

Development Management

# Neptune Energy Park Local Development Order

June 2012



Newcastle  
City Council 

# **Contents**

<b>Chapter</b>	<b>Subject</b>	<b>Page</b>
	<b>Executive Summary</b>	
<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Purpose of the Local Development Order</b>	<b>4</b>
<b>3</b>	<b>Planning Simplification</b>	<b>6</b>
<b>4</b>	<b>Site Description</b>	<b>7</b>
<b>5</b>	<b>Development Considerations</b>	<b>9</b>
<b>6</b>	<b>Contacts</b>	<b>12</b>
<b>7</b>	<b>Statement of Reasons</b>	<b>13</b>
	<b>The Neptune Energy Park Local Development Order</b>	<b>17</b>
<b>Table 1</b>	<b>Development Requirements</b>	<b>18</b>
<b>Table 2</b>	<b>Planning Conditions</b>	<b>19</b>
<b>Plan 1</b>		<b>21</b>
	<b>Appendix 1: Existing Permitted Development Rights</b>	<b>22</b>

# Neptune Energy Park Local Development Order

## Executive summary

1. In August 2011, the Government announced the creation of a new Low Carbon Enterprise Zone (EZ) within the North Eastern Local Enterprise (LEP) area which will operate until 2020. A significant element of the Enterprise Zone consists of areas of the north bank of the River Tyne, including the former Neptune shipyard, renamed the Neptune Energy Park. Companies locating within the Neptune Energy Park area of the Enterprise Zone will benefit from enhanced capital allowances. The Zone is also the subject of a more simplified planning process. This is provided through the creation of a Local Development Order (LDO) which sets out an agreed basis for what sort of development will be permitted in the future.
2. The LDO provides certainty for businesses considering moving into the Enterprise Zone by allowing marine offshore related industries and renewable energy low carbon manufacturing industries uses on the site and a range of buildings, extensions to buildings and external plant and equipment including microgeneration equipment within the Enterprise Zone. New free standing buildings which are not within the curtilage of an existing building would still require planning permission. The Enterprise Zone extends over a number of sites and local authorities and there will be a series of LDOs produced as a suite of related but still locally relevant plans that set out individual parameters for different areas within the EZ. This document covers the parameters for the Neptune Energy Park.
3. Various size parameters and conditions are included within the LDO in order to protect adjacent residents from noise and disturbance from any developments and ensure the development is in character with the surrounding area. Car parking numbers will also be retained and, where required, extended on the site as part of any large development.
4. This document sets out the various considerations to be taken into account when designing development in the Neptune Energy Park areas of the Enterprise Zone, contact details and the Local Development Order itself.

# 1. Introduction

1.1 In August 2011 the Government announced the site locations of a designated Enterprise Zone within the North Eastern LEP area. The Government's approach to the 'new generation' of Enterprise Zones is based on:

- Maximising and generating a positive impact for the wider economic area.
- The long term economic success of both a Zone and the wider area going beyond the initial period of Government subsidy.
- Connection between the Zone and the strategic economic priorities of the wider area.
- Minimising displacement and avoiding localised competition.

1.2 The aim is to secure new investment and create value-added employment in the low carbon economy and supporting industries. Whilst the low carbon economy operates in a fiercely competitive global market place, the Low Carbon Enterprise Zone initiative offers a practical means of positioning the North Eastern LEP area ahead of other similar places.

1.3 The Low Carbon Enterprise Zone in the North Eastern LEP area is three main sites focussing on Low Carbon Economy sectors:

- Offshore Wind and Renewables (River Tyne North Bank).
- A19 Ultra Low Carbon Vehicles Corridor (Nissan Site)
- Blyth Estuary

1.4 The River Tyne North Bank sites comprise the Neptune Yard areas (18.4 ha), Swan Hunter (17.2 ha) and Royal Quays (38.8 ha). Companies locating at the Neptune Yard will be able to benefit from enhanced capital allowances for plant and machinery and they will also benefit from the added incentive of a simplified planning process. This is provided through a Local Development Order (LDO) which sets out an agreed basis for what sort of development will be permitted in the future and provides certainty for developers and enable quick access to sites.

## 2. Purpose of the Local Development Order

2.1 There is a thriving marine and offshore technology cluster of companies on the River Tyne employing thousands of people and with good prospects for growth. In addition, the Tyne is well placed to take advantage of significant inward investment opportunities around advanced engineering, manufacturing associated with the marine offshore related industries and renewable energy low carbon manufacturing industries. The Neptune Energy Park EZ areas have the potential to provide onshore infrastructure, manufacture and support services to the marine and renewable energy sector following the Crown Estates decision to identify Dogger Bank as a preferred zone for the development of one of the world's largest offshore wind farms.

