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# Greenham Business Park Local Development Order – Full Report

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<b>Committee considering report:</b>	Full Council on the 6 <sup>th</sup> December 2018.
<b>Portfolio Member:</b>	Councillor Hilary Cole.
<b>Date Portfolio Member agreed report:</b>	22 <sup>nd</sup> November 2018.
<b>Report Author:</b>	Michael Butler
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## 1. Background

### Local Development Orders

- 1.1 The National Planning Policy Framework (NPPF) in 2012 and the revised version in July of this year, has placed considerable emphasis on promoting employment development in the UK, in order to improve prosperity, and economic growth remains one of the key objectives of sustainable development set out in the NPPF. The NPPF of 2018 now actively encourages Local Planning Authorities to consider the adoption of Local Development Orders (LDOs) and Officers and Members have expressed support for the principle of using LDOs in order to support appropriate areas for economic development within the District. Greenham Business Park has been recognised as an opportunity for the Council to work with the Park's Management team to implement an LDO and provide some Planning certainty, beyond Planning Policy commitments, with regard to assumptions that can be made about future development at the site.
- 1.2 An LDO seeks to achieve a streamlined planning process whereby certain schemes will not require the submission of a full planning application. Instead of dealing with individual applications in a piecemeal way as they come forward, detailed consideration is given at an early stage, to the specific issues presented by the site itself and the type of development that it might accommodate. That assessment has regard to adopted local policy, the various social, economic and environmental impacts that stipulated development types might have, the physical consequences of that development and how any impacts can be avoided, controlled and mitigated. The results of that assessment will prescribe what types of development and use will be acceptable on a site, the quantum of that development, specific appropriate locations and other specific parameters (eg height and design).
- 1.3 Once those prescribed parameters are established, and importantly, conditions are established to control their implementation and use, they can be adopted by the Authority and relied on by land owners/developers to give certainty about land use and commercial expectations. That adoption is in the form of a Local Development Order.
- 1.4 With an LDO in place there is no need for a planning application to be made for development that is permitted by it and which complies with its set parameters and conditions. Instead, the developer has to submit a formally prescribed Notification to the Local Planning Authority (LPA) of the precise development proposed, in order

that the LPA can confirm that the proposal complies with the terms of the LDO. If confirmed, the development can progress as planned, however if compliance with the LDO is not confirmed, the developer would have to submit a normal Planning Application for that development which would be considered in the usual way.

### Greenham Business Park

- 1.3 Greenham Business Park [(GBP) is one of the key employment areas in the District. It lies immediately to the south of Greenham Common about 3 miles distant from Newbury Town Centre. It is accessed from the A339 via two roundabouts although there is pedestrian and cyclist access to the Common to the north. The Business Park was formerly the technical area for the USAAF airbase, which was occupied by the MOD until 1992. In 1997 the Greenham Common Trust purchased the airbase in a partnership with Newbury District Council. The Council now owns the Common which is open land for public recreation, whilst the airbase built up area has become the Business Park.
- 1.5 In 1994 Newbury District Council published a planning brief for the airbase as a whole. The purpose of this was to examine in detail the opportunities available at the airbase and beyond, in conjunction with the Defence Land agent, operating on behalf of the MOD at the time. The technical area was identified as Area “E”, where all development options were carefully considered, including housing on this brownfield site. Ultimately a principal employment use was agreed.
- 1.6 Relevant to the use and development of the site, the Council adopted a District Wide Local Plan for the period of 1991 to 2006. As part of that Development Plan, policy ECON6 sought to protect the airbase for the future in terms of employment land and opportunities for the public. This policy allowed for new business schemes subject to a range of considerations relating to harm to local amenity, transport impacts, restrictions on office development, comprehensive drainage, and restoration of the Common to the north. This policy was successful in the sense that it was the precursor to an outline planning permission being granted across the Technical area under application number 145585 in March 1997, for just under 154,000m<sup>2</sup> of B1, B2 and B8 development. In addition sports and leisure schemes, waste schemes, and a museum and day nursery were also permitted. Following on from this outline permission, a reserved matters permission was granted in December 2002 under reference 02/02048/resmaj, which covered external appearance, means of access, siting, design and landscaping. A range of new developments has been now built out on the Park following on from this, and that valid and extant planning permission covers the whole of GBP.
- 1.7 That outline permission was subject to a legal agreement which ensured substantial payments which would mitigate the impact of the development, primarily in transport terms. This involved in large part the construction and improvement of the two roundabouts accessing the Park from the A339. It also included the construction of a significant landscaped bund to the northern perimeter of the site to the Common, which is a Site of Special Scientific Interest (SSSI). This was essentially for containment and visual screening purposes. This bund is now almost 20 years old and is becoming increasingly effective in this screening, and has a valuable ecological function.
- 1.8 Since 1997, development of the Park has been ongoing, although it is estimated that only 40% of the approved space has actually been built out on the site,

