

Bates Site Local Development Order Document: Schedule of Modifications Following Consultation

Section of document	Sub section or para	Description of amendment
About this consultation document		Section removed. Introductory text explaining what the LDO is, its scope and a brief explanation of the accompanying documents has been reworked into subsequent 'Introduction' Section. Details of the consultation process and how to comment have been removed.
1. Introduction	1.3 – 1.4.	Details of the consultation process, responses received and the next stage in the adoption process have been added.
	1.11-1.18	Lifetime of the LDO and Monitoring of the LDO sections moved from section 3 'statement of reasons' to section 1 'introduction'
	1.14	Reference added to revoking the LDO
	Other Consents 1.10	Reference to Marine license consent added to list of potential other consents required.
2. Bates		Site location description moved to section 3 'statement of reasons'
	2.4	Reference to new primary school added
	Amenity 2.29-2.30	Reference to primary school, health and safety and decommissioning phases added <i>'Immediately to the south and south west of the Bates site are proposed and existing housing <u>and a new primary school</u></i> <i>The embankment running outwith the southern boundary of the site provides an effective screen to these adjacent uses, nevertheless protecting amenity <u>and health and safety</u> during operation, construction and decommissioning phases are key considerations.'</i>

3. Statement of Reasons	The Sites 3.1	Description of sites moved from section 2 and new site location plan added showing the sites in context.
	3.2.	'Description of Development' moved to before 'Justification for Creating the LDO'
	3.4	Footnote added giving further background on the North East off shore industry.
	3.14	Text added in reference to the NPPF <i>'and suggests the consideration of LDOs to relax planning controls in some instances'</i> .
	3.16	Reference added to the Marine and Coastal Access Act and Marine Policy Statement
4. The Local Development Order	Description of Development permitted	Formatting changes – i.e. text shaded to emphasise description of development permitted.
	Description of Development permitted	Amendment to definition of sectors <i>'The manufacture, maintenance and servicing of plant, machinery, equipment, parts <u>and vessels</u> for off-shore industries.</i>
	Description of Development permitted	Criterion amended and footnote removed – footnote detailed in separate paper. Background paper also prepared documenting the Council's justification for including 'main town centre uses' i.e. B1 (a) offices and A1 retail and explaining why a sequential test was not applied. The prescribed threshold of 2.500sqm (taken from NPPF in the absence of a locally defined threshold) is acknowledged to be a separate issue. This scale of development is considered unlikely however would still be permitted by the LDO if it could be demonstrated through an impact test that it would not have a significant adverse impact on existing centres. The associated footnote has been amended accordingly. <i>B1 (a) office use if not developed in isolation – i.e. must be associated with B1(b), B1(c), B2 or B8 use and does not exceed 2,500sq m</i>

	<p><i>B1(a) office use is not permitted in isolation as the sites are in an out of centre location. The threshold of 2,400 sq m is based on a national threshold as prescribed in the NPPF. The threshold can be exceeded only if any impact assessment is undertaken which suitably demonstrates the development would not be likely to have significant adverse impacts on existing, committed and planned public and private investment in Blyth Town Centre or other centres; and town-centre vitality and viability.</i></p>
Description of Development permitted	<p>Amendment</p> <p><i>'There will also be limited opportunity for amenity convenience facilities to support the function of the wider Enterprise Zone <u>area</u>.'</i></p>
Lifetime of LDO and Monitoring	<p>Paras on lifetime of LDO and monitoring moved from Statement of Reasons to Order. Minor amendments made clarifying commencement of development under provisions of Order.</p>
Table 1 Prior Information Requirements	<p>For clarity the requirement to demonstrate that a proposal is within the target sectors and does not represent displacement has been moved from section 6 into Table 1</p> <p><i><u>'A written statement demonstrating why the development proposed falls within the business sectors specified shall be submitted to and approved by the Local Planning Authority (LPA). Where the business is an existing business in Northumberland the statement should also demonstrate why the proposal does not represent displacement. The statement should include details of the level of projected employment growth, the provision of additional floor space and projected growth in output within 5 years from the beginning of operations.'</u></i></p> <p>Reasons</p> <p><i><u>'To ensure that the development complies with this Order and does not represent displacement.'</u></i></p>
Table 1 Prior Information Requirements	<p>Additional requirement added to ensure the development achieves high quality and inclusive design The LDO is amended to require developers to submit site layout plans, elevations drawings/plans, details of materials and a statement <i>'demonstrating how the development has had regard to achieving high quality and inclusive design.... '</i></p>