2.2 The development of the Neptune Energy Park EZ areas supports the North Eastern LEP's Vision and Strategic Economic priorities as set out for the Government in December 2010:

"Through smart, enterprising leadership between the private, public and voluntary and community sectors we will rebalance the economy and create Europe's premier location for low carbon, sustainable, knowledge-based private sector-led growth and jobs"

"The low carbon economy ... presents significant growth and employment opportunities for the LEP area. There is genuine potential for the LEP economy to build on its existing strengths in manufacturing, engineering, energy and science to stimulate additional private sector growth and jobs in renewable energy and low carbon technology."

2.3 The offshore marine sector on the Tyne is recognised as one of the area's key economic assets and a key sector for the North Eastern LEP area in terms of both economic and job growth, and accelerating moves towards a low carbon economy. The offshore marine supply chain is currently in the process of diversifying into the offshore wind sector, providing the marine engineering skills and technical capabilities needed to support the growth of offshore wind. The LEP's strategy is to support the growth and diversification of existing companies, at the same time as attracting new manufacturing and servicing companies into the area, expanding and deepening the offshore marine supply chain and creating a critical mass capable of meeting the needs of customers across a global market. The development of the Neptune Energy Park, aided by the Local Development Order will support that strategy.

2.4 The City Council is committed to creating the conditions for economic growth and to the development of the Neptune Energy Park EZ areas, building on a commitment of over 25 years in which the Council has worked in partnership with the private sector to stimulate growth in the marine and offshore sector on the North Bank of the Tyne. The continued development of the Neptune Energy Park EZ areas will build on the area's existing strengths in marine offshore engineering and the site is ideally positioned to offer direct supply lines to offshore oil and gas fields and UK wind farms in the North Sea.

- 2.5 The development of Neptune Yard also supports national initiatives to maximise the opportunities in the National Renewable Energy Plan and to rebalance the economy by creating sustainable high value private sector manufacturing jobs in an area of high unemployment reliant on public sector employment. Tyneside has been designated as a Centre of Renewable Engineering (CORE) by the Government.

### **3. Planning Simplification**

- 3.1 The expectation in Enterprise Zones is that a genuinely simplified approach to planning is put in place. LDO's are one way of achieving this.
- 3.2 LDO's were originally introduced as part of the Town and Country Planning Act (1990) although their roles and functions have been revised through subsequent legislation:
- Sections 61A-D and Schedule 4A to the Town and Country Planning Act 1990 as amended;
  - Planning and Compulsory Purchase Act 2004;
  - Section 188 of the Planning Act 2008; and the
  - Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 3.3 This Local Development Order covers the area indicated on the attached Order Plan and cover that part of the North Banks of the Tyne Enterprise Zone which constitutes the former Neptune Shipyard, renamed the Neptune Energy Park. Under the Town and Country Planning (General Permitted Development) Order industrial buildings have limited "permitted development" rights, which enable certain forms of development to take place without the need for planning permission. The LDO in effect extends these rights in order to allow certain uses and much wider forms of development to take place without the need for planning permission, subject to certain conditions. This simplified planning regime provides a high level of certainty to developers and investors as well as reducing costs through the removal of planning fees and delays in securing planning permission.
- 3.4 The Local Development Order at the end of this document sets out the type of development that, in addition to the permitted development rights set out in Appendix 1, are no longer be the subject of a planning application. Developments within the LDO area that do not fall within the prescribed criteria of the Order may still be acceptable in planning terms, but would be subject to receiving planning permission. Section 5 of this document sets out a number of considerations to be taken into account when developing a scheme in Neptune Energy Park.
- 3.5 The making of a LDO does not obviate the need to obtain other statutory consents such as building regulation approval and consents under the Highways Act.
- 3.6 Development requiring Environmental Impact Assessment as defined in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 cannot be permitted via a Local Development Order. Any development on a site of over 0.5 hectares must be subject to an EIA screening from the City Council. You should contact the Council's Development Management Division to discuss this matter (see contact list).





