcels within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, an assessment of vehicular trip generation and a scheme for vehicle parking provision to serve the uses within that area including the total number of bays, layout and dimensions along with provision of accessible spaces / cycle spaces shall be submitted and approved in writing by the Council. Vehicular movements associated with development plot(s) / parcels within any area and future use of car parking areas including multi-storey, at grade or temporary will accord with the principles of the Design Code and shall be submitted and approved in writing by the Council.

***Reason:** to ensure the cumulative highways impact of the development does not exceed the assessed level undertaken as part of the Transport Assessment by CampbellReith.*

### **Condition H4: Travel Plan**

No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the local planning authority (who shall consult with Highways England and KCC where applicable) and implemented. The Travel Plan shall be prepared in accordance with the IPM Travel Plan and must include:

- Measures to encourage sustainable travel patterns (may include cycle schemes, car sharing, car clubs, as appropriate);
- A scheme for the management and implementation of the Travel Plan;
- Targets for modal shift;
- Implementation timescales;
- Marketing and incentives; and
- Details of on-site facilities (changing rooms / showers)

Arrangements for monitoring and review, amendment and effective enforcement. Thereafter, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment and effective enforcement of the approved Travel Plan.

The site wide Travel Plan will be supported by detailed bespoke travel plans for each plot or subsequent occupier on the site. Where multiple Plans are used, provision must be made for the Plans to be fully coordinated. Individual Travel Plans shall implement the overarching targets outlined in the site wide Travel Plan.

**Reason:** *In the interests of promoting sustainable development and the use of sustainable modes of transport.* To minimize traffic generated by the development and to ensure that the M2 and A2 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

#### **Condition H5: Servicing**

The premises within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 shall not commence, until details of servicing arrangement, including the proposed arrangement of access points to each parcel within that area have been submitted to and approved in writing by the Council: such details shall be in accordance with the broad principles set out in the Design Code. The approved details must be fully implemented prior to commencement of the use to which the servicing arrangement relate and retained at all times.

**Reason:** *In the interests of highway safety.*

#### **Condition H6: Vehicle Turning and Circulation Areas**

Before the development of plot(s) within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, a scheme for vehicle turning, circulating and manoeuvring within that sector demonstrating that vehicles can enter and exit the sector within a forward gear shall be submitted and approved in writing by the Council.

**Reason:** To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety and to ensure that all servicing and turning of vehicles takes place within a site and not on the highway.

**Condition H7: Refuse Storage and Collection Facilities**

Before the development of plot(s) / parcels within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, a scheme for the storage and screening of refuse and facilities and arrangements for the collection of refuse within that sector shall be submitted and approved in writing by the Council. The facilities shall be provided on site, prior to the occupation of the associated buildings within the relevant sector and in accordance with the approved details. Thereafter the identified facilities shall be kept available for such use and no permanent development, whether or not permitted by the provisions of this Order or the GPDO 2015 (or any order amending, revoking and re-enacting those Orders) shall be carried out on the land so shown or in such a position as to preclude the provision of these facilities.

**Reason:** To ensure refuse arising from the development is appropriately managed.

**Condition H8: Highways Works associated with Extensions, Alterations and Change of Use**

Where any development undertaken through Schedule B, Schedule C or Schedule D of the LDO would require any work to a public highway or any road or footway to which the public will have right of access to, that development shall not be begun until details of the those highways works (including layout, geometry, dimensions, levels, gradients, surfacing, visibility splays and means of surface water drainage) have been submitted to and approved in writing by the Council. Development undertaken through Schedule B, Schedule C or Schedule D of the LDO shall not be occupied until the approved highways works have been completed in accordance with the approved details.

**Reason:** To ensure all highways works are constructed to an appropriate standard in the interests of highway safety.

**STRATEGIC AND LOCAL ROAD NETWORK**

The mitigation set out in the following conditions shall be in accordance with the specified drawings or an alternative to the same effect unless otherwise justified by the Monitor & Manage process. Any changes from the approved drawing shall be agreed in writing by the local and strategic highway authorities.

**Condition RN1**

No development comprising buildings (i.e. specifically excluding enabling works, access routes, public realm, utilities and other associated infrastructure), hereby approved, shall be commenced on site until full details of a 'Monitor and Manage Mitigation Strategy' has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Highways England and Kent County Council. The Monitor and Manage Mitigation Strategy shall be based upon the

principles outlined in the 'Draft Monitor and Manage Mitigation Strategy', dated November 2020. The development and any required mitigation identified shall be carried out in accordance with the approved details and timescales.

**Reason:** *To minimise traffic generated by the development and to ensure that the M2 and A2 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

### **Condition RN2**

The monitoring strategy pursuant to condition RN1 to be approved shall include details of data collection to fulfil the following:

- i. traffic entering and leaving the development, to identify trip generation from specific phases of development;
- ii. origin-destination and routing data to understand journey times (identify delay) and impact from the development; and,
- iii. traffic data to identify impacts (junction capacity, queue lengths and delay) on the Strategic Road Network and the local road network, including:
  - traffic count data on highway links;
  - turning movements at junctions;
  - queue data at junctions; and,
  - pedestrian movements at junctions with signals (as this affects the signal timings and pedestrian phases).

**Reason:** *To minimise traffic generated by the development and to ensure that the M2 and A2 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

### **Condition RN3**

Upon commencement of development, monitoring shall be undertaken and thereafter repeated in line with the details and frequency approved pursuant to conditions RN1 and RN2 above.

**Reason:** *To minimize traffic generated by the development and to ensure that the M2 and A2 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

### **Condition RN4**

No more than 10,159 sqm GFA (or 110 two-way trips generated from the development during the morning peak) hereby approved shall be occupied until the improvements to the Bridgewood and Taddington roundabouts and to the Rochester Road / Lankester Parker Road and Rochester Road / Laker Road junctions, as set out in indicative drawing numbers subject to detailed design 12841-CRH-ZZ-XX-DR-C-6600-P1, 12841-CRH-ZZ-XX-DR-C-6602-P1, 12841-CRH-ZZ-XX-DR-C-6603-P1, (Rochester Road/Laker Road signalised junction to be determined) have been completed and



an assessment of the network conditions is undertaken in accordance with the agreed Monitor and Manage Mitigation Strategy, approved pursuant to Condition RN2 of this permission, has been submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England and Kent County Council. The assessment of network conditions shall be used to inform further mitigation that may be required.

**Reason:** *To minimise traffic generated by the development and to ensure that the M2 and A2 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

**Condition RN5**

No more than 17,318 sqm GFA (or 188 two-way trips generated from the development during the morning peak) shall be completed ready for occupation on site, until an assessment of the network conditions in accordance with the agreed Monitor and Manage Mitigation Strategy, approved pursuant to Condition 2 of this permission, has been submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England and Kent County Council. Should the network conditions not be found to be acceptable, a scheme of mitigation to create acceptable network conditions for the erection of up to 24,477 sqm GFA (or 265 two-way trips generated from the development during the morning peak) (including timeframes for completing any mitigation thereby required), shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England and Kent County Council, prior to the commencement of additional floorspace.

Such a scheme shall include consideration of the mitigation as set out in indicative drawing numbers subject to detailed design [12841-CRH-ZZ-XX-DR-C-6601-P] relating to the Lord Lees roundabout and M2 Junction 4 [drawing 18-015-027\_E].

In addition to the potential physical changes that could be made as noted in the above drawing, an evaluation of the signal staging and operating regime shall be made to assess potential increase in capacity. Mitigation schemes shall be tested in order to determine the extent of mitigation actually required. Development shall be carried out in full accordance with the agreed details and not more than 17,318 sqm GFA (or 188 two-way trips generated from the development during the morning peak) shall be constructed unless and until the agreed works have been completed.

**Reason:** *To minimize traffic generated by the development and to ensure that the M2 and A2 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

**Condition RN6**

No more than 24,477 sqm GFA (or 265 two-way trips generated from the development during the morning peak) shall be completed ready for occupation on site, until an assessment of the network conditions in accordance with the agreed Monitor and Manage Mitigation Strategy, approved

pursuant to Condition 2 of this permission, has been submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England and Kent County Council. Should the network conditions not be found to be acceptable, a scheme of mitigation to create acceptable network conditions for the erection of up to 101,000 sqm GFA (including timeframes for completing any mitigation thereby required), shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England and Kent County Council, prior to the commencement of additional floorspace.

Such a scheme shall include consideration of mitigation to be determined in consultation with Highways England and Kent County Council.

In addition to the potential physical changes that could be made as noted in the above drawing, an evaluation of the signal staging and operating regime shall be made to assess potential increase in capacity. Mitigation schemes shall be tested in order to determine the extent of mitigation actually required. Development shall be carried out in full accordance with the agreed details and not more than 24,477 sqm GFA (or 265 two-way trips generated from the development during the morning peak) shall be constructed unless and until the agreed works have been completed.

***Reason:*** *To minimise traffic generated by the development and to ensure that the M2 and A2 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

## **DRAINAGE & FLOOD RISK**

### **Condition D1: Drainage**

Before the development of plot(s) / parcels within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, a scheme for the disposal of surface water, based on sustainable drainage principles set out in the Design Code, including details of the design, phasing (where appropriate) implementation, maintenance and management of the surface water drainage scheme on land within that sector shall be submitted to and approved in writing by the Council.

Those details shall include (if applicable):

- a timetable for its implementation,
- a management and maintenance plan for the lifetime of the development within the relevant sector which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime; and
- An assessment of the suitability for surface water infiltration.

The approved scheme shall be implemented in full in accordance with the specified timetable and retained, managed and maintained at all times thereafter and no development whether or not permitted by this Order or the GPDO 2015 (or any order amending, revoking and re-enacting those

Orders) shall be carried out on the land so shown or in such a position as to prejudice the scheme as approved.

**Reason:** *To manage surface water during and post construction and for the lifetime of the development, and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.*

#### **Condition D2: Verification Report for SuDS**

The premises within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 shall not be occupied, until a signed verification report carried out by a qualified drainage engineer (or equivalent) relevant to the land within that sector has been submitted to and approved by the Council to confirm that the Sustainable Drainage System has been constructed in accordance with the approved scheme and associated plans.

**Reason:** *This condition is sought in accordance with paragraph 163 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.*

#### **Condition D3: Foul Water**

No phase or sub-phase of the development hereby permitted under Condition CO1 shall commence until details of the means of control and disposal of foul and surface water during the construction and operational phases of that phase or sub phase of the development have been submitted to and approved in writing by the Council. The submitted scheme for the phase or sub-phase of the development under consideration shall include the provision of petrol/oil interceptors as appropriate. The approved scheme of details for that phase or sub-phase shall be implemented to accommodate foul and surface water during both construction and the operational phases of the development and shall be retained thereafter.

**Reason:** *In the interests of prevention of pollution and to ensuring provision of both surface and foul water disposal.*

## **CONSTRUCTION**

#### **Condition C1: Crime Prevention**

Before the development of plot(s) within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences details of the measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Council as per Policy BNE8. The approved measures shall be implemented before the development is occupied and thereafter retained.

**Reason:** *In the interest of security, crime prevention and community safety.*

## **Condition C2: Pre-Commencement Condition - Construction Management Plan**

No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Before the development of plot(s) within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Council. The CEMP shall include details (text, maps and drawings as appropriate) of the scale, timing, routing and mitigation of all construction related aspects of the development. It will include, but is not limited to:

- an appropriate guided construction access/egress;
- turning and off loading facilities for delivery / construction vehicles within the limits of the construction site;
- parking areas clear of the highway for those employed in developing the site, visitors and deliveries;
- wheel cleaning and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs);
- details of any hoarding to be erected during the construction works;
- the construction traffic routes;
- the hours of construction work / operation including timings of deliveries;
- site hours of operation; numbers, frequency and type of vehicles visiting the site
- the protection of public rights of way;
- provisions for a before and after road condition survey; and
- details of noise abatement procedures and means of reducing emissions to air from plant details of means of compliance with requirements for construction stated in the ecology, arboricultural, archaeological and ground conditions reports, and the ES;

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Council.

**Reason:** *To ensure that an approved programme for construction work is carried out during specified hours in the interests of the amenity of the area and to ensure that debris or construction material is not deposited on the highway and that the M2 and A2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

### **Condition C3: Details of Piling**

If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73". Hereafter, no building(s) shall be erected in each phase or sub-phase of the development until the method for piling foundations has been submitted to and approved in writing by the Council. No piling works shall take place at any time on a Sunday or public holiday or outside the hours of 0900hrs to 1700hrs Mondays to Fridays and 0800 to 1300 on Saturdays unless any variation is specifically approved in writing by the Council. The piling shall only be undertaken in accordance with the approved details, unless any variation is otherwise first approved in writing by the Council.

***Reason:** To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework. The site is located on potentially contaminated land. Uncontrolled piling could result in potential contamination of groundwater in the vicinity of IPM.*

### **Condition C4: Demolition Method Statement**

Before the demolition of any buildings within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, a Demolition Method Statement relevant to the buildings or other structures within the relevant area shall be submitted to and has been agreed in writing by the Council. The Statement shall specify:

- an appropriate access and egress arrangement for vehicles engaged in the demolition of buildings;
- turning and loading facilities for delivery /construction vehicles within the limits of the application site;
- a parking area clear of the highway for those employed in demolishing buildings within the site;
- wheel cleaning facilities;
- a strategy for the recycling and / or reuse of materials;
- traffic routes to be used by vehicles engaged in demolition works;
- hours of demolition work;
- details of dust suppression;
- the protection of any public rights of way; and
- arrangements for a before and after road condition survey;
- Details of areas designated for the storage of all demolition waste material and a programme for its disposal which ensures removal of waste material within 3 months of the relevant demolition having taken place.

Thereafter, all demolition shall be undertaken in accordance with approved details.

**Reason:** *To ensure that demolition works cause the minimum of disturbance to adjoining parcels and businesses.*

## **LANDSCAPING**

### **Condition L1: Detailed Landscaping Scheme**

Before the development of plot(s) within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, a scheme for, a detailed landscape scheme shall be submitted to and approved in writing by the Council in accordance with the Design Code. The scheme will include proposed measures for a scheme of hard and soft landscaping and boundary treatments for all land within that sector including specification of all landscaping and surfacing materials will be supplied within a detailed method statement which will include site preparation, planting techniques, aftercare and a programme of maintenance for a period of 5 years following completion of the scheme and a scheme for the future management of any communal open spaces relating to the land within that sector. The approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development relevant to the specified sector, whichever is the earlier. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate. The approved scheme shall be retained and maintained at all times thereafter and no development whether or not permitted by this Order or GPDO 2015 (or any order amending, revoking and re-enacting those Orders) shall be carried out on the land so shown or in such a position as to prejudice the scheme as approved.

**Reason:** *To comply with the duties indicated in Section 197 of the 1990 Act and to ensure satisfactory landscape treatment of the Site in the interests of visual amenity and to screen and enhance the development in the interests of visual amenity.*

### **Condition L2: Tree Re-Planting**

If within a period of five years from the date of planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

**Reason:** *In the interest of the appearance of the proposed development and to ensure any damaged or destroyed trees are replaced.*

### **Condition L3: Hedges adjacent to a public highway**

Any hedge must be maintained (pruned) so that they do not encroach upon the highway.

**Reason:** *To preserve the integrity of the public highway and in the interests of highway safety.*

## **GROUND INVESTIGATION / CONTAMINATION**

### **Condition G1: UXO Risk Assessment**

All future intrusive work should be accompanied by a UXO risk assessment at a level suitable for, and in proportion to, the nature of the works. This work is to be agreed with the Council prior to the commencement of physical works.

***Reason:** To ensure the necessary area is assessed and any required mitigation is secured*

### **Condition G2: Land Contamination**

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Council. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

***Reason:** to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.*

### **Condition G3: Contaminated Land Remediation Scheme**

If a contaminated land investigation and risk assessment scheme indicates the presence of contamination, development on that plot / parcel of development as defined by Condition CO1, shall not be begun until a scheme to bring that area into a condition suitable for the intended use by removing unacceptable risks to human health, property, adjoining land, groundwater and

surface waters, natural habitats and ecological systems and archaeological sites and ancient monuments has been submitted to and approved in writing by the Council. The scheme must:

- outline all remediation works to be undertaken;
- include proposed remediation objectives and remediation criteria;
- include a timetable of works;
- specify site management procedures; and
- ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (as amended) in relation to the intended use of the land after remediation.

No development within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 other than the approved scheme for remediation shall take place within the relevant area until such time as a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground has been submitted for the information of the Council. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Council for written approval and shall be fully implemented as approved. Thereafter, no development whether or not permitted by this Order or the GPDO 2015 (or any order amending, revoking and re-enacting those Orders) shall be carried out on the land so shown or in such a position as to as to prejudice the effectiveness of the approved scheme of remediation.

**Reason:** *To ensure that an appropriate scheme for the remediation of any areas of contaminated land identified under Condition G2 is submitted and approved.*

#### **Condition G4: Verification Report for Land Contamination**

Prior to occupation of any development as approved under Condition CO1, a signed verification report carried out by a qualified contamination officer (or equivalent) must be submitted to and approved by the Council to confirm that the Contaminated Land Remediation Works as agreed as part of Condition G2 have been carried out as per the agreed scheme and plans. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Any longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Council.

**Reason:** *This condition is sought to ensure that the remediation measures approved under Condition G3 have been implemented to best practice guidance and to ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.*



### **Condition G5: Contaminated Land**

In the event that any further contamination is found on any part of a site at any time when carrying out the approved development, it must be reported in writing immediately to the Council and the following measures taken:

- an investigation and risk assessment must be undertaken in accordance with the requirements of Condition G1;
- where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of Condition G3 and shall be subject to the approval in writing of the Council; and
- the approved scheme must be implemented before the development is occupied or first used.

No further work shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Council. The remediation strategy shall be implemented as approved.

***Reason:** To ensure that any further areas of contaminated land which are found following the implementation of LDO conditions G1 to G5 are mitigated and remediated in an appropriate manner and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.*

## **ENVIRONMENTAL**

### **Condition E1: Noise**

Prior to the occupation of any phase, sub-phase including the change of use of the development hereby permitted, a scheme to minimise the transmission of noise from the use of the premises, shall be submitted and approved in writing by the Council. Noise from the premises should be controlled, such that the noise rating level (L<sub>Ar,Tr</sub>) emitted from the development shall at least 10dB below the background noise level (L<sub>A90,T</sub>) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

***Reason:** In the interests of neighbouring uses.*

### **Condition E2: Air Quality**

No development, including any phase, sub-phase or change of use hereby permitted shall take place until an Air Quality Emissions Mitigation Assessment and Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall be prepared in accordance with the Medway Air Quality Planning Guidance, and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality Assessment, prepared by ACCOM dated January 2019. The total monetary

value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the Air Quality Emissions Mitigation Assessment and Statement and as listed in the Unilateral Undertaking table at INF8 below. The development shall be implemented, and thereafter maintained, entirely in accordance with measures set out in the approved Mitigation Statement.

**Reason:** *To protect air quality and people's health by ensuring that the production of air pollutants, such as nitrogen dioxide and particulate matter, are kept to a minimum during the course of building works and during the lifetime of the development. To contribute towards the maintenance or to prevent further exceedances of National Air Quality Objectives.*

#### **Condition E3: External Lighting Scheme**

Before the development of plot(s) within any area as defined by the Design Code and identified on plans approved in accordance with Condition CO1 commences, a comprehensive external lighting scheme serving that sector of development shall be submitted to and approved in writing by the Council. The approved lighting scheme shall be installed, subsequently operated and thereafter retained in strict accordance with the approved details before the development within that sector is first occupied in order to ensure continued compliance

**Reason:** *In the interests of minimising light pollution, intrusion and spillage to adjoining residential areas and in the interests of highways safety, to ensure that the lighting does not give rise to glare creating a hazardous distraction to drivers of vehicles on the adjacent highway.*

#### **Condition E4: Sustainability**

All development shall be constructed to achieve a minimum rating of BREEAM 'very good'.

**Reason:** *To ensure development is sustainable and that necessary measures are taken with respect to mitigating environmental impacts with respect to climate change.*

#### **Condition E5: Ecological Compliance**

Developers are required to submit an ecological compliance note by identifying all relevant plot and site wide prescriptions within the "Rochester Airport - Innovation Park Medway, Ecological Management and Enhancement Plan" and including a preliminary ecological appraisal that reviews the existing mitigation and makes recommendations of additional measures if identified. The Ecological Compliance Note must be approved by the Local Planning Authority prior to commencement of development.

**Reason:** *To ensure development is compliant with submitted Ecological Management and Enhancement Plan.*

## **ARCHAEOLOGY**

### **Condition A1: Written Scheme of Investigation / Method Statement for Archaeological Evaluation**

On any land with archaeological potential, no development shall be begun until a Written Scheme of Investigation has been submitted as part of the Prior approval Process and approved in writing by the Council as part of the prior approval process.

The Written Scheme of Investigation shall include a Method Statement which shall outline a programme of archaeological work including the proposed fieldwork techniques (including trial trenching and/or geophysical prospection) to identify archaeological deposits within IPM.

The Written Scheme of Investigation shall take account of the IPM Archaeological and Heritage Impact Assessment.

***Reason:** The Site is of likely archaeological interest, as confirmed by the Historic Environmental Assessment.*

### **Condition A2: Submission of Written Archaeological Report**

On any land with archaeological potential no development, other than that required to carry out archaeological work, shall be begun until a written report outlining the findings of archaeological fieldwork has been submitted to and approved in writing by the Council. The report must include:

- a description of the survey methods used;
- the location and size of trial trenches;
- a detailed summary of all archaeological deposits and evidence gathered;
- an assessment of the significance of all archaeological deposits and evidence gathered;
- a strategy for the preservation in situ of archaeological remains and/or further archaeological investigation and recording;
- Archaeological Post-Excavation Assessment Report and Updated Project Design; and
- All future work must be carried out in accordance with the submitted report.

***Reason:** To ensure all archaeological evidence is recorded and assessed and an appropriate strategy is in place for the preservation of archaeological deposits at IPM.*

### **Condition A3: Preservation in Situ and Further Investigation**

Linked to Condition A2, instances where safeguarding (preservation in situ) or further investigation and recording of archaeological remains is required, both the following is required:

- (a) Agreement of a written scheme of investigation / method statement for the preservation in situ of important archaeological remains and or further archaeological investigation and recording; and

- (b) The requirement to submit a Post-Excavation Assessment Report and Updated Project Design detailing the results of any safeguarding or investigation and recording works. The Post-Excavation Assessment Report and Updated Project Design will be submitted for approval within six months of completing the archaeological fieldwork.

*Reason: To ensure all archaeological evidence is recorded and assessed and an appropriate strategy is in place for the preservation of archaeological deposits at IPM.*

**Condition A4: Publication and Archiving**

Provision must be made for the publication and dissemination of the results of the site investigation and archive deposition of the records and finds.

*Reason: To ensure all archaeological evidence is recorded to inform future phases of development.*

**Condition A5: Archaeology (Code of Conduct)**

All archaeological works shall be carried out in accordance with the Code of Conduct and relevant Standard and Guidance of the Chartered Institute for Archaeologists (CIFA) and in line with the Written Scheme of Investigation, Archaeological Report and updated Project Design as agreed with the Council.

*Reason: To ensure archaeological survey work is undertaken in accordance with appropriate professional standards and required to deliver works as submitted and approved by the Council.*

**EXTENSION OR ALTERATION**

**EA1: Building Materials on Extensions**

Any extension or alteration shall be constructed using materials which have a similar external appearance to those used for the original building being extended or altered and accord with the principles as set out in the Design Code.

*Reason: In the interests of the character and appearance of IPM.*

**EA2: Massing of Extended or Altered Buildings**

The height of any extended or altered building shall be in accordance with building height standards set out in the Design Code.

*Reason: To ensure extensions or alterations are undertaken in accordance with the Innovation Park Medway Design Code.*

**EA3: Highways Works associated with Extensions, Alterations and Change of Use**

Where any development undertaken through Schedule B or Schedule C of the LDO would require any work to a public highway or any road or footway to which the public will have right of access to, that development shall not be begun until details of the those highways works (including layout,

geometry, dimensions, levels, gradients, surfacing, visibility splays and means of surface water drainage) have been submitted to and approved in writing by the Council.

Development undertaken through Schedule B or Schedule C of the LDO shall not be occupied until the approved highways works have been completed in accordance with the approved details.

**Reason:** To ensure all highways works are constructed to an appropriate standard in the interests of highway safety.

## **Informatives**

### INF1: Surface Water and Wheel Cleaning

It is contrary to Section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. All development should therefore be designed and constructed so that surface water, including that from wheel cleaning, does not drain into the public highway or the highway drainage system.

### INF2: Use of Excavated Materials

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project formally agreed with us some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Developers should refer to the Position statement on the Definition of Waste: Development Industry Code of Practice (DoWCoP) and the environmental regulations page on GOV.UK. Any re-use of excavated materials not undertaken formally using the CL:AIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

The use of DoWCoP precludes the charging of any gate fees for any imported soils materials. This restriction is paramount and any import of materials where a gate fee is charged must be covered by a relevant environmental permit for recovery or disposal.

### INF3: Trade Effluent

The Water Industry Act 1991 states that any liquid produced wholly or in part from any trade or business activity carried out on your trade premises qualifies as trade effluent and therefore requires consent from United Utilities. Trade effluent control applies only to those discharges made to the foul sewer. No discharge of trade effluent should be made to the surface water sewer; this includes vehicle washes.

### INF4: Flood Risk and Drainage

When addressing flood risk and drainage, consideration should be given to opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development and the application of sustainable drainage systems (SuDS). New development should be

sustainable and where appropriate contribute to the creation of infrastructure and communities that are safe from flooding for their intended lifetime through the use of SuDS.

Prior to any development involving the creation of hardstanding or impermeable surface, including the erection of ancillary structures or the extension of any existing building, it is advised that you discuss the management of surface water with the Environment Agency, the Lead Local Flood Authority and relevant Sewerage Undertaker. Applicants may be asked to provide information to allow for an assessment to be made of the appropriateness of the type of surface water drainage system for a proposed site, along with details of its extent/position, function and future management arrangements. SuDS should be properly designed and ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.

#### INF5: Applications to Remove or Vary a Condition under Section 73

Applications to remove or vary any condition imposed by the LDO may be made under Section 73 of the Act 1990 (as amended).

#### INF6: Planning Applications

A normal planning application may be submitted under the Act 1990 (as amended) for development proposals within the LDO area which are outside the scope of the classes of permitted development set out in the LDO.

#### INF7: Consultation with Kent Fire / Kent Police (and other consultees as advised through pre-application process) prior to submission of Self-Certification Form

Prior to the submission of the Self-Certification Form (Appendix 2), applicants must have received written confirmation from both Kent Fire and Kent Police that their proposals accord with any necessary design related documentation. This approach will then ensure the 28-day LDO determination period is met.

#### INF8: Unilateral Undertaking contributions

Unilateral Undertaking contributions will be secured if mitigation (in relation to Air Quality, Transport/Travel Plan, Biodiversity) cannot be provided by the developer to mitigate the effects and will be calculated in accordance with the table below:

Area:		Total Amount:	Amount Required per sqm (Total GEA 100,648 sqm):	Advisory Note:
Air Quality	Damage Cost figure	£1,544,660  (As set out within the Air Quality Assessment)	£15.34	The overall damage cost figure is based on trip generation across the entire site.  Whilst this provides a broad figure of £15 per square metre this will be dependent on the nature of developments and the end user (i.e. how many vehicular movements the end user generates and the measures the mitigation in place). It is therefore difficult to apportion a figure on a £ per square metre basis.
Transport/Travel Plan	Highways Mitigation	£2,750,000 - £4,100,000  (Approximate figure subject to further design work)	£27.32 - £40.73	The mitigation work required as part of IPM is subject to further engineering/design works so is only an indicative figure at this stage.  <ul style="list-style-type: none"> <li>• Taddington: £200,000 - £250,000</li> <li>• Bridgewood: £300,000 - £350,000</li> <li>• Lord Lees: £750,000 - £1,000,000</li> <li>• M2 Junction 4: £1,500,000 - £2,500,000</li> </ul> These figures do not include costs for land ownership which may need to be incorporated into the total contribution amount required.
Biodiversity	Off-Site Net Gain Payment	£525,000	£3.77	Preferred choice is Horsted Valley as set out in the EMEP and based on an area extending to 139,179 m <sup>2</sup> .

*No development shall be commenced until details demonstrating how the impacts in relation to Air Quality, Transport/Travel Plan and Biodiversity of the development will be mitigated has been submitted to and approved in writing by the Council in accordance with the table above.*

*Approximate figure is subject to confirmation should further assessment work be required in response to a change in circumstance.*

**INF9: Re Condition(s) RN1-6**

This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and Highways England (as the strategic highway company appointed by the Secretary of



State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to Highways England). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with Highways England and the Local Highway Authority.

Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Email [planningse@highwaysengland.co.uk](mailto:planningse@highwaysengland.co.uk)  
Tel 0300 123 5000.

## APPENDIX 1: INTERPRETATIONS AND DEFINITIONS

*The LDO's appendices should be read in full to determine the precise details and requirements of the classes of permitted development.*

**Ancillary Uses** include

*A secondary use of land which has a clear and commonly found functional relationship with the primary use. The ancillary use should be closely linked and subservient to the primary use.*

**Ancillary Retail** uses include

*Maximum of 360 sqm (floor space) (GEA) (Use Class E(a)) (Sale of cold food and drink only) and E(b) (Sale of food and drink for consumption (mostly) on the premises)*

**Archaeological & Heritage Impact Assessment** is referred to as the 'AHIA' prepared by Headland Archaeology, dated August 2018

*Provides an assessment of the historic or archaeological significance of a building or landscape within the wider setting of the Development*

**Associated Site Infrastructure and Facilities** are defined as:

- *The provision of a junction access onto the highway*
- *The provision of main access and utility services throughout IPM including electricity substations and associated electric lines, broadband connection, electric vehicle recharging points, gas and water*
- *The provision of hard standing areas required for disabled parking bays, designated loading and services bays, vehicle turning and circulation area*
- *The provision of multi-storey car parking facilities, surface car parking and temporary car parking (in accordance with the detail as set out in the Design Code)*
- *The erection of a gate, fence, wall or other means of enclosure;*
- *Street furniture as set out in the Design Code*
- *Soft landscaping as set out in the Design Code including Sustainable Drainage System (SuDS)*
- *Trees, hedges, vegetation and other areas of soft landscaping / public realm (in accordance with the detail as set out in the Design Code)*

**Authority Monitoring Report** is referred to as the 'AMR' and confirms:

*Whether targets set in the Local Development Framework / the Local Plan have been achieved and confirms whether objectives behind policies / policy documents are still relevant.*

**Construction Environmental Management Plan** is referred to as the 'CEMP'

*A CEMP outlines how a construction project will avoid, minimise or mitigate effects on the environment and surrounding area*

**Consultation Statement** is referred to as the 'Statement'

*This Statement sets out why and how both Councils have engaged with the local community and key stakeholders. It explores how feedback from the consultation influenced the Masterplan*

**Design Statement** means the Statement submitted in support of the Development and in accordance with the Self-Certification Form

**Development** has the same meaning as defined in Section 55 of the Town and Country Planning Act 1990 (as amended)

**Ecological Management and Enhancement Plan** is referred to as the 'EMEP' prepared by BSG Ecology, dated October 2020

**Environmental Statement** is referred to as the 'ES' prepared by CampbellReith, dated June 2019 and includes the following technical appendices:

- Request for an EIA Screening and Scoping Opinion prepared by CampbellReith, May 2019
- Aviation Risk Assessment prepared by Geoff Connolly, December 2018
- Transport Assessment prepared by CampbellReith, January 2019
- Fore Consulting Modelling Report prepared by Fore Consulting, December 2018
- Air Quality Assessment prepared by ACCON, January 2019
- Land Quality Statement prepared by CampbellReith, May 2019
- AONB Assessment prepared by LDA Design, January 2019

*The ES tests the Development against the likely environmental effects*

**ES Addendum** dated October 2020

**Examination in Public** is referred to as 'EiP'

**Environment Impact Assessment** is referred to as EIA

**Funding** means:

*A total of £8.1m has been awarded from central government's Local Growth Fund through the South East Local Enterprise Partnership (SELEP) to help bring this site forward for development, creating a hub for knowledge-based employment and innovation. Further funding has been awarded through the Growing Places Fund and Sector Support Fund to support the development of the Innovation Park Medway masterplan, Local Development Order and development proposals.*

**General Permitted Development Order** is referred to as 'GPDO 2015' (or any order amending, revoking and re-enacting that Order)

**Gross External Area** is referred to as 'GEA'

*GEA is defined as the total covered floor area inside a building envelope, including the external walls of a building as measured in accordance with the Royal Institution of Chartered Surveyors' Code of Measuring Practice, Sixth Edition published in May 2015;*

**Gross Value Added** is referred to as 'GVA' and means

*The measure of the value of goods and services produced in area, industry or sector of an economy.*

**Highways England** are referred to as 'HE'

**Innovation Park Medway** – is referred to as 'IPM'

**IPM Design Code** is referred to as the 'Design Code' prepared by LDA Design, January 2019, updated September 2020

*Provides a manual for the design of the development within IPM and comprise both written and diagrammatic guidance. The Design Code will be used as a development facilitation tool and serve as a reference point for ongoing design processes. This document will focus on the characteristics desired for each area of the regeneration site and stipulate design guidance for all features considered critical to achieving them.*

**Landscape and Visual Impact Assessment** is referred to as 'LVIA' prepared by LDA Design, January 2019, Addendum December 2019

*Is the assessment of evaluating the effect of IPM upon the surrounding landscape*

**Kent County Council** is referred to as 'KCC'

**Local Development Order** – is referred to as the 'LDO'

**LDO Compliance Assessment Period** means:

*Upon submission of the Self-Certification Form and accompanying documentation, the Council will confirm validation within 7 days of receipt of the application.*

Once the Council has confirmed that the application is validated, the 28 days for determination begins.

The development must not begin before the occurrence of one of the following:

- receipt of written notice from the Council of their determination that such prior approval is not required;*
- where the Council give the applicant notice within 28 days following the date of validating the application of their determination that such prior approval is required, the giving of such approval; or*
- the expiry of 28 days following the date on which the application was validated without the Council making any determination as to whether such approval is required or notifying the applicant of their determination.*

*For the purposes of calculating the 28-day LDO Compliance Assessment Period, any Bank Holiday and any day between and inclusive of Christmas Eve and New Year's Day each year shall not be taken into account.*

**Masterplan Proposals** are referred to as the 'Masterplan' prepared by LDA design, dated January 2019

**Medway Council** is referred to as 'Medway'

**Tonbridge & Malling Borough Council** is referred to as 'the Council'

**The Town and Country Planning Act 1990** is referred to as the '1990 Act'

**The Planning and Compulsory Purchase Act 2004** is referred to as the '2004 Act'

**The Town and Country Planning Act 2008** is referred to as the '2008 Act'

**The Growth and Infrastructure Act 2013** is referred to as the '2013 Act'

**The Town and Country Planning (Development Management Procedure) (England) Order 2015** is referred to as the 'DMPO 2015'

**The Town and Country Planning (Environmental Impact Assessment) Regulations 2017** is referred to as 'EIA Regs 2017'

**The "IPM LDO area"** is defined as the area comprised within the red line boundary (Northern and Southern sites)

The time when development has '**begun**' has the same meaning as defined in Section 56 of the 1990 Act (as amended)

**North Kent Enterprise Zone** is referred to as 'NKEZ'

*North Kent Enterprise Zone offers tax breaks and government support, making them ideal places for new and expanding organisations to do business.*

**National Planning Policy Framework** is referred to as the 'NPPF'

*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied*

**Ownership means** *Parcels 1, 2 and 3 are owned by Medway Council. Currently, Parcel 1 is leased to Rochester Airport Ltd. Parcel 2 is leased by BAE Systems, with a small area of this parcel within the ownership of BAE Systems. Although owned by Medway Council, part of Parcel 1 lies within the neighbouring Borough of Tonbridge & Malling. Parcel 4 is privately owned. (See Figure 1).*

**Planning Practice Guidance** is referred to as 'PPG'

*The PPG replaces and consolidates 7,000 pages of planning guidance on topics including transport and design and it should be read in conjunction with the NPPF*

**Pre-application** is referred to as 'pre-app'

*This is the process of the submission of the necessary information to the Council ahead of a meeting taking place to discuss the proposal. This process is outlined at Section 3 (Prior notification Procedure)*

**Proposed Land Uses include**

Use Class E(g)(i) – Business (office);  
Use Class E(g)(ii) – Research and development of products and processes  
Use Class E(g)(iii) – Industrial processes; and  
Use Class B2 (General Industrial).

\*Together with the ancillary uses set out above.

