

Cabinet Report



Report of Head of Planning

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To: CABINET

Date: 27 September 2024

Didcot Technology Park – Proposed Local Development Order

Recommendation

Cabinet is asked to recommend to Council that:

1. The Didcot Technology Park Local Development Order (LDO) (attached at Appendix 3 to this report), is adopted subject to completion of a legal agreement securing the elements referred to in paragraph 9.

Implications (further detail within the report)	Financial	Legal	Climate and Ecological	Equality and diversity
	Yes	Yes	Yes	Yes
Signing off officer	James Ticehurst	Pat Connell	Heather Saunders	Ruth Lewin-Leigh

Purpose of Report

1. To seek agreement from Cabinet to progress a Local Development Order (LDO) for Didcot Technology Park, as attached at Appendix 3, and for Cabinet to recommend Council adopts the LDO subject to completion of a legal agreement.

Corporate Objectives

2. The proposed LDO supports the Corporate Plan 2020 – 2024 objectives to tackle the climate emergency, building healthy communities and building stable finances.

Background

3. Section 61A of the Town and Country Planning Act 1990 allows a local planning authority to make a LDO with the procedure for production and adoption of a LDO governed by Schedule 4A of the Town and Country Planning Act 1990 and Article 38 of Part 8 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
4. A LDO is intended as an Order that will grant planning permission for specific types of development (in this case employment generating uses), and within a defined area (the defined area is shown at Appendix 1). It also sets parameters for development, including use, size of buildings and design, and associated infrastructure, including roads and landscaping. A LDO streamlines the planning process by removing the need for developers to make a planning application provided the development is within the parameters set by the LDO, and therefore, it can bring forward development more quickly. By way of example the existing LDO for Milton Park has been recognised as being extremely successful in bringing forward developments in an attractive environment.
5. The draft LDO for the proposed Didcot Technology Park lies in the Didcot Growth Accelerator Enterprise Zone and within the Didcot Garden Town Master Plan area where it is identified as a potential employment site (Didcot Garden Town Delivery Plan) that will help to generate some of the 20,000 new jobs in the area by 2031.
6. The relevant Cabinet member considered and agreed to public consultation in 2022 regarding the draft Order. Responses to the consultation are attached at Appendix 2 and the draft LDO has been further refined to address comments received and to promote active travel measures, including a requirement for the provision of cycle parking close to entrances of buildings.
7. A copy of the LDO and its appendices is at Appendix 3. If adopted the LDO will permit the following:
 - Up to 115,000 sq. m of commercial floor space to comprise a mix of any of the following uses:
 - Use Class B2 (general industrial) – up to 5,000 sq. m (of which 500 sq. m is for a waste management facility)
 - Class B8 (Data centre only)– up to 110,000 sq. m
 - Class B8 (Battery storage only) – up to 20,000 sq. m
 - Building heights between 9m and up to 21m tall excluding chimney or flue plant which is limited to 3m above the identified building height.
 - The LDO will expire on 1 January 2042 matching the 25-year period of the Didcot Growth Accelerator Enterprise Zone.
 - The LDO is to be reviewed every five years and in accordance with section 61A of the Town and Country Planning Act, the council could seek to revoke the LDO at any time.
8. The LDO is also supported by a statement of reasons (appendix D of the attached LDO), which assesses the LDO proposals against the adopted Development Plan policies and other material planning considerations. The LDO is considered

Development Plan compliant. It is considered that subject to securing a legal agreement under section 106 of the Town and Country Planning Act 1990 and the imposition of planning conditions (the conditions are in Table C starting on page 8 of the attached LDO), the LDO can be made Development Plan compliant.

