

Special Cabinet

Supplement to Agenda

To: All Members of the Cabinet

Councillors: Kevin Guy (Chair), Tim Ball (Cabinet Member), Alison Born (Cabinet Member), Mark Elliott (Cabinet Member), Paul May (Cabinet Member), Matt McCabe (Cabinet Member), Manda Rigby (Cabinet Member), Paul Roper (Cabinet Member), Sarah Warren (Cabinet Member) and David Wood (Cabinet Member)

Chief Executive and other appropriate officers
Press and Public

Special Cabinet: Thursday, 1st February, 2024

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

12. **Somer Valley Enterprise Zone Local Development Order**

E3486 - Updated Appendix 3 - Local Development Order (LDO) and Statement of Reasons

Yours sincerely

Marie Todd
for Chief Executive

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Somer Valley Enterprise Zone (SVEZ): Local Development Order 2023 & Statement of Reasons

JANUARY 2024



Jones Lang LaSalle Incorporated

Local Development Order & Statement of Reasons

Somer Valley Enterprise Zone



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1 Introduction

- 1.1 The Somer Valley Enterprise Zone Local Development Order 2023 (SVEZ LDO) grants planning permission for the development of the land for commercial, industrial, food, beverage and hotel uses and by doing so removes the need for individual planning applications to be submitted by future developers or occupiers.
- 1.2 This document sets out the background and context for the SVEZ LDO, it being an integral part of the Council's economic growth ambitions for the Somer Valley. In addition, this document sets out compliance with the legislative framework regarding the preparation of the LDO and provides an overview of the supporting evidence which informs the LDO.
- 1.3 SVEZ was granted 'Enterprise Zone' (EZ) status by the Government in April 2017, as part of the wider Bath and Somer Valley Enterprise Zone. The EZ status demonstrates support for economic development in the form of new job creation, business space provision and more generally a contribution towards economic growth of the local economy.
- 1.4 The vast majority of the site has also been allocated for employment development in the Local Plan since 2007.
- 1.5 The use of LDOs is supported by Government as a means of simplifying and streamlining the planning process for certain sites and types of development, as specified by the Local Planning Authority (LPA). LDOs are a useful tool which can help to attract inward investment and stimulate regeneration and are therefore particularly relevant to Enterprise Zones, such as SVEZ.
- 1.6 The decision to proceed with the SVEZ LDO was taken by B&NES following a review of various options to promote and facilitate the development of SVEZ as a strategic employment location. An LDO has been progressed for the site because it provides the highest level of planning certainty, which is expected to increase demand from the developer and occupier market. The LDO is therefore the preferred planning delivery mechanism to provide a proactive market-led response to economic renewal, creating a destination for inward investment in the Somer Valley and wider area.
- 1.7 SVEZ is a proposed new area for commercial development, to create a local hub for new business and employment and help prevent out-commuting. The EZ, once complete, could create approximately 1,300 new jobs for local people.
- 1.8 The vision for the site is to provide an LDO that strongly grasps sustainability, high quality design, viability, deliverability and complements, rather than threatens, neighbouring town centres.
- 1.9 In developing the SVEZ LDO the project team and B&NES have worked together to design and deliver an LDO which achieves the stated objectives for the EZ, and which delivers a much needed positive boost for the local economy.
- 1.10 This document is separated into two parts:
 - **Part 1** sets out what the SVEZ LDO permits, the associated conditions and the process for submitting 'Compliance Applications' which must be followed before construction work on individual plots can commence.

- **Part 2** sets out the Statement of Reasons including the background context to the SVEZ LDO and related policy considerations, as well as addressing other legislative matters.

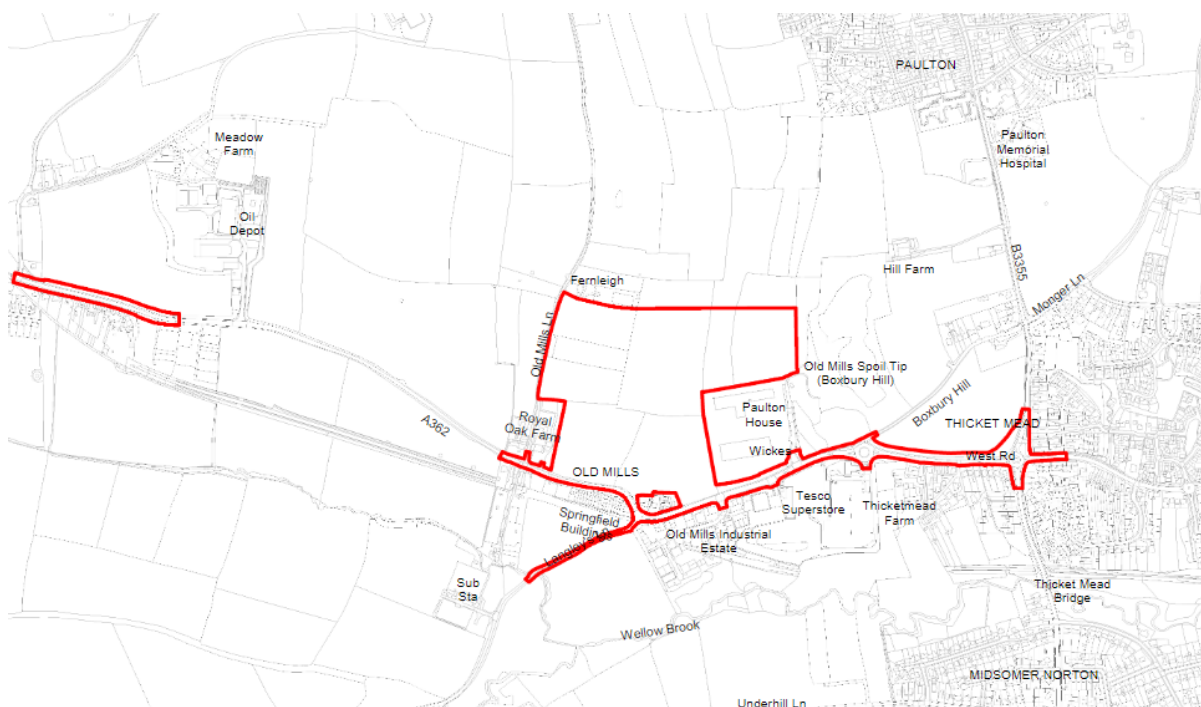
2 PART 1: SVEZ LDO

The Site

- 2.1 The principal site extends to approximately 13.5 ha (excluding related land required for highways works) of land located at Old Mills and is made up of nine agricultural fields spread across five landholdings that are defined by hedgerows. Midsomer Norton town centre is located 1.25 miles from the site, which sits on the north-western edge of the settlement.
- 2.2 To the east of the site is a mixed-use employment/retail development that is enclosed by mature trees. Currently, the site comprises an office building and retail warehouse.
- 2.3 The A362 lies adjacent to the site which links to the A37, Bristol and the M4/M5 to the north. There is currently no access road to the site from the A362.
- 2.4 The village of Paulton lies to the north, the intervening land intersected by agricultural fields that slope upwards away from the site, towards the village.
- 2.5 To the west of the site is Royal Oak Farm and Old Mills Lane. To the south is the A362, as well as some terraced cottages that have historic links to the former railway located to the southwest.
- 2.6 The Somerset Coalfield covers Midsomer Norton and Paulton and the site was used for coal mining until 1966. The landscape surrounding the site is indicative of its coal working past, including a visible conical Batch which is located 20m from the east of the site boundary. The Batch is a recolonised spoil heap surrounded by woodland, grassland and scrub habitat.

