

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

14 October 2020

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

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

This report seeks 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 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.

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 Businesses that locate on an Enterprise Zone can access a number of time-limited benefits, including up to 100% business rate discount worth up to £275,000 per business over a 5-year period and a simplified local authority planning, for example, through Local Development Orders (LDO) that grant automatic planning permission for certain development (such as new industrial buildings or changing how existing buildings are used) within specified areas
- 1.1.3 The IPM site is a key priority for Medway Council, who are leading the project, and own the majority of the site. However, approximately 3.75 hectares of the site fall within Tonbridge & Malling Borough (see Appendix A), in both Burham and Wouldham ward and North Aylesford and Walderslade ward.
- 1.1.4 In March 2019, Cabinet adopted the Innovation Park Medway (IPM) masterplan for economic development and marketing purposes, subject to addressing comments by Highways England. The masterplan outlines a scheme that will deliver a high quality innovation park, with flexible plots to encourage a wide range of high-value technology, engineering, manufacturing and knowledge-intensive businesses.
- 1.1.5 Medway Council’s preferred option for taking forward development of the site has been the adoption of the masterplan as a Supplementary Planning Document along

with a Local Development Order covering the entirety of the site. The main reason for this is that it allows plots to come forward with speed and ease for developers and/or businesses. In achieving full LDO coverage for the IPM site, two separate but identical LDOs will need to be adopted – one by Medway Council and one by the Borough Council.

1.1.6 As Project Lead, Medway Council are very keen to ensure that the IPM site is brought forward soon in order to realise the benefits of the North Kent Enterprise Zone. The five-year window for providing incentives for businesses looking to locate onto the site runs until the end of March 2022. The LDO allows future occupants and developers to submit proposals through a self-certification form, verifying their proposals against the criteria set out in the LDO and Design Codes. The process will be limited to 28 days from validation to help provide a swift response and allow development to come forward in a short timeframe.

1.2 The Need to Re-consult

1.2.1 A public consultation exercise on the LDO and associated documents was undertaken in 2019, which received comments from public and statutory consultees. Liaison has since been ongoing with statutory consultees to ensure their concerns are addressed prior to adoption of the LDO. This has resulted in changes to the LDO, Environmental Statement and supporting documentation. Ongoing liaison with Highways England and Natural England in particular, has led to changes to the Design Code and transport assessment work.

1.2.2 Highways England has required further traffic assessment work and preliminary mitigation design to address their concerns. Ongoing liaison with Highways England has enabled the preliminary mitigation design to be produced for key junctions surrounding Innovation Park Medway and Highways England are in the process of undertaking Road Safety and Non-Motorised User Audits.

1.2.3 Natural England concerns focused on three specific issues:

- Landscape and visual impact on the Kent Downs Area of Outstanding Natural Beauty
- Noise and tranquillity impact
- Air quality impact on the North Downs Special Area of Conservation (SAC).

Ongoing discussions with Natural England have identified an appropriate way forward for these issues and final amendments have been made to the supporting documentation prior to public consultation.

1.2.4 The changes that have resulted from the discussions with both Highways England and Natural England mean that re-consultation on the amended LDO and associated documentation is a legislative requirement.