### **Proposal means**

*Innovation Park Medway: is a high-tech cluster of companies sharing similar skills, infrastructure, ambition and drive. IPM comprises predominantly Use Class E(g) and Use Class B2 uses focused on high value technology industries, engineering, manufacturing and knowledge intensive industries. All businesses are committed to delivering high GVA and exploring opportunities and synergies for collaboration, innovation and skills retention and with links to universities*

**South East Local Enterprise Partnership** is referred to as the 'SELEP' *The SELEP is one of 38 LEPs which are established to provide clear vision and strategic leadership to drive sustainable private sector-led growth and job creation*

**Site Location** means the area defined by the red line on plan (Parameter Plan – Site Boundary) and described as:

*IPM is located on two areas of Rochester Airport which is a general aviation aerodrome on the southern edge of Rochester. It lies approximately 3.5 kilometres (km) to the south of Chatham and Rochester town centres and 57 km east of Central London. It is located approximately 1.4 km north of Junction 3 of the M2 motorway and 5.7 km north of Junction 6 of the M20 motorway, linking the site with London, the M25 motorway and Continental Europe thereby making the site an attractive location for business. Javelin Trains using of HS1 mean Rochester is just 37 minutes from Central London, whilst Eurostar services to Europe can be accessed from Ebbsfleet International Station.*

*IPM will be split into two separate areas each of which will comprise two distinct parcels with the overall area extending to 18.54ha. The Northern Area consists of a main parcel (Parcel 1) which currently forms part of Runway 16/34 and is made up of laid to well-maintained grass and a second parcel (Parcel 2) currently laid to concrete slabs with a secured palisade fence since it is used by BAE Systems as a car park area. The Southern Area consists of an eastern parcel (Parcel 3) which comprises the remnants of previously demolished structures, a small utilities structure and associated compound and an overflow car park for the adjacent Innovation Centre Medway. The western parcel (Parcel 4) comprises an operational caravan park, Woolmans Wood Caravan Park, which has capacity for approximately 100-125 caravans.*

*Parcels 1, 2 and 3 are owned by Medway Council. Currently, Parcel 1 is leased to Rochester Airport Ltd and Parcel 2 is to be leased by BAE Systems. Although owned by Medway Council part of Parcel 1 lies within the neighbouring Borough of Tonbridge & Malling. Parcel 4 is privately owned (See Figure 1).*

*The LDO is intended to be in place for a period of 10 years and has been made to drive economic development through the delivery of IPM which will act as a new and vibrant employment hub for high-value technology, advanced manufacturing, engineering and knowledge-intensive businesses all as part of 21<sup>st</sup> century sustainable development.*

**Science Park trip rates** (the justification for the use of)

*The trip rates for Science Park uses are less than those from typical business developments. This is due to the specialist nature of the end use found on Science Parks. The TRICS trip database confirms this in a survey at Cambridge Science Park. Technical Note T1 presents a review of the trip rates and associated trip generation.*

**Secretary of State** is referred to as 'SoS'

**Self-Certification Form** is referred to as 'the Form'

*Request to for confirmation that a development is compliant with the LDO*

**Standard Industrial Classification** is referred to as the 'SIC'

*The Standard Industrial Classification is a system for classifying industries by a four-digit code used by government agencies to classify industry areas*

**Statement of Community Involvement** is referred to as the 'SCI'

**Statement of Reasons** is referred to as the 'SoR'

**Transport Assessment** is referred to as the 'TA' prepared by CampbellReith, January 2019

*The TA assesses the transport issues relating to the Development following discussions and agreement with Kent County Council and Highways England. The TA identifies the measures that will be incorporated to mitigate the impacts of the Development.*

**Travel Plan Framework** is referred to as the 'TP' prepared by CampbellReith, January 2019

*Identifies the package of actions / works designed to encourage safe, healthy and sustainable travel options to IPM*

*The Masterplan forms part of the evidence base to the LDO*

## APPENDIX 2: SELF CERTIFICATION FORM

### SELF CERTIFICATION FORM FOR INNOVATION PARK MEDWAY LOCAL DEVELOPMENT ORDER

(Request for confirmation that a development is compliant with the Local Development Order)

This document should be read in conjunction with the Innovation Park Medway Local Development Order (IPM LDO). For interpretations and definitions, please see **Appendix 1** of the LDO.

1. When to Use this Form			
<p>This form enables you to apply for Prior Approval confirmation that your scheme complies with the IPM LDO. If your application satisfies the Council's standards, this will be confirmed by the issuing of a "Lawful Development Certificate" by the Council.</p> <p>As set out in more detail within <b>Appendix 1</b> of this form, the following steps <b>must</b> be undertaken prior to completing this form:</p> <p><b>Step 1:</b> Arrange a meeting with Medway Council's regeneration team to discuss and agree a suitable plot. Please visit <a href="http://www.medway.gov.uk/ipm">www.medway.gov.uk/ipm</a> for contact details.</p> <p><b>Step 2:</b> Consult with key stakeholders following the advice received at the meeting with Medway Council's regeneration team.</p> <p><b>Step 3:</b> Arrange a pre-application meeting with Tonbridge &amp; Malling Borough Council's planning team to discuss the proposal and ensure validation.</p> <p>For pre-application meeting costs and further information, please contact us on 01732 844522 or email us at <a href="mailto:planning.applications@tmbc.gov.uk">planning.applications@tmbc.gov.uk</a> to arrange the pre-application meeting. The first pre-application meeting is mandatory and would be charged at a cost of a standard pre-application meeting. Any follow up advice (where required) will be charged at the officer's hourly rate.</p> <p><b>These are mandatory procedures which are required prior to submitting this form in order to ensure validation.</b></p> <p>All Self-Certification forms should be submitted via email to <a href="mailto:planning.applications@tmbc.gov.uk">planning.applications@tmbc.gov.uk</a> with the subject title '<b>LDO Application</b>' to enable the application to be processed in a timely manner.</p>			
2. Pre-application reference number and date of meeting			
3. Applicant's Details (and Agent's details if applicable)			
Applicant's Name and Address Company name		Agent's Name and Address	
Applicant's Telephone Number		Agent's Telephone Number	



Applicant's Email		Agent's Email	
Parcel Plot / Zone See Figure 5.1 of Design Code (p.90)			
Site Area			
<b>4. Details of Proposed Development</b>			
<p>Please indicate which of the following Schedules the development falls under and provide a description of the proposed development below:</p> <p><i>Schedule A – Building Development including the provision of Infrastructure, Facilities and Public Realm (p.31 of LDO)</i></p> <p><i>Schedule B – Extensions or Alterations (p.33 of LDO)</i></p> <p><i>Schedule C – Change of Use (p.34 of LDO)</i></p> <p><i>Schedule D – Other Operations (p.35 of LDO)</i></p>			
<b>*Existing Floor space schedule (if applicable)</b>	<b>Amount (GEA sqm)</b>	<b>Please state the hours of operation</b>	
Class E(g)(i) – Business (Office)			
Class E(g)(ii) – Research and Development of products and processes			
Class E(g)(iii) – Industrial processes			
B2 - General Industrial			
<b>Total (GEA sqm)</b>			

<b>*Proposed Floor space schedule</b>	<b>Amount (GEA sqm)</b>	<b>Please state the hours of operation</b>
Class E(g)(i) – Business (Office)		
Class E(g)(ii) – Research and Development of products and processes		
Class E(g)(iii) – Industrial processes		
B2 - General Industrial		
<b>Total (GEA sqm)</b>		
<p>*Please note that the Use Classes referred to above take into account the amendments to the Use Class Order 1987 set out in The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which take effect from 1<sup>st</sup> September 2020. For the purpose of the former Use Class Order the following Use Classes would apply; B1a Business (Office), B1b Business (Research and Development, studios, laboratories, high-technology industries, and B1c (Light Industrial).</p>		

**5. Encouraging the Principles of Sustainable Travel**

Please state how the development accords with the measures set out in the Framework Travel Plan and explain how any air quality mitigation measures will be secured?

What incentives do you propose to encourage sustainable modes of travel? For instance, bike to work schemes, car sharing programmes and/or financial incentives through the provision of season passes to use local train / buses. Please also include details of the showers / washroom facilities, cycle parking etc. that will be provided as part of the development.

Please explain how your strategy of sustainable travel is/will be monitored and reviewed to comply with the IPM and national policy changes? (\*Please note the Council may require details of the monitoring to be submitted to ensure accordance with the Travel Plan).

<b>6. Vehicle Parking</b>				
Please provide the proposed number of parking spaces				
<b>Type of Vehicle</b>	<b>Total Spaces required / number of deliveries</b>	<b>On-plot</b>	<b>Off-plot parking*</b>	<b>Street parking</b>
Car				
Disabled car parking spaces				
Vans / light good vehicles				
Heavy Good Vehicles				
Cycle				
Motorcycles				

\*Off-plot parking includes temporary/deck parking. Please note that provision of off-plot parking will be subject to capacity. This will not be provided until a threshold is met to justify demand.

<b>7. Traffic Generation</b>		
What times do you anticipate the most traffic movements to occur in relation to your business?	<b>AM peak movements:</b> <b>PM peak movements:</b>	
For these peak times, please indicate the likely numbers of different types of traffic	<b>AM (enter time):</b>	<b>PM (enter time):</b>
Cars		
Vans / light good vehicles		
Heavy Good Vehicles		
Cycle		
Motorcycles		
How have you arrived at these numbers (e.g. formal transport assessment, estimates based upon current business, knowledge of similar businesses)?		

<b>8. Relevant Supporting Information and Plans – Checklist</b>		
<i>All of the following supporting information and plans must be submitted with this application form at the required scale and must include a scale bar</i>	<b>Included</b>	<b>Document Reference</b>
Completed LDO Self Certification Form		
Submission of BREEAM Pre-Assessment Form		
A location plan (1:1250 or 1:2500 scale) showing direction of north, based upon an up-to-date map which identifies the site / plot edged red		
Site Plan (1:500 or 1:200 scale)		
Block plan of the site / plot (1:100 or 1:200 scale)		
Proposed elevations (1:50 or 1:100 scale) and details of materiality		
Proposed floor plans (1:50 or 1:100 scale)		
Proposed sections and finished floor and site levels (1:50 or 1:100 scale), eaves and ridge heights		
Design Statement (see Appendix 1 for guidance)		
Details / Confirmation of level of mitigation in accordance with the Unilateral Undertaking provided in the Informatives		
Pre-application reference number/receipt		
Document(s) to discharge conditions		

<b>9. Monitoring Data</b>	
<b>Existing (if applicable)</b>	
How many jobs – both full time equivalent (FTE) and part-time	FTE: Part-time:
What type of jobs <b>Please state number / type (Administrative / Professional etc.)</b>	
Internal floor space (in sqm)	

<p>Do you have established links with Educational Institutions (universities, colleges, schools or other), Medical Institutions, specialised businesses and/or any other organisations?</p> <p><b>If yes, please state which and explain how links are forged / created, i.e., do you offer work experience routes / paid internships / do you seek graduates directly from the Universities</b></p>	
<p>Level of Gross Value Added (GVA)</p> <p>*For consistency across all prior approval applications please use the method below to calculate the GVA.</p>	£
<b>Proposed</b>	
<p>How many jobs will be created – both full time equivalent (FTE) and part-time</p>	<p>FTE:</p> <p>Part-time:</p>
<p>What type of jobs will be created?</p> <p><b>Please state number / type</b></p> <p><b>(Administrative / Professional etc.)</b></p>	
<p>Amount of internal floor space (in sqm)</p>	
<p>Do you propose to enhance / create links with Educational Institutions (universities, colleges, schools or other), Medical Institutions, specialised businesses and/or any other organisations?</p> <p><b>If Yes, which?</b></p> <p><b>If NO, why?</b></p>	
<p>Anticipated level of Gross Value Added (GVA)</p> <p>*For consistency across all prior approval applications please use the method below to calculate the GVA.</p>	£
<p>Please tick to confirm the following monitoring data will be provided annually:</p> <ul style="list-style-type: none"> <li>- Floorspace delivery</li> <li>- Job creation</li> <li>- Trip generation (including staff mode of travel/traffic counts)</li> <li>- GVA</li> </ul>	

**\*GVA calculation method:** GVA is calculated from the companies last set of accounts by adding salary & wage costs, pre-tax profit and depreciation. This is then divided by the number of FT employees to give GVA per employee.

10. Notice to Landowner (owner) / Leaseholder		
Notice must be served on the Landowner prior to the submission of this form. Please provide the necessary details as shown at Appendix 3		
Name of Owner	Address	Date notice served
Signed (Applicant / Agent)	Date	

*\* An 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years. In the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land is also an owner.*

11. Declaration	
I/we hereby apply for confirmation of compliance with the IPM LDO as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. I/we confirm that a copy of this application form and accompanying plans/drawings and additional information has been submitted to the Council.	
Signed	xxx
Date	(xx/xx/xxxx)

**Please return to either:**

[planning.applications@tmbc.gov.uk](mailto:planning.applications@tmbc.gov.uk)

or

Tonbridge & Malling Borough Council  
 Kings Hill (Head Office)  
 Gibson Building  
 Gibson Drive  
 Kings Hill  
 West Malling  
 Kent  
 ME18 4LZ

**Please clearly mark all correspondence "IPM LDO Application".**

**Appendix 1**  
**Guidance notes for IPM LDO**  
**Self-Certification Form**



## **Seeking Prior Approval:**

### **Step 1:**

Arrange a meeting with Medway Council's regeneration/marketing team prior to any pre-application discussions whereby a suitable plot will be discussed and agreed. During these discussions, the Applicant will be made aware of the different statutory consultees/key stakeholders that would need to be consulted and any issues dealt with prior to a pre-application meeting being arranged.

Please visit [www.medway.gov.uk/ipm](http://www.medway.gov.uk/ipm) for contact details.

### **Step 2:**

Consult with key stakeholders following the advice received at the meeting with Medway Council's regeneration team.

### **Step 3:**

Arrange a pre-application meeting with officers at Tonbridge & Malling Borough Council to discuss proposal and to ensure validation.

For pre-application meeting costs and further information, please contact us on 01732 844522 or email us at [planning.applications@tmhc.gov.uk](mailto:planning.applications@tmhc.gov.uk) to arrange the pre-application meeting.

The first pre-application meeting is mandatory and would be charged at a cost of a standard pre-application meeting. Any follow up advice (where required) will be charged at the officer's hourly rate.

### **Step 4:**

Complete Self-Certification Form following discussions with Council.

### **Step 5:**

Consult the Design Code and Masterplan for more detailed guidance.

### **Step 6:**

Submit Self-Certification Form with all necessary supporting evidence including evidence of the pre-application discussion (date and note of advice given by officers from Council) and confirmation of compliance with the Design Code.

This should include details to discharge conditions.

All Self-Certification applications, should be submitted via email to [planning.applications@tmhc.gov.uk](mailto:planning.applications@tmhc.gov.uk) with the subject title '**LDO Application**' to enable the application to be processed in a timely manner.

### **Step 7:**

Upon submission of the Self-Certification Form and accompanying documentation to the Council, officers will require 7 days to validate all of the information and for the case officer to confirm the content of the documentation is as agreed during the pre-application meeting. Upon completion of the 7 days, the case officer will either send a request for further information or provide confirmation of the application being validated.

### **Step 8:**

Once the Council has confirmed that the application is validated, the 28 days for determination begins.

The development must not begin before the occurrence of one of the following:

- receipt of written notice from the Council of their determination that such prior approval is not required;

- where the Council give the applicant notice within 28 days following the date of validating the application of their determination that such prior approval is required, the giving of such approval; or
- the expiry of 28 days following the date on which the application was validated without the Council making any determination as to whether such approval is required or notifying the applicant of their determination.

Document	Additional Notes
A completed LDO Self Certification Form (This form)	This ensures all relevant and necessary questions are answered, appropriate information is provided and declarations are signed
A location plan (1:1250 or 1:2500) showing direction of north, based upon an up-to-date map which identifies the site / plot edged red - (all plans must include a scale bar)	Plans should show at least two named roads and surrounding buildings / plots named or numbered. The red line should include all land necessary to carry out the development subject of this application. This includes any land required for access to the site from a public highway, visibility splays and landscaping
Site Plan or Block Plan drawn at a scale of 1:500 or 1:200 - (all plans must include a scale bar)	This should accurately show: a) the direction of north; b) the proposed development of the plot in relation to the plot boundaries and the wider development of Innovation Park Medway c) all buildings, roads and footpaths adjoining the plot including access arrangements to the plot
Other plans and drawings or information necessary to describe the subject of this application - (all plans must include a scale bar)	Site survey plan (at the same scale as site or block plan) should show: plot boundaries; the type and height of boundary treatment; the position of any building(s) or structure(s) surrounding the plot
Proposed Elevations (1:50 or 1:100 scale) including a scale bar - (all plans must include a scale bar)	All elevations must be shown with written dimensions of height, width and depth and these should also indicate where possible the proposed building materials in accordance with the submitted design code.  Where a proposed elevation adjoins another building or is in close proximity, the drawing should clearly show the relationship between them and detail the positions of openings on each property
Proposed floor plans (1:50 or 1:100 scale) including a scale bar - (all plans must include a scale bar)	These should explain the proposal in detail
Proposed sections and finished floor and site levels (1:50 or 1:100 scale) - (all plans must include a scale bar)	Cross sections through the building should be shown. Full information should be submitted to demonstrate how the new building(s) relate to neighbouring development including floor levels, eaves and ridge heights.
Design Statement	Details the approach, justification, detail of the design of the plot, public realm or infrastructure, and describes the standards of accessibility that would be designed into the development (where necessary) together with outlining how the proposed development accords with the overarching aims and ambitions of IPM as outlined below:  <b>Business Innovation:</b> How do you consider your business to be innovative?  <b>Growth / Jobs:</b> What are your future growth plans including workforce and skills requirements?

	<p><b>Quality of Design/Purpose of development:</b> The quality of each plot / provision of infrastructure is a significant factor in supporting firstly the vision and secondly, the types of quality businesses that will locate at IPM. How will your business accord with the vision of IPM set by the Four Big Moves? <i>For more information see Section 2 (p.10) of the Design Code.</i></p> <p><b>Wider Contribution / Social Value:</b> What contribution can the business make? How will your business contribute to the local community and the wider Medway area?</p>
Design Code Compliance Checklist (This Form)	Completion of the relevant IPM design code compliance checklist
BREEAM Pre-Assessment Form	Confirms how the development will achieve its BREEAM rating

**Appendix 2**  
**Design Code Compliance**

Design Code Compliance						
Code	Applicable Plots	Summary of Objectives	Complied With	Not Complied with	Council to confirm	Document Reference / Comments <i>Provide references to appropriate plans, documents or page numbers to support your response. Please also provide any additional detail explaining why (if applicable) your proposals do not comply and justification.</i>
<b>1. Parameter Plans (See Section 3 of Design Code)</b>						
<b>Landscape</b> (See Figure 3.1, p.14 of Design Code)	All	<ul style="list-style-type: none"> <li>Proposals must work within the development envelope and respect the landscape framework set out in the approved parameter plan for IPM.</li> </ul>				
<b>Access and Movement</b> (See Figure 3.2, p.15)	All	<ul style="list-style-type: none"> <li>Proposals must connect into the proposed access and movement hierarchy as set out in the approved parameter plan for IPM.</li> </ul>				
<b>Building Heights</b> (See Figure 3.3, p.15)	All	<ul style="list-style-type: none"> <li>Proposals must comply with the development envelope and height parameters set out within the approved parameter plan for IPM; and be in accordance with the operational requirements of the airport.</li> </ul>				
<b>2. Site Wide Guidelines (See Section 3 of Design Code)</b>						
<b>CA_01</b> Character area Guidance - Park Edge (See p. 28)	All	<ul style="list-style-type: none"> <li>Part of the character area will be delivered in the initial phase, proposals should set the standard for later phases to tie in to ensure continuity of design and delivery of the wider development area.</li> </ul>				

		<ul style="list-style-type: none"> <li>Proposals should provide high quality employment spaces of exemplary design quality.</li> <li>Proposals should capitalise on proximity to the Runway Park to attract investors with demand for innovative employment spaces.</li> </ul>				
<b>CA_02</b> Character area Guidance - Runway Edge (See p.29)	All	<ul style="list-style-type: none"> <li>Proposals should respect site heritage and the unique landscape backdrop.</li> <li>Proposals are encouraged to provide pavilion typologies to accommodate start up organisations and SMEs, promoting a supportive network of like-minded businesses embracing the ethos of enterprise.</li> </ul>				
<b>CA_03</b> Character area Guidance Core (See p.30)	All	<ul style="list-style-type: none"> <li>Proposals should capitalise on direct access to the gateway street and the opportunity to create a higher density quarter for larger scale buildings.</li> </ul>				
<b>CA_04</b> Character area Guidance - Woodland (See p.31)	All	<ul style="list-style-type: none"> <li>Proposals should be in keeping with the woodland setting and promote the use of simple and refined palette of materials with a single main material utilised to create simple building forms, providing a strong and clear identity (e.g.: timber cladding).</li> <li>Proposals should encourage high quality design of frontages that will act as the front door to the southern plots and promote an appropriate sense of arrival.</li> </ul>				

**3. Public Realm Codes (see Section 4 of Design Code)**

<p><b>P1_TS</b>                  Palette – Tree Selection                  (See p.52)</p>	<p>All</p>	<ul style="list-style-type: none"> <li>Proposals should select from a palette of different tree categories set out as an index by designers and those involved in the delivery of public realm at IPM to respond to the specific conditions of character areas and the public realm typologies proposed.</li> <li>New landscape character types should enhance the sustainability, amenity and bio-diversity value of the site.</li> </ul>				
<p><b>P2_SL</b>                  Palette – Soft Landscape                  (See p.53)</p>	<p>All</p>	<ul style="list-style-type: none"> <li>Proposals should select from a palette of different soft landscape categories set out as an index for designers and those involved in the delivery of public realm at IPM, to respond to the specific conditions of character areas and the public realm typologies proposed.</li> <li>Planting of trees and vegetation in the public realm should provide shade, wind shelter and evaporative transpiration.</li> </ul>				
<p><b>P3_HL</b>                  Palette – Hard Landscape                  (See p.54)</p>	<p>All</p>	<ul style="list-style-type: none"> <li>Proposals should select from a palette of different hard landscape categories set out as an index for designers and those involved in the delivery of public realm at IPM, to respond to the specific conditions of character areas and the public realm typologies proposed.</li> </ul>				
<p><b>P4_SF</b>                  Palette – Street Furniture                  (See p.55)</p>	<p>All</p>	<ul style="list-style-type: none"> <li>Proposals should select from a palette of different street furniture categories set out as an index for designers and those involved in the delivery of public realm at IPM, to respond to the specific</li> </ul>				



		conditions of character areas and the public realm typologies proposed.				
<b>ST_01</b> Design Code –Gateway Streets  (See pp.34–35 and 58–59)	All	<ul style="list-style-type: none"> <li>Proposals for the Primary Streets should accentuate key arrival points and aid legibility through paving materiality, lighting and way-finding signage.</li> <li>They should be designed to aid movement, but also provide meeting or resting spots.</li> </ul>				
<b>ST_02</b> Design Code – The Boulevard  (See pp.36–37 and 60–61)	All	<ul style="list-style-type: none"> <li>Proposals for The Boulevard should provide a formal avenue of trees that runs along its entire length, articulating a leafy and intimate environment with dappled light that differentiates it from all other types of streets cross the site.</li> <li>Proposals for The Boulevard should provide ‘softer’ boundaries to plots which will start to loosen-up the overall street-scene.</li> </ul>				
<b>ST_03</b> Design Code – Minor Access Streets  (See pp.38–39 and 62–63)	All	<ul style="list-style-type: none"> <li>Proposals for the Minor Access Streets should be defined from their primary and secondary counterparts by reduced road widths, less restrictions on boundary treatments which, together with the woodland setting, will result in a more relaxed and intimate environment. The design of the streets should promote a more people-oriented environment to encourage collaboration and innovation.</li> </ul>				
<b>LA_01</b> Design Code – The Woodland Typology	All	<ul style="list-style-type: none"> <li>Proposals for this typology should incorporate a naturalistic woodland planting character and brings a touch of nature into the scheme. The untouched and naturalistic appearance of the</li> </ul>				

(See pp.40–41 and 64–65)		existing woodlands is to be both protected & enhanced through the adoption of a ‘low intervention’ approach throughout, with reliance upon natural processes.				
<b>LA_02</b> Design Code – The Parkland Typology (See pp.42-43 and 66-69)	All	<ul style="list-style-type: none"> <li>Proposals should create a high-quality green spine as the fundamental landscape structuring element which will create a clear identity and provide the high-quality open space that investors demand from innovative employment sites to attract and retain skilled staff.</li> </ul>				
<b>LA_03</b> Design Code – The Runway Edge Typology (See pp.44-45 and 70-71)	All	<ul style="list-style-type: none"> <li>Proposals should create a landscape buffer between the operational airport and the IPM site, articulating a unique landscape backdrop punctuated by trees of distinction providing a seasonal set piece that puts people in touch with nature.</li> </ul>				
<b>LA_04</b> Design Code – The Plaza Typology (See pp.46-47 and 72-73)	All	<ul style="list-style-type: none"> <li>The Plazas should be designed to serve as an integral piece of public realm where different landscape typologies converge.</li> </ul>				
<b>LA_05</b> Design Code – The Gateway Typology (See pp.48-49 and 74-75)	All	<ul style="list-style-type: none"> <li>Gateways should present a high-quality public realm and sense of enclosure that celebrates a sense of arrival and sets the tone for a place of distinction.</li> </ul>				

**4. Plot Passports (See Section 5 of Design Code)**

<p><b>BA_01</b> Building Aesthetics Guidance  (See pp.78-81)</p>	<p>All</p>	<ul style="list-style-type: none"> <li>• Use material complementary to the context and the unified colour palette to achieve visual consistency and brand identity</li> </ul>				
<p><b>SG_01</b> Sustainability Guidance  (See pp.82-83)</p>	<p>All</p>	<ul style="list-style-type: none"> <li>• Embrace the spirit of innovation by meeting, and where possible exceeding, the prevailing sustainability standards of their time.</li> <li>• Energy demand should be minimised through increased building fabric efficiency.</li> </ul>				
<p><b>BT_01</b> Boundary Treatment Guidance  (See pp.84-85)</p>	<p>All</p>	<ul style="list-style-type: none"> <li>• Balance the need for plot tenants to create secure businesses premises with the need to create an attractive and high quality environment for businesses and pedestrians.</li> </ul>				
<p><b>PG_01</b> Parking Guidance  (See pp.86-88)</p>	<p>All</p>	<ul style="list-style-type: none"> <li>• Ensure parking standards (such as parking space dimensions and maximum percentage of on plot parking) are adhered to.</li> <li>• Encourage future proofed parking solutions that could unlock opportunities for intensification, particularly if a modal shift is achieved through successful delivery of more sustainable movement patterns.</li> </ul>				
<p><b>PT_01</b> Plot Type - Gateway Plots  (See pp.94-97)</p>	<p>N1.1/N1.4/N 2.6/N3.7/N4 .1/N5.7</p>	<ul style="list-style-type: none"> <li>• Create a sense of arrival and support site brand and identity through using active building frontages to address views into the site gateways;</li> <li>• Ensure the layout and physically and visual permeability of buildings encourage collaboration to 'spill out' of buildings into shared open spaces;</li> </ul>				

		<ul style="list-style-type: none"> <li>• Enhance wayfinding and the rhythm of the street by positioning entrances along the primary frontage;</li> <li>• Encourage boundary treatment continuity, especially to areas that interact with active development edges (i.e. Laker Road, Maidstone Road and the airfield perimeter).</li> </ul>				
<b>PT_02</b> Plot Type – Park Edge Plots (See pp.98-101)	N2.3/N2.4/N3.2/N3.3/N3.5/N3.6/N4.3/N4.6	<ul style="list-style-type: none"> <li>• Design spill-out areas as multifunctional space fronting the park to accommodate a wide range of uses, events and activities that promote social interaction and collaboration;</li> <li>• Celebrate horticultural seasonality by providing a continuous changing palette of texture and colour;</li> <li>• Encourage ground floor uses that maximise opportunities to spill out into the public realm, the Runway Park should become an extension of the buildings;</li> <li>• Provide “eyes on the street” with active uses/spaces overlooking the Runway Park.</li> </ul>				
<b>PT_03</b> Plot Type - General Plots (See pp.102-105)	N2.7/N4.2/N4.4/N4.7/N5.3/N6.1/N6.2/N7.2/S2.2/S2.3	<ul style="list-style-type: none"> <li>• Achieve continuity of building line for primary frontages whilst retaining a degree of flexibility;</li> <li>• Avoid over development on plot and allow for sufficient spatial separation between buildings;</li> <li>• Establish a consistent level of material quality and detail;</li> <li>• Animate the street frontages on both primary and secondary routes to create lively streets;</li> <li>• Encourage open boundaries to maximise the benefits of natural surveillance and overlooking.</li> </ul>				

<p><b>PT_04</b> Plot Type – Parking Deck Plots  (See pp.106-109)</p>	<p>N1.3/N2.5/N3.4/N4.5/N6.3/N7.3</p>	<ul style="list-style-type: none"> <li>• Adopt facade treatments to contribute to the rhythm of the street;</li> <li>• Sensitive design response to massing to ensure it is designed to sit sensitively within clusters of developments and avoid visual impact (particularly in the woodland area);</li> <li>• Create planting and soft landscape buffers at side and rear of parking deck plots that are permeable;</li> <li>• Encourage planted privacy strips along building frontages to maintain security and privacy for the adjacent buildings.</li> </ul>				
<p><b>PT_05</b> Plot Type – Runway Edge Plots  (See pp.110-113)</p>	<p>N5.1/N5.2/N5.4/N5.5/N5.6/N7.2/N7.4/N7.5</p>	<ul style="list-style-type: none"> <li>• Use and maintain trees of character planting at an acceptable height to form a secured boundary to the airfield;</li> <li>• Provide ‘pavilion’ typology buildings that can accommodate both business incubators and start-ups of a range of sizes;</li> <li>• Provide generous public realm and shared spaces to encourage incubator and start-up tenants’ collaboration and new ideas can be freely exchanged.</li> </ul>				
<p><b>PT_06</b> Plot Type - Woodland Plots  (See pp.114-117)</p>	<p>N2.1/N2.2/N6.4/S1.2/S1.3/S2.1</p>	<ul style="list-style-type: none"> <li>• Ensure minimise tree loss through plot access;</li> <li>• Ensure car movements and parking are contained within the designated areas and provide car free cores to encourage collaboration;</li> <li>• Promote the use of simple and refined palette of materials with a single main material utilised to promote simple building form and provide a strong and clear identity.</li> </ul>				

<p><b>PT_07</b> Plot Type – Iconic Building Plots  (See pp.118-121)</p>	<p>N1.2/S1.1</p>	<ul style="list-style-type: none"> <li>• Ensure material selection and building articulation on iconic building plots is be subject to the highest level of consideration to respond to the landmark location and importance of these plots.</li> <li>• Encourage iconic building frontages to be designed to feature office and/or reception areas overlooking key view corridors.</li> <li>• Encourage bold accent colours for iconic buildings along gateway frontages.</li> <li>• Encourage continuity and consistent quality that promotes the appropriate sense of arrival for a high-quality employment area.</li> </ul>				
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## **Appendix 3**

### **Notice to Landowner / Leaseholder template**

Name  
Street  
Town  
County  
Postcode

(Insert Date xx/xx/xxxx)

Dear Sir / Madam

**NOTICE UNDER ARTICLES 13 AND 36 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**NOTIFICATION OF SUBMISSION OF PRIOR APPROVAL APPLICATION AT IPM**

We give notice that xxx is applying to Tonbridge & Malling Borough Council for:

*(Please set out the description of development as agreed with the Council as part of the pre-application discussions)*

Any owner\* of the land or a tenant\*\* who wishes to make representations should by (i.e. 21 days from the date of this notice) write to:

Tonbridge & Malling Borough Council  
Kings Hill (Head Office)  
Gibson Building  
Gibson Drive  
Kings Hill  
West Malling  
Kent  
ME18 4LZ

If you decide to make representations you should make it clear that you are an owner of the application site or tenant of an agricultural holding on the site and you should give the site address.

\*"owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

\*\*"tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

**Statement of owners' rights**

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

**Statement of agricultural tenants' rights**

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.



## APPENDIX 3: INTENTION TO START ON-SITE FORM

### INTENTION TO START ON-SITE FORM

#### NOTICE OF COMMENCEMENT OF DEVELOPMENT WITHIN INNOVATION PARK MEDWAY TO TONBRIDGE & MALLING BOROUGH COUNCIL

This form should be submitted to the Council 28 days prior to commencement of development

<b>ADDRESS OF DEVELOPMENT PLOT / ZONE</b>			
<b>DETAILS OF PROPOSED DEVELOPMENT</b> (including pre-application reference number)			
<b>COMMENCEMENT OF DEVELOPMENT ON:</b> (XX/XX/XX)			
<b>FOR AND ON BEHALF OF</b> (Name and address of business / proposed occupier)			
<b>CONTACT NAME</b> (Of developer)		<b>CONTACT NUMBER</b> (Of developer)	
<b>SIGNED</b> (Of developer)		<b>DATE</b> (XX/XX/XX)	
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# Appendix B – Site Plan



-  IPM Site Boundary
-  Administrative Boundary
-  Land within the Administrative Boundary of Tonbridge & Malling Borough Council

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**Medway Council**

**Innovation Park Medway  
Environmental Statement Addendum  
Non-Technical Summary**

For



**INNOVATION  
PARK  
MEDWAY**

Project Number:

12841

October 2020

Campbell Reith Hill LLP  
Raven House  
29 Linkfield Lane  
Redhill  
Surrey RH1 1SS

T: +44 (0)1737 784500  
F: +44 (0)1737 784501  
E: [surrey@campbellreith.com](mailto:surrey@campbellreith.com)  
W: [www.campbellreith.com](http://www.campbellreith.com)

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## 1.0 WHAT IS AN ENVIRONMENTAL STATEMENT AND ENVIRONMENTAL IMPACT ASSESSMENT?

### 1.1. Context and background

- 1.1.1. This document is an updated version of the Non-Technical Summary (NTS) of the Environmental Impact Assessment (EIA) prepared as part of the application for Local Development Orders (LDOs) for a development called Innovation Park Medway (IPM). Key changes compared to the NTS submitted with the original LDO application have been highlighted in a blue font. The use of coloured font to identify where new text or figures have been added is to assist ease of identification for those consultees that have already read the previously submitted NTS.
- 1.1.2. Medway Council and Tonbridge and Malling Borough Council (herein jointly referred to as the 'Applicant'), submitted an application for an LDO in June 2019 on land adjacent to Rochester Airport (MC/19/1556).
- 1.1.3. The LDO application was supported by a range of technical assessments including an Environmental Statement (ES), which presents the findings of an EIA of the Proposed Development.
- 1.1.4. The LDO proposes a total of 101,000 sqm of predominantly high-tech and innovation oriented business and employment uses. The design of IPM is described within Chapter 4 of the ES submitted as part of the LDO application and will involve the following:
- A runway park – providing a clear identity and provide high quality open space, whilst reflecting on the site's aviation history;
  - Iconic Buildings – the masterplan includes two 'book-ends' along linear alignment diagonally through the site which aims to link the two development areas;
  - Pedestrian friendly clusters – car parks located in strategic locations allowing free-flowing pedestrian movements and pedestrian clusters to form in the key open spaces, and a pedestrian link between the two development areas;
  - Landscape character areas – consisting of orchard planting, open lawn spaces, meadows, woodland clusters/woodland walk, park edge plots, a boulevard, and outdoor collaboration spaces proposed through using innovative technology design in the landscape;
  - Primary gateway spine – a key feature will include the distribution of B1 business employment spaces along this gateway spine to promote active frontages onto key routes;
  - Drainage design – a surface water drainage scheme based upon a range of infiltration techniques and will be employed through the use of swales, open storage structures along landscaped green corridors.
- 1.1.5. An ES reports the findings of the EIA process, which itself is a mechanism by which likely significant environmental effects are assessed. The purpose of the EIA process is to ensure that the appropriate information about likely significant environmental impacts of a project or proposal is available for consideration by the Local Planning Authority (LPA), statutory consultees and the public. Using this information the LPA can then make an informed decision about the proposals.



- 1.1.6. The EIA process can identify ways in which the project can be modified, or significant impacts mitigated (that is, reduced) to avoid adverse negative impacts, and enhance positive, beneficial impacts.
- 1.1.7. The EIA has been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Statutory Instrument 2017:571), as amended (referred to in this report as 'The EIA Regulations').
- 1.1.8. This document provides a summary of the findings of the ES in, as far as is practical, non-technical language, and forms Volume 3 of the ES.

## 1.2. Reason for the ES Addendum

- 1.2.1. Subsequent to the submission of the LDO application and receipt of consultations responses, engagement has continued with the LPA, Kent County Council (as highway authority), Highways England, Natural England, the Kent AONB Unit and a range of other consultees. The result of the ongoing consultation is that assessment updates have been undertaken in the following topic areas:
  - Update to the Medway Council Strategic Transport Assessment (STA) model, which provides the background traffic context to the Transport Assessment and Ecological Assessment submitted as part of the ES within the LDO application;
  - Preparation of preliminary junction mitigation designs for the Bridgewood, Lord Lees and Taddington roundabouts;
  - The views of IPM from the Kent Downs Area of Outstanding Natural Beauty (AONB).
- 1.2.2. In addition, there has been ongoing consultation with Natural England regarding its comments during the initial consultation period on whether the IPM development would have any effect on aviation movements across the AONB, and whether this would have a significant effect on the tranquillity of the designated area.
- 1.2.3. An Addendum has been produced and issued for consultation to explain the additional and updated assessment work that has been undertaken and how this relates to the assessments submitted within the ES. The Addendum forms part of the original EIA and it should therefore be read in conjunction with the original ES. The NTS is an important part of the ES and has therefore been reviewed to ensure that it reflects the additional assessment work that has been undertaken.
- 1.2.4. The intention is that this version of the NTS should be read holistically, without the need to cross-reference to the version originally submitted with the LDO application.

## 2.0 PROJECT LOCATION AND SITE DESCRIPTION

- 2.1.1. Innovation Park Medway (referred to in this document as 'the site') will be situated on land at Rochester Airport, Kent. Rochester Airport is a general aviation aerodrome, situated approximately 3.5 kilometres south of Rochester and Chatham town centres, and 57 kilometres southeast of Central London. The site location and LDO application line boundary are shown in **Figure NTS1**.

- 2.1.2. The site falls within both Medway Council and Tonbridge and Malling Borough Council administrative areas. As such, both authorities are working collaboratively towards development of the site.