LDO Boundary

- 2.7 The LDO covers the land at Old Mills and related land required to deliver the associated highways works, as defined on the boundary plan below, and replicated at Appendix A.



Description of Development

2.8 The description of development is as follows:

The development of an employment-led Enterprise Zone, including:

- *Commercial buildings within Use Classes E (b, g), B2 and B8 (including ancillary trade counter); and*
- *A range of food, beverage and hotel buildings within Use Classes C1 and Sui Generis, including a public house and hot food takeaways.*
- *Highways related works including a new roundabout and related works to A362, road widening and safety improvements to the A362, new cycle, pedestrian and bus connections.*

Any operations or engineering works necessary to enable the development of the Site, including excavation and earthworks and any other operations or engineering necessary for site mobilisation, office and worker accommodation, communications, drainage, utilities and associated environmental, construction and traffic management, together with associated operational infrastructure including utilities, management infrastructure, associated buildings and infrastructure, car parking, fencing, green infrastructure, access roads and landscaping.

Minor operational development in addition to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or its successor, including changes to external appearance of existing buildings, including recladding, alterations to doors and windows; Changes to access to buildings; Installation of plant or small-scale micro renewable energy development; Reorganisation of vehicle parking; Provision of cycle parking; and Provision of covered bin and cycle stores.

LDO Parameters

2.9 The proposed development is defined by a series of Parameters which are included within the Design Code. The Parameter plans and Design Code set the framework within which future development must fit and cover the following matters.

- Structural landscape
- SuDS drainage strategy
- Ecology buffer zones
- External signage and wayfinding
- Sustainability
- External Lighting
- Cycling and pedestrian strategy
- External colour palette
- Maximum floorspace per plot
- Land use classifications

- Maximum building heights
- Maximum parking spaces
- Deliveries and collections
- Architectural features & materiality
- The access and Spine Road

The Design Code & Illustrative masterplan

- 2.10 The Design Code and related Design & Access Statement produced in support of this LDO provide detailed advice and guidance to architects, designers and occupiers/developers who intend to bring forward development of individual plots within the LDO.
- 2.11 The parameter plans and Design Code also set a series of fixed elements outwith the development plots, including for example the location of the spine road, the delivery of structural landscaping and signage, which when combined set out how SVEZ will look and feel.
- 2.12 The design documents seek to ensure a high standard of design and continuity are achieved across the site, in line with wider masterplan objectives. They set out design parameters and codes in order to ensure that mandatory requirements for each site are adhered to. This includes factors such as building use, floorspace, maximum heights, structural landscaping, parking and access points.
- 2.13 The Illustrative masterplan demonstrates one way in which the parameter plans and the Design Code may be applied to develop SVEZ, but is not an approved site layout for the purposes of the LDO. While the parameter plans relating to matters such as the spine road and structural landscaping do define the overall site layout, there remains flexibility as to how each plot may be designed by individual occupiers / developers, such that the overall layout of SVEZ may vary from that shown on the Illustrative scheme

Development Permitted by the LDO

- 2.14 The SVEZ LDO specifically grants planning permission for the scope of development as set at paragraph 2.8 above, including the erection, extension or alteration of a building within the use classes set out below (Table 1) and subject to the conditions and limitations below.
- 2.15 Table 1 sets out the permitted uses as described by The Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020 (or any order revoking and/or re-enacting that order with or without modification) by plot, along with the maximum building GIA that can be delivered on each plot.

Table 1: LDO Permitted Uses

PLOT	PERMITTED USES	PLOT AREA	MAXIMUM BUILDING GIA
P1	Pub (Sui Generis) or Office / Research and development / Industrial processes (E g) or Industrial / Warehousing (B2/B8)	2,880m ²	650m ²
P2	Hotel (C1) or Office / Research and development / Industrial processes (E g) or Industrial / Warehousing (B2/B8)	3,401m ²	2,790m ²

P3	Office / Research and development / Industrial processes (E g) or Industrial / Warehousing (B2/B8) - Includes trade counter as part of B8	4,441m ²	1,682m ²
P4	Food & Beverage (E b - on premises consumption or Sui Generis - off premises consumption) or Office / Research and development / Industrial processes (E g) or Industrial / Warehousing (B2/B8)	1,327m ²	350m ²
P5	Office / Research and development (E g)(i)(ii)	10,097m ²	7,198m ²
P6	Office / Research and development / Industrial processes (E g)	2,250m ²	1,287m ²
P7	Industrial (B2) or Industrial processes (E g)(iii)	4,214m ²	2,880m ²
P8	Office / Research and development / Industrial processes (E g)	4,253m ²	2,016m ²
P9	Industrial (B2) or Industrial processes (E g)(iii)	5,001m ²	3,370m ²
P10	Storage and Distribution (B8)	9,827m ²	5,639m ²
P11	Industrial (B2) or Industrial processes (E g)(iii)	11,232m ²	7,250m ²
P12	Depot (Sui Generis) or Industrial (B2)	15,369m ²	720m ²

2.16 The development permitted by the LDO also includes any operations or engineering works necessary to enable the development of the site, including:

- Excavation and earthworks;
- The formation of compounds for the stockpiling, sorting and treatment of excavated materials;
- Import of material where necessary;
- Piling and any other operations or engineering necessary for site mobilization;
- Welfare facilities including site offices;
- Communications, drainage, utilities and associated environmental, construction and traffic management.

2.17 In addition, the development permitted by the LDO also includes associated infrastructure including:

- New road infrastructure, including
- Utilities and associated buildings and infrastructure, including diversion and/or undergrounding cables
- Surface water and foul drainage infrastructure
- Digital and electrical infrastructure
- Car parking
- Associated green infrastructure, access roads and landscaping

Minor Operations

- 2.18 In addition to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or its successor, the SVEZ LDO permits minor operational developments where it falls within the definition of development under planning legislation and takes effect on completion of the permitted development under the terms outlined in Section 2.8 and Table 1 above.
- 2.19 Minor operational development permitted by the LDO is:
- Changes to external appearance of existing buildings, including recladding, alterations to doors and windows so long as they remain consistent with the approach set out in the approved Design Code
 - Changes to access to building
 - Installation of plant or small-scale micro renewable energy development and EV charging facilities
 - Reorganisation of vehicle parking
 - Provision of cycle parking
 - Provision of covered bin and cycle stores
- 2.20 There is no requirement to notify, or seek the approval of, the Local Planning Authority before such minor operations are undertaken.

