

FORM 1

NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Cllr Marcus Hart, as Strong Leader, delegate the decision below, as detailed in the Forward Plan to the Cabinet Member detailed below:

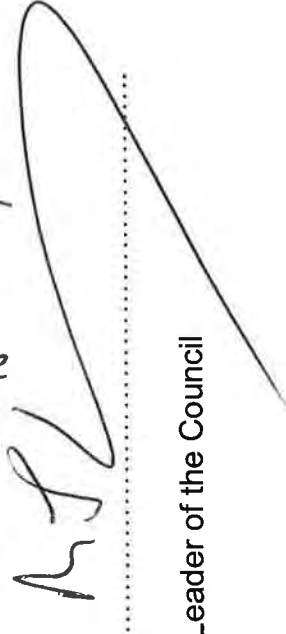
To publish the South Kidderminster Enterprise Park: Local Development Order 2015 for public consultation

Cabinet Member for Planning & Economic Regeneration

Dated:

30th April, 2015.

Signed:


.....

Leader of the Council

FORM 2

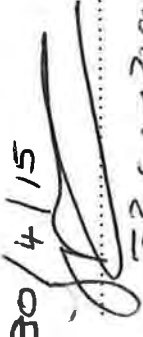
NOTICE OF DECISION OF LEADER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1st December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
South Kidderminster Local Development Order (2015)	To publish the South Kidderminster Enterprise Park: Local Development Order 2015 for public consultation	In order to revise the South Kidderminster Enterprise Park: Local Development Order, a period of public consultation needs to be undertaken. This decision will allow consultation to commence with the results of the consultation informing the final preparation of the document.	24/4/2015

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated: 30/4/15
 Signed: 
 Councillor: SP CAMPION
 Cabinet Member for Planning & Economic Regeneration

To: Leader of the Council

From: Director of Economic Prosperity and Place

Date: 24/04/2015

South Kidderminster Enterprise Park: Local Development Order, 2015

1. PURPOSE

To seek approval from the Leader of the Council to undertake public consultation on the South Kidderminster Enterprise Park: Local Development Order 2015 (attached at Appendix 1)

2. RECOMMENDATION

That the Leader:

Approves the South Kidderminster Enterprise Park: Local Development Order 2015 (attached at Appendix 1) for public consultation

3. BACKGROUND

A Local Development Order (LDO) is an Order created by a Local Planning Authority, through which permitted development rights additional to those granted nationally by Government, are granted for certain types of development within a defined area. In this particular instance, the LDO for the South Kidderminster Enterprise Park helps to provide a less restrictive planning regime for businesses within, and locating to, the defined area identified within the document attached at Appendix 1.

The South Kidderminster Enterprise Park LDO was first introduced by the District Council in August 2012. The Order was adopted for a 3 year period meaning that it would cease in August this year if it were not revised or renewed. If not renewed at that time, any development permitted by the LDO that has not commenced at that date will require a planning permission.

Overall, it is considered that the LDO has been a success for the District and is recommended that the Order should be renewed for a further 3 years. The main reason for this is that the Order has helped to attract further investment into the area and has been well received by the businesses who have used it to date. The developments that have occurred through the Order so far are identified in the table below.

Company Details	Development	Notes
Amada UK Spennells Valley Road	Refurbishment of existing headquarters to include recladding, reroofing, and replacing all glazing. Internal alterations to create additional floorspace.	This £5 million investment has transformed the Amada UK building and has safeguarded the jobs within the District.
Beakbane Ltd Stourport Road	Overcladding existing two storey office building, part demolition of existing building, construction of new single storey building	This investment by Beakbane has radically changed the appearance of the building and has provided further manufacturing space. The investment made by the company was circa £1.2 million.
Oakleaf Commercial Services Finepoint	Development of a new warehouse unit comprising of UPVC work manufacturing factory, Joinery Shop, Garage and MOT Centre with associated storage area, hard and soft landscaping and car parking. Development of a 2 storey Office block including associates landscaping and parking provisions.	This project is currently under construction and will see a new depot be delivered at Finepoint. The investment of £1.5 million will initially provide a total of c. 15,000 sqft of floorspace with the opportunity to expand as the business grows.
WEMICO Hoo Farm Industrial Estate	Extension for new workshop and storage space	The proposal will increase floorspace by almost 1000sqft.

It is clear to see from the above table that development has been stimulated by the Order resulting in c. £8 million of investment into the District. This proactive approach to helping businesses develop has been well received and it is for this reason that it is proposed to renew the Order for another 3 years. It is also worth noting that, to date, no complaints have been made as a result of development coming through the LDO.

Whilst the Order has been relatively successful in bringing forward new development, it is considered that some areas require amendment so that the process can be further streamlined and additional flexibility can be provided.

The main proposed changes in the updated LDO are as follows:

- Identification of 'Redevelopment Sites'. Since the Order was introduced a number of sites that were previously identified for redevelopment are no longer available (for example the Parcel of land at Finepoint where

Oakleaf are currently developing). Conversely, there are new areas of land that are now considered suitable to be identified through the Order for redevelopment purposes (e.g. Former Brintons Warehouse Buildings). The identification of sites has therefore been reviewed and the full list of proposed areas of land are included in the revised document at Appendix 1 of this report;

- Extension of permitted development to include:
 - Plant and machinery;
 - The replacement of windows and doors; and
 - Additional flexibility in relation to extensions of buildings, moving from the need for extensions to be no closer to the highway boundary to extensions not being within 5 metres of a highway boundary

Although the above changes are considered to be fairly minor in nature, it is anticipated that this will provide further flexibility for businesses to make changes that would otherwise require a planning application;

- Parking Requirements. The current Order requires development to not exceed the parking standards identified by Worcestershire County Council. This particular condition has caused some problems for businesses seeking to use the Order. Therefore, it is proposed within the revision to allow for the District Council to make the final decision on parking (as would be the case with a planning application) if the proposals are not in conformity with Worcestershire County Council's standards. It is considered that this proposed amendment would provide better flexibility and would allow for local decision making and accountability

Overall, it is considered that the changes will provide added flexibility whilst still maintaining sufficient control to avoid undesirable impacts. The proposed changes have been considered based on discussions held with business that have used the LDO since its implementation in August 2012. It is felt that the changes proposed would help to streamline the process and make it easier for businesses to benefit from using the Order.

4. **CONSULTATION**

As a number of changes are being proposed to the Order, public consultation will need to be undertaken. The regulations governing the production of a LDO identify that a Council is required to consult on the proposals with those persons whose interests they consider affected by the Order and with anybody who 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.

With the above in mind, and subject to agreement, it is proposed that the consultation process will run from Tuesday 5th May to Friday 12th June. This

period has been extended above the 28 day minimum requirement to reflect the fact that elections are due to take place on the 7th May. In addition, it is proposed that notifications will be sent to ward Councillors both pre and post election, to ensure that any changes in political makeup will be covered. Other consultees will include businesses and residents within the LDO boundary along with statutory consultees, such as the Environment Agency and the Canal and River Trust.

The final proposed Order will be revised based on the comments received through the public consultation process and the final proposed Order will be presented to Cabinet, along with the results of the public consultation process, for a final decision in July 2015. It is proposed that the new Order would come into force once the current version ceases on 13th August 2015.

5. FINANCIAL IMPLICATIONS

The cost of undertaking the public consultation process will be met from existing resources. However, there is a potential financial implication to the Council in terms of 'lost' planning fees, which is explored further in the comments provided by the Council's Section 151 Officer below. It is also worth noting that any development secured through the Order is exempt from S.106 contributions.

6. SECTION 151 OFFICER'S COMMENTS

Whilst the production of the Local Development Order can be met from existing budgets, there is a financial implication for continuing with the Order. The loss of planning fees to the authority whilst the Order has been in place is estimated to be approximately £20,000 over the three year period. It is sensible to assume that a similar figure would be 'lost' as a result of extending the lifetime of the Order.

7. LEGAL AND POLICY IMPLICATIONS

The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and article 38 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

8. CONCLUSION

The Local Development Order has been well received by the local business community and developers since its introduction in August 2012. There have been a number of successful developments that have used the Order and these have been identified in the main body of the report. Whilst there is a potential financial implication in relation to extending the Order for a further three years, it is considered that this needs to be judged against the potential for new business development that could occur within the area.

9. RISK MANAGEMENT

The use of conditions and restrictions to ensure development is appropriate helps to minimise any risks that might arise through the implementation of the Order. The Council also has the power to revoke the Order if it so wishes before the expiry date and this also helps to manage the risk associated with its implementation.

10. EQUALITY IMPACT NEEDS ASSESSMENT

An equality impact screening test was carried out when the Order was first introduced. This screening identified that the proposals will not have any negative impact on equality. It is considered that the updated Order is in broad conformity with the original document and therefore the same conclusions have been drawn, that the proposals will not have any negative impact on equality.

11. CONSULTEES

- Legal Services
- Section 151 Officer
- Development Manager
- North Worcestershire Economic Development and Regeneration

12. BACKGROUND PAPERS

- ReWyre Initiative: A Prospectus for Regenerating Kidderminster, September 2009
- Site Allocations and Policies Local Plan (Adopted July 2013)
- South Kidderminster Enterprise Park – Local Development Order (Adopted August 2012)

FORM 3

Appendix 1 - South Kidderminster Enterprise Park: Local Development Order - 2015

South Kidderminster Enterprise Park



Local Development Order

Revised April 2015



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Statement of Reasons

1.1 Introduction to the South Kidderminster Enterprise Park

1.2 The South Kidderminster Enterprise Park area is a key employment and regeneration focus for Wyre Forest District. The area, which is formed of two key corridors of primarily business premises is identified, in part, within the Council's Adopted Core Strategy as being a key business and regeneration area. This is further supported by the work on the Council's Site Allocations and Policies Development Plan Document as well as forming a key part of the Council's regeneration work in terms of the ReWyre initiative. The Local Development Order (LDO) for this area will provide a further incentive that will enable the ambitions for economic growth to be realised. A map of the LDO area is attached at Appendix 1.

The LDO was first introduced in August 2012 and it has resulted in a number of developments being brought forward within the corridor. Due to the success of the Order to date it is proposed to extend the lifetime of the Order for a further three years. Some amendments have also been proposed to provide further support and flexibility for businesses considering development in this location.

2.0 Potential Benefits from the Implementation of a Local Development Order (LDO)

2.1 The LDO enables a simplified planning regime to be introduced, allowing the implementation of new development to come forward quicker, whilst providing added benefits to existing businesses through providing greater flexibility for the development of their existing assets.