### **3.0 PROJECT BACKGROUND – 2014 MASTERPLAN AND 2018 MASTERPLAN STATEMENT**

- 3.1.1. The Applicant is seeking to establish Local Development Orders (LDOs) for the site in accordance with section 61A of the Town and Country Planning Act 1990. There will be an LDO for each planning authority and the objective of the LDOs is to enable a simplified approach to development consent within the defined area of the site, and in doing so to provide support for economic development and job creation.
- 3.1.2. The LDOs establish a set of fixed criteria (referred to as 'parameters') for subsequent development within the site, including the total area of built development that would be permitted, the type of development that would be permitted and maximum building heights. The EIA assesses the likely significant impacts of the maximum amount of potential development within the site based on these parameters.
- 3.1.3. Rather than applying for planning permission, an applicant wanting to develop a plot at the site can apply to the relevant Local Planning Authority using a self-certification form detailing the proposed development scheme, in accordance with the LDO parameter. This approach is both cost and time effective to the applicant.
- 3.1.4. The development proposals are based upon the original Rochester Airport Masterplan, which was adopted by Medway Council as a Supplementary Planning Guidance document in 2014.
- 3.1.5. This envisaged creating a hub for knowledge-based employment, whilst preserving the function of the airport. The 2014 Masterplan proposed the closure of one of the runways in order to release land for the creation of up to 1,000 jobs.
- 3.1.6. Further detail on the Proposed Development was provided in 2018 in the Innovation Park Masterplan Statement, which forms the basis for the current LDO applications. This comprised two stages; an Interim Draft, and a Consultation Draft, which added the conclusions of the technical studies that had been undertaken to support the masterplan.
- 3.1.7. The key change in the 2018 Masterplan was the addition of the "runway park", an area of open space sitting on the alignment of a runway that is to be closed to aviation uses. The aim of this area is to provide a high quality open space at the heart of the development. It also provides opportunities to integrate sustainable drainage features into the design.
- 3.1.8. The Masterplan Statement also fixed the aspirational size of development of the site at approximately 101,000 sqm.

### **4.0 PROJECT DESCRIPTION**

- 4.1.1. The Applicant aims to strengthen the performance of the local economy, create jobs to secure growth and prosperity and to retain skills from within a strategic location within the Thames Gateway. IPM looks to attract businesses within the following sectors:
- Technology;

- Advanced manufacturing; and
  - Knowledge-intensive businesses.
- 4.1.2. The ambition for both Medway Council and Tonbridge & Malling Borough Council is to develop a high quality commercial environment of employment land uses that can attract high value businesses, offering skilled employment opportunities, building upon the success of the current Innovation Centre on the eastern side of the Airport. The overall aim of the proposed development is to enable entrepreneurial growth, strengthening links between local academic schools, universities and industrial partners.
- 4.1.3. The LDOs will permit the erection of up to 101,000sqm of buildings providing employment uses including offices, research and development, light industrial uses and general industrial uses. The focus of development within the site is envisaged to be on innovative or high-technology businesses.
- 4.1.4. The employment buildings within the site are to be provided with associated means of access, distributor and service roads, multi-storey parking facilities, footpaths and cycle ways, sustainable drainage systems and landscaping. The masterplan is shown in **Figure NTS2**.

## 4.2. Parameter Plans

- 4.2.1. Parameter plans provide the basis upon which the LDOs can proceed. They provide both guidance and limitations to the development that can take place on the site. In this instance, the proposals fix the parameters for building height, access and movement, and landscape and open spaces. These are described below:

### *Building heights*

- 4.2.2. Building heights will generally vary from 2-6 storeys. The operation of Rochester Airport places height restrictions over a large proportion of the northern area of the site, therefore development closest to the remaining runway in the northern area is limited to up to 2 storeys. The remaining heights for development in the northern area are mainly limited to up to 3 or 4 storeys, with development in the centre up to 5 storeys and the key landmark building up to 6 storeys.
- 4.2.3. In the southern area, development is anticipated to be up to 4 storeys with a 2 storey building in the south east of the southern area. The parameters for the building heights are illustrated on **Figure NTS3**.

### *Access and movement*

- 4.2.4. The proposed development would provide a permeable network of streets that allows pedestrians, cyclists and vehicles to move through the site and to connect with surrounding communities. The masterplan envisages a key gateway spine road with primary and secondary access points, potential long term access points and potential pedestrian connections between the northern and southern areas. These elements are shown in **Figure NTS4**.

### *Landscape and Open Spaces*

- 4.2.5. The proposed development will retain and accentuate green features within the site to provide a high quality environment, habitats and wildlife corridors. Open, high quality, attractive green spaces and planting will aim to put people in touch with nature providing a seasonal set piece and flexible events space.

- 4.2.6. The combination of retained and created landscape and open space within the proposed development will provide an ecological network of retained and additional habitats for a range of flora and fauna which will maximise the potential to support biodiversity within the site. Parameters relating to landscape provision are shown in **Figure NTS5**.

## 5.0 SCOPE OF THE ENVIRONMENTAL STATEMENT

- 5.1.1. Only projects that are likely to have significant environmental effects are subject to EIA. In order to guide this, the EIA Regulations specify a procedure (referred to as 'screening') to establish whether a project requires an EIA. This is based on the various development size thresholds specified within the EIA Regulations. These thresholds describe types of projects and their scale that are likely to give rise to significant environmental effects.

- 5.1.2. If the need for EIA is confirmed, this can be followed by an exercise referred to as 'Scoping' which determines which specific elements of the project are likely to give rise to significant environmental effects and how these are to be considered within the EIA.

- 5.1.3. The need for EIA has been determined following a request to Medway Council for a screening opinion. In this case, the request also incorporated a request for a scoping opinion as to the scope of the ES. This 'Request for a Screening and Scoping Opinion' was submitted on 5th October 2018 and subsequently updated and re-submitted on 2<sup>nd</sup> May 2019. As a result of this request, Medway Council sought comment on this request from:

- Environment Agency (EA)
- Natural England (NE)
- Kent County Council Biodiversity
- Kent County Council Archaeology
- Medway Council – Highways
- Medway Council – Environmental health
- Historic England
- Kent Downs Area of Outstanding Natural Beauty Team

- 5.1.4. The following topics have been "scoped in" to the assessment, with the associated potentially significant effects:

### *Air Quality*

- Impact on surrounding Air Quality Management Areas;
- Dust generating activities – construction and operation.

### *Community, Social and Economic*

- Demography of the surrounding area;
- Employment associated with new employment floor space;
- Economic effects of the new floor space;
- Local environmental amenity during construction (to be considered within other relevant chapters).

### *Human Health*

- Related to effects on air quality and ground contamination to be addressed within specific chapters.

### *Ground Conditions*

- Unexploded Ordnance (UXO) associated with previous use as a military airfield;
- Risk of contamination on the site and a sensitive aquifer beneath the site.

### *Landscape and Visual*

- Possible effects on the Area of Outstanding Natural Beauty, sensitive views and landscape character.

### *Natural Heritage and Ecology*

- Sites designated with ecological interest - Wouldham to Detling Escarpment SSSI and North Downs Woodland SAC – are potentially affected by nitrogen deposition and with exceedances of critical loads.

### *Traffic and Transport*

- Effect of traffic flows to include abnormal dangerous loads during construction, driver severance, delay, accidents and safety;
- Need for junction capacity improvements on the local road network;
- Possible pedestrian and cyclist severance and delay.

### *Risk of Major Accidents and Disasters*

- Consideration of UXO risk as part of contamination and ground conditions chapter.

5.1.5. In addition to the above technical assessments within the ES, the Medway Council Scoping Opinion requested consideration of greenhouse gas emissions associated with the development and their global warming potential, and aviation safety. Both of these topics are considered within Chapter 4 of this ES.

5.1.6. The full results of the assessments are presented within Volumes 1 and 2 of the EIA, and a summary is presented in Section 6 of this report.

5.1.7. Of the technical assessment chapters included within Chapters 6 to 11 of the ES, there has been additional assessment work undertaken on the following elements of the ES:

- i. **Chapter 6: Natural Heritage and Ecology** as the assessment of pollutants from road traffic falling on areas that are protected under European ecological legislation is influenced by the updated work that has been undertaken on the Medway Council Strategic Transport Assessment Model;
- ii. **Chapter 7: Traffic and Transport** as the predicted impact of traffic generated by IPM is influenced by the updated work that has been undertaken on the Medway Council Strategic Transport Assessment Model. Additional work has also been undertaken to develop the preliminary junction mitigation designs for the Bridgewood, Lord Lees and Taddington roundabouts;

iii. **Chapter 11: Landscape and Visual Impact** as consultation responses from Natural England and the Kent Downs AONB Unit requested further information on the predicted views of the Proposed Development from the designated area.

5.1.8. Updates and amendments have not been considered necessary for the technical chapter topics within in the ES for the reasons set out below:

- Chapter 8: Air quality – the basis for the assessment of road traffic emissions within Chapter 8 of the ES is different to that used within Chapter 6 of the ES for deposition on designated sites and does not rely on the Medway Council Strategic Transport Assessment Model. As such, the updated work on the model does not affect the assessment of air quality in Chapter 8 of the ES. As the projected trip generation for the Proposed Development has also not changed since the submission of the LDO application, the air quality assessment and the value of mitigation set out in Chapter 8 of the ES is considered to remain valid.
- Chapter 9: Contamination – there have been no changes to the proposed scale or layout of development within IPM since the submission of the LDO application and therefore the assessment presented within Chapter 9 of the ES is considered to remain valid.
- Chapter 10: Social and Economic – there have been no changes to the proposed scale or layout of development within IPM since the submission of the LDO application and therefore the assessment presented within Chapter 11 of the ES is considered to remain valid.

## 6.0 WHAT ARE THE LIKELY ENVIRONMENTAL IMPACTS AND HOW WILL THEY BE MINIMISED?

### 6.1. Air Quality

- 6.1.1. This assessment has been completed in order to determine whether the proposed development achieves compliance against the National Air Quality Objectives (NAQOs), along with National and Local Planning Policy. This assessment has been undertaken in accordance with the Department for Environment, Food and Rural Affairs' (DEFRA) current Technical Guidance on Local Air Quality Management (LAQM.TG16) and covers the effects of local air quality on the development.
- 6.1.2. The overall pollutant concentrations of nitrogen dioxide and particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) are assessed at sensitive residential and ecological receptors in the near to the development.
- 6.1.3. The effects of dust nuisance without any mitigation would be temporary, short term, local in effect and of negligible to medium risk. In respect of dust impacts during construction (subject to best practicable means mitigation) the impacts at sensitive receptors will be reduced to a negligible effect.
- 6.1.4. The main source of potential air quality impacts from the development, (after taking into account standard mitigation measures that will be implemented during the construction and operational phases), will be its additional traffic generation onto the local road network.
- 6.1.5. During the operational phase, the modelling predicts that there will be negligible to small increases in nitrogen dioxide and particulate matter at nearby residential and ecological sensitive receptors as a result of the cumulative effects of the proposed development and

neighbouring development. Pollutant concentrations will remain significantly below the UK air quality objective levels and therefore, no specific mitigation is required.

- 6.1.6. Current Kent County Council and Medway Council guidance requires quantification of the 'air quality damage costs' as a result of impact of the development on the local Air Quality Management Areas. This is based on a comparison between predicted emissions associated with a development and guidance on costs that should be directed towards mitigation measures. For the proposed development, a total of £1,544,660 will need to be directed towards mitigation of air quality effects. This will be paid proportionally by future developers acting in accordance with the conditions attached to the LDOs.

## **6.2. Community, Social and Economic**

- 6.2.1. Community, Social and Economic effects were assessed with reference to the Medway Travel to Work Area and employment statistics related to the local Rochester South and Horsted ward.
- 6.2.2. Economic activity in Medway is higher than the national average (77.7% vs 76.8%), with levels of 80.2% in the local ward. In terms of educational attainment, 14% of the local population have no qualifications (England and Wales average: 15%), with attainment rates of higher qualifications (NVQ Level 4/5) lower in Medway than across England and Wales (20.8% vs 29.7%). Local contrast is provided by Tonbridge and Malling, where 35.2% of the population hold higher qualifications.
- 6.2.3. Unemployment levels are generally lower in the area than nationally, with the majority of employment provided in health and social care, wholesale and retail trade, and education. Professional, scientific and technical employment (3.3%) lags somewhat behind England and Wales as a whole (8.7%).
- 6.2.4. The Index of Multiple Deprivation shows the ward to be in the 30% least deprived neighbourhoods, but areas adjacent to Medway are in the most deprived 10%.
- 6.2.5. The local economy and the local community are sensitive receptors considered to be of medium sensitivity.
- 6.2.6. During construction, 21 jobs (based on the Full Time Equivalent - FTE) are expected to be created within the ward, 410 jobs within a wider 'Travel to Work Area', and 756 jobs in the south-east region.
- 6.2.7. During operation of the proposed development, estimated FTE's are 88 jobs in the local ward, 1,426 jobs in the Travel to Work Area, and 3,292 jobs in the south-east region.
- 6.2.8. As a result of the proposals, it is expected that impacts on employment and community will be positive and significant.

## **6.3. Ground Conditions**

- 6.3.1. The site is currently used as part of Rochester Airport but over its development history, it has been used for a range of military and commercial land uses that present the potential for contamination to be present within soils and / or water and gas in the ground. Construction of the proposed development will potentially bring construction workers into contact with any contamination present on the site and construction activities such as piling has the potential to allow contaminants such as oils to be transferred to sensitive receptors such as underlying groundwater. Once the development is occupied, the commercial / employment nature of the

buildings on the site are such that it is unlikely that people working on the site would have potential to come into contact with any contamination present.

- 6.3.2. A Ground Investigation (GI) was undertaken during March and April 2019 to determine the potential for contamination to be present on the site. The GI covered the whole site and included a combination of mechanically-excavated 'trial pits' and boreholes. Samples were taken of soils and ground gas, which were analysed in a laboratory. No groundwater was encountered during the GI and hence no analysis of groundwater was required.
- 6.3.3. The test results confirmed that there were no significant concentrations of contaminants recorded within soil samples across the site and that ground gas concentrations were within levels where no gas protection measures would be required.
- 6.3.4. A desk-based assessment for the potential for Unexploded Ordnance (UXO) has taken account of the history of site use and records of bombing raids during the Second World War. The site is considered to present potential for German air-dropped weapons (e.g. bombs and shells) to be present, and also for shells associated with British Anti-Aircraft activities during the Second World War to be present on the site.
- 6.3.5. The construction of the proposed development has potential for contaminants (e.g. oils and fuels) associated with construction vehicles to cause contamination. The likely quantities of such spills and leaks will be small and it is likely that these would be localised. Through the application of best-practice construction practices regarding the storage of materials, the refuelling and maintenance of vehicles and measures to be taken in the event of spills and leaks, there would be no significant contamination effects during the construction phase.
- 6.3.6. The nature of the proposed development (i.e. predominantly office and research and development / high tech uses) is such that the potential for significant contamination is considered to be low. The proposed approach to management of surface water runoff from buildings, roads and car parking areas on the site will ensure that any pollutants in runoff can be appropriately managed prior to this water being returned to the ground. No significant effects are therefore predicted to ground or groundwater once the development is occupied and operational.
- 6.3.7. Construction of the proposed buildings and other infrastructure on the site has the potential to encounter UXO and therefore, detailed risk assessments will be undertaken as each area of the site is developed and where necessary, UXO Risk Mitigation Strategies will be prepared and implemented.

#### **6.4. Landscape and Visual**

- 6.4.1. The site is located on a plateau of high ground within an urban area, beyond which to the west and south is a wooded ridge that constitutes part of the Kent Downs Area of Outstanding Natural Beauty (AONB). The AONB is separated from the urban area and the site by a steep valley within which runs the M2 motorway. To the north and east, the urban area extends across an undulating landscape with valleys that descend towards the River Medway.
- 6.4.2. The two areas of land (north and south) that constitute the site fall within an area of townscape characterised by Rochester Airport and its surroundings. This area of townscape is distinct from the residential areas to the north, east and south. The Rochester Airport character area comprises an open airfield and buildings of a larger grain and scale than the surrounding urban area.



- 6.4.3. Parcel 1, within the northern area, is part of the wider airfield to the east. Parcel 2 is similar in character to numerous areas of hardstanding within the commercial areas surrounding the airfield. The northern area is open in character, which contrasts with the more enclosed and wooded character of the southern site. Parcel 3 of the southern site is an area of brownfield land and Parcel 4 is a caravan park surrounded by a dense tree belt. The area immediately to the south and east of the southern site is predominantly characterised by residential development, with occasional larger scale commercial uses, such as the ASDA to the east of the A229.

*Impacts on local landscape character*

- 6.4.4. Effects would be localised, largely contained to within the Nashenden Valley landscape character area, which broadly coincides with the Nashenden Down Nature Reserve. The character of the landscape within this area is influenced by rail and road infrastructure, by buildings within the Rochester Airport employment area and development further north along the scarp (for example the buildings associated with HM Prison Rochester, HM Prison Cookham Wood and Royal Mail).

*Impacts on wider landscape character*

- 6.4.5. The visibility of the proposals is limited and only extends across a small area of the AONB. Given the AONB covers a broad area, and where effects occur to a localised area they would only be Slight significance, effects on the landscape character of the AONB and land adjacent to the AONB as a whole would be Minimal significance

*Impacts on quality of views out of the AONB*

- 6.4.6. Localised effects are identified approximately 500m to the north-west of the site, where views of the proposals would appear above the treeline along the scarp slope that defines the boundary between the AONB and the urban area to the east. From this part of the AONB, views looking out towards the top of the scarp would be affected, but this would be from a localised area, comprising a small extent of wider views and would be in the context of existing development along the scarp around Rochester Airport and further north.

*Impacts on the quality of views into the AONB*

- 6.4.7. Views into the AONB from the urban area to the east of the site area limited, where views towards the AONB are glimpsed or seen across buildings within the urban area, as demonstrated by viewpoints 1, 2, 3, 4 and 5 appended to this assessment. The proposals would obscure some views towards the AONB but effects would be for localised areas and in most instances barely perceptible.

*Impacts on Tranquillity and Remoteness*

- 6.4.8. The site and the AONB within the study area are in an area of relatively low tranquillity, influenced by the M2, High Speed Rail infrastructure and existing development at the edge of the urban area. The only effects on relative tranquillity would be the introduction of small areas of new built development seen on the skyline, seen in the context of existing development (including some potential additional lighting which would be controlled through the LDO), from limited and localised parts of the AONB, and there would be no changes to noise or air quality. Relative tranquillity would not be fundamentally changed by the proposals.

*Impacts on the AONB in terms of Biodiversity, Farmed landscape, Woodland and trees, Historic and Cultural Heritage and Geology and Natural resources*

6.4.9. These elements of the AONB will not be affected by the proposals.

### **6.5. Natural Heritage and Ecology**

6.5.1. The focus of the Natural Heritage and Ecological assessment is on the likely impact of nitrogen emissions from road traffic associated with the proposed development on the North Downs Woodland Special Area of Conservation (SAC) / Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI). These are protected areas of ecological habitat at European and national levels respectively.

6.5.2. Guidance on the effect of emissions from road traffic on protected habitats has been provided by Natural England and reflects that emissions should be considered where habitats are within 200 metres of roads. Further guidance is based on a previous court judgement on a proposed development in West Sussex, which established thresholds of 1,000 cars per day and 200 Heavy Goods Vehicles per day as levels of change below which effects associated with traffic emissions would not be significant.

6.5.3. The assessment undertaken has confirmed that the proposed development (with or without the highways mitigation proposed) would not increase traffic flows on roads within 200 metres of the SAC / SSSI above the thresholds likely to trigger impacts related to nitrogen deposition. Therefore there will be no adverse impact on these ecological assets associated with the proposed development.

6.5.4. The assessment has also taken account of the likely cumulative effect of the proposed development in combination with other projected future development within Medway and the adjacent local authority areas (Tonbridge and Malling, Maidstone, Swale and Gravesham) over the local plan period to 2037. This assessment has concluded that although there will be an increase in road traffic from all proposed development within the local plan period, the effect of improvements in vehicle emissions technology (including the increased use of electric and hybrid vehicles) will result in reduced overall nitrogen deposition compared to the current situation. As such, no significant cumulative or in-combination effects are predicted.

### **6.6. Traffic and Transport**

6.6.1. Effects are assessed for three development scenarios: baseline assessment, construction assessment and future year with development assessment.

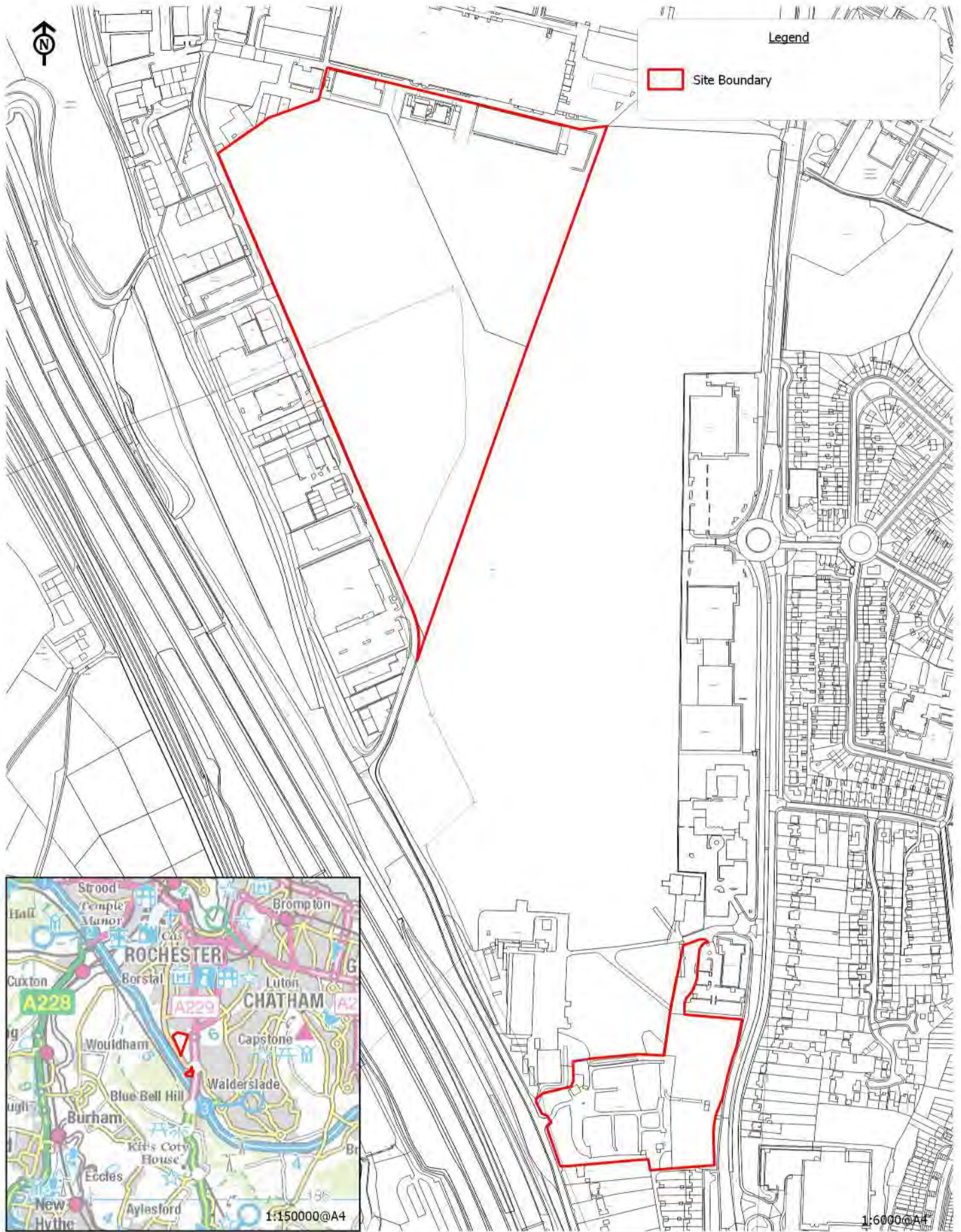
6.6.2. The site is currently accessible by modes of transport other than the private car, however the B2097 does not have pedestrian footways. Public transport provision in the vicinity of the Site is relatively good with bus stops within walking distance of the Site.

6.6.3. The potential environmental impacts of the car and non-car traffic during the construction and operation phase of the Proposed Development has looked at the sensitivity of local road links and junctions and the magnitude of the effects expected. The assessment has made use of Department for Transport data and traffic modelling undertaken by Fore Consulting Limited to understand the impact of the Proposed Development traffic.

6.6.4. The impacts of construction traffic on traffic flows, congestion and delays are considered to be low. Construction traffic will be constrained to defined routes. The effects will be temporary and only occur over the duration of the construction phase.

- 6.6.5. During operation the movement strategy for the Proposed Development seeks to maximise pedestrian and cycle permeability. The significance of impact on pedestrians and cyclists is assessed as being moderate to major beneficial. The Site layout allows for bus routes to serve the Proposed Development. The significance of impact on the public transport network is assessed to be moderate beneficial.
- 6.6.6. The traffic change on key roads falls below thresholds of significance. However, due to the existing congested network, without mitigation, the addition of the Proposed Development traffic is likely to increase queuing and delay on links and junctions which currently experience congestion.
- 6.6.7. Mitigation measures such as the implementation of a Construction Environmental Management Plan will be prepared in order to minimise any environmental impact during the construction period. Other mitigation measures include encouraging use of sustainable modes of transport in particular walking and cycling as part of the Travel Plan.
- 6.7.** A number of highway mitigation measures are proposed as part of the Fore Consultants Limited modelling exercise, including improvements to the Bridgewood, Lord Lees and Taddington roundabouts and improvements at Junction 4 on the M2. The proposed junction improvements have been subject to preliminary design and a Stage 1 Road Safety Audit. With the proposed mitigation in place, there will be a significant reduction in delay and queuing on most approaches at Lord Lees roundabout, Taddington roundabout and Bridgewood roundabout. In addition to the analysis of queuing and delay at each of these junctions, an assessment of journey time has been undertaken for key routes. This shows that with the proposed mitigation in place the majority of routes would experience reductions in journey time.
- 6.8. Cumulative and In-combination effects**
- 6.8.1. The assessment has where possible considered cumulative and in-combination effects. These are based on the effect of increases of traffic as a result of the development of the site. Traffic data used has made allowance for traffic growth as a result of development additional to the development proposals. No significant cumulative or in-combination effects are predicted.

**Figures**



Innovation Park, Medway  
 Client: Medway Council

NTS - 1:  
 Site Location and LDO Boundary

Scale: 1:6000, 1:150000 @A4  
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 Contains Ordnance Survey data © Crown copyright and database right 2019.  
 Job Number: 12841  
 Drawn by - Checked by: RP - SB  
 Drg No - Status/Revision: G15031 - A  
 File location: N:\12750 - 12999\12841 R - Medway\Project\_Workspaces\NTS (pdf in Outputs)  
 Date (Revision History): 24/01/2019 (A, First Issue, 24/01/19, RP)



Legend

Site Boundary



1:5000@A3

F:\G:\M\

Innovation Park, Medway

Client: Medway Council

NTS - 2:  
IPM Proposed Masterplan

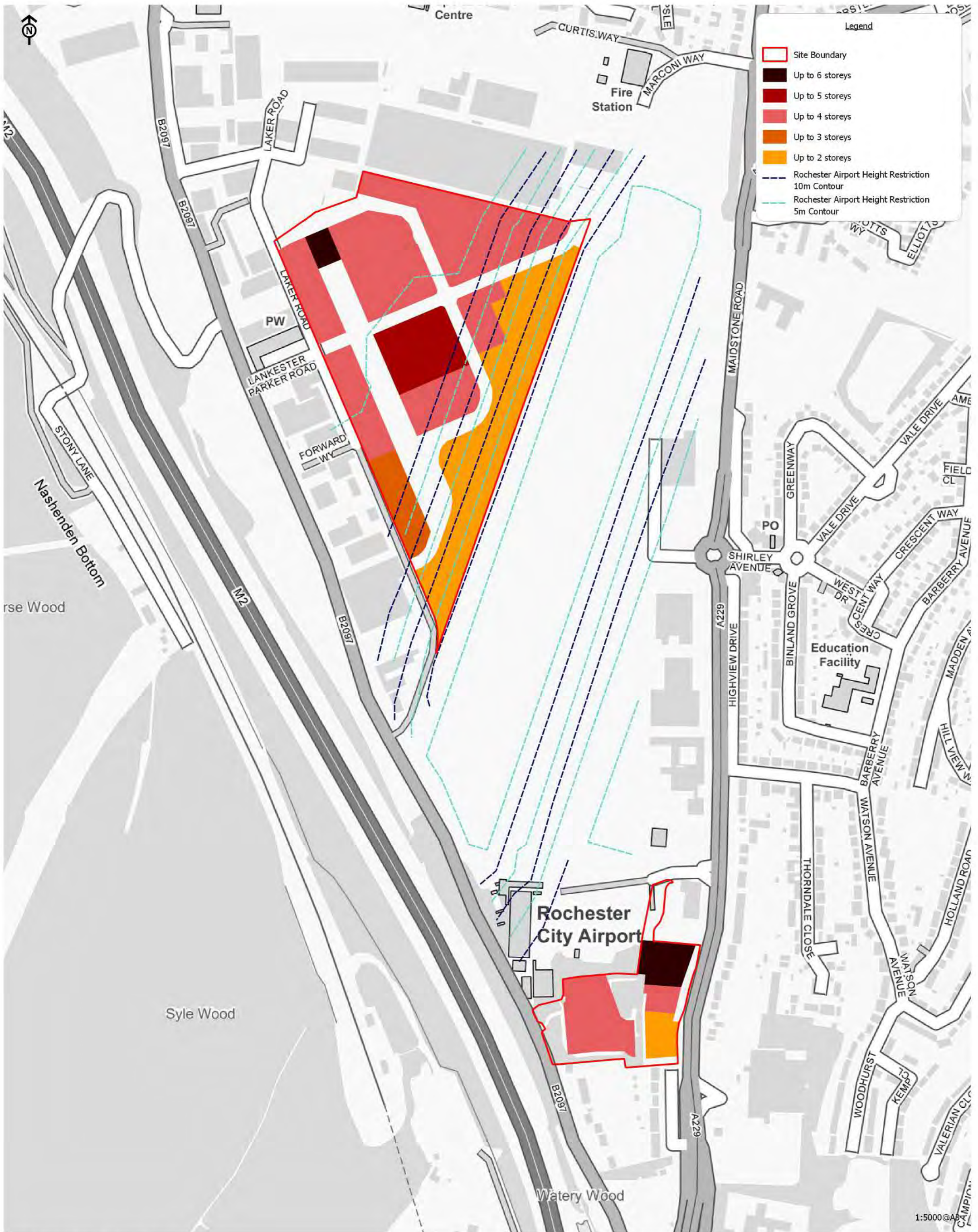
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LDA Design Illustrative Masterplan, drg no 6278\_MP\_002 (July 2018)  
Job Number: 12841  
Drawn by - Checked by: RP - SMG  
GIS032 - A  
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LONDON 020 7340 1700  MANCHESTER 0161 819 3060  
REDHILL 01737 784 500  BIRMINGHAM 01675 467 484  
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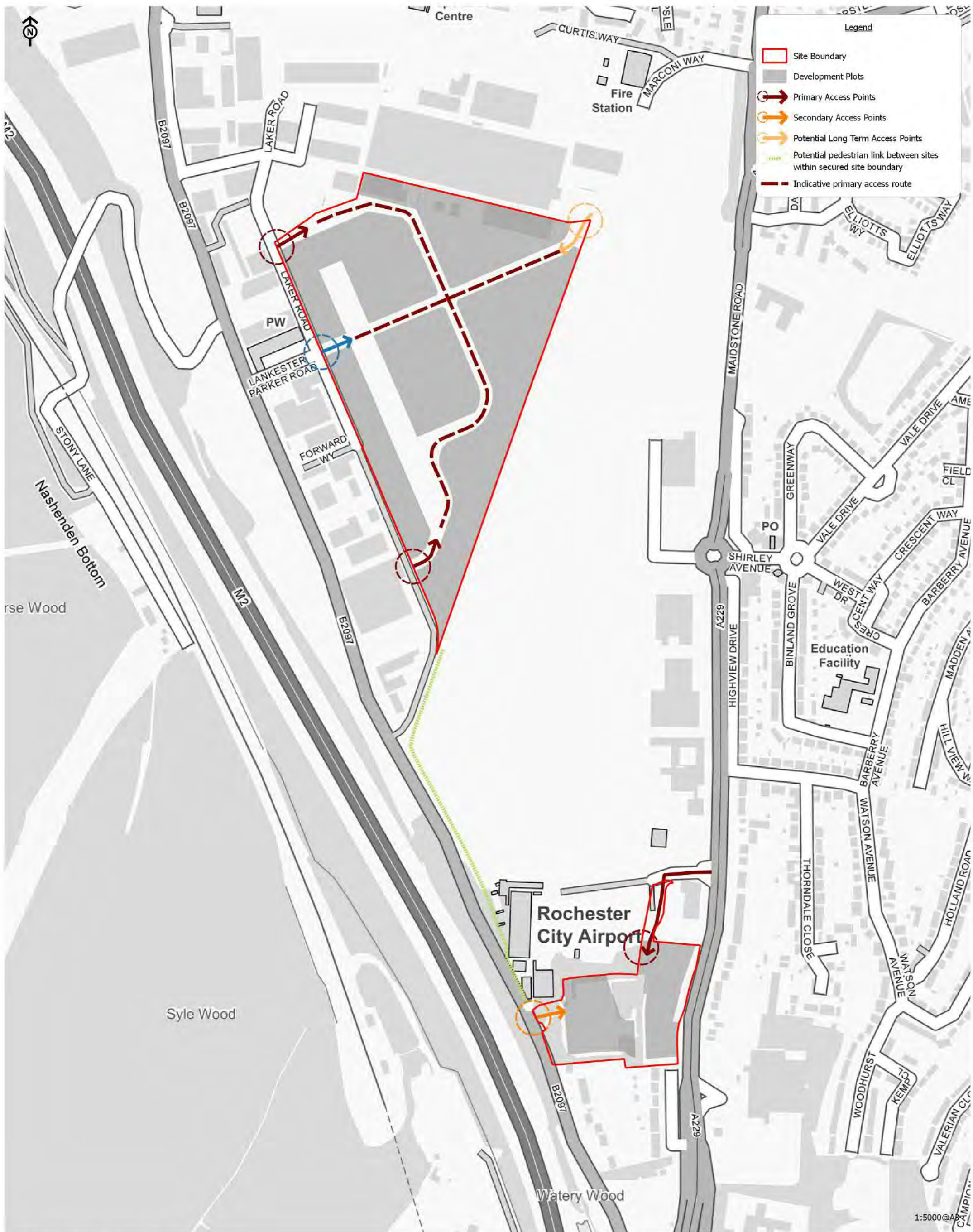


Innovation Park, Medway

Client: Medway Council

NTS - 3:  
Building Heights Parameter Plan

Scale: 1:5000@A3  
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Innovation Park, Medway  
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NTS - 4:  
 Access Parameter Plan

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 Date (Revision History): 24/01/2019 (A, First Issue, 24/01/19, RP)





1:5000@A3

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NTS - 5:  
 Landscape Parameter Plan

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## London

15 Bermondsey Square  
London  
SE1 3UN

T: +44 (0)20 7340 1700  
E: london@campbellreith.com

## Birmingham

Chantry House  
High Street, Coleshill  
Birmingham B46 3BP

T: +44 (0)1675 467 484  
E: birmingham@campbellreith.com

## Surrey

Raven House  
29 Linkfield Lane, Redhill  
Surrey RH1 1SS

T: +44 (0)1737 784 500  
E: surrey@campbellreith.com

## Manchester

No. 1 Marsden Street  
Manchester  
M2 1HW

T: +44 (0)161 819 3060  
E: manchester@campbellreith.com

## Bristol

Wessex House  
Pixash Lane, Keynsham  
Bristol BS31 1TP

T: +44 (0)117 916 1066  
E: bristol@campbellreith.com

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A list of Members is available at our Registered Office at: 15 Bermondsey Square, London, SE1 3UN  
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## Innovation Park Medway

### Environmental Statement Addendum

For



## INNOVATION PARK MEDWAY

Project Number:

12841

October 2020

Campbell Reith Hill LLP  
Raven House  
29 Linkfield Lane  
Redhill  
Surrey RH1 1SS

T: +44 (0)1737 784500  
F: +44 (0)1737 784501  
E: [surrey@campbellreith.com](mailto:surrey@campbellreith.com)  
W: [www.campbellreith.com](http://www.campbellreith.com)

**Document History and Status**

Revision	Date	Purpose/Status	File Ref	Author	Check	Review
D1	07.10.20	Draft for client comment	ES_Addendum_Summaryv1.doc	DS	SRB	SRB
F1	21.10.20	Issue for consultation	ES_Addendum_Summaryv2.doc	DS	SRB	SRB

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Project Partner	David Smith
Project Number	12841
Project Name	Innovation Park Medway

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Appendix D	Proposed junction mitigation design – Bridgewood Roundabout
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Appendix H	Landscape and Visual Impact Assessment - Winter Views (March 2020)
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## 1.0 INTRODUCTION

### 1.1. Background

1.1.1. Medway Council (MC) and Tonbridge and Malling Borough Council (TMBC) (herein jointly referred to as the 'Applicant'), submitted an application for a Local Development Order (LDO) in June 2019 on land adjacent to Rochester Airport (MC/19/1556). The Proposed Development is referred to as Innovation Park Medway (IPM).