Extensions

- 2.21 The LDO permits the extension of buildings which have been constructed under the LDO, subject to the submission of a new Compliance Application. As such, extensions are permissible but must accord with the parameters and Design Code and cannot exceed the maximum building GIA for each plot, as set out in Table 1.

Lifespan of the LDO

- 2.22 LDOs can grant permission for development indefinitely or for a time limited period. In this case the LDO and the terms within it will be active for a period of **20 years** following the day of its adoption.
- 2.23 A 20-year period has been applied to allow sufficient time to secure the completion of the works approved under the LDO, and to allow subsequent changes to buildings or uses which may be beneficial to the future occupiers.
- 2.24 At the sole discretion of the LPA a monitoring and evaluation process will be undertaken at years 5, 10 and 15 following adoption. The monitoring and evaluation process may result in decisions to review, modify or revoke the LDO. The review will be completed within 30 days of the relevant anniversary and at the end of the review the LPA will determine whether to:
- Retain the LDO as it stands for the remaining years of its life;
 - Retain but revise some elements; or
 - Revoke and cancel the LDO
- 2.25 Notwithstanding the conclusion of the monitoring and evaluation process, development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked or revised or expires. This is subject to the LPA's confirmation of compliance issued under the Compliance Application process.

- 2.26 The development and implementation of the LDO will take place on a phased basis. Where a material operation has been commenced in respect of any development permitted by the LDO at the time it expires, is revoked, or is revised such development may continue to be lawfully completed.

Other Consents

- 2.27 This LDO removes the requirement to obtain express planning permission (subject to compliance with the procedures outlined herein where applicable) but does not remove the need to obtain other statutory consents such as Building Regulations approval, consents under Highways legislation, environmental licensing and permitting and Health & Safety Executive consents etc.
- 2.28 It will remain the responsibility of the developer to ensure that all other statutory requirements are followed.

3 Conditions

Introduction

- 3.1 The conditions imposed on the SVEZ LDO are necessary to ensure that development is acceptable in planning and procedural terms. Furthermore, the Design Code assists developers / occupiers in shaping development proposals for the LPA to consider during the compliance process.

Conditions

Number	Condition	Reason
1 Term of the LDO	<p>The LDO and the terms within it will be active for a period of 20 years following the day of its adoption and will expire following this period.</p> <p>Development which has lawfully commenced under the provisions of the LDO can be completed in the event that the LDO is revoked or revised or expires.</p>	LDOs can grant permission for development indefinitely or for a time limited period. In this case the LDO and the terms within it will be active for a period of 20 years following the day of its adoption.
2 Submission of Compliance Application	No development, except for minor operations (as defined in s 2.18 / s2.19 of the LDO) and highways / structural landscaping works, shall commence in relation to any plot until a Compliance Application for the proposed development of that plot has been submitted to and approved by the Local Planning Authority and a Certificate of Compliance has been issued.	To ensure high quality sustainable development, in line with the aspirations for the LDO.
3 Compliance	Development subject to a Compliance Application shall be carried out in accordance with the information provided in the Compliance Application and as specified in the Certificate of Compliance, and any additional conditions imposed by the LPA in the Certificate of Compliance.	To ensure compliance with the LDO.
4 Commencement Notice	Not less than 14 days prior to the commencement of any development approved under this LDO a Commencement Notice shall be submitted to the LPA. For the avoidance of doubt, a Commencement Notice shall be served prior to the commencement of each phase of development or individual plot.	To enable the monitoring of development and the effective implementation of the Order.
5 Supporting documents	The development hereby approved shall be carried out in accordance with the following documents with the exception of any material amendment submitted to and approved in writing by the Local Planning Authority:	For the avoidance of doubt and in the interest of proper planning.

	<ul style="list-style-type: none"> • Site Location ref. SVEZ-AHR-MP-ZZ-DR-A-91-000 P08 • Proposed Plot Boundaries ref. SVEZ-AHR-MP-ZZ-DR-A-92-010 P09 • Proposed Masterplan-Fixed Element ref. SVEZ-AHR-MP-ZZ-DR-A-92-011 P13 • Heights Plan ref. SVEZ-AHR-MP-ZZ-DR-A-92-012 P14 • Proposed Land Use ref. SVEZ-AHR-MP-ZZ-DR-A-92-013 P14 • Strategic Landscape Plan ref. SVEZ-AHR-MP-ZZ-DR-A-92-014 P08 • Illustrative Masterplan ref. SVEZ-AHR-MP-ZZ-DR-A-92-015 P33 • Road Layout ref. SVEZ-AHR-MP-ZZ-DR-A-92-016 P05 • Drainage Strategy ref: SVEZ-AHR-MP-ZZ-DR-A-92-017 P03 • Proposed Phasing Plan ref. SVEZ-AHR-MP-ZZ-DR-A-92-018 P07 • South West Fence Plot Layout – ref. SVEZ-AHR-MP-ZZ-DR-A-92-019 P04 • LDO Design Code ref. SVEZ-AHR-MP-ZZ-PR-A-A3-002 P14 • Framework Travel Plan ref. 10042920-ARC-XX-XX-RP-TP-0002-P2 SVEZ FTP 	
<p>6 Limit on Class E uses</p>	<p>Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the Class E uses permitted by this order shall be restricted to Class E (b) or E(g) only, and no other use within Class E.</p>	
<p>7 Structural landscaping – phasing</p>	<p>The structural landscaping shall be carried out in accordance with the approved phasing plan (ref: SVEZ-AHR-MP-ZZ-DR-A-92-018 P07) or an updated phasing plan to be submitted to and agreed in writing by the LPA.</p>	<p>To ensure the provision of amenity and a satisfactory quality of environment afforded by appropriate landscape design</p>
<p>8 Structural landscaping – approved details</p>	<p>No works relating to the structural landscaping shall commence until full details of both hard and soft landscape proposals, programme of implementation and a landscape management plan (to include long term design objectives, management responsibilities and maintenance schedules for all landscape areas) have been submitted to and approved by the Local</p>	<p>To ensure that the external appearance of the structural landscaping is satisfactory, in accordance with quality expectations set out within Design Code.</p>

	<p>Planning Authority. These details shall include, as appropriate:</p> <ol style="list-style-type: none"> 1. Proposed finished levels or contours 2. Means of enclosure 3. Other vehicle and pedestrian access and circulation areas 4. Hard surfacing materials 5. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting) 6. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc) 7. Retained historic landscape features and proposals for restoration, where relevant 8. Car parking layouts <p>Soft landscape details shall include:</p> <ol style="list-style-type: none"> 1. Planting plans 2. Written specifications (including cultivation and other operations associated with plant and grass establishment) 3. Schedules of plants, noting species, planting sizes and proposed numbers / densities <p>The development shall be carried out and maintained in accordance with the approved details.</p>	
<p>9 Landscaping details – on plot</p>	<p>Each Compliance Application shall be accompanied by full details of both hard and soft landscaping proposals, a programme of implementation and a landscape management plan (to include long term design objectives, management responsibilities and maintenance schedules for all landscape areas). These details shall include, as appropriate:</p> <ol style="list-style-type: none"> 1. Proposed finished levels or contours 2. Means of enclosure 	<p>To ensure that the external appearance of the plots is satisfactory, in accordance with quality expectations set out within Design Code.</p>