equating to 64,300 sq M. Much of the remaining land is however put to some sort of commercial function such as open car storage, cafes, car repairs etc, which all provide employment but not in significant numbers. Recent development has resulted in the new exemplar building of Jaguar Rover at the main entrance, which now employs in excess of 100 staff, and there is a current application (number 18/02417/comind) for a new B2 (general industrial) unit for a Company already growing on the Park. This should be beneficial for the wider economy, particularly in providing a wide range of jobs.

- 1.9 When the Council adopted its Core Strategy in 2012, the Business Park was specifically highlighted under policy CS9. The Core Strategy notes that along with the Vodafone HQ and the AWE, the Park is a strategically important employment designation in the District.

### The LDO Process

- 1.10 In 2015 the Government published the Town and Country Planning (Development Management Procedure) (England) Order, of which Article 38, sets out the legislative background for the creation of an LDO and the procedure for adopting an LDO.
- 1.11 As with normal, large scale development proposals, at the outset the LPA is required to carry out a 'Screening' exercise to assess whether the extent of the proposals under consideration is such that it would be necessary to obtain and consider a formal Environmental Statement in terms of the Environmental Impact Assessment (EIA) Regulations 2017. This screening exercise was carried out and a conclusion reached that it was not necessary to produce a formal Environmental Statement. That decision was recorded on the Planning Register on 9<sup>th</sup> December 2016 and further assessment was made and recorded on 30<sup>th</sup> October 2018.
- 1.12 Whilst with regard to the EIA Regulations it was concluded that a formal Environmental Statement was not required, it is clear that social and environmental matters have to be considered carefully as part of this proposed LDO. GBP Trust therefore commissioned and provided a range of initial supporting studies which would inform the production of the LDO. The studies included a transport assessment, a heritage impact assessment, a landscape and visual appraisal, a lighting assessment, and a flood risk assessment. Also provided is a contaminated land assessment and a phase 1 and 2 ecological study. These are lengthy and comprehensive studies which officers and consultees have carefully examined in accordance with their associated expertise. The overall conclusion is that the studies form a valid baseline position which appropriately inform the final LDO and the thresholds/ parameters identified.
- 1.13 Legislation requires that the LPA must undertake to publish a draft of the Order for public and stakeholder consultation, and also set out a statement of the reasons for making the Order. It is on this statutory basis that the LDO for the Business Park has been considered and drafted for consideration by Council.
- 1.14 Attached as Appendix 1 to this report is the proposed LDO for the site which is comprised of the full text of the LDO itself, and the following appendices:

A - LDO plans

B - Planning conditions

C - Design Guidance

D - Pre development notification form

E - Framework Travel Plan

F - Base line Floor space 2017

G - Diagrammatic summary of the decision making process under the LDO.

- 1.15 The required Statement of Reasons for proposing/adopting the LDO is included as section 2 of the LDO itself.

#### The Local Development Order

- 1.16 The LDO as proposed for GBP sets out a **statement or reasons** as to why the LDO is being promoted by the Council. The Statement is at section 2 of the attached copy of the proposed LDO. The Council was encouraged in this process by the support for LDOs in the NPPF of 2018 from July of this year. The reasons are therefore as follows. Whilst implementation of the extant planning permission identified above has clearly commenced, a significant proportion of the outstanding permitted space has not yet been built out. This amounts to a “wasted land resource” which could be put to more effective employment generating use. So the prime objective of the LDO is to catalyse the current regeneration of the Park, and so support the local economy in accordance with adopted local policy and National policy. It also will provide a clear framework upon which future schemes can be carefully assessed, via the Notification process, to ensure good place making, improvement of accessibility and amenity on the Park, and the conservation of local wildlife plus respecting local historic interest and neighbouring land uses. The LDO has been prepared in order to provide certainty and to simplify the local planning process but also retaining the necessary level of (up-front) control whilst permitting a greater degree of flexibility. This will help the Park as a strategically important employment area for the District and beyond. Whilst the process is simplified it is not “weakened” in any way, but rather the LDO will still provide a robust and transparent route to the approval of new development at the Park, as an alternative to the normal planning application route.

