

**Northumberland**

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**LOCAL DEVELOPMENT ORDER  
GUIDE**

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February 2013



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# 1 INTRODUCTION

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## **Local Development Orders (LDOs)**

- 1.1 Local Development Orders, herein after referred to as LDOs, are tools for making the planning system simpler.
- 1.2 An LDO grants permission for the type of development specified in the LDO and by so doing, removes the need for a planning application to be made by a developer.

## **Purpose of this Guide**

- 1.3 This Guide has been prepared to accompany the following two LDOs:
  - Northumberland Local Development Order: Bates Site, Blyth
  - Northumberland Local Development Order: East Sleekburn Sites.
- 1.4 It provides the background as to why the LDO's have been prepared and provides supplementary advice in respect of progressing development under the provisions of the Orders. The Guide also details of a number of key contacts.

## **2 BACKGROUND TO LOCAL DEVELOPMENT ORDERS IN NORTHUMBERLAND**

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### **Delivering Economic Growth**

- 2.1 LDOs can be tailored to local circumstances. In Northumberland, LDOs are being used as part of a wider approach to deliver and support sustainable economic growth. Specifically the LDO sites in Northumberland are linked to the Blyth Estuary Renewable Energy Zone (BEREZ) initiative and some are linked to the designation of Enterprise Zone (EZ) sites.

### **Benefits of Local Development Orders**

- 2.2 In the context of the above, the LDOs in Northumberland offer a number of potential benefits including, serving to:
- help to increase local employment opportunities and investment in the area;
  - reduce the time and costs associated with the planning application process, allowing developers and businesses to react quickly to market opportunities on those sites;
  - give confidence to developers and businesses on the types and forms of development that are acceptable in planning terms on those sites;
  - collate and summarise available baseline site information, providing certainty upfront on key development considerations and constraints;
  - demonstrate the Council's positive approach to creating the conditions for economic growth;
  - contribute to bringing redundant former employment sites back into productive use; and
  - contribute to a strategic approach to planning for key employment sites.

### **Blyth Estuary Renewable Energy Zone (BEREZ)**

- 2.3 The BEREZ initiative is a partnership of public and private organisations working together to support further investment from the renewable and low carbon sector, particularly in relation to offshore wind.
- 2.4 The BEREZ is within a long established employment and energy production location with extensive industrial and business park environments on the north and south banks of the River Blyth, all within 2-4km of the Port of Blyth. In addition to offshore wind, the zone is already home to Four Rivers Biofuels and both RES and RWE NPower have respective plans for biomass and coal (with carbon capture and storage) power plants within the Zone.

## **Enterprise Zone (EZ)**

- 2.5 In the North East, the EZ is a collection of sites across Northumberland, North Tyneside, Newcastle and Sunderland.
- 2.6 The North Eastern Local Enterprise Partnership (NELEP) is overseeing the North Eastern EZ. Led by local authorities and businesses, the purpose of the partnership is to provide the vision, knowledge and leadership needed to drive sustainable private sector growth and job creation in the North East.
- 2.7 The vision is *'to deliver smart, enterprising leadership between the private sector, local government, higher education and further education, to rebalance the economy and create Europe's premier location for low carbon, sustainable, knowledge-based private sector-led growth and jobs'*.

## **Advantages and Incentives**

- 2.8 The EZ initiative together with the BEREZ partnership contribute to the vision by supporting and attracting investment in key sectors, which have been identified as having potential for growth.
- 2.9 The core incentives of the new generation of EZs are a combination of financial incentives and simplified planning procedures.
- 2.10 Financial benefits could include: a business rate discount over a five year period; or Enhanced Capital Allowances for expenditure incurred on qualifying plant or machinery. Simplified planning meanwhile can be offered through various measures, including LDOs.
- 2.11 Companies locating at the EZ sites may be able to benefit from the EZ incentives identified above, but in addition companies locating in the wider BEREZ area could benefit from flexible and responsive assistance. From first contact, Arch, Northumberland's Development Company<sup>1</sup> will work with developers, businesses and investors to provide customised support.

