

# South Kidderminster Enterprise Park

Local Development Order



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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.

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

2.1 A LDO would enable 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 could provide an important stimulus for economic development in an area that has seen rapid decline and restructuring over the past 30 years. It is envisaged that the LDO will assist in helping to achieve the following positive outcomes for the area:

- Tackle unemployment in the second most deprived ward in Worcestershire and in the top 10% of the most deprived wards nationally. The Oldington & Foley Park ward has high levels of worklessness with 12% of the population seeking work (December 2011);
- Bring cleared/redundant employment sites back in to economic use; and
- Enable greater flexibility for existing businesses to expand and alter their premises to meet changing market requirements.

### **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). 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 would 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 Site Allocations and Policies Preferred Options 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](http://www.wyreforestdc.gov.uk))

## **5.0 Pre-Development Requirements**

- 5.1 The LDO would 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 later on in the Order (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 **cleared 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;
- 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 closer to any highway than the existing building;
- 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 the Worcestershire County Council Highways Design Guide.

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 cleared 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.

6.3 In addition, changes to permitted development rights currently being proposed by Government, to allow the change of employment to residential uses without planning permission, will be removed within the boundary of the LDO - if these changes are made statute. This is to ensure that the business and employment focus for development within this area is retained.

## 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.

<b>Restriction</b>	<b>Reason</b>
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> <ol style="list-style-type: none"> <li>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;</li> <li>ii. Operations and uses ancillary to the purposes in (i) above, including development relating to access to highways.</li> </ol>
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"> <li>• Storage of hazardous substances;</li> <li>• Retail linked trade operations; and</li> <li>• Rail freight proposals.</li> </ul>
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 prejudice the delivery of the Hoo Brook Link Road	The delivery of the Hoo Brook Link Road is a key strategic transport priority for the District, as identified in the Adopted Core Strategy and therefore development that would affect the delivery of the link road is

<b>Restriction</b>	<b>Reason</b>
	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. (Please see indicative line at Appendix 2)
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 could 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 revised<sup>1</sup>. 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.

<sup>1</sup> 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

### 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

### 11.3 Local (Emerging Policy)

- Site Allocations and Policies Preferred Options Document (May 2011)
- 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 so that members are aware of development being delivered through the LDO.

12.4 The LDO will be monitored regularly by the District Council to ensure that it is fit for purpose and that any suggested modifications are recorded to inform review, if required, before the end of the initial 3 year period.

12.5 The LDO monitoring framework is identified below:

Indicator	Review Trigger	Further Action if required
Annual number of businesses locating to South Kidderminster Enterprise Park	Less than 5	Possible review of the LDO after the initial 3 years to allow more/different economic generating uses other than those already identified.
Annual number of extensions to existing premises within South Kidderminster Enterprise Park	Less than 5	Possible review of the LDO after the initial 3 years to allow greater flexibility/scale for extensions to existing businesses

Annual number of submissions that are considered to be Environmental Impact Assessment type development	More than 5	Prepare an Environmental Impact Assessment Screening Report for the LDO area, following the initial 3 years.
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**Contacts:**

**Wyre Forest District Council**

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

Email: [ldo.consultation@wyreforestdc.gov.uk](mailto: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](mailto: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><b>EIA Development</b></p> <p>The permissions granted by this Order shall not apply if:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <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><b>Development Location</b></p> <ul style="list-style-type: none"> <li>• Development must be located a minimum of 50 metres away from <b>any</b> residential boundary (for B2 development, including change of use, it must be located a minimum of 200 metres away from any residential boundary)</li> <li>• Development must not exceed 15 metres in height, inclusive of all development such as flue gas stacks and micro wind turbines</li> </ul>	<p>To protect the amenity of current and potential new occupiers/residents of the area.</p>
3	<p><b>Environmental Protection</b></p> <p>All development should have regard to:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Non-statutory nature conservation sites in mitigating any impacts development adjacent to these sites might have on their ecological function/integrity</li> <li>• Development should have regard to all protected species and habitats and BAP species and habitats where identified</li> </ul> <p>The sites are identified at Appendix 3 of this Order.</p>	<p>To protect important Environmental habitats within the area.</p>
4	<p><b>Health and Safety Executive</b></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><b>Health and Safety Executive – Explosives</b></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, 5S.2 Redgrave Court, Merton Road, Bootle</p>	<p>To ensure development meet Health and Safety criteria.</p>