- 1.17 The precise description of development that will be allowed by the LDO is as follows:

Offices (B1a), research and development(B1b) , light industry, (B1c)general industry, (B2) storage and distribution,(B8) sui generis (ie the data centre as existing plus motor vehicle sales eg Jaguar Land Rover) , shops,(A1) restaurant and cafes, (A3) plus small elements of non-residential institutions (D1) and assembly and leisure([D2) Associated minor operational development will also be permitted in conjunction with the above proposed uses. Any other forms of development proposed by GBP may still proceed at the Park, but these will have to be assessed via the normal planning application process.

- 1.18 The LDO then sets out in tabular form the agreed development parameters. These correspond to a range of primary uses, which are as follows. B1, B2, B8, and the data centre [sui generis] .Secondary uses are A1, A3, D1, D2 and other sui generis

of motor vehicle sales. Table A in the LDO identifies the general parameters to be applied to each of the distinct land uses involved. Parameter 1 restricts the overall floor space to the original outline permission. Parameter 2 allows all the primary uses to be unrestricted, but subject to other restrictions as set out in table B (see below). Parameter 3 notes that all the secondary uses are restricted to an upper limit of 28,715m<sup>2</sup> ie 20% of the total floor space permitted across GBP. Parameter 4 identifies the location of each zone of development on the Park, which is identified on the plans appended to the LDO. Parameter 5 restricts any development in zone D to minor permitted development, in order to protect settings of local historic interest, and parameter 6 notes nil development in zone E other than landscaping works, to protect local ecology etc. Finally parameter 7 restricts overall building heights to various maximums certain specified zones (also LDO plan 3), thereby restricting visual impact particularly from longer views across the Common to the north.

- 1.19 Table B in the LDO sets out in detail the proposed permitted land uses, having regard to the Town and Country Use Classes Order of 2005 as amended. B1a space is limited to 22,800m<sup>2</sup>, B1b space to 7,600m<sup>2</sup>, whilst B1c is unlimited subject to parameter 1. General industry (B2) is unlimited, but no waste management or open air industrial processes are allowed, primarily in the interest of local amenity. B8 is restricted to 76,000m<sup>2</sup>. This is to ensure vehicle movements in terms of HGVs is not excessive and overall job density is not too low. In terms of sui generis uses, (data centre), this is restricted to 17,130m<sup>2</sup>. This reflects the Nationwide centre already on site, but also the remaining floor space which is extant which could be built out at any time. In terms of the secondary uses, (see above) A1 shops is restricted to 750m<sup>2</sup> as to permit more would be contrary to extant policy in the NPPF and local plan. It is also to help manage traffic impacts. For A3 uses the same applies, up to 300m<sup>2</sup>. For D1 uses (eg creches and day nurseries) these are restricted to 200m<sup>2</sup>. This is because this level is considered to support existing and future potential employees on the Park, and no more, as this again would be contrary to policy, and create unnecessary traffic impacts. For D2 uses (eg gyms and outdoor sports), these are restricted to 3000m<sup>2</sup>, again for traffic impact reasons but is also important to note the encouragement of sporting uses under ECON6. Finally sui generis uses of motor vehicle sales, are restricted to 14,000m<sup>2</sup>.
- 1.20 The next section of the LDO deals with changes of use, which can only occur if they are in accordance with the above restrictions, or are permitted via the provisions of the national General Permitted Development Order (GPDO) of 2015 as amended. As regards minor operational development, these are listed in the LDO, indicating what will be permitted without recourse to the formal notification process: these include such things as hard and soft landscaping, and street lighting, CCTV etc. Demolition is automatically permitted where that demolition is required to facilitate development permitted by the LDO. Such demolition however will be subject to conditions in Appendix B, with for example dust suppression, times of working, and noise, in respect of protecting local amenity.
- 1.21 **Appendix A** of the LDO includes the relevant plans forming part of the LDO. **Plan 1** identifies the extent of the LDO designation. This was based upon the original outline planning permission red line boundary, [145585], which in turn informed the ECON6 boundary identified in the District Wide Local Plan 1991 to 2006. The boundaries are not identical, but are very similar. By way of example of the reason they differ slightly, an LDO cannot accept any listed buildings in its remit, so the 2 listed buildings to the north-west form no part of the LDO. Accordingly whilst the

