

# Cabinet Report



Report of Strategic Director (Anna Robinson)

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To: CABINET

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## **Science Vale UK – Enterprise Zone Implementation – Milton Park Local Development Order (LDO)**

### **Recommendations**

The Cabinet is asked to approve that:

- (a) a statutory public consultation on the draft Local Development Order for Milton Park (attached at Appendix 1) is undertaken;
- (b) delegated authority is given to the strategic director to approve the final format of the consultation papers, including the draft Order and statement of reasons.

### **Purpose of report**

1. To seek Cabinet approval for consultation on a proposed Local Development Order for Milton Park. A Local Development Order (LDO) is an Order created by a local planning authority, through which permitted development rights (additional to those granted nationally by Government), are granted to certain types of development within a defined area. An LDO for Milton Park would help to provide a less restrictive planning regime for businesses within, and locating to Milton Park and act as a stimulus for sites within Milton Park that have been granted Enterprise Zone status by Government, in order to encourage economic growth and the creation of new jobs.
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## **Strategic objectives**

2. The proposed LDO contributes to the Vale of White Horse District Council's strategic objective of supporting a vibrant local economy and the objective to promote Science Vale UK as a world leading area for science and technology.

## **Background**

3. On 17 August 2011 Government announced that the Oxfordshire Local Enterprise Partnership (LEP) bid for a Science Vale UK Enterprise Zone covering sites at Harwell Oxford and Milton Park had been successful. The bid was prepared by the Science Vale UK Partnership. The council is a leading member of the partnership.
4. A select number of Enterprise Zones have been created around the country. They are designed to stimulate private sector economic growth by reducing the amount of regulation and taxes for businesses, to encourage significant new inward investment, maximise job creation and help the UK to be one of the best places in the world to do business.
5. An important part of creating successful Enterprise Zones is simplifying the planning controls. Government wants local planning authorities to make greater use of Local Development Orders (LDOs) to achieve this. LDOs extend the permitted development rights; meaning that certain developments can take place without the need for express planning permission, potentially saving many months of delay and significant costs to businesses. An LDO will also make it easier and quicker for existing and new companies to innovate, grow and adapt to changing market opportunities.
6. Government is allowing all the business rates growth that is generated by development in the Enterprise Zone, over a period of 25 years to be retained and reinvested in the local area. Officers estimate that this benefit could be worth up to £10.5m a year by 2020.
7. The council has been working with MEPC (the owner and operator of Milton Park) to put in place an LDO at Milton Park as part of the Science Vale UK Enterprise Zone initiative. It is likely that there will also be an LDO at Harwell Oxford. However Harwell Oxford has expressed satisfaction with the fast track planning application protocol and to date has not been progressing LDO discussions.

## **The Milton Park Local Development Order**

8. The detail of the proposed LDO is included within Appendix 1 of this report. However, some of the key elements of the LDO are as follows:
  9. It is proposed that the LDO will cover the whole of Milton Park. However the Park is zoned, to distinguish between the main Park, sites to the south of the railway line, sites near to residential areas and the undeveloped area to the north, known as Kelaart's Field.
  10. The LDO will grant permission for the development of land within Milton Park, including the construction of new buildings (within specified parameters). It will also specify the uses that will be permitted within each zone.
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11. Planning conditions are determined for the entire LDO area with specific conditions for each zone (where necessary). Conditions of the LDO may require further details to be submitted and approved by the local authority but will ensure light-touch planning control; unless the development extends beyond the agreed parameters set out in the LDO, in which case a planning application would be required.
12. The LDO includes design guidance in order to maintain the high quality design of Milton Park and to protect and enhance the landscape character. The LDO also includes a Tree Management Framework.
13. The LDO sets out the approach to legal agreements, to reduce uncertainty and avoid delay associated with negotiations over developer contributions. The legal agreements will not be part of the LDO but must be in place before the LDO is adopted as they will commence when the LDO comes into effect.
14. A planning application will be required as normal for any proposals not falling within the scope of the adopted LDO. These applications would be dealt with under the terms of the fast track planning application protocol agreed by the council and Oxfordshire County Council.
15. Extant planning permissions are not superseded by the LDO. Unimplemented extant permissions are rolled forward into development permitted by the LDO, for the lifetime of the LDO, lapsing only on cessation of the Order. Conditions and obligations for unimplemented planning permissions are also rolled forward for the lifetime of the LDO, avoiding 'double-counting'.
16. Total development within the LDO area must not exceed 370,000 square metres. Milton Park currently has just under 260,000 square metres of employment and other floor space and there is existing permission for another 56,000 square metres.
17. It is proposed that the LDO is time limited to a 15 year term, which will reflect the term of business leases and gives long-term security for investors. The council has to report to Government on an annual basis on the extent to which the LDO is achieving its purpose. There are powers within the statutory framework for a council to review, amend or revoke an LDO at any time before the end of its term.
18. A screening exercise has been undertaken by the council to determine if the LDO requires an Environmental Impact Assessment (EIA). MEPC Milton Park's planning consultants (Terence O'Rourke) have submitted a screening report to the council. The report sets out the proposed development parameters, the quantum of development (extant permissions plus proposed development) to be covered by the LDO, and summarises the various technical studies which have been carried out. The head of planning has determined that an EIA is not required and has given a screening opinion to that effect.
19. A planning barrister has assisted officers with the preparation of the draft LDO for public consultation.

