

Responses to formal consultation

1. Introduction

Following an informal consultation in September, formal public consultation on the proposed Milton Park LDO was held for the statutory 28-day period, between 20 October and 20 November 2012.

A total of 50 responses in writing 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.

All of the comments have been recorded and considered. The following report identifies various issues that have been raised, and provides a response, noting where amendments to the proposed Order are recommended.

2. Summary of the issues arising through public consultation

The following issues were raised through the consultation, and are given due consideration below (the numbering used does not have any relation to the significance of the issue):

1. Traffic, including impact of further development on the local and strategic road network and the proposed mitigation
2. Flooding, in respect of the Moor Ditch, surface water drainage and water efficiency and blue infrastructure
3. Protection of the ecology of Moor Ditch
4. Is there justification for expansion the business park northwards into area MP9, considering amenity for neighbouring properties, loss of greenfield land, loss of recreation space, archaeology and ecology impacts?
5. Justification of expansion of the park when there is capacity for growth within established boundaries and other brownfield opportunities locally
6. Procedures for prior notification of development
7. The cumulative impact of development with other development proposals in the local area

8. Environmental pollution – especially noise and light
9. Inclusion of uses not related to the Science Vale UK Enterprise Zone
10. Why the LDO does not cover the entire Science Vale UK Enterprise Zone areas?
11. Capacity of the electricity network
12. Conflict with local plan policy
13. Loss of planning control and opportunity for the community to comment on proposals
14. Inclusion of residential development
15. Compliance with other legislation
16. The adequacy of the consultation process.

3. Response to the consultation issues

The following table sets out a more detailed response to the issues raised through the formal consultation. Proposed changes to the LDO arising from the issues raised, are set out in the end column.

<i>Issue and response</i>	<i>Proposed change to LDO</i>
<p><i>1. Traffic, including impact of development on the local and strategic road network and the proposed mitigation</i></p> <p>Concerns were raised about the impact of extra development on the local and strategic highway network. Several objections related to further development exasperating existing traffic problems.</p> <p>Oxfordshire County Council (OCC) as local highway authority has been involved closely with the preparation of the LDO and has confirmed its support in writing. The transport-planning consultant used by OCC was commissioned on behalf of MEPC and the Vale. OCC's consultants prepared an assessment of transport issues and this concluded that immediate local impacts of development proposed through the LDO, can be mitigated adequately by means of key junction improvements and proposed measures & initiatives contained within an update of the Park's travel plan. The assessment demonstrated that although there are congestion issues in the area, the specific traffic impact of the development proposed within the LDO is not significant. .</p> <p>Delivery of the identified local highway improvements required will be secured by means of a legal agreement. 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.</p> <p>The Impact of the development, and other developments proposed in the locality on the</p>	<p><i>None.</i></p>

wider transport network, will be addressed through delivery of the proposed Science Vale UK (SVUK) Strategic Transport package. The traffic modelling undertaken to assess the LDO has assumed key pieces of the strategic infrastructure is in place

Business rates generated through the Enterprise Zone areas at Milton Park will be provided to the Local Enterprise Partnership for reinvestment locally, including within the SVUK Strategic Transport package.

In respect of the strategic highway network (primarily the A34), the Highways Agency (HA) has been consulted throughout the preparation of the Order. The scope and assumptions of the modelling work was agreed with the HA. Following the issuing of the transport impact assessment report the HA raised a variety of points and clarifications; these were responded to ahead of the LDO consultation.

The majority were dealt with satisfactorily, however, they clarified through the LDO consultation (by submission of a technical note) that they believe there are still a few outstanding issues for them that need to be addressed.

There are basically two outstanding concerns, technical queries relating to the modelling which can hopefully be addressed through further discussion, and the lack of direct mitigation measures proposed at Milton Interchange.

To support the planned growth across the SVUK identified in the emerging district local plans, significant improvements at Milton Interchange is required. The Science Vale UK (SVUK) Strategic Transport package proposes to include such a scheme. Therefore it does not seem effective or appropriate to progress with a smaller scale scheme (assuming there is one) ahead of the proposed large scale improvements.

There will be continued liaison with the HA to bottom out the outstanding technical queries and help to develop an appropriate scheme at Milton Interchange to satisfy the HA capacity

and operational concerns.

Comments have been made on the adequacy of the travel plan and how the objectives to reduce private car use will be achieved. Condition 8 of the LDO requires all development to contribute to these objectives. Section 5.3 of the LDO sets out powers for the Council to review, amend or revoke the Order if annual monitoring identifies planning issues, including the travel plan should it significantly fail to achieve its objectives. Ensuring the business park remains accessible, by various modes of transport, remains a priority for MEPC and is of significant importance to the commercial success of park.