2.2 The provision of a LDO within this location has already helped to provide an important stimulus for economic development in an area that has seen rapid decline and restructuring over the past 30 years. Companies that have developed using the Order since August 2012 are:

- Amada
- Beakbane
- Oakleaf
- WEMICO

3.0 Existing Planning Provisions

3.1 Support for the retention and enhancement of existing businesses as well as the development of new businesses within the Enterprise Park area is already provided for within the Adopted Core Strategy (December 2010) and the Site Allocations and Policies Local Plan (Adopted July 2013). Although the LDO does not have to implement local planning policies, in this instance there is a clear synergy between the aims, ambitions and policies of the adopted statutory development plan and the proposals that are included within the draft LDO.

3.2 It should be noted that the LDO does not prevent development taking place that is not specifically covered by the Order. A planning application for such development would need to be made in the normal way and nationally existing permitted development rights within the area would remain unchanged.

4.0 Identified Constraints

- **HSE Zones** – There are a number of zones that surround potentially hazardous installations located within the LDO area. These include land surrounding Ashland Chemicals on the Stourport Road and land surrounding Flogas on the Hoo Brook Industrial estates. These zones have been identified by the Health and Safety Executive as areas where new development would need to be closely managed. Given the potential restrictions placed on development within these areas, developers and landowners must satisfy themselves that any potential development falls within the LDO restrictions. A guide to the limitations is included within the LDO at Annex C and the boundaries of the zones are also included in Appendix 2. Notably, there is also a HSE zone located around the existing Roxel factory and a condition has been attached to the LDO to ensure that development in close proximity to this area (at either Hoo Farm or Easter Park) requires consent from the HSE before development commences.
- **Contamination** – Given the ex-industrial nature of most of the area contamination issues could arise. Conditions are attached to the LDO to ensure that contamination is investigated prior to the commencement of any development.
- **Pollution Prevention** - The plan area overlies a principal (formally major) aquifer of regional strategic importance. The entire area falls within the combined total source protection zone (SPZ) of a number of public water supply boreholes. In addition, the northern extent of the area lies within the outer protection zone of a public water supply borehole. The depth to water table across the area is variable; however within the valley of the Stour the water table is shallow. The area is therefore located in a sensitive hydrogeological setting. The River Stour runs through the area. Under the Water Framework Directive (WFD) the River Stour is currently classified as poor ecological status. The ecological status includes chemical and biological data to give this overall classification. The Stour is currently failing on a number of parameters, including phosphates and invertebrates which has led to the overall poor classification. The WFD objective is to improve the status of the water body to achieve overall good status by 2027. It is therefore particularly important that any contamination is appropriately addressed and that measures are undertaken to protect the water environment. Conditions are attached to this order to protect the water environment.
- **Conservation Areas** – Part of the Staffordshire and Worcestershire Canal Conservation Area is located within the proposed LDO boundary. Therefore, safeguards have been put in place to ensure that development does not have a detrimental impact on the character of the conservation area, or the structural integrity of the Canal. There are currently no listed buildings or structures within the area. However, should any be identified and listed through the lifetime of the Order then the relevant permissions for any proposed changes would be required before any development occurred.
- **Flood Risk** – The area includes both the River Stour and the Hoo Brook and as such parts of the land within the LDO boundary are affected by Flood Risk (as identified at Appendix 2). These areas have been conditioned in accordance with the *Technical Guidance to the National Planning Policy Framework*, which accompanies the NPPF. The conditions have been included and amended in conjunction with the Environment Agency.
- **Environmental Conservation**– The District Council have already undertaken a Habitats Regulations Assessment Screening Report for the adopted Site Allocations and Policies

Development Plan Document (DPD). The results of this Screening Report, which were agreed by Natural England, were that the DPD would not result in likely significant effects upon a Natura 2000 site (this is a site of European significance). Given that the LDO follows the aims of the Site Allocations and Policies DPD for this area of the District it is considered that the same conclusions could be drawn from the implementation of the LDO, and this approach has also been supported by Natural England.

- **Sustainability Appraisal** - The Council have produced an Environmental Statement to accompany the LDO, which sets out further detail on the Sustainability Appraisal process. This includes an extract of the relevant Sustainability Appraisal for land within the LDO boundary, which has been undertaken to inform the Site Allocations and Policies DPD. Also included within the Statement is a copy of the Appropriate Assessment Screening report and conformation of its suitability from Natural England.

More information on the Sustainability Appraisal and the Appropriate Assessment can be viewed by looking at the accompanying Environmental Statement. Alternatively, the full Sustainability Appraisal reports can be viewed by visiting the Council's website (www.wyreforestdc.gov.uk)

5.0 Pre-Development Requirements

- 5.1 The LDO does not remove the need to comply with other legislative controls such as building regulations approval or environmental protection legislation. Appropriate safeguards are also provided to protect the character and structural integrity of the adjacent Canal together with the amenity enjoyed by the occupiers of those residential properties immediately adjacent to, or proposed to be built within, the South Kidderminster Enterprise Park Area. These conditions are provided at Annex 1.
- 5.2 **It is the responsibility of landowners and developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to. Failure to comply with any statutory requirements may result in appropriate enforcement action being taken by the Council and/or other agencies.**

6.0 The Order

Local Development Order for South Kidderminster Enterprise Park

Within the South Kidderminster Enterprise Park area planning permission is granted for new buildings on **redevelopment sites**, as identified in Appendix 1, for the following uses:

- B1a (offices);
- B1b (Research and Development);
- B1c (Light Industry);
- B2 (General Industrial);
- B8 (Storage and Distribution);
- Car/Vehicle Hire Business and the selling and displaying of motor vehicles; and
- Vehicular access to development

Furthermore, **for existing premises** that fall under use classes B1, B2, B8 and car vehicle hire businesses/displaying and selling of motor vehicles, within the area (as identified in Appendix 1) planning permission for the following development is granted:

- recladding of building exteriors including changes to roofing materials;
- Installation or replacement of windows or doors;
- installation of solar panels and other renewable energy systems (such as biomass and combined heat and power boilers);
- sub-division of existing units (for B1a, b and c, B2 and B8 use);
- Extensions no more than 10 linear metres from the existing building, subject to extensions not being within 5 metres of the existing highway;
- The installation or replacement of plant or machinery not exceeding a height of 15 metres;
- The construction of ancillary buildings within the existing curtilage, not exceeding 100sqm Gross Floor Space; and
- Car parking - subject to adherence to the thresholds identified in Annex 1.

Change of use is also permitted as follows:

- B1 – to B2 or B8, where no more than 1,000sqm;
- B2 – to B1 or B8 where no more than 1,000sqm; and
- B8 – to B1 or B2 where no more than 1,000sqm.

Demolition, in conjunction with any redevelopment of existing premises within the identified use classes, is also permitted.

All proposed development shall be in line with the restrictions and conditions identified within this Order.

6.1 The Local Development Order is therefore split into two main component parts:

- Provisions relating to redevelopment sites within the boundary (as identified at Appendix 1)
- Provisions for existing business premises within the boundary (including change of use)

6.2 All development proposed through the Order must be in conformity with the uses identified as well as being in conformity with the conditions attached at Annex 1.

7.0 Restrictions

7.1 A number of restrictions to development are identified in the following table. No development is permitted if it falls under the following categories.

Restriction	Reason
Any development that is considered to require an Environmental Impact Assessment as set out by the Regulations (or any subsequent Regulations which replace the above with or without modification)	<p>Development that requires an Environmental Impact Assessment (EIA) would need to be assessed through a planning application.</p> <p>The scope of development proposed through the LDO is based on a broad spectrum of speculative industrial development. It is very difficult for the Council to screen and assess the scope/quantum of development coming forward without receiving definite proposals and plans in advance.</p> <p>Therefore if an EIA development is proposed it would not be suitable to be brought through the LDO route. A planning application would need to be submitted. For more information see Condition 1 in Appendix 1</p>
Any development where the planning application would normally be determined by the Secretary of State or a body other than the District Council	<p>The District Council can only consider allowing development through the LDO in an area where it has responsibility. This would exclude development relating to waste management such as all planning applications relating to the use of land (and buildings) or the erection of buildings, plant or machinery for the purposes of waste management, which are determined by the County Council. The following classes of operations and uses of land are considered to be ‘county matters’:</p> <ul style="list-style-type: none"> i. The use of land, the carrying out of building, engineering or other operations, or the erection of plant or machinery used or proposed to be used, wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste; ii. Operations and uses ancillary to the purposes in (i) above, including development relating to access to highways.
Proposals for development that fall within other use classes of the 1987 Use Classes Order as amended.	<p>The LDO identifies the use classes that are considered to be appropriate within this area. No other use classes are considered as being suitable without planning permission. Furthermore, development falling into any of the following categories is not permitted through this Order:</p> <ul style="list-style-type: none"> • Storage of hazardous substances; • Retail linked trade operations; and • Rail freight proposals.
No development is permitted within the Green Belt that falls within the LDO Boundary	To ensure that the Order is in line with the national and local policy in relation to development within the Green Belt
Flood Risk	Development is not permitted within 8m of the River Stour and Hoo Brook, in order to protect the watercourses and their associated floodplain.
Development that would	The delivery of the Hoo Brook Link Road is a key strategic transport

Restriction	Reason
prejudice the delivery of the Hoo Brook Link Road	priority for the District, as identified in the Adopted Core Strategy and therefore development that would affect the delivery of the link road is not permitted through this Order. Developers and landowners are advised to contact the District Council to ensure that their development would not prejudice the delivery of the road.
Development that would effect a Public Right of Way	If it is necessary to divert/extinguish existing public rights of way, in order for development to proceed, then planning permission will be required.
Development that would effect the Staffordshire and Worcestershire Canal	A buffer zone has been included around the Staffordshire and Worcestershire Canal in order to protect the Conservation Area designation and the structural integrity of the Canal. No development is permitted within this zone (as identified in Appendix 2). This exclusion zone has been derived in conjunction with British Waterways, English Heritage and the District Council's Conservation Officer.
Listed Buildings	Should any buildings or structures become listed during the lifetime of the Order then the buildings and associated curtilage would be exempt from the provisions of the Order and would require consent through the existing framework of listed building consent and/or a planning application.

8.0 Conditions

8.1 There are also a number of other conditions that are attached as part of the LDO to ensure that development is appropriate, which are included in Annex 1 as well as a constraints map that is attached at Appendix 2.

9.0 Justification for the Order

9.1 The Government is committed to boosting local growth and creating jobs to support the economic recovery of the country. It has embarked on a radical reform programme to support this, and has established enterprise zones to support and encourage private sector growth. Although the South Kidderminster Enterprise Park was unsuccessful in its bid for Enterprise Zone status it is considered that the implementation of an LDO would bring about some of the benefits that EZ status would have brought to the District.