1.1.2. The LDO application was supported by a range of technical assessments including an Environmental Statement (ES), which presents the findings of an Environmental Impact Assessment (EIA) of the Proposed Development.

1.1.3. The LDO proposes a total of 101,000 sqm of predominantly high-tech and innovation oriented B1 (now Class E(g)) and B2 business and employment uses. The design of IPM is described within Chapter 4 of the ES submitted as part of the LDO application and will involve the following:

- A runway park – providing a clear identity and provide high quality open space, whilst reflecting on the site's aviation history;
- Iconic Buildings – the masterplan includes two 'book-ends' along linear alignment diagonally through the site which aims to link the two development areas;
- Pedestrian friendly clusters – car parks located in strategic locations allowing free-flowing pedestrian movements and pedestrian clusters to form in the key open spaces, and a pedestrian link between the two development areas;
- Landscape character areas – consisting of orchard planting, open lawn spaces, meadows, woodland clusters/woodland walk, park edge plots, a boulevard, and outdoor collaboration spaces proposed through using innovative technology design in the landscape;
- Primary gateway spine – a key feature will include the distribution of B1 business employment spaces along this gateway spine to promote active frontages onto key routes;
- Drainage design – a surface water drainage scheme based upon a range of infiltration techniques and will be employed through the use of swales, open storage structures along landscaped green corridors.

1.1.4. Since the submission of the LDO application, there has been ongoing consultation and this Addendum to the ES has been prepared as part of further statutory consultation on the Proposed Development prior to the application being determined by the Planning Authority.

1.1.5. There have been no changes to the LDO boundary, the scale or nature of the Proposed Development set out within the original LDO application and Chapter 4 of the ES, other than for the proposed land use classes to be updated in accordance with the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which came into force on 1<sup>st</sup> September 2020. Whereas the original LDO application proposed development in use classes B1 (a, b and c) and B2, the Proposed Development is now in the following use classes:

- Use Class E(g)(i) - Business (office)
- Use Class E(g)(ii) - Research and development of products and processes

- Use Class E(g)(iii) - Industrial processes; and
  - Use Class B2 - General Industrial.
- 1.1.6. Whilst the descriptions of use classes has been updated, the nature of the Proposed Development and character of likely environmental impacts remains consistent with the original LDO application.
- 1.1.7. There has been no formal request for 'further information' on the ES under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 1.1.8. Subsequent to the submission of the LDO application and receipt of consultations responses, engagement has continued with the LPA, Kent County Council (as highway authority), Highways England, Natural England, the Kent AONB Unit and a range of other consultees. The result of the ongoing consultation is that assessment updates have been undertaken in the following topic areas:
- Update to the Medway Council Strategic Transport Assessment (STA) model, which provides the background traffic context to the Transport Assessment and Ecological Assessment submitted as part of the ES within the LDO application;
  - Preparation of preliminary junction mitigation designs for the Bridgewood, Lord Lees and Taddington roundabouts;
  - The views of IPM from the Kent Downs Area of Outstanding Natural Beauty (AONB).
- 1.1.9. In addition, there has been ongoing consultation with Natural England regarding its comments during the initial consultation period on whether the IPM development would have any effect on aviation movements across the AONB, and whether this would have a significant effect on the tranquillity of the designated area.
- 1.2. **Purpose of this document**
- 1.2.1. The purpose of this document is to explain the additional and updated assessment work that has been undertaken and how this relates to the assessments submitted within the ES. Where there are changes to the likely significant effects set out in the original ES, these will be clearly identified but this Addendum forms part of the original EIA. It should therefore be read in conjunction with the original ES. Further explanation of the structure of the Addendum and how it relates to the original ES is provided within section 2 of this report.
- 1.3. **Availability of the Environmental Statement Addendum**
- 1.3.1. This ES Addendum has been submitted during the COVID-19 pandemic and whereas it would normally be available for public viewing during normal office hours at the Medway Council offices, this is unlikely to be possible during the consultation period due to the need for social distancing. The full Addendum and copies of the original LDO application are available for inspection on the Planning Registers for Medway Council (application reference number MC/19/1556) and Tonbridge and Malling Council (application reference number 19/01409/FUL):
- Medway Council Planning Register: [www.publicaccess1.medway.gov.uk/online-applications/](http://www.publicaccess1.medway.gov.uk/online-applications/)
  - Tonbridge and Malling Council Planning Register: [www.publicaccess2.tmbc.gov.uk/online-applications/](http://www.publicaccess2.tmbc.gov.uk/online-applications/)

1.3.2. The ES Addendum may be purchased as a hard copy in volumes, the costs for which are set out below:

- Non-Technical Summary (NTS) – £15.00
- ES Addendum and Appendices - £75.00
- Full copy (NTS and Addendum) on DVD - £25.00

1.3.3. For copies of any of the above please contact Lucy Carpenter at Medway Council (lucy.carpenter@medway.gov.uk).

1.4. **Alternative formats**

1.4.1. A large text version of this document is available upon request. Please note that printing costs may vary from those stated above.



## 2.0 METHODOLOGY

### 2.1. General approach to the preparation of the ES Addendum

- 2.1.1. The nature of the additional work undertaken since the submission of the original LDO application, (as summarised in section 1.0 of this Addendum) fall within one of two themes:
- i. Changes to the background network traffic context resulting from the ongoing development of the Medway Council Strategic Transport Assessment Model
  - ii. Further information provided in response to comments raised by Statutory Consultees following submission of the LDO application
- 2.1.2. Of the technical assessment chapters included within Chapters 6 to 11 of the ES, there has been additional assessment work undertaken on the following elements of the ES:
- i. **Chapter 6: Natural Heritage and Ecology** as the assessment of nitrogen deposition on designated sites from road traffic is influenced by the updated work that has been undertaken on the Medway Council Strategic Transport Assessment Model;
  - ii. **Chapter 7: Traffic and Transport** as the predicted impact of traffic generated by IPM is influenced by the updated work that has been undertaken on the Medway Council Strategic Transport Assessment Model. Additional work has also been undertaken to develop the preliminary junction mitigation designs for the Bridgewood, Lord Lees and Taddington roundabouts;
  - iii. **Chapter 11: Landscape and Visual Impact** as consultation responses from Natural England and the Kent Downs AONB Unit requested further information on the predicted views of the Proposed Development from the designated area.
- 2.1.3. Updates and amendments have not been considered necessary for the technical chapter topics within in the ES for the reasons set out below:
- Chapter 8: Air quality – the basis for the assessment of road traffic emissions within Chapter 8 of the ES is different to that used within Chapter 6 of the ES for deposition on designated sites and does not rely on the Medway Council Strategic Transport Assessment Model. As such, the updated work on the model does not affect the assessment of air quality in Chapter 8 of the ES. As the projected trip generation for the Proposed Development has also not changed since the submission of the LDO application, the air quality assessment and the value of mitigation set out in Chapter 8 of the ES is considered to remain valid;
  - Chapter 9: Contamination – there have been no changes to the proposed scale or layout of development within IPM since the submission of the LDO application and therefore the assessment presented within Chapter 9 of the ES is considered to remain valid.
  - Chapter 10: Social and Economic – there have been no changes to the proposed scale or layout of development within IPM since the submission of the LDO application and therefore the assessment presented within Chapter 11 of the ES is considered to remain valid.
- 2.1.4. The review and update to the relevant technical assessments has been undertaken in one of two ways depending on the nature of the chapter and the extent / nature of updated or additional assessment required. This ES Addendum has been prepared by the original authors of the ES submitted as part of the planning application.

- 2.1.5. For topics where the amendments to the chapter are predominantly numerical and where it could be complicated to describe each of the changes in a separate addendum section (such as Natural Heritage or Traffic and Transport), complete replacement ES chapters have been re-submitted, with key changes highlighted in a blue font (reflecting when changes have been made to the original chapter) for clarity. The intention is that these chapters should be read holistically, without the need to cross-reference to the previous version of the chapter. The use of coloured font to identify where new text or figures have been added is to assist ease of identification for those consultees that have already read the previously submitted ES chapters.
- 2.1.6. For Landscape and Visual, the nature of the additional assessment is more suited to a stand-alone addendum section rather than re-submission of the whole ES chapter because there have been no changes required to the information and technical assessment previously submitted. In this case, the ES chapter submitted with the original LDO application is retained in its entirety and the additional information on Landscape and Visual Assessment provided within this Addendum, including winter views, should be read in conjunction with the ES chapter.
- 2.1.7. Section 3.0 of this Addendum provides a summary of the updates to the technical assessments.
- 2.2. **Summary of mitigation measures and residual effects**
- 2.2.1. An updated version of the mitigation summary table and residual effects table from Chapter 12 of the ES has been included within section 4.0 of this Addendum. This replaces Chapter 12 of the ES.
- 2.3. **Non-technical summary**
- 2.3.1. The non-technical summary has been updated and has been re-submitted as a whole document to reflect the context to the ES Addendum and any resultant changes to the significant impacts of the Proposed Development. Amended sections are in a blue font, as described above, so that these are easy to identify.

### 3.0 REVIEW AND UPDATE OF TECHNICAL ASSESSMENTS IN THE ES

#### 3.1. Introduction

3.1.1. This section of the Addendum outlines the review and update of the three relevant technical assessments. Where the respective ES chapters have been updated holistically, or where there is specific additional new assessment for the Addendum (which will supplement that already included within the ES), these are provided as appendices to this Addendum, and referred to in the respective sections below. A further section is also provided in response to consultation comments on noise and tranquillity.

#### 3.2. Natural Heritage and Ecology

3.2.1. The principal consultation response from Natural England with respect to the assessment of road traffic emissions on designated sites set out within Chapter 6 of the ES was the requirement to undertake a cumulative and in-combination assessment for vehicle emissions on the North Downs Woodland Special Area of Conservation (SAC), which has sections within 200 metres of the A229 Bluebell Hill and A249 Detling Hill.

3.2.2. The updated work that has been undertaken on the Medway Council Strategic Transport Assessment model since the submission of the LDO application has potential to affect the cumulative and in-combination effect of the Proposed Development with projected future development within Medway and adjacent local authority areas. The original assessment set out in Chapter 6 of the ES has therefore been reviewed and updated based on the most recent outputs from the Medway Council Strategic Transport Assessment model.

3.2.3. An updated ES chapter has been provided as Appendix A to this Addendum and this replaces completely the original version of Chapter 6.

***Confirmation that the Medway Council Strategic Assessment Model provides a robust basis for cumulative and in-combination effects***

3.2.4. Prior to the update of the assessment of ES Chapter 6, information was provided to Natural England in August 2020 to explain how the existing Medway Council Strategic Transport Assessment model has taken account of forecast traffic growth from neighbouring local authority areas.

3.2.5. The Applicant confirmed to Natural England that the model takes a robust approach to the predicted future influence of development traffic from adjacent local authority areas in relation to adopted / emerging local plans. It uses a combination of National (for Tonbridge & Malling, Gravesham and Maidstone) or local (for Swale) growth projections to ensure that the included traffic flows are either consistent with or above the respective Local Plan household growth predictions. The use of local growth factors for Swale was because the National growth projections for this authority were substantially lower than the Local Plan, as shown in **Table 3.1**. The model has therefore adopted local growth for Swale and this approach has been agreed with Highways England.

*Table 3.1: Comparison of National Trip End Model (NTEM) and Adopted / Emerging Local Plan Growth Local Authority*

	Household Growth (2016 to 2035)		
	NTEM	Adopted / Emerging Local Plan	NTEM compared to Local Plans
Gravesham	8,056	6,897	+16.8%
Maidstone	17,010	16,777	+1.4%
Swale	8,442	14,744	- 43%
Tonbridge & Malling	12,052	8,075	+ 49%
<b>Total</b>	<b>45,560</b>	<b>46,493</b>	<b>-2.1%</b>

- 3.2.6. Table 3.1 shows that the NTEM projections for Gravesham and Maidstone are slightly above, but similar to, those set out in the Adopted / Emerging Local Plans. However, for Swale and Tonbridge & Malling the growth in households is underestimated and overestimated respectively. When considered cumulatively, the level of growth assumed in NTEM, and therefore in the model, is broadly similar to that set out in the Adopted / Emerging Local Plans, with a difference of just 2% overall.
- 3.2.7. This information confirms that, in using the NTEM projections, the Strategic Transport Assessment Model has taken a robust approach to the assessment of cumulative and in-combination traffic growth that is consistent overall with the projected growth in households within adjacent local authorities over the period to 2035. The variance between the Swale projected growth and the growth that was initially built into the model using NTEM could have been an influential factor in the traffic flows along the A249 for movements between Swale and Maidstone. This variance has been discussed with Highways England when the model was being prepared it was updated to reflect the higher projected Swale Local Plan growth figures. Highways England has confirmed its acceptance of this approach.
- 3.2.8. On this basis, the use of current and projected future traffic flows within the Medway Strategic Transport Assessment model for the A229 and A249 will provide a robust basis for the assessment of cumulative and in-combination effects of the IPM traffic flows on the SAC because it includes projected Local Plan growth from relevant adjacent local authority areas in addition to projected traffic growth within Medway.

***Summary of the updated assessment***

- 3.2.9. The updated Chapter 6 assessment is presented within **Appendix A** to this Addendum.
- 3.2.10. Additional published information has been provided on the known baseline to nitrogen deposition within the designated areas that are within 200 metres of the A229 and A249. Published data suggests that existing nitrogen deposition on the SAC woodlands is in excess of the relevant critical loads and that existing nitrogen deposition on the SAC grassland habitats is marginally above the respective critical load.
- 3.2.11. Guidance provided by Natural England through case law has advised that '*an expected increase in traffic (Annual Average Daily Traffic ("AADT") flows) of less than 1,000 cars per day or 200 HGVs per day*', would have no likely significant effect on a SAC and no appropriate assessment would be required. Predicted traffic flow data for the A229 and A249 adjacent to the designated areas has been set out in the updated ES chapter for three scenarios.

- 2037 Do-minimum – background traffic and committed development (including projected growth in traffic from adjacent local authority areas) in the absence of IPM
  - 2037 Do-something – background traffic, committed development (including projected growth in traffic from adjacent local authority areas) and IPM traffic
  - 2037 Do-something plus mitigation – background traffic, committed development (including projected growth in traffic from adjacent local authority areas), IPM traffic and the effect of altered traffic distribution resulting from proposed highways mitigation measures associated with IPM (Bridgewood Roundabout, Lord Lees Roundabout, Taddington Roundabout and Junction 4 of the M2).
- 3.2.12. The results of the modelling therefore show predicted AADT movements for both roads (with or without mitigation) to be below the Natural England thresholds (1,000 total/200 HGV), indicating that significant effects from nitrogen deposition on the North Downs Woodlands SAC and Wouldham to Detling Escarpment SSSI from IPM alone would be unlikely to make a significant contribution to nitrogen deposition on the SAC or the SSSI.
- 3.2.13. With respect to cumulative and in-combination effects of IPM with other development in Medway and adjacent authorities, modelled traffic flows suggest that the baseline nitrogen deposition rates across the SAC will continue to exceed the applicable minimum critical load values, although background nitrogen deposition is predicted to reduce over the plan period due to improvements in vehicle emissions over time as a higher proportion of newer vehicles will be meeting more stringent emission standards and there is an increased uptake of electric or hybrid vehicles.
- 3.2.14. Whilst the additional nitrogen deposition associated with cumulative and in-combination effects will marginally counter/offset the predicted significant background improvements from the base year to the future year, the resultant total nitrogen deposition across the SAC is still predicted to be significantly below the current baseline values. Considering the above, it is not considered that the predicted levels of cumulative and in-combination nitrogen deposition will have a perceptible impact upon the habitats within the affected areas of North Downs Woodland SAC. Therefore, it is considered that the integrity of North Downs Woodlands SAC will be maintained.
- 3.2.15. Whilst the assessment set out in Chapter 6 of the ES has been updated, the conclusion of no significant effect remains as set out in the original chapter.

### 3.3. **Traffic and Transportation**

- 3.3.1. Chapter 7 of the ES (Traffic and Transportation) has been reviewed and an updated version of the chapter is provided as **Appendix B** to this ES Addendum. It is intended that this completely replaces the chapter submitted as part of the original ES and LDO application. An updated version of the Transport Assessment (TA) has also been submitted as **Appendix C** to this ES Addendum.
- 3.3.2. The scale and nature of the Proposed Development have not been amended since the original submission of the LDO application and the basis of assessment and projected trip generation have not been amended. The updated ES chapter and TA both reflect that additional consultation has been undertaken with Highways England regarding the proposed approach to trip generation set out within the TA and that the conclusion of this consultation was that the proposed trip rates used in the TA are acceptable. These have been integrated within the updated STA modelling work.

- 3.3.3. The principal additional information included within the updated ES chapter and TA is with respect to the preliminary mitigation design work that has been undertaken since the submission of the LDO application on junctions that modelling has shown would be adversely affected by the addition of traffic associated with the operational phase of IPM. These layouts are included as Appendices D-F of this ES Addendum and have been submitted for a Stage 1 Road Safety Audit. The comments received from the Road Safety Audit will be integrated at the next stage of detailed design.
- 3.3.4. The outputs of the STA model have confirmed that the proposed mitigation will be necessary. The design of the mitigation will be subject to final surveys and agreement on delivery (to be led by Medway Council). If further survey demonstrates that mitigation is not deliverable then an alternative will be sought.
- 3.3.5. With the proposed mitigation in place, the updated ES chapter confirms that there would be a significant reduction in the predicted delay and queuing on most approaches at the Bridgewood, Lord Lees and Taddington roundabouts.
- 3.3.6. There has been no change to the predicted significance of impacts compared to the original ES chapter.

#### 3.4. **Landscape and visual assessment**

- 3.4.1. As noted earlier in this document, there has been no requirement to update or revise the original Landscape and Visual Impact Assessment (LVIA) presented within Chapter 11 of the ES and the information described below should be read in addition to the LVIA.
- 3.4.2. Following consultation on the LDO and Design Code, additional material has been prepared in response to consultee requests for further information regarding visual impact of the proposed development on the AONB. Several documents have been prepared as follows:

##### ***Supplementary material to support the LVIA***

- 3.4.3. **LVIA Addendum - December 2019 (Appendix G to this Addendum)** – this provides further information on visual matters relating to key areas within the AONB and provides clarification for the judgments reached in Chapter 11 of the ES.
- 3.4.4. **Winter Views – March 2020 (Appendix H to this Addendum)** - in February 2020, a site visit was undertaken to capture views from the AONB during winter months. The supplementary note contains photo panels and visualisations.

##### ***Additional information incorporated into the Design Code***

- 3.4.5. **AONB Section – September 2020 (Appendix I to this Addendum)** - in addition to supplementary material supporting the LVIA, a standalone AONB section has been incorporated into the Design Code, providing more guidance on measures to further reduce impacts on the AONB, an approach that was agreed with Natural England and the AONB Unit.
- 3.4.6. **Environmental Colour Assessment – September 2020 (Appendix J to this Addendum)** - to gain a greater depth of contextual understanding, an Environmental Colour Assessment was commissioned to inform a set of design principles on the use of colour, specific to this location within the AONB. The AONB section of the Design Code summarises the findings of the study,

and the full report is appended to the Design Code, which should be read alongside the Kent Downs AONB "Guidance on the Selection and Use of Colour in Development".

- 3.4.7. The additional information presented within Appendices G to J of this Addendum do not change any of the ES conclusions with respect to the significance of impacts.

3.5. **Noise and tranquillity**

**Context**

- 3.5.1. As part of its response to the consultation on the LDO application, Natural England requested further information on the effect of the LDO on the pattern of aircraft movements at Rochester Airport and the potential for any such changes to have an adverse effect on the tranquillity of the Kent Downs AONB. The relevant excerpt from the Natural England consultation response dated 14<sup>th</sup> July 2020 is provided below:

*With regards to tranquillity, the information provided in support of the application confirms that runway 16/34 will be closed to facilitate the Innovation Park development with all flights switching to runway 02/20. The Noise and Vibration Assessment (dated September 2018) discounts the potential for any noise impacts for receptors within the AONB on the basis of existing noise levels.*

*Chapter 5 states that 'Due to the high noise levels in this area of the AONB as a result of road traffic railway movements and aircraft, it is not anticipated that noise from the construction or operation of the development will significantly impact the AONB'. We note that no baseline noise monitoring locations appear to have been situated within the AONB and the CadnaA noise model on which the conclusion of no significant impact is based assumes road traffic noise only, not any aircraft generated noise and any alterations which may result from the closure of runway 16/34.*

*Section 7.3 of the Noise and Vibration Assessment acknowledges that at present runway 16/34 carries approximately 30% of the air traffic with runway 02/20 carrying the remaining 70%. The report confirms that the volume of flights, the operating hours and typical annual usage patterns of the airport will remain unchanged and it also states that:*

*'The effect of operating 100% of the annual air traffic movements from a single runway [02/20] would be restricted to an increase in the number of days during which aircraft movements will be audible to receptors along the flightpath or close to the runway. This would not be expected to result in a significant adverse effect.'*

*No evidence appears to have been provided to support the conclusion that there will be no adverse effect from the altered flight patterns which could impact tranquillity within the Kent Downs AONB.*

*Natural England therefore recommends that a detailed tranquillity study for publically accessible areas of the AONB is undertaken to allow a detailed assessment of the potential impacts to receptors at key locations within the AONB. This should include a full assessment of the potential for changes to tranquillity that may result from all flights using runway 02/20. It would be helpful if a contour map were provided to show the baseline and predicted noise levels during operation of the Innovation Park for key locations within the AONB to aid the impact assessment process.*

- 3.5.2. Comparable comments using very similar wording were submitted by the Kent AONB Group and a number of members of the public.
- 3.5.3. In accordance with the formal EIA Scoping Opinion, assessment of noise does not form part of the ES because no significant effects were considered likely.
- 3.5.4. Response to the Natural England consultation comments since the submission of the LDO application has been based around two topics:
- i. The planning history associated with the closure of Runway 16/34
  - ii. The implications of the closure of Runway 16/34 on the tranquillity of the AONB.
- 3.5.5. The Applicant has engaged with Natural England regarding its consultation comments and initial information provided to Natural England in October 2019 confirmed that Chapter 4 of the ES provides an explanation of the reasons for the total number of flights (and flights across the AONB) being likely to decrease as a result of the closure of Runway 16/34. The Applicant also provided Natural England with an independent report prepared by Lichfields at the time of a previous planning application by Rochester Airport (MC/18/2505) (Appendix K to this Addendum), which draws a comparable conclusion with respect to the likely reduction in aircraft movements.

***Planning history associated with the closure of Runway 16/34***

- 3.5.6. The airport was leased from Medway Council in two parts when Rochester Airport Ltd took control of the site. Medway Council served Preliminary Notice on Rochester Airport Ltd in December 2016 with the view to terminating the second lease area (covering Runway 16/34) to release the land for commercial development.
- 3.5.7. It is important to note that the termination of the Rochester Airport lease for this area of the site is not directly linked to the LDO, as the decision to take an LDO forward was made later. Similarly, the decision for the council to develop the site rather than dispose of the land was made after the lease arrangements.
- 3.5.8. Rochester Airport Ltd submitted two planning applications in 2018. The first (MC/18/2505) was for demolition of existing buildings (including control tower, old clubhouse two portacabins housing the airport office and Skytrek office) and construction of a new control tower and hub building, ancillary car park, family viewing area and associated engineering operations. The second (MC/18/2509) was for relocation of two helipads within the airport to include the provision of landing pads together with the decommissioning of an existing helipad.
- 3.5.9. Neither planning application involved changes to the aircraft type, numbers, flight lines or operational hours but the location of the control tower and hub building for application MC/18/2505 are in the former flight line for Runway 16/34.
- 3.5.10. The runway was informally closed in July 2019 was formally closed in February 2020.
- 3.5.11. Irrespective of the development of the LDO, the planning permission for the new hub and control tower at the airport has been implemented and the associated works preclude any aviation use of the former runway.
- 3.5.12. Pre-commencement planning conditions have been discharged and archaeological investigation has been undertaken. The ground was not reinstated and this included an area of Runway 16/34. Site works have commenced and construction of the hub and control tower building (which is



also within the runway/safeguarding area) is understood to be commencing shortly. This will therefore preclude the reopening of Runway 16/34 in the future.

- 3.5.13. In the context of planning permission MC/18/2505, the current and future baseline with respect to aviation movements at the airport is one without the cross runway. Implementation of the LDO therefore would not cause any change to the future baseline.

***Implications of the closure of Runway 16/34***

- 3.5.14. The Lichfields report (Appendix K to this Addendum) summarised the role of the runways within the airport:

*'The airport operates in visual conditions rather than instrument. Runway 34/16 is a cross runway and Runway 02/20 is the main runway. There is also a relief runway adjacent to Runway 02/20.*

*The cross runway currently provides the airport with a greater usability factor during periods of changing wind conditions, by providing an alternative runway to support aircraft with a certain maximum cross wind component that are unable to land or take-off on the main runway.*

*The airport is not required to define the split of traffic between the two runways to the Civil Aviation Authority (CAA) nor is it currently subject to any planning controls by the local planning authority.'*

- 3.5.15. The role of Runway 16/34 as the cross-runway was such that it would have had a lower proportion of aviation movements than the main runway; it would generally have been used in certain wind conditions by certain aircraft when use of the main runway would have been outside the design parameters of those aircraft.
- 3.5.16. The 'when needed' nature of cross runway use is however such that there is no data available on the proportional split of total aviation movements between the two runways. Even if data were available, closure of Runway 16/34 would not result in a direct transfer of these aviation movements onto Runway 02/20 because the reason for aircraft needing to use the cross-runway was because they could not use the main runway in certain wind conditions.
- 3.5.17. The number of annual / daily aviation movements to and from the airport is not restricted. A cap has been previously discussed with Medway Council when a hard runway was proposed by the Airport, however the grass runway was retained, which did not necessitate a cap.
- 3.5.18. Information provided within an aviation risk assessment prepared in relation to a previous planning application by Rochester Airport Ltd for the 10-year period between 2007 and 2017 (Appendix 4-1 to the ES) has shown a generally reducing pattern in the total number of movements:

- 2007 - 30,601
- 2008 - 27,010
- 2009 - 24,840
- 2010 - 21,688
- 2011 - 24,289
- 2012 - 18,747 (movements reduced, due to airspace restrictions imposed during the London Olympics)
- 2013 - 23,540
- 2014 - 23,893
- 2015 - 23,765

- 2016 - 22,321
- 2017 - 23,800

3.5.19. The pattern of movements shown above confirms that residential and recreational receptors within the AONB will have experienced substantially higher numbers of aircraft movements in the recent history than take place at present.

3.5.20. It is also considered likely that the pattern of decreasing total aviation movements at the airport will continue following the closure of Runway 16/34. Paragraph 4.5 of the independent Lichfields assessment (Appendix K to this Addendum) confirmed that:

*'Closing the cross runway will reduce the airport's usability factor. It would not be the case that all cross-runway traffic would be diverted to the main runway: of the aircraft that are less susceptible to changing wind conditions, these aircraft can already opt to use either runway; and those aircraft types that are susceptible to changing wind conditions may not be able to use the airport to land and take off, meaning as a consequence a possible reduction in total aircraft movements.'*

3.5.21. This is the same conclusion separately reached within Chapter 4 of the IPM ES.

3.5.22. It is noted that where the Natural England consultation response made reference to section 7.3 of the Noise Assessment submitted as part of the LDO application (but not part of the ES), this was partial and the full section acknowledges that there were already periods in each year when all air traffic movements into and out of the airport were using the remaining 02/20 runway:

*'The volume of flights, operating hours, and typical annual usage patterns of the airport would remain unchanged from the present formation. It is noted that, subject to no significant changes to the wind direction during the daytime, there will already be a number of days (or consecutive days) each year during which all air traffic will utilise runway 02/20 for the entire day (or entirety of the consecutive days). The effect of operating 100% of the annual air traffic movements from a single runway would be restricted to an increase in the number of days during which aircraft movements will be audible to receptors along the flight path or close to the runway. This would not be expected to result in a significant adverse effect.'*

### **Conclusion**

3.5.23. The Applicant has engaged with Natural England and the planning authority (in relation to its duty to have due regard to the purpose of conserving and enhancing the natural beauty of the AONB under the Countryside and Rights of Way Act 2000) regarding the potential effect of the Proposed Development on the tranquillity of the AONB and has drawn the following conclusions:

- The decision to close runway 16/34 preceded the IPM development and hence is not a direct or indirect effect of the Proposed Development;
- The trend in annual aviation movements at the airport has been decreasing since 2007;
- The future pattern of daily average aviation movements at the airport is envisaged to decrease as a result of the closure of runway 16/34 due to a reduction in the usability factor;
- The IPM development will not have any influence on the pattern or numbers of aviation movements at the airport.

3.5.24. As a result of the current position with respect to consented operational changes to the airport, as outlined above, the existing and future baseline position (in EIA terms) is one with all aviation

movements associated with the airport crossing the AONB (hence the baseline tranquillity of the AONB is already influenced by aviation movements). By virtue of the fact that the LDO would have no direct or indirect effect on the number or type of aviation movements, it is considered that there will not be potential for the LDO to have any significant environmental effects on tranquillity within the AONB from aviation. As such, it is considered that assessment of AONB tranquillity within the ES should not be required.

## 4.0 SUMMARY OF SIGNIFICANT RESIDUAL IMPACTS

### 4.1. Residual effects

4.1.1. **Table 4.1** below presents a summary of the significant residual effects for each topic chapter in the ES, following the implementation of secondary mitigation. Following the approach set out in Chapter 2 of the ES, these are residual effects that are considered to be of 'moderate' beneficial or adverse significance and above.

4.1.2. There are no additional significant residual effects compared to the original assessment set out in the ES.

*Table 4.1: Significant residual effects of the Proposed Development*

Subject	Conclusion
<b>Air Quality - Dust</b>	Not significant
<b>Air Quality - Operational Impacts</b>	Not significant
<b>Air Quality - Impact on the AQMA</b>	Mitigated by provision of a sum of £1,544,660 to offset impacts
<b>Community, Social and Economic</b>	Positive short-term significant effect on job creation during the construction phase and positive long-term effect on job creation post-construction
<b>Ground Conditions</b>	Not significant
<b>Landscape and Visual - Impacts on landscape character</b>	Not significant
<b>Landscape and Visual - Impacts on AONB</b>	Not significant
<b>Natural Heritage and Ecology - Impact on designated sites</b>	Not significant
<b>Traffic and Transport</b>	Not significant subject to the proposed mitigation strategy
<b>Cumulative and In-combination effects</b>	Not significant

# CONSULTATION STATEMENT

## **Innovation Park Medway**

Local Development Order and Design Code

**SUBMITTED BY MEDWAY COUNCIL AND TONBRIDGE & MALLING BOROUGH COUNCIL**

OCTOBER 2020

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## 1 INTRODUCTION

- 1.1 This Consultation Statement (the 'Statement') has been prepared by Carter Jonas LLP ('Carter Jonas') in support of the Local Development Order ('LDO') and Innovation Park Medway ('IPM') Design Code ('Design Code'). The LDO and Design Code have been prepared on behalf of Medway Council ('Medway') and Tonbridge & Malling Borough Council (TMBC).
- 1.2 This Statement forms part of a suite of documents submitted as part of the proposals for IPM and details the consultation undertaken in relation to the LDO and Design Code only.

### **Purpose and Scope**

- 1.3 This Statement sets out why and how both Councils have engaged with the local community and key stakeholders. It sets out analysis of feedback received by respondents and explores how these comments have influenced refinement of the LDO and Design Code. In doing so, it will be made clear in this report what comments have been received, how the comments have been addressed and a justification provided where not possible.

### **Structure**

- 1.4 Section 2 sets out the engagement strategy, Section 3 discusses the engagement activities, Section 4 sets out the feedback, Section 5 examines how the feedback has informed the refinement of the LDO and Design Code and Section 6 provides the conclusions.

### **The LDO**

- 1.5 LDOs are recognised in the National Planning Policy Framework ('NPPF') at paragraph 51 as a means of setting the planning framework for a particular area where the impacts would be acceptable and where it would promote economic, social or environmental gains.
- 1.6 This LDO will provide certainty to the type, use and form of development at IPM and in return, facilitate economic growth and allowing firms / businesses to react quickly to growth opportunities through a simplified planning process stimulating investment by reducing the potential and perceived risks associated with the formal planning route. Such risks include reducing associated costs as a full technical evidence base has already been undertaken in support of the LDO.
- 1.7 This LDO will create high skilled jobs and drive innovation that will secure growth and prosperity in the region and to realise the potential of this area whilst ensuring the operational longevity of Rochester Airport. This LDO will also support the both Medway's and TMBC's goals of supporting commerce and encouraging the development of high value technology, advanced manufacturing, engineering and knowledge-intensive businesses which are considered by the Council to be key target areas.

## Design Code

- 1.8 The LDO is supported by a Design Code which works alongside the Masterplan (March 2019) to provide certainty as to what is considered acceptable design. The Design Code provides design guidance for all important features and will help to ensure the high standard of place making at IPM is delivered. By following the design guidance businesses will be able to achieve quick resolution of approvals.

Figure 1 – Masterplan





## 2 PUBLIC CONSULTATION AND ENGAGEMENT

### Legal Framework and Policy

#### NPPF and PPG

- 2.1 LDOs are recognised in the National Planning Policy Framework ('NPPF') at paragraph 51 as a means of setting the planning framework for a particular area where the impacts would be acceptable and where it would promote economic, social or environmental gains.
- 2.2 The process governing the preparation and the implementation of LDOs is outlined in Planning Practice Guidance ('PPG'). At paragraph 077 of the section entitled 'When is permission required?'<sup>1</sup> it states that an LDO cannot cross local authority boundaries. Two or more local planning authorities may wish to co-implement or co-consult on cross boundary LDOs, but each individual authority must adopt their own LDO. As the site crosses the authority boundary between Medway and Tonbridge & Malling, accordingly, both Councils have worked together to jointly prepare and consult on two separate LDOs before each adopting their own version.
- 2.3 Paragraphs 39-46 of the NPPF set out that all applicants are expected to work closely with those directly affected by their proposals, therefore taking into account the view of the community.
- 2.4 The NPPF specifically states at Paragraph 39:
- "Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community" (Paragraph 39).*
- 2.5 As dictated by Planning Practice Guidance (PPG), public consultation may be beneficial if development is expected to have a particularly significant impact.
- 2.6 Any consultation should allow adequate time to consider representations and, if necessary, amend proposals.
- 2.7 Both Councils' Statements of Community involvement (SCIs) note the benefits of early engagement with residents. Both Councils' SCIs also reflect the requirements to consult statutory consultees and provides guidance to the approaches and standards to be followed in carrying out consultation on planning matters.

#### Engagement Strategy

- 2.8 Consultation was undertaken in accordance with best practice and from the outset, both Medway and TMBC committed to stakeholder and community engagement and a comprehensive strategy was designed to

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<sup>1</sup> See: <https://www.gov.uk/guidance/when-is-permission-required>

enable as many people as possible to have the opportunity to learn about the development and provide feedback. The feedback received was then taken into consideration as the LDO and Design Code evolved.

- 2.9 As development at IPM required an Environmental Impact Assessment ('EIA'), in accordance with the EIA Regulations, each consultation ran for a period of 32 days between 17<sup>th</sup> June and 19<sup>th</sup> July 2019 for Medway and between 20<sup>th</sup> June and 22<sup>nd</sup> July for TMBC and sought the involvement of a wide range of consultation bodies including businesses.
- 2.10 A range of engagement methods were used to promote the consultation in order to make contact with a good cross-section of stakeholders and this is detailed in Section 3.
- 2.11 The objectives for the engagement strategy are set out below:
- To engage with local residents and key stakeholders to help them fully understand the LDO and Design Code;
  - To build resident and stakeholder confidence in the development process through directing them to all technical supporting information;
  - To use multiple channels, including social media, to promote the consultation to ensure as many people as possible were informed;
  - To provide clear messages about IPM, the reasons behind the LDO and how this will benefit the area;
  - To provide opportunities for local people to review the suite of technical information and express their views;
  - To analyse all public feedback, communicating back to the design team so that comments can be properly considered and so that the LDO and Design Code can respond appropriately; and
  - To follow up and reach agreement with statutory consultees.
- 2.12 Following feedback received, a further consultation period is being undertaken to demonstrate how the comments have been addressed. This consultation period will also allow for feedback on the additional information submitted in support of the LDO.

### **Use of Information Gathered**

- 2.13 The information gathered, including personal contact details, have been recorded as part of the formal record of the process. However, such contact information is only held for the sole purpose of the work on the LDO and Design Code. Details have not been shared with any other service of either the Council or TMBC or used for other purposes than Planning Policy. Information will be held until an appropriate period after the LDO and Design Code are adopted.

### 3 ENGAGEMENT ACTIVITY

#### Website / E-Bulletin

- 3.1 In June 2019, designated pages were set up on both Medway's and TMBC's websites<sup>2</sup> including a summary providing an overview of the previously consulted Masterplan, the emerging LDO, Design Code and Environmental Statement and explained how the process of Prior Notification would work. Each webpage directed local residents and interested parties to the suite of supporting technical information and documents and encouraged comments to be submitted during separate consultation events (17<sup>th</sup> June 2019 and 19<sup>th</sup> July 2019 for Medway and between 20<sup>th</sup> June and 22<sup>nd</sup> July for TMBC).
- 3.2 Accordingly, both Medway and TMBC have worked together to jointly prepare and consult on two separate LDOs before each adopting their own version.
- 3.3 TMBC also placed notification of the consultation in their e-bulletin on 20 June 2019 alongside social media messaging.

#### Letter Drop

- 3.4 A letter drop to properties immediately adjacent and in close proximity to the site as per the normal development management process for planning application consultation was carried out.