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<sup>1</sup> Arch is an asset backed arms-length development company set up to drive capital economic and residential development, physical regeneration and business growth.

### **3 DEVELOPMENT CONSIDERATIONS**

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- 4.1 The following seeks to provide additional information and advice in respect of addressing some of the site specific development considerations and conditions identified in the LDOs.

#### **Access**

- 4.2 All new buildings and associated development should be accessible by all users. Particular consideration should be given to promoting access by sustainable means i.e. on foot, by bicycle and by public transport.
- 4.3 Depending upon the scale of development a Transport Statement or Transport Assessment and Travel Plan will be required, to determine whether the impact of the development on transport is acceptable. The Department for Transport (March 2007) document 'Guidance on transport assessment' should be referred to in this regard.
- 4.4 Development should also consider the needs of those with reduced mobility and will be required to comply with Part M of the Building Regulations.

#### **Site Specific Considerations**

- 4.5 As outlined in the Bates LDO, the site benefits from its proximity to the town centre for public transport access. However, the two key arterial routes to access the site from the A189 are known to be heavily congested. Minimising traffic generation, particularly at peak times is therefore crucial in this location and it is advised that any developer liaises with the Local Highways Authority as soon as possible.
- 4.6 Two Public Rights of Way run along the northern/eastern boundary of the Bates site although they are intersected by jetties. Developers should contact David Brookes (Local Highways Authority 01670 624 134) if development proposals would have an impact on the routes.
- 4.7 The East Sleekburn sites are more remote. Where developments are likely to generate a significant number of journeys, developers should consider provision for new or improved access by bus and access by other sustainable means including by bicycle.

#### **Flood Risk**

- 4.8 Parts of the sites with identified flood risk will require a Flood Risk Assessment if development encroaches on land identified as Zone 2 or 3.

- 4.9 Development at risk from tidal flooding can often be made flood resistant by raising floor levels in accordance with the Technical Guidance to the National Planning Policy Framework<sup>2</sup>.
- 4.10 Other flood resilience measures may include flood emergency plans to ensure all users of the development can evacuate the site in case of flood. Certain construction measures may also be appropriate, such as barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that electrical connections are located above possible flood levels.
- 4.11 Additional guidance can be found in the Environment Agency publication 'Damage Limitation' which can be found at the following link [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) Click on 'flood' in subjects, and then 'floodline'. Similarly the DCLG publications 'Preparing for Floods', and 'Improving the flood performance of new buildings' provide useful supplementary information. They are available at the following link <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.
- 4.12 Early consultation with Northumbria Water Ltd, the Environment Agency and Northumberland County Council, is essential in to ensure flood risk is managed as part of any development. (Contact details at the end of this document).

#### Site Specific Considerations

- 4.13 Within the Bates site and the easterly East Sleekburn site (Site 2 (quay)), there are small areas of tidal flood risk. The uses permitted by the LDOs are considered to be less vulnerable to flood than other uses and may be suitable in these parts of the sites, providing flood resilience measures are secured.
- 4.14 Flood risk assessment work has been already been undertaken for the East Sleekburn sites (Site 1 (west); and Site 2 (quay)) and the Bates site along with some topographical surveys and preliminary earthwork modelling. Further information is available upon request.
- 4.15 In respect of the East Sleekburn Site 2(quay) it may be necessary to backfill inlet structures to reduce the threat of tidal inundation. East Sleekburn site 1 (west) meanwhile includes part of the Cow Gut stream. It is likely that any risk of flooding from the Cow Gut can be managed/mitigated.

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<sup>2</sup> Department of Communities and Local Government (DCLG), Technical Guidance to the National Planning Policy Framework, March 2012

- 4.16 Flood defences are planned at the eastern extremity of the Bates site and must not be prejudiced by development. Further information on the extent of the defence works is available from the Environment Agency.