10.0 Lifetime of the Order

10.1 The LDO will be active for a period of 3 years after the date of its adoption.

10.2 Development which has started under the provision of the LDO prior to its expiry will be allowed to complete in the event that the LDO is revoked or revised¹. The Council does have the ability to revoke the LDO at any time, should it lead to undesirable and unforeseen consequences.

10.3 Developments that have taken place under the LDO will be allowed to continue to operate in the event that the LDO is revoked or revised. However, no new development will be allowed under the terms of the LDO following its expiry without planning permission.

¹ Commencement of development is defined as an undertaking of a material operation as defined in Section 56 (4) (a) – (d) of the Town and Country Planning Act 1990. A lawful commencement of development shall only be adjudged to have been carried out if the full notification process as set out in the Order has been completed to the satisfaction of the Local Planning Authority prior to any development commencing.

10.4 The conditions attached to this LDO will continue to apply to any development permitted during its lifetime.

11.0 Policies that the Order will help to implement

11.1 National

- National Planning Policy Framework
- National Planning Policy Guidance

11.2 Local (Adopted Policy)

- Wyre Forest Core Strategy (Adopted December 2010)
- DS01: Development Locations
- DS02: Kidderminster Regeneration Area
- CP08: A Diverse Local Economy
- CP09: Retail and Commercial Development
- Site Allocations and Policies Local Plan (Adopted July 2013)
- Policy SAL.GPB1: Employment Land / Economic Development
- Policy SAL.CC5: Renewable Energy
- Policy SAL.SK1 – South Kidderminster Enterprise Park
- Policy SAL.SK2 – Former British Sugar Site
- Policy SAL.SK4 – Former Romwire Site

12.0 Monitoring the LDO

12.1 LDO monitoring needs to be appropriate to the ambition and circumstances of the development.

12.2 Conditions on the LDO will require that the developer notifies the local planning authority when undertaking development permitted by the LDO to ensure that an accurate record of development is maintained.

12.3 Notification of development will also be circulated to District Councillors, via the weekly planning application list, so that members are aware of development being delivered through the LDO.

12.4 The Order will be revisited at the end of the three year period where a decision will be made to either continue the Order, amend and review the Order or abolish the Order.

Contacts:

Wyre Forest District Council

LDO, Wyre Forest District Council, Duke House, Clensmore Street, Kidderminster, DY10 2JX

Email: ldo.consultation@wyreforestdc.gov.uk

Telephone: 01562 732928

Worcestershire Regulatory Services

Worcestershire Regulatory Services, Wyatt House, Farrier Street, Worcester, WR1 3BH

Email: wrsenquiries@worcsregservices.gov.uk

Telephone: (01905) 822799

Worcestershire County Council

Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP

Email: [worcestershireshub@worcestershires.gov.uk](mailto:worcestershirehub@worcestershires.gov.uk).

Telephone: (01905) 765765

Annex 1 - Conditions

No	Condition	Reason
1	<p>EIA Development</p> <p>The permissions granted by this Order shall not apply if:</p> <ul style="list-style-type: none"> • An application for planning permission for the proposed development would be a Schedule 1 application within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. • An application for the development would fall within the descriptions of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, <u>unless</u> the Local Planning Authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same Regulations, that the development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development. <p>Developers should therefore satisfy themselves that development would not fall within any of the above categories prior to work commencing. This condition will also be applied any subsequent EIA regulations which replace the above with, or without, modifications.</p>	<p>To ensure any new development is not an EIA development.</p>
2	<p>Development Height</p> <p>Development must not exceed 15 metres in height, inclusive of all development such as flue gas stacks and micro wind turbines</p>	<p>To protect the amenity of current and potential new occupiers/residents of the area.</p>
3	<p>Environmental Protection</p> <p>All development should have regard to:</p> <ul style="list-style-type: none"> • Statutory conservation sites (principally Wilden Marsh and Meadows SSSI and River Stour Floodplain SSSI) in mitigating any impacts development adjacent to these sites might have on their ecological function/integrity • Non-statutory nature conservation sites in mitigating any impacts development adjacent to these sites might have on their ecological function/integrity • Development should have regard to all protected species and habitats and BAP species and habitats where identified <p>The sites are identified at Appendix 3 of this Order.</p>	<p>To protect important Environmental habitats within the area.</p>
4	<p>Health and Safety Executive</p> <p>Development will need to be in line with the Health and Safety Executives advice on planning for developments near hazardous installations (PADHI). Please refer to Table 2 for further information. Any development above these thresholds would require planning permission.</p>	<p>To ensure development meet Health and Safety criteria.</p>
5	<p>Health and Safety Executive – Explosives</p> <p>Any development proposed on Easter Park or Hoo Farm (sites identified on Appendix 1) will need prior written approval from the HSE Explosives directorate. Developers must send their proposed plans to the HSE, who can be contacted at the following address:</p>	<p>To ensure development meet Health and Safety criteria.</p>

No	Condition	Reason
	<p>Specialised Industries, 55.2 Redgrave Court, Merton Road, Bootle Merseyside, L20 7HS Tel: 0151 951 4000 Explosives.licensing@hse.gsi.gov.uk</p> <p>If planning permission is required then early consultation with the District Council is recommended.</p>	
6	<p>Traffic Generation Any development proposed that is greater than the following thresholds would require a Transport Assessment (TA):</p> <p>B1 – Gross Floor Area greater than 2,500sqm B2 – Gross Floor Area greater than 4,000sqm B8 – Gross Floor Area greater than 5,000sqm</p> <p>Should development be higher than these thresholds identified then a TA will need to be submitted and agreed in writing with Worcestershire County Council before any development commences. Where appropriate, mitigation measures may be required, which will need to be provided by the developer, within an agreed timescale.</p> <p>No development may commence until agreement has been reached with the Local Planning Authority</p>	<p>To ensure that development does not have a detrimental impact on the adjoining Highway network.</p>
7	<p>Highways / Access Access to the highway network will require the issue of a licence under Section 278 of the Highways Act, 1980. New accesses on to classified roads will require planning permission.</p> <p>Development must not reduce the amount of space available for vehicle turning or manoeuvring.</p>	<p>To ensure development meets highways standards.</p> <p>To ensure development does not adversely affect existing vehicular space.</p>
8	<p>Parking Car and cycle parking must be provided in line with the parking standards of Worcestershire County Council Highways Design Guide (Appendix A), unless agreed in writing with the Local Planning Authority</p>	<p>To ensure development has sufficient parking available</p>
9	<p>Flood Risk Development within Area A or B, as identified by Appendix 2, must comply with the following conditions to mitigate flood risk:</p> <p>Protection to buildings</p> <p>Area A (River Stour): Finished floor levels shall be set no lower than <i>30.62m AOD (this level is based on 600mm freeboard above a 1% plus climate change flood level)</i> or flood proofing measures shall be incorporated into the building to this level.</p> <p>Area B (Hoo Brook): Finished floor levels shall be set no lower than existing ground levels and flood proofing measures shall be incorporated into the building to a level set at least 1 metre above the finished floor level of the building.</p> <p>Protection to Occupiers Prior to the first occupation of the development, a Flood Evacuation</p>	<p>To ensure adequate flood risk protection is provided.</p> <p>To protect the proposed development from flood risk for the lifetime of the development.</p>

No	Condition	Reason
	<p>Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. In preparing the plan, regard should be had to the guidance on the Environment Agency's website as follows: http://www.environment-agency.gov.uk/business/topics/flooding/32362.aspx</p> <p>Development in Area A - The Applicant /future occupiers should contact 03708 506506 to be set up on the Environment Agency flood warning system for the River Stour.</p> <p>Development in Area B - The Applicant /future occupiers should contact 03708 506506 to be set up on the Environment Agency flood warning system for a Flood Alert for the Hoo Brook. Given that there is only a Flood Alert available for the Hoo Brook, any evacuation management plan will also need to consider other available data to inform timing for implementation of evacuation procedures. For example, a combination of met office data and local weather announcements.</p>	<p>To minimise the flood related danger to people in the flood risk area.</p>
10	<p>Surface Water and Drainage New developments should incorporate Sustainable Urban Drainage methods to ensure that run-off is no greater than existing discharge rates. No infiltration methods are permitted to be used, unless it can be demonstrated that there is no unacceptable risk to controlled waters and this has been agreed in writing by the Environment Agency or Local Planning Authority prior to the commencement of development.</p> <p>All foul drainage from new development must be connected to the mains foul sewer. If not, then planning permission will be required.</p>	<p>To ensure adequate drainage is provided and to ensure that the ground and surface waters are protected.</p> <p>In order to protect ground and surface waters.</p>
11	<p>Water Quality Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.</p>	<p>To prevent pollution of the water environment.</p>
12	<p>Outside Storage Outside storage space is restricted to 10% of the total area of the curtilage and the overall height of any items stored shall not exceed 4 metres. Any development above these thresholds would require planning permission.</p>	<p>To protect the visual amenity of the area.</p>
13	<p>Infrastructure Developers should register with and use www.Linesearch.org. This will provide an instant response advising whether or not any of the 29 infrastructure providers have apparatus that may be affected through development. The development shall be carried out strictly in accordance with the advice and guidance given, and development shall not be commenced until written approval has been received from the relevant Authority.</p>	<p>To protect infrastructure within the area.</p>
14	<p>Noise A) All buildings, extensions, plant and machinery developed under the provisions of the Order shall be designed and constructed to ensure that the level of noise emitted does not exceed <55db(A) measured at the</p>	<p>To protect the amenity of current and potential new occupiers/residents</p>

No	Condition	Reason
	<p>boundary of the development. The development will be required to be completed and maintained in the approved manner. Any development above this threshold would require planning permission.</p> <p>B) Where a new building for B2 use or a change of use to B2 use is proposed and the site lies within 50m of the curtilage of a residential property a Noise Assessment and proposed mitigation shall be submitted to and approved by the Local Planning Authority, in conjunction with Worcestershire Regulatory Services. The development shall be carried out strictly in accordance with the approved mitigation measures, which shall be fully completed prior to first occupation.</p>	of the area.
15	<p>Air Quality Any development that requires a Traffic Assessment, (in line with condition 5 of this Order) or that includes a Biomass Boiler will need to notify Worcestershire Regulatory Services (WRS) to ascertain whether or not an Air Quality Assessment is also required. If an assessment is required then the scope and detail of the assessment and any necessary mitigation measures, including a timescale for their implementation, will need to be agreed in writing with WRS, prior to the commencement of development and carried out in accordance with the agreed scheme.</p>	To ensure that no deterioration of the local air quality occurs.
16	<p>Archaeology Where archaeological remains are discovered as a result of development commencing, the developer should notify the County Council's Historic Environment Team before proceeding any further.</p>	To record and or protect historic features that may be discovered through development.
17	<p>Contamination Unless otherwise agreed in writing, no development which requires the construction of foundations (or is for a ground source heat pump) shall take place until a desk study and, if required, site investigation to confirm the extent and nature of any ground contamination has been carried out*.</p> <p>Commencement of development shall not begin until the results of the site investigation have been submitted to the Local Planning Authority with details of any mitigation measures to ensure any contamination is dealt with appropriately, and this is agreed in writing by the relevant authorities, before development commences. Any work shall be carried out in accordance with the approved details</p> <p>*Extensions that would increase the existing building by 25% or 1,000sqm, whichever is the lesser, are excluded from this condition.</p> <p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with express written consent of the planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall not be commenced until written approval is received and the development shall be carried out in accordance with the approved details.</p>	To ensure that risks from land contamination to the environment and human health are minimised.
18	<p>Development Notification 14 days before development starts the Local Planning Authority must be notified of the proposal so that a record of development provided through the LDO can be kept.</p>	To ensure that an accurate record of development is maintained.