No	Condition	Reason
	<p>Merseyside, L20 7HS Tel: 0151 951 4000 <a href="mailto:Explosives.licensing@hse.gsi.gov.uk">Explosives.licensing@hse.gsi.gov.uk</a></p> <p>If planning permission is required then early consultation with the District Council is recommended.</p>	
6	<p><b>Traffic Generation</b> 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 Worcestershire County Council.</p>	To ensure that development does not have a detrimental impact on the adjoining Highway network.
7	<p><b>Highways / Access</b> 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><b>Parking</b> Car and cycle parking must be provided to meet the parking standards of the Worcestershire County Council Highways Design Guide (Appendix A)</p>	To ensure development meets current parking standards.
9	<p><b>Flood Risk</b> Development within Area A or B, as identified by Appendix 2, must comply with the following conditions to mitigate flood risk:</p> <p><b>Protection to buildings</b></p> <p><b>Area A (River Stour):</b> Finished floor levels shall be set no lower than 30.62 m AOD (this level is based on 600mm freeboard above a 1% plus climate change flood level) or flood proofing measures shall be incorporated into the building to this level.</p> <p><b>Area B (Hoo Brook):</b> 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><b>Protection to Occupiers</b> 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:</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>

No	Condition	Reason
	<p><a href="http://www.environment-agency.gov.uk/business/topics/flooding/32362.aspx">http://www.environment-agency.gov.uk/business/topics/flooding/32362.aspx</a></p> <p><b>Development in Area A</b> - 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><b>Development in Area B</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>	
10	<p><b>Surface Water and Drainage</b> 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><b>Water Quality</b> 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><b>Outside Storage</b> 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><b>Infrastructure</b> Developers should register with and use <a href="http://www.Linesearch.org">www.Linesearch.org</a>. 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><b>Noise</b> All buildings developed under the provisions of the Order shall be designed and constructed to ensure that the level of noise emitted does not exceed &lt;55db(A) measured at the boundary of the development.</p>	<p>To protect the amenity of current and potential new occupiers/residents of the area.</p>

No	Condition	Reason
	The development will be required to be completed and maintained in the approved manner. Any development above this threshold would require planning permission.	
15	<p><b>Air Quality</b> 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><b>Archaeology</b> 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><b>Contamination</b> 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><b>Development Notification</b> 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

The Adopted Wyre Forest District Design Quality SPG (2004) provides design guidance for new development and sets out broad guidelines for creating well designed buildings and spaces that is equally applicable to industrial and employment uses.

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.

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

**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
		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 Cleared Sites**