- 4.1 The site of the North Banks of the Tyne Enterprise Zone includes both the former Swann Hunter ship yard and the former Neptune Shipyard. Newcastle City Council is the local planning authority for that part of the Enterprise Zone which comprises Neptune Energy Park and has drawn up the Local Development Order to cover an area of approximately 18 hectares. The LDO area is bounded by the River Tyne to the east, Benton Way to the north, Fisher Street and Woodside Avenue to the west and Staithes Street to the south.
- 4.2 The site has already seen a substantial amount of redevelopment in recent years:
- Plot 1** – The southern portion of the zone is accessed from Staithes Street and is occupied by a 4000 square metre factory unit with the ability to provide off shore wind turbine blade manufacturing with associated car park and external storage area at a riverside load out location with space for a second phase of this development alongside the unit. This element was completed in 2010.
- Plot 2**– This phase has involved the remediation of the central portion of the zone, the construction of a new quay wall, construction of a new load out quay and a new internal access road leading down to the quayside area. A manufacturing unit for a wire rope facility is located on the central part of the site along with a heavy load out quay facility along the banks of the River Tyne.
- Plot 4** – Three dry docks on the northern portion of the zone have been in-filled in preparation for future development. A fourth larger dry dock has also been refurbished and is still in operation.
- 4.3 Plots 3, 4 and 5 are vacant sites capable of development for the uses identified in the LDO. These sites will require remediation prior to development taking place, as well as flood risk assessment being undertaken and archaeological investigation in the western parts of plot 4. Plot 5 is situated in close proximity to housing on Woodside Avenue which will constrain the scale and form of development on this site.
- 4.4 The area benefits from the existence of a recently improved quayside wall area where the transfer of the completed large engineering machinery could be offloaded to shipping. The zone is also situated alongside Walker Riverside Offshore Technology Park which has two large loadout cranes.

## **5. Development Considerations**

- 5.1 This section sets out the current planning context of Neptune Energy Park and issues that have been considered when the LDO was drafted. These issues will be of importance to developers considering additional development on the site, outside of the scope of the LDO. Over time these considerations may change and early consultation with the Local Planning Authority is always recommended.

### **Development Plan Policy**

- 5.2 The development plan which covers the Neptune Energy Park is the Newcastle Unitary Development Plan, approved in 1998. The LDO area is allocated for Class B1, B2 and B8 (offices, light industry, general industry and warehousing) uses. The City Council is currently drawing up its Local Development Framework. The draft One Core Strategy was published in October 2011. A revised draft and a draft Development Management Development Plan Document will be published in 2012. Approval of these documents is anticipated in 2013. Developments which require planning permission will be assessed against the policies set out in these documents.

### **Residential Amenity**

- 5.3 Woodside Avenue is located approximately 5 to 8 metres above the level of the main part of the Energy Park. The two areas are separated by a 9 metre high retaining wall, topped with a timber boundary fence. Future development will need to ensure development would not harm the amenity of these residents. This could impact upon the scale of development close to the houses and noise emitted from the site, both during construction and once developments are complete, as well as traffic generation and vehicle parking.

### **Transport Infrastructure**

- 5.4 Under the provisions of the LDO, any new development can not reduce the level of car parking, cycle parking or loading areas. Extensions over 1,500 square metres in floor area will be required to provide additional on site parking provision (car and cycle) commensurate to the scale of the development and a Transport Statement or Transport Assessment. Developments shall consider the Council's guidance on Transport Assessments, Travel Plans and Parking (April 2010). This is available at: <http://www.newcastle.gov.uk/planning-and-buildings/planning/transportation-developments>
- 5.5 Major developments will need to be accompanied by a Transport Assessment identifying the impact of the development on the highway network.

### **Design**

- 5.6 Although the site is a heavily industrialised landscape, visual amenity, design and the aspirations of Secured by Design are still important considerations,

especially when considering large buildings. For this reason the appearance of buildings and extensions must be in keeping with the established character of the area and developers will be encouraged to seek advice on designing out crime measures. Development allowed under the LDO will be required to submit details of external materials used for approval.

## **Noise**

- 5.7 The impact of noise has been considered as part of the LDO process, principally the impact of noise on nearby residential properties. Conditions which set out appropriate noise level when measured at the site boundary form part of the LDO. Developments that are not permitted under the LDO will need to carry out appropriate noise survey in accordance with BS4142 to identify acceptable noise levels at site boundaries.