	<p>3. Other vehicle and pedestrian access and circulation areas</p> <p>4. Hard surfacing materials</p> <p>5. Minor artefacts and structures (eg outdoor furniture, play equipment, refuse or other storage units, signs, lighting)</p> <p>6. Proposed and existing functional services above and below ground (eg drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc)</p> <p>7. Retained historic landscape features and proposals for restoration, where relevant</p> <p>8. Car parking layouts</p> <p>Soft landscape details shall include:</p> <p>1. Planting plans</p> <p>2. Written specifications (including cultivation and other operations associated with plant and grass establishment)</p> <p>3. Schedules of plants, noting species, planting sizes and proposed numbers / densities</p> <p>The development shall be carried out and maintained in accordance with the approved details.</p>	
<p>10 Landscaping implementation - Structural landscaping</p>	<p>All planting, seeding or turfing comprised in the approved details of the structural landscaping shall be carried out in the first planting and seeding seasons following the commencement of the relevant phase of the development as outlined on the approved phasing plan (ref: SVEZ-AHR-MP-ZZ-DR-A-92-018 P07) or an updated phasing plan to be submitted to and agreed in writing by the LPA; and any trees or plants which within a period of 20 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.</p>	<p>To ensure that the external appearance of the structural landscaping is satisfactory, in accordance with quality expectations set out within Design Code.</p>

<p>11 Landscaping implementation – on plot</p>	<p>All planting, seeding or turfing comprised in the approved details of landscaping for each plot shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development on that plot, whichever is the sooner; and any trees or plants which within a period of 20 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.</p>	<p>To ensure that the external appearance of the structural landscaping is satisfactory, in accordance with quality expectations set out within Design Code.</p>
<p>12 Highways – approved plans</p>	<p>No development on any plot shall commence until the highways infrastructure has been completed in accordance with the following GA plans:</p> <ul style="list-style-type: none"> • Ref. 10042920-ARC-HGN-ZZ-DR-HR-00002 Rev P02 • Ref. 10042920-ARC-HGN-ZZ-DR-HR-00003 Rev P02 • Ref. 10042920-ARC-HGN-ZZ-DR-HR-00004 Rev P03 • Ref. 10042920-ARC-HGN-ZZ-DR-HR-00005 Rev P03 • Ref. 10042920-ARC-HGN-ZZ-DR-HR-00006 Rev P02.1 • Ref. 10042920-ARC-HGN-ZZ-DR-HR-00007 Rev P02 • Ref. 10042920-ARC-HGN-ZZ-DR-HE-00035 Rev P01 • Ref. 10042920-ARC-HGN-ZZ-DR-HE-00036 Rev P01 	<p>For the avoidance of doubt and in the interest of proper planning.</p>
<p>13 Drainage</p>	<p>No development shall commence for any phase or plot until a detailed surface water drainage design relevant to that phase or plot has been submitted and approved in writing by the Local Planning Authority. The detailed drainage design shall include pipe sizing and flow controls confirming flow from the site with exceedance routes for surface water, to be prepared in accordance with the sitewide drainage strategy (ref: 10042920-SVEZ-ARC-XX-XX-RP-CE-0001-04) and calculations demonstrating capacity and performance of Sustainable Drainage features up to and including 1:100 plus cc storm event.</p>	<p>To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management</p>

	<p>The development shall be carried out in full accordance with the approved details.</p>	
<p>14 BNG</p>	<p>No development shall commence until a Strategic Biodiversity Net Gain Delivery & Management Plan is submitted to and approved in writing by the Local Planning Authority. The Strategic Biodiversity Net Gain Delivery & Management Plan shall be prepared in accordance with current local and national guidance and standards, and with the Habitat Management Plan (10042920-AUK-XX-XX-RP-EC-0019-07) and the Biodiversity Net Gain Report: Final Report (10042920-AUK-XX-XX-RP-EC-20-07) which are included as part of the LDO and shall outline the overall net gain strategy for the LDO site demonstrating how a 10% BNG gain will be delivered using the following sequential approach:</p> <ul style="list-style-type: none"> • Delivery on-site. • The purchasing of additional land to provide space to create new habitat. • Working with 3rd parties such as local landowners, local authorities, trusts, etc. to deliver biodiversity units on their land. • Purchasing biodiversity units from 3rd party organisations. <p>The Strategic BNG Plan will address the approach to BNG in relation to Phase 1 and 2 of the development as outlined on the approved phasing plan (ref: SVEZ-AHR-MP-ZZ-DR-A-92-018 P07).</p> <p>Each Compliance Application shall be accompanied by a plot specific Biodiversity Net Gain Plan, prepared in accordance with local and national guidance and standards, and with the Strategic Biodiversity Net Gain Delivery & Management Plan Strategy.</p> <p>No on plot development (including site preparation, excavation or vegetation removal) shall commence prior to approval of the plot-specific Biodiversity Net Gain (BNG) Plan nor prior to availability of an approved site for off-site habitat provision (where required to avoid a BNG deficit), which must thereafter be implemented in accordance with agreed timescales, to be detailed within the plot-specific BNG Plan.</p> <p>The development shall be carried out in full accordance with the approved details.</p>	<p>To ensure that the LDO secures at least 10% BNG in accordance with The Environment Act 2021 and Policy NE3a of the LPPU.</p>

15 Habitat Management Plan	The development shall be carried out in accordance with the Habitat Management Plan (as applicable to the structural landscaping areas on the main site and habitats within the Highways sites only) which sets out the design strategy and prescriptions for newly created habitats as well as ongoing management and care of retained habitat for the long-term benefit of local biodiversity.	In the interests of safeguarding amenity and ecological interests
16 Noise	Each Compliance Application shall be accompanied by a noise assessment of the heating, ventilation and air conditioning plant (HVAC), undertaken in accordance with BS4142: 2014 Method for Rating and Assessing Industrial and Commercial Sound. The assessment shall demonstrate that noise emissions, with the inclusion of any necessary mitigation measures, shall be at least 5dB below measured background levels at the closest sensitive receptor as outlined in the supporting Noise Assessment (January 2023 Rev P01).	To prevent noise from the premises adversely affecting the residential amenities of occupiers of nearby properties
17 Archaeology - site wide	Prior to submission of the first compliance application and/or the commencement of any works approved under this LDO (to include highways, drainage infrastructure and landscaping) a full archaeological evaluation (consisting of a geophysical survey and trial trench evaluation) shall be undertaken within the LDO red line boundary. The evaluation shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works approved by the LDO.	In the interests of ensuring that the any archaeological remains are identified and managed
18 Archaeology - site wide	No development shall commence until a sitewide Framework Mitigation Strategy, to be prepared in consultation with the Council archaeologist has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved framework Mitigation Strategy thereafter.	In the interests of ensuring that the any archaeological remains are identified and managed
19 Archaeology - land outside the specific plots	If archaeological remains are identified through the archaeological evaluation process (see condition 17) then prior to the commencement of any works approved under this LDO, an area specific mitigation strategy, to be prepared in accordance with the Framework Mitigation Strategy, shall be submitted to and approved in writing by the Local Planning	In the interests of ensuring that the any archaeological remains are identified and managed