## **Process for making an LDO**

20. The procedure for production and adoption of LDOs is governed by Schedule 4A of the Town and Country Planning Act 1990 and Part 6, Regulation 34 of The Town and
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Country Planning (Development Management Procedure) (England) Order 2010 (DMPO 2010). Regulation 34 requires that where a local planning authority proposes to make an LDO it shall first prepare a draft of the Order and a statement of its reasons for making the Order. The Statement of Reasons must contain a description of the developments the LDO would permit, and a plan/statement identifying the land to which the Order relates. The document attached at Appendix 1 is the consultation draft that contains the Statement of Reasons and a site plan of the Milton Park LDO area.

21. The council is required to consult on the proposals with those persons whose interests they consider would be affected by the Order and with anybody who they would have been required to consult for an application for planning permission for the development in question. The consultation must be for a period of not less than 28 days.
22. Following the close of the consultation period the council must take account of all representations received and consider what modifications should be made to the draft LDO before it is adopted. Once the council has complied with the publication and consultation requirements and adopted the LDO, a copy of the adopted LDO and Statement of Reasons, including any modifications to either as a result of consultation, must be sent to the Secretary of State for Communities and Local Government who has a 21 day call-in period.
23. The indicative timetable for the implementation of the LDO is as follows:
  - On 5 October 2012 the Cabinet considers the report about consultation on an LDO for Milton Park.
  - If the report is approved at Cabinet, public consultation on the LDO starts for not less than 28 days. The proposed consultation period is 22 October 2012 to 20 November 2012.
  - Following the end of consultation, officers consider any representations received and report to Cabinet on 7 December 2012. If a decision is taken to adopt the LDO (with or without modification) full Council would be requested to adopt the LDO on 12 December.
  - The council would then refer the LDO to the Secretary of State and assuming no further intervention from the Secretary of State, after 21 days it comes into effect.

## Options

24. The following alternative options to a LDO for Milton Park, with a 15 year term have been considered:
    - i) Not to proceed with an LDO for Milton Park – Government has made Enterprise Zone status conditional upon putting in place a genuinely simplified approach to planning. Without an LDO businesses that could create economic growth, business rates growth income and new jobs at Milton Park will not have the certainty that their development plans will be approved.
    - ii) To proceed with LDO for Milton Park with a shorter term than 15 years – businesses that could create economic growth, business rates growth and new jobs at Milton Park will not have the long term certainty that their development plans will be approved. A 15 year term reflects the term of business leases and gives long-term security for investors.
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## **Financial Implications**

25. The implementation of an LDO would mean that the Council will forego the associated planning fees for the development permitted by the LDO. This could be in the order of £150,000 over a fifteen year period. However a reduction in the number of applications received will result in a saving of officer time. MEPC Milton Park is paying all the costs associated with the preparation of the LDO. Fees for applications to discharge planning conditions will still apply.
26. Development in the Enterprise Zone will generate business rates growth income that will be retained and reinvested in the local area over a period of 25 years. Officers estimate that this benefit could be worth up to £10.5m a year by 2020.

## **Legal Implications**

27. The procedure for production and adoption of a Local Development Order is governed by Part 6, Regulation 34 of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO 2010).

## **Risks**

28. 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

## **Other implications**

29. It is not considered that the proposed LDO will have any negative impact on equality. An LDO for Milton Park will help to create a wide range of new jobs and will therefore provide opportunities for everyone in our community.

## **Conclusion**

30. The Milton Park Local Development Order would help to provide a less restrictive planning regime for businesses within, and locating to Milton Park and act as a stimulus for sites within Milton Park that have been granted Enterprise Zone status by Government . The Cabinet is requested to approve consultation upon a Local Development Order for Milton Park, the current draft of which is attached at Appendix 1.

## **Background Papers**

- Proposed Milton Park LDO adoption programme
  - Environmental Impact Assessment Screening Opinion
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