## **Flood Risk**

- 5.8 The Energy Park's riverside location requires that flood risk matters are addressed in building design. The majority of the area fall within tidal flood zones 2 and 3. The Environment Agency consider the proposed uses within the EZ to be suitable for the flood risk at the site, providing flood resistance measures can be secured and safe access/egress is available during a flood event. For this reason finished floor levels must be placed above a 1 in 200 flood risk level including an allowance for climate change in accordance with Annex B of PPS25, plus 600mm freeboard. This level of 4.55 metres above ordnance datum is a condition of any development allowed under the Order.
- 5.9 The Environment Agency also strongly recommend that other flood resistant construction measures, such as a barrier on ground floor doors, windows and access points and bringing in electrical wires into the building at a high level are included within any development. Additional guidance can be found in the Environment Agency Flood line publication "Damage Limitation". A free copy is available at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).
- 5.10 Surface Water run off will not be increased as a result of LDO development as any development permitted by the order will be restricted to the curtilage of existing buildings which are already hard surfaced. It is not anticipated that there will be any increase in run off as a result of the development permitted by the Order.
- 5.11 Developments not covered by the LDO and permitted development rights will be required to submit a flood risk assessment to identify and assess risks of all forms of flooding to and from the development and to demonstrate how these risks will be managed, taking climate change into account. Early consultation with the Environment Agency is advised on this matter.
- 5.12 Any works that require a deposit or removal of a substance or object below mean high water spring mark or in any tidal river to the extent of the tidal influence would need consultation with the Marine Management Organisation prior to any works being undertaken as a marine license would be required.

## **Contamination**

- 5.13 The site has a varied and long established history of industrial and marine related development, resulting in potential land contamination. Large parts of the LDO site have already been decontaminated as part of planning approvals for the development of existing buildings and their surroundings on the site. The LDO will not allow wholly new buildings to be constructed on land which has not been decontaminated. Any such proposal would be the subject of a planning application at which point this issue would be considered through the submission of appropriate survey work. The LDO allows extensions to existing buildings onto areas which have already been the subject of remediation.

## **Ecology**

- 5.14 The River Tyne is identified as a wildlife corridor site. Hadrian's Way, a long distance cycle and footpath which runs close to the western boundary of the site is also identified as a wildlife corridor. The Order does not permit development which directly and physically affects these existing natural habitats. Development not covered by the LDO that could impact upon these areas will need to submit an appropriate habitat survey and any mitigation measured considered necessary.

## **Archaeology**

- 5.15 The most important archaeological constraint on this site is the vicus (civilian settlement) which surrounds Segedunum Roman Fort. The exact extent of the vicus is unknown. The vicus forms part of the Frontiers of the Roman Empire World Heritage Site. The site includes many important 19<sup>th</sup> century industrial archaeological sites. The construction of docks for the shipyards is likely to have truncated earlier remains. A considerable amount of archaeological work has already been undertaken within the site in response to previous planning applications.
- 5.16 The part of the site with the greatest archaeological potential is likely to be the northern end closest to the Roman Fort. Roman remains could survive outside the footprint of the docks. For this reason further archaeological investigation would be required for any development not covered by the LDO within this area of the Energy Park.

## 6. Contacts

Organisation	Contact Details
Newcastle City Council- Enterprise Zone advice	Phil Payne, Economic Development Unit, Newcastle City Council <a href="mailto:phil.payne@newcastle.gov.uk">phil.payne@newcastle.gov.uk</a> 0191 2115803
Newcastle City Council- Planning and development advice	Jon Rippon, Walker Riverside area Development Management Team Manager <a href="mailto:jon.rippon@newcastle.gov.uk">jon.rippon@newcastle.gov.uk</a> 0191 2115639
Environment Agency	Skinnerburn Road, Newcastle upon Tyne, NE4 7AR. 0191 2034203
Northumbrian Water	Abbey Road, Pity Me, Durham, DH1 5FJ. 0845 6047468
Natural England	Newburn Riverside, Newcastle upon Tyne, NE15 8NZ. 0300 0600827
Port of Tyne	Maritime House, Tyne Dock, South Shields, Tyne and Wear, NE34 9PT.
Northumbria Police (Secured by Design)	Allan Brown Crime Prevention Design Adviser, Newcastle Area Command, Northumbria Police, Clifford Street, Byker, Newcastle, NE6 1EA.
Marine Management Organisation	David Cowell, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle, NE4 7YH.

## **7. Statement of Reasons**

7.1 The following paragraphs outline the rational behind creating the LDO.

### **Description of the development permitted by the LDO**

7.2 The LDO allows certain uses within the Neptune Energy Park Enterprise Zone area, as shown on Plan 1 and in relation to the following business sectors: Advanced engineering and manufacturing associated with the marine offshore related industries and renewable energy low carbon manufacturing industries.