#### Notification in Local Newspaper

- 3.5 An advert was placed in the Medway Messenger by Medway on 17<sup>th</sup> June 2019 and the Kent Messenger by TMBC on 20<sup>th</sup> June 2019.

#### Statutory Consultees and Key Stakeholders

- 3.6 In accordance with Article 38, subsection 3 of the DMPO 2015, letters were sent to all statutory consultees including those listed below, seeking comments on the proposals:
- Environment Agency;
  - Historic England;
  - Natural England;
  - Highways England;
  - Kent County Council;
  - Neighbouring authorities and Parish Councils; and
  - West Kent Clinical Commissioning Group; and
  - Utility Providers.

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<sup>2</sup> Medway: [www.medway.gov.uk/innovationparkmedway](http://www.medway.gov.uk/innovationparkmedway) or [www.medway.gov.uk/IPM](http://www.medway.gov.uk/IPM)  
TMBC: <https://www.tmbc.gov.uk/services/business/business-support-and-advice/innovation-park-medway-consultation/>

3.7 Contact was also made with key stakeholders who provided important views in the development of the LDO and Design Code. These included:

- Kent Downs AONB;
- Royal Society for the Protection of Birds (RSPB);
- Campaign to Protect Rural England (CPRE);
- Kent Wildlife Trust;
- Civil Aviation Authority; and
- Various other parties that are consulted on any other Local Plan documents.

## 4 FEEDBACK

- 4.1 Given the cross boundary and strategic nature of the LDO, there was a high level of interest during the public consultation and engagement period. This is detailed in the section below.

### Website

- 4.2 The designated pages for Medway<sup>3</sup> had 246 views. Of these, 203 were unique, meaning that 43 people had viewed the webpage viewed it more than once.
- 4.3 Those who visited spent an average of 1 minute 38 seconds.
- 4.4 In terms of residents, 35 responded (32 objecting to the LDO, 2 in support and 1 neutral) and whilst the general tone of the feedback was one of objection, there was significant support for the creation of employment opportunities. In terms of the statutory consultees / key stakeholders, 11 responded.
- 4.5 In respect of TMBC, 15 comments were submitted with 10 objections from residents and 5 responses from statutory consultees / key stakeholders.

### Statutory Consultees and Other Key Stakeholders

- 4.6 Below is a summary of the most common topics raised.

#### Highways / Traffic

- 4.7 Both KCC and Highways England ('HE') raised concerns with the capacity of local roads and junctions and highlighted, the need for robust assessment. Specifically, HE queried the source of base traffic data, questioned how the Cambridge Science Park trip rates were comparable and expressed a need for the *"proposed mode share to the person trip rates (0.65 mode share of vehicle trips) needs to be backed up by more evidence"*. HE also requested a need to *"consider the impacts on not only the M2 junction 3 (the closest junction to the site), but also on SRN junctions further afield, in particular the M2, junctions 4 and 5, and the M20 junction 6"*.
- 4.8 KCC asked whether the *"Bridgewood Roundabout improvements be more fully investigated and then implemented by the developer"*.

#### Building Height / Design

- 4.9 The Kent Downs AONB Unit and Natural England highlighted the need to account for potential impacts to views and tranquillity of the Kent Downs AONB. Specific reference was made to the height of building need

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<sup>3</sup> Medway: [www.medway.gov.uk/innovationparkmedway](http://www.medway.gov.uk/innovationparkmedway) or [www.medway.gov.uk/IPM](http://www.medway.gov.uk/IPM)  
 TMBC: <https://www.tmbc.gov.uk/services/business/business-support-and-advice/innovation-park-medway-consultation/>

to be considered to minimise the potential impact on views from the AONB which is considered to be of paramount importance, and in view of the national significance of the AONB designation, it should be this that informs maximum heights, not just acceptable heights relative to distances from the runway.

- 4.10 The same respondent suggested they were concerned the BAE buildings have been used as a benchmark to inform the acceptable height of new buildings.

#### **Noise / Air Quality**

- 4.11 Natural England highlighted the need for a detailed traffic generated air quality assessment to understand whether the proposal will result in impacts to the North Downs Woodland SAC, either alone or in-combination with other plans or projects.
- 4.12 Medway's Environmental Protection Officer also questioned whether the data used was the most up to date. Specific comments were made in reference to ensuring comprehensive cover of the potential area of impact for the development was assessed.

#### **Ecology**

- 4.13 Both Kent County Council ('KCC') and the Council's Greenspace Access and Bidding Programme Manager made reference to bio-diversity net gain and off-site mitigation and specifically requested a detailed Mitigation Strategy to be submitted as part of a Condition. The Bidding Programme Manager also suggested the "*Site is ideally place to achieve off site compensation via Horsted Valley and Nashenden Valley. Hopefully this can be reflected in the EMEP*".
- 4.14 Whilst Kent Wildlife Trust ('KWT') support the development, they specifically requested that the masterplan sets out clearly the Green Infrastructure elements that, "*deliver biodiversity net gain; and integrate functional habitats within the public areas and alongside 'grey infrastructure'*".

#### **Residents**

- 4.15 Below is a summary of the most common topics raised.

#### **Highways, Traffic and Congestion**

- 4.16 Respondents raised concern about the proposed impacts on the highway network and subsequent generation of increased traffic and congestion.
- 4.17 Respondents also commented on the already lack of infrastructure and how the proposal would create rat runs through the surrounding residential estates.
- 4.18 Specific comments made by respondents included:
- "*How do the Council expect the local roads to cope with the higher volume of traffic*".

- *“Development will have major problems with traffic movement which is already at breaking point”.*
- *“The roundabout system at Taddington Woods and Lord Lees is grid locked every rush hour. To bypass this, traffic uses the Davis Estate as a rat run”.*

#### **Impact on the Kent Downs Area of Natural Beauty (AONB)**

4.19 Reference was made to the potential impact of the proposed development on the Kent Downs AONB and in particular, how the proposed increase in the number of flights will impact upon the tranquillity of the AONB.

4.20 Specific comments made by respondents included:

- *“The possible impacts of all flights using a single runway over the M2 / HS1 and ANOB have not been assessed”.*
- *“Impact on AONB / tranquility not been fully assessed – how will the delivery of the infrastructure not impact on the AONB?”*

#### **Design, Layout, Scale and impacts on residents**

4.21 Respondents queried the design of the pedestrian link between the North and South sites, the height of proposed buildings on the South site and comments were also raised in relation to the loss of trees and whether the South site was actually required.

4.22 Specific comments made by respondents included:

- *“the proposed footpath between the North and South sites would be less likely to become a robber's paradise, where isolated workers leaving work late and walking back to their cars would be easy targets”.*
- *“I seriously object to the building of anything (especially a 6 storey car park) which will increase congestion and effectively keep me a prisoner in my own road”.*
- *“The loss of trees, with the present concern over climate change will be irresponsible”.*
- *“Is there any actual need for a South site? Parcel 4 is currently being used to store caravans and motorhomes for local residents, where would these go?”*

#### **Negative Economic Impacts**

4.23 Respondents suggested the proposal will increase rent prices in the local area which will be of the detriment of local residents.

4.24 Specific comments made by respondents included:

- *“Development will affect the rent prices in Medway; many already struggle to stay financially stable whilst living in the area due to sky high rent prices and wages that aren't anywhere near high enough to cover it”.*

- *“Far from enhancing the local economy this will have a negative effect on businesses across a large swathe of North West Kent when workers, products and supplies are unable to go where they need to go”.*

#### **Impacts on Existing Airport**

4.25 Respondents raised concerns relating to the impacts on the future operation of the Airport and the assumption that the development of IPM is the first step to closure.

4.26 Specific comments made by respondents included:

- *“I have not seen any consultation request to the Civil Aviation Authority, could it be a deliberate oversight in the hope that the CAA will revoke the airfield licence at a later date which would enable further expansion”.*
- *“My main concern is the Airport being jeopardized by building over the North / South runway”.*
- *“Can Air Traffic Control cope with the increase in the number of flight movements?”*

#### **Existing Employment Uses**

4.27 Respondents further expressed concerns that investment should instead be directed into already existing employment sites. Comments considered the proposed regeneration unsustainable due to the already existing high level of vacant employment spaces in the area.

4.28 Specific comments made by respondents included:

- *“Plenty of empty lots in other business parks in Medway. Why do we need to build on a field if this is the case? It seems a pointless project that will have a negative effect on the environment. Fill your other vacant lots across Medway first”.*
- *“Why can't you use already available buildings which have remained empty for years, Medway City Estate, Gillingham Business Park being examples, this development requires one of the two remaining runways to close”.*
- *“There are plenty of other places in Medway that would be more suitable and which would not have such a negative impact this will most definitely have if these plans are permitted to go ahead”.*

#### **Noise and Air Quality**

4.29 Concern was also raised about the potential of the site to generate increased levels of noise and air pollution. This was specifically in relation to increased traffic movements.

4.30 Specific comments made by respondents included:

- *“The increased air pollution from this traffic will be a cause for concern”.*



- *“Area already recognised as highly trafficked no figures are given for additional air pollution from vehicles visiting”.*
- *Full Noise Impact Assessment required that takes into account Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL).*

4.31 An element of the proposals respondents liked included:

**Creation of employment opportunities**

4.32 A number of respondents confirmed they were in support of the creation of employment opportunities, despite having other concerns.

4.33 Specific comments made included:

- *“I generally support the plan if genuine skilled jobs are created that could link with the redeveloped and updated airport”.*
- *“Simple to say I am for this development, it is much needed for our area. More jobs are welcomed and it’s good to see Chatham, Medway leading the way forward for local opportunities”.*

## 5 RESPONDING TO FEEDBACK

5.1 This section outlines how both Medway and TMBC together with their appointed consultancy team have listened to the views of local residents, statutory consultees and key stakeholders and have endeavoured to address concerns where practical and possible through further information being provided or via direct liaison with the relevant party where necessary.

Highways, Traffic and Congestion	
Query	Response from appointed consultancy team
<p><i>Mitigation measures including the feasibility and deliverability and whether the measures proposed will realistically lead to improvement in capacity should be properly investigated and determined.</i></p> <p><i>In order to verify the growth factor, Highways England need to see the TEMPRO output to assess if appropriate parameter selections have been made to determine the factor and to be provided with additional information with regards the development trip distribution and modelling especially with regards a need to consider the impacts on not only the M2 junction 3, but also on SRN junctions further afield, in particular the M2, junctions 4 and 5, and the M20 junction 6.</i></p> <p><i>Further clarification / up to date evidence is requested on the following:</i></p> <p><i>Proposed mode share to the person trip rates (0.65 mode share of vehicle trips)</i></p> <p><i>Trip generation of the B1 and B2 land uses would need to be considered, which could be higher.</i></p> <p><i>The Scoping Report proposes controlling specific trip generation of each end-user development through a planning condition. Once further information has been provided and we are content that the proposed trip generation is realistic, we would welcome a discussion on how such a planning condition could be worded and what penalties would be applied should the trip generation limit be exceeded.</i></p>	<p>Further consultation with Highways England and KCC Highways confirmed that the basis for the trip rates used within the TA is acceptable and the impact of IPM with the wider Local Plan traffic has been included within the 2020 updates to the Medway Council Strategic Transport Assessment model. On the basis that the proposed vehicle trip rates have been accepted by Highways England, the Transport Assessment has not required update in terms of projected development flows but it has been updated to reflect further work that has been undertaken on the design of mitigation for junctions affected by traffic from IPM.</p>

<p><i>Need to consider the potential variation in trip generation between B1a, B1b, B1c and B2.</i></p> <p><i>Census data needs to be provided (including location details) in order to verify if the resulting distribution percentages are accurate.</i></p> <p><i>Modelling of the Lower Thames Crossing (LTC) have been undertaken.</i></p> <p><i>Proposed mitigation for in the vicinity of the M2 Junction 3 needs to be understood.</i></p> <p><i>Need to consider construction traffic.</i></p>	
<p><i>Could the Bridgewood Roundabout improvements be more fully investigated and then implemented by the developer?</i></p> <p><i>At the Lord Lees Roundabout, the results indicate that it would be unlikely that queues would block back or interact with the M2 Junction 3. The operation of the junction 3 of the M2 needs to be investigated and to understand whether reassigned traffic is impacting at another location on the SRN.</i></p> <p><i>Taddington Wood Roundabout - need to understand this reassignment in more detail to consider whether reassigned traffic is impacting at another location on the SRN.</i></p> <p><i>Need for mitigation measures to be fully investigated.</i></p>	<p>Mitigation designs have been produced for these three roundabout junctions and a Stage 1 Road Safety Audit has been undertaken, along with a Designer's Response which has been reviewed by KCC and Highways England. The Designer's Response reflects each of the comments raised by the independent Road Safety Audit team and explains how these comments will be appropriately incorporated within the next stage of design for the junctions.</p>
<p><b>Impact on the Kent Downs Area of Natural Beauty (AONB)</b></p>	
<p><i>Impact on AONB / tranquility has not been fully assessed – how will the delivery of the infrastructure not impact on the AONB?</i></p>	<p>Further consultation has been undertaken with Natural England on this, and other points on the AONB. A statement regarding aviation movements at the Airport and the lack of influence on these from IPM has been issued to Natural England in August 2020 by Medway Council.</p>
<p><i>The AONB Unit considers the proposed height of buildings would fail to conserve or enhance the special qualities and character of the AONB.</i></p>	<p>In response, further consultation has been undertaken with Natural England and the Kent Downs AONB Unit together with other points in relation to the AONB and a revised Addendum which provides further information on visual matters relating to key areas within the AONB and provides clarification for the judgments reached in Chapter 11 of the Environmental Statement.</p> <p>In addition to supplementary material supporting the LVIA, a standalone AONB section has been incorporated into the Design Code, providing more</p>

	<p>guidance on measures to further reduce impacts on the AONB, an approach that was agreed with Natural England and the AONB Unit.</p>
<p><i>Views from other parts of the AONB and in particular views from the North Downs Way in the vicinity of where PRow MR6 joins the North Downs Way, are highly likely to be much more visible in the future as a result of ash die back.</i></p>	<p>Assessing unpredictable future baseline change is not part of the ES LVIA methodology and as such assessing the future baseline following potential ash die back was not undertaken.</p> <p>However, the assessment of the North Downs Way, as set out in section 11.6.30 of the ES, assess views through gaps in vegetation and during winter months. Where more open views are available, in the vicinity of PRow MR6, the existing buildings of adjacent industrial and employment areas are clearly visible.</p> <p>The LVIA addendum includes a viewpoint taken in the vicinity of PRow MR6 (see viewpoint 10). The scale of effect would be Small-Negligible and of Slight significance.</p> <p>In February 2020, a site visit was undertaken to capture views from the AONB during winter months. The supplementary note was produced that contains photopanel and visualisations.</p>
<p><b>Design, Layout, Scale and impacts on residents</b></p>	
<p><i>Could the development draw more positively on the site's airfield history?</i></p>	<p>The masterplan statement, which provides illustrative guidance on how the site could be brought forward and developed, features a runway park on the alignment of runway 16/34, which is currently laid to well-maintained grass. This feature becomes the fundamental structuring element of the masterplan, inspired by making a 'nod to the past' whilst setting out a confident new future for the site.</p> <p>Section 5 of the accompanying design code offers guidance on how the brand and identity of IPM, and its physical features, can reinforce perception of the site heritage.</p> <p>Where possible, features of the site will be retained.</p>
<p><i>Is there any possibility of encouraging more pedestrian connections from outside the park / better linkages with the Davis Estate?</i></p>	<p>Provision has been made for three access points to the northern site off Laker Road, all of which will accommodate pedestrians. A potential long-term access to the northern site may be provided off Marconi Way (off Maidstone Road) subject to agreement from BAE Systems, who operate a secure site.</p> <p>Pedestrian access to the southern site will be gained off Maidstone Road / ICM access roundabout. Whilst the airport restricts the east-west movement of</p>

	<p>pedestrians from Maidstone Road, the two development areas (north and south) have the potential to be physically linked via a footpath that passes securely along the site boundary.</p>
<p><i>What is proposed for the empty plots before they are developed? Could they be temporary open spaces until building work starts?</i></p>	<p>Temporary use of empty plots has been discussed with Medway Council but not included as this relates to site management rather the applications dealt with through the LDO mechanism. Temporary open space, wildflower meadows, and temporary surface parking are all options.</p> <p>Plots could be sown with wildflower mixes to provide habitats for invertebrates and provide temporary stepping stone habitat between airfield grassland to be lost and future green roofs or other habitat on site once development is completed.</p>
<p><i>Phasing: Will all the public realm go in straight away ready for when people view, move in – supporting the early occupiers?</i></p>	<p>The masterplan proposes a fundamental structure formed by the linear park and primary access corridor. The indicative approach to phasing focuses on the delivery of key infrastructure, including the first portion of the linear Runway Park. This will build momentum for the identity of the place and, from the outset, start to address the challenges of creating a flourishing place with a strong community. The first phases delivered at IPM are intended to set the standard that all later phases follow.</p> <p>Each subsequent phase of development at IPM will focus on delivery of key pieces of public open space to complete the network envisaged.</p>
<p><i>Public realm - what measures will be put in place to maintain these areas to a high quality?</i></p>	<p>Maintenance and ownership of landscape and public realm to be undertaken by Medway Council.</p>
<p><i>Have green walls been considered on any of the buildings?</i></p>	<p>Building façade materials are not prescriptive but green walls were proposed as an option for Parking Deck plots. Encouragement to explore naturalistic character was also provided for Woodland Plots although noting that facades and roof-scapes should consider maintenance strategy and whether potential roosting and nesting could contribute to risk of bird strike on the airfield.</p> <p>As set out in the EMEP, brown and green roofs are suitable for the site and the detail of green walls are included in the AONB Addendum.</p>
<p><i>Height of building through the site especially on the southern site?</i></p>	<p>As noted above, a revised Addendum which provides further information on visual matters relating to key areas within the AONB and provides clarification for the judgments reached in Chapter 11 of the Environmental Statement.</p> <p>Effects on areas beyond the AONB (including those to the east of the site) are addressed in the LVIA that</p>

	<p>accompanied consultation on the Masterplan Statement. Within this assessment, effects of buildings proposed on the southern site are considered in the context of nearby commercial development along Maidstone Road, including Innovation Centre Medway, and are considered to be of an appropriate scale.</p>
<p><i>Site security – how will the relationship between the new area of commercial development and the existing operations of BAE be managed?</i></p>	<p>Medway Council has regular meetings with BAE and the design code has sufficient flexibility for perimeter fencing as required for BAE.</p>
<p><i>How will the loss of car parking from Phase II be addressed to ensure the existing operations of BAE can still be served?</i></p>	<p>Proposals under the IPM masterplan include decked car parking to increase parking capacity on the site.</p>
<p><b>Impacts on Existing Airport</b></p>	
<p><i>Use of the single runway – how will this impact the number of flights / operation of the Airport / Airfield?</i></p>	<p>The closure of the runway was dealt with through a previous application and has nothing to do with the LDO. Supporting information from the runway planning application confirmed the closure of the existing runway is likely to reduce the overall number of flights from the airport compared to the current baseline because there will be a reduction in the flexibility of take-off and landing direction and for some aircrafts using the airport cross-winds of certain strengths, will exceed the parameters of their engines and they will not be able to take off or land. This predicted effect was also confirmed through an independent report prepared for the runway planning application.</p>
<p><b>Ecology / Biodiversity</b></p>	
<p><i>Both Kent County Council ('KCC') and the Council's Greenspace Access and Bidding Programme Manager made reference to bio-diversity net gain and off-site mitigation and specifically requested a detailed Mitigation Strategy to be submitted as part of a Condition. The Bidding Programme Manager also suggested the "Site is ideally place to achieve off site compensation via Horsted Valley. Hopefully this can be reflected in the EMEP".</i></p> <p><i>Whilst Kent Wildlife Trust ('KWT') support the development, they specifically requested that the masterplan sets outs clearly the Green Infrastructure elements that, "deliver biodiversity net gain; and integrate functional habitats within the public areas and alongside 'grey infrastructure'".</i></p>	<p>In response, BSG liaised with the Kent Wildlife Trust and agreed bio-diversity net gain ('BNG') would be best secured through an Ecological Management and Enhancement Plan (EMEP) which has now been agreed and is included in the LDO. Through the production of the EMEP, Horsted Valley has been identified along with Daisy Banks and Coney Banks and the necessary level of mitigation has been costed.</p>

<b>Existing Employment Uses</b>	
<i>Why can't existing buildings which have remained empty for years be used?</i>	<p>Existing buildings in Use Class E(g)(i-iii) or Use Class B2 within Medway and Tonbridge &amp; Malling are not to the required standard for the intended uses at IPM.</p> <p>One of the intentions of IPM is for businesses to benefit from the cluster of similar industries. This would not be possible anywhere else within Medway or Tonbridge &amp; Malling.</p>
<b>Air Quality / Noise Pollution</b>	
<i>Concerns raised about the potential of the Development to increase levels of noise / air pollution.</i>	<p>An air quality impact assessment submitted as part of the Environmental Statement confirmed that there would be no significant impacts. By virtue of the predicted reduction in total flights through the closure of one runway (an application that was separate from this LDO), there is no significant increase in noise or air quality from aviation, as a secondary effect of the LDO proposals.</p> <p>No significant impacts are likely associated with noise and this is the reason that noise was not included within the scope of the EIA.</p> <p>Significant impacts are not predicted for air quality in terms of the UK Air Quality Strategy Objectives but a parallel assessment has been undertaken using the Emissions Damage Calculation approach and this has identified a financial level of mitigation that will be required in relation to air quality.</p>
<i>Natural England highlighted the need for a detailed traffic generated air quality assessment to understand whether the proposal will result in impacts to the North Downs Woodland SAC, either alone or in-combination with other plans or projects.</i>	<p>An air quality assessment on potential impacts to the North Downs Woodland SAC was included as Chapter 6 of the ES. Since submission of the LDO application, further consultation has been undertaken with Natural England on this and a technical note has been submitted explaining how the Strategic Transport Assessment (STA) model takes account of projected traffic growth within adjacent local authority areas. Natural England has confirmed that, on the basis that Highways England is content with the STA modelling methodology, this will present an appropriate basis for the assessment of cumulative and in-combination effects on the North Downs Woodland SAC and a revised Air Quality Assessment has been submitted as part of the ES Addendum to take account of the updated STA model, particularly in respect of cumulative and in-combination effects on the SAC.</p>

## 6 CONCLUSIONS

- 6.1 Early and effective engagement has been undertaken, notably during the online consultation held from 17<sup>th</sup> June 2019 to 19<sup>th</sup> July 2019 for Medway and between 20<sup>th</sup> June and 22<sup>nd</sup> July for TMBC.
- 6.2 As a consequence of this engagement and feedback received from consultees including KCC, Highways England, Natural England and the Kent Downs AONB Unit, a number of assessments and further technical work was identified and this has been undertaken over the last 12 months and the conclusions are captured within addendums to the Environmental Statement, updates to the Design Code and revisions to the LDO.
- 6.3 In summary, the views of the public, statutory consultees and key stakeholders were all considered and, where relevant have resulted in revisions to the LDO and Design Code. The revised documents are now subject of further consultation between 26<sup>th</sup> October to 27<sup>th</sup> November for Medway and 29<sup>th</sup> October to 30<sup>th</sup> November for TMBC.
- 6.4 This Statement has shown how both Medway and TMBC have effectively engaged with the local community, statutory consultees and relevant stakeholders in the development of the LDO and Design Code for IPM.



# CONSULTATION STATEMENT

## **Innovation Park Medway**

Local Development Order and Design Code

**SUBMITTED BY MEDWAY COUNCIL AND TONBRIDGE & MALLING BOROUGH COUNCIL**

DECEMBER 2020

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## 1 INTRODUCTION

- 1.1 This Consultation Statement (the ‘Statement’) has been prepared by Carter Jonas LLP (‘Carter Jonas’) in support of the Local Development Order (‘LDO’) and Design Code (‘Design Code’) at Innovation Park Medway (‘IPM’). The LDO and Design Code have been prepared on behalf of Medway Council (‘Medway’) and Tonbridge & Malling Borough Council (TMBC).
- 1.2 This Statement forms part of a suite of documents detailing the proposals for IPM and follows the initial consultation that took place between June and July 2019. Both consultations focused solely on the LDO and Design Code.

### **Purpose and Scope**

- 1.3 This Statement sets out why and how both Councils have engaged with the local community and key stakeholders. It sets out analysis of feedback received by respondents and explores how these comments have influenced the refinement of the LDO and Design Code. In doing so, it will be made clear in this Statement what comments have been received, how the comments have been addressed and a justification provided where this has not been possible.
- 1.4 An initial stage of consultation ran for a period of 32 days between 17<sup>th</sup> June and 19<sup>th</sup> July 2019 for Medway and between 20<sup>th</sup> June and 22<sup>nd</sup> July for TMBC. Following feedback, the Councils have undertaken further assessments and produced technical information, the content of which has been incorporated as addendums to the Environmental Statement, updates to the Design Code and revisions to the LDO. This information was published for consultation between 26<sup>th</sup> October and 27<sup>th</sup> November for Medway and 29<sup>th</sup> October to 30<sup>th</sup> November for TMBC.

### **Structure**

- 1.5 The remaining sections of this Statement are structured as follows: Section 2 confirms the engagement strategy, Section 3 discusses the engagement activities, Section 4 sets out the feedback, Section 5 examines how the feedback has informed the refinement of the LDO and Design Code and Section 6 provides the conclusions.

### **The LDO**

- 1.6 LDOs are recognised in the National Planning Policy Framework (‘NPPF’) at paragraph 51 as a means of setting the *“planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area”*.
- 1.7 This LDO will provide certainty to the type, use and form of development at IPM and in return, facilitate economic growth by allowing firms and businesses to react quickly to growth opportunities through a simplified planning process stimulating investment by reducing the potential and perceived risks associated

with the formal planning route. Such risks include reducing associated costs as a full technical evidence base has already been undertaken in support of the LDO.

- 1.8 This LDO will create high skilled jobs and drive innovation that will secure growth and prosperity in the region, realising the potential of this area whilst ensuring the operational longevity of Rochester Airport. This LDO will also support the both Medway's and TMBC's goals of supporting commerce and encouraging the development of high value technology, advanced manufacturing, engineering and knowledge-intensive businesses which are considered to be important target areas.

### **Design Code**

- 1.9 The LDO is supported by a Design Code which works alongside the Masterplan (March 2019) to provide certainty as to what is considered acceptable design. The Design Code provides design guidance for all important features and will help to ensure the high standard of place making at IPM is delivered and maintained. By following the Design Code, businesses will be able to achieve quick resolution of approvals.

Figure 1 – Masterplan



## 2 PUBLIC CONSULTATION AND ENGAGEMENT

### Legal Framework and Policy

#### NPPF and PPG

- 2.1 In respect of engagement, paragraphs 39-46 of the NPPF set out that all applicants are expected to work closely with those directly affected by their proposals, therefore considering the view of the community. Specifically, paragraph 39 states:

*“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community”.*

- 2.2 As dictated by Planning Practice Guidance (PPG), public consultation may be beneficial if development is expected to have a particularly significant impact. Any consultation should allow adequate time to consider representations and, if necessary, amend proposals.
- 2.3 The process governing the preparation and the implementation of LDOs is outlined in Planning Practice Guidance (‘PPG’). At paragraph 077 of the section entitled ‘When is permission required?’ it states that an ‘LDO cannot cross local authority boundaries. Two or more local planning authorities may wish to co-implement or co-consult on cross boundary LDOs, but each individual authority must adopt their own LDO’. As the site crosses the authority boundary between Medway and Tonbridge & Malling, accordingly, both Councils have worked together to jointly prepare and consult on two separate LDOs before each adopting their own version.
- 2.4 Both Councils’ Statements of Community involvement (SCIs) note the benefits of early engagement with residents. Both Councils’ SCIs also reflect the requirements to consult statutory consultees and provides guidance to the approaches and standards to be followed in carrying out consultation on planning matters.

#### Engagement Strategy

- 2.5 The consultation was undertaken in accordance with best practice and from the outset, Medway and TMBC committed to stakeholder and community engagement. A comprehensive strategy was designed to enable as many people as possible to have the opportunity to learn about the development and provide feedback. Feedback received has then been taken into account in the final iteration of the LDO and Design Code.
- 2.6 As development at IPM required an Environmental Impact Assessment (‘EIA’), in accordance with the EIA Regulations, the consultation ran for a period of 32 days between 26<sup>th</sup> October and 27<sup>th</sup> November 2020 for

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<sup>1</sup> See: <https://www.gov.uk/guidance/when-is-permission-required>

Medway and between 29<sup>th</sup> October and 30<sup>th</sup> November 2020 for TMBC and sought the involvement of a wide range of consultation bodies including businesses.

2.7 A range of engagement methods were used to promote the consultation to make contact with a good cross-section of stakeholders and this is detailed in Section 3.

2.8 The objectives for the engagement strategy are set out below:

- To engage with local residents and key stakeholders to help them fully understand the refinements made to the LDO and Design Code;
- To build resident and stakeholder confidence in the development process through directing them to all the updated technical supporting information;
- To use multiple channels, including social media, to promote the consultation to ensure as many people as possible were informed;
- To provide clear messages about IPM, the reasons behind the LDO and how this will benefit the area;
- To provide opportunities for local people to review the suite of technical information and express their views;
- To analyse all public feedback, communicating back to the design team so that comments can be properly considered and so that the LDO and Design Code can respond appropriately; and
- To follow up and reach agreement with statutory consultees.

### **Use of Information Gathered**

2.9 The information gathered, including personal contact details, have been recorded as part of the formal record of the process. However, such contact information is only held for the sole purpose of the work on the LDO and Design Code. Details have not been shared with any other service of either the Council or TMBC or used for other purposes than Planning Policy. Information will be held until an appropriate period after the LDO and Design Code are adopted.

### 3 ENGAGEMENT ACTIVITY

#### Website / E-Newsletter / Social Media

- 3.1 In October 2020, designated pages on both Medway's and TMBC's websites<sup>2</sup> were updated. This was to inform local residents and stakeholders of the updates to the technical information and documents that were to be published following submissions received during the initial consultation. These webpages provided links to the online planning register and comments were encouraged to the separate consultation events (26<sup>th</sup> October and 27<sup>th</sup> November for Medway and 29<sup>th</sup> October to 30<sup>th</sup> November for TMBC).
- 3.2 As with the initial consultation, both Medway and TMBC worked together to jointly prepare and consult on two separate LDOs before each adopting their own version.
- 3.3 To assist in notifying as many people as possible, TMBC also placed notification in their e-newsletter on 29<sup>th</sup> October which was sent to around 600 contacts. Both Councils also undertook a programme of social media messaging across Facebook and Twitter posting on a number of occasions across the 32-day period and this had a 2.74% response rate which is rated as 'very good' from those posts made by Medway. Posts were also 'liked' 10 times and 'shared' six.

#### Letter Drop

- 3.4 A letter drop to properties immediately adjacent and in close proximity to the site as required by the development management process for planning application notification / consultation was carried out.

#### Notification in Local Newspapers

- 3.5 An advert was placed in the Medway Messenger by Medway on 22<sup>nd</sup> October 2020 and the Kent Messenger by TMBC on 29<sup>th</sup> October 2020.

#### Statutory Consultees and Key Stakeholders

- 3.6 In accordance with Article 38, subsection 3 of the DMPO 2015, letters were sent to all statutory consultees including those listed below, seeking comments on the updated technical information and revisions to the Design Code and LDO:
- Environment Agency;
  - Historic England;
  - Natural England;
  - Highways England;
  - Kent County Council;

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<sup>2</sup> Medway: [www.medway.gov.uk/innovationparkmedway](http://www.medway.gov.uk/innovationparkmedway)  
TMBC: <https://www.tmbc.gov.uk/services/business/innovation-park-medway-consultation>



- Neighbouring authorities and Parish Councils;
- West Kent Clinical Commissioning Group; and
- Utility Providers.

3.7 Contact was also made with stakeholders who had provided important views in the development of the LDO and Design Code. These included:

- Kent Downs AONB;
- Royal Society for the Protection of Birds (RSPB);
- Campaign to Protect Rural England (CPRE);
- Kent Wildlife Trust;
- Civil Aviation Authority;
- North Kent Enterprise Zone;
- Kent Fire and Rescue;
- Thames Gateway Kent Partnership;
- BAE Systems; and
- Various other parties that are consulted on any other Local Plan documents.

## 4 FEEDBACK

- 4.1 Whilst there was significant interest during the first period of consultation, as this was focused on specific technical updates in response to addressing feedback received, there was a lower level of interest from local residents.

### Website

- 4.2 The designated page for Medway<sup>3</sup> had 338 views. Of these, 223 were unique, meaning that 115 people had viewed the webpage more than once.
- 4.3 Those who visited spent an average of 1 minute 5 seconds.
- 4.4 In respect of Medway, six residents / local businesses responded. In terms of statutory consultees / key stakeholders, 16 responded.
- 4.5 In respect of TMBC, two residents / local businesses responded with both being duplicated from those sent to Medway. Six responses were received from statutory consultees / key stakeholders (five of these were also submitted to Medway) with Sport England being the exception.

### Statutory Consultees and Other Key Stakeholders

- 4.6 Below is a summary of the most common topics raised including specific commentary with full responses in Section 5.

#### Employment

- 4.7 Gravesham Borough Council, Maidstone Borough Council, and Frindsbury Extra Parish Council ('FEPC') all expressed support for the employment benefits and creation of jobs in the immediate area and beyond. FEPC also commented that *"work practices are changing and the Innovation Park should reflect this"*.
- 4.8 North Kent Enterprise Zone / Thames Gateway Kent Partnership confirmed their support for the LDO and associated Design Code, stating that *"Innovation Park Medway is an important part of the North Kent Enterprise Zone and the site's potential to generate high quality employment opportunities and economic stimulus will benefit residents and businesses not only in Medway but across North Kent"*.

#### Highways / Traffic

- 4.9 Kent County Council ('KCC') requested additional information regarding proposed mitigation, particularly at Bridgewood Roundabout and the Laker Road / Rochester Road junction. They remained *"concerned that the*

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<sup>3</sup> Medway: [www.medway.gov.uk/innovationparkmedway](http://www.medway.gov.uk/innovationparkmedway) or [medway.gov.uk/info/200177/regeneration/738/innovation\\_park\\_medway\\_plans/3](http://medway.gov.uk/info/200177/regeneration/738/innovation_park_medway_plans/3)  
 TMBC: <https://www.tmbc.gov.uk/services/business/business-support-and-advice/innovation-park-medway-consultation/>

*Bridgewood Roundabout mitigation includes land where ownership is not known” and that “this option and alternative options should be fully investigated in order to ascertain that a mitigation scheme is possible”.*

- 4.10 KCC went on to state that *“additional mitigation is required to address the significant queues and delays along Laker Road at its junction with Rochester Road”.*
- 4.11 KCC also commented that *“the designer’s response has yet to be provided and revisions to drawings to include the safety audit comments, together with updated audits are yet to be received”.* This is in relation to Safety Audits undertaken for Bridgewood Roundabout, Lord Lees Roundabout and Taddington Roundabout.
- 4.12 More generally, KCC observed that *“mitigating measures at Bridgewood Roundabout are required prior to opening [of the IPM] implemented by the developer via a [Section 278] Agreement”* and that the IPM delivery programme *“should not have detrimental impact to the development and delivery of the A229 Blue Bell Hill Improvement Scheme”.*
- 4.13 Subsequent consultation with KCC has agreed wording of Condition RN4 regarding the implementation of mitigation at the Bridgewood Roundabout.
- 4.14 In the response from Highways England, they confirmed that required mitigations on or close to the Strategic Road Network (SRN) will be required at Junction 2, 3, and 4 of the M2.
- 4.15 Highways England also observed that preliminary mitigation designs for Junction 2 will need to be designed and agreed. Highways England went on to state, that should the Council intend to mitigate all impacts (IPM and other) via the Local Plan, *“this needs to be stated in the LDO, reflected in the Monitor & Manage approach (with a condition and trigger restricting IPM floorspace occupation to the delivery of the required mitigation), and then carried through to the Local Plan”.*
- 4.16 Subsequent consultation with Highways England has agreed the wording of Condition RN6 with respect to triggers and agreement of mitigation design for Junction 2 of the M2.
- 4.17 Finally, Highways England proposed several conditions to be included in the LDO.
- 4.18 Following a meeting on 13<sup>th</sup> November and subsequent submissions including the proposed wording of conditions and a monitor and manage strategy, it has now been agreed that all matters raised by KCC and Highways England have been addressed and they do not wish to raise an objection to the LDO.

### **Building Height / Design**

- 4.19 In the response from the Kent Downs AONB Unit (the ‘AONB Unit’), they welcomed the proposed inclusion of a specific section within the Design Code on ‘Designing with the AONB’, as well as the inclusion of the Environmental Colour Assessment to inform future decisions on appropriate colours of materials, in response to previous comments.