An issue of on-street parking, with particular regard to problems in Milton High Street, has been raised, the suggestion being that on-street parking should be banned in the village.

Parameter 6 (Table A) requires all development permitted by the Order to comply with the Council's adopted parking standards. This safeguard will ensure that adequate off-street parking will be provided within the business park, avoiding pressure for on-street parking in the surrounding area. On street parking issues in Milton Village are not considered to relate to employees or visitors to Milton Park. The local highway authority (Oxfordshire County Council) has considered the consultation responses and comments that parking restrictions in the village are unlikely to be justified or effective.

Comments were also made about problems with HGV traffic travelling through local villages. Conditions 17 and 18 of the LDO will control the route used by all construction traffic. In addition a HGV routing plan for Milton Park exists and will be rolled forward and refreshed alongside the introduction of the LDO. It will be contained within the new legal agreement between OCC and MEPC (and its successors on title) and will identify suitable routes for HGV use. Routing HGVs through the villages will not be permitted.

<p>A comment was made about lack of firm proposals for improving cycle access to the park. The indicative spatial framework in the LDO design guidance (appendix 2) identifies the intention to open-up pedestrian and cycle access from the south via Black hill Lane tunnel (in separate ownership). The design guidance also identifies other opportunities for improving accessibility to the park by sustainable means, which could be delivered through development schemes. Finally, the Milton Park travel plan has been reviewed and updated alongside the LDO, including new targets to reduce private car use. Some comments queried how this travel plan will be enforced. The plan includes the requirement to monitor its effectiveness by collecting regular survey data and reporting on the results. MEPC continues to employ a travel plan coordinator.</p> <p>In terms of public transport access to the park, there was some praise for the provision of the private shuttle bus service, but other comments suggest that traffic congestion prohibits attractive bus services. There are public bus services serving Milton Park currently and OCC is preparing a bus strategy for the area, which will further consider the needs of the park and surrounding areas.</p> <p>It is therefore considered that the LDO has addressed transport issues appropriately.</p>	
<p>2. Flooding, in respect of Moor Ditch, surface water drainage, water efficiency and blue infrastructure</p> <p>Problems with recent flooding events in Pembroke Lane have been raised with suggestion that poor management of the Moor Ditch is the cause.</p> <p>A flood risk assessment has been prepared to inform the LDO. Condition 15 of the LDO requires a detailed strategy for surface water to be agreed by the local authority prior to development, and the use of sustainable drainage and attenuation where possible.</p>	<ol style="list-style-type: none"> 1. Add a new paragraph at section 2.5 to encourage high standards of water efficiency in new development wherever practical and viable. 2. Add a condition to the LDO reflecting the EA comments and the conclusion of the submitted Flood Risk

<p>MEPC has control of Moor Ditch only where its land ownership extends up to the watercourse. Through its ongoing liaison with the local communities, including the parish councils, MEPC is committed to assisting, where it can, to reduce any local flooding issues.</p> <p>The LDO makes provision for a management strip to be retained free from development alongside Moor Ditch that will be used to maintain the watercourse.</p> <p>The Environment Agency (EA) has commented that the LDO fails to promote water efficiency and recommends that specific standards for improving water efficiency in new buildings are prescribed through the order. Section 2.5 of the Order promotes sustainable development, but explains why it is not considered appropriate to set specific standards. However, it is considered that the LDO could be strengthened at section 2.5 to include specific reference to the importance of water efficiency.</p> <p>A condition regarding flood risk and management of surface run-off has been requested by the EA.</p> <p>The EA has also commented that blue infrastructure (rivers, ponds etc) should be recognised to have value in the landscape and that the LDO design guidance should state this.</p>	<p>Assessment.</p> <ol style="list-style-type: none"> 3. Condition 15 (Sustainable drainage systems) be amended to clarify that its purpose is also to protect controlled waters. 4. The LDO design guidance is amended at paragraph 1.6 to recognise the importance of 'blue' as well as 'green' infrastructure.
<p>3. Protection of the ecology of Moor Ditch</p> <p>Some objections include the perceived inadequacy of the protection of the ecological value of Moor Ditch, including by the Environment Agency (EA).</p> <p>Ecological surveys have been prepared to inform the LDO, and these have included examination of the Moor Ditch.</p>	<ol style="list-style-type: none"> 1. An informative has been added to the LDO, drawing attention to the requirement for written consent from the EA for development within 8 metres of a main watercourse.