## **Drainage**

- 4.17 Attention should be paid to the management of surface water run-off including drainage from hard standing areas that have the potential to be contaminated.
- 4.18 Drainage design should be based upon the drainage hierarchy and sustainable drainage principles. Overall, drainage from new development must not increase flood risk either on-site or elsewhere.
- 4.19 It is necessary to investigate the feasibility of a sustainable drainage system (SuDs). Further sources of information on SUDS include:
- the CIRIA C697 document SUDS manual
  - HR Wallingford SR 666 Use of SuDs in high density developments
  - CIRIA C635 Designing for exceedance in urban drainage – good practice
  - The Interim Code of Practice for Sustainable Drainage Systems -available on our website at: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) and CIRIA's website at [www.ciria.org.uk](http://www.ciria.org.uk)
  - Northumberland's Level 2 SFRA
- 4.20 Early consultation with Northumbria Water Ltd, the Environment Agency and Northumberland County Council, is essential in to ensure flood risk is managed as part of any development.

## Site Specific Considerations

- 4.21 In respect of the Bates site and East Sleekburn site 2 (quay), due to the tidal nature of the neighbouring River Blyth, surface water from the development could be discharged into this watercourse. However, drainage from hard standing areas that has the potential to be contaminated by fuels, chemicals or other polluting material must be connected to the foul sewer<sup>3</sup>.
- 4.22 In respect of the East Sleekburn westerly site any discharge to a local watercourse would need to be attenuated to an appropriate rate.

## **Contamination**

- 4.23 For further guidance in respect of contamination, a variety of resources are available including the Environment Agency's Guiding Principles for land contamination.

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<sup>3</sup> The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground or surface waters.



### Site Specific Considerations

- 4.24 Various site investigation work in respect of site conditions, contamination and remediation has been completed for the East Sleekburn sites (Site 1 (west); and Site 2 (quay)) and the Bates site. Further information is available upon request.

### **Coal**

- 4.20 Where there is a recorded coal mining legacy and development falls within a Coal Mining Development Referral Area, there are features which can present instability problems and additional costs for development if they are not considered at the outset of the planning process. A Coal Mining Risk Assessment Report is therefore required for any such areas. The assessment must be undertaken by a competent person, must assess risks and consider what mitigation is needed to ensure that the development is safe and stable.
- 4.21 Where surface (shallow) coal resources are identified, developers are required to examine the viability of prior extraction during the ground works for development. This requirement is in accordance with the NPPF which identifies coal as a nationally important mineral which should be protected from unnecessary sterilisation.
- 4.22 Removing coal can be an effective remediation method and can be at nil cost to a developer by creating an income stream from selling the coal itself. However, it should be noted that the removal of coal is not permitted by the LDOs therefore planning consent would need to be sought for such activity.
- 4.23 Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
- 4.24 Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

### Site Specific Considerations

- 4.25 East Skleekburn site 1 (west) adjacent to the A189 spine road falls within the Coal Mining Development Referral Area as there is recorded coal mining legacy present. There is a band of probable shallow working and a coal outcrop which runs west to north east which covers approximately a third of the site.
- 4.26 East Skleekburn Site 2 (quay) does not contain any recorded coal mining legacy. It falls within the Standing Advice area of the coalfield. Further information can be found at <http://coal.decc.gov.uk/assets/coal/whatwedo/3401-new-standing-advice-2011.pdf>
- 4.27 Part of the Bates site falls within the Coal Mining Development Referral Area. There is a band of probable shallow working and a coal outcrop which covers the very eastern part of the site adjacent to the coast.
- 4.28 Both East Sleekburn sites and the Bates site contain surface (shallow) coal resources.