- 4.20 The AONB Unit supported the inclusion of additional viewpoints and wintertime views in response to their original comments but remained of the view that the magnitude of change for a number of viewpoints is still too great. The AONB Unit went on to state that their original concerns remained and they urged *“the Council to reduce the height parameter”* in the northern part of the site which includes the proposed 6 storey building as this *“would clearly be more prominent in views from the AONB appearing as a further urbanising intrusion on this sensitive ridgeline”*.
- 4.21 Natural England stated that in consideration of the height of the buildings along the western edge, they expect the design *“to be sympathetic to the environment in which they sit”*. Natural England went on to confirm that whilst they support the principles within the Design Code they provided a number of observations. These included reference to the ‘Gateway’ and ‘Iconic’ buildings on the western edge and within the northern areas of IPM which are likely to be visible from the AONB. In particular, they suggested it is unclear how the design principles *“will apply to the Gateway and Iconic buildings, particularly as the Code states that Iconic building plots should appear different in style to the other general plots by using statement façade treatments, building layout and height should also emphasise the iconic character”*.
- 4.22 Natural England went on to *“advise that the building heights on the western side of Innovation Park Medway are kept as low as possible given the visual impacts that will result from taller buildings”*. In terms of lighting, Natural England suggested the Design Code should ensure detailed guidance is set out to avoid *“light pollution and associated impacts to the AONB”*.
- 4.23 Natural England went on to recommend, that *“design principles of avoiding and fully mitigating impacts to the AONB should be secured during the detailed design”*.
- 4.24 Following a number of meetings and detailed exchanges which resulted in further submissions to support this second consultation including winter views and a colour assessment, the revised Design Code, developed in consultation with the AONB Unit, has reduced the visual effects on the AONB to ensure buildings are integrated with their surroundings, are visually unobtrusive and make a positive contribution to the AONB.
- 4.25 In response to Natural England, all buildings along the western edge of the northern site would be 4 storeys or less, as per the agreed parameter plan and details of lighting are now included in the Design Code which will ensure no light pollution.

#### **Noise / Air Quality**

- 4.26 Medway’s Environmental Protection Officer (‘EPO’) commented that the noise and air quality assessments were *“acceptable”* and that they were *“satisfied with the stated noise and air quality conditions”*. However, they observed that the air quality assessment was based on a previous iteration of the Emissions Factor Toolkit (‘EFT’) and recommended that the *“dispersion model is rerun using the latest version of the EFT so that the predicted impacts are based upon the very latest evidence on vehicle emissions”*. In addition, *“the*

*air quality damage costs should also be revised and based upon the latest EFT and Defra source sector costs”.*

- 4.27 Following discussion with the EPO, it has been agreed that as the IPM predicted trip generation remains the same as in the original assessment, subsequent changes to vehicle emissions factors would not lead to a change in the predicted significance of effects set out in the Environmental Statement.
- 4.28 In respect of tranquillity, Natural England noted *“that the closure of the runway has been undertaken outside of the Local Development Order process”* and consider that *“the information provided in support of the Local Development Order suggests that the closure of the runway and the creation of Innovation Park Medway will not result in noise and tranquillity impacts to the AONB from an increase in flights across the Kent Downs”.*

### **Ecology and Environment**

- 4.29 KCC Ecological Advice Service confirmed they are *“satisfied with the range of ecological surveys carried out but they required clarification on the proposed mitigation”.*
- 4.30 In particular, they requested further information including:
- *Plans demonstrating that the proposed on-site habitat creation will be implemented;*
  - *Plans demonstrating that the proposed species mitigation will be appropriate; and*
  - *Details of the proposed off-site mitigation.*
- 4.31 In addition, they highlighted that no specific information had *“been provided on the replacement habitat for ground nesting birds or reptiles”.*
- 4.32 Following a series of exchanges, it has been agreed that the additional information provided and updates to the submitted Ecological Management and Enhancement Plan has resolved all concerns. Specifically, there will be no significant increase in recreation within the area so ground birds will not be impacted on but should monitoring highlight that there has been a decline, this will need to be addressed. In respect of off-site biodiversity net gain, it was confirmed that the submitted information *“go over and above what is currently occurring on those sites”.*
- 4.33 The Environment Agency made no comments on the updated information but following further discussions, proposed some minor amendments to the draft conditions and informatives. These have subsequently been agreed and reflected in the updated LDO.
- 4.34 In relation to the Norths Downs Woodland Special Area of Conservation, Natural England confirmed *“that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment”.* A Habitats Regulation Assessment (‘HRA’) Screening Report was submitted in February 2019 confirming a HRA was not required. Following the advice provided by

Natural England, Medway and TMBC have now confirmed that a HRA will not be required for the proposed development.

- 4.35 Kent Wildlife Trust confirmed that whilst they do not object to the principle of the scheme, they asked for clarity on the baseline habitat and “justification as to why BNG cannot be delivered on site and/or why offsite BNG delivery is deemed to generate the most benefits for nature conservation”.
- 4.36 Kent Wildlife Trust also noted discrepancies between planting schedules in the EMEP and the design guides – including at Paragraph 4.45 of the EMEP, which specifies that 75% woodland planting would comprise native species in contrast to the design guide and they recommended “that the design guide be amended to reflect the prescriptions of the EMEP, focusing on the planting of native species throughout onsite planting and landscaping (including woodland, parkland and runway typologies”.
- 4.37 Kent Wildlife Trust also observed that Paragraph 2.4 of the EMEP (which identifies off-site designated sites that may be impacted by the proposals) only identifies Luton Banks LWS, and therefore advise that this should be extended to include “Bridge Woods LWS and Nashenden KTW reserve to the west”.
- 4.38 In response, all comments have been picked up within the updated EMEP with specific focus to on-site habitat creation and species-specific mitigation together with identifying off-site mitigation areas. A condition has also been agreed to secure ecological enhancement and mitigation and this is reflected in the updated LDO.

### **Heritage and Archaeology**

- 4.39 Historic England did not wish to offer any further comments on the additional information but recommended that the advice of the Councils’ Conservation Advisor at KCC should be sought in relation to archaeology and other non-designated heritage within the site.
- 4.40 KCC Heritage provided no specific comments to the additional information but referred back to comments made to the initial consultation regarding the archaeological potential of the airfield and the draft conditions proposed relating to archaeology. These conditions have been agreed and reflected in the updated LDO.

### **Residents**

- 4.41 Below is a summary of the most common topics raised.

#### **Highways, Traffic and Congestion**

- 4.42 Respondents were concerned that proposed transport mitigation measures would be insufficient to accommodate any increased traffic.
- 4.43 Specific comments included:

*“The necessity of an imposition of a speed limit on Rochester Road”.*

*"I am not convinced that the changes to the M2 exit road at Chatham, the widening of the Rochester Road and the possible changes to the Bridgewood/Lord Lees/Taddington Wood roundabouts will significantly improve the flow of traffic in this area so any additional traffic in and out of the IPM will not be appreciated and will only make the situation worse".*

*"The huge increase in traffic that development will create".*

#### **Design, Layout, Scale and impacts on residents**

4.44 Respondents raised concern regarding the proximity of development to properties off Maidstone Road and Rochester Road together with ensuring that the detail of development of Woolmans Wood (Parcel 4) did not affect the landowner's aspirations.

4.45 Specific comments included:

*"Areas 3 and 4, the existing caravan park, is adjacent to residential properties and no consideration or concern has been shown to the owners of these properties which may well be blighted by this proposal".*

*"It is our client's intention to pursue the development of the site for a scheme which whilst sharing the general aspirations for high quality development, will also ensure a commercially viable range of uses".*

#### **Ecology**

4.46 One respondent requested assurance that woodland and landscaped areas would be maintained:

4.47 Specific comments included:

*"There are several woodland areas and areas of landscaping planned for the IPM and I would like assurance that these will be regularly maintained unlike the landscaping between the houses in our road (Maidstone Road) and the main road".*

*"I understand that the EIA has shown that dormice exist on the Woolmans Wood Caravan Park land, meaning that trees on this land may not be removed. Therefore, I respectfully request that when the land currently owned by Sheppey Industries is transferred to ownership of Medway Council/Rochester Airport that these trees are properly maintained".*

4.48 Medway can confirm that this area is not planned to be transferred to the Council.

#### **Impacts on Existing Airport**

4.49 One respondent was concerned that the LDO would put the future of the airport at risk.

4.50 Specific comments included:

*"I feel it is very short-sited to build over runway 16/34".*

4.51 The operation of Rochester Airport will continue.

**Negative Economic Impacts**

4.52 One respondent was concerned that the LDO would impact on tourism:

4.53 A specific comment included:

*“The loss of a valuable amenity, the caravan park, especially for tourism in the Medway towns.”*

4.54 A response was also received from BAE Systems that, whilst supporting the development, maintained previous concerns regarding their own operations which includes issues of surface run-off. The specific comment stated:

*“BAE Systems remains supportive of the principle of the LDO, along with the aspirations of both Medway Council and Tonbridge & Malling Borough Council to improve the performance of the local economy through long term job creation, but there are still day to day operational concerns over the impact of development immediately to the south of the current BAE Systems site”.*

4.55 The Council will continue to engage with BAE Systems and supporting the LDO is a Drainage Strategy which addresses the issues of surface water runoff.



## 5 RESPONDING TO FEEDBACK

5.1 This section outlines how both Medway and TMBC together with their appointed consultancy team have listened to the views of local residents, statutory consultees and key stakeholders and have endeavoured to address concerns where practical and possible through further information or via direct liaison with the relevant party where necessary.

<b>Highways, Traffic and Congestion</b>	
<b>Query</b>	<b>Response from appointed consultancy team</b>
<p>1. Kent County Council Highways remain concerned that the Bridgewood Roundabout mitigation includes land where land ownership is not known.</p> <p>2. Kent County Council Highways have noted that mitigating measures at Bridgewood Roundabout are required prior to opening of the IPM and secured via a Section 278 Agreement.</p> <p>3. Kent County Council Highways also comment that additional mitigation will be required to address significant queues and delays along Laker Road at its junction with Rochester Road.</p> <p>4. Kent County Council Highways have asked for the designer's response to the Safety Audit, including revised mitigation layouts.</p> <p>5. Discussion concerning the IPM development and the KCC Major Projects scheme for the A229 Blue Bell Hill Improvement Scheme should continue, with a view to agreeing appropriate contributions should the programming be such that the scheme would supersede the IPM mitigating measures</p>	<p>1. Land ownership information was provided to Kent County Council Highways and Highways England on 13<sup>th</sup> November 2020 following a teleconference between KCC, HE, Medway and the consultancy team. This information showed that the land required for the updated proposed improvements to the Bridgewood Roundabout (northbound onto Rochester Road) lie partly within land owned by KCC and partly within land shown to be owned by the SoS for Transport (although Highways England subsequently suggested that the SoS's land may have previously been sold / transferred to Kent County Council).</p> <p>2. The approach to implementation of mitigating measures at the Bridgewood Roundabout has been confirmed with KCC Highways through the agreed wording of Condition RN4.</p> <p>3. The potential for additional mitigation at the Laker Road / Rochester Road junction was discussed with KCC Highways during the teleconference on 13<sup>th</sup> November 2020. Medway will propose suitable mitigation and deal with design and delivery through the Monitor and Manage Mitigation Strategy.</p>

<p>proposed. The programme of the IPM should not have any detrimental impact to the development and delivery of the A229 Blue Bell Hill Improvement Scheme.</p> <p>6. Residents are concerned that the transport mitigation measures are insufficient to accommodate any increased traffic, and that there is necessity to impose a speed limit along Rochester Road.</p>	<p>4. The proposed updated design response to the Road Safety Audit comments was tabled at the teleconference on 13<sup>th</sup> November 2020 for discussion with Highways England and KCC Highways. Highways England suggested that the updated mitigation design should be provided to the Safety Audit Team such that this could be reviewed and the decision log could be updated. This information, including the proposed updated design, a summary of other options considered, and the Designer's Response document was issued to the Safety Audit Team on 13<sup>th</sup> November 2020. The RSA Audit Team has confirmed that the proposed updated design would provide an appropriate solution subject to further detailed design prior to the next stage of Road Safety Audit. The Designer's Response has been updated accordingly.</p> <p>5. Discussions between Kent County Council Highways, Medway and TMBC on the A229 Blue Bell Hill Improvement Scheme will continue.</p> <p>6. The full extent of traffic generation from the Proposed Development has been assessed cumulatively with projected traffic associated with future development in the Medway Local Plan and traffic associated with growth in the local plans of adjacent authority areas. The cumulative effect of traffic generation has been modelled as part of the Medway Council Strategic Transport Assessment and has been undertaken in close consultation with Kent County Council Highways and Highways England. The mitigation measures identified at key junctions have been based on the outputs from the modelling exercise and these designs have been taken into account within iterations of the model to demonstrate the required level of improvement for the local highway network.</p>
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	<p>In terms of a speed limit, changes to an existing speed limit on roads would normally be associated with a material change in the driver environment (e.g. a major new development on the edge of an urban area, a new junction form or where development would lead to a significant change in the amount of pedestrians and cyclists on a given link), a significant change in the highway alignment or a poor accident record. None of these elements are associated with the proposed development and the proposed signalised improvements at the Lankester Parker Road / Rochester Road junction will assist with reduction in traffic speeds. Any change in speed limit will require a Traffic Regulation Order and would require the approval of both the highway authority and the support of the local constabulary.</p>
<p><b>Impact on the Kent Downs Area of Natural Beauty (AONB)</b></p>	
<p>The Kent Downs AONB Unit challenge the Magnitude of Change listed at viewpoints 7, 8, 9 and 10 in the LVIA Addendum.</p> <p>The Kent Downs AONB Unit consider that further development that has occurred in the vicinity of the LDO since the original consultation, alongside the development at IPM, will, <i>“reduce the quality of the views and demonstrate the harm of large scale commercial developments in this location”</i>.</p> <p>The Kent Downs AONB Unit remain concerned about the height parameter in the northern part of the site.</p> <p>Natural England make reference to the height of buildings along the western edge of IPM and</p>	<p>It is acknowledged that the Kent Downs AONB Unit have a difference of opinion on effects assessed for viewpoints 7, 8, 9 and 10. Nevertheless, measures included in section 3.5 of the Design Code, developed in consultation with the AONB Unit, seek to further reduce visual effects on the AONB to ensure buildings are integrated with their surroundings, are visually unobtrusive and make a positive contribution to the AONB.</p> <p>In response to comments from Natural England and following further discussions, all matters have been addressed in the updated Design Code. Further emphasis is made in the Design Code that all buildings visible from the Kent Downs AONB should reflect the requirements set out in Section 3.5. It is confirmed that all buildings along the western edge of the northern site would be 4 stories or less, as per the parameter plan and details of lighting are now</p>

<p>suggest that design <i>“be sympathetic to the environment in which they sit”</i>.</p> <p>Natural England seek further confirmation as to how the design principles will be applied to the Gateway and Iconic buildings.</p> <p>Natural England advise that the building heights on the western side of Innovation Park Medway are kept as low as possible given the visual impacts that will result from taller buildings.</p> <p>In terms of lighting, Natural England suggests the Design Code should ensure detailed guidance is set out to avoid light pollution.</p>	<p>included in the Design Code which will ensure no light pollution.</p>
<p><b>Negative Economic Impacts</b></p>	
<p>A resident was concerned with the loss of the caravan park, and its potential impact on tourism in the Medway towns.</p>	<p>This is privately owned and is subject to the owner wishing to develop and if so, can do so through the LDO. This doesn't restrict the owner from developing the site, i.e. a separate planning application can be submitted for determination.</p>
<p><b>Design, Layout, Scale and impacts on residents</b></p>	
<p>Has the proposed development given sufficient consideration to the occupiers of properties off Maidstone and Rochester Road?</p>	<p>The effects of the proposed development on areas beyond the AONB are addressed in the LVIA that accompanied consultation on the Masterplan Statement. Within this assessment, the impacts of buildings proposed on the southern site are considered – Section 6.3 of the LVIA provides an explanation for the design approach to Areas/Parcels 3 and 4.</p> <p>For Area 3, the proposed buildings closest to the residential properties would be up to two storeys (8m), in keeping with heights of neighbouring residential</p>

	<p>properties and limiting the impact on the amenity of these properties.</p> <p>For Area 4, woodland surrounding the Woolmans Wood Caravan Park would be retained and serve to screen or largely obstruct views of the proposed four storey buildings. The proposed buildings would be set back from the trees (and properties to the south), further reducing the visual impact on residential properties to the south.</p> <p>Section 7.2.5 of the LVIA addresses effects on townscape, with reference to properties to the south of the Site. Section 7.3.2 addresses effects on visual receptors to the south of Site (including residential properties).</p>
<p><b>Ecology / Biodiversity</b></p>	
<p>A resident has requested assurance that woodland and landscaped areas will be maintained.</p> <p>KCC have requested that further information be submitted demonstrating that proposed on-site and off-site habitat mitigation will be implemented and that proposed species mitigation will be appropriate.</p>	<p>Sale and maintenance of land is and will be a matter for the landowner. Some trees are also protected and are maintained according to appropriate guidance.</p> <p>We have considered the Ecologist’s comments and following a series of exchanges, all matters have now been agreed and an updated Ecological Management and Enhancement Plan (‘EMEP’) has been produced. The EMEP now specifically details on-site habitat creation and species-specific mitigation whilst also identifying off-site mitigation areas.</p> <p>Off-site mitigation has been secured at Horsted Valley and the detail is set out in the agreed EMEP.</p> <p>A condition has also been agreed to ensure developers must <i>submit an Ecological Compliance Note</i> by identifying all relevant plot and site wide prescriptions within the EMEP and including a preliminary ecological appraisal that reviews the existing mitigation and makes recommendations of</p>

	<p>additional measures if identified. The Ecological Compliance Note must be approved by the Local Planning Authority prior to commencement of development.</p>
<p><b>Air Quality / Noise Pollution</b></p>	
<p>The EPO had requested that the dispersion model be rerun, and air quality damage costs revised, based upon the latest Emissions Factor Toolkit (EFT) and Defra source sector costs.</p> <p>Following further discussions, the EPO confirmed that given that the maximum predicted concentrations are comfortably below the respective air quality objectives, it is unlikely that updating the assessment with the latest emissions factors (EFT) will change the conclusions of the assessment and the appropriateness of conditioning air quality mitigation.</p>	<p>Further consultation with Medway's Environmental Protection Officer has confirmed that the Noise Assessment is acceptable and has been carried out using acceptable methodologies.</p> <p>In terms of Air Quality, subsequent to the consultation response there has been further consultation with the Medway Environmental Protection Officer.</p> <p>On the basis that the IPM predicted trip generation remains the same as in the original assessment, which even with the addition of traffic from IPM predicted concentrations of nitrogen dioxide and particulates to be some way below the respective annual mean UK Objective levels, it is considered that subsequent changes to vehicle emissions factors would not lead to a change in the predicted significance of effects set out in the ES. In the context of EIA needing to assess likely significant effects as opposed to all possible effects, this has been discussed with Medway's Environmental Protection Officer and it has been agreed that update to the assessment will not be required because there is sufficient confidence in the assessment for the planning authority to clearly understand the likely significant effects.</p> <p>Following the further consultation with the Medway Environmental Protection Officer and the conclusions set out above, it has been agreed that the Emissions Damage Costs Assessment mitigation figure of c.£1.55m referred to in the LDO does not need to be amended.</p>

	<p>In summary, no further information or updated assessments in relation to either Noise / Air Quality are required.</p>
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## 6 CONCLUSIONS

- 6.1 Following the initial consultation between June and July 2019 and comments received from consultees including Kent County Council, Highways England, Natural England and the Kent Downs AONB Unit, a number of assessments and further technical work was undertaken to respond to the feedback.
- 6.2 This work has been completed over the last 12 months and the findings were set out in the addendums to the Environmental Statement, updates to the Design Code and revisions to the LDO that were consulted on between 26<sup>th</sup> October to 27<sup>th</sup> November 2020 for Medway and 29<sup>th</sup> October to 30<sup>th</sup> November 2020 for TMBC.
- 6.3 This Statement has shown how both Medway and TMBC have effectively engaged with the local community, statutory consultees and relevant stakeholders in the development of the LDO and Design Code for IPM.
- 6.4 In summary, following the work over the last 12 months, liaison with the relevant parties and recent engagement, the views of the public, statutory consultees and key stakeholders have all now been addressed and incorporated within updates to the LDO, Design Code and EMEP as necessary, and there are no objections to the development.



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**TM/19/01419/FL**

**Location:** Innovation Park Medway Rochester Airport Maidstone Road Chatham Kent ME1 2XX

**Proposal:** The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Regulation 38) and the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 as amended - preparation of Local Development Order and accompanying Environmental Statement in support of the creation of a mixed use business park, featuring c101,000sqm of predominantly high tech and innovation oriented B1/B2 commercial uses

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## **1. Description of Proposal:**

- 1.1 The aim of this proposal is to deliver a high value employment location in Medway, which is described as being very different and specialised compared to all other employment designations in Medway that have a mix of B1, B2 and B8 uses. This is intended to present a unique opportunity to achieve many aspirations of the emerging Medway Local Plan and the Medway 2035 document including upskilling, skills retention, supporting economic growth, job creation etc. The Local Development Order (LDO) will also support Medway Council's goals of supporting commerce and encouraging the development of high value technology, advanced manufacturing and engineering and knowledge-intensive businesses which are considered by Medway Council to be key target areas with the potential for significant economic growth.
- 1.2 The employment destination seeks to deliver a high-tech cluster of companies sharing similar skills, infrastructure, ambition, and drive. It will comprise Use Class E(g) and Use Class B2 that are focused on high value technology industries, engineering, manufacturing, and knowledge intensive industries. All businesses are committed to delivering high GVA and exploring opportunities and synergies for collaboration, innovation, and skills retention with links to universities.
- 1.3 Specifically, this LDO will deliver up to 101,000 sqm (GEA) including up to 23,700 sqm (GEA) for Use Class E(g) and up to 76,948 sqm (GEA) for Use Class B2 of buildings falling within the following Use Classes of the Town and Country Planning (Use Classes) Order 1987 (Amendment) (England) Regulations 2020:
- Use Class E(g)(i) – Business (Office);
  - Use Class E(g)(ii) – Research and Development of products and processes
  - Use Class E(g)(iii) – Industrial processes; and
  - Use Class B2 (General Industrial).

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- 1.4 Within Innovation Park Medway (IPM) there will also be a small amount of ancillary floor space Use Class E(a) (Sale of cold food and drink only) and Use Class E(b) (Sale of food and drink for consumption (mostly) on the premises).
- 1.5 This LDO is intended to provide a greater degree of certainty as to the type, use and form of development that is permitted and in return, facilitate economic growth, enabling it to happen in a timely manner and allowing firms to react quickly to growth opportunities through a simplified planning process. Through the LDO providing certainty to developers, it will stimulate investment by reducing the potential and perceived risks and barriers associated with the formal planning process.
- 1.6 Both authorities have duly considered the need for Habitats Regulation Assessment (HRA) under Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017. Following the advice provided by Natural England, it can be confirmed that HRA will not be required for the proposed development.

## **2. The Site:**

- 2.1 The airport site is located on the south western edge of the Medway towns. The site is adjoined by retail and hotel development fronting Maidstone Road and also the Medway Innovation centre and a complex of industrial buildings. To the south is the Woolmans Wood Caravan Park.

## **3. Planning History (relevant and not including Medway consultation applications):**

- 3.1 TM/14/03341/FL                      Application Withdrawn 27.04.2017

Formation of a lit paved runway with parallel grass runway, formation of grassed bund, re-siting of helipads, erection of two hangars, a hub building with control tower and associated building, erection of fencing and gates, formation of associated car parking areas, fuel tank enclosure, family viewing area and a memorial garden (detailed submission) plus demolition of a range of structures and removal of portable structures

- 3.2 TM/17/02835/FLEA                      Application Withdrawn 26 July 2018

The formation of a replacement paved lit runway and parallel grass runway (including a landscaped bund), the demolition of existing buildings (including control tower, two portacabins housing the airport office and Skytrek office) re-siting of helipads and construction of a new control tower and hub building including the provision of a family viewing area

- 3.3 TM/18/02233/CNA                      Approved 21.12.2018

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Consultation by Medway Council (MC/18/2509): Relocation of two helipads within the airport to include the provision of landing pads together with the decommissioning of an existing helipad

#### **4. Consultees:**

[Responses to the most recent consultation exercise undertaken directly by TMBC are set out below. It should be noted that Medway undertook its own, separate consultation exercise and different, additional bodies made representations to them directly. Those representations have rightly been considered by them as part of their assessment and decision-making process but where appropriate are summarised]

4.1 Aylesford PC: No comments made to latest consultation exercise

4.2 Highways England (various representations summarised): Originally objected on the grounds of impact on M2 junctions 2, 3 and 4 and appropriate mitigation measures needing to be identified with necessary safety audits, etc.

4.2.1 Highways England satisfied with the transport modelling undertaken to address issues raised at M2 junctions 2, 3 and 4. It was suggested that the applicant be clear on whether the IPM or the Local Plan would deliver the required mitigation at M2 junction 2. As a way forward they recommended a monitor and manage approach alongside conditions. This would set out the worst-case scenario derived from modelling that included the Local Plan planned growth as the baseline with no mitigations. The monitor and manage approach would be triggered at various points to confirm when the mitigation would be required at various junctions and other. With this in mind Highways England required changes to the LDO to clarify the approach already consulted upon. All changes have been made by the applicant and has satisfied Highways England resulting in the removal of their objection.

4.3 KCC (Highways) (most recent, dated 01 December 2020): Mitigating measures are proposed and the delivery of the mitigation will be based on a Manage and Monitor strategy and this strategy is to be agreed with KCC Highways prior to commencement of development. The Monitor and Manage strategy will identify traffic conditions and junction capacity in order to inform when mitigation is required. Subject to the Monitor and Manage Strategy, which is to be conditioned, I would not wish to raise objection on highway grounds.

4.4 EA: No objections subject to the imposition of conditions.

4.5 Natural England (various representations summarised): Following previous comments made by both Natural England and the AONB unit, the applicant has been working alongside both in addressing their concerns and has resulted in a substantial amount of work taking the form of an additional chapter in the Design Code supported by a colour study.

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- 4.5.1 In response Natural England acknowledge this work done and suggest a few minor tweaks. Reference is made to the height of buildings along the western edge of IPM and it is suggested that design “be sympathetic to the environment in which they sit” and includes applicability to all other buildings that could have a visual impact on the AONB. Natural England seek consistency between the new chapter of guidance and the chapter that provides guidance for the ‘Gateway’ building, i.e. seeking sympathetic treatment of the gateway building as well.
- 4.5.2 Natural England advise that the building heights on the western side of Innovation Park Medway are kept as low as possible given the visual impacts that will result from taller buildings.
- 4.5.3 In terms of lighting, Natural England suggests the Design Code should ensure detailed guidance is set out to avoid light pollution.
- 4.5.4 The suggested way forward is considered reasonable and supported by Natural England. This therefore confirms removal of their objection.
- 4.6 Sport England: No comments to make, general advice provided.
- 4.7 Historic England: No comments to make
- 4.8 Maidstone BC: As one of the authorities constituting part of the North Kent Enterprise Zone, MBC is supportive of the Innovation Park Medway LDO and associated Design Code to bring about a fast-tracking of development on the site. Below are comments on the newly presented information as part of this consultation. Comments provided concerning landscape and visual assessment, traffic and transport and the Maidstone Local Plan review and Economic Development Strategy.
- 4.9 Private Representations: 2 letters received which were sent directly to Medway but also copied to TMBC. One commenting on the content on the LDO and associated design code and one questioning the impact on the future of the airfield because of the proposals.

## **5. Relevant Policies & Determining Issues:**

- 5.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the LPA is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise. The Development Plan currently in force for the area that is the subject of the LDO insofar as it relates to land within the Borough of Tonbridge and Malling comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMBLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the

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Managing Development and the Environment DPD (MDE DPD), adopted April 2010.

- 5.2 The National Planning Policy Framework (“NPPF”) and the associated National Planning Practice Guidance (“NPPG”) are important material considerations.

Matters of principle:

- 5.3 Insofar as the site lies within the boundary of Tonbridge and Malling, it falls within the urban settlement confines. Policies CP11 and E1 of the TMBCS and the DLA DPD 2010 respectively refer. The site is designated for employment purposes within Medway local plan insofar as it relates to the wider site.
- 5.4 Policy CP11 of the TMBCS sets out that development will be concentrated in the urban areas as defined. Policy E1 of the DLA DPD safeguards the land for employment use and states that any new development or redevelopment for employment purposes must not result in unacceptable impact on residential or rural amenity by virtue of noise, dust, smell, vibration or other emissions or by visual intrusion or the nature and scale of traffic generation.
- 5.5 Draft local plan policy LP36 (j) also allocates the site for employment purposes (B1 and B2 uses) although at this time the policy can only be afforded limited weight for decision making purposes.
- 5.6 The proposal as set out by the LDO is recognised as being a key economic opportunity for providing higher value employment, via the delivery of high value technology, advanced manufacturing, engineering, and knowledge-intensive businesses. It will provide for up to 101,000 sq.m of high-quality commercial space. The proposed plan will provide a variety of employment uses including offices, research and development, light industrial uses and general industrial uses. This will be delivered via a range of varied employment spaces, between 400 sq.m to 2,100 sq.m. Consequently, the site will contribute strategically to the provision of employment floorspace within the area.
- 5.7 The principle of the development contained within the LDO is policy compliant on this basis.

Character, appearance and design:

- 5.8 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;

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- the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

5.9 In addition, the Government attaches great importance to the design of the built environment. Paragraph 127 of the National Planning Policy Framework (NPPF) is key to the achieving well designed places.

5.10 The LDO is informed and supported by a very detailed Design Code. Quality of the public realm is clearly one of the main objectives. A specific section of the design code also addresses the sympathetic treatment of buildings that would be visible from the AONB.

5.11 In these respects, the development subject to the LDO complies with these adopted development plan requirements.

5.12 Turning to the potential impact on the setting of the AONB specifically, policy CP7 of the TMBCS states that development will not be proposed within the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the AONB including their landscape, wildlife and geological interest other than in exceptional, specified circumstances.

5.13 Furthermore, the NPPF at paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

5.14 It goes on to state that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

5.15 I am aware that much negotiation has taken place between Medway Council and the appropriate bodies concerning potential for the development to impact on the setting of the AONB. This is summarised in respect of Natural England representations at section 4.5 of this report and on this basis, subject to conditions I am satisfied that the development subject of the LDO is acceptable in this respect although I note that in representations made to Medway Council (and not to TMBC) the Kent Downs AONB Unit still raised concerns about the proposed

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built form on the western edge of the site and the 6-storey building, identified as the 'gateway' building.

Amenity

- 5.16 Policy CP24 of the TMBCS requires that development be designed in such a way that respects the site and its surroundings. More generally, one of the core principles contained within paragraph 17 of the NPPF sets out that a good standard of amenity for all existing and future occupants of land and buildings should be sought. There are also criteria specific elements of policy E1 of the DLA DPD that relate to impacts on amenity.
- 5.17 The design code referenced elsewhere in this report prepared in connection with the LDO fully considers the impact on neighbouring properties by the placing of taller buildings in suitable locations. The arrangement of future occupiers has also been considered in this document by ensuring suitable relationships between buildings and uses are retained and created.
- 5.18 Furthermore, the broader nature of the type of use provided for by the LDO will suitably ensure that acceptable levels of amenity will prevail.
- 5.19 In terms of air quality, policy SQ4 of the MDE DPD states that development will only be permitted where prescribed criteria are met. Additionally, at paragraph 181 the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.
- 5.20 I consider that the development when taken with all necessary mitigation measures will ensure compliance with these requirements.

Impact on highway network:

- 5.21 Policy SQ8 of the MDE DPD states that
1. Before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.

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2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

5.22 Paragraph 109 of the NPPF clarifies that development should only be prevented or refused on highways grounds if: there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe.

5.23 Detailed transport modelling with mitigation measures and safety audits have been undertaken. Various changes have now been made to the Local Development Order to better describe the approach taken. Further monitoring will be set out in a Monitor and manage strategy which will point to the exact time and place that agreed mitigation will be required.

5.24 A site wide travel plan has also been produced and will require each developer to produce their own detailed travel plan in compliance with the site wide in consultation with Highways England and KCC where relevant.

5.25 It is clear that HE and KCC (H+T) are now satisfied with the evidence as set out and the mitigation arising from that technical work as being necessary.

*Flood risk and drainage:*

5.26 The Local Development Order has been supported by a flood risk assessment and appropriate strategy to address surface water flooding and drainage. Appropriate conditions are also in place to guide site wide and on plot developers as to their responsibilities.

*Contaminated land:*

5.27 Site wide investigations and studies have been undertaken and appropriate conditions put in place to require site wide strategy and on plot investigations and mediation where necessary.



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*Climate Change and Energy Efficiency:*

- 5.28 The Council's draft Climate Change Strategy and the Corporate Strategy are not adopted for Development Management and decision-making purposes. Once the draft Climate Change Strategy is adopted by the Council (in corporate terms rather than expressly for Development Management purposes), it will be a material consideration carrying some weight.
- 5.29 In any event, the Design Code identifies various means to address climate change, by requiring sustainable travel, prioritising pedestrian movement, planting of trees, through the design of buildings and so on. This is considered to be wholly in accordance with the thrust of the Council's strategies in these respects.

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

26 January 2021

#### Report of the Chief Executive and Management Team

#### Part 1- Public

#### Executive Non Key Decisions

#### 1 CORONAVIRUS UPDATE

**This report provides an overview of a range of aspects as the Council and our communities continue to respond and adapt to living with coronavirus.**

#### 1.1 Strategic Context

1.1.1 At the time of writing, we are in a changing environment, as Covid-19 levels have risen dramatically across the country, including Kent and Tonbridge & Malling. The South East of England has seen some of the highest levels on infection across the Country. Having mover through various Tiers of restrictions, the whole of England is now in “national lockdown restrictions”. It is not the purpose of this report to set out the current restrictions as these are widely documented for all.

1.1.2 We continue to operate in the Emergency Structure in accordance with the Civil Contingencies Act 2004. This continues to be led by the Kent Resilience Forum (KRF), within which we are active partners. We continue to participate in the command and control structure and also in a range of themed cells focussing on aspects including vulnerable persons and community support, outbreak management planning, compliance and enforcement and recovery.

1.1.3 As Members would expect, we also continue to be actively involved in a wide range of conference calls with various Government departments and other partners including, Public Health, NHS and Police colleagues. Public Heath are leading on all aspects of testing and track and trace, but we are active partners in this forum. NHS are the lead partners on the vaccination programme as this is progressed in various phases commencing with the priority vaccination programme implemented via the Primary Care Networks (PCNs).

1.1.4 It is particularly important that we continue to allocate senior resources to this multi-agency activity, impact assessment activity and horizon scanning, as the national picture continues to change at significant pace.

1.1.5 It is perhaps helpful to remind Members of the key themes used as a framework for previous reports

- Situation Update
- Staff
- Members and Democratic Process
- TMBC Services /Financial Position
- Business Sector
- Community Issues
- Communications

1.1.6 It is not the intention to set out every action and activity, but it may be helpful to set out some key updates and issues under each of the themes above

## **1.2 Situation Update**

1.2.1 At the time of writing the country is in a “national lockdown” following rapidly rising rates across the country and the impact of the new covid variant which has an increased transmission rate. The national restrictions place the emphasis on “stay at home” other than for prescribed activities.

1.2.2 The NHS is under extreme pressure and at a local level elective treatments have been greatly reduced to provide capacity for covid treatment and bed space. It is no secret that patients have been sent out of County for treatment as capacity is at stretch. The ambulance service, SECamb, has also been severely stretched. Various datasets are available for those wishing to monitor covid related activity [Interactive Map | Coronavirus in the UK \(data.gov.uk\)](#) and [Coronavirus \(COVID-19\) - Kent Public Health Observatory \(kpho.org.uk\)](#)

1.2.3 There is the national programme of symptomatic testing, booked via the national portal. This is now supplemented in Kent by a programme of asymptomatic testing sites (AST’s), led by Kent Public Health. There are two ATS in the borough (Larkfield Library and the Hop Farm). Anyone wishing to book a non symptomatic test must book an appointment via the Kent Portal (insert link). Non symptomatic tests should be repeated fortnightly.

1.2.4 The national vaccine programme has also now been commenced led by the NHS. The first phase of vaccinations are being delivered in Hospital and some care home settings, with the community programme initially being delivered via PCNs. Residents in the priority groups will be invited for an appointment by their GP /PCN. Vaccination appointments are not available on demand. A programme of mass vaccination sites is being developed and further details will be published in the coming weeks. Further information on Kent Vaccination programme can be found [Covid-19 vaccination :: Kent and Medway Clinical Commissioning Group \(kentandmedwayccg.nhs.uk\)](#)

### **1.3 Staffing**

1.3.1 We are following the national restrictions and all staff who can work from home are now doing so. Our IT capabilities allow the vast majority of tasks to be undertaken remotely with no impact on service delivery. We do have staff who need to attend the offices to deal with post, scanning and access to records. In addition there are staff working from other locations including car parks and country parks, with a further cohort who are working around the Borough undertaking regulatory inspections on site. In addition we have Covid Enforcement responsibilities which necessitate staff undertaking visits to premises across the Borough. We do not have any enforcement powers in respect of individual behaviours including the wearing of face masks, with these powers resting with the police.

### **1.4 Community Issues**

1.4.1 Our Community Hub has continued to operate since March 2020. Incoming call levels remain low. Our staff continue to ensure that any residents with real difficulties are connected to the most appropriate support networks.

1.4.2 The shielding programme has been re-introduced albeit in a different format. As part of this programme we do make periodic contact to approximately 4,000 residents on our Clinically Extremely Vulnerable (CEV) dataset. The CEV list is updated daily as new people are added by their GP. We make contact with new additions to the CEV list on a daily basis. This is to check that all are coping and remind them of the community hub helpline. We also provide online support to any CEV resident without internet access, to help them register for priority supermarket delivery slots via the National Shielding Support System. We also provide contact details for organisations who can provide support for a range of issues including isolation, mental wellbeing and bereavement support as well as signposting people to local volunteer support networks if required.

1.4.3 We have provided two tranches of funding to voluntary organisations. As previously reported to Cabinet, the first tranche was the Local Emergency Assistance Grants totalling £43,607. The second tranche was reported to the meeting of Finance, Innovation and Property Advisory Board (06/01/2021) where a total of £52,417 was distributed to agencies with the specific remit of supporting households experiencing food and/or fuel poverty.