Table 1 Prior Information Requirements	Details of how the Council will respond moved to new section 5 – LDO conformity process.
Table 2 Compliance with the LDO	Reference added to clarify the conditions / criteria in respect of incremental development of the sites i.e. development occurring in phases is subject to same conditions / criteria. <i><u>In the event that proposed development relates to only part of the LDO site, the development would be classed as a phase of development.</u></i>
Table 2	Repeated text deleted ' Development shall be carried out in accordance with the approved details.
Table 2 Site Layout	Amendment in respect of phased development <i>'Any development <u>or phase of development</u> shall be positioned in such a way...'</i>
Table 2 Development Scale	Clarification of building height added. 35m <u>above OD</u> .
Table 2 Development scale	Amendment made reducing the permitted height at the site's southern boundary to reduce its impact on neighbouring uses. <i>'The maximum height of buildings must not exceed 35m <u>above OD, except for developments within 10m of the boundary where the maximum height of buildings must not exceed 15m above OD</u>.'</i>
Table 2 Sustainable Design	Amended text for clarification <i>'Where it is not suitably demonstrated through assessment that the nature of the building prevents this, no building works <u>for buildings over 500sqm</u> shall commence until a completed design stage BREEAM assessment; or renewable / low carbon energy plan (including details of any physical works to accommodate renewable or</i>

	<p><i>low carbon generating equipment) shall first be submitted to and approved in writing by the LPA. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.</i></p> <p><i><u>If the building is to achieve a BREEAM rating, a post completion certificate will be required following completion of development.</u></i></p>
Table 2 Landscaping	<p>Condition amended to reflect potential for development to occur in phases and for landscaping to achieve net gains in biodiversity. Specific reference to the potential creation of wetland habitats also added.</p> <p><i>The scheme should be appropriate to the setting, including locally native trees and shrubs. <u>Any development or a phase of development which is contiguous with a site boundary, shall give emphasis to boundary planting to screen development. ...</u></i></p> <p><i><u>'The landscaping should seek to achieve net gains in biodiversity including where possible introducing wetland habitats'</u></i></p>
Table 2 Transport	<p>Text added to clarify that a Transport Statement may be required for smaller scale development of any use, and not just B1,B2 or B8.</p> <p><i>'For smaller scale proposals, <u>relating to any of the permitted uses</u>, a Transport Statement may be required'.</i></p>
Table 2 Parking and access	<p>Text added</p> <p><i>'All new buildings and associated development will be required to be fully accessible, having regard to the need of disabled <u>and less mobile people...</u>'</i></p>
Table 2 Sustainable Drainage	<p>Additional condition added relating to surface water drainage.</p> <p><i><u>'Drainage from hard standing areas that have the potential to be contaminated by fuels, chemicals or other polluting materials must be connected to the foul sewer.</u></i></p> <p><i>Reason</i></p>