The responsibility for interpreting the requirements of the LDO and ensuring that development is compliant with the above conditions falls on the developer/landowner.

Annex 2 - Design Guide

Although not a conditional requirement of the LDO, it is desirable that new developments follow good urban design principles to contribute to a quality environment. Therefore, the following table provides a summary of the key design principles to take into consideration.

Provide innovative architecture	<ul style="list-style-type: none"> • Development should be based on function but should also be visually pleasing. • Materials, colour, massing, projections, set backs and variety in the sky line can all add more interest.
Provide a coordinated design	<ul style="list-style-type: none"> • Larger areas of colour on buildings should be sympathetic to the landscape • A limited palette of colours is generally preferred for buildings.
Provide a positive public frontage	<ul style="list-style-type: none"> • Greatest attention to design quality and investment should be focused onto public faces of main frontages • Entrance foyers and reception areas should be located on the primary public face of buildings, preferably onto surrounding streets. • Outdoor storage areas should be designed and located to be unobtrusive from the street, using screening and/or landscaping as appropriate.
Provide a sense of enclosure on to streets and spaces	<ul style="list-style-type: none"> • Buildings should be positioned close to highways to provide a positive relationship with the street. • Buildings set to the back of large plots of car parking or storage areas should be avoided.
Provide green infrastructure and landscaping	<ul style="list-style-type: none"> • New developments should incorporate green landscaping, encouraging biodiversity habitats and incorporating SUDS. • Landscaping can form part of open spaces and recreation areas for employees. • Landscaping areas are ideally located onto public areas close to front entrances of main frontages. • Development should take into account, where relevant, of the area's context being adjacent to the Canal Conservation Area.
Provide development that is Secured by Design	<ul style="list-style-type: none"> • Secured by Design principles should be followed where possible. • Particular focus should be on site layout, perimeter security, building design, physical security, and electronic security.
Provide sustainable developments	<ul style="list-style-type: none"> • New development should aim to score 'Good' or better on the BREEAM rating system. • Sustainable building design elements such as natural ventilation, passive solar gain, low energy lighting, water collection and storage, and on-site recycling facilities should be considered.

Informative - Flood proofing: Flood proofing measures can include, but are not limited to, removable barriers on building apertures such as doors and air bricks; flood resilient materials within the building; and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency website at <http://www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx>

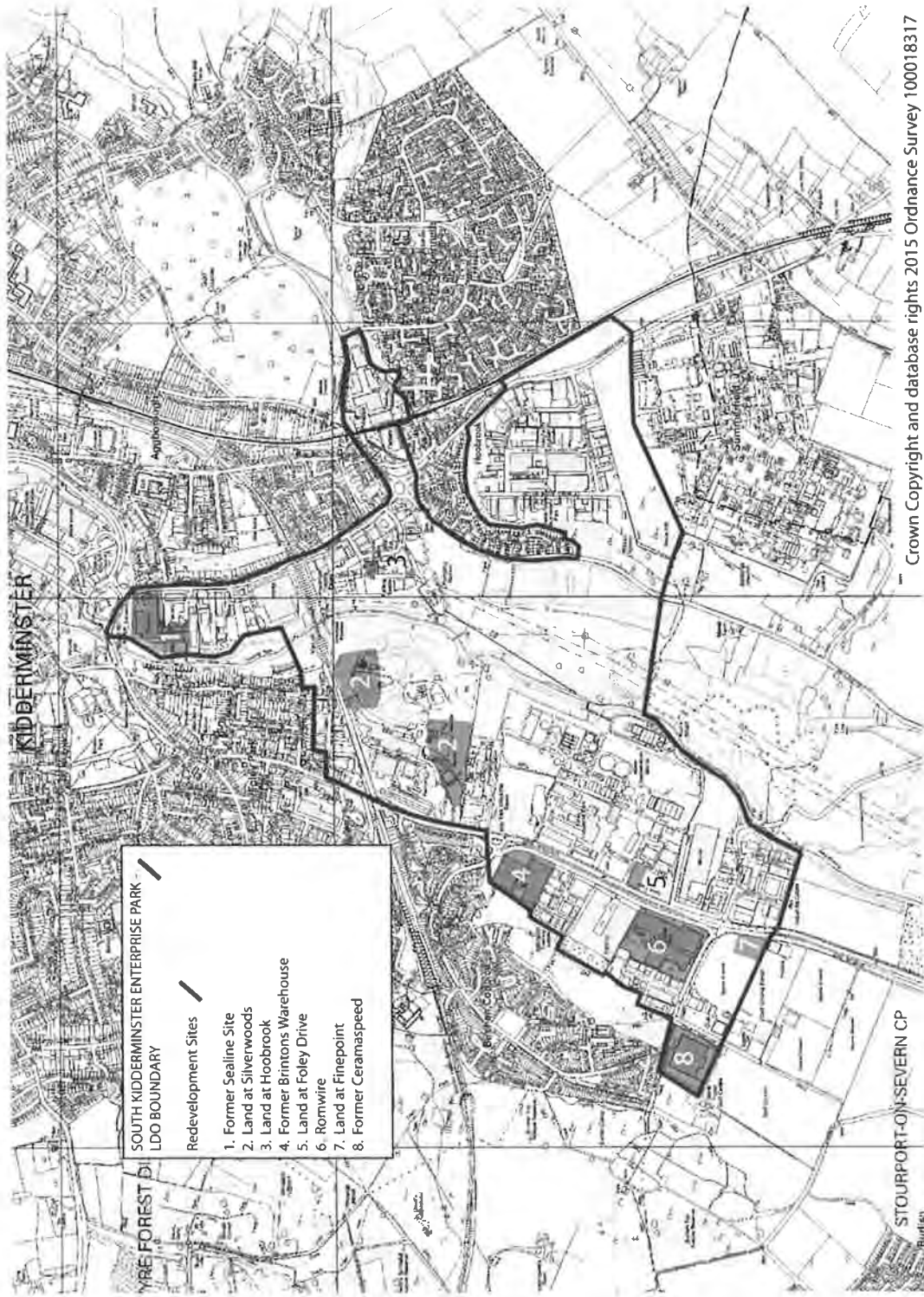
Annex 3 - Health and Safety Executive Advice

There are a number of areas within the Local Development Order boundary where there are buffer zones around potentially hazardous workplaces. Development near to these installations is controlled in order to minimise any potential risk. The Health and Safety Executive provide 'Planning Advice for Developments near Hazardous Installations' (PADHI). This advice is split into the inner, middle and outer zones that exist, and gives advice for developments that may fall within the different zone areas. Developers should therefore satisfy themselves that their proposals are in line with the recommendations of the HSE. For workplaces, which are the focus of this Order, the following guidance is given.

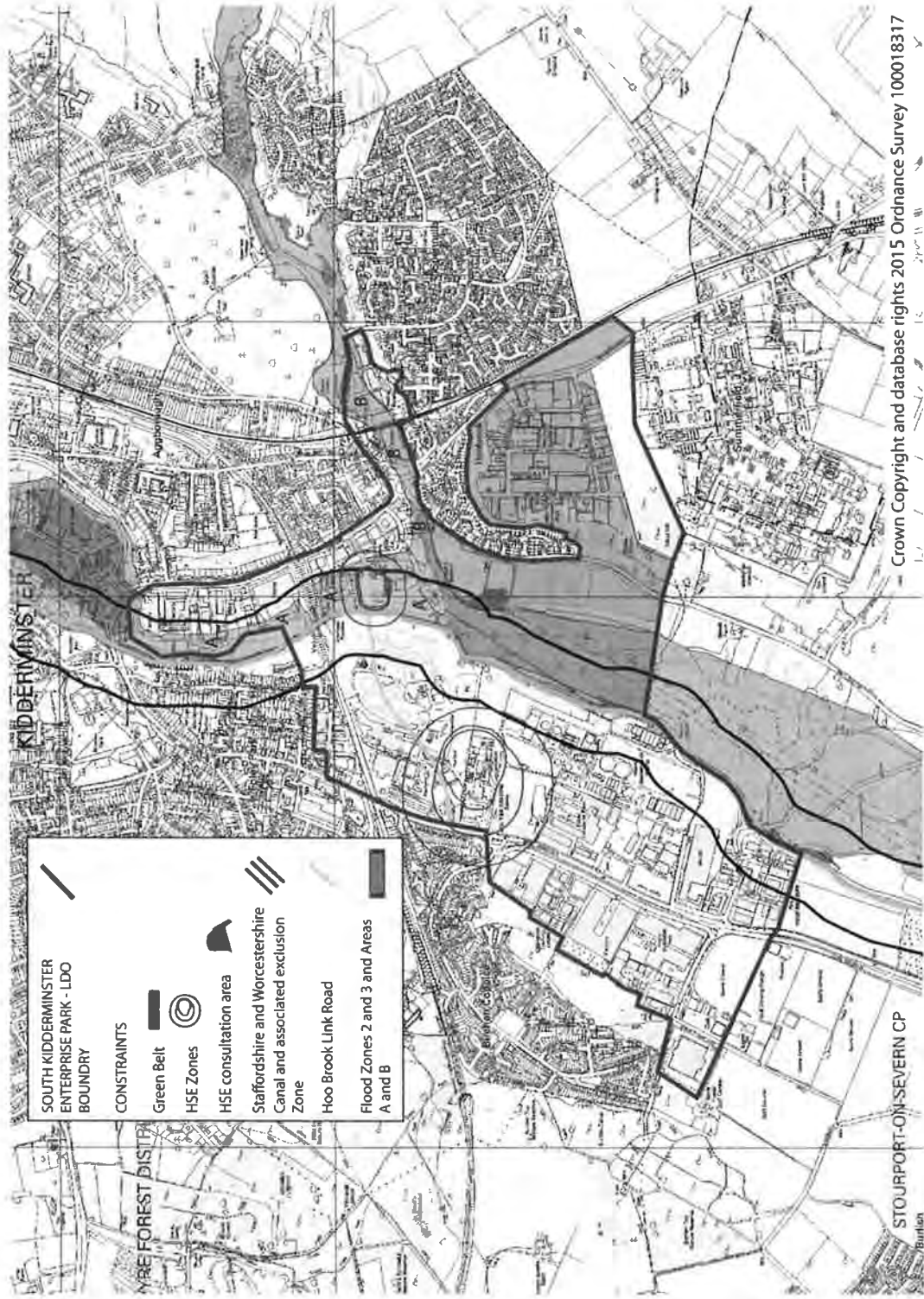
Development Type	Examples	Development detail and size	Justification	Sensitivity Level	Development in Inner Zone	Development in Middle Zone	Development in Outer Zone
Workplaces	Offices, factories, warehouses, haulage depots, builders yards	Workplaces at the major hazard site itself	Risks to workers, and others, at the workplace of the major hazard company are under control of that company	1	Don't Advise Against development	Don't Advise Against development	Don't Advise Against development
		Workplaces (predominantly non-retail) providing for less than 100 occupants in each building and less than 3 occupied storeys	Places where the occupants will be fit and healthy, and could be organised easily for emergency action. Members of the public will not be present or will be present in very small numbers and for a short time	1	Don't Advise Against development	Don't Advise Against development	Don't Advise Against development
	Sheltered workshops. Remploy	Workplaces (predominantly non-retail) providing for 100 or more occupants in any building or 3 or more occupied storeys in height	Substantial increase in numbers at risk with no direct benefit from exposure to risk	2	Advise Against Development	Don't Advise Against development	Don't Advise Against development
Workplaces specifically for people with disabilities		Those at risk may be especially vulnerable to injury from hazardous events and/or they may not be able to be organised easily for emergency action.	3	Advise Against Development	Advise Against Development	Don't Advise Against development	