1.4.4 In addition we are responsible for the assessment and distribution of Self-Isolation Support Payments. There are two elements to the Scheme, a mandatory strand and a separate discretionary one. So far we have distributed £125,500 of government funding. At the time of writing we are distributing approximately £40,000 per week in payments of £500 to individuals. Supporting those who are in work, and on certain benefits, or have low incomes while they must stay at home isolating is an important aspect in reducing the risk of spreading Covid-19. This

Scheme was reported to the Finance, Property and Innovation Board on 6 January 2021.

## **1.5 Members and Democratic Process**

- 1.5.1 All Advisory Boards, Committees, Cabinet and Council continue to be held virtually by Microsoft Teams. Where permitted public speaking has also been facilitated. All meetings are live streamed on YouTube.
- 1.5.2 The legislation permitting virtual meetings remains in place until 7 May 2021.
- 1.5.3 The Overview and Scrutiny Committee (03/12/2020) agreed the scoping report to consider Virtual Meetings & Homeworking. A full report will be reported to a future meeting, within the context of any clarification of the legislative position on virtual meetings.

## **1.6 Business Sector**

- 1.6.1 Since November onwards, in order to ensure that business grants continued to be distributed as swiftly as possible, a number of emergency decisions were made:
- D200014EM – approval of the LRSG (Closed) Scheme on 11 November
  - D200015EM – approval of Additional Restrictions Grant Scheme on 18 November
  - D200017EM – approval of the Christmas Support package for wet-led pubs on 30 December
  - D200018EM – approval of the LRSG (Open) Scheme on 31 December.

This was subsequently reported to the Finance, Innovation and Property Advisory Board on 06 January 2021.

- 1.6.2 At the time of writing this report, for the period relating to the November 2020 lockdown, 467 businesses have accessed the Local Restrictions Support Grant (Closed) Scheme, amounting to over £785,000, and over 300 businesses have accessed the Additional Restrictions Grant Scheme, amounting to over £460,000.
- 1.6.3 In addition, funding has started to be distributed for the period when the Borough was under Tier 3 and 4 restrictions. So far, 153 businesses have received Tier 3 payments (amounting to £141,000) and 464 businesses have received Tier 4 payments (amounting to £391,594).
- 1.6.4 The Local Restrictions Support Grant (Open) Scheme, which also relates to the Tier 3 period and is available to businesses that are ineligible for the closed scheme, has so far received 140 applications and closes on 21 January 2021.

- 1.6.5 The Christmas Support Package for wet-led pubs is also currently open for applications, and has seen 35 applications to date.
- 1.6.6 Preparations are now being put in place for further funding schemes to cover the current lockdown period.

## **1.7 TMBC Services**

- 1.7.1 Customer Services – The offices at both Kings Hill and Tonbridge remain open on an appointment only basis. Demand remains very low with one or two appointments per week at most. The Customer Services Team continue to handle a high level of telephone calls, including calls on behalf of an increasing number of services. This has supported capacity in back offices allowing great efficiency in services.
- 1.7.2 Housing - the housing service continue to receive an increased number of complex homelessness and housing needs enquiries as well as applications for the housing register.

All the rough sleepers who were accommodated under the Government “Everyone In” policy at the start of the pandemic either have moved onto permanent accommodation with the support of the housing team or continue to be accommodated and have a move on plan in place. Although the recent lockdown has not prompted the Government to reintroduce the “Everyone In” policy, we will verify and properly assess the vulnerability of any identified rough sleeper and support where necessary. At this time of year our Severe Weather Emergency Protocol is also active whereby accommodation will be provided in periods of cold or inclement weather. A current priority for the rough sleeper cohort is to work closely with our health colleagues to ensure all are registered with a GP and can therefore take up any vaccination programme according to the priority criteria. Various sources of funding have been provided by central Government or successfully bid for by the team to support the work around rough sleepers.

The numbers in temporary accommodation continue to remain high however proactive work with local housing providers especially Clarion Housing is enabling some move on. In addition working with local private landlords through improving our landlord offer is a key current focus to enable further opportunities for move on accommodation.

- 1.7.3 Regulatory Functions and Enforcement – The Licensing and Environmental Health teams continue to work jointly with colleagues from the Community Safety Team and Kent County Council’s Trading Standards team to enforce the provisions of the Coronavirus legislation. Targeted, intelligent led enforcement visits have been carried out both during office hours and out of hours to respond to concerns raised. In the main businesses are largely compliant but where needed advice and support is provided and enforcement action will be considered where necessary. On average the teams are responding to 20-25 complaints per week. The main areas for concern around enforcement have been congregating

of public around take away premises eg public house/café, premises not enforcing social distancing and premises operating that are not permitted at that time. The teams will continue with a pro-active enforcement presence in the various towns/village High St areas and will work alongside the Covid marshals to provide support where necessary.

- 1.7.4 Test & Trace – the Kent Local Tracing Partnership was established by Kent County Council and the districts at the end of November 2020 to help improve the test and trace process. Local districts are searching their databases e.g. housing, council tax etc to obtain any telephone numbers for residents where they have tested positive for Covid-19 and they have not been contactable through details already provided. This is to ensure that they are self-isolating and that their close contacts are identified and also advised to self-isolate to reduce the spread of the virus. If the resident cannot be contacted by telephone they will be visited by a member of the Environmental Health team (door knock) to attempt to get the close contact form completed. In December we had 37 requests for resident contact details and were successful in finding new telephone contact details for 10 of these cases. We completed 11 door knocking visits and from these we completed 5 close contact questionnaire forms.
- 1.7.5 Leisure – The provision of Indoor Leisure facilities, operated by the Tonbridge and Malling Leisure Trust on the Council's behalf, have been significantly impacted by government restrictions and guidance. In response to the first national lockdown all facilities were closed and whilst this service area was recovering to a certain extent the most recent lockdown has enforced their full closure once again. The Council has been working with the Trust to ensure its sustainability though this time and Cabinet will be aware from previous reports of the Council's financial support. An application has recently been made to the Government's National Leisure Facilities Fund and it is hoped this will be successful. The Council continues to meet weekly with the Trust to ensure a prompt response can be made to reinstating services when restrictions allow.

With regard to Outdoor Leisure, the Council's parks and open spaces remain open following announcement of the most recent lockdown alongside takeaway catering services that operate within our two Country Parks. Service provision has been reviewed in accordance with guidance and specific facilities have been closed that include, ball courts, tennis courts and outdoor gyms. Parks and open spaces have seen a significant increase in usage and this has placed additional pressure on regular maintenance tasks, especially the cleansing of sites and emptying of litter bins. This is being continually reviewed and frequency increased where appropriate. Tonbridge Cemetery remains open for funerals in accordance with government guidance though the Council has taken the decision to close the Chapel.

The authorisation of events on Council land has been suspended though applications are already being received for 2021. These will need to be considered in the context of national restrictions and guidance.



Updates on service provision are being taken to the Communities and Housing Advisory Board with the next update due in February 2020.

- 1.7.6 Parking – The Council’s car parks remain fully operational and open to the public .Due to the pandemic usage of the car parks is understandably low with the exception of the car parks at the two Country Parks .Regular update reports are made to the Street Scene and Environment Advisory Board .
- 1.7.7 Waste – Cabinet will be aware of the previous implications that Covid-19 has had on the delivery of core services within the Council’s Waste Contract. Through the period of the first lockdown this was most evident with around 50% of contractor staff either on sick leave, self-isolating or “shielding” at some point. This was combined with significantly increased tonnages across all waste streams, a situation that was replicated across Kent and nationwide. As such, service provision was prioritised to focus on key kerbside collections and resulted in a number of other service suspensions including garden waste collections, new garden waste subscriptions, bulky collections (charged doorstep collection service) and the Saturday Freighter Service. In addition resources were also temporarily directed away from Street Cleansing.

As the Covid-19 staffing pressures eased for Urbaser all services were reintroduced with the exception of the Saturday Freighter Service that still remains suspended. Service performance significantly improved following the re-introduction of services and is being reflected in increased round completions, a reduction in missed collections and reduced customer comments/complaints.

With a national lockdown re-introduced on the 5 January 2021 and cases of Covid 19 increasing locally, due consideration has been given to current and future service delivery. The Council is monitoring impacts in liaison with all other Local Authorities in the County through weekly briefings of the Kent Resource Partnership Forum. Of greatest concern is staffing levels and some Authorities have already taken steps to prioritise service provision in their area. Officers at Tonbridge and Malling are monitoring staffing levels on a daily basis in liaison with Urbaser and if required may have to prioritise key services in accordance with our Business Continuity Plan. As with the first national lockdown kerbside collections of general refuse and food waste, and the collection of clinical waste will be the highest priority.

Regular updates on performance and the impacts and response to the Covid 19 are being taken to the Street Scene and Environment Advisory Board and this also includes updates on key projects such as the roll-out to communal properties/flats, the reduction of the Council’s Bring Bank/Recycling Sites and the Transfer of Public Conveniences to Parish/Town Councils.

## **1.8 Next Step & Corporate Strategy**

- 1.8.1 In this rapidly changing environment it is still difficult to anticipate what the next steps are in relation to Covid-19. The commencement of both Asymptomatic

testing programmes and the vaccination programme bring positive news for the future, but the longer term stability will not be felt for many months.

- 1.8.2 At its meeting on 3<sup>rd</sup> June 2020, Cabinet adopted a one year Addendum to the Corporate Plan. Various reports have been submitted to a range of Committees and Advisory Boards, and continue to be reported further over the coming months. At the end of the 1 year Addendum, it would seem sensible to review progress and reflect on the potential need for a further Addendum, in the light of the prevailing scenario later in summer 2021.

## **1.9 Legal Implications**

- 1.9.1 The statutory framework governing the response to the pandemic continues to evolve in response to the restrictions placed on both individuals and Local Authorities. It is an absolute requirement that we implement any new responsibilities and restrictions in a timely fashion. This must continue to be a corporate priority.
- 1.9.2 The legal implications for any proposals emerging from the Corporate plan Addendum, will be assessed at the time of individual reports to Members.

## **1.10 Financial and Value for Money Considerations**

- 1.10.1 The recent report to Finance Innovation and Property Advisory Board (06/01/2021), and subsequent report to Overview and Scrutiny Committee (19/01/2021), set out the Council's financial position including the impact of the pandemic. At the time of writing there is nothing further to advise on.

## **1.11 Risk Assessment**

- 1.11.1 The Council's Strategic Risk Register is regularly updates and is on the agenda for Audit Committee on Monday 18 January 2021.

## **1.12 Equality Impact Assessment**

- 1.12.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on users.

## **1.13 Policy Considerations**

- 1.13.1 Community
- 1.13.2 Business Continuity/Resilience
- 1.13.3 Healthy Lifestyles
- 1.13.4 Climate Change
- 1.13.5 Customer Contact

1.13.6 Health and Safety

1.13.7 Human Resources

**1.14 Recommendations**

1.14.1 That the Council's ongoing response in respect of the response to Covid-19 be endorsed

1.14.2 That the Corporate Plan Addendum be reviewed at the end of the first year, summer 2021

Background papers:

contact: Julie Beilby

Nil

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## **BOROUGH ECONOMIC RECOVERY STRATEGY 2021-23**

**Item ERG 20/14 referred from Economic Regeneration Advisory Board of  
3 November 2020**

The report of the Chief Executive set out the proposed changes to the draft Borough Economic Recovery Strategy 2021-23 in light of feedback received during the consultation exercise undertaken in September and October 2020.

**RECOMMENDED:** That the Borough Economic Recovery Strategy, as set out at Appendix 1 to the report, be commended to the Cabinet for approval. ◀

**\*Referred to Cabinet**

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**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**ECONOMIC REGENERATION ADVISORY BOARD**

**03 November 2020**

**Report of the Chief Executive**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision**

**1 BOROUGH ECONOMIC RECOVERY STRATEGY 2021-2023**

**This report sets out the proposed changes to the draft strategy in light of the feedback received during the consultation exercise which was undertaken in September - October 2020, and recommends adoption of the strategy as amended.**

**1.1 Background**

1.1.1 A report was made to the Economic Regeneration Advisory Board on 02 September 2020 setting out a draft Borough Economic Recovery Strategy to guide our work on supporting the local economy in recovering from the impacts of the Covid-19 crisis for the period 2021-2023.

1.1.2 The draft strategy has now been the subject of consultation and the purpose of this report is to present a final draft for approval. The strategy has been amended to take account of the comments received and to reflect views of local businesses on our economic priorities and actions for the local area.

**1.2 Results of Consultation**

1.2.1 The following measures were undertaken in order to obtain consultation responses from local stakeholders:

- Dedicated webpage inviting people to comment through a short questionnaire.
- Series of Twitter and Facebook messages encouraging feedback.
- Short article in the TMBC Business e-Bulletin which went out to over 600 business and stakeholder contacts.
- Direct email to database of key economic partner contacts.

1.2.2 A total of 11 formal responses were received from local businesses and business representative organisations, partner organisations (such as the West Kent Partnership and adjoining Borough and District Councils), as well as from officers within Tonbridge & Malling Borough Council. Whilst the numbers of respondents was lower than hoped for, the quality of the feedback from those that did respond

was high and as such extremely helpful in shaping the final draft of strategy. A summary of the comments is provided below:

- Overall respondents were very positive about the content and ambition set out in the strategy, and were pleased that the Borough Council was proactively putting in place plans to aid the economic recovery.
- A number of partner organisations expressed a keenness to support us in the implementation of the plan, for example, JobCentre Plus stated they look forward to supporting initiatives to reduce unemployment.
- The importance of supporting town centres, and making sure they are attractive places to visit.
- Support for any initiatives which support the local economy to become carbon neutral, and to help the growth in 'green jobs'.
- Support for measures that help to boost tourism.
- One respondent made a point that the strategy should look more long term than the 2021-23 timeframe.

1.2.3 On this last bullet point, it is essential that this strategy focusses on recovery and addresses the immediate challenges the local economy faces. Subject to how the recovery pans out, it would be the intention to revert back to a five-year Economic Regeneration Strategy once the recovery strategy has been completed.

1.2.4 Apart from this point, the vast majority of points raised in the consultation have been accommodated within the draft Borough Economic Recovery Strategy as set out in Appendix 1.

### **1.3 Legal Implications**

1.3.1 There are no legal implications arising from this report.

### **1.4 Financial and Value for Money Considerations**

1.4.1 The actions set out in the strategy can be delivered using existing Economic Regeneration budgets.

### **1.5 Risk Assessment**

1.5.1 Not applicable.

### **1.6 Equality Impact Assessment**

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.



## 1.7 Recommendations

- 1.7.1 That the Borough Economic Recovery Strategy, as set out in Appendix 1 to this report, **BE APPROVED**.

The Cabinet Member for Economic Regeneration and the Chief Executive confirm that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

None

contact: Jeremy Whittaker,  
Economic Regeneration  
Manager

Julie Beilby  
Chief Executive

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# Tonbridge & Malling Borough Council

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## Borough Economic Recovery Strategy

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2021 - 2023

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Images (from top) courtesy of NIAB EMR (Advanced Horticultural Technology Zone, East Malling); Pannatoni (Pannatoni Park Aylesford) and David Hodgkinson (Tonbridge High Street)

## Foreword - Economic Recovery in Tonbridge and Malling

This Economic Recovery Strategy sets out Tonbridge & Malling's response to the economic crisis that has arisen from the Covid-19 pandemic. Combined with the health crisis, the economic crisis has impacted every sector, business and worker and together they present the greatest threats we have faced in generations.

In recent months, and in the face of considerable pressures, the Council has been working quickly and diligently to support our local businesses and residents. Over 1,500 local businesses have received grant support through via the Borough Council, amounting to an injection of over £20 million into the local economy. In addition, the Borough Council has:

- Set up and run a Community Hub for our most in need residents
- Part-funded the Kent-wide Covid-19 Business Helpline which has been used by over 750 local businesses
- Advised our High Street businesses and licensed premises in moving out of lockdown and adapting to Government guidance.
- Supported new work place opportunities for young people through the introduction of the West Kent Kickstart scheme.

As we continue to support our local businesses and residents through this crisis, it is essential that we look to the future and set out a framework detailing how we and our partners can facilitate a strong recovery and build back better. This document is our starting point and it is our intention to review it annually. We look forward to working with you to get our local economy back on track.



Nicolas Heslop, Leader and Cabinet Member for Economic Regeneration

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## Introduction

Covid-19 has severely affected our communities and economy, forcing the Council to revisit its previous priorities and plan of action, set out in the *Economic Regeneration Strategy 2019-2023*. This Economic Recovery Strategy focuses on the short term and considers how the Council can respond to the current crisis and build back better. Whilst it is understandably focused on delivering results over the next few years, the Council will review the strategy on an annual basis and the current intention is that we will ultimately revert back to a five-year horizon once the hugely detrimental impact of the pandemic has started to subside.

Page 302 The Council's approach to recovery revolves around working in partnerships with others to tackle the problems we face at present. Indeed, the Borough's recovery strategy reflects the Government's national recovery goals, the recovery framework outlined at County level and the local priorities of the West Kent Partnership and local residents and businesses. It is by aligning our efforts and resources that we will be able to get through the current crisis.

The recovery framework developed by Kent County Council (KCC) and the Kent and Medway Economic Partnership (KMEP) revolves around 5 channels of activity anchored by 3 key sustainable principles, which are set out in the 'Vision and Objectives' section of this strategy, and forms the basis for this document.

Despite moving to this new recovery strategy, there is a continuity with the former Economic Regeneration Strategy, and a number of previously trialled and envisaged projects are included in the revised **Action Plan**. However, all the actions set out in the strategy are focused on achieving a quick and sustainable recovery of the local economy. The adherence to a wider framework was adopted so as to ensure a seamless operation and integration of wider regional and national programmes, whilst also allowing for future revisions.

## Working with Our Partners

The Borough Council recognises the key role it has to play in helping the local economy to recover, both in terms of setting a strategic framework for its approach as well as through the various initiatives it undertakes in order to contribute towards the creation of a better economy. However, our positive impact can only really be maximised by working with partners that also play an equally important role. As such, we are committed to working with a wide range of partners to achieve the actions set out in this strategy. The following are key strategic partnerships that the Borough Council engages with on a regular basis:

**The South East Local Enterprise Partnership (SELEP):** is one of 39 business-led public/private partnerships set up by government to make investments and deliver activities to drive growth and create local jobs. SELEP covers Kent, Essex, East Sussex, Medway, Thurrock and Southend and is the biggest Local Enterprise Partnership outside of London. Recent investments which have benefited from funding via the SELEP have included Tonbridge town centre improvements (Tonbridge High Street and River Walk) and Tonbridge Station. Funding has also been awarded to projects at East Malling Research Station and Leigh Flood Storage Area Expansion & Hildenborough Embankment.

**Kent and Medway Economic Partnership (KMEP):** is one of the four federated partnerships which comprises the SELEP. KMEP is focussed on driving forward economic growth and prosperity in Kent and Medway and is governed by a Board with membership drawn from business, local government and education establishments. KMEP delivers the objectives set out in Kent and Medway's Growth Plan.

**West Kent Partnership (WKP):** is the strategic economic partnership covering the local authority areas of Tonbridge and Malling, Sevenoaks and Tunbridge Wells. The three boroughs work closely together to make the most of the resources available to them in order to deliver more for our local businesses.

In addition, there are a number of key partners that the Borough Council works with directly to deliver initiatives or to support work in a specific area of the local economy. A list of these partners is provided in Appendix 1.

## Policy Context

It is important to recognise that this Economic Recovery Strategy will be delivered within the context of a much wider policy framework, which at present is rapidly evolving. The table below provides a brief overview of the key national, regional, sub-regional and local strategies that look to address a range of issues affecting the economy:

	Policy Document	Organisation	Key Messages
<b>National</b>	National Industrial Strategy	HM Government	May be reviewed following the Covid-19 crisis. The Industrial Strategy has 5 foundations of productivity to achieve a transformed economy: 1. Ideas: the world's most innovative economy; 2. People: good jobs and greater earning power for all; 3. Infrastructure: a major upgrade to the UK's infrastructure; 4. Business environment: the best place to start and grow a business; and 5. Places: prosperous communities across the UK
<b>Regional</b>	Local Industrial Strategy	SELEP	Final production of this document is currently on hold whilst a response to the Covid-19 pandemic is considered. However, the LIS has two core aims - 1. To increase productivity & realise potential 2. Allow all communities to contribute to & benefit from economic prosperity.
<b>Sub-Regional</b>	Economic Renewal & Resilience Plan	KCC	Sets out 5 'channels' of activity - communications, confidence and trust; open for business; supporting business, people and investment, underpinned by three key principles - cleaner and greener; productive and open and better opportunities, fairer chances.



	West Kent Priorities for Growth	WKP	Amended in light of the pandemic. Aims to create <i>“a dynamic and well connected economy, a key location for business growth where businesses are supported to innovate and thrive and our local population has access to quality jobs and skills development”</i>
Local	Corporate Plan (with First Year Addendum)	TMBC	Aims to “continue to be a financially sustainable Council with strong leadership that delivers valued services, a commitment to delivering innovation and change to meet the needs of our Borough” and highlights the need for sustainable growth, regeneration and encouraging partnership working to support the local economy.
	Emerging Local Plan and Evidence Base	TMBC	Identifies a range of strategic sites and employment allocations to meet the needs of the borough up to 2031. The Local Plan is supported by the Infrastructure Delivery Plan, which sets out critical, essential and desirable infrastructure investments needed to enable growth and development.
	Digital Strategy	TMBC	Sets out a vision for TMBC to become an authority where the communities and businesses we serve are able to engage and transact with us responsively and seamlessly, irrespective of the services they access. It highlights economic growth and becoming a smart borough as key objectives.
	Climate Change Strategy	TMBC	Sets out a strategy to meet the aspiration of becoming carbon neutral by 2030 through a package of measures focussed on cutting the Council’s own carbon footprint and supporting residents and businesses in taking action across the borough.

## The Impact of Covid-19 on our Local Economy

The effects of Covid-19 and measures to combat it have had a severe effect on business activity on both a national and local level.

On 23 March 2020, Central Government imposed a lockdown to contain the spread of the virus, which included the closure of all non-essential stores and destinations. This set of enforced closures impacted supply chains, reduced demand for non-essential goods and resulted in a large increase in unemployment. Through the Job Retention (Furlough) Scheme, along with introduction of loans and grants for businesses, the immediate impact was significantly reduced. Indeed, figures from the Bank of England and the Office for Budget Responsibility indicate a 12.4-13% drop in GDP in 2020 is now expected, which is smaller than previously forecast. However, there is much uncertainty regarding the impact resulting from the conclusion of the Job Retention (Furlough) Scheme and the introduction of the Job Support Scheme, the end of the Brexit transitional period as well as the extent of any further waves of the virus, and the resultant measures required to address them.

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In Tonbridge and Malling, by the end of September 2020, the picture was as follows:

- 18,000 workers had been placed on the Job Retention (Furlough) Scheme, though this has reduced and is nearing completion.
- 5,300 self-employed people had accessed the Self-Employment Income Support Scheme
- Over 1,500 businesses had received a Small Business Grant or Retail, Hospitality and Leisure Grant
- A further 150 businesses had received a Discretionary Business Grant
- 3,630 people are currently unemployed (up from 1,260 in February 2020).

However, the realities of the situation have resulted in considerable negative and unforeseen impacts in many areas of the local economy. As set out in table 1, one of the clear impacts, beyond the overall increase in unemployment, is the impact on 18-24 year olds. In

September 2020, 8.4% of people in this age bracket were claiming unemployment benefits, a figure that has steadily increased since February 2020, whilst unemployment levels for over 24 year olds has to some extent plateaued since May 2020. This could be partly as a result of the higher percentage of young people that work in sectors that have been disproportionately hit by the virus, but it will also reflect the real difficulties in entering the jobs market at a time of severe economic downturn. Research on this issue by the Institute of Fiscal Studies found that the “pandemic has severely dented the career prospects of young people and threatens to have a prolonged negative economic impact on them as a result”. As such, efforts aimed at mitigating against further damage and providing opportunities and support to young people are a key component of our strategy.

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	Number			Rate		
	18-24	25-49	50-64	18-24	25-49	50-64
February	265	665	330	2.9%	1.6%	1.3%
March	280	690	330	3.1%	1.7%	1.3%
April	480	1425	625	5.3%	3.5%	2.4%
May	705	2005	850	7.8%	4.9%	3.3%
June	705	1825	815	7.8%	4.5%	3.1%
July	720	1855	815	8.1%	4.5%	3.1%
August	730	1940	855	8.2%	4.7%	3.2%
September	755	1975	900	8.4%	4.8%	3.4%

KCC figures: Unemployment in Tonbridge & Malling 2020

The Government’s Business Impact Covid-19 Survey (BICS) illustrates some other key trends that are happening in the local economy (data relates to the end of September 2020):

- To date only a small number of businesses have ceased trading permanently - mostly in the Construction and Professional Services sectors. However, it is likely there will be further closures in the coming months.

- Most businesses are now trading, but the Arts, Entertainment and Recreation sector still has a high percentage of businesses that are temporarily closed (around 20%).
- The vast majority of businesses have at least 4 months of cash reserves in order to keep their operations going.

Analysis of the resilience of the local economy through the KCC Dashboard (2020) shows that pre-Covid-19, the local economy was performing well, however two key 'vulnerable' elements stand out as areas where the local economy might be disproportionately impacted:

- 18% of the workforce in the borough is self-employed (in comparison to 10% nationally) - whilst this demonstrates the local dynamism of our workforce and the ease of setting up a business in the local area, these workers are more vulnerable to a number of negative economic shocks associated with the pandemic.
- A high representation within the borough of businesses with specific sectors that are highly sensitive to the impact of the current crisis - namely, the motor trades industry, construction and to a lesser extent quarrying and utilities.

This information is constantly evolving and so close monitoring of the data will be undertaken on a regular basis in order to ensure the strategy is as relevant as possible, and will feed into the annual review of the strategy.

## Key Issues

Despite having a comparatively resilient local economy, there are a number of challenges that the Covid-19 pandemic has exacerbated and is forcing the Borough to face, and which need to be addressed if the area is to create a better quality of life for its residents and businesses. These include:

- To help build confidence back into the local area, it is essential that the Borough Council helps to facilitate sustainable housing and commercial developments (such as the regeneration of the Former Aylesford Newsprint site and the East Malling Research Station), along with the **essential infrastructure** that is needed in order to create a more resilient transport (including walking and cycling) network, better flood defences and improved broadband provision (especially in rural areas) to ensure a high quality of life for both residents and businesses. Without this investment, our existing infrastructure will soon become insufficient to meet local needs.
- There is no question the labour market is tough at the moment. Even though Tonbridge & Malling fares better than most places in Kent, the impact on local businesses has been considerable, and it will be a while before many of them get back on an even keel. It is therefore essential that the Borough Council is supportive of sustainable development in the borough that creates new employment opportunities, and also supports initiatives that link local people to **job and upskilling opportunities**. There is a real risk that young people will miss out on entering the jobs market, gaining skills and building a platform for future success. The Council is proactively seeking to address this key issue through a number of initiatives, headlined by the West Kent Kickstart Scheme. Kickstart will see 18-24 year olds at risk of long-term unemployment offered 6 month placements in various industries to learn specialist skills and provide a vital source of income. Kickstart is operating in addition to other programmes with wider scope. The Council has also started initial discussions with the DWP to support their recently announced Sector Based Work Academies Programme and Job Finding Support assistance in the Borough.
- Although the Borough benefits from a dynamic and entrepreneurial local business identity - with high levels of self-employment - this is also potentially a vulnerability in a situation where the impacts of Covid-19 persist. In recent years, only around 60-65% of businesses in the borough last 3 years or more. Whilst this high business churn is likely created by a wide variety of different factors,

it does indicate that there could be a need for more targeted **information sharing, business support and advice, recruitment support and better access to suitable business premises.**

- Whilst our **town centres** have been evolving for a number of years, the Covid-19 crisis has greatly accelerated these transformative changes. With an increased number of transactions online, our High Streets are no longer just ‘retail centres’, but will need to evolve into destinations where people go to get an ‘experience’, be it going to a park, having a coffee, visiting the gym or enjoying a meal out. Whilst some of this change is happening organically, it is important that we continue to support our businesses through these changes by continuing to make our town centres attractive places to visit and to pilot innovative approaches.
- Whilst the borough has some great **tourism** assets, such as Ightham Mote, Tonbridge Castle, the Hop Farm and Buckmore Park; Tonbridge and Malling does not have a particularly high tourism profile, especially in comparison with other parts of Kent. With potentially greater numbers of people holidaying locally, there are opportunities to help our attractions and visitor accommodation providers to recover from closure and adapt to a new normal for the foreseeable future.
- Tonbridge & Malling comprises a relatively high coverage of rural land. This **rural identity** is reflected in the significant agricultural and large estate sector in the Borough. Local farmers and retailers of local goods were caught in the initial supply chain severances at the beginning of the crisis and while they have rebounded, questions over the availability of labour, grant funding and transport arrangements beyond 2020, leave the sector vulnerable and in need of assistance. To help combat the detrimental effects of the current crisis, the Council is lobbying Government to provide more clarity on the emerging UK Shared Prosperity Fund and wider support for our rural businesses.
- The **sustainability** of the initiatives and developments undertaken in the Borough is a critical concern for the Borough Council with our aspiration to be carbon neutral by 2030. With this aspiration encompassing all the Council’s sites, contracts and partner developments, the Council must be diligent and proactive in ensuring that this mission guides our response, as acting now will increase the long-term resilience and prospects of local businesses and residents.

## Vision & Objectives

**“Maximising the unique strengths of the local area to help create a resilient, dynamic and inclusive economy that fosters sustainable growth”**

Our vision is to build upon the traditional strengths within the local economy, to help recover from the recent Covid-19 pandemic and to build resilience in order to put our businesses in as strong a position as possible in case of future, currently unforeseen, impacts.

Since the beginning of the crisis, the Borough Council has been closely engaged with colleagues at Kent County Council (which has overall responsibility for recovery) and other districts and boroughs through the Kent Economic Recovery Cell, which has been leading on the development of a Kent & Medway Economic Renewal & Resilience Plan. In order to ensure synergy, this Recovery Strategy will be using the same five ‘channels’ of activity in order to structure its approach:

- **Communications, Confidence and Trust** - providing better intelligence to inform our actions and ensuring collaboration and partnership to drive our activity
- **Open for Business** - taking action to build confidence and demonstrate that the Borough is open and accessible
- **Supporting Business** - supporting resilient and innovative businesses to drive future growth
- **People** - enabling people to access work and skills and reach their potential
- **Investment** - planning and investing now for a sustainable future.

Each of these five channels is broken down into sub-themes, which give this recovery plan a more local flavour.

In addition to the channels, the three key principles set out in the Kent & Medway Economic Renewal & Resilience Plan, which are, in effect, cross-cutting themes will be employed, not only to ensure synergy with the Kent-wide plan, but also to enable links to the Borough Council’s other key plans and strategies such as the Digital Strategy, Climate Change Strategy and new Local Plan. These three key principles are:

- **Cleaner and Greener** - contributing towards net zero and encouraging sustainable growth.

- **Productive and Open** - supporting productivity growth (through measures such as long-term skills development and technological innovation) and being open to new ideas, products and markets.
- **Better Opportunities, Fairer Chances** - addressing the uneven impacts of recession (such as youth unemployment) through an inclusive approach.

The Action Plan in the next section uses this framework as a means of highlighting how the individual activities and initiatives planned for the next few years will help to meet our vision and objectives.



## Action Plan - Priority Actions

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Five Channels	Sub-Themes	Possible Actions Could Include....	Key Principles		
			Cleaner and Greener	Productive and Open	Better Opportunities, Fairer Chances
Communications, Confidence and Trust		Build up subscription to the T&M Business Bulletin.	Y	Y	Y
		Use of new TMBC website and social media channels to ensure accessible and timely information is provided for local businesses.	Y	Y	Y
		Investigate use of technology to replace business networking events.	Y	Y	Y
Open for Business	Our Town Centres	Completion of Town and District and Local Shopfront Schemes.	Y	Y	
		Develop a new West Kent Retail Support Programme to support our High Streets		Y	Y
		Pilot a project to trial out a SMART places initiative within the borough.	Y	Y	Y
		Investigate role of the Council in encouraging vehicle charging points in key town centre locations across the Borough.	Y	Y	
		Set up a Town Centre Regeneration Fund to support investment that will help to stimulate confidence in our high streets.	Y		Y
	Tourism Promotion	Work with tourism partners and key attractions to promote the borough as a visitor destination	Y	Y	Y
Supporting Business	Business Finance	Promote and signpost external funding support for business (such as LoCASE, South East Business Boost, Kent and Medway Loan Fund, any other future Covid-19 related Government funding)	Y	Y	Y

		Set up a Green Business Grant Scheme to help existing green businesses and to improve energy efficiency of commercial premises in the Borough.	Y	Y	Y
	<b>Business Support</b>	Promote and refer businesses to the West Kent Business/Start-up Support Programme	Y	Y	Y
		Promote and refer to the Covid-19 recovery helpline/Kent & Medway Growth Hub	Y	Y	Y
<b>People</b>	<b>Skills and Work-Readiness Events</b>	Virtual Events to support people back into work or new training opportunities (Jobs Fairs, Skills events, webinars).	Y	Y	Y
	<b>Initiatives to Tackle Youth Unemployment</b>	Support apprenticeships and internships in the borough - through opportunities at the Council as well as establishing an apprenticeship fund to support opportunities in the local economy.		Y	Y
		Support the West Kent Enterprise Adviser Network in local secondary schools to ensure young people receive quality careers advice and guidance, and interactions with the workplace.		Y	Y
		Support the West Kent Kickstart Programme, providing 6 month placements for 18-24 year olds		Y	Y
<b>Investment</b>	<b>Delivery of the Local Plan</b>	Work towards the adoption of the Local Plan and the allocation of strategic sites and new employment allocations.	Y	Y	Y
	<b>Strategic Commercial Projects</b>	Continue to support to LEHES and Hildenborough Embankment Scheme	Y		
		Work with NIAB EMR on bringing forward proposals for East Malling Research Station	Y	Y	Y
		Review strategic asset base (especially with regards to Tonbridge Town Centre)	Y	Y	Y
		Work with Panattoni to deliver a high quality commercial development at the former Aylesford Newsprint site.	Y	Y	Y
		Support continued roll out of broadband infrastructure.	Y	Y	Y

## Open for Business

The borough council has a key role to play, individually and in partnership with others, to provide positive support and advice to the local business community as we all work together to create a better economy. In addition to this, the council also must, at the same time, undertake a number of regulatory functions which are relevant to, and will impact upon, local businesses.

The council is committed to undertaking such regulation with regard to local business in a measured, consistent and constructive way and to seek to reduce the burden of regulation where possible. Where necessary regulation impacts adversely on a local business, we will take the time to communicate clearly why this is necessary and explore what measures might be open to business to overcome any barriers or problems they face. In this respect, we will use the 'Better Business for All' model across all council services where contact between businesses and the council is joined up regardless of whether that contact relates to regulation or offering support.

We are committed to recognising the challenges which businesses face, particularly smaller businesses, during the current time and will do as much as we can to assist. In order for businesses to get the maximum benefit from the activities set out in this strategy, there are a number of simple things they can do, such as:

- Sign up to the monthly business e-bulletin, which has information on new funding streams, advice and support and other business news.
- Get involved with the West Kent Kickstart Programme - [www.kickstartwestkent.co.uk](http://www.kickstartwestkent.co.uk) - and support a young person into the workplace.
- Engage with the West Kent Enterprise Advisor Network and help young people to work out their career opportunities
- Be aware of the potential to work with Jobcentre Plus and other agencies to help our workforce find employment.
- Follow the Borough Council on twitter - @TMBC\_Kent - and Facebook
- Get in touch via [economic.regeneration@tmbc.gov.uk](mailto:economic.regeneration@tmbc.gov.uk) with any query about the local economy or your business. We are always happy to answer questions!

## Monitoring the Economy and Reviewing Progress

The data available is constantly being updated, but the following sets out the measures through which it is planned to track the recovery in the local economy:

Economic Indicator	Current Situation (most recent data as of Oct 2020)	Current Trend	Aspirations		
			2021	2022	2023
VAT Registrations (Start-Ups)	735 (2018)		720	730	740
VAT De-registrations	615 (2018)		600	580	570
3 Year Business Survival Rates (%)	59.4% (2018)		60%	62%	65%
Median Gross Weekly Workplace Earnings (£)	£552.7 (2019)		£560	£580	£600
Unemployment Rate (%)	4.4% (August 2020)		3.5%	2.2%	1.6%
18-24 year olds claiming out of work benefits (%)	8.2% (August 2020)		5.5%	4.0%	2.5%
National Vocational Qualification Level 3+ (%)	56.8% (December 2019)		60%	62%	64%
Happiness Score (out of 10)	7.8 (December 2019)		7.5	7.8	8.0

## Appendix 1 - List of Key Partners

Action with Communities in Rural Kent	Kent Supported Employment
Better Business For All - Regulatory Services	Locate in Kent
Business Doctors	Mid Kent College
Clarion Housing	National Centre for Micro-Business
Department for International Trade (DIT)	Network Rail
Deskrenters (Castle Lodge)	NIAB East Malling Research
East Malling Trust	North Kent Enterprise Zone Steering Group - including Medway Council
Education Business Partnership Kent	Produced in Kent
Environment Agency	Royal British Legion Industries
Federation of Small Businesses	The National Trust (Ightham Mote)
Golding Homes	Tonbridge and Malling Businesses
Hadlow College	Tonbridge and Malling Local Strategic Partnership
Highways England	Tonbridge and Malling Schools
Homes England	Tonbridge Forum
JobCentre Plus	Tonbridge Town Team
Kent Apprenticeships	Town & Parish Councils
Kent County Council	Visit Kent
Kent Farmers Market Association	West Kent College
Kent International Business	West Kent Enterprise Adviser Network
Kent Invicta Chamber of Commerce	West Kent Partnership - including Sevenoaks DC & Tunbridge Wells BC

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## RECOVERY OF VOLUNTARY AND COMMUNITY SECTOR

### Item OS 20/26 referred from Overview and Scrutiny Committee of 3 December 2020

The Chief Executive provided an update to the scoping report considered at a previous meeting of the Overview and Scrutiny Committee, which had recognised that the voluntary and community sector had been significantly affected by the impact of the pandemic.