overall Business Park area is 60.9ha the area of the LDO as proposed is 53.2ha. The area of the LDO excludes any green field sites, and any SSSIs. **Plan 2** identifies the coloured zones in which the various uses will be permitted. Plan 2 identifies all the various zones for the site as identified in table1. Zone A (the primary uses) washes over the 50% of the Park area, and includes all of the northern sector of the designation, and all of the western half, but excludes zone D where there is no new building permitted as this is within the setting of the listed buildings. Zone B relates to where mixed uses are permitted—this corresponds to both primary and secondary uses. This zone, in a mauve colour, occupies the central southern portion of the Park, with the triangle of land between the two principal access roads falling into this category, plus a section of land to the east. Zone C in a blue colour, lies to the south east sector of the Park which is deemed to be the most sensitive having regard to adjacent residential amenity :a number of dwellings lie in relatively close proximity to this designation. Accordingly, whilst all mixed uses are permitted here, excluded are B2 (General Industrial) and B8 (storage and distribution) uses which might [even when controlled by condition] have had some impact potentially on adjoining amenity. B1 uses by their very definition are uses that can be carried out in a residential area without detriment to that area. This sector anyway already has a range of modern buildings upon it, fairly recently redeveloped. The plan also shows the boundaries which are ecologically sensitive in terms of lighting and these boundaries include all those to the eastern perimeter, and to the northern boundary with the Common. Zone E on the plan indicates zones of known ecological importance, which have been surveyed in the original phase 1 and 2 surveys. These include the land to the west of the existing data centre (although an extant consent lies on this land parcel for future development already), and land to the north of the present data centre, plus some of the land adjacent an existing depot south of the EPC site. This designation requires the possibility of additional ecological mitigation being needed, should development proceed. This is in accord with policy CS17 in the WBCS and NPPF advice.

- 1.22 **Plan 3** relates to zones for proposed maximum building heights. Therefore any Notification which proposed a building which exceeds the height in that particular zone, would not be accepted, but could then be considered under a normal planning application. The layout of the zones has been informed firstly by a professionally undertaken landscape critique which concluded, [inter alia] that building heights on the northern boundary should not exceed that of the existing building in the north west corner area of the site, (the EPC building),and proposing some future variation in heights where possible. Additional gaps between built-form should be included to provide some visual relief. Further into the Park where the land naturally falls, building heights can be higher. Aspects of design are also important. On the plan the first zone 1A relates to a band of land about 15m wide, where no building can be over 7m in height. South of this is Zone 1B , where buildings can be 12m high , and no more than 10m to eaves height. This is slightly lower than the EPC building which is 13m high. This zone extends across most of the northern plateau area where car storage and other Distribution units exist. To the south of this, lies Zone 2A, where buildings can be up to 14m high. This addresses the natural contours of the Park, and so lies largely in the north western sector of the Park. Zone 2B allows buildings up to 16m high and corresponds to a large swathe of land from the north east sector of the Park to the south west section. The latter includes the Nationwide Data Centre for example. Finally in the south eastern portion of the Park, Zone 3 permits buildings up to 11m in height. This is important having regard to this areas

proximity to dwellings to the east. Essentially the form of the above zoning has been informed not only by the landscape and visual assessment, but also by an additional critique of the original assessment, which in its conclusions refined the height limits noted. The Zoning plan has also been informed by the approved heights of buildings as already permitted under the extant reserved matters permission, of 02/02048/resmaj. It is accordingly officers view that should the LDO be adopted, the additional visual impact caused by new buildings permitted by the LDO will be constrained by Plan 3 satisfactorily , having regard to the advice contained in policy CS19 in the Core Strategy. This is particularly in regard to longer distance views of the Park available from the South and North.

1.23 **Appendix B** of the LDO relates to conditions which will apply (where relevant) to any notifications approved by the Council. There are 16 conditions in total each of these in turn so the Council is aware of the contents. The reasons for each condition are identified in the table appended.

(1) Condition 1 ensures that all development is in general conformity with the as approved Design Guidance (appendix C).

1.24 Condition 2 seeks to ensure that the ecological baseline for the LDO is kept up to date, as habitat change can occur over the LDO period.