Therefore, developers will need to be aware of which zone their site is located in and ensure that the thresholds meet the criteria set out by the Health and Safety Executive (The areas designated by the HSE are included on the constraints map attached at Appendix 4). Any development that would fall in the 'Advise Against Development' category is not be permitted by the Order.

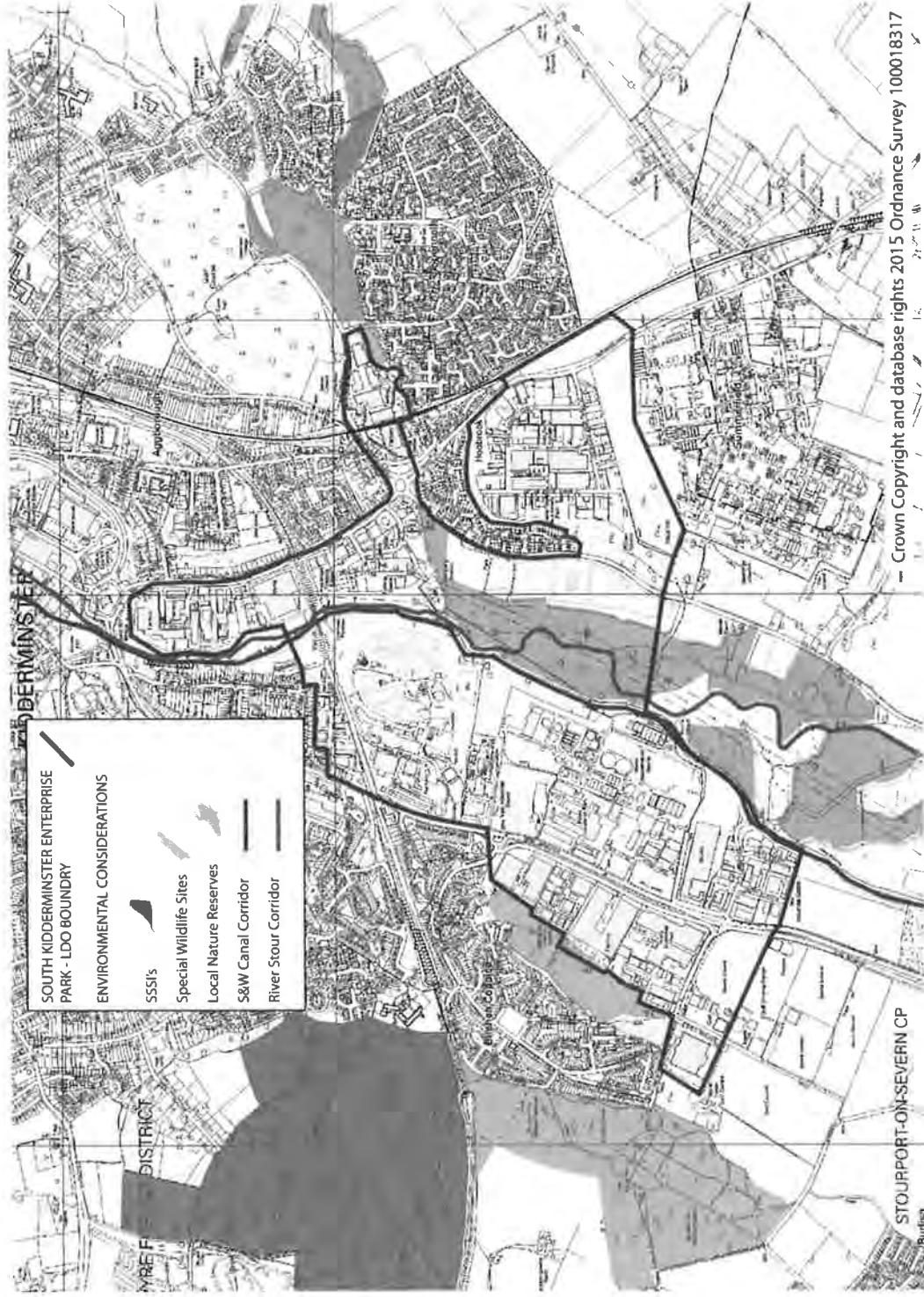
Appendix 1 - Map of LDO Area and Identified Redevelopment Sites



Appendix 2 - Constraints Map



Appendix 3 – Environmental Considerations Map



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South Kidderminster Enterprise Park



Local Development Order

Revised April 2015



Wyre Forest
District Council

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Appendices

Appendix 1 – Map of LDO Boundary and identified redevelopment sites

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Appendix 3 – Environmental Considerations Map

Statement of Reasons

1.1 Introduction to the South Kidderminster Enterprise Park

1.2 The South Kidderminster Enterprise Park area is a key employment and regeneration focus for Wyre Forest District. The area, which is formed of two key corridors of primarily business premises is identified, in part, within the Council's Adopted Core Strategy as being a key business and regeneration area. This is further supported by the work on the Council's Site Allocations and Policies Development Plan Document as well as forming a key part of the Council's regeneration work in terms of the ReWyre initiative. The Local Development Order (LDO) for this area will provide a further incentive that will enable the ambitions for economic growth to be realised. A map of the LDO area is attached at Appendix 1.

The LDO was first introduced in August 2012 and it has resulted in a number of developments being brought forward within the corridor. Due to the success of the Order to date it is proposed to extend the lifetime of the Order for a further three years. Some amendments have also been proposed to provide further support and flexibility for businesses considering development in this location.

2.0 Potential Benefits from the Implementation of a Local Development Order (LDO)

2.1 The LDO enables a simplified planning regime to be introduced, allowing the implementation of new development to come forward quicker, whilst providing added benefits to existing businesses through providing greater flexibility for the development of their existing assets.

2.2 The provision of a LDO within this location has already helped to provide an important stimulus for economic development in an area that has seen rapid decline and restructuring over the past 30 years. Companies that have developed using the Order since August 2012 are:

- Amada
- Beakbane
- Oakleaf
- WEMICO

3.0 Existing Planning Provisions

3.1 Support for the retention and enhancement of existing businesses as well as the development of new businesses within the Enterprise Park area is already provided for within the Adopted Core Strategy (December 2010) and the Site Allocations and Policies Local Plan (Adopted July 2013). Although the LDO does not have to implement local planning policies, in this instance there is a clear synergy between the aims, ambitions and policies of the adopted statutory development plan and the proposals that are included within the draft LDO.

3.2 It should be noted that the LDO does not prevent development taking place that is not specifically covered by the Order. A planning application for such development would need to be made in the normal way and nationally existing permitted development rights within the area would remain unchanged.

4.0 Identified Constraints

- **HSE Zones** – There are a number of zones that surround potentially hazardous installations located within the LDO area. These include land surrounding Ashland Chemicals on the Stourport Road and land surrounding Flogas on the Hoo Brook Industrial estates. These zones have been identified by the Health and Safety Executive as areas where new development would need to be closely managed. Given the potential restrictions placed on development within these areas, developers and landowners must satisfy themselves that any potential development falls within the LDO restrictions. A guide to the limitations is included within the LDO at Annex C and the boundaries of the zones are also included in Appendix 2. Notably, there is also a HSE zone located around the existing Roxel factory and a condition has been attached to the LDO to ensure that development in close proximity to this area (at either Hoo Farm or Easter Park) requires consent from the HSE before development commences.
- **Contamination** – Given the ex-industrial nature of most of the area contamination issues could arise. Conditions are attached to the LDO to ensure that contamination is investigated prior to the commencement of any development.
- **Pollution Prevention** - The plan area overlies a principal (formally major) aquifer of regional strategic importance. The entire area falls within the combined total source protection zone (SPZ) of a number of public water supply boreholes. In addition, the northern extent of the area lies within the outer protection zone of a public water supply borehole. The depth to water table across the area is variable; however within the valley of the Stour the water table is shallow. The area is therefore located in a sensitive hydrogeological setting. The River Stour runs through the area. Under the Water Framework Directive (WFD) the River Stour is currently classified as poor ecological status. The ecological status includes chemical and biological data to give this overall classification. The Stour is currently failing on a number of parameters, including phosphates and invertebrates which has led to the overall poor classification. The WFD objective is to improve the status of the water body to achieve overall good status by 2027. It is therefore particularly important that any contamination is appropriately addressed and that measures are undertaken to protect the water environment. Conditions are attached to this order to protect the water environment.
- **Conservation Areas** – Part of the Staffordshire and Worcestershire Canal Conservation Area is located within the proposed LDO boundary. Therefore, safeguards have been put in place to ensure that development does not have a detrimental impact on the character of the conservation area, or the structural integrity of the Canal. There are currently no listed buildings or structures within the area. However, should any be identified and listed through the lifetime of the Order then the relevant permissions for any proposed changes would be required before any development occurred.
- **Flood Risk** – The area includes both the River Stour and the Hoo Brook and as such parts of the land within the LDO boundary are affected by Flood Risk (as identified at Appendix 2). These areas have been conditioned in accordance with the *Technical Guidance to the National Planning Policy Framework*, which accompanies the NPPF. The conditions have been included and amended in conjunction with the Environment Agency.
- **Environmental Conservation**– The District Council have already undertaken a Habitats Regulations Assessment Screening Report for the adopted Site Allocations and Policies

Development Plan Document (DPD). The results of this Screening Report, which were agreed by Natural England, were that the DPD would not result in likely significant effects upon a Natura 2000 site (this is a site of European significance). Given that the LDO follows the aims of the Site Allocations and Policies DPD for this area of the District it is considered that the same conclusions could be drawn from the implementation of the LDO, and this approach has also been supported by Natural England.

