

NOTICE OF DELEGATION 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, Marcus Hart, as Strong Leader, delegate the decision to approve that the South Kidderminster Enterprise Park – Local Development Order 2018 is published for public consultation, as detailed in the Forward Plan to the Cabinet Member detailed below:

Cabinet Member – Councillor Ian Hardiman
Cabinet Member for Planning and Economic Regeneration

Dated:

15th May 2018

Signed:

.....
Leader of the Council

NOTICE OF DECISION OF CABINET MEMBER

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 by the Leader, I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
South Kidderminster Local Development Order (2018)	To publish the South Kidderminster Enterprise Park: Local Development Order 2018 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.	14/5/18

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

Dated: 15/5/2018

Signed: 

Councillor: Ian Hardiman – Cabinet Member for Planning and Economic Regeneration

South Kidderminster Enterprise Park: Local Development Order



Consultation – May 2018

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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 and ReWyre 'ReNewed' initiative. The Local Development Order (LDO) for this area provides 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, the document was adopted for a further 3 years in 2015. The document continued to be used and valued by developers and businesses and it is therefore proposed to extend the lifetime of the Order for a further three years, which would see the document cease in 2021. Some minor amendments have been proposed to ensure the Order remains relevant and up to date.

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 benefited from utilising the Order since August 2012 are:

- All Electric
- Amada
- Arabond
- Beakbane
- Chase Commercial – Developers of Ratio Park
- Gemini
- Movianto
- Oakleaf
- Specsavers – IGS and Lens on Line
- 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). This position has been further crystallised through the Local Plan review that is currently underway.

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 meeting the requirements set out in condition 9 of Annex 1.
- The redevelopment of any existing building or structure subject to the floorspace of the replacement unit being of the same scale and size as the current building or structure

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.

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 and minerals 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 or minerals management, which are determined by the County Council. The following classes of operations and uses of land are considered to be 'county matters':</p> <ol 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 or the SSSI 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 and SSSI's.
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 affect 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 affect the Staffordshire and	A buffer zone has been included around the Staffordshire and Worcestershire Canal in order to protect the Conservation Area

Restriction	Reason
Worcestershire Canal	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 Canal & River Trust, Historic England 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.

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

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.

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 continue the Order, amend and review the Order or abolish the Order.

Contacts:

Wyre Forest District Council

LDO, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF

Email: ldo.consultation@wyreforestdc.gov.uk

Telephone: 01562 732928

Worcestershire Regulatory Services

Worcestershire Regulatory Services, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF

Email: wrsenquiries@worcsregservices.gov.uk

Telephone: (01905) 822799

Worcestershire County Council

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

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 conserve and, where appropriate, enhance the:</p> <ul style="list-style-type: none"> • Statutory conservation sites (principally Wilden Marsh and Meadows SSSI and River Stour Floodplain SSSI) by mitigating any impacts that development adjacent to these sites might have on their ecological function/integrity • Non-statutory nature conservation sites by mitigating any impacts that development adjacent to these sites might have on their ecological function/integrity <p>Development will need to have checked Natural England’s SSSI Impact Risk Zones, which can be accessed here to ascertain whether or not their proposal requires consultation with Natural England.</p> <p>In addition development should have regard to all protected species and habitats and BAP species and habitats where identified</p> <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>

No	Condition	Reason
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>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>	<p>To ensure development meet Health and Safety criteria.</p>
6	<p>Network Rail</p> <p>Any proposal within 10m of the operational railway boundary will require review and approval by Network Rail. Developers must secure prior written approval before any development commences, if located in this area. Network Rail can be contacted at the following address:</p> <p>Town Planning Team LNW, Network Rail, 1st Floor, Square One, 4 Travis Street Manchester, M1 2NY Email: TownPlanningLNW@networkrail.co.uk</p>	<p>To protect the integrity of the railway infrastructure</p>
7	<p>Traffic Generation</p> <p>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>
8	<p>Highways / Access</p> <p>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>
9	<p>Parking</p> <p>Car and cycle parking must be provided in line with the parking standards of Worcestershire County Council Highways Design Guide unless otherwise agreed in writing with the Local Planning Authority</p>	<p>To ensure development has sufficient parking available</p>

No	Condition	Reason
10	<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>Further information can be located on the Environment Agency's website here</p> <p>Protection to Occupiers Prior to the first occupation of the development, a Flood Evacuation 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 ensure adequate flood risk protection is provided.</p> <p>To protect the proposed development from flood risk for the lifetime of the development.</p> <p>To minimise the flood related danger to people in the flood risk area.</p>
11	<p>Surface Water and Drainage New developments should incorporate Sustainable Urban Drainage in line with the following guidance: https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards</p> <p>Unless 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>
12	<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</p>	<p>To prevent pollution of the water environment.</p>