	Authority. The works shall be carried out in accordance with the approved area specific mitigation strategy.	
20 Archaeology – on plot	If archaeological remains are identified through the archaeological evaluation process (see condition 17), each relevant Compliance Application shall then be accompanied by a plot specific mitigation strategy, to be prepared in accordance with the Framework Mitigation Strategy. The works shall be carried out in accordance with the approved area specific mitigation strategy.	In the interests of ensuring that the any archaeological remains are identified and managed
21 Construction Management Plan – highways works	Development of the spine road, highways and access works (as approved within condition 12) shall not commence until a Construction Management Plan for those highways and access works has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following: <ol style="list-style-type: none"> 1. Deliveries (including storage arrangements and timings); 2. Contractor parking; 3. Traffic management; 4. Working hours; 5. Site opening times; 6. Wheel wash facilities; 7. Site compound arrangements; 8. Measures for the control of dust; 9. Temporary arrangements for householder refuse and recycling collection during construction. <p>Thereafter the relevant works shall be undertaken in accordance with the approved details.</p>	To ensure the safe operation of the highway and in the interests of protecting residential amenity
22 Construction Management Plan – on-plot	Each Compliance Application shall be accompanied by plot specific Construction Management Plan for that plot shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the following: <ol style="list-style-type: none"> 1. Deliveries (including storage arrangements and timings); 2. Contractor parking; 	In the interests of the amenities of surrounding occupiers during the construction of the development.

	<p>3. Traffic management;</p> <p>4. Working hours;</p> <p>5. Site opening times;</p> <p>6. Wheel wash facilities;</p> <p>7. Site compound arrangements;</p> <p>8. Measures for the control of dust;</p> <p>9. Temporary arrangements for householder refuse and recycling collection during construction.</p> <p>The construction of the development shall thereafter be undertaken in accordance with the approved details.</p>	
<p>23 Tree protection</p>	<p>No development activity shall commence until the protective measures as stated in the approved AIA (ref. 10042920-AUK-XX-XX-RP-EC-0027-03) are implemented pursuant to the relevant works.</p> <p>Each Compliance Application shall be accompanied by an Arboricultural method statement in accordance with section 5.5 of the approved AIA (ref. 10042920-AUK-XX-XX-RP-EC-0027-03) and BS 5837:2012.</p> <p>The local planning authority is to be advised two weeks prior to development commencing of the fact that the tree protection measures as required are in place with photographic evidence.</p> <p>The tree protection measures shall remain in place for the duration of the development.</p>	<p>To ensure that the trees are protected from potentially damaging activities</p>
<p>24 Off plot lighting (NB: On-plot covered via compliance app)</p>	<p>No lighting shall be installed as part of the development until a lighting strategy, to be prepared in accordance with the sitewide lighting strategy and with current best practice guidance ILP Guidance Note 08/23 “Bats and Artificial Lighting in the UK”, or future versions thereof, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:</p> <ol style="list-style-type: none"> 1) The approach and design of the external and internal lighting; 2) Detailed light spill calculations (including lux contour plans and predicted light spill levels onto sensitive features on both the horizontal and vertical planes and at heights at and above ground level); 	<p>To avoid harm to bats and wildlife</p>

	<p>3) Details of light control systems and regimes; 4) A schedule and programme for maintenance of the lighting, and a schedule, method statement, details of responsibility and proposed reporting of findings to the LPA of compliance checks and (where applicable) proposals for remediation measures which shall be agreed with the LPA and implemented thereafter.</p> <p>The lighting shall be installed, maintained and operated thereafter in accordance with the approved details.</p>	
<p>25 On plot Lighting</p>	<p>Each Compliance Application shall be accompanied by a lighting strategy, to be prepared in accordance with the sitewide lighting strategy and with current best practice guidance ILP Guidance Note 08/23 “Bats and Artificial Lighting in the UK”, or future versions thereof. The strategy shall include the following:</p> <ol style="list-style-type: none"> 1) The approach and design of the external and internal lighting; 2) Detailed light spill calculations (including lux contour plans and predicted light spill levels onto sensitive features on both the horizontal and vertical planes and at heights at and above ground level); 3) Details of light control systems and regimes; 4) A schedule and programme for maintenance of the lighting, and a schedule, method statement, details of responsibilities and proposed reporting of findings to the LPA of compliance checks and (where applicable) proposals for remediation measures which shall be agreed with the LPA and implemented thereafter. <p>The lighting shall be installed, maintained and operated thereafter in accordance with the approved details.</p>	<p>To avoid harm to bats and wildlife</p>
<p>26 Sustainability</p>	<p>Each Compliance Application shall be accompanied by plot specific Sustainability Statement, prepared in accordance with the sitewide Sustainability Strategy (dated January 2023) which demonstrates how the development will achieve a 100% regulated operational carbon emissions reduction from Building Regulations Part L 2021 (or future equivalent legislation), following the hierarchy set out in Policy</p>	<p>To ensure the development incorporates measures to minimise the effects of, and can adapt to, a changing climate.</p>

	<p>SCR7 & the B&NES Sustainable Construction Checklist SPD (2023).</p> <p>Thereafter the relevant works shall be undertaken in accordance with the approved details.</p>	
27 Deliveries and Collection Strategy	<p>Each Compliance Application shall be accompanied by plot specific Deliveries and Collection Strategy. The delivery and collection strategy shall include:</p> <ul style="list-style-type: none"> - Contact details of a suitably qualified co-ordinator; - Timing of deliveries and collections; - Detail of delivery and collection booking and management systems. - How vehicle arrivals and departures, parking, stopping and waiting will be controlled to minimise any impact. <p>Thereafter the relevant works shall be undertaken in accordance with the approved details.</p>	To protect the amenity of nearby residents
28 External Signage and Way-finding Strategy	<p>Prior to the occupation of the first building delivered under the LDO an External Signage and Way-finding strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall be consistent with the details set out at section 2.14 of the design code.</p> <p>Thereafter the relevant works shall be undertaken in accordance with the approved details.</p>	To ensure the provision of amenity and a satisfactory quality of environment
29 Construction Noise	<p>Each Compliance Application will be accompanied by an appropriate construction noise and vibration management plan. The plan should set out best practice construction methodologies and approaches which aim to reduce noise and vibration emissions as far as is practicable and take due account of BSBS 5228-1:2019+A1:2014 as appropriate.</p> <p>Thereafter the relevant works shall be undertaken in accordance with the approved details.</p>	To ensure the provision of amenity and a satisfactory quality of environment
30 Noise – Plot 12	<p>The Compliance Application for Plot 12 will be accompanied by a noise assessment based upon the methodology contained in BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound taking account of the characteristics of the noise emissions. The assessment would require consideration of noise generation from Plot 12 during</p>	For the protection of residential amenity

