

# 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 2012 (LDO)**

### **Recommendation(s)**

Cabinet is asked to recommend to Council that:

The Milton Park Local Development Order 2012 (attached at Appendix 1 to this report), be adopted; subject to confirmation that the Secretary of State does not wish to intervene.

### **Purpose of paper**

1. To report the results of the public consultation on the draft Local Development Order, and to ask the Cabinet to recommend to Council that the Milton Park Local Development Order 2012 (attached at Appendix 1 to this report), be adopted; subject to confirmation that the Secretary of State does not wish to intervene.

### **Corporate objectives**

2. The Local Development Order contributes to the Vale of White Horse District Council's strategic objective of supporting a vibrant local economy and the
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objective to promote Science Vale UK (SVUK) 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. The Government wants to see local planning authorities making greater use of Local Development Orders (LDOs) to achieve this. LDOs extend permitted development rights; meaning that certain development can take place without the need for 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) and Terence O'Rourke (planning consultants) to put in place a Local Development Order (LDO) at Milton Park as part of the Science Vale UK Enterprise Zone initiative.

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

8. It is proposed that the LDO will cover the whole of Milton Park. However the Park is to be 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.
  9. The LDO will grant planning permission for the development of land in the LDO area, including the construction of new buildings, within specified parameters. It will also specify the uses that will be permitted within each zone.
  10. Planning conditions will be imposed on the whole LDO area, with additional conditions in some of the zones. Conditions of the LDO may require further details to be submitted and approved by the local authority, but will ensure light-
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touch planning control for developments coming within the agreed parameters. If a proposed development extends beyond the parameters set out in the LDO, a planning application will be required.

11. 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.
  12. There are two legal agreements that will not be part of the LDO but will be in place before the LDO is adopted so they will come into effect when the LDO is adopted.
  13. Developer contributions for local highway improvements will be secured by means of a legal agreement with Oxfordshire County Council. It should be noted that some developer contributions already agreed, will be rolled forward from existing legal agreements attached to consented, but as yet unimplemented, development at Milton Park.
  14. A legal agreement between MEPC and the council means that the very low risk that compensation is paid under the terms of the Town and Country Planning Act 1990, if permitted development rights in a local development order are withdrawn or amended has been further limited.
  15. A planning application will be required as normal for any proposals not falling within the parameters 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.
  16. There are a number of extant planning consents within the area covered by the LDO. The LDO neither supersedes nor extends those consents. Should consented development not proceed within the requisite approval period, the relevant consent will lapse and any subsequent development proposed will be subject to the terms of the LDO or must be subject to a new planning application. Conversely should the LDO be revoked or withdrawn before expiry of any extant consent that approval will endure. Clearly any development undertaken on a consented site under terms of the LDO will supersede those approvals.
  17. The floor space of all development within the LDO area (i.e. existing buildings, extant but unimplemented permissions, and new permissions) must not exceed 370,000 square metres. Milton Park currently has around 250,000 square metres of employment and other floor space and there is extant permissions for another 56,000 square metres. The LDO, therefore, will enable an additional 54,000 square metres of floor space.
  18. 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.
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19. A screening exercise has been undertaken by the council to determine if the LDO requires an Environmental Impact Assessment (EIA). Various technical studies have been carried out, covering transport issues, ecological issues, heritage assets, flood risk, noise, lighting, air quality, landscape and visual impact, and foul drainage and utilities. As a result of the findings of these studies, the head of planning has given a screening opinion on behalf of the council to the effect that the proposed LDO is not EIA development.
20. A planning barrister has assisted officers with the preparation of the draft LDO for public consultation.

## **Process for making an LDO**

21. The procedure for production and adoption of LDOs is governed by Schedule 4A of the Town and Country Planning Act 1990 and Article 34 of Part 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO 2010). Article 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 final draft LDO that contains the Statement of Reasons and a site plan of the Milton Park LDO area.
22. 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.
23. 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 LDO before it is adopted. Once the council has complied with the publication and consultation requirements and has decided to adopt the LDO, a copy of the LDO to be adopted 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.
24. The indicative timetable to secure the LDO is as follows:
- Following approval by Cabinet of the draft LDO for consultation purposes on 5 October there was a 28 day public consultation period from 22 October to 20 November.
  - On 7 December officers report to Cabinet on the outcome of the consultation and present a final draft of the LDO. If a decision is taken to adopt the LDO (with or without modification) full Council will be requested to adopt the LDO on 12 December.
  - The council will 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.
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## **Outcome of the formal consultation**