No	Condition	Reason
	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.	
13	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.	To protect the visual amenity of the area.
14	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.	To protect infrastructure within the area.
15	Noise All buildings, extensions, plant and machinery developed under the provisions of the Order will need to comply with the Worcestershire Regulatory Services 'Noise Technical Guidance': http://www.worcsregservices.gov.uk/media/448878/noise-technical-guidance-v-1-2-4.pdf	To protect the amenity of current and potential new occupiers/residents of the area.
16	Air Quality Worcestershire Regulatory Services should be consulted to determine if an air quality assessment is required, and/or if one has been produced in the following situations: <ul style="list-style-type: none">• Commercial/Industrial development >100 parking spaces;• Biomass Boiler (50kW to 20MW) proposed*• Large Vehicle Depot such as a Bus Station, Lorry Park or Park and Ride * Note under the Clean Air Act 1993 approval from the LPA for the Chimney Stack Height for boilers burning >45.4kg/hr 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.	To ensure that no deterioration of the local air quality occurs.
17	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.	To record and or protect historic features that may be discovered through development.
18	Contamination Unless otherwise agreed in writing by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 identified in Annex 3 have been complied with.	To ensure that risks from land contamination to the environment and human health are minimised.

No	Condition	Reason
19	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.	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 <https://www.gov.uk/prepare-for-a-flood>

Annex 3 – Contaminated Land Conditions

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

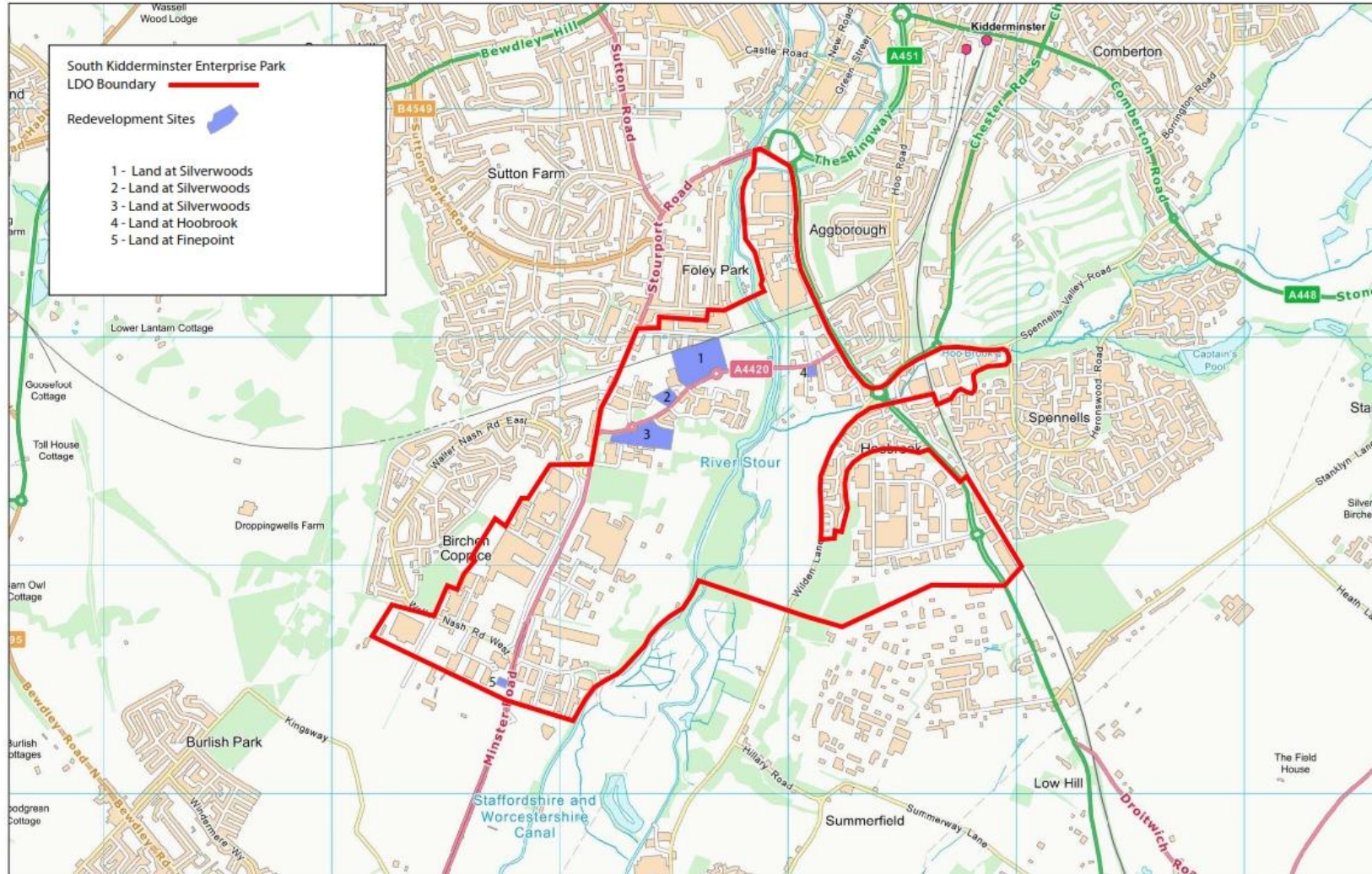
Annex 4 - Health and Safety Executive Advice

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.