	<p>both the daytime and night-time periods to cover the working hours of the facility, and demonstrate that noise emission from:</p> <ul style="list-style-type: none"> • heating and ventilation systems are 5dB below background levels at the nearest noise sensitive receptor present at the time of granting of permission. • on site operational vehicle movements within the plot boundary of plot 12 are no higher than the background levels (LA90 +0dB) at the nearest noise sensitive receptor present at the time of granting of permission. <p>The assessment shall include details of any mitigation measures that will be necessary and provided to achieve the appropriate limit at the nearest noise sensitive receptors.</p>	
<p>31 Hours of operation (Use)</p>	<p>Each Compliance Application shall specify the hours of operation of the permitted use for the proposed development.</p> <p>The development shall be carried out in accordance with the approved details.</p>	<p>To protect the amenity of nearby residents</p>
<p>32 Contamination Investigation and Risk Assessment</p>	<p>No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with the Environment Agency’s ‘Land contamination risk management’ (LCRM) and shall include:</p> <ul style="list-style-type: none"> - A survey of the extent, scale and nature of contamination. - An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems, archaeological sites and ancient monuments. - An appraisal of remedial options, and proposal of the preferred option(s). 	<p>In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.</p>

<p>33 Remediation Scheme</p>	<p>No development shall commence for any phase or plot until a detailed remediation scheme relevant to that phase or plot has been submitted and to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.</p> <p>The scheme shall include:</p> <ul style="list-style-type: none"> (ii) All works to be undertaken; (iii) Proposed remediation objectives and remediation criteria; (iv) Timetable of works and site management procedures; and, (v) Where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out. <p>The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.</p>	<p>In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed before work commences.</p>
<p>34 Verification Report</p>	<p>No occupation of the relevant plot shall commence until a verification report relevant to the plot (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.</p>	<p>In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.</p>
<p>35</p>	<p>In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be</p>	<p>In order to ensure that the land is suitable for the intended uses</p>

<p>Unexpected Contamination</p>	<p>reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.</p>	<p>and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with the National Planning Policy Framework.</p>
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Table 2: LDO Conditions

Compliance Applications – guidance for occupiers

Introduction

- 4.1 This section sets out guidance to assist future developers / occupiers in preparing Compliance Applications, which in turn enables the commencement of development of individual plots under the LDO. It identifies the process that needs to be followed to ensure proposals are suitable and appropriate for SVEZ and can therefore be supported by the LPA.
- 4.2 It is important to note that the SVEZ LDO alone does not allow development of individual plots to commence. The LDO sets out matters which remain to be approved before development can proceed, through a process called of submitting a Compliance Application. Once a Compliance Application has been approved and related conditions have been discharged, construction work may begin (subject to other statutory approvals such as building regulations).

Compliance Application supporting information

- 4.3 The following supporting information shall be submitted with each Compliance Application:
- Compliance Application form
 - The requisite fee
 - On-plot landscaping details (Condition 9)
 - BNG Plan (Condition 14)
 - Noise Assessment for Plant (Condition 16)
 - Archaeological Evaluation Strategy (Condition 20)
 - Arboricultural Method Statement (Condition 23)
 - Lighting Strategy (Condition 25)
 - Delivery and Collection Strategy (Condition 27)
 - Construction Noise Mitigation Plan (Condition 29)
 - Operational Noise Assessment (Plot 12 Only) (Condition 30)
 - Hour of Operation (Permitted Use) (Condition 31)
 - Contamination Remediation Scheme and Verification Report (as required) (Condition 33 and 34)
 - Details required by the Design Code (see plot summaries and compliance checklists within Design Code)
 - Compliance Application Drawings
 - Site Location Plan
 - Plans and Elevations for the LPA to be able to assess the impact of the proposals and determine compliance with the Design Code

Compliance Application fees

- 4.4 Each Compliance application will be charged at an equivalent of 50% of the Outline fee level, as defined in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended.
- 4.5 At the time of writing this equates to the following charges for Compliance Applications under the SVEZ LDO:
- Gross site area of less than 2.5ha – £231 for each 0.1ha
 - Gross site area of more than 2.5 hectares – £5,716 + £69 for each additional 0.1 hectare
 - Maximum fee £75,000
- 4.6 The fee for discharge of conditions under the LDO shall match the relevant fee as set out in ‘The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012’ (as amended). At the time of writing that fee is £116 per submission.

LDO Conformity Process

- 4.7 Prior to the commencement of development on individual plots, a Compliance application shall be submitted to B&NES LPA, comprising of the Compliance Form along with the necessary supporting documents / plans and the requisite fee.
- 4.8 Within 6-weeks of the submission of a Compliance Application, the LPA shall issue a Certificate of Compliance as to whether or not the proposed development is permitted under the LDO, or whether further information is required to determine if the proposed development is in accordance with the Order.
- 4.9 If further information is required to make an assessment, and a decision cannot be reached within the 6-week period, the LPA will seek to agree a reasonable extension of time with the Applicant up to an additional 4 weeks, to allow additional information to be submitted and/or minor changes made to enable compliance with the LDO. Where feasible, the LPA will endeavour to seek amendments by the Applicant rather than issue a response of non-compliance.
- 4.10 If the proposal is not considered to be permitted under this Order, the council will provide written response, with reasons and a planning application will be required for the development to progress.
- 4.11 Any development deemed to comply with this Order, but which is later found to not accord with its terms and conditions, including the standard conditions set out in this Order, may be liable to planning enforcement proceedings.
- 4.12 The Certificate of Compliance can be amended through resubmission of the Compliance Application. The amended application can be refused if not compliant with the LDO.
- 4.13 A flow chart setting out an indicative process for the preparation and submission of a Compliance Application is set out below in Figure 1, to support applicants in drafting Compliance Applications.