<p>Parameter 5 of the LDO requires a 5 metre buffer to be retained around Moor Ditch for maintenance purposes when land adjoining the watercourse is developed or redeveloped. Retention of this strip as landscape should prove attractive to flora and fauna. Additionally, in response to the recommendations of the submitted ecology reports, the EA proposes the buffer to Moor Ditch be increased to 8 meters to provide further ecological value. While the suggestion is understood, it is considered inappropriate, to prescribe that all development within 8 metres of the watercourse should be excluded. Moor Ditch is now designated a 'main river' and any development proposals within 8 meters is subject to consultation with the EA under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981. Therefore only development, which safeguards the ecology of the watercourse is likely to be supported by the EA, but these could include landscape or other elements that enhance development proposals and the setting of the Moor Ditch.</p> <p>In addition and to respond to the ecology reports, condition 13 controls lighting adjacent to Moor Ditch to reduce light spillage affecting wildlife in and around the watercourse.</p>	
<p><i>4. Is there justification for expansion the business park northwards into MP9, considering amenity of neighbouring properties, loss of greenfield land, archaeology and ecology impacts?</i></p> <p>This issue attracted significant comment from the local community, including a petition of objection. It is important to clarify what the LDO does and does not allow with regard to expansion in the area defined as MP9 on the LDO area plan. Approximately half of 'Kelaarts Field' is included in the SVUK Enterprise Zone and it is this area that is included within MP9. The northern portion of the field, also owned by MEPC, is not included in the LDO area and is not proposed for development.</p> <p>A series of technical studies of the constraints to development identified that the only developable area within MP9 is the area identified as Zone D (the more southern portion of</p>	<p>1. Two additional conditions have been added to the LDO in response to comments made by English Heritage, requiring details of landscaping in the fringe area to be agreed in advance, and the location of any utilities in MP9 to be agreed in advance of development.</p>

<p>Kelaarts Field). Parameter 3 restricts development to this area and to no other part of Kelaarts Field. Development is excluded from the area of archaeological importance (the scheduled monument), which covers the northern part of MP9. English Heritage (EH) and OCC's archaeologist have been consulted throughout the drafting of the LDO. EH have formally requested some additional conditions. These amendments are considered to be appropriate.</p> <p>Development is also considered inappropriate north of Zone D because of the ecological interest (including semi-improved grassland and habitat for nesting birds). Natural England has been consulted but has not formally commented. The Council's ecologist has not raised any objection to the Order.</p> <p>The LDO requires a landscaped boundary to be implemented on the northern part of Zone D prior to development, and development in this area is restricted to a maximum of 12 metres height (Table A, parameter 2) to ensure an appropriate transition from the centre of the business park to this rural edge. This height restriction is appropriate to allow mature landscaping to screen development.</p> <p>Kelaarts Field, owned by MEPC, is approximately 26 hectares. Of this, only approximately 5 hectares is considered to be developable under the LDO. A significant portion of Kelaarts Field will, therefore, remain undeveloped, acting as a green buffer between Sutton Courtenay and Milton Park (a gap of over 300m will be retained between the park and the school boundary), and MEPC will continue to allow access to this private land for informal recreation.</p> <p>It is therefore not considered necessary to amend the LDO in respect of Zone D.</p>	
<p>5. Justification of expansion of the park when there is capacity for growth within established boundaries and other brownfield opportunities locally</p>	<p>None.</p>

Some comments suggest that extending into greenfield land is not justified as there is a large amount of vacant floorspace or development opportunity within the established boundaries, and other brownfield land in the local area.

According to MEPC, around 97% of existing floorspace at Milton Park is occupied. All of the cleared sites either have existing planning consents for development, or interest from developers. The areas identified for extending the park (MP5, MP8 and MP9) have all been included in the SVUK Enterprise Zone as they are considered important for ensuring there is appropriate choice available to the market to encourage business growth in the local economy. A key part of the success of Milton Park is the range of property available, allowing business to expand (and downsize) to meet its needs.

Each of these areas has been assessed in terms of the development constraints, and appropriate development parameters and conditions have been included in the Order to control their development. MP8 benefits from a planning consent for 20,327 sq m of B1 (Business) use. MP5 is identified in the local plan (saved policy TR10) for roadside uses, but is considered appropriate for employment uses (LDO paragraph 2.33).

Regarding other brownfield land, several comments mentioned the presumed availability of the power station site. Its availability for development is not confirmed and is an entirely separate ownership, and outside of the Enterprise Zone. Appropriate redevelopment of these other sites, should they become available, will be subject to separate planning applications and are likely to have their own planning policy in the Council's emerging core strategy.

6. Procedures for prior notification of development

OCC has requested that it is notified directly of proposals for development under the LDO.