9. A section 106 agreement will secure highway mitigation seeking to minimise traffic congestion on the local network, encourage sustainable travel by public transport, walking and cycling as follows:
 - Provide land to enable HIF scheme (Didcot River crossing) to be constructed.
 - Utility easements/provisions. Provision for service media ducts and services to be provided under the Culham – Didcot Link Road to connect the east and west LDO development zones.
 - Make provision for FCC / Hanson and Oxfordshire County Council to achieve unfettered access to land north of the LDO site via a haul road, the alignment of which is to be agreed and any land required for haul road temporary access onto A4130.
 - Dedicate land for a future pedestrian / cycle bridge over the railway, in the eastern parcel of the site.
 - Delivery of an adoptable cycle and pedestrian route to the railway bridge land dedication.
 - Pedestrian and Cycle improvements. The development site is to deliver a new cycle, pedestrian, and bridleway route from Sustrans NCN5 through the Pocket park and connect to the Culham – Didcot Link Road (as located at the northern edge of the western land parcel), and a cycle and pedestrian route from the above route in Pocket park to connect to the cycle path on the A4130 (as located at the western edge of the western land parcel) with associated tie-in works.
 - Financial contribution towards the HIF1 road and bridges scheme – £473,442,27.
 - Financial contribution towards public transport service improvements - £162,348.88.
 - Financial contribution towards public transport infrastructure such as bus stops and real time information - £61,316.68.
 - Travel plan monitoring fee - £3,265.
 - No compensation payable should the LDO be revoked.
10. The legal undertaking obligations will be transferred to any other landowner should land in the LDO area be sold.
11. It is considered to accord with planning policies of the Vale of White Horse Local Plan 2031 Part 1 and 2. In turn the proposal is considered to meet strategic objective 3 of the Local Plan in directing growth to a sustainable location being at the edge of Didcot, close to existing housing and with public transport, cycling and walking opportunities being available presently and being enhanced through public transport access to the site and proposed cycling and walking links to the west to an existing SUSTRANS trail, to the east connecting to new housing at north-east Didcot and providing a north/south cycle/footway linking to Didcot and to Culham Science Centre should the HIF1 road and bridges scheme be permitted.
12. In accordance with Local Plan Strategic Objectives SO5 and SO6, the proposal will support the district's economy and being on the border with South Oxfordshire District,

it will also support South Oxfordshire's economy too. Being part of the Science Vale and part of the Didcot Growth Accelerator Enterprise Zone, the proposal will support the continued development of Science Vale as an internationally significant centre for innovation and science-based research and business.

13. The accessible location of the site, active travel measures required to support this proposal, measures to reduce the development's carbon footprint, employment opportunities, investment in the economy and finance available from business rates that will be retained and can be reinvested in the local area.
14. It will also support Didcot Garden Town and its principles.
15. A screening opinion has been undertaken by the council to determine if the LDO requires an Environmental Impact Assessment (EIA). This opinioned that the proposal is not EIA development (application reference P21/V0420/SCR).

Options

16. Options available to Cabinet are:
 - a) To recommend to Council that the LDO is adopted;
 - b) To recommend to Council that the LDO is not adopted for reasons to be specified by Cabinet;
 - c) That a decision on adopting the LDO is deferred whilst officers seek specific amendments to the LDO which Cabinet considers necessary to make it acceptable.

Financial Implications

17. Planning officer time is being spent on the drafting of the LDO and associated evidence studies and a planning barrister has been funded by the LDO promoter. The formal process of adoption (adverts) can be accommodated within the planning budget.
18. If adopted, the LDO will require pre-notification of developments proposed that accord with the LDO to be submitted, considered, and determined by the council as local planning authority. Such submissions will need to be accompanied by a fee which will cover officer time in considering and determining a submission. This fee is set at £585.96 in the draft LDO. Nationally set fees for other applications, such as discharge of planning conditions will still apply.
19. Development in the Enterprise Zone will generate business rates growth income that will be retained and can be reinvested in the local area.