- **Sustainability Appraisal** - The Council have produced an Environmental Statement to accompany the LDO, which sets out further detail on the Sustainability Appraisal process. This includes an extract of the relevant Sustainability Appraisal for land within the LDO boundary, which has been undertaken to inform the Site Allocations and Policies DPD. Also included within the Statement is a copy of the Appropriate Assessment Screening report and conformation of its suitability from Natural England.

More information on the Sustainability Appraisal and the Appropriate Assessment can be viewed by looking at the accompanying Environmental Statement. Alternatively, the full Sustainability Appraisal reports can be viewed by visiting the Council's website (www.wyreforestdc.gov.uk)

5.0 Pre-Development Requirements

- 5.1 The LDO does not remove the need to comply with other legislative controls such as building regulations approval or environmental protection legislation. Appropriate safeguards are also provided to protect the character and structural integrity of the adjacent Canal together with the amenity enjoyed by the occupiers of those residential properties immediately adjacent to, or proposed to be built within, the South Kidderminster Enterprise Park Area. These conditions are provided at Annex 1.
- 5.2 **It is the responsibility of landowners and developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to. Failure to comply with any statutory requirements may result in appropriate enforcement action being taken by the Council and/or other agencies.**

6.0 The Order

Local Development Order for South Kidderminster Enterprise Park

Within the South Kidderminster Enterprise Park area planning permission is granted for new buildings on **redevelopment sites**, as identified in Appendix 1, for the following uses:

- B1a (offices);
- B1b (Research and Development);
- B1c (Light Industry);
- B2 (General Industrial);
- B8 (Storage and Distribution);
- Car/Vehicle Hire Business and the selling and displaying of motor vehicles; and
- Vehicular access to development

Furthermore, **for existing premises** that fall under use classes B1, B2, B8 and car vehicle hire businesses/displaying and selling of motor vehicles, within the area (as identified in Appendix 1) planning permission for the following development is granted:

- recladding of building exteriors including changes to roofing materials;
- Installation or replacement of windows or doors;
- installation of solar panels and other renewable energy systems (such as biomass and combined heat and power boilers);
- sub-division of existing units (for B1a, b and c, B2 and B8 use);
- Extensions no more than 10 linear metres from the existing building, subject to extensions not being within 5 metres of the existing highway;
- The installation or replacement of plant or machinery not exceeding a height of 15 metres;
- The construction of ancillary buildings within the existing curtilage, not exceeding 100sqm Gross Floor Space; and
- Car parking - subject to adherence to the thresholds identified in Annex 1.

Change of use is also permitted as follows:

- B1 – to B2 or B8, where no more than 1,000sqm;
- B2 – to B1 or B8 where no more than 1,000sqm; and
- B8 – to B1 or B2 where no more than 1,000sqm.

Demolition, in conjunction with any redevelopment of existing premises within the identified use classes, is also permitted.

All proposed development shall be in line with the restrictions and conditions identified within this Order.

6.1 The Local Development Order is therefore split into two main component parts:

- Provisions relating to redevelopment sites within the boundary (as identified at Appendix 1)
- Provisions for existing business premises within the boundary (including change of use)

6.2 All development proposed through the Order must be in conformity with the uses identified as well as being in conformity with the conditions attached at Annex 1.

7.0 Restrictions

7.1 A number of restrictions to development are identified in the following table. No development is permitted if it falls under the following categories.

Restriction	Reason
Any development that is considered to require an Environmental Impact Assessment as set out by the Regulations (or any subsequent Regulations which replace the above with or without modification)	<p>Development that requires an Environmental Impact Assessment (EIA) would need to be assessed through a planning application.</p> <p>The scope of development proposed through the LDO is based on a broad spectrum of speculative industrial development. It is very difficult for the Council to screen and assess the scope/quantum of development coming forward without receiving definite proposals and plans in advance.</p> <p>Therefore if an EIA development is proposed it would not be suitable to be brought through the LDO route. A planning application would need to be submitted. For more information see Condition 1 in Appendix 1</p>
Any development where the planning application would normally be determined by the Secretary of State or a body other than the District Council	<p>The District Council can only consider allowing development through the LDO in an area where it has responsibility. This would exclude development relating to waste management such as all planning applications relating to the use of land (and buildings) or the erection of buildings, plant or machinery for the purposes of waste management, which are determined by the County Council. The following classes of operations and uses of land are considered to be 'county matters':</p> <ul style="list-style-type: none"> i. The use of land, the carrying out of building, engineering or other operations, or the erection of plant or machinery used or proposed to be used, wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste; ii. Operations and uses ancillary to the purposes in (i) above, including development relating to access to highways.
Proposals for development that fall within other use classes of the 1987 Use Classes Order as amended.	<p>The LDO identifies the use classes that are considered to be appropriate within this area. No other use classes are considered as being suitable without planning permission. Furthermore, development falling into any of the following categories is not permitted through this Order:</p> <ul style="list-style-type: none"> • Storage of hazardous substances; • Retail linked trade operations; and • Rail freight proposals.
No development is permitted within the Green Belt that falls within the LDO Boundary	To ensure that the Order is in line with the national and local policy in relation to development within the Green Belt
Flood Risk	Development is not permitted within 8m of the River Stour and Hoo Brook, in order to protect the watercourses and their associated floodplain.
Development that would	The delivery of the Hoo Brook Link Road is a key strategic transport

Restriction	Reason
prejudice the delivery of the Hoo Brook Link Road	priority for the District, as identified in the Adopted Core Strategy and therefore development that would affect the delivery of the link road is not permitted through this Order. Developers and landowners are advised to contact the District Council to ensure that their development would not prejudice the delivery of the road.
Development that would effect a Public Right of Way	If it is necessary to divert/extinguish existing public rights of way, in order for development to proceed, then planning permission will be required.
Development that would effect the Staffordshire and Worcestershire Canal	A buffer zone has been included around the Staffordshire and Worcestershire Canal in order to protect the Conservation Area designation and the structural integrity of the Canal. No development is permitted within this zone (as identified in Appendix 2). This exclusion zone has been derived in conjunction with British Waterways, English Heritage and the District Council's Conservation Officer.
Listed Buildings	Should any buildings or structures become listed during the lifetime of the Order then the buildings and associated curtilage would be exempt from the provisions of the Order and would require consent through the existing framework of listed building consent and/or a planning application.

8.0 Conditions

8.1 There are also a number of other conditions that are attached as part of the LDO to ensure that development is appropriate, which are included in Annex 1 as well as a constraints map that is attached at Appendix 2.

9.0 Justification for the Order

9.1 The Government is committed to boosting local growth and creating jobs to support the economic recovery of the country. It has embarked on a radical reform programme to support this, and has established enterprise zones to support and encourage private sector growth. Although the South Kidderminster Enterprise Park was unsuccessful in its bid for Enterprise Zone status it is considered that the implementation of an LDO would bring about some of the benefits that EZ status would have brought to the District.

10.0 Lifetime of the Order

10.1 The LDO will be active for a period of 3 years after the date of its adoption.

10.2 Development which has started under the provision of the LDO prior to its expiry will be allowed to complete in the event that the LDO is revoked or revised¹. The Council does have the ability to revoke the LDO at any time, should it lead to undesirable and unforeseen consequences.

10.3 Developments that have taken place under the LDO will be allowed to continue to operate in the event that the LDO is revoked or revised. However, no new development will be allowed under the terms of the LDO following its expiry without planning permission.

¹ Commencement of development is defined as an undertaking of a material operation as defined in Section 56 (4) (a) – (d) of the Town and Country Planning Act 1990. A lawful commencement of development shall only be adjudged to have been carried out if the full notification process as set out in the Order has been completed to the satisfaction of the Local Planning Authority prior to any development commencing.

10.4 The conditions attached to this LDO will continue to apply to any development permitted during its lifetime.

11.0 Policies that the Order will help to implement

11.1 National

- National Planning Policy Framework
- National Planning Policy Guidance

11.2 Local (Adopted Policy)

- Wyre Forest Core Strategy (Adopted December 2010)
- DS01: Development Locations
- DS02: Kidderminster Regeneration Area
- CP08: A Diverse Local Economy
- CP09: Retail and Commercial Development
- Site Allocations and Policies Local Plan (Adopted July 2013)
- Policy SAL.GPB1: Employment Land / Economic Development
- Policy SAL.CC5: Renewable Energy
- Policy SAL.SK1 – South Kidderminster Enterprise Park
- Policy SAL.SK2 – Former British Sugar Site
- Policy SAL.SK4 – Former Romwire Site

12.0 Monitoring the LDO

12.1 LDO monitoring needs to be appropriate to the ambition and circumstances of the development.

12.2 Conditions on the LDO will require that the developer notifies the local planning authority when undertaking development permitted by the LDO to ensure that an accurate record of development is maintained.

12.3 Notification of development will also be circulated to District Councillors, via the weekly planning application list, so that members are aware of development being delivered through the LDO.

12.4 The Order will be revisited at the end of the three year period where a decision will be made to either continue the Order, amend and review the Order or abolish the Order.