25. The formal consultation ended on 20 November and was conducted in accordance with statutory requirements and a public notice was published in the local press on 18 October. A summary of the responses to the formal consultation with officer comments are attached at Appendix 2 to this report.
  26. Prior to the formal consultation, informal consultation had taken place with key stakeholders, including statutory consultees and residents. MEPC organised an informal public consultation event on 5 September and specifically invited residents of Milton and Sutton Courtenay and district, county and parish councillors. In support of the event 1,700 leaflets were printed and distributed within Milton Park and the surrounding residential areas by a private courier company..
  27. Those who attend the informal consultation event appreciated the opportunity to learn more about the purpose of the LDO and were generally supportive. Also as a result of the event, MEPC Milton Park has agreed to hold regular meetings with Milton and Sutton Courtenay parish councils and others, to share information about future development and other matters that might be of public interest.
  28. A total of 50 responses in writing to the formal consultation had been received by the date this report was issued. Of these, 14 were observations or general comments, 3 were in support and 33 responses were objecting to the LDO (either to details, or to the principle of an LDO), including one submission comprising a petition of objection with 123 signatures. Some of the individuals who submitted objections had also signed the petition
  29. All of the comments have been recorded and considered by officers. Appendix 2 identifies various issues that have been raised, and provides a response, noting where amendments to the proposed Order are recommended.
  30. It should be noted that a residents' meeting took place at Milton Manor tea rooms on Sunday 11 November 2012 to discuss the proposed LDO. The meeting was attended by the head of planning, and a further letter was sent on 16 November 2012 to those properties in Milton and Sutton Courtenay that were sent the original formal consultation notification letters. The further letter provided clarification on some of the points that residents had raised at the meeting.
  31. In particular, the letter confirmed that the LDO does not mean that developers will be able to operate outside of planning control. In preparing the LDO the council has considered a wide range of developments and uses, which could be located at Milton Park. These have been assessed as if subject to planning applications and, from that exercise, development parameters have been established for developments deemed acceptable in planning terms. It is only developments that fall within the parameters specified in the LDO that can proceed without further planning permission having to be granted. And those developments must comply with the conditions imposed on the LDO.
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32. In addition, before any development can take place pursuant to the LDO, the developer must inform the council of his intentions. The council will then confirm whether or not the proposed development complies with the terms of the order, or whether a planning application will need to be submitted. Development carried out not in accordance with the parameters and conditions of the LDO will be liable to enforcement action.
33. Concerns were also expressed at the meeting about increased traffic. The local highway authority Oxfordshire County Council (OCC) has been closely involved in the assessment of the LDO. The transport planning consultants used by OCC were commissioned on behalf of the council to prepare an assessment of transport issues; this demonstrates that the LDO will not significantly increase congestion. However, local mitigation in the form of improvements to the Milton Park / High Street junction (western end of Milton Park) and Milton Park / Milton Road / Sutton Courtenay Junction (eastern end of Milton Park) is required and will form part of a developers' obligation under a legal agreement with the county council. Strategic highway improvements needed to support and enable the proposed growth planned for the wider SVUK area is being progressed as part of the SVUK Infrastructure Strategy. That of relevance to the LDO is Milton Interchange, the Steventon signal controlled lights, and Manor Bridge and associated roundabouts. For the purpose of the transport assessment work it was assumed these were commitment schemes which would be delivered.
34. Residents expressed particular concern about development taking place on the site known as Kelaart's Field (area MP9). The letter explained that the northern part of Kelaart's Field has been excluded from development because of the presence of a Scheduled Ancient Monument, and only the southern part of the site is proposed to be developed with development not extending any further north than the existing northerly extent of Milton Park. This is shown on the plan that is part of the final draft of the Milton Park LDO (attached at Appendix 1 to this report).
35. Part of Kelaart's Field is within the Enterprise Zone but officers have considered the option of removing this site from the LDO. However they have noted that the concerns of residents are addressed by the LDO only permitting development on the southern part of the site and requiring a landscape fringe along the north and west edges of the developable area before any development can take place. A significant buffer of greenspace will remain between Milton Park and Sutton Courtenay village, with 5 hectares of a 26 hectare site being developable.
36. Officers have met with statutory consultees and their advice and formal consultation responses have been taken into account in preparing the proposed LDO.

## **Financial Implications**

37. 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
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Milton Park is paying all the costs associated with the preparation of the LDO. Fees for applications to discharge planning conditions will still apply.

38. 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**

39. 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**

40. 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
41. 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 legal undertaking being given to the council by MEPC.

## **Other implications**

42. 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**

43. The formal consultation has resulted in a number of 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 and, therefore the Cabinet is asked to recommend that Council adopts the LDO (attached at Appendix 1 to this report) on 12 December 2012; subject to confirmation that the Secretary of State does not wish to intervene.

## **Appendix**

1. Final draft of the Milton Park LDO 2012
  2. Responses to formal consultation
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