

## Record of an individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

<b>Decision made by</b>	Roger Cox
<b>Key decision?</b>	No
<b>Date of decision</b> (same as date form signed)	26 September 2017
<b>Name and job title of officer requesting the decision</b>	Adrian Butler, Major Applications Officer
<b>Officer contact details</b>	Tel: 07801 203 599 Email: <a href="mailto:adrian.butler@southandvale.gov.uk">adrian.butler@southandvale.gov.uk</a> Or: Adrian Duffield
<b>Decision</b>	To proceed to public consultation for six weeks on a draft Local Development Order for D-Tech, Didcot.
<b>Reasons for decision</b>	<p>The site was designated an Enterprise Zone (EZ2) in April 2016. The Government expect simplified planning controls in an EZ. The site is not allocated for development in the adopted Local Plan 2031, however the Plan recognises that sites like this one within Science Vale UK are important for the nationally economy.</p> <p>The draft Local Development Order (LDO) extends permitted development rights; meaning that certain development can take place without the need for planning permission, potentially saving cost and time to businesses and developers.</p> <p>The use classes proposed to be permitted are:</p> <ul style="list-style-type: none"> <li>• B1a offices (other than those falling within class A2 (financial services))</li> <li>• B1b Research and development laboratories</li> <li>• B1c Light industry</li> <li>• B2 General industry (industrial processes not falling within B1)</li> <li>• B8 Storage and distribution</li> <li>• Data centre</li> <li>• Sui generis (Battery storage)</li> <li>• Ancillary uses (these are defined in the LDO and</li> </ul>

referenced as complementary uses below).

The permitted development rights proposed to be extended are:

<b>Permitted Use Class</b>	<b>Limitations</b>
B1a (office)	Up to 30,000 sq m
B1b (Research & development) and B1c (light industry)	Up to 40,000 sq m
B2 Industrial processes (other than B1c)	Up to 40,000 sq m
B8 (Storage and distribution)	Up to 20,000 sq m
Data centre only and no other use falling within Class B8	Up to 48,000 sq m
Battery storage and no other use falling within Class B8.	Up to 10,000 sq m
<b>Complementary land uses</b>	
A1 retail A3 Food and Drink (restaurants and cafes) A4 Drinking establishments A5 Hot food takeaways D1 Non-residential institutions D2 Assembly and leisure	Up to 7,000 sq m.  Up to 550 sq m per planning unit.

A LDO will make it easier and quicker for new companies to innovate, grow and adapt to changing market opportunities and for developers who bring the enabling capital investment online to support and encourage this process.

The draft LDO sets out parameters and business uses for new development and responds or mitigates impacts identified through evidence studies. Planning conditions can be secured through the LDO. Design guidance to ensure high quality development for the site has been produced to support the LDO

The Didcot Garden Town indicates this site has potential for mixed use development and high-tech job growth. If granted, the council would monitor effectiveness of the LDO and charge for the pre-development notification.

Section 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that where a local planning authority propose to make a Local Development Order they must first prepare:

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

This authority has prepared a draft LDO and this includes the statement of reasons for making the Order as follows:

- Land at Hill Farm, identified as ‘the LDO area’, was included as one of a cluster of sites in the Didcot area forming the Didcot Growth Accelerator Enterprise Zone (known as “EZ2”). Enterprise Zones are designated by government to promote private sector business by removing barriers to investment through initiatives such as simplified planning controls.
- The LDO area is not subject to any environmental designations. There are no listed buildings or other heritage assets within the area.
- To support EZ2, the Local Planning Authority, has prepared a local development order (LDO) to set out the development parameters for the LDO area. The purpose is to give the private sector greater certainty about the development opportunity here, by removing the need for planning permission for a prescribed range of land uses and amount of development.
- Development of this unallocated site on the edge of Didcot for employment uses (including B1, B2 and B8) is supported by policy CP28 of the The Vale of White Horse New Local Plan 2031 Part 1.
- The LDO has been prepared in partnership with the lead developer, Reef Estates. Through this public/private sector collaboration, the objective is to create a successful business environment, where enterprise can thrive and quickly adapt to changing market conditions. The LDO, which includes design guidance, will help to achieve a strong sense of place and well-integrated extension to the town of Didcot.
- There is a strong focus on employment generating uses. The creation of a range of employment opportunities, including highly-skilled jobs, is a key priority for the Vale of White Horse District Council and South Oxfordshire District Council, who are working in partnership to support the Didcot Garden Town initiative.
- Didcot was awarded Garden Town status by the Government in December 2015. This followed a successful bid, prepared by South Oxfordshire and Vale of White Horse District Councils in partnership with Oxfordshire County Council and the Oxfordshire Local Enterprise Partnership.

	<ul style="list-style-type: none"> <li>• Being a Garden Town will fast-track the transformation of Didcot into a more attractive centre for employment and an invigorating place to live.</li> <li>• The D-Tech LDO has been adopted to promote development of the LDO area as part of this vision for major growth of the town.</li> </ul> <p>The local planning authority is also required by section 38 to consult on the Order with the consultation period to be not less than 28 days (we are proposing 6-weeks).</p>			
<b>Alternative options rejected</b>	An alternative is that each building and land use is subject to separate applications for planning permission.			
<b>Legal implications</b>	Draft LDO has been considered by counsel (P Shadarevian, Cornerstone) and considered robust in terms of legality.			
<b>Financial implications</b>	Any studies required as evidence have been undertaken at the owner's expense. The administration cost for a LDO is covered within the planning budget			
<b>Other implications</b>	The business rates generated by new development can be reinvested back into the local community through, for example, infrastructure (roads/schools, etc.).			
<b>Background papers considered</b>	Draft LDO			
<b>Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?</b>	none			
<b>List consultees</b>		<b>Name</b>	<b>Outcome</b>	<b>Date</b>
	Ward councillors	Gervase Duffield	Asks for the draft LDO to be amended to ensure the ponds at the northern end of the site are excluded from the LDO; that they are retained, ideally given to the Parish Council and the LDO commits to no building on them. Without this change he is not prepared to agree that the draft LDO is consulted on	8/9/2017

			(telephone conversation between Cllr Duffield and Adrian Butler)	
	Legal	Ian Price	No objection	8/9/2017
	Finance	Paul Sheppard	No objection	8/9/2017
	Human resources	David Fairall	No comments received	
	Sustainability	Heather Saunders	No objection. Would like to be consulted on the LDO (conversation between heather and Adrian Butler)	6/9/2017
	Diversity and equality	Cheryl Reed	No objection. There do not appear to be any associated equality implications	7/9/2017
	Communications	Gavin Walton	No comments received	
	Chief Executive	Andrew Down	No objection	7/9/2017
<b>Confidential decision?</b> If so, under which exempt category?	No			
<b>Call-in waived by Scrutiny Committee chairman?</b>				
<b>Cabinet member's signature</b> To confirm the decision as set out in this notice.	Signature __Councillor Roger Cox_____			
	Date _____26 September 2017_____			

**ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY**

For Democratic Services office use only		
Form received	Date: 26 September 2017	Time: 13:55
Date published to all councillors	Date: 26 September 2017	
Call-in deadline	Not applicable	

## Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.  
Tel. 01235 422520 or extension 22520.  
Email: [democratic.services@southandvale.gov.uk](mailto:democratic.services@southandvale.gov.uk)
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
  - refer the decision back to the Cabinet portfolio holder for reconsideration or
  - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
  - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

## Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

**A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:**

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
  - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
  - Changes to the household waste collection policy (affects all households in the district)
  - Reviewing a housing strategy (could have a significant impact on residents in many wards)
  - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
  - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

**The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.**