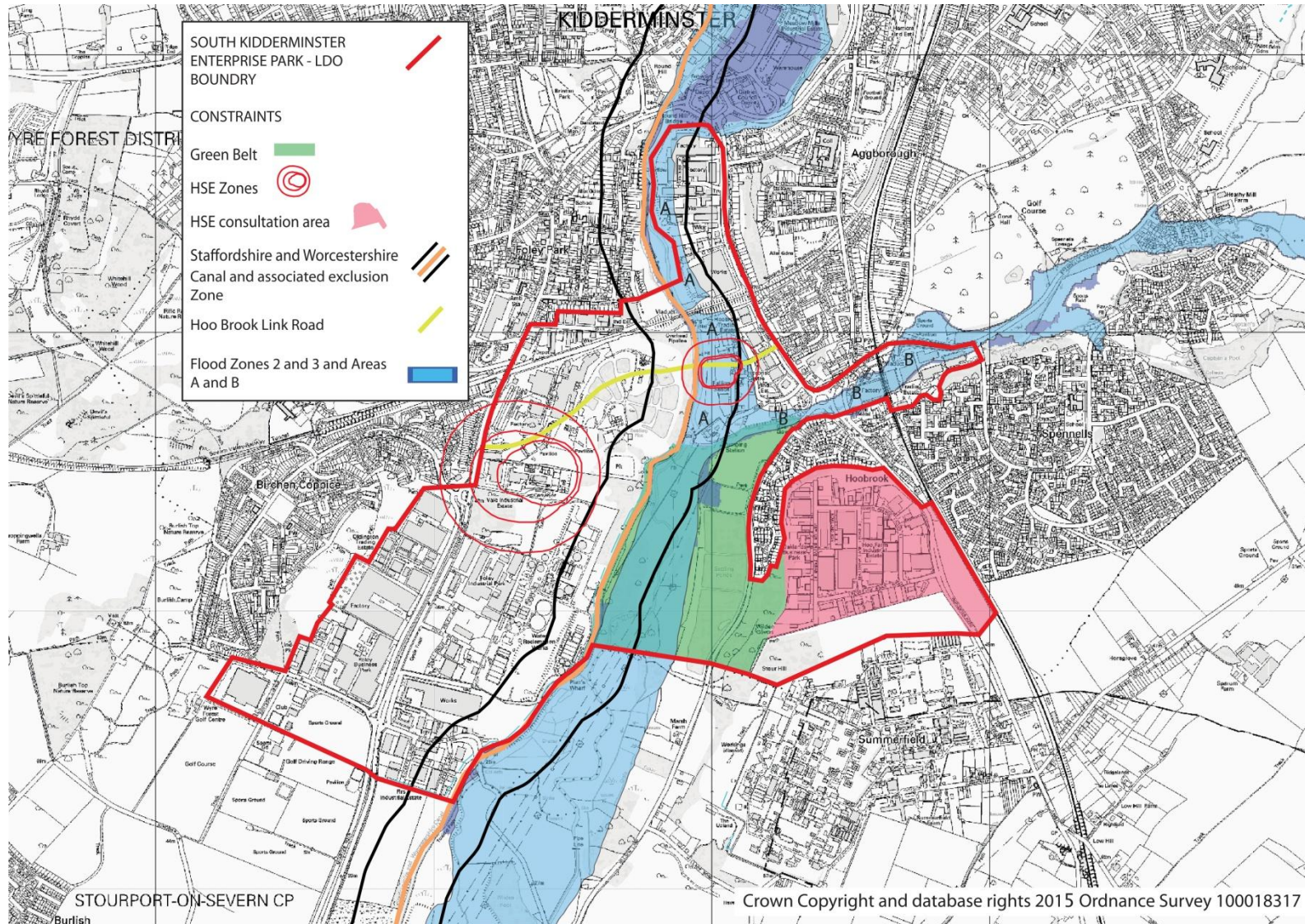
Development Type	Examples	Development detail and size	Justification	Sensitivity Level	Development in Inner Zone	Development in Middle Zone	Development in Outer Zone
Workplaces	Offices, factories, warehouses, haulage depots, builders yards	Workplaces at the major hazard site itself	Risks to workers, and 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
		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
	Sheltered workshops. Remploy	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