## **Ecology**

- 4.29 It should be noted that ecological survey work has a limited lifespan and therefore ecological assessments, may be required to be updated before development occurs. Developers should consult with the LPA in this regard. As a general rule of thumb it is expected that a 'walkover survey' would be required for all sites before development can proceed. If development occurs more than 2 years after the adoption of an LDO an 'Extended Phase 1 survey' will be required.
- 4.30 Significant ecological considerations around the Blyth Estuary include statutory designated sites as follows:
- The Northumbrian Coast Special Protection Area (SPA) includes much of the coastline between the Tweed and the Tees Estuaries in north east England. The site consists of mainly discrete sections of rocky shore with associated boulder and cobble beaches.
  - The Northumbria Coast Ramsar Site comprises several discrete sections of rocky foreshore between Spittal, in the North of Northumberland, and in an area just south of Blackhall Rocks in County Durham. This includes the foreshore adjacent to the north pier and Alcan terminal.
  - The Northumbria Coast Site of Special Scientific Interest (SSSI) includes most of the coastline between the Scottish Border and the Blyth Estuary.
- 4.31 Non statutory designated sites of ecological value within close proximity to the Blyth Estuary area also include:
- Blyth Estuary Local Wildlife site

- Wansbeck Estuary LWS
  - Castle Island Local Nature Reserve
  - Choppington Community Woods
  - Bedlington Country Park
  - Wansbeck Riverside Park
- 4.32 Development conditions include provision for suitable undisturbed feeding and roosting habitat for wading birds, to mitigate ecological impacts of development. Potential sites and measures have been identified in this regard; therefore developers are encouraged to contact the LPA to discuss options.
- 4.33 Conditions have also been imposed in respect of noise at key sensitive receptors, specifically at the North Blyth Staithes and at designated SSSI sites. When identifying and testing operational noise, consideration must be given the potential disturbance introduced by increased ship movements as a result of development. Developers are also encouraged to consult key statutory consultees including Natural England and the Marine Management Organisation in this regard (see contact details at the end of this document).
- 4.34 The LPA can similarly advise upon relatively simple, inexpensive measures in relation to trans-locating vegetation; creating habitats for Grayling Butterfly and reptiles and creating new wetland habitats. Wetland habitats may serve more than one function if they are linked to sustainable drainage measures.

#### Site Specific Considerations

- 4.35 Some ecological survey work is available for both East Sleekburn Site 1 (west) and Site 2 (quay) and the Bates site and will be made available upon request.
- 4.36 Developers should refer to the Environmental Impact Assessment Screening Opinion and Nature Conservation and Ecological Assessment associated with the LDOs for further information.
- 4.37 At the time of LDO preparation, overall East Sleekburn Site 1(west) is considered to have relatively low ecological value. A Phase 1 habitat survey was undertaken in March 2011 illustrating a clear distinction between the north and south portions of the site. To the north is the site currently operated as an off road motorcycle circuit. Large parts of this area are bare ground or soil surrounded by species poor grassland. Some wetlands and ponds have been artificially created and the Cow Gut stream flows across the site. The south of the site has previously all been arable agricultural land but within recent years has seen woodland planting.

- 4.38 East Sleekburn Site 2 (quay) is considered to be of moderate ecological value. The site is mostly hard standing which has been largely colonised by a species rich short perennial/ephemeral habitat type, in places undergoing transition into species rich improved grassland. The site comprises a green corridor that follows the boundary fence on Brock Lane which extends from approximately 7m – 35 m in width along the road frontage. This corridor comprises of isolated mature trees, scrub vegetation and long grass. An area of landscape extends out in a triangular shape from the gatehouse, following the internal road to the boundary fence. This area comprises of long grass, isolated trees and significant patches of gorse.
- 4.39 There is a small patch of scrub woodland between the former power station eastern boundary fence and the ash dock. This is a relatively small area of vegetation and represents the most wooded part of the site and if practicable should be retained. There is also some marsh habitat in this area.
- 4.40 At the Bates site, a Phase 1 survey has been supplemented by a more recent walkover survey. Standing water with tadpoles was identified in the old conveyor system. If practicable, the water should be drained outside of the breeding season and new wetland scrapes / ponds should be created.
- 4.41 To protect the SSSI from disturbance, landscaping treatments, such as a planted wetland buffer may be appropriate to the estuary edge of the site provided that it does not obstruct access to the Public Rights of Way.