The uses which are permitted by the Order are as follows

- (B1) Offices, research and development of products and processes, light industry;
- (B2) General Industry; and
- (B8) Storage and Distribution

7.3 The LDO also allows the following forms of development within the Neptune energy Park Enterprise Zone:

- The erection, extension or alteration of an industrial building or a warehouse within the curtilage of an existing building.
- Development carried out on industrial land for the purposes of an industrial process consisting of the installation of additional or replacement plant and machinery.
- Development consisting of the installation of solar PV or solar thermal equipment micro generation equipment.

Providing that:

- The Development Requirements identified in Table 1 are satisfied;
- The Conditions in Table 2 are satisfied; and
- The development shall commence prior to 1 April 2020.

7.4 The LDO does not permit the construction of new buildings that do not fall within the curtilage of an existing building on the site.

### **Justification for Creating the LDO**

7.5 One of the key aspects of the new generation of Enterprise Zones is the establishment of a simplified planning regime that works in support of the delivery of the vision and economic strategy of the Local Enterprise Partnerships. The vision for the North Eastern LEP is to create Europe's premier location for low carbon, sustainable, knowledge-based private sector-led growth and jobs.

- 7.6 The Local Development Order is designed to assist the Neptune Energy Park to become a major hub for the development of the marine and offshore wind industries, building on the area's significant existing marine engineering capacity and the commitment shown to date within the North East to the promotion of the wider low carbon economy.
- 7.7 The LDO allows for significant buildings, extension to buildings, external plant and equipment and micro renewable technology to be constructed within the Energy Park without the need for planning permission to be obtained, provided they comply with a number size constraints and conditions. This will allow businesses to save time and cost in obtaining planning permission and provide certainty on the form of development allowed on their sites.

### **Statement of Polices that the LDO will implement**

- 7.8 The LDO supports the implementation of existing strategies, plans and policies at a national, regional and local level. The relevant polices are listed below:

#### National Planning Polices

The National Planning Policy Framework (NPPF) introduces a presumption in favour of sustainable development which is defined in three dimensions:

- An economic role – contributing to a strong, responsive and competitive economy by ensuring sufficient land of the right type is available in the right places at the right time.
- A social role – supporting strong, vibrant and healthy communities.
- An environmental role – contributing to protecting our natural, built and historic environment, adapting to climate change including moving to a low carbon economy.

The LDO acts to support sustainable economic growth by not over-burdening business with planning requirements.

#### Regional Spatial Strategy for the North East 2008

RSS Policy 12	Sustainable Economic Development
RSS Policy 18	Employment Land portfolio
RSS Policy 38	Sustainable Construction

#### Newcastle Unitary Development Plan 1998

ED3 and ED3.1	Retention and regeneration of industry and business areas
ED4	Regeneration of older industrial areas
H2	Protecting residential amenity
SD1 and SD1.1	Sustainable Development

EN1.1	Design
NC1.1	Nature Conservation- protection of recognised sites
NC1.5	Protection of wildlife corridors
C4	Protection of archaeological interests
POL6	Remediation of contaminated land
POL7	Noise and Vibration
T4.5	Transport - Control over development
T7.1	Transport Infrastructure- Control over development

### **Life of the LDO**

- 7.9 The LDO will be in place for 8 years ending on 1 April 2020. Once the LDO expires the City Council will consider the need to either return to the established planning system, extend the life of the LDO or review and modify the LDO. Any development which has commenced under the provision of the LDO will be allowed to be completed within a reasonable time period, in accordance with the terms and conditions of the LDO.

### **Monitoring of the LDO**

- 7.10 The LDO will be subject to continuous monitoring to assess its effectiveness in achieving economic growth and ensuring that development is appropriate. A monitoring framework will be established to assess its impact over the LDO period.

### **Development requirements**

- 7.11 The site is located adjacent to residential properties, alongside a number of sites of nature conservation importance and close to areas of archaeological interest. As a result there is a need to ensure that developments allowed by the LDO are appropriate within this area. The conditions and limitation placed on developments in the LDO area are set to secure:
- the scale and mass of development would not harm visual or residential amenity;
  - the appearance of buildings would reflect those elsewhere on the site;
  - car and cycling parking and service routes would be protected and extended where necessary;
  - energy efficiency measures would be incorporated into office developments;
  - noise and disturbance levels are controlled; and
  - ensure development is not subject to flood risk.

### **Other Statutory Requirements**

- 7.12 The making of a LDO does not obviate the need to obtain other statutory consents such as Building Regulations Approval, consents under Highways legislation or the responsibility to notify statutory undertakers of works



proposed to be carried out on land they have a statutory interest. In advance of any development on site, developers should consider if the development would require an environmental impact assessment (EIA) with reference to the provisions of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('The EIA Regulations'). Developers can obtain a view from the City Council on the need for EIA by requesting a Screening Opinion under Regulation 5 of the EIA Regulations.