1.25 Condition 3 relates to protecting any bats found in buildings to be demolished,

1.26 Condition 4 to the conservation of other protected species via up to date surveys.

1.27 Condition 5 relates to tree protection,

1.28 Conditions 6 and 7 relate to vehicle and cycle parking plus access and turning.

1.29 All the highways in the Park are on private land and so are not adopted by this Council, but standards should still apply for safety and amenity reasons in accord with policy CS13 in the Core Strategy.

1.30 Condition 8 relates to contaminated land,

1.31 Conditions 9 and 10 to external lighting, for reasons of ecology and amenity. Given the Parks location light pollution is an important issue to be controlled in accord with NPPF advice.

1.32 Condition 11 relates to SUDs which in the light of the Councils new SUDs strategy is clearly an important component for the Park, given its extent , its location, and also to the amount of existing hardstanding existing.

1.33 Condition 12 relates to a CEMP, which is necessary as local amenity needs to be protected having regard to demolition and construction processes, and in regard to the conservation of protected species around the site.

1.34 Condition 13 corresponds to noise assessment: Class B2, B8 or any air handling equipment shall be subject to such an assessment having regard to local amenity— saved policy OVS6 in the WBDLP refers.

1.35 Condition 14 also bears in mind amenity considerations and relates to odour.

- 1.36 Condition 15 ensures that trade counters are restricted, to ensure retail uses are controlled on the Park,
- 1.37 Condition 16 relates to a Travel Plan compliance statement, to ensure reliance on the private car is minimised. Officers accordingly conclude that any development approved by the LDO will be adequately controlled, with little or no harm flowing as a consequence. In this regard it is important for the Council to note that whilst the LDO is a streamlined planning process, all the planning work in assessing “ applications” is undertaken in advance, so controls are not lessened in any way.
- 1.38 **Appendix C of the LDO relates to the Design Guidance.** This is a document which complements both the guidance on design in the NPPF of 2018, plus those policies in the Development Plan. Firstly it examines layout and movement. The design of building frontages and set backs are considered and how they should be landscaped for the hierarchy of primary and secondary roads in the Park. Secondly the document examines the overall landscape strategy to be applied to new development as it proceeds in order to not only produce a Business Park which is internally attractive and pleasant, as is the present entrance point at Albury Way, but also to provide appropriate visual mitigation around the perimeters of the Park, in order to minimise external impact, much as the northern bund does at present. This guidance takes into account not only the height zones identified above, but also promotes additional tree planting across the Park where needed. This fully accords with policy CS18 in the Core Strategy which corresponds to protecting and encouraging green infrastructure. The next section of the Guidance seeks to conserve the setting of the areas of historic interest such as the listed buildings. Architecture and design of new buildings is also taken into account, in section C of the Guidance. This relates to, for example, the nature of external facing materials to be allowed at the Park, plus the massing, scale and orientation of new buildings. Sustainability and adaptability is examined in section D, such as the future provision of electric charging points for vehicles, and the rating of BREEAM very good for all new buildings. Section E identifies the appropriate types of hard and soft landscaping to be applied, which will again improve the internal environment of the Park. Section F examines how the build out of the Park via the LDO process has the potential to enhance local biodiversity, which is limited to a degree since it is an existing brown field site. Policy CS17 in the Core Strategy is highlighted here. Finally section G considers boundary treatments including fencing, gates and barriers, which are required to be no more than 2.0m high, and avoided in sensitive locations. Section H controls lighting, seeking a minimum level to ensure local safety, but avoiding light pollution. The last part of the document provides more detailed guidance on the principles to be applied to each of the proposed use zones. Whilst important across the whole of the designation, the controls over set-backs and gaps between buildings on the northern plateau are especially of note. In conclusion officers consider that the design guidance provides a coherent form of additional control on schemes coming forward in the Park, in conjunction with the conditions in Appendix B.
- 1.39 **Appendix D of the LDO illustrates the notification form layout.** A fee will be paid on notifications, but given the reduced workload involved for the Council the amounts are less than with applications-major being £500 and any other £200. This will mean a reduced fee income for the Council (on a limited number of applications/Notifications) over the LDO period of 15 years, but less officer time will be spent on the administrative and professional process of determination. The notifications will be public and placed on the planning applications register, but



formal consultation isn't necessary. In addition no consultation process will be required. The determination of a notification is simply a technical process to ensure that the details submitted accord with the LDO and its associated appendices. The details that will be required are the Zone in which the scheme is to be located, the type of use proposed, plans with elevations, and a brief description of the scheme along with the applicant and agent details. No more is required unless specifically requested by the officer.