1. The Pre-development notification form (LDO Appendix 4) is amended to

<p>While it will remain the responsibility of the District Council to respond to the notification within 10 working days to confirm whether or not the proposal is permitted by the Order, it is considered appropriate that OCC is notified at the same time so that it has the opportunity to comment, and for monitoring purposes.</p> <p>The request to require details of floorspace when giving prior notification of development is also considered to be appropriate.</p>	<p>require the extra details required to enable monitoring and to require the notification to be copied to Oxfordshire County Council.</p>
<p>7. The cumulative impact of development with other development proposals in the local area</p> <p>Several comments refer to the cumulative impact of development allowed by the LDO with other major development in the local area. Committed developments (those with permission) have been considered in assessing the proposed LDO. Other major development proposals near to the LDO area that may be subject to pre-application discussion cannot be considered at this stage. Should these developments come forward they will require planning consent and any cumulative impacts, including traffic and drainage, will be assessed formally at that time by way of a planning application.</p>	<p>None.</p>
<p>8. Environmental pollution – especially noise and light</p> <p>Objections have been raised relating to the perceived increase in noise and light pollution from development allowed by the LDO.</p> <p>To inform the LDO, technical assessments of noise, light and air quality were undertaken. From the results of these assessments, and where appropriate, specific conditions have been included in the Order requiring all development to comply with specified standards to ensure that local amenity is protected.</p>	<p>1. Condition 5 (Lighting) is amended to apply to all of Zone C and D as well as Zone B (adjacent Milton Village).</p>

<p>With regard to potential development in MP9 (Zone D), this will not introduce development any closer to the nearest properties in Sutton Courtenay than existing development within the park, which includes development along Sutton Courtenay Lane. Any development in this area will also be subject to the conditions of the LDO.</p> <p>In response to comments received, included those from Sutton Courtenay Parish Council, it is considered appropriate to apply the lighting condition to all of Zone C and also to Zone D in MP9. This means that lighting is controlled along the entire northern boundary of the park.</p>	
<p>9. Inclusion of uses not related to the Science Vale UK Enterprise Zone</p> <p>Some objections relate to the potential given by the proposed LDO to introduce uses not related to the objectives of the SVUK Enterprise Zone. As explained in the Statement of Reasons (section 2.4), the Order does allow for some other employment generating uses such as car sales and health care facilities. These uses are strictly controlled, however, in terms of both their appropriate location in the park and their size. This will ensure that should there be demand for these uses, they will not undermine the main objective to encourage growth in high-tech, science jobs. It is considered that a small element of these other uses could help the vitality and success of Milton Park, to broaden the range of employment opportunities, and allows flexibility for changes within the employment market.</p>	<p>None.</p>
<p>10. Why the LDO does not cover the entire Science Vale UK Enterprise Zone areas</p> <p>SVUK Enterprise Zone includes land at Harwell as well as at Milton Park. Harwell is in different ownership and contains different types of business and enterprise to those located at Milton Park; it also has differing development constraints that require separate assessment. It is considered appropriate that an LDO is prepared for Milton Park, given MEPC's strong support for it. A separate Order could be prepared for Harwell in due course should there be positive interest from the landowner and businesses situated there.</p>	<p>None.</p>

<p>11. Capacity of the electricity network</p> <p>Representations regarding the capacity of the electricity network serving Milton Park, and the potential requirement for upgrading, have been made by Scottish and Southern Energy (SSE). These comments have been noted and MEPC is aware of the capacity context.</p>	<p>None.</p>
<p>12. Conflict with local plan policy</p> <p>Planning regulations no longer require LDOs to accord with or implement adopted planning policy. However, in this case, the objectives of the LDO are in line with saved policy E5, and accord with many planning policies and principles adopted by the Council. Contrary to some of the comments received from third parties, there are no significant departures from policy, in particular:</p> <p>Policy NE9 - Lowland Vale Following consideration of the submitted Landscape and Visual Appraisal, the EIA screening opinion concludes that no significant landscape impact will result from future development in accordance with the parameters and conditions set out in the LDO.</p> <p>Policy NE10 - Urban Fringes and Countryside Gaps This policy is not relevant to any part of the proposed LDO.</p> <p>Policy NE11 - Areas of Landscape Enhancement New development permitted by the LDO will be required to be supported by appropriate landscape treatment, which will be designed to enhance the appearance of the area. Therefore, there is no conflict with policy NE11.</p> <p>Policies HE10 and HE11 - archaeology Development permitted by the LDO will not affect the scheduled ancient monument on part</p>	<p>None.</p>