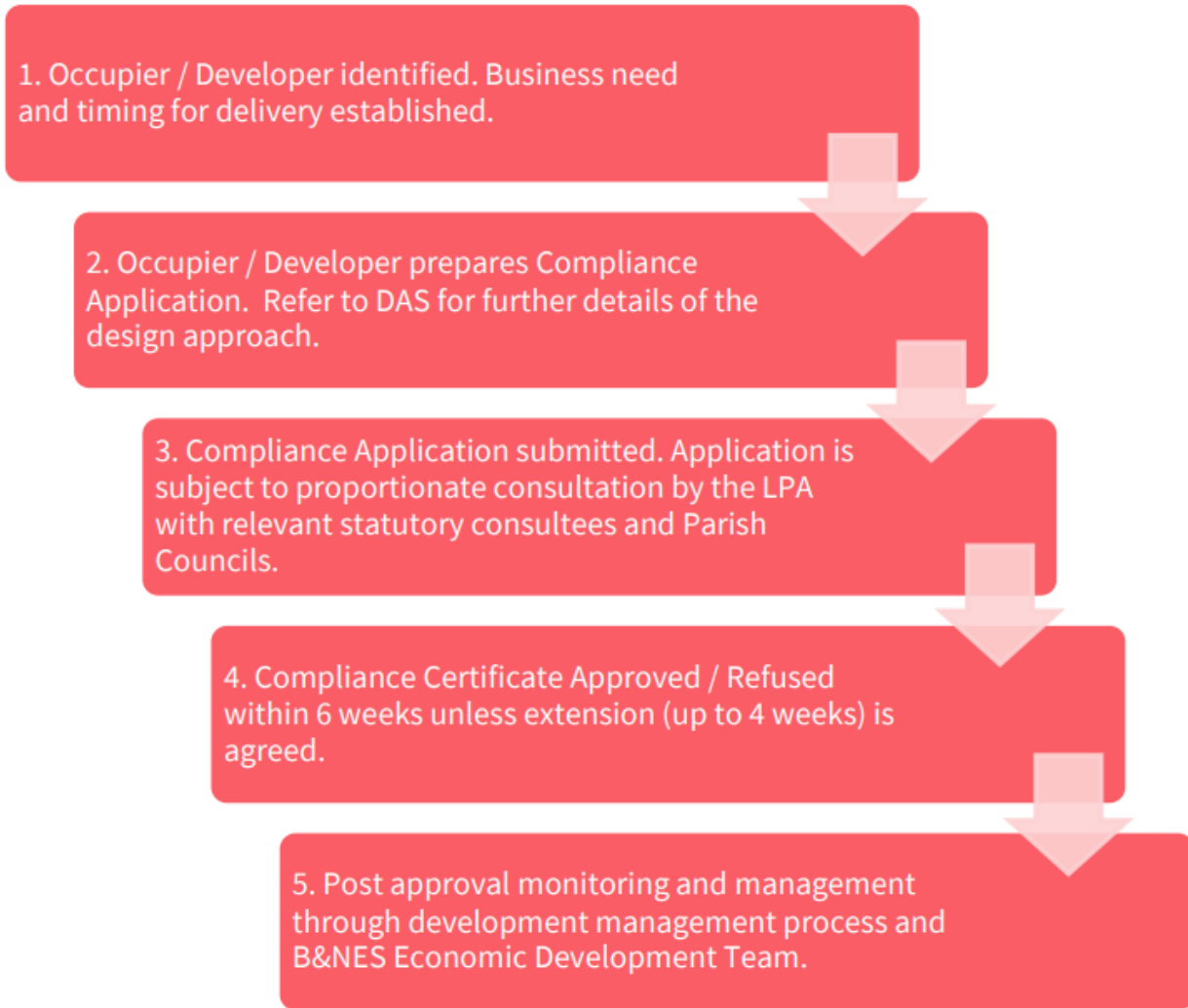


Figure 1: SVEZ LDO Compliance Process Flow Diagram

4.14 It should be noted that the LDO (and related conditions) also include a series of sitewide requirements that need to be addressed / discharged prior to the commencement of development on individual plots. Occupiers / Developers should review those requirements to ensure compliance is achieved and that development can lawfully commence.

Commencement of Development

4.15 Once relevant conditions have been discharged the development may commence (subject to other statutory approvals being in place, for example Building Regulations). Having regard to condition 4 a Commencement Notice (a template of which is provided at Appendix B) shall be served on the Local Planning Authority at least 14 days prior to the commencement of development informing the authority of the intention to commence works in relation to any phase of development or individual plot.

4 PART 2: Statement of Reasons

Why deliver an LDO at SVEZ?

- 5.1 SVEZ was granted ‘Enterprise Zone’ (EZ) status by the Government in April 2017, as part of the wider Bath and Somer Valley Enterprise Zone. The EZ status demonstrates support for economic development in the form of new job creation, business space provision and more generally a contribution towards economic growth of the local economy.
- 5.2 The decision to bring forward an LDO was taken following a long-term failure in the market to deliver the allocated employment site. To make the Site more attractive for occupiers and developers, this LDO will provide an easier consenting process allowing construction and ultimately occupation of new commercial buildings to be delivered more quickly and cost effectively. An LDO at SVEZ therefore represents a major opportunity for businesses to invest in the area, either relocating from elsewhere, or extending their presence to an attractive new site.
- 5.3 The LDO is designed with a range of types of business space in mind, aiming to attract a spectrum of small, medium and large-scale employers, as well as complementary uses which serve employment development (hotel, public house etc). It is expected that, once it is up and running, SVEZ will bring around 1,300 new local jobs to the area, covering a range of sectors that may include:
- specialist construction
 - construction
 - manufacturing and general sales
 - land transport
 - printing
 - warehousing and distribution
- 5.4 It is likely that a range of roles will be provided including:
- management
 - professional
 - associate professional/technical
 - office and administration
 - skilled trades
 - customer service and sales
 - process
 - elementary
- 5.5 The plans for the SVEZ specify a mix of uses, with the aim of generating jobs across the wide range of skills and experience held by the local population.

- 5.6 In the Somer Valley there is a low vacancy rate in commercial buildings, and this lack of available business space is constraining business and employment growth. The B&NES Economic Strategy Review (2014 to 2030) recognises the 'urgent need' to encourage new employment land development in the Somer Valley. The SVEZ project presents an exciting new local employment offer, with a variety of jobs matching the varied skills and experience of the local labour market.
- 5.7 B&NES has taken a proactive approach to encouraging investment through supporting the production of the SVEZ LDO. There is a clear rationale for this project in that the LDO creates certainty for developers / occupiers which in turn enables the proactive delivery of new employment opportunities.
- 5.8 One of the key issues that B&NES is trying to address is an imbalance between jobs available and homes built in the Somer Valley area. Recent incremental housing development and a decline in the manufacturing sector has led to this imbalance. Core Strategy Somer Valley Spatial Strategy Policy SV1 sets out the overachieving spatial requirements for economic development and the Old Mills (Policy SSV9) is one of key areas to achieve this economic objective.
- 5.9 In addition, SVEZ can help to reduce out-commuting from the Somer Valley. Currently a large number of skilled local people need to travel towards Bristol, Bath and other urban centres to find suitable employment. The new jobs offered by the SVEZ development will reduce the need for this out-commuting, offering a wide range of benefits, including:
- reducing carbon emissions
 - providing a complimentary range of uses including services for the local economy
 - reducing congestion on the region's roads
 - promoting active travel for the shorter journey to work
 - increasing leisure time previously spent commuting
 - increasing workday lunchtime and leisure spend with local businesses
- 5.10 The LDO will deliver a long-term legacy of new and enhanced job opportunities, helping to reprofile the economy to create opportunities for good quality employment in B&NES, and across the region.