- 1.40 **Appendix E of the LDO is the framework travel plan.** This sets out the overarching travel plan objectives and strategy for coordinating the present and future travel management measures for those accessing the Park, whether they be employees , service deliveries or other users. This report has been prepared in conjunction with the overall travel assessment which was prepared for the LDO, which is one of the supporting documents on which the whole LDO is based. The Plan sets out thresholds upon which new development will be required to submit a Travel Plan for eg a retail if the unit is more than 800m<sup>2</sup>, or B2 units in excess of 4,000m<sup>2</sup>. The key target of the travel plan is to reduce single car occupancy use for all staff and visitors to the Park by 10% by the end of the first 5 year monitoring period. This is in the interest of sustainability and in the interest of reducing future traffic flows on the A339 and surrounding routes. This is in accord with the principles behind LTP3 produced by the Council, and policy CS13 in the Core Strategy and the advice in the NPPF of 2018. So public transport initiatives along with the promotion of cycling and walking will be all part of the Travel Plan. This in turn is related back to the condition 16 in Appendix B. Officers accordingly conclude that with the advent of the LDO this will in no way weaken the future prospects of development at the Park, regards to local transport measures, vis a vis the extant outline planning permission, with its associated conditions.
- 1.41 **Appendix F** of the LDO relates to the agreed baseline position of existing built floor space at the Park as at 2017. This stands at just under 68,000m<sup>2</sup> of space .That is approximately 84,000m<sup>2</sup> less than that permitted in the original outline permission which is extant. It is the intention of the Council in concert with the Trust or its successors in title, to ensure that notwithstanding the presence of the outline permission, with the associated reserved matters permission across the designation area, that no more than 152,000m<sup>2</sup> of floor space is built out in total , in order that the traffic generated is no more than that as permitted, but to ensure that the physical land capacity of the designated area is not exceeded via any overdevelopment—which in turn if allowed would create possible amenity and visual impact problems.
- 1.42 Finally **Appendix G** is a simple flow diagram to assist interested persons in understanding the development process associated with either an LDO notification, or an application as an alternative.
- 1.43 The LDO will not exceed 15 years, with mandatory 5 yearly reviews. In addition, if problems do arise over the specified period, the Council can at any time elect to revoke all or part of the LDO. However, if it does so, it will need to have regard to the need to re consult on any proposed changes or indeed revocation. Any schemes permitted by the LDO before revocation will be able to proceed as originally planned however and this is recognised in the LDO text. All this is noted in article 38 of the DMPO mentioned above. Finally in relation to the Council CIL charging schedule, the LDO has no impact.

1.44 There is a question of the potential risk to the Council of any claim for **compensation** in the future, in relation to a revocation or revision of the LDO. In the 1990 Town and Country Planning Act of 1990 section 107 allows for compensation to be payable in certain defined circumstances, for development which has begun but been aborted due to a planning permission under which that development was originally permitted being rescinded. However section 108 of the same Act notes in part 3B [b] that such compensation does NOT apply in LDOs where the revocation procedures are adequately followed in accordance with the advice in sections 7 and 8 of Article 38 of the Development Management Procedure Order of 2015, as amended. That is, if an application is submitted and refused under an LDO, within 12 months of the LDO being revoked, for a scheme which would have otherwise complied with that notification and so be approved, no compensation is payable by the Council as Local Planning Authority. This has been clearly ratified in the Town and Country Planning (Compensation England regulations) of 2015, and is confirmed in para 4.3 of the explanatory memorandum. Similarly, under section 61 [d] of the 1990 Act, it is noted that if a development permitted via an LDO is permitted and begun on site after the revocation notice period (minimum of 1 year) then that development remains authorised and can be completed. ie it is immune from any potential enforcement action. To simplify—so long as the Council publishes its intentions 12 months before formally revoking the LDO [ or amending] no compensation will be payable. Accordingly, in summary the legislation effectively combines to provide both local authorities and applicants substantial comfort in regards to the potential risks involved in any future revocation, so long as the correct procedures are followed. This is only correct in the context of Government actively promoting LDOs in the NPPF.