Contacts:

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Worcestershire Regulatory Services

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Worcestershire County Council

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Email: worcestershirehub@worcestershire.gov.uk

Telephone: (01905) 765765

Annex 1 - Conditions

No	Condition	Reason
1	<p>EIA Development</p> <p>The permissions granted by this Order shall not apply if:</p> <ul style="list-style-type: none"> • An application for planning permission for the proposed development would be a Schedule 1 application within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. • An application for the development would fall within the descriptions of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, <u>unless</u> the Local Planning Authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same Regulations, that the development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development. <p>Developers should therefore satisfy themselves that development would not fall within any of the above categories prior to work commencing. This condition will also be applied any subsequent EIA regulations which replace the above with, or without, modifications.</p>	<p>To ensure any new development is not an EIA development.</p>
2	<p>Development Height</p> <p>Development must not exceed 15 metres in height, inclusive of all development such as flue gas stacks and micro wind turbines</p>	<p>To protect the amenity of current and potential new occupiers/residents of the area.</p>
3	<p>Environmental Protection</p> <p>All development should have regard to:</p> <ul style="list-style-type: none"> • Statutory conservation sites (principally Wilden Marsh and Meadows SSSI and River Stour Floodplain SSSI) in mitigating any impacts development adjacent to these sites might have on their ecological function/integrity • Non-statutory nature conservation sites in mitigating any impacts development adjacent to these sites might have on their ecological function/integrity • Development should have regard to all protected species and habitats and BAP species and habitats where identified <p>The sites are identified at Appendix 3 of this Order.</p>	<p>To protect important Environmental habitats within the area.</p>
4	<p>Health and Safety Executive</p> <p>Development will need to be in line with the Health and Safety Executives advice on planning for developments near hazardous installations (PADHI). Please refer to Table 2 for further information. Any development above these thresholds would require planning permission.</p>	<p>To ensure development meet Health and Safety criteria.</p>
5	<p>Health and Safety Executive – Explosives</p> <p>Any development proposed on Easter Park or Hoo Farm (sites identified on Appendix 1) will need prior written approval from the HSE Explosives directorate. Developers must send their proposed plans to the HSE, who can be contacted at the following address:</p>	<p>To ensure development meet Health and Safety criteria.</p>

No	Condition	Reason
	<p>Specialised Industries, 5S.2 Redgrave Court, Merton Road, Bootle Merseyside, L20 7HS Tel: 0151 951 4000 Explosives.licensing@hse.gsi.gov.uk</p> <p>If planning permission is required then early consultation with the District Council is recommended.</p>	
6	<p>Traffic Generation Any development proposed that is greater than the following thresholds would require a Transport Assessment (TA):</p> <p>B1 – Gross Floor Area greater than 2,500sqm B2 – Gross Floor Area greater than 4,000sqm B8 – Gross Floor Area greater than 5,000sqm</p> <p>Should development be higher than these thresholds identified then a TA will need to be submitted and agreed in writing with Worcestershire County Council before any development commences. Where appropriate, mitigation measures may be required, which will need to be provided by the developer, within an agreed timescale.</p> <p>No development may commence until agreement has been reached with the Local Planning Authority</p>	<p>To ensure that development does not have a detrimental impact on the adjoining Highway network.</p>
7	<p>Highways / Access Access to the highway network will require the issue of a licence under Section 278 of the Highways Act, 1980. New accesses on to classified roads will require planning permission.</p> <p>Development must not reduce the amount of space available for vehicle turning or manoeuvring.</p>	<p>To ensure development meets highways standards.</p> <p>To ensure development does not adversely affect existing vehicular space.</p>
8	<p>Parking Car and cycle parking must be provided in line with the parking standards of Worcestershire County Council Highways Design Guide (Appendix A), unless otherwise agreed in writing with the Local Planning Authority</p>	<p>To ensure development has sufficient parking available</p>
9	<p>Flood Risk Development within Area A or B, as identified by Appendix 2, must comply with the following conditions to mitigate flood risk:</p> <p>Protection to buildings</p> <p>Area A (River Stour): Finished floor levels shall be set no lower than 30.62m AOD (<i>this level is based on 600mm freeboard above a 1% plus climate change flood level</i>) or flood proofing measures shall be incorporated into the building to this level.</p> <p>Area B (Hoo Brook): Finished floor levels shall be set no lower than existing ground levels and flood proofing measures shall be incorporated into the building to a level set at least 1 metre above the finished floor level of the building.</p> <p>Protection to Occupiers Prior to the first occupation of the development, a Flood Evacuation</p>	<p>To ensure adequate flood risk protection is provided.</p> <p>To protect the proposed development from flood risk for the lifetime of the development.</p>

No	Condition	Reason
	<p>Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. In preparing the plan, regard should be had to the guidance on the Environment Agency's website as follows: http://www.environment-agency.gov.uk/business/topics/flooding/32362.aspx</p> <p>Development in Area A - The Applicant /future occupiers should contact 03708 506506 to be set up on the Environment Agency flood warning system for the River Stour.</p> <p>Development in Area B - The Applicant /future occupiers should contact 03708 506506 to be set up on the Environment Agency flood warning system for a Flood Alert for the Hoo Brook. Given that there is only a Flood Alert available for the Hoo Brook, any evacuation management plan will also need to consider other available data to inform timing for implementation of evacuation procedures. For example, a combination of met office data and local weather announcements.</p>	<p>To minimise the flood related danger to people in the flood risk area.</p>
10	<p>Surface Water and Drainage New developments should incorporate Sustainable Urban Drainage methods to ensure that run-off is no greater than existing discharge rates. No infiltration methods are permitted to be used, unless it can be demonstrated that there is no unacceptable risk to controlled waters and this has been agreed in writing by the Environment Agency or Local Planning Authority prior to the commencement of development.</p> <p>All foul drainage from new development must be connected to the mains foul sewer. If not, then planning permission will be required.</p>	<p>To ensure adequate drainage is provided and to ensure that the ground and surface waters are protected.</p> <p>In order to protect ground and surface waters.</p>
11	<p>Water Quality Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.</p>	<p>To prevent pollution of the water environment.</p>
12	<p>Outside Storage Outside storage space is restricted to 10% of the total area of the curtilage and the overall height of any items stored shall not exceed 4 metres. Any development above these thresholds would require planning permission.</p>	<p>To protect the visual amenity of the area.</p>
13	<p>Infrastructure Developers should register with and use www.Linesearch.org. This will provide an instant response advising whether or not any of the 29 infrastructure providers have apparatus that may be affected through development. The development shall be carried out strictly in accordance with the advice and guidance given, and development shall not be commenced until written approval has been received from the relevant Authority.</p>	<p>To protect infrastructure within the area.</p>
14	<p>Noise A) All buildings, extensions, plant and machinery developed under the provisions of the Order shall be designed and constructed to ensure that the level of noise emitted does not exceed <55db(A) measured at the</p>	<p>To protect the amenity of current and potential new occupiers/residents</p>

No	Condition	Reason
	<p>boundary of the development. The development will be required to be completed and maintained in the approved manner. Any development above this threshold would require planning permission.</p> <p>B) Where a new building for B2 use or a change of use to B2 use is proposed and the site lies within 50m of the curtilage of a residential property a Noise Assessment and proposed mitigation shall be submitted to and approved by the Local Planning Authority, in conjunction with Worcestershire Regulatory Services. The development shall be carried out strictly in accordance with the approved mitigation measures, which shall be fully completed prior to first occupation.</p>	of the area.
15	<p>Air Quality Any development that requires a Traffic Assessment, (in line with condition 5 of this Order) or that includes a Biomass Boiler will need to notify Worcestershire Regulatory Services (WRS) to ascertain whether or not an Air Quality Assessment is also required. If an assessment is required then the scope and detail of the assessment and any necessary mitigation measures, including a timescale for their implementation, will need to be agreed in writing with WRS, prior to the commencement of development and carried out in accordance with the agreed scheme.</p>	To ensure that no deterioration of the local air quality occurs.
16	<p>Archaeology Where archaeological remains are discovered as a result of development commencing, the developer should notify the County Council's Historic Environment Team before proceeding any further.</p>	To record and or protect historic features that may be discovered through development.
17	<p>Contamination Unless otherwise agreed in writing, no development which requires the construction of foundations (or is for a ground source heat pump) shall take place until a desk study and, if required, site investigation to confirm the extent and nature of any ground contamination has been carried out*.</p> <p>Commencement of development shall not begin until the results of the site investigation have been submitted to the Local Planning Authority with details of any mitigation measures to ensure any contamination is dealt with appropriately, and this is agreed in writing by the relevant authorities, before development commences. Any work shall be carried out in accordance with the approved details</p> <p>*Extensions that would increase the existing building by 25% or 1,000sqm, whichever is the lesser, are excluded from this condition.</p> <p>Piling or any other foundation designs using penetrative methods shall not be permitted other than with express written consent of the planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall not be commenced until written approval is received and the development shall be carried out in accordance with the approved details.</p>	To ensure that risks from land contamination to the environment and human health are minimised.
18	<p>Development Notification 14 days before development starts the Local Planning Authority must be notified of the proposal so that a record of development provided through the LDO can be kept.</p>	To ensure that an accurate record of development is maintained.

The responsibility for interpreting the requirements of the LDO and ensuring that development is compliant with the above conditions falls on the developer/landowner.

Annex 2 - Design Guide

Although not a conditional requirement of the LDO, it is desirable that new developments follow good urban design principles to contribute to a quality environment. Therefore, the following table provides a summary of the key design principles to take into consideration.

Provide innovative architecture	<ul style="list-style-type: none"> • Development should be based on function but should also be visually pleasing. • Materials, colour, massing, projections, set backs and variety in the sky line can all add more interest.
Provide a coordinated design	<ul style="list-style-type: none"> • Larger areas of colour on buildings should be sympathetic to the landscape • A limited palette of colours is generally preferred for buildings.
Provide a positive public frontage	<ul style="list-style-type: none"> • Greatest attention to design quality and investment should be focused onto public faces of main frontages • Entrance foyers and reception areas should be located on the primary public face of buildings, preferably onto surrounding streets. • Outdoor storage areas should be designed and located to be unobtrusive from the street, using screening and/or landscaping as appropriate.
Provide a sense of enclosure on to streets and spaces	<ul style="list-style-type: none"> • Buildings should be positioned close to highways to provide a positive relationship with the street. • Buildings set to the back of large plots of car parking or storage areas should be avoided.
Provide green infrastructure and landscaping	<ul style="list-style-type: none"> • New developments should incorporate green landscaping, encouraging biodiversity habitats and incorporating SUDS. • Landscaping can form part of open spaces and recreation areas for employees. • Landscaping areas are ideally located onto public areas close to front entrances of main frontages. • Development should take into account, where relevant, of the area's context being adjacent to the Canal Conservation Area.
Provide development that is Secured by Design	<ul style="list-style-type: none"> • Secured by Design principles should be followed where possible. • Particular focus should be on site layout, perimeter security, building design, physical security, and electronic security.
Provide sustainable developments	<ul style="list-style-type: none"> • New development should aim to score 'Good' or better on the BREEAM rating system. • Sustainable building design elements such as natural ventilation, passive solar gain, low energy lighting, water collection and storage, and on-site recycling facilities should be considered.