7.13 Although not an exhaustive list, particular attention is drawn to the following relevant legislation:

#### European

- Directive 92/43/EEC (The Habitats Directive)
- Directive 85/337/EEC (amended by Directive 97/11/EC) Environmental Impacts assessment

#### National

- Wildlife and Countryside Act 1981
- The conservation ( Natural Habitats and etc) Regulations 1994
- The Environmental Permitting ( England and Wales) Regulations 2010
- The Building Act 1984 and the Building (Amendment) Regulations 2012
- The Town and Country Planning Act 2007 (Control of Adverts) (England) Regulations 2007
- The Planning (Hazardous Substances) Act 1990
- The Planning (Hazardous Substances) Regulations 1992
- The Highways Act 1980
- UK Marine Policy Statement and Marine and Coastal Access Act 2009

7.14 The failure to comply with the relevant statutory requirements could result in any development being unlawful and any result in appropriate enforcement action being taken by the City council and /or other agencies. It is the responsibility of the developer for development to be in accordance with all relevant legislation.

## The Neptune Energy Park Local Development Order

### Part 1

Within the Neptune Energy Park Enterprise Zone area identified on Plan 1 of this Order, and in relation to the business sectors of advanced engineering and manufacturing associated with the marine offshore related industries and renewable energy low carbon manufacturing industries:

Planning permission is hereby granted by this Local Development Order for the following land uses as referred to in Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (or any re-enacting or revoking order with or without modification):

- (B1) Offices, research and development of products and processes, light industry;
- (B2) General Industry;
- (B8) Storage and Distribution.

### Part 2

Within the Neptune Energy Park Enterprise Zone area identified on Plan 1 of this Order, the following forms of development are permitted by this Local Development Order for those uses identified in Part 1 of the Order:

#### Class A

The erection, extension or alteration of an industrial building or a warehouse, and offices.

#### Class B

Development carried out on industrial land for the purposes of an industrial process consisting of the installation of additional or replacement plant and machinery.

#### Class C

Development consisting of the installation of solar PV or solar thermal equipment micro generation equipment.

#### Provided that:

- The Development Requirements identified in Table 1 are satisfied;
- The Conditions in Table 2 are satisfied; and
- The development shall commence prior to 1 April 2020.

## **Table 1 – Development Requirements**

Development within Part 2, Classes A, B or C is not permitted if:

(1a) the height of any part of the new building erected would exceed:

- (i) if within ten metres of the boundary of the curtilage of the premises, five metres;
- (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres whichever is the lower;

(1b) the height of any part of the building as extended or altered would exceed:

- (i) if within ten metres of the boundary of the curtilage of the premises, five metres;
- (ii) in all other cases, the height of the building being extended or altered;

(1c) any part of the development would be within five metres of the boundary of any boundary of the curtilage of the premises;

(1d) the gross floor space of any new building erected would exceed 500 square metres;

(1e) if in the case of extensions, the gross floor space of the original building would be exceeded by more than 50 per cent or by 3000 square metres, whichever is the lesser;

(1f) the height of any plant, machinery or micro-generation equipment would exceed 15 metres above ground level or more than 4 metre above the highest point of the building to which it would be attached, whichever is the lesser;

(1g) the development would require an Environmental Impact Assessment as development defined in Schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

## **Table 2 – Planning Conditions**

- 2(a) The development must be within the curtilage of an existing industrial building or warehouse;
- 2(b) Any works to erect, extend or alter an industrial building, warehouse or office pursuant to this Order shall only be carried out in materials chosen to match the host building or original building occupying that same curtilage unless otherwise agreed in writing with the Local Planning Authority;
- 2(c) All development with a gross floor area of greater than 1000 square metres shall not commence until a scheme to secure a minimum of 10% of their predicted requirement from a decentralised and renewable or low carbon source has been submitted to and approved in writing by the local planning authority unless otherwise agreed in writing by the Local Planning Authority. The approved scheme, shall be implemented before the development is brought into use and shall remain operational thereafter;
- 2(d) The finished floor level of the ground floor of any building shall be no lower than 4.55 metres above Ordinance Datum;
- 2(e) Buildings and extensions to buildings with a gross floor area of greater than 500 square metres shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:
- i. details of temporary traffic management measures, temporary access, routes and vehicles;
  - ii. wheel washing facilities;
  - iii. the parking of vehicles of site operatives and visitors;
  - iv. the loading and unloading of plant and materials;
  - v. storage of plant and materials used in constructing the development;
  - vi. measures to control vibration;
  - vii. measures to control the emission of dust and dirt;
  - viii. a scheme for the recycling and disposing of waste as a result of construction works;
  - ix. hours of operation;
  - x. the erection and maintenance of security hoardings, including decorative displays and facilities for public viewing; and
  - xi. a communication plan for liaising with the public.