Legal Implications

20. A planning barrister has assisted officers with the preparation of the LDO. Their view is the draft LDO generally satisfies the legislative requirements for LDOs.
21. A legal agreement under section 106 of the Town and Country Planning Act 1990 will need to be secured prior to any adoption of the LDO. This council's and OCC legal teams will need to draft the agreement. This council's and Oxfordshire County Council

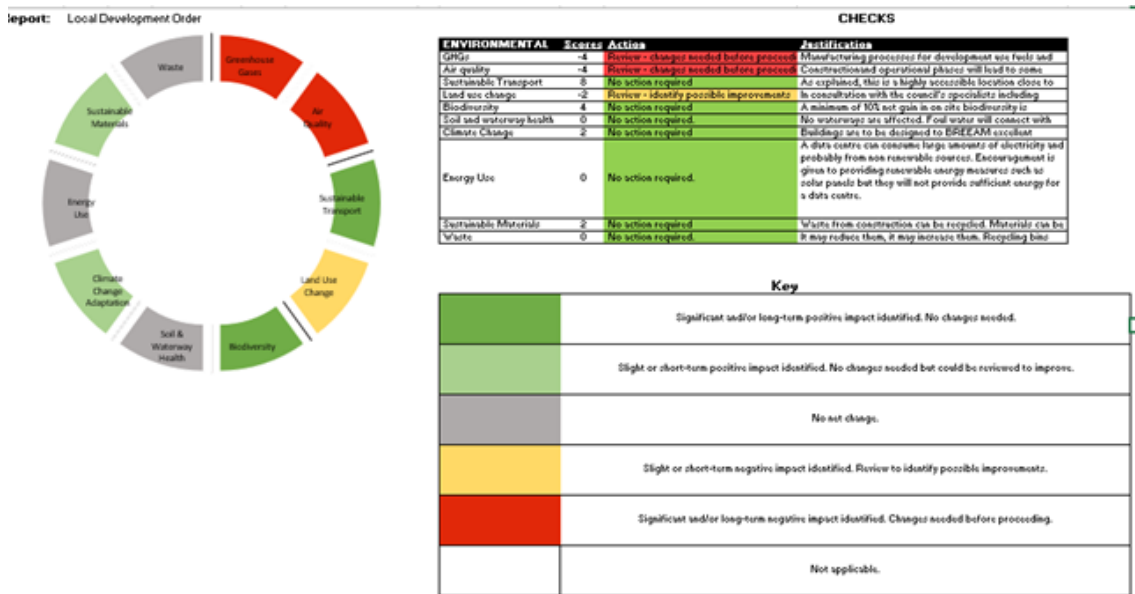
legal teams are instructed to draft the agreement which will include the Heads of Terms listed at paragraph 9 above.

22. This council's legal costs will be paid by the LDO promoter (Reef Estates).

Climate and ecological impact implications

23. The council's climate impact assessment tool has been used and indicates, as shown in the pie chart below, some significant/long term negative impacts relating to greenhouse gas emissions and air quality.

24. This is generated by the uses proposed and loss of a predominantly greenfield site to built development. Measures to reduce these impacts have been incorporated into the scheme including enhancing cycling, walking and public transport connections into Didcot and its associated existing and proposed housing and employment sites. The data centre and battery storage use would reduce journeys by car and goods vehicles compared to other class B8 uses (storage and distribution) and measures are included in the LDO to reduce the carbon footprint of the development as explained at paragraph 2 above and on pages 19 and 20 of appendix B (the Design Guidance) of the LDO. The increase in greenhouse gas emissions and air pollution could only be resolved by not proceeding with the LDO.



25. Core policy 40 of the Local Plan 2031 Part 1 encourages developers to incorporate climate change adaptation and design measures to combat the effects of changing weather patterns in all new development, which the LDO design guidance seeks to achieve through conditions.