	<p><u>The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that would result in the input of pollutants to ground or surface waters.'</u></p>
Table 2 Land Contamination	<p>Amended to reflect potential for development to occur in phases.</p> <p><u>'No development or phase of development shall be commenced until:</u></p> <p><u>The site or area within the development phase has been subject to a detailed desk based study'</u></p>
Table 2 Ground Conditions	<p>Amended to reflect potential for development to occur in phases.</p> <p><u>'Prior to development commencing a feasibility assessment of extracting the coal resources on the site, or area within the development phase</u> '</p>
Table 2 Noise	<p>Reference added to SPA</p> <p><u>'No construction or operational noise shall exceed 55db(LAmax) at North Blyth Staithes or at any area designated as SSSI or SPA during the over wintering period October – March. ...'</u></p>
Table 2 Archaeology	<p>Condition reworded following a preliminary desk based assessment of potential archaeological interest</p> <p>Prior to the commencement of any ground works or development, a desk based archaeological survey shall be completed in accordance with a specification provided by the LPA. If assets are identified as a result of the desk based survey or during excavation appropriate mitigation measures must be submitted and approved in writing by the LPA. Thereafter no development shall be carried out other than in accordance with the approved details.</p> <p><u>A programme of archaeological work is required in accordance with the brief provided by Northumberland County Council's Conservation team.. The archaeological scheme shall comprise three stages of work. Each stage of work must be completed and approved in writing by the LPA before the condition is wholly or partially discharged.</u></p> <ul style="list-style-type: none"> • <u>No development or archaeological mitigation shall commence on site until a written scheme of investigation in line with the brief has been submitted to and approved in writing by the Local Planning</u>

Authority.

- The archaeological recording scheme required by the brief must be completed in accordance with the approved written scheme of investigation unless otherwise agreed in writing by the Local Planning Authority.
- The programme of analysis, reporting, publication and archiving if required by the brief must be completed in accordance with the approved written scheme of investigation.

Table 2 Lighting

Condition amended to specify directional lighting issues

'New external lighting shall be designed in accordance with the Institute of Lighting Engineers Guidelines for sensitive sites and positioned / directed away from the Estuary. No floodlighting shall be installed unless details have first been submitted to and approved in writing by the LPA. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.'

'New external lighting shall be designed in accordance with the Institute of Lighting Engineers Guidelines for sensitive sites. Lighting shall be positioned/directed to prevent obtrusive light and nuisance. Specifically lighting must minimise the upward and outward spread of light near to and above the horizontal, to the Estuary and to neighbouring occupiers.'

Table 2 Dust,
Particulates, Odour and
ventilation

Amended to reflect potential for development to occur in phases.

'where the development or phase of development involves processes...'

Table 2 Cumulative
Impacts

Amended to reflect potential for development to occur in phases.

'where the development or phase of development involves processes...'

Table 2 Storage

Typographical error amended

	<i>'No material that could become windborne shall not be stored on the site other than within buildings.'</i>
Table 2 Ecological Assessment and Mitigation	<p>For clarity, condition added in reference to nesting birds and phased development</p> <p><u><i>'No vegetation/site clearance shall be undertaken on the site or area of the development phase between the 1st March and 31st August unless an ecologist has first confirmed that no birds nests are being built or in use, eggs or dependent young will be damaged or destroyed.'</i></u></p> <p><i>Reason</i></p> <p><u><i>'To protect nesting birds, all species of which are protected by law.'</i></u></p>
Table 2 Ecological Assessment and Mitigation	<p>Reference added to alternative option and phased development</p> <p><u><i>Where the site or area of the development phase has developed a short perennial / ephemeral vegetation type of floristic interest the seed bank shall be translocated to landscaping within or off-site or seed collection and haystrewing shall be carried out if it is proven to be a more effective method of conserving the ecological interest of the site.'</i></u></p>
Footnotes	Footnotes removed
5. LDO conformity Process	New section added. Wording moved into new section from other sections to help clarify the conformity process for developers. Conformity diagram moved from LDO Guide into section
5.8.	<p>Opportunity identified to reduce conformity timescales by running the request for an EIA screening in parallel with the submission of other information. Reference added accordingly. 'the first and second stages of the submission process could run concurrently thereby reducing the overall time scales for the conformity process – i.e the EIA screening request could be submitted alongside the submission of all other relevant information. However, a developer would assume the risk that if the development was determined to require an EIA it could not proceed under the provisions of the LDO.'</p>

6. Definitions	6.1	Further example of what the permitted sectors could include.
Appendix 1		Scale of boundary plan amended to a more standard scale
Appendix 2		New LDO Enquiry Form prepared to help aid pre-submission discussions/correspondence.
Appendix 3		New appendix detailing examples of other consents – details moved from the LDO Guide.
Appendix 4		New appendix detailing monitoring – details moved from the LDO Guide.