

# 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

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