26. Condition B17 requires BREEAM excellent standards to be met in accordance with the council's Joint Design Guide. Conditions B18 and B19 require an Energy Strategy and Sustainability Statement setting out full details of the approach to energy efficiency and renewable energy strategies to deliver savings on regulated energy use to achieve a 25 percent improvement over the Building Regulations Part L 2013 Target Emission Rate. The 25 percent improvement will be secured through renewable energy and other low carbon technologies and/or energy efficiency measures in the scheme and a

feasibility study into Low or Zero Carbon Technologies to assess the most appropriate technology for the development.

27. Such measures to be considered, include but are not limited to:

- Air Source heat pumps
- Ground Source heat pumps
- Photovoltaics (PV) Panels
- Wind Turbines
- Solar Thermal
- Biomass Heating
- Excess heat supply for reuse on or off-site district heating (data centres).

28. The proposal is considered compliant with core policy 40 and the council's Joint Design Guide 2022.

29. Green spaces are to be provided on site and the planning conditions require a minimum 10% net gain in biodiversity.

30. The Climate Action team consider that the climate and biodiversity implications of the proposed LDO have been addressed appropriately and that any decision to grant the LDO goes as far as is possible given the current Local Plan Policies, building regulations and national policies.

31. It is important to recognise that policy compliance is with the current adopted development plans. Currently the JLP has limited weight for planning decision making at this stage. As and when the new plan is adopted, any new policies that include more exacting climate requirements as well as Biodiversity Net Gain more than the current 10% national requirement can be applied through the LDO review process, set out in section 3 of the LDO, and scheduled to take place once every five years.

Equalities Implications

32. This site is largely open land in agricultural use and with no public access beyond an existing public right of way (Bridleway) that is to be retained. The LDO has been subject to an equalities impact screening assessment with the LDO updated to secure six percent of car parking for disabled persons parking spaces instead of five percent. With this addition, no unacceptable impacts have been identified.

33. The proposed LDO does not affect any group by way of age, disability, sex, race, religion or belief, gender reassignment, pregnancy and maternity, sexual orientation or marriage and civil partnership. The LDO can make provision for disabled persons parking as part of the parking facilities associated with development and buildings will need to be designed in accordance with Building Regulations which is a separate process outside the LDO and Planning Legislation. The LDO will not restrict any person or group from seeking to develop the land or occupying buildings or employment at the site. These decisions are not within the council's control.

34. The Equalities and Wellbeing advisor has confirmed the equalities impact assessment conducted in 2022 remains relevant and is pleased to see that its recommendations have been incorporated, and that the proposal does not appear to have any direct equalities implications.

Risks

35. The following will be used to minimise the risk of inappropriate development or development that is not permitted taking place:

- The use of conditions and restrictions to ensure development is appropriate.
- A requirement that the council is pre-notified of any development permitted by the LDO.
- Ongoing monitoring and review of the effectiveness of the LDO.

36. The Town and Country Planning Act 1990 contains provisions for compensation to be paid by a local authority if permitted development rights in a local development order are withdrawn or amended. However, the scheme of the legislation and of the proposed LDO mean that any risk of such liability on the part of the council is very low and will be limited further by the terms of a S106 legal agreement.

37. The formal consultation process has resulted in several responses, some expressing concerns about the proposed LDO. Officers are confident that these concerns have been addressed without the need for significant amendments to the LDO.

Other Implications

38. A LDO for this site will help to create a range of new jobs and will therefore provide opportunities for everyone in our community. New buildings will still need to meet the requirements of the Building Regulations and other legislation outside the planning remit.

Timescale

39. Final LDO to Council for adoption (target 23 October 2024)

40. SoS notification no later than 28 days after the adoption of the Order.

Conclusion

41. It is recommended that Cabinet supports the LDO proceeding to Council and that Cabinet recommend Council resolves to adopt the LDO as attached at Appendix 3, subject to completion of a legal agreement securing the elements referred to in paragraph 9.

Appendix 1 – Site Location Plan

See separate attachment.

Appendix 2 – Summary of Consultee Responses

See separate attachment.

Appendix 3 – Local Development Order and its Appendices

See separate attachment.