## **Archaeology**

- 4.42 A brief for archaeological investigations will be provided by Northumberland County Council's conservation team detailing the extent of required investigations, recording and analysis.

### Site specific considerations

- 4.43 The eastern portion of the former Bates site coincides approximately with the location of the former 'Bucks Hill', once a promontory within the estuary.
- 4.44 Overall, historic mapping shows that much of the Bates site was reclaimed in the years following 1860, initially for use as a shipbuilding yard and subsequently for use by the Bates Colliery. There may be some potential for the preservation of palaeo-environmental data and waterlogged archaeological remains (including timber structures, the remains of stranded historic ships & boats) on the area of former tidal flats. Traces of the former shipyard, Jetty's and the 'Bucks Mill' may also survive, depending on the impact of the construction, use and demolition of the Bates Colliery.

- 4.45 East Sleekburn site 1 was subject to a targeted archaeological geophysical survey in 2003-2004. The survey targeted a small area of potential cropmarks within the site and followed a review of aerial photographs. Potential archaeological features (including a possible enclosure) could not be positively located by geophysical survey. It is considered there is some potential for unrecorded prehistoric features to occur in the area.
- 4.46 The former power station occupying East Sleekburn site 2 will have destroyed any archaeological features on site pre-dating its construction. The power station was subject to a detailed historic building recording exercise prior to demolition. No further recording of the power station remains will therefore be required prior to development.

## **Design**

- 4.47 Buildings and surrounding spaces should create high quality and inclusive environments. Statements will be required demonstrating how the development design has evolved and responded to its context.
- 4.48 Whilst 'industrial shed' type buildings often do not merit architectural acclaim, quality can be achieved through imaginative, contemporary design solutions and a good choice of sustainable materials and detailing. Subdued colours should be used and a mix of subdued tones may be appropriate to break up the bulk of large buildings. The recent Narec buildings at Blyth Quay are a good example of such an approach.
- 4.49 The format of buildings across the LDO area should also be designed to provide flexibility and adaptability to future changing economic conditions and market demands. Buildings with flexible floor plates and ceiling heights capable of facilitating a variety of uses will be preferred.

## Site Specific Considerations

- 4.50 Particular attention should be paid to achieving a high standard of design at the Bates site at its southern boundary, where development will be most visible to neighbouring residential uses. Buildings visible from the southern boundary may benefit from appropriate fenestration to elevations. Screening development along this boundary through an appropriate landscaping buffer is also encouraged.
- 4.51 The remains of the former coal staithes adjoining East Sleekburn Site 2 are listed Grade II\* and are therefore 'designated heritage assets' in the context of the *National Planning Policy Framework*. A statement demonstrating how the development achieves high quality, inclusive design should include how the

proposals have been informed by the significance and sensitivity of the designated heritage asset, and sensitivity of the 'setting' of the heritage asset to development impact. The remaining dockside area included within the development area as a strong functional and visual association with the staithe; any proposed development of this area in particular should have regard to the significance and sensitivity of the staithe.

## **Site layout**

- 4.52 The siting of development must not prejudice wider comprehensive development and therefore layouts should optimise the use of individual plots whilst taking account of site constraints. Specific LDO conditions prescribe site criteria in this regard. For example, in respect of areas at risk of flooding, consideration should be given to how to locate less vulnerable uses.
- 4.53 Wherever practicable the layout and design of new developments will be also expected to front buildings onto the public realm/street and enclose private external spaces such as yards and car parks behind them. Developments should be designed to prevent opportunities for crime and achieve the principles of 'Secured by Design'.