1.3.1 Draft Local Development Order

- 1.2.5 Local Development Orders (LDO's) are intended to enable local planning to be simplified under certain circumstances. LDO's aim to attract investment to an area and support existing businesses by giving certainty for developers, reducing timescales and reducing the costs associated with making a planning application. LDOs are often used as an additional tool to attract investment in Enterprise Zones and have the effect of granting planning permission across an identified site so that there becomes no need for developers to seek any further planning consent. An LDO is often described as providing a local form of permitted development. It is important to note, however, that an LDO can have conditions and limitations included to control the parameters of some matters, for example the height of buildings.
- 1.2.6 The main attraction of a Local Development Order for a site such as this is that it minimises risk in delivery for developers by providing certainty and reduces costs through:-
- a) The Councils demonstrating commitment through preparation of the LDO as it provides a positive statement of intent and gives confidence in securing future development and investment.
 - b) The provisions of an LDO give a clear steer of the Councils ambitions, which provides transparency and provides certainty
 - c) Developers would not have the burden or risk of seeking further planning permissions.
 - d) Developers will not have to handle points of challenge (transport, noise, air quality etc.), which can be costly in time and preparation of studies. Potential challenges are dealt with once through the LDO public consultation, managed by the Councils.
- 1.2.7 The Draft Local Development Order (including Statement of Reasons) and associated forms are provided in Appendix B (Parts 1-3), with the Design Codes set out in Appendix B Part 4, and has been prepared in accordance with the Town and Country Planning (Development Management Procedure) (DMP 2015).
- 1.2.8 The documentation provided in the appendices may be subject to small changes as a result of further input from Highways England, as such this report recommends that delegated authority is given to the Director of Planning, Housing and Environmental Health and the Director of Central Services to approve any necessary amendments to the draft LDO and associated documents, in consultation with the Leader and the Cabinet Member for Strategic Planning & Infrastructure ahead of public consultation.
- 1.2.9 Should it be adopted, the draft Local Development Order will set out a number of parameters through which development at the Innovation Park Medway site would

need to adhere to in order to realise the outline vision for the site as expressed in the masterplan. This is undertaken through Schedules that are reinforced by conditions and informatives.

1.3 Consultation

1.3.1 The anticipated programme for the LDO is set out as follows:

Process	Date
Medway Council Cabinet approval to consult on the LDO	04 August 2020
Tonbridge & Malling Cabinet decision to consult on the LDO	14 October 2020
Consultation (32 day period)	End of October – November 2020
Medway Council Cabinet decision to adopt the LDO	December 2020
Medway Council Full Council decision to adopt the LDO	December 2020
Tonbridge & Malling Cabinet decision to adopt the LDO	TBC
Tonbridge & Malling Full Council decision to adopt the LDO	TBC

1.3.2 There is a pressing need for consultation to take place as soon as possible once audit work by Highways England has been completed, as Medway Council need to ensure they have demonstrated sufficient progress with the project in order to access time-limited Local Growth Funding, which has a time limit of March 2021.

1.3.3 As per the LDO consultation in 2019, Medway Council is very keen to ensure that the consultation for the two LDOs runs concurrently in order to ensure that the documents across both authorities align, as consistent documentation across both authorities will help to simplify the process for future applicants.

1.3.4 In line with the council's Statement of Community Involvement, the consultation on the LDO is likely to include the following measures:

- Dedicated webpage on the TMBC site, including all the relevant background papers.
- Hard copies available on request.
- Direct emails to stakeholders and community groups.

- Use of Social Media and the TMBC Business E-Bulletin
- Local advertisement
- Site notices

1.3.5 The alternative approach to an LDO 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, reducing the benefits realised through the Enterprise Zone window.

1.4 Legal Implications

1.4.1 In order for the LDO to be adopted, the document must be publicly consulted upon for no less than 28 days, after being approved for consultation. As the site crosses the boundary between Medway and Tonbridge and Malling, a separate LDO must be adopted by both authorities.

1.5 Financial and Value for Money Considerations

1.5.1 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.

1.6 Risk Assessment

Risk	Description	Mitigation	Risk Rating
Not agreeing to proceed to consultation or adoption	This would mean there is a different planning process in place for the area of the site within Tonbridge and Malling and for that in Medway, creating a relatively confusing planning framework for the site as a whole.	Consultation and adoption of the LDO.	Medium
Poor quality development that does not realise the	Without a formal adopted planning document, quality will	The adoption of the LDO establishes key parameters that have to be adhered to, therefore	Medium

objectives of the masterplan.	not be assured on this site.	controlling the uses and quality of development.	
Privately owned or leased land not coming forward in line with the strategic ambitions for IPM	If privately owned sites are not developed in line with the ambitions for IPM then the site will become disjointed and lack a cohesive identity.	The land that the LDO in Tonbridge and Malling relates to is solely within the ownership of Medway Council, who are leading this project, as such the aspirations of private landowners is a matter for Medway Council.	Medium

1.7 Equality Impact Assessment

1.7.1 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.

1.8 Recommendations

1.8.1 That the content of the report **BE NOTED**; and

1.8.2 That subject to Member's support, 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 & 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.

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

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