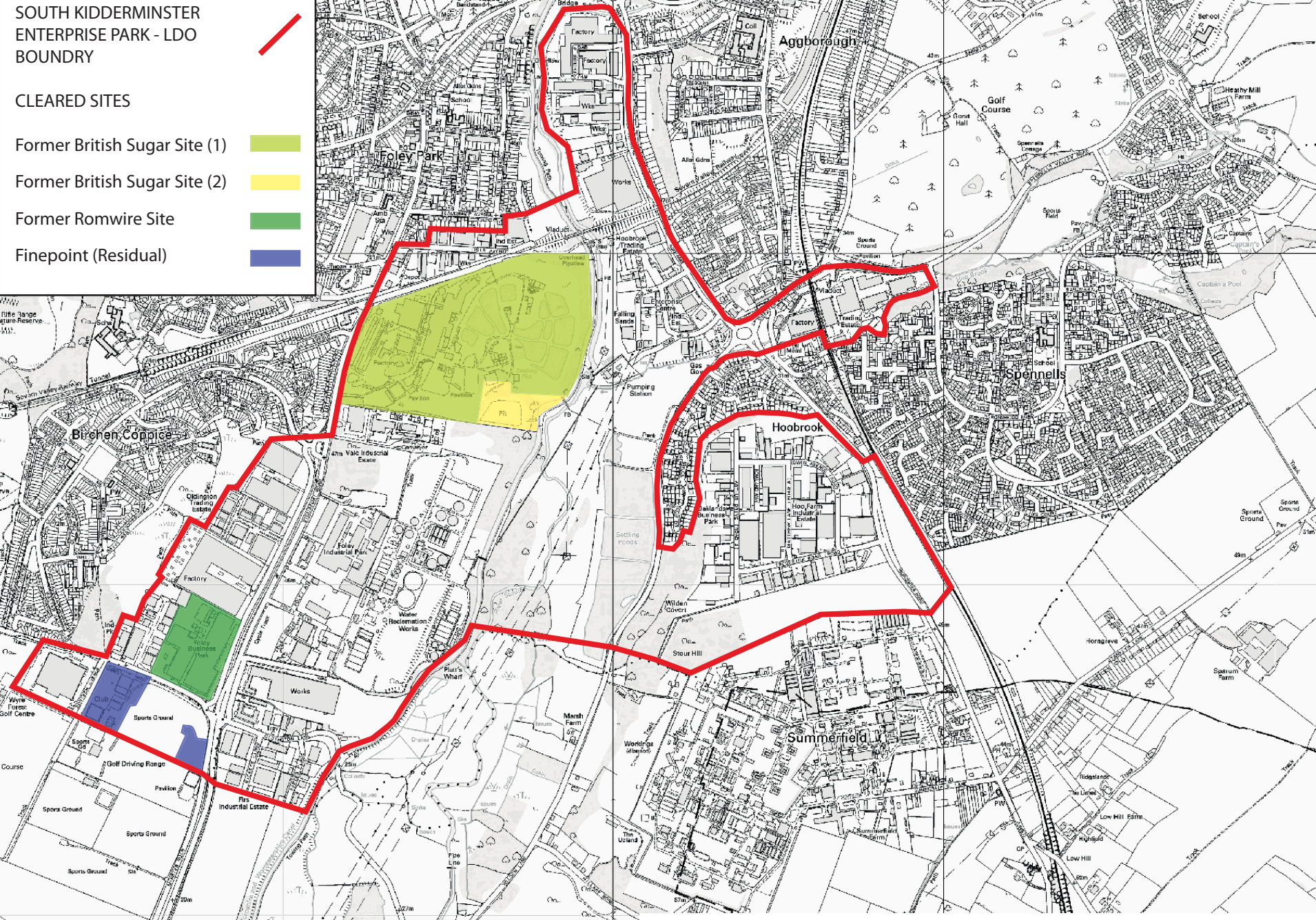
# KIDDERMINSTER

WYRE FOREST DISTRICT

**SOUTH KIDDERMINSTER ENTERPRISE PARK - LDO BOUNDRY**

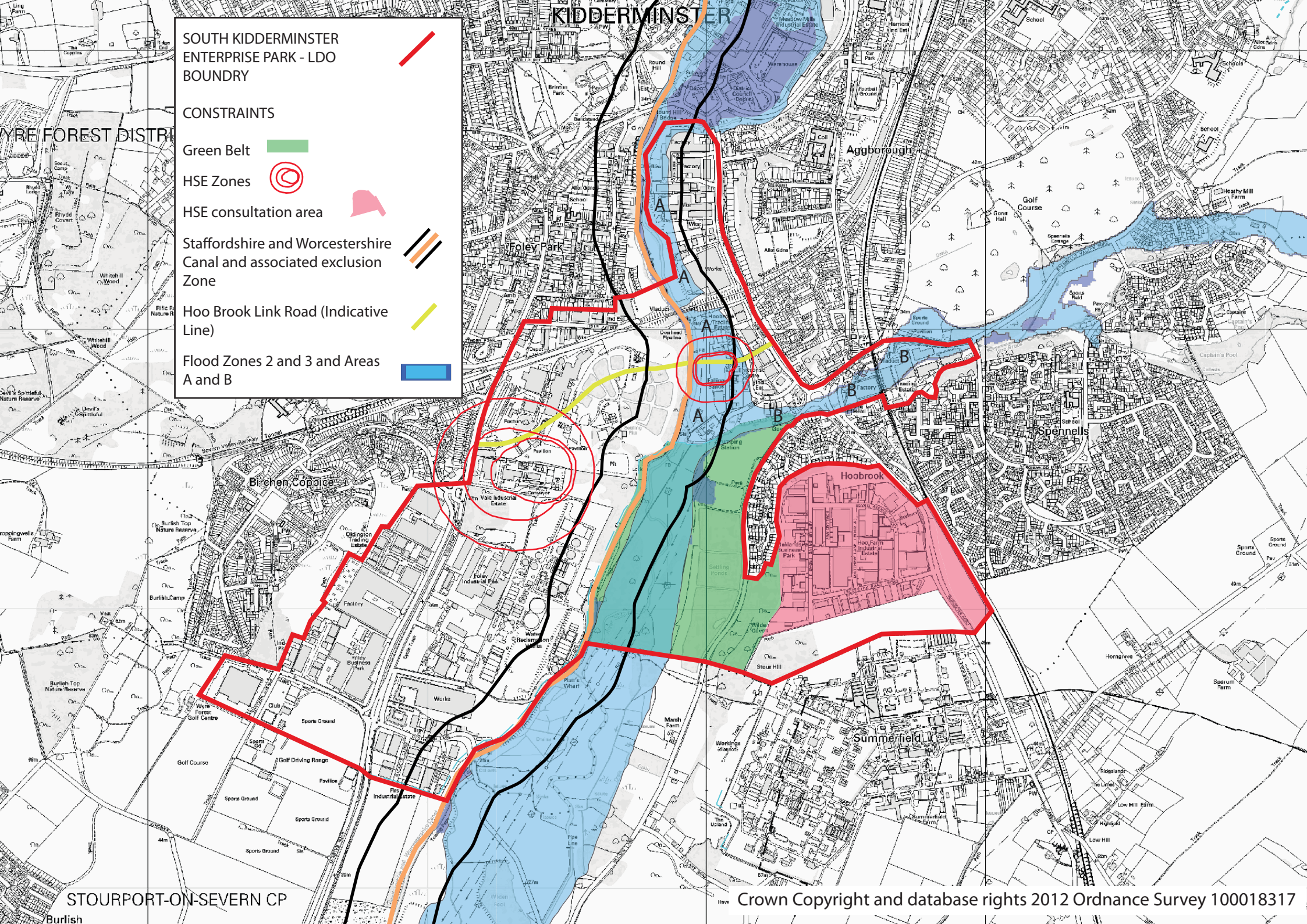
**CLEARED SITES**

- Former British Sugar Site (1)
- Former British Sugar Site (2)
- Former Romwire Site
- Finepoint (Residual)



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**Appendix 2 - Constraints Map**



- ▬ SOUTH KIDDERMINSTER ENTERPRISE PARK - LDO BOUNDRY
- CONSTRAINTS**
- Green Belt ■
- HSE Zones ⊙
- HSE consultation area ■
- Staffordshire and Worcestershire Canal and associated exclusion Zone ▬▬▬
- Hoo Brook Link Road (Indicative Line) ▬
- Flood Zones 2 and 3 and Areas A and B ■