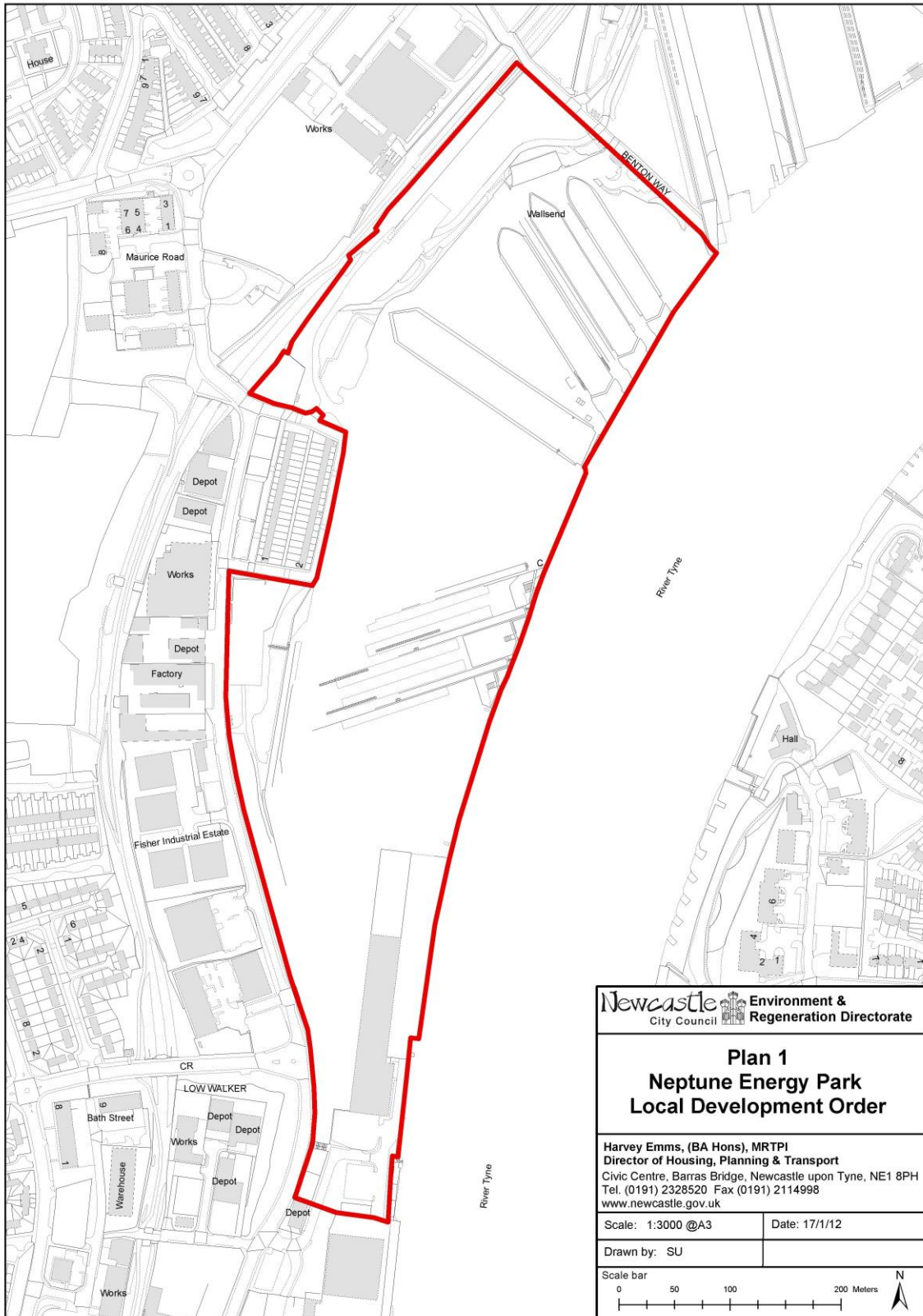
- 2(f) The level of noise generated from any development permitted by this Order shall not exceed a noise rating level, as defined by BS4142 of L eq, 1 hour of 50 dB(A) between 07:00 and 23:00 Monday to Friday and 48 (A)dB at any other time, as measured at the boundary of the nearest noise sensitive premises ;
- 2(g) Buildings and extension to buildings with a gross floor area of greater than 1500 square metres shall not commence until details of car parking and cycle parking provision to serve the building has been submitted to and approved in writing by the local authority. The approved scheme for car parking and cycle parking shall be implemented prior to the occupation of the development and shall thereafter be retained for car and cycle parking only at all times whilst the development is in use;
- 2(h) Any development pursuant to this order that would lead to an alteration in the number of useable car parking spaces available for the parking or turning of vehicles, or access arrangements to the car parking spaces, shall not be carried out until a scaled plan showing the proposed changes to the car parking arrangements have been submitted to and approved in writing by the Local Planning Authority;