## 2. Process of consultation and public responses.

- 2.1 In the lead up to producing the first draft of the LDO, relevant specialist officers within the Council were consulted on the emerging content and the findings of the various assessment reports which had been produced in conjunction with the GBP Trust. An internal officer stakeholder forum was held on the 5<sup>th</sup> February 2018.
- 2.2 The Trust subsequently organised a public drop in event at the Park on the 22<sup>nd</sup> February 2018 which a number of public and Parish Council representatives attended. This then informed the production of the original draft of the LDO, in March. This draft was examined by Planning Counsel to ensure that the LDO was in an appropriate form to commence formal public consultation and was found to be legally sound and so suitable for consultation purposes.
- 2.3 Consequently the Council formally consulted on the LDO over the period 12<sup>th</sup> April to the 14<sup>th</sup> May 2018. This was by way of a Press Notice, 6 site notices around the GBP area, and letters to statutory consultees, local organisations, Parish Councils and members of the public living nearby. This consultation was also formally set out on the Council website, in accordance with the Council own best practice. The Council received 23 responses, 10 of which were objections. The detail of these representations are set out in Appendix 3.
- 2.4 In response to this consultation feedback, the LDO was amended principally in the following ways: the period for which it would apply was reduced from 25 years to 15, and following reconsideration the potential for a new hotel to be part of the permitted scheme was deleted because that use did not comply with extant planning policy, albeit it was an employment generating use. Other more minor

revisions, included further refinement to the controls over future building heights, planning conditions in respect of adjoining amenity were reworded and strengthened. These responses were reported to the Planning Advisory Group held on the 15<sup>th</sup> May 2018.

- 2.5 Following further legal advice, Council officers elected to formally re consult on the revised LDO given the overall changes as proposed were more than minor. This second consultation period was between 16<sup>th</sup> August and 13<sup>th</sup> September 2018. The consultation was undertaken on a similar basis to that previously, with the addition that any representations received not originally “caught” by the first round, were included, for completeness. Appendix 4 notes these second round consultation responses, of which there were 14.
- 2.6 A key response came from Hampshire CC as the adjoining Highways Authority, raising no objections to the LDO. This is important given the significance of traffic generation on the A339 in respect of the LDO. Of the other responses, 7 were continuing objections or ones of concern largely upon highways/traffic grounds .A number related to impact upon local amenity. Officers as a consequence have carefully examined these responses and have further amended the LDO which was the subject of the second consultation round. These revisions, in summary have related to the tightening up of noise, smell, lighting and contaminated land condition wording, the addition of a cap on B8 floorspace in table B (76,000m<sup>2</sup> as opposed to unlimited) In order to ensure the conclusions of the LDO were robust in relation to landscape and visual impact matters, an independent assessment was commissioned. That concluded that the conclusion drawn from the Landscape and Visual assessment, forming a basis for the LDO, was sound. This detailed consideration also resulted in the proposed permitted parameter maximum heights of the buildings on the northern plateau being further refined, in order to mitigate any possible future impact.

### 3. Recommendation

- 3.1 The officer recommendation is that the LDO as appended to this report, be adopted by Full Council. It will be a valuable development management document which will not only provide speed and certainty to assist the future economic development at the Business Park, but also streamline the internal Council planning procedures in regards to future applications at GBP.

### 4. Implications

- 4.1 **Financial:** The notification fees will be considerably lower than planning applications fees so there will be some loss of planning fee income on a small number of applications; however it is anticipated that officer time and public cost of processing future applications at the Park will fall as a consequence. There are no implications for the Council CIL charging schedule which remains in force, unaffected by the LDO designation. Compensation issues have been examined in the main report, as above.
- 4.2 **Policy:** The LDO accords with policy CS9 in the Core Strategy. And the advice in NPPF2. It also complies with saved policy ECON6.

- 4.3 **Personnel:** None.
- 4.4 **Legal:** The Council legal section has been formally consulted upon the original LDO.
- 4.5 **Risk Management:** It is conceivable that should the LDO be adopted it may be the subject of a legal challenge. Officers have sought to minimise this risk by taking a second consultation round, and consulting legal colleagues.
- 4.6 **Property:** Nil. The Council has no property holdings at the Park.
- 4.7 **Other:** An equalities impact assessment has been prepared for this LDO and is attached at Appendix 2