**KIDDERMINSTER**

Birchen Coppice

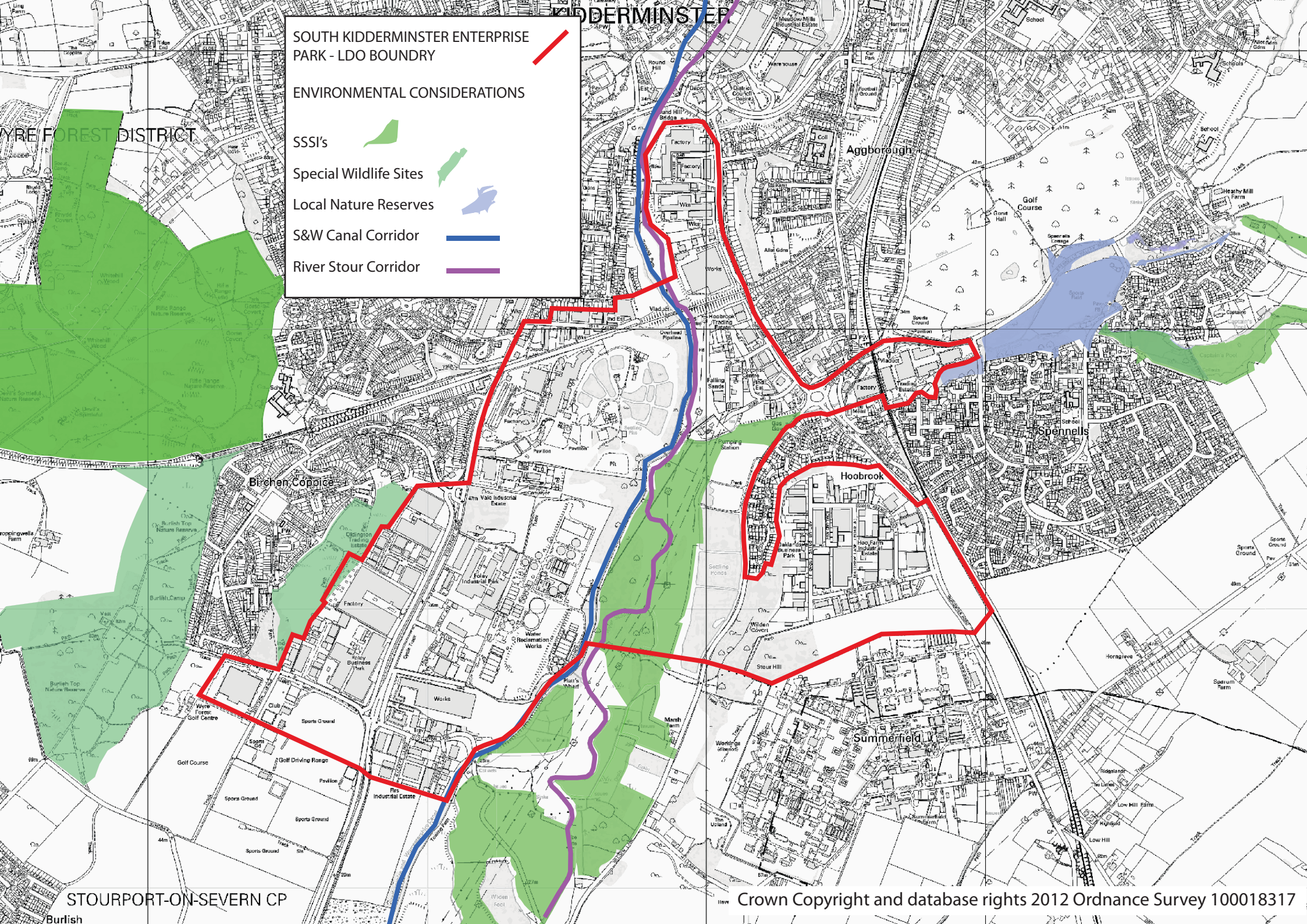
Vale Industrial Estate

Hoo Brook

Summerfield

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## Appendix 3 – Environmental Considerations Map



- SOUTH KIDDERMINSTER ENTERPRISE PARK - LDO BOUNDRY
- ENVIRONMENTAL CONSIDERATIONS
  - SSSI's
  - Special Wildlife Sites
  - Local Nature Reserves
  - S&W Canal Corridor
  - River Stour Corridor

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## **Appendix 4 - Background to Implementing the LDO**

### **1.0 Introduction**

- 1.1 The Government's policy towards economic growth, for example through Enterprise Zones, supports a genuinely simplified approach to planning. One of the mechanisms that can help to bring about this approach is through the introduction of Local Development Orders.
- 1.2 Local Development Orders (LDO) allow development to be undertaken without the need for planning permission to be obtained, providing that the development is in accordance with established criteria and conditions
- 1.3 As part of the drive to encourage and stimulate business growth within the District it is proposed to adopt a Local Development Order for the South Kidderminster Enterprise Park. This Order is therefore designed to simplify the planning process to provide an incentive to businesses to locate within the District and thus provide a boost to the local economy.
- 1.4 The introduction of a LDO within this location is to help to provide the conditions to stimulate economic development within the area through reducing costs and providing certainty for potential developers and businesses.

### **2.0 Simplifying Planning - What is a Local Development Order (LDO)?**

- 2.1 A Local Development Order grants planning permission for the type of development specified in the Order and, by doing so, removes the need for a planning application to be made by the developer.
- 2.2 Local Development Orders are very flexible in that they can:
  - a. Apply to a specific site, sites, or wider geographical area;
  - b. Grant planning permission for a certain type or types of development, and;
  - c. Grant planning permission outright or subject to conditions.
- 2.3 Local Development Orders can offer significant benefits:
  - a. In exempting certain development from the need to apply for specific planning permission, those wishing to pursue such developments can proceed without the time and cost implications of having to submit a planning application;
  - b. They provide certainty to developers by defining clearly what development is acceptable and can be undertaken without the need for specific planning permission;
  - c. They allow local authorities to shape their local areas by encouraging certain types of development in appropriate areas.

### **3.0 Relevant Legislation**

#### *Primary legislation*

- 3.1 LDO provisions are contained in sections 61A-D of and Schedule 4A to the *Town and Country Planning Act 1990*, as amended (<http://www.legislation.gov.uk/ukpga/1990/8/contents>). The

primary legislative provisions related to LDOs were introduced by the *Planning and Compulsory Purchase Act 2004* (<http://www.legislation.gov.uk/ukpga/2004/5/contents>), and commenced in 2006.

- 3.2 These primary powers were amended by the commencement of section 188 of the *Planning Act 2008* (<http://www.legislation.gov.uk/ukpga/2008/29/section/188>) in June 2009. The effect of this amendment was to remove the requirement that LDOs must implement local plan policies.

#### *Secondary legislation*

- 3.3 More detailed legal provisions on LDOs are contained in Article 34 of and Schedule 7 to the *Town and Country Planning (Development Management Procedure) (England) Order 2010* (the 'DMPO', <http://www.legislation.gov.uk/uksi/2010/2184/contents/made>). The DMPO came into force in October 2010 as a consolidation of the *Town and Country Planning (General Development Procedure) Order 1995* and instruments which have amended that Order.