Informative - Flood proofing: Flood proofing measures can include, but are not limited to, removable barriers on building apertures such as doors and air bricks; flood resilient materials within the building; and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency website at <http://www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx>

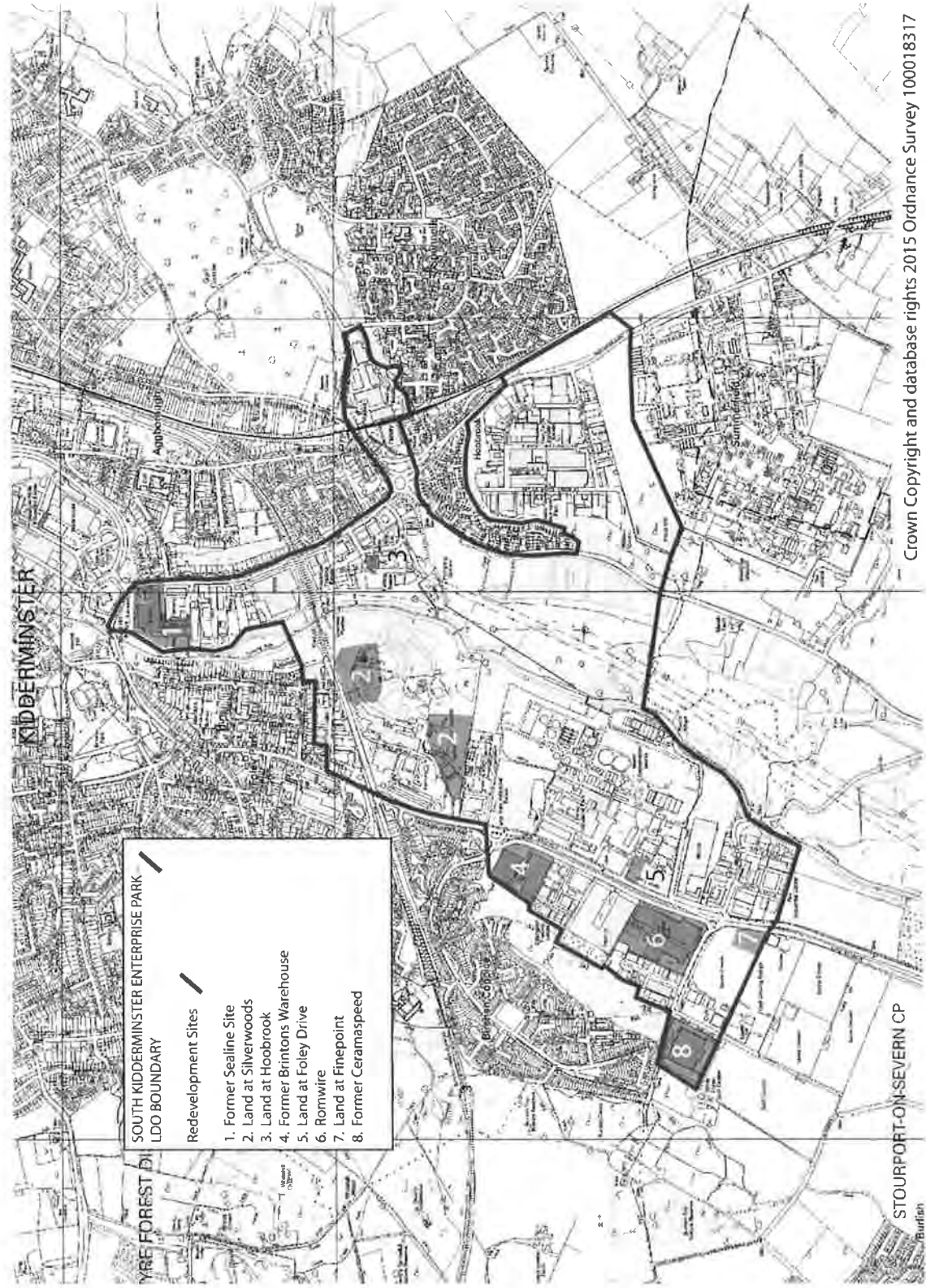
Annex 3 - Health and Safety Executive Advice

There are a number of areas within the Local Development Order boundary where there are buffer zones around potentially hazardous workplaces. Development near to these installations is controlled in order to minimise any potential risk. The Health and Safety Executive provide 'Planning Advice for Developments near Hazardous Installations' (PADHI). This advice is split into the inner, middle and outer zones that exist, and gives advice for development that may fall within the different zone areas. Developers should therefore satisfy themselves that their proposals are in line with the recommendations of the HSE. For workplaces, which are the focus of this Order, the following guidance is given.

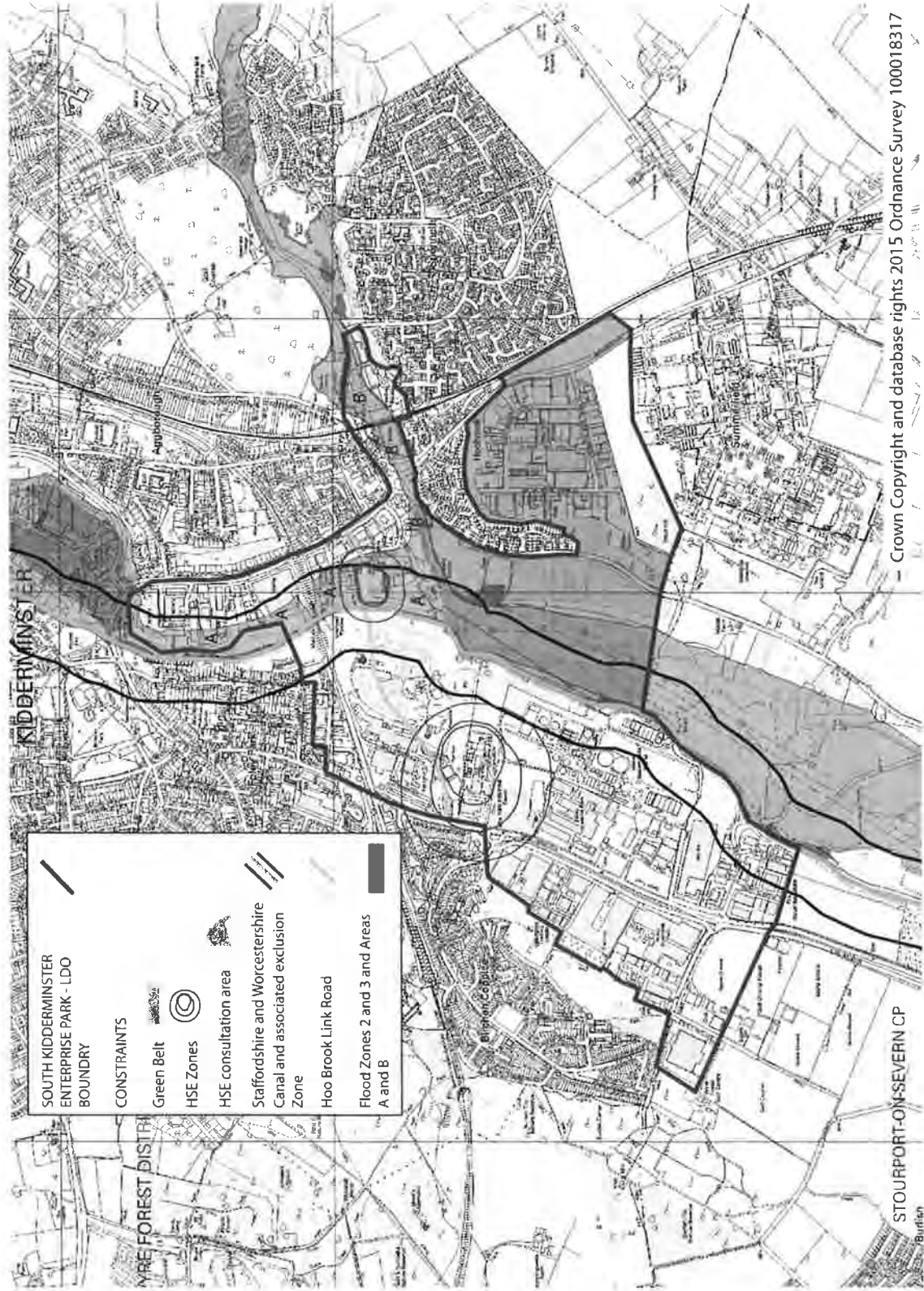
Development Type	Examples	Development detail and size	Justification	Sensitivity Level	Development in Inner Zone	Development in Middle Zone	Development in Outer Zone
Workplaces	Offices, factories, warehouses, haulage depots, builders yards	Workplaces at the major hazard site itself	Risks to workers, and others, at the workplace of the major hazard company are under control of that company	1	Don't Advise Against development	Don't Advise Against development	Don't Advise Against development
		Workplaces (predominantly non-retail) providing for less than 100 occupants in each building and less than 3 occupied storeys	Places where the occupants will be fit and healthy, and could be organised easily for emergency action. Members of the public will not be present or will be present in very small numbers and for a short time	1	Don't Advise Against development	Don't Advise Against development	Don't Advise Against development
	Sheltered workshops. Remploy	Workplaces (predominantly non-retail) providing for 100 or more occupants in any building or 3 or more occupied storeys in height	Substantial increase in numbers at risk with no direct benefit from exposure to risk	2	Advise Against Development	Don't Advise Against development	Don't Advise Against development
Workplaces specifically for people with disabilities		Those at risk may be especially vulnerable to injury from hazardous events and/or they may not be able to be organised easily for emergency action.	3	Advise Against Development	Advise Against Development	Don't Advise Against development	

Therefore, developers will need to be aware of which zone their site is located in and ensure that the thresholds meet the criteria set out by the Health and Safety Executive (The areas designated by the HSE are included on the constraints map attached at Appendix 4). Any development that would fall in the 'Advise Against Development' category is not permitted by the Order.

Appendix 1 - Map of LDO Area and Identified Redevelopment Sites



Appendix 2 - Constraints Map



Appendix 3 – Environmental Considerations Map