## **Site Specific Considerations**

- 4.54 At the East Sleekburn sites, early consultation with RWE NPower, Northern Power Grid, National Grid and Northern Gas Networks will be essential to understand layout constraints and access requirements and to safeguard these. As well as access requirements in respect of overhead lines and the existing substation there are specific requirements in relation to a potential future power station, including access to the Ash Barge dock for a cooling water intake and for fuel deliveries.

## **Sustainable Design**

- 4.55 Proposals should take account of landform and where possible should be orientated and designed to minimise energy consumption. These passive design measures can often be applied at little or no extra cost and can have a significant impact in respect of lowering running costs.
- 4.56 In addition, the LDOs require other means of energy efficiency and renewable energy generation. It is accepted that the nature of certain buildings such as large industrial sheds require a flexible approach. Therefore two options are provided. A development is required to achieve a minimum 10% of its energy consumption from renewable resources or in accordance with the 'Building Research Establishment Environmental Assessment Method (BREEAM) must

achieve a 'Very good' accreditation (or BREEAM 'Excellent' accreditation if development commences after 2014). This may be achieved through a range of measures. For example, sustainable drainage and habitat creation may contribute to BREEAM rating. If neither the 10% renewable energy target or BREEAM rating target can be achieved, a statement is required showing assessments and demonstrating why this is the case.

## **Landscaping**

- 4.57 High quality boundary landscaping is crucial for the LDO sites, particularly given the nature of the likely built form (i.e. industrial / commercial buildings).
- 4.58 Landscaping should be carefully planned from the outset and must be managed and maintained. It should fulfil a number of functions. Notably landscaping should play a key role in enhancing working environments and the wider setting of new development; serve to screen development; be used to enhance biodiversity; and where possible be used to contribute towards sustainability objectives (for example as part of sustainable drainage).
- 4.59 Where screen planting exists, it should be retained rather than replaced. Notably at East Sleekburn site 1 (west) a significant tree planting strip is located along the western boundary, screening the site from the A189. Where there are gaps in any of the sites boundary planting, there should be new planting to consolidate boundaries.

## **Waste**

- 4.60 Storage areas for waste refuse and materials for recycling should be integral to the built form of development and be weather protected. The siting of waste facilities shall be agreed with the LPA.

## 5. KEY CONTACTS

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5.1 In addressing the LDO development considerations identified it will be necessary or may be useful to liaise with the Council and various other organisations. Below is a list of key contacts of relevance:

<b>Consideration</b>	<b>Organisation Details</b>
<b>LDO conformity</b>	John Dowsett Principal Planning Officer Local Services Group Northumberland County Council County Hall Morpeth NE61 2EF Tel 0845 600 6400
<b>Flood Risk / SUDs/Contamination/ Environmental Considerations</b>	Environment Agency Skinnerburn Road Newcastle upon Tyne NE4 7AR Tel 03708 506 506
<b>Environmental / Ecological Considerations</b>	Natural England Consultation Service Hornbeam House Crewe Business Park Crewe CW1 6GJ Tel 0300 060 4654
<b>Archaeology</b>	Sara Rushton Conservation Manager & County Archaeologist Local Services Group Northumberland County Council County Hall Morpeth NE61 2EF Tel 0845 600 6400
<b>Coal</b>	The Coal Authority Planning and Local Authority Liaison Department 200 Lichfield Lane Mansfield Nottinghamshire NG18 4RG Tel. 01623 637 119
<b>Electricity</b>	Northern Powergrid Network Connections Cargo Fleet Lane Middlesbrough TS3 8DG Tel. 08450 702 703
<b>Water and Drainage</b>	(Northumbrian Water) Northumbrian Water Abbey Road Pity Me Durham DH1 5FJ Tel. (0191) 419 6745
<b>Gas</b>	(Northern Gas Networks Ltd) 1100 Century Way Thorpe Park Business Park Colton Leeds West Yorkshire LS15 8TU Tel. 0870 300 7677



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