#### **Interpretation of LDO**

For the purposes of the Local Development Order:-

“original building” does not include any building erected at any time under the Local Development Order or under Schedule 2 , Part 8 Class C of the Town and Country Planning (General permitted Development) (Amendment) (England) Order 2010 or extensions to a building granted planning permission after 1 June 2012.

# Plan 1



© Crown Copyright and database right [2011]. Ordnance Survey [100019569].  
 OS OpenData™ Licence copyright and database right acknowledgement

**Appendix 1 – Extract from the Town and Country Planning  
(General Permitted Development) Order 1995 as  
amended, Schedule 2, Part 8, setting out existing  
permitted development rights for industrial and  
warehouse developments**

**Part 8 Industrial and Warehouse Development**

**Class A**

**Permitted development**

**A. The extension or alteration of an industrial building or a warehouse.**

**Development not permitted**

**A.1** Development is not permitted by Class A if:-

- (a) the building as extended or altered is to be used for purposes other than those of the undertaking concerned;
- (b) the building is to be used for a purpose other than:-
  - (i) in the case of an industrial building, the carrying out of an industrial process or the provision of employee facilities;
  - (ii) in the case of a warehouse, storage or distribution or the provision of employee facilities;
- (c) the height of the building as extended or altered would exceed the height of the original building;
- (d) the cubic content of the original building would be exceeded by more than:-
  - (i) 10%, in respect of development on any article 1(5) land, or
  - (ii) 25%, in any other case;
- (e) the floor space of the original building would be exceeded by more than:-
  - (i) 500 square metres in respect of development on any article 1(5) land, or
  - (ii) 1,000 square metres in any other case;
- (f) the external appearance of the premises of the undertaking concerned would be materially affected;
- (g) any part of the development would be carried out within 5 metres of any boundary of the curtilage of the premises; or
- (h) the development would lead to a reduction in the space available for the parking or turning of vehicles.

## Conditions

**A.2** Development is permitted by Class A subject to the conditions that any building extended or altered:-

- (a) shall only be used:-
  - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking or the provision of employee facilities;
  - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities;
- (b) shall not be used to provide employee facilities between 7.00 pm and 6.30 am for employees other than those present at the premises of the undertaking for the purpose of their employment;
- (c) shall not be used to provide employee facilities if a notifiable quantity of a hazardous substance is present at the premises of the undertaking.

## Interpretation of Class A

**A.3** For the purposes of Class A:-

- (a) the erection of any additional building within the curtilage of another building (whether by virtue of Class A or otherwise) and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;
- (b) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;
- (c) “employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including creche facilities provided for the children of such employees.

## Class B

### Permitted development

**B.** Development carried out on industrial land for the purposes of an industrial process consisting of:-

- (a) the installation of additional or replacement plant or machinery,
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or



- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.

### **Development not permitted**

**B.1** Development described in Class B(a) is not permitted if:-

- (a) it would materially affect the external appearance of the premises of the undertaking concerned, or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

### **Interpretation of Class B**

**B.2** In Class B, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay, but does not include land in or adjacent to and occupied together with a mine.

## **Class C**

### **Permitted development**

C. The provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned.

## **Class D**

### **Permitted development**

D. The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.

### **Development not permitted**

**D.1** Development is not permitted by Class D if:-

- (a) the waste material is or includes material resulting from the winning and working of minerals, or
- (b) the use on 1 July 1948 was for the deposit of material resulting from the winning and working of minerals.

### **Interpretation of Part 8**

E. For the purposes of Part 8, in Classes A and C:-

“industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking but does not include a building on land in or adjacent to and occupied together with a mine; and

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.