

Record of individual Cabinet member decision

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

Decision made by	Councillor Debby Hallett
Key decision?	No
Date of decision (same as date form signed)	17 August 2022
Name and job title of officer requesting the decision	Adrian Butler – Principal Major Applications Officer
Officer contact details	Tel: 07801 203 599 Email: adrian.butler@southandvale.gov.uk
Decision	To undertake a minimum 28 day period of public consultation on the draft revised Milton Park Local Development Order – Milton Park, Milton. Abingdon
Reasons for decision	<p>The Milton Park Local Development Order (LDO) was first established in 2012 and is effective for a 15-year period. 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. 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 and therefore, 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.</p> <p>Milton Park is an established and dynamic business park, with well-defined development parameters but with scope for intensification. Parts of the site are included in the Science Vale UK Enterprise Zones. It is a key employment area in the district allocated for employment generating uses by core policy 6 of the Local Plan with core policy 15 of the Local Plan identifying Milton Park as a strategic employment site to be safeguarded in line with core policy 29 of the Local Plan.</p>

Since it was made in 2012, the LDO has very successfully facilitated the regeneration of the business park, including 14 new or refurbished buildings representing over 50,000 sq m of new, modern, employment generating floorspace. The Park is home to over 250 businesses from start ups to major global players. These span a range of sectors but have a focus on science and technology. The LDO has provided a framework which has provided confidence to prospective investors in the Park and has led to a steady stream of investment in the Park's building and infrastructure.

The owner of Milton Park (MEPC) has produced a 2040 Vision which sets out a trajectory for Milton Park to continue and surpass its role as a global destination for science and technology research and development that draws on the leading academic institutions, global research companies. The 2040 Vision identifies an opportunity for further growth within the LDO area, through further regeneration initiatives and envisages that by 2040 Milton Park will be an innovation District with over 20,000 employees.

The current LDO is to be reviewed after a period of five-years from adoption although this did not occur until now. As part of the review, modifications to the development parameters in the existing LDO are proposed including:

- Increasing the floor space that can be permitted from 370,000 sq m to 390,000 sq m.
- Increased building heights from 16m to a maximum of 22.5m in two parts of the southern area of Milton Park with more widespread heights increasing to 18.5m although at sensitive edges in the north of Milton Park, heights are proposed to be reduced from 12m to 9m
- Some serviced accommodation (75 units), for persons employed at Milton Park on a temporary basis.
- Ancillary uses including small scale retail, healthcare and crèche facilities, recreational and fitness facilities, and road side uses which are permitted in the existing LDO but the amount of floorspace is proposed to increase from five percent to ten percent of the total floorspace (39,000 sq m).

Following a series of technical assessments and counsel review, a revised draft LDO has been produced. As part of the process moving forward towards adopting a revised LDO, formal public consultation needs to be undertaken in accordance with the requirements of section 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (see Appendix 4 and particularly s38(3)), and for a 28-day period as required by the aforementioned Order (s38(5)(b)). This will include written consultation with stakeholders including but not limited to local residents, local employment premises, relevant Parish and Town Councils, technical consultees, local councillors and local interest groups.

Undertaking a minimum 28 day period of public consultation on the draft revised Milton Park Local Development Order is therefore a statutory requirement and needs to be undertaken as part of the path potentially

	leading to the adoption of a revised LDO.
Alternative options rejected	The alternative to the LDO is the submission of individual planning applications for each new development proposal. This would be the fall-back position if a revised LDO is not adopted and upon expiry of the current adopted LDO.
Climate and ecological implications	<p>Proceeding to and undertaking the statutory formal public consultation process does not include any significant climate or ecological implications with communications undertaken electronically as much as possible.</p> <p>The draft revised LDO includes measures seeking to reduce the carbon foot print of development including sustainability measures encouraged in each development including each building achieving BREEAM excellent or above rating and a minimum target of securing a 25% improvement over the Building Regulations Part L 2013 Target Emission Rate. Measures that can be implemented in seeking to meet the above targets include but are not limited to:</p> <ul style="list-style-type: none"> • Building design prioritising built form and envelope sustainability (e.g. airtightness, insulation, ventilation) as well as considering modern methods of construction and low energy building services. • Providing innovative approaches to addressing climate change, for example provision of: <ul style="list-style-type: none"> ○ 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 • Solar orientation being used to guide the design of the building facades to maximise natural light into the buildings and reduce the energy required to cool the building. • The potential for roofs to include green and blue roof systems, biodiversity, renewable energy and amenity space. • Material selection should take account of embodied carbon in construction for all stages in the life cycle of the material. • Consideration being given to reuse of materials strategies for future development. New build projects should, where possible, source materials from the local area to reduce the demand for and impact of new building materials. • Encouraging sustainable modes of travel through a travel plan and including cycling by providing secure and covered cycle parking with a minimum 10% Ebike charging provision and each development plot to provide shower and changing facilities on site. • A minimum of 25% of all parking to each individual plot must have electric vehicle charging points <p>The draft LDO is supported by a suite of habitat and protected species surveys. Planning conditions seek to ensure a minimum 10% biodiversity net gain with this increasing in line with any relevant legislation introduced during the life of the LDO, sustainable drainage and landscaping.</p>

Legal implications	<p>A draft LDO has been considered by counsel and considered robust in terms of legality.</p> <p>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 will secure financial contributions towards off site highway and sustainable travel improvements in the locality, and prevent changes of use of buildings on site that could otherwise not need planning permission. This council's legal costs would be paid by MEPC.</p>			
Financial implications	<p>Studies required as evidence have been undertaken at the land owner's expense. The administration cost for a LDO is covered within the planning budget.</p>			
Other implications	<p>The business rates generated by new development can be reinvested back into the local community through, for example, infrastructure (roads/schools, etc.).</p>			
Background papers considered	<p>The draft LDO including its appendices and plans, and supporting technical assessments.</p>			
Declarations/ conflict of interest? Declaration of other councillor/ officer consulted by the Cabinet member?	<p>None</p>			
List consultees		Name	Outcome	Date
	Ward councillors – Drayton and Sutton Courtenay Wards	Councillors Cooke and Richard Webber	No comments received	
	Legal legal@southandvale.gov.uk		No comments received	
	Finance Finance@southandvale.gov.uk		No comments received	
	Human resources hadminandpayroll@southandvale.gov.uk	Georgie Morrison	No comments to add	16.8.22
	Climate and biodiversity climateaction@southandvale.gov.uk	Chloe Bunting	Support the progression of this ICMD and taking the draft revised LDO to consultation, with inclusion of the climate and biodiversity implications as detailed with the form.	15.8.22

	Diversity and equality equalities@southandvale.gov.uk		No comments received	
	Health and safety healthandsafety@southandvale.gov.uk		No comments received	
	Risk and insurance risk@southandvale.gov.uk	Allison Holliday	Consultation agreed	15.8.22
	Communications communications@southandvale.gov.uk		No comments received	
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	No			
Has this been discussed by Cabinet members?	No although officers have provided briefings to Councillors Hallett, Roberts and Thomas.			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	<div style="text-align: center;">  Signature _____ Date: 17 August 2022 </div>			

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

For Democratic Services office use only		
Form received	Date: 17 August 2022	Time: 15:15
Date published to all councillors	Date: 17 August 2022	
Call-in deadline	Not applicable as this is not a key decision.	

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 hand-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 2520.
Email: 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.