<p>of MP9. As a result, English Heritage has raised no objection on this issue. Following consideration of the submitted Heritage Statement, the EIA screening opinion concludes there will be no significant impact on the built or archaeological environment. Therefore, there is no conflict with policies HE10 or HE11.</p>	
<p><i>13. Loss of planning control and opportunity for the community to comment on proposals</i></p> <p>Introducing an LDO at Milton Park will simplify the planning control to encourage economic growth, in accordance with government policy. The Department for Communities and Local Government (DCLG) is clear that local authorities should consider introducing LDOs to maximise the success of Enterprise Zones. LDOs are considered to be appropriate in situations, such as business parks, where the planning issues are well known and proposals are repetitive. In such circumstances planning issues can be addressed 'up front' rather than by individual application. The LDO has been prepared against a consideration of those development forms most likely to be promoted at the site.</p> <p>The proposed Milton Park LDO is supported by a full range of technical studies as would be required by any individual planning application at the site. These studies have informed the development parameters and development conditions included within the Order. Development will only be permitted, without recourse to a planning application, where the proposals are in compliance with these controls.</p> <p>The Council will monitor development within the LDO area annually. Should any unforeseen planning issues arise, or the objectives of the LDO are not being met, as stated in section 5.3, the Order can be reviewed, amended or revoked. Amendments to the Order would be subject to further public consultation in accordance with the regulations.</p> <p>Following feedback at the informal public consultation, MEPC is committed to expanding its</p>	<p><i>None.</i></p>

<p>liaison with the local community, including the parish councils. This would enable continued and improved communication of development activity, local monitoring, and provide an opportunity for local stakeholders to have a say in the detail of development.</p> <p>The consultation would allow the community to feedback on the enforcement of conditions imposed through the order, and will allow the planning authority to take action as appropriate.</p>	
<p>14. Inclusion of residential development</p> <p>Some comments relate to the inclusion of residential development within the LDO.</p> <p>Housing is expressly excluded from the LDO (see Table B). Proposals for dwellings within the LDO area would be subject to a planning application. The LDO design guidance (section 2.4) does however refer to an objective of ‘completing’ the village edge where Milton Park abuts residential properties in Pembroke Lane, and is included to promote good urban design. As proposed the LDO, would permit employment uses up to Pembroke Lane, but it is suggested that the community may prefer to see residential development in that specific area. If this proves to be the case, a housing proposal could be promoted, but it would have to be subject to separate planning consent.</p> <p>The LDO does allow for some health care use, should there be demand for it, and this could include a residential element. This use is specifically restricted in terms of its scale and location (Table B), as it is not supported by the adopted Local Plan. This use could help to support the vitality and success of the park by broadening the range of employment opportunities.</p>	<p>None.</p>
<p>15. Compliance with other legislation</p>	<p>None.</p>

<p>Comments by OCC include reference to compliance with other legislation. Section 2.8 of the LDO makes it clear that the Order does not negate the need to comply with all other relevant legislation.</p>	
<p>16. The adequacy of the consultation process</p> <p>There has been some public criticism of the consultation process. Preparation of LDOs involves compliance with strict regulations, including that required for community consultation. These regulations have been followed fully, including the statutory requirement for a 28day consultation period.</p> <p>In addition, in line with recommended best practice, an informal consultation was undertaken in September. Although this public event was widely publicised (including 1700 leaflets printed and distributed by courier in and around the business park and local area), the attendance was limited, although representatives of both Milton and Sutton Courtenay attended, as did some local residents. The feedback from this consultation has helped to inform the draft LDO. A statement of informal community consultation was published alongside the formal public consultation explaining how the informal event was publicised and organised.</p> <p>The Council is therefore confident that it has exceeded the statutory requirements for consultation in the preparation of this Order.</p>	<p>None.</p>

4. Other comments

<p>1. Land contamination</p> <p>The Environment Agency noted that condition 3 (Land contamination) should not apply to minor development that does not involving groundworks.</p>	<p>Condition 3 is amended to exclude minor works not involving groundworks.</p>
<p>2. Drainage</p> <p>The Council's drainage officer has requested an amendment to the conditions with the effect that drainage details are required to be submitted and agreed before development commences, rather than before occupation.</p>	<p>Amend condition 15 (sustainable drainage) to require drainage details to be agreed before development commences.</p>
<p>3. Land ownership</p> <p>In preparing the legal agreement, which will become effective on adoption of the LDO, MEPC notified the Council that one property, 177 Milton Park, is not in its ownership.</p>	<p>A footnote is added at paragraph 1.2.1 to clarify the ownership of 177 Milton Park.</p>