Representatives from Kent Community Foundation (KCF), West Kent Mind and Citizens Advice North and West Kent advised what services were being provided, how the organisations had been affected by the pandemic and how services had been adapted.

Members listened to the information provided by the invited speakers with interest and expressed appreciation for the good work undertaken by these organisations. A number of points were raised including the recent survey undertaken by KCF which found that voluntary sector organisations had a potential shortfall in income by March 2021 of 27% (£135M); the establishment of a new Voluntary Sector Steering Group for Kent to provide a strategic view and expert opinion on policies affecting the most disadvantaged communities; the increase in stress, anxiety and mental health issues and the positive transition to providing services online and via telephone. It was reported that many of the changes had been positively received and some customers found the new ways of working more accessible and convenient.

**RECOMMENDED:** That the Borough Council continued to:

- work with voluntary and community sector organisations;
- develop opportunities to support the sector; and
- explore new opportunities to provide assistance where appropriate.

**\*Referred to Cabinet**

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# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

03 December 2020

### Report of the Chief Executive

#### Part 1- Public

#### Matters for Recommendation to Cabinet

### **1 RECOVERY FOR THE VOLUNTARY AND COMMUNITY SECTOR**

**This report provides an update to the previous scoping report with updates to be provided by a number of speakers who will be attending the meeting.**

#### **1.1 Background**

1.1.1 The scoping report which was discussed at the previous Overview and Scrutiny Committee in October 2020, recognised the huge impact of the pandemic and the fact that the voluntary and community sector had been particularly hard hit. Unfortunately as we go through a second set of national restrictions, difficulties are likely to be compounded and we know that there will be challenging times ahead as the sector continues to offer services to support residents.

1.1.2 It was agreed at the previous meeting that the Committee would hear presentations from three speakers to provide a greater insight into the issues they are facing. Most organisations have had to adapt their core offer to continue to deliver services and support the people who need them. It will be useful to hear how this has been achieved, the likelihood that new ways of working will continue post pandemic and if there are any significant issues.

#### **1.2 Presentations from Voluntary and Community Sector Organisations**

1.2.1 We have invited three organisations to attend the meeting; Kent Community Foundation, West Kent Mind and Citizens Advice North and West Kent (CANWK). The presentations will identify the services being provided, highlight how they have been affected by the pandemic and how they have adapted their service accordingly.

1.2.2 Josephine McCartney is the Chief Executive of Kent Community Foundation (KCF) and also chairs the "Voluntary and Community Sector Recovery Cell". An updated Action Plan from the Voluntary Sector Recovery Group is included as Annex 1 to this report. KCF have recently undertaken a survey of voluntary sector organisations and the findings include details of a potential overall shortfall in

income by March 2021 of 27% or £135m. Significant challenges face the sector and KCF will be leading a new Voluntary Sector Steering Group for Kent.

- 1.2.3 Stevie Rice is Chief Executive of West Kent Mind and is also a member of the Recovery Cell. The increase in stress, anxiety and mental health issues have been well documented over the past few months. West Kent Mind transferred all of their face to face services to online and telephone support and since April attendances in the support groups has increased by 142%. The presentation that Stevie will be giving at this meeting will outline how WK Mind have navigated their way through Covid-19 to date, the impact on mental health and how they are planning for the future.
- 1.2.4 Angela Newey is the Chief Executive of CANWK which is one of the key voluntary sector bodies supported by the Council. Annex 2 provides an update from the CAB which illustrates the challenges of adapting the service to offer support via telephone and email. It is noted that in some respects the changes have been beneficial and some residents have found the new ways of working more accessible. This is particularly relevant for those in the north of the borough who previously would have had more difficulty accessing a face to face service. The changes to the service do not seem to have prevented people accessing support and it is noted that the organisation feels the new approach is more efficient.

### **Legal Implications**

- 1.2.5 None

### **1.3 Financial and Value for Money Considerations**

- 1.3.1 Emergency Assistance Grants – as mentioned in the previous report, the Council received Government financial support in the form of a “Local Emergency Assistance Grant”. For Tonbridge and Malling the allocation was £47,355.61. This (aside from a reserve balance of £3,748.61) has now been allocated to local voluntary and community sector organisations who are offering ongoing support to assist vulnerable households.
- 1.3.2 At the time of writing it is unclear if the Government will be providing funding to specifically support the voluntary sector. We continue to receive updates and clarification of funding streams and will provide an update at the meeting should the scenario change.

### **1.4 Risk Assessment**

- 1.4.1 N/A

### **1.5 Equality Impact Assessment**

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.6 Policy Considerations**

1.6.1 Business Continuity/Resilience

1.6.2 Community

## **1.7 Recommendations**

1.7.1 That the Council continues to work with voluntary and community Sector organisations, developing opportunities to support the sector and explore new opportunities to provide assistance where appropriate.

Background papers:

contact: Gill Fox

Nil

Julie Beilby  
Chief Executive

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### Voluntary Sector - Recovery Action Plan

Action No.	Action to be taken	Action to mitigate or action for opportunity? (Mitigate or Opportunity)	Lead organisation or partnership	Named Lead (if appropriate)	Timescale Short: 0-6 months, Medium: 6-12months Longer: 12months+	Resources / capacity required	Priority - Essential, Important or Desirable
1	<b>Funding:</b> Funders, including public sector partners, to prioritise <b>core funding</b> when setting any new grant programmes, particularly as heading into 2021/22. This will help to support organisations who have seen a decrease in fundraised income and will enable organisations to continue operating	Mitigate	All funders	Josephine McCartney, Kent Community Foundation (KCF), Lydia Jackson Kent County Council (KCC)	Short Term	Initial action to commit to core funding will be from existing resources. However mitigating the risk will require additional funding.	Essential
2	<b>Commissioning:</b> where public sector partners have contracts in place with the voluntary sector, which are due to end in the next 12 months, to look at flexibilities or extending existing arrangements to create some financial certainty for organisations. The sector is predicted to see a 42% reduction in voluntary income nationally and commissioners should be mindful of the destabilising effect of the cumulative financial impacts.	Mitigate	Strategic partnership board (to be established) to consider cumulative impact	Lydia Jackson, KCC and David Whittle, KCC to liaise with relevant officers	Short Term	Existing resources	Essential
3	<b>Mental Health of Workforce:</b> KCC to establish an online forum for mentoring and wellbeing, which Voluntary Community Social Enterprise (VCSE) organisations will be able to access. This is in recognition of the pressures that have been on workforces during the crisis and the change to employees working environment.	Opportunity	KCC	Lydia Jackson, Serena Cunningham, KCC	Short Term	Existing resources	Important
4	<b>Training and networking:</b> Establish peer to peer networks, to facilitate mentoring and support between VCSE organisations to overcome challenges and adapt to 'new normal' way of working. Including access to e-learning and webinars. Opportunities for collaboration and innovative sharing of resources to adapt in recovery.	Opportunity	Social Enterprise Kent (SEK) Sponsored initially by KCC	Claudia Sykes (SEK)	Short Term	Existing resources	Important
5	<b>Increased service demand:</b> reflect on the collaboration and partnership working between KCC, district/borough councils and VCSE to support those who are vulnerable and shielding through the Community hubs and Kent Together. Consider how partnership working and sharing of data can inform predicting future demand particularly around financial hardship but also in other service areas to ensure that services and organisations do not become overwhelmed through spikes or persistently increased demand. Likely that additional investment will be needed to support increased debt advice and support.	Mitigate	Strategic partnership board (to be established)	Lydia Jackson (KCC) working with Debra Exall and Tim Woolmer (KCC)	Short Term	Initial action will be from existing resources. However mitigating the risk will require additional funding.	Important
6	<b>Kent Homeless Population:</b> Lobby central government on the issues surrounding the homeless population in Kent especially as temporary accommodation comes to an end on 4th July.	Mitigate	KCC, VCSE, Districts and Medway	Debra Exall, Tim Woolmer (KCC)	Short Term	Initial action will be from existing resources. However mitigating the risk will require additional funding.	Essential
7	<b>Supported Employment:</b> Lobby central government to recognise the impact of supported employment funding being cut on the lives of disabled people across the County. This should also include supported internship programmes.	Mitigate	Strategic partnership board (to be established)		Short Term	Initial action will be from existing resources. However mitigating the risk will require additional funding	Essential

8	<b>Diversity and Equality:</b> Work with VCSE organisations who have expertise or work with Black, Asian & Minority Ethnic (BAME) communities to understand the impact of COVID, including exacerbating mental health issues. To also understand better the inequalities that exist within our communities and ensure that collectively partners work across the county to really address these issues- more effectively than before.	Mitigate	All partners		Short Term	Additional resources may be required	Essential
9	<b>Partnership working:</b> establish a strategic partnership board for statutory bodies to come together to deliver the actions from the voluntary sector cell and consider strategic issues involving the sector. This will include the district councils and KCC, NHS and a VCSE representative.	Opportunity	KCC to take the lead in convening	Josephine McCartney KCF and Lydia Jackson, KCC	Short Term	Additional resources required to support ongoing delivery and management of the Board	Essential
10	<b>Partnership:</b> building on the success of the recovery cell and the partnership working during the pandemic, establish a steering group of VCSE representatives. This would be to help inform the development of support to the sector during the recovery period and longer term and will link into the strategic partnership board	Opportunity	KCC with Kent Community Foundation (KCF)	Lydia Jackson, KCC Josephine McCartney, KCF	Short Term	Existing resources	Important
11	<b>Volunteering:</b> bring together shared learning and data on volunteering during the crisis, by convening working group of the volunteer centres. Linking in with NHS and districts for the GoodSam and community hubs work.	Opportunity	Ashford Volunteer Centre, with support from KCF, KCC and Medway	Beth Peal, CEO Ashford Volunteer Centre	Short Term	Existing resources	Important
12	<b>Communication and networking:</b> further develop the offer of peer to peer support and mentoring following the initial programme during COVID-19 led by Social Enterprise Kent. Develop options for ongoing engagement across the sector and with public sector partners. Learn from and build on use of digital platforms and develop face to face networks as allowed.	Opportunity	Social Enterprise Kent (SEK) working with KCC and partners	Claudia Sykes (SEK)	Medium Term	Additional resources may be required to deliver ongoing networking	Desirable
13	<b>In Person Service Delivery:</b> Make a commitment to utilise the voluntary sector to deliver the 'in-person' support for those that cannot be reached digitally, or where it is not appropriate. This could be in regards to mentors, therapy and outreach work that cannot and should not be delivered longer term, online or by video conference and risks isolating those that are already vulnerable.	Mitigate	Strategic partnership board (to be established) as a vehicle to discuss strategy	Josephine McCartney as VCSE representative	Medium Term	Will require additional funding	Important
14	<b>Volunteering:</b> establish a coordinated and properly resourced volunteering system across the county working with the volunteer centres/bureaus, building on good practice. To be informed by the lessons learnt from COVID-19 and the increased participation in volunteering seen during the crisis.	Opportunity	Ashford Volunteer Centre (acting as coordinator across VCs) working with public sector partners including NHS.	Beth Peal, CEO Ashford Volunteer Centre Lydia Jackson (KCC) as point of contact for public sector engagement-including NHS partners.	Medium Term	Existing resources but a coordinated and sustainable model will require investment across public sector partners (where they are not currently funding)	Desirable
15	<b>Sustainability and resilience:</b> Consider the development of a good governance checklist and financial planning template for the VCSE or access to a suite of resources to help build financial resilience.	Mitigate	KCF, KCC, Medway	Josephine McCartney KCF, Lydia Jackson, KCC	Medium Term	Additional resources may be required	Desirable

16	<b>Workforce and training:</b> look to develop a business case on potential for VCSE organisations to have access to KCC training particularly around mental health and wellbeing. There will be a particular focus on smaller organisations who do not have the resources to access training for staff, particularly when funding is reducing. <i>(This will follow the lessons learnt and workforce training in the short term actions).</i>	Opportunity	KCC and with potential for other partners to support	Lydia Jackson, KCC	Medium Term	Additional funding likely to be required to deliver training.	Desirable
17	<b>Intelligence:</b> Run routine surveys of the sector, to look at changing needs to inform future planning and understand pressures or risks.	Opportunity	KCF	Josephine McCartney, KCF	Medium Term	Existing resources	Important
18	<b>Funding and leadership:</b> continue to champion and advocate for local sector with national funders and Department of Digital, Culture, Media & Sport, to ensure future funding (particularly 2021-22) opportunities meet the needs of the wider voluntary sector. This should include the sector advocating through their membership bodies and lobbying for local needs using the power of their affiliated national brands.	Mitigate	Partnership between KCC, Medway and Kent Community Foundation (KCF) and all VCSE organisations, that have a relationship with national bodies	Josephine McCartney KCF, Lydia Jackson KCC	Medium Term	Existing resources	Essential
19	<b>Partnership and collaboration:</b> Look for opportunities for VCSE organisations to co-locate, where appropriate or of more innovative use of spaces. Explore potential opportunities for public sector buildings and estates to be offered as spaces for the VCSE, as part of building reviews and future infrastructure strategies.	Opportunity	All partners and the VCSE to consider opportunities	Josephine McCartney, KCF, Kent Finance Officers Group, Kent Estates Partnership	Medium Term	Would require additional resource commitments in terms of assets.	Desirable
20	<b>Commissioning:</b> review and reflect on service delivery models and the culture of commissioning - lessons learnt from COVID-19 to inform future strategy. Particularly consider the impact of a reduction in voluntary income during COVID-19 and the fragilities that has exposed e.g. issues around full cost recovery. Look at opportunities for more innovative, sustainable and flexible commissioning and service delivery. Treating the VCSE as an equal partner and involving the sector in discussions to improve and reform service delivery.	Mitigate future risks	Strategic partnerships board (to be established) as the vehicle to discuss strategy	David Whittle and Lydia Jackson as KCC leads	Longer Term	Existing resources	Important
21	<b>Support offer:</b> Explore potential options for a sustainable model of support to the VCSE similar to that delivered by Small Charities Coalition but as a local model.	Opportunity	Strategic partnerships board (to be established)	Lydia Jackson, KCC	Longer Term	Existing resources with potential for additional funding	Desirable
22	<b>Partnership:</b> Ensure VCSE is represented in future recovery structures and governance (Kent Resilience Forum), in order to be better prepared for a second wave or future emergency planning.	Mitigate	KCF, KCC	Josephine McCartney KCF, Lisa Guthrie, KCC	Longer Term	Existing resources	Desirable
23	<b>Mental Health:</b> Review of early intervention provision for mental health in Kent and Medway. Recognise the role of the voluntary sector in early intervention. Commit to a strategic funding plan for voluntary sector organisations operating in this space.	Opportunity	Strategic partnerships board (to be established) as the vehicle to discuss strategy		Longer Term	Additional resources would be required	Important

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The Covid-19 crisis has created unprecedented challenges for us all. At Citizens Advice in North and West Kent we have attempted to meet the challenges of the pandemic head-on; focussing on embedding our remote services, expanding capacity to meet demand and ensuring that our advice and support remains of the highest quality and accessible to the most vulnerable in our community. As a result, we have been able to provide advice for similar numbers of Tonbridge and Malling residents as in usual times, just delivered in different ways.

Key elements of our approach to the pandemic so far include:

- Expanding our services:  
We have **expanded the capacity of our telephone and email advice services to help meet increased demand by local people** through many developments including:
  - Enabling Advisers to deliver advice remotely from their own homes, still supported by Supervisors.
  - **Introducing a more process-led approach to increase efficiency in the initial telephone advice** and ensuring that all clients receive high quality advice at the level of support needed for their case.
  - Using short-term funding (all of which must be spent by 31<sup>st</sup> March 2021) to **trial new ways of delivering advice**. It is hoped that these short-term initiatives can not only help us meet unprecedentedly high demand now, but also support us in developing our services in the future.
  - **Joining national Citizens Advice initiatives to expand telephone advice capacity**; from mid-November our local telephone Adviceline will become free to call, and will be available 9am-5pm, Monday-Friday (an additional 15 hours/week).
- Promoting our services:  
**Using social media, local community website and partner agencies, we have focused on increasing awareness of our advice services across Tonbridge and Malling.** With the support of local foodbanks and community volunteer schemes, vulnerable residents have received CANWK leaflets (with contact information and key advice messages) with their food parcels.
- Using our facilities:  
Following the first lockdown, **Tonbridge Castle** has been an ideal office in the circumstances, with enough space for social distancing to allow some volunteers who could not give advice from home to return to support our efforts on the telephone and email advice services.

Learning so far:

- **Increased capacity of telephone and email advice services enables residents across the borough to access our services more easily, with residents in the north of the borough finding our new ways of working more accessible than face-to-face support services.** Since the start of lockdown, we have seen an increase in the proportion of clients from the north end of the borough, particularly from East Malling, Kings Hill, Larkfield and Snodland.
- There is no doubt that our **integrated approach to advice giving is more efficient for us as an organisation.** By developing our use of Teams and other online communication and information sharing tools, we have been able to provide supervision and specialist advice support more efficiently.

Our experiences in recent months and learnings so far pose a number of questions for our future service:

- The model of telephone and email advice as the first point of contact seems to have worked well for both us and for clients. **Should we be continuing this model of remote advice for first contacts, bringing in virtual and face-to-face appointments further along the advice process, where it is needed?**
- We have constantly questioned and challenged ourselves to ensure everyone, including vulnerable people, can access our service during the pandemic. We believe we are succeeding in this – client feedback suggests that so long as they can get through to us, they are happy to receive advice via telephone and email. **Having made great progress in increasing efficiency and capacity in answering calls, how should we continue to maintain this when our short-term additional funding comes to an end in March 2021?**
- **Has the lack of a face-to-face drop-in service prevented very vulnerable people from accessing our advice?** We believe not, due primarily to our mitigating actions including making our Adviceline free to call and introducing telephone appointments for more complex issues as well as trialling video chat and kiosk services. We know that many of our past regular clients have been in touch.

These are questions we will explore further over the coming weeks and months as we continue to support local people with the challenges being created by the pandemic. We welcome your feedback and suggestions.

## **KINGS HILL PARISH COUNCIL – REQUEST FOR ADVANCE OF PRECEPT MONIES**

### **Item FIP 21/5 referred from Finance, Innovation and Property Advisory Board of 6 January 2021**

The joint report of the Chief Executive and the Director of Finance and Transformation set out details of a request received from Kings Hill Parish Council for an advance of £60,000 from part of the 2021/2022 local precept. The request, dated 17 December 2020 and attached at Annex 1, indicated that income from usage of community facilities had been decimated due to the coronavirus pandemic. It was noted that an 'interest free' advance of the sum requested would have minimal financial implications for the Borough Council and that the Parish Council had suggested that this would be repaid in two instalments in April and September. The report confirmed that the advance would be automatically recovered through the biannual payment of precept and, therefore, there was no risk to the Borough Council.

**RECOMMENDED:** That the request from Kings Hill Parish Council for an advance of £60,000 and repayment as set out in the report be endorsed for consideration by the Overview and Scrutiny Committee and recommended to Cabinet for approval.

**\*Referred to Cabinet**

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**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**FINANCE, INNOVATION and PROPERTY ADVISORY BOARD**

**06 January 2021**

**Joint Report of the Chief Executive and  
Director of Finance and Transformation**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision**

**1 KINGS HILL PARISH COUNCIL – REQUEST FOR ADVANCE OF PRECEPT MONIES**

**A request has been received from Kings Hill Parish Council for an advance of part of the 2021/22 local precept. Members are asked to consider the request and make a recommendation to Cabinet, via Overview and Scrutiny Committee, accordingly.**

**1.1 Introduction**

1.1.1 We have been approached by Kings Hill Parish Council to advance a sum of £60,000, effectively as a very short term interest free loan.

1.1.2 The request dated 17 December 2020, follows a meeting of the Full Council of the Kings Hill Parish Council (KHPC) on the evening of 16 December and is attached at **[Annex 1]**.

1.1.3 Members will note from the request that the parish council relies on almost half of its income from a suite of community facilities; and this income has been decimated due to the pandemic. Despite a large proportion of the income being lost, the costs of maintaining the facilities have (in the main) remained. KHPC acknowledges that this is an unusual request, but clearly there are exceptional circumstances which no-one could have predicted.

1.1.4 Payment has been requested by 31 January in order to support the cashflow and avoid the situation of KHPC having no funds available to discharge its liabilities.

**1.2 Process**

1.2.1 KHPC has factored this shortfall into its precept considerations for 2021/22 and therefore effectively the temporary 'loan' is an advance of part of the precept payment.

1.2.2 TMBC pays the annual precepts to parish councils in two instalments – the first in April, and the second in September. Annex 1 notes that KHPC suggests that the advance would be repaid in two instalments – April and September.

- 1.2.3 Effectively, if Members are agreeable, the Director of Finance & Transformation will deduct £30,000 from each of the precept instalments and pay the net balance to KHPC in April 2021 and September 2021 as normal. The advance will be conditional on this mechanism being implemented. **Doing it this way means there is no financial risk to the Borough Council.**
- 1.2.4 Of course, the cash advance means that TMBC is not able to earn investment income on the sum; but as Members are aware with interest rates so low coupled with the fact that the term is short, this has minimal financial implications.
- 1.2.5 We have reviewed the Council's Constitution in liaison with Legal Services and this falls within the Budget and Policy Framework. As a result this is an Executive decision and recommendations from this Board will be referred to the meeting of Cabinet on 26 January 2021.
- 1.2.6 As Members will understand, any decision of the Cabinet can be subject to 'call in' by the Overview and Scrutiny Committee. Bearing in mind the timescale (31 January) requested for payment of the advance (if agreed), comments from Overview and Scrutiny Committee in advance of Cabinet would avoid any potential issues arising.
- 1.2.7 In liaison with Legal Services, we propose that we report directly to the Overview and Scrutiny Committee at its meeting on 19 January 2021 in order to seek that Committee's consideration of the recommendations. This would mirror the arrangements we have in respect of the Revenue and Capital Estimates whereby O&S Members are requested to make their recommendations directly to Cabinet.
- 1.2.8 Any comments or recommendations from this Advisory Board will be reported to the Overview and Scrutiny Committee to assist Members in their considerations.

### **1.3 Legal Implications**

- 1.3.1 The financial assistance provisions of ss.137-137A Local Government Act 1972 makes clear that we can make payments to the funds of any body which provides a public service (s.137(3)(b)), or to defray the costs of another local authority (s.137(2)). It is apparent from s.137(4B)(e) that this can be in the form of a loan/advance.

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 An 'interest-free' advance of the sum requested by Kings Hill Parish Council for the short timescale set out in paragraph 1.1 has minimal financial implications for TMBC.
- 1.4.2 It is traditional for all parish precepts to be paid to parish and town councils in two parts i.e. half in April and half in September. The advance will be recovered by way of deduction from those precept payments – i.e. £30,000 in April 2021 and the remaining £30,000 in September 2021.

**1.5 Risk Assessment**

- 1.5.1 In terms of repayment of the advance, there is no risk to TMBC as the advance will be automatically recovered through the payment of precept as set out above.
- 1.5.2 If the advance is not approved, the risk for the parish council is that they may not be able to cover payments that fall due before the commencement of the new financial year 2021/22, including employment costs. This could put local public services at risk.

**1.6 Equality Impact Assessment**

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

**1.7 Policy Considerations**

- 1.7.1 Community

**1.8 Recommendations**

- 1.8.1 Members are asked to **CONSIDER** the request from Kings Hill Parish Council for an advance of £60,000 and to **RECOMMEND** accordingly to Cabinet, via the Overview and Scrutiny Committee.

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby  
Chief Executive

Sharon Shelton  
Director of Finance & Transformation

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**KINGS HILL PARISH COUNCIL**

Dear Sharon,

Last night, Kings Hill Parish Council resolved to apply for temporary borrowing from Tonbridge and Malling BC.

I have previously provided you with the PC's cashflow predictions and budget situation. The lack of income during the pandemic, made worse by the second lockdown, has caused the parish council to fall well behind on its budget forecasts and it has no remaining funds to plug the gap to the end of the financial year. Predictions show that the council could be up to £60k in deficit by the end of March 2021.

The council appreciates that this is an unprecedented time and such requests would not normally be made however as the government is not providing additional funding to parish councils, and Kings Hill PC relies on almost half of its income from community facilities it really has no choice but to ask for support. In the event that lockdown restrictions lift it is hoped that the loan will not be required however the PC feel that it must act prudently to prevent the PC going into an unauthorised overdraft position, not being able to fulfil its financial and salary obligations and then running up bank and late fee charges.

The PC is continuing to lobby the MHCLG for funding however the new leisure fund is only restricted to parish councils that have devolved services – none of the PC's facilities are devolved from TMBC so this is a problem.

The PC has agreed to ring fence the funds so that in the event that the money is not required it can be returned to TMBC forthwith.

The PC would be grateful of an interest free loan of £60,000 to be paid by TMBC to KHPC before 31<sup>st</sup> January 2021. The PC will then repay the loan in two tranches of £30k in April and September.

Many thanks in advance.

Regards,

Julie

**Julie Miller**  
**Clerk and Responsible Financial Officer**  
**Kings Hill Parish Council**  
70 Gibson Drive, Kings Hill, ME19 4LG  
Tel: 01732-870382  
[www.kingshillparish.gov.uk](http://www.kingshillparish.gov.uk)

17 December 2020

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## LEYBOURNE LAKES COUNTRY PARK – LEASE

**Item FIP 21/19 referred from Finance, Innovation and Property Advisory Board of 6 January 2021**

*(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)*

The report of the Director of Central Services and Deputy Chief Executive set out the proposed terms of a lease to the Tonbridge and Malling Leisure Trust in respect of Leybourne Lakes Country Park.

**RECOMMENDED:** That a lease for Leybourne Lakes Country Park be granted to the Tonbridge and Malling Leisure Trust as detailed in the report of the Director of Central Services and Deputy Chief Executive.



**\*Referred to Cabinet**

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of the Local Government Act 1972.

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

<b>Decision No:</b>	<b>D200013EM</b>
<b>Decision Taken By:</b>	Leader of the Borough Council
<b>Authority under which Decision Taken:</b>	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
<b>Decision Type:</b>	Executive Key Decision
<b>Date:</b>	23 October 2020

<b>Decision(s) and Reason(s)</b>
<b>ENGAGEMENT AND ENFORCEMENT ACTIVITY – GRANT FUNDING</b>
<p>To enable engagement and enforcement activity related to Covid-19 to be undertaken, the Borough Council were receiving a number of funding grants. These were being provided by both county and national levels of government.</p> <p>Details of the grant funding was set out in Annex 1. All funding streams had reporting requirements that the Borough Council needed to agree to access the funding. These had been assessed and considered achievable through the use of engagement and enforcement tracking documents to record activity.</p> <p>An engagement and enforcement approach centred on working with businesses and premises, in the first instance, to ensure they understood and were able to comply with Covid-19 restrictions had been developed. This would be delivered through communication activity, including mail outs and online discussion sessions. In addition Covid-19 Marshals would be deployed in town centre areas to provide advice and guidance to the community and businesses.</p> <p>It was also proposed that the funding be used for additional overtime hours for officers to carry out enforcement visits and supporting activity, including intelligence reviews. Officers would then be able to assess whether the use of enforcement powers such as Fixed Penalty Notices (FPN) was appropriate for any individual case. Any income from FPNs would, in the first instance, be utilised to support ongoing engagement and enforcement activity.</p>
<p><b>RESOLVED:</b> That:</p> <ol style="list-style-type: none"> <li>(1) the three grant funding sources as set out in Annex 1 be approved; and</li> <li>(2) the proposed uses of the grant funding as set out above be approved.</li> </ol>

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 23 October 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS**

<b>Decision No:</b>	<b>D200014EM</b>
<b>Decision Taken By:</b>	Leader of the Borough Council
<b>Authority under which Decision Taken:</b>	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
<b>Decision Type:</b>	Executive Key Decision
<b>Date:</b>	11 November 2020

<b>Decision(s) and Reason(s)</b>
<b>LOCAL RESTRICTIONS SUPPORT GRANT (CLOSED) SCHEME</b>
<p>Government funding of £1,413,378 had been allocated to Tonbridge and Malling Borough Council in respect of the Local Restrictions Support Grant (Closed) Scheme. It was expected that the grant funding would be received on 13 November 2020.</p> <p>The aim was to support those specified businesses required to close under regulations made, using powers in Part 2A of the Public Health (Control of Disease) Act 1984, in response to the threat posed by coronavirus and as part of a wider set of measures arising from a second National Lockdown in England from 5 November to 2 December 2020.</p> <p>The awarding of grants would be the Borough Council's responsibility and the Department of Business, Energy &amp; Industrial Strategy (BEIS) had laid down criteria to be met. In order to meet this criteria, it was necessary for the Borough Council to adopt a Policy to award grant funding and this was attached as Annex 1.</p>
<b>RESOLVED:</b> That: <ul style="list-style-type: none"><li>- the Tonbridge and Malling Borough Council Local Restrictions Support Grant (Closed) Scheme, as set out at Annex 1, be approved.</li></ul>
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader:

N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 13 November 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS**

<b>Decision No:</b>	<b>D200015EM</b>
<b>Decision Taken By:</b>	Leader of the Borough Council
<b>Authority under which Decision Taken:</b>	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
<b>Decision Type:</b>	Executive Key Decision
<b>Date:</b>	18 November 2020

**Decision(s) and Reason(s)**

**ADDITIONAL RESTRICTIONS GRANT SCHEME**

The Government had announced a second grant scheme to support businesses affected by the measures imposed during the second National Lockdown in England from 5 November to 2 December 2020. The new Additional Restrictions Grant (ARG) Scheme provided local councils with grant funding to support closed businesses that did not directly pay business rates and businesses that did not have to close but were impacted by the coronavirus pandemic. Local councils could determine which businesses to target and determine the amount of funding distributed from the ARG.

Government funding of £2,643,060 had been allocated to Tonbridge and Malling Borough Council to support the award of grants under this Scheme. Funding provided under the ARG could be used across the financial years 20/21 and 21/22 and if there were further lockdown measures or restrictions announced, it was expected that this would be the continued source of support to business and no further funding would be provided.

It was also noted that Local Authorities had the discretion to use funds for wider business support. However, the Department for Business, Energy and Industrial Strategy (BEIS) advised that funds should be allocated in line with the broader purpose of the Scheme and used to support businesses affected by the pandemic.

In order to award the grants as required it was necessary for the Borough Council to adopt a Policy and this was attached as Annex 1.

**RESOLVED:** That

- the Tonbridge & Malling Borough Council Additional Restrictions Grant (ARG) Scheme, as set out at Annex 1, be approved.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 18 November 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.



## TONBRIDGE & MALLING BOROUGH COUNCIL

### RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

<b>Decision No:</b>	<b>D200016EM</b>
<b>Decision Taken By:</b>	Leader of the Borough Council
<b>Authority under which Decision Taken:</b>	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
<b>Decision Type:</b>	Executive Key Decision
<b>Date:</b>	25 November 2020

#### **Decision(s) and Reason(s)**

#### **LOCAL CONTACT TRACING – CONTAIN OUTBREAK MANAGEMENT FUND**

- (1) Kent County Council (KCC) had been allocated funding from the Contain Outbreak Management Fund (COMF) to set up a COVID-19 Local Tracing Partnership across Kent as part of the COVID-19 response. The aim of this crucial service was to contact positive cases of COVID-19 in Kent, support them in order that they can self-isolate for the required period and identify anyone they had come into contact with during their infectious period, so that local authorities contributed to breaking the chain of transmission through reducing onward spread of the virus.
- (2) KCC aimed to start the Local Contact Tracing approach from Thursday 26 November. This was a very quick implementation date and meant that information was based on the most up to date material available, although the picture was likely to change up to and beyond the roll out date.
- (3) One part of the Kent Local Tracing Partnership would be staffed by Agilisys call-handlers, trained to use the national Contact Tracing system, through a call-centre approach operating 7 days a week to complement the national NHS Test and Trace service. Telephone contact with each case would be attempted four times in 48-hours. The other crucial part of the Kent Local Tracing Partnership was the link with Borough and District Councils. The two key points at which KCC needed support from Tonbridge and Malling Borough Council (TMBC) were:
  - a. Where they identify cases with incorrect, incomplete or missing telephone numbers, help would be needed in searching for these individuals in the data held by TMBC and for any contact details to be returned.
  - b. Where they were not able to get hold of a case by telephone or they spoke to a case who refused to provide the necessary information over the telephone. In both scenarios these cases would need to be referred to TMBC for to attempt to get in touch with them by attending home

addresses to 'door knock'.

- (4) A Kent wide approach to funding had been agreed between the county and second tier authorities and on that basis TMBC had been allocated £277,000 to carry out these activities. There would be reporting requirements on the number of cases processed and timescales. This would be carried out on an ongoing basis by the assigned officers to enable up to date reporting to be provided to KCC.
- (5) It was proposed that the Local Contact Tracing work was led by the Environmental Health service, with a cross service approach to additional resourcing as required. An officer would be assigned to this work each day.
- (6) A seven day a week service as required and it was is proposed that the funding as utilised to initially to ensure adequate resource during the week and to pay out of hour's overtime at weekends.
- (7) The programme would be dynamically managed and risk assessed by the Director of Planning, Housing and Environmental Health and the Head of Housing and Health. This would include further decisions about the use of the funding, which would be consulted on with the Leader of the Council, Deputy Leader of the Council and Cabinet Member with responsibility for Emergency Planning as required.

**RESOLVED:** That

- (1) acceptance of the grant funding, as set out in (4) above, be approved; and
- (2) the proposed uses of this funding, as set out in (6) and (7) above, be approved.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader:

N Heslop

Signed Chairman of Overview and Scrutiny Committee:

J Sergison

Signed Chief Executive:

J Beilby

Date of publication:

27 November 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS**

<b>Decision No:</b>	<b>D200017EM</b>
<b>Decision Taken By:</b>	Leader of the Borough Council
<b>Authority under which Decision Taken:</b>	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
<b>Decision Type:</b>	Executive Key Decision
<b>Date:</b>	30 December 2020

**Decision(s) and Reason(s)**

**LOCAL RESTRICTIONS SUPPORT GRANT - CHRISTMAS SUPPORT PAYMENT – WET LED PUBS**

On 1 December 2020 the government announced additional support for wet-led pubs in Local Covid Alert Tiers 2 and 3 during the Christmas period of 2 December to 29 December.

When the second national lockdown ended on 2 December the Tonbridge and Malling area was placed into Tier 3 restrictions. From 20 December the government created a new, more restrictive, Tier 4 which Tonbridge and Malling fell into. However, this grant support still applied. Any pub in the Borough which was mainly 'wet-led' was eligible for the one-off amount of £1,000. Applications had to be made to receive the funding and the applicant needed to demonstrate that it derived less than 50% of its income from sales of food.

There was no absolute definition of a pub for this purpose. However, the government stated that it expected eligible pubs to be open to the general public; allow free entry (generally); and allow drinking without being required to purchase food. It excluded a number of specific entities including restaurants, cafes, hotels, snack-bars and sporting venues.

Funding of £57,600 has so far been received from Government.

In order to award the grants as required, it was necessary to adopt a policy. A draft scheme for approval was attached at Annex 1.

An application process would be made available to eligible businesses via the Council's website. Applications had to be made by 31 January 2021.

Applications would be reviewed by the Revenue & Benefits team and the Director of Finance & Transformation who would arrange payment of the grant awards.

**RESOLVED:** That:

The Tonbridge and Malling Borough 'Christmas Support Payment for wet-led Pubs' Scheme (as set out at Annex 1) be approved.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 30 December 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS**

<b>Decision No:</b>	<b>D200018EM</b>
<b>Decision Taken By:</b>	Leader of the Borough Council
<b>Authority under which Decision Taken:</b>	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
<b>Decision Type:</b>	Executive Key Decision
<b>Date:</b>	31 December 2020

<b>Decision(s) and Reason(s)</b>
<b>LOCAL RESTRICTIONS SUPPORT GRANT (OPEN) SCHEME</b>
<p>On 2 December 2020, Tonbridge &amp; Malling entered Local Covid Alert level Tier 3. Government made provision to support businesses in Tiers 2 and 3 that were not legally required to close, but were nevertheless severely impacted by the localised restrictions.</p> <p>The Borough Council was required to adopt a policy to enable such payments to be made. The draft policy entitled Local Restrictions Support Grant (OPEN) Scheme is attached at Annex 1 for approval.</p> <p>As the Tonbridge &amp; Malling area entered Tier 4 on 20 December 2020, the "OPEN" scheme was currently only valid for the period 2 to 19 December 2020. Funding of £26,036 had been received from Government for this scheme.</p> <p>The Director of Finance and Transformation indicated that the scheme could be 'reactivated' if Tonbridge and Malling came under a different tier in the future and anticipated that a new funding package would be made available.</p> <p>Applications would be reviewed by the Revenue &amp; Benefits team in liaison with the Economic Development team and the Director of Finance &amp; Transformation who would arrange payment of the grant awards.</p>
<b>RESOLVED:</b> That: the Tonbridge & Malling Borough Council Local Restrictions Support Grant (OPEN) Scheme as set out at Annex 1 be approved.
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 31 December 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

# Agenda Item 15

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 16

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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# Agenda Item 17

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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