The Economic Case for SVEZ

- 5.11 B&NES commissioned an Employment and Skills Analysis Report (April 2022) to evaluate the likely impact that the LDO development proposals will have on employment and skills and the type of users who may occupy the units.
- 5.12 The Employment and Skills Analysis Report identifies that the Somer Valley has strengths in growing sectors of specialist construction, construction and food manufacturing. There are also strengths in printing (and packaging), chemical manufacturing and machinery and equipment.
- 5.13 Despite warehousing and distribution growing in the UK, it is under-represented within the Somer Valley. Automation and e-commerce are accelerating demand for warehouse space, although this is causing such uses to have less significant employment figures.
- 5.14 Warehousing and distribution within the Somer Valley is likely to be in support of existing industry and will therefore fulfil an important economic function.

- 5.15 An Economic Strategy Evidence Base (June 2022) was also commissioned by B&NES to assess economic strategy as the last assessment took place in 2014, pre-covid. It sets out business demography, employment land losses, economic forecasts and scenarios and economy carbon emissions. Notably the Somer Valley has lost 3,100 sqm of office employment floorspace from 2011-2020, which equates to around 200 FTE jobs and -£13.3m GVA per annum. For industrial floorspace the loss between 2011-2020 is 6,400 sqm, which equates to the loss of 200 jobs and a per annum GVA loss of -£6.4m.

Development Vision

- 5.16 As set out in the Design Code the vision for the SVEZ LDO is to:
- Create a successful modern business park that attracts a range of employment to ensure a mix of jobs and skills sets.
 - Deliver a scheme that successfully contributes and compliments the wider Enterprise Zones in Bristol and Bath.
 - Ensure the scheme is of the highest quality design. This will differentiate it from the existing provision in the area.
 - Future proof the commercial offer, providing space that allows businesses to effectively grow without the need to locate elsewhere as they expand.
 - Deliver a range of complimentary amenity spaces to enhance workers experience. It is becoming increasingly important for business parks to provide opportunities for employees on site.
 - The offer should support the nature of the commercial market, which is predominantly light industrial/manufacturing whilst taking account of possible future employment trends.
 - Deliver a wider variety of flexible space including workshops and studio space to meet the needs of the market.
- 5.17 In addition, the vision for the site is to provide an LDO that strongly grasps sustainability, high quality design, viability, deliverability and complements, rather than threatens, neighbouring town centres.

LDO Informal Consultation

- 5.18 Engagement with the local community, businesses, landowners and other stakeholders has taken place in advance of and during the LDO process. The engagement has used a range of methods to involve as many people as possible. The detail of the informal engagement process is set out in the Statement of Community Engagement.

LDO Statutory Consultation

- 5.19 It is a requirement that LDOs are the subject of statutory consultation by the LPA. LDO consultation procedures are set out in article 38 of the Town and Country Planning (Development Management Procedure) Order 2015.
- 5.20 Consultation must include statutory consultees whose interests would be affected by the LDO and any person with whom the LPA would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO.

- 5.21 Statutory consultation took place from 16 January 2023 to 23 February 2023. The SVEZ LDO, Design Guide, Design and Access Statement and accompanying technical studies and assessment were available on the B&NES website.
- 5.22 Over 400 responses from individuals and organisations were received along with comments from statutory consultees including:
- a. B&NES and C S (Environmental Monitoring) – Air Quality
 - b. Arboriculture
 - c. Archaeology
 - d. The Coal Authority
 - e. Conservation Officer
 - f. B&NES Drainage and Flooding Team (LLFA)
 - g. Ecology
 - h. Environmental Protection
 - i. Natural England
 - j. B&NES Transportation and Highways
 - k. Historic England
 - l. National Grid
 - m. Paulton Parish Council
 - n. Ston Easton Parish Council
 - o. Farrington Gurney Parish Council
 - p. B&NES Planning Policy
 - q. B&NES Public Rights of Way (PRoW) Team
 - r. Urban Design and Landscape – Neil Williamson Associates
 - s. Wales and West
 - t. Wessex Water.
- 5.23 The primary concerns relating to the LDO were linked to highways, flooding, visual impact, ecological impact and the LDO process itself.
- 5.24 In response to the feedback received during the statutory consultation, a number of the accompanying technical studies and assessments were updated to respond to comments and or provide clarifications where necessary. In addition, a Statement of Clarification was prepared by the Council to respond to comments from the general public.
- 5.25 In terms of revisions to the LDO in response to the Statutory consultation, the following amendments were made:

- a. Structural boundary planting enhanced through increased density of planting and removal of part of the perimeter footpath
- b. Update to the phasing plan to enable the delivery of structural boundary landscaping as part of Phase 1 of the development.

Environmental Impact Assessment - Screening Opinion

- 5.26 A screening request was made to the Local Planning Authority (LPA) in September 2020 which sought a decision as to whether an Environmental Impact Assessment would be required for the proposed development as set out in the screening request. The LPA duly assessed whether there are likely to be any significant environmental impacts as a result of the proposed development.
- 5.27 In a screening response provided on 28th October 2020, the LPA determined that the proposed development does not fall within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). However, as the proposal relates to an 'Industrial Estate Development Project', it falls within category 10(a) of the first column of Schedule 2 of the EIA Regulations and exceeds the threshold of 0.5 hectares. The proposed development was therefore screened using the criteria set out in the EIA Regulations.
- 5.28 Having considered the potential environmental effects arising from the LDO the LPA concluded "*It is considered that the development is unlikely to have any significant environmental effects in EIA terms. Whilst there are a number of important issues and potential impacts to consider, none of these are likely to be significant as defined by the EIA Regulations. All noticeable impacts are likely to be localised to the site itself or the local vicinity. These issues are not of more than local importance. The developments' expected impacts will not be unusually complex nor potentially hazardous*". A copy of the LPA Screening response is provided at Appendix C.
- 5.29 The development therefore does not constitute EIA development and an Environmental Statement is not required to support the LDO or any future Compliance Application.

Legislative Context and Process

- 5.30 LDOs were introduced through the Planning and Compulsory Purchase Act 2004 and, in effect, grant planning permission for the specific form/type of development detailed in the adopted Order. These primary powers were amended by the commencement of section 188 of the Planning Act 2008 in June 2009 and more detailed legal provisions on LDOs are contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 ("DMPO 2015"). The DMPO 2015 came into force in 15th April 2015.
- 5.31 The Growth and Infrastructure Act 2013 removed the requirement to formally consult the Secretary of State prior to adoption enabling local authorities to approve an LDO immediately after reviewing the results of local consultations. This was replaced by a requirement to notify the Secretary of State, via the National Planning Casework Unit, as soon as practicable after adoption. The Act also removed the requirement for LDO's to be reported on as part of Authorities' Monitoring Reports.

Local Planning Policy Context

- 5.32 The production of the LDO is included in the B&NES Local Development Scheme (LDS). The LDS sets out a timetable for the production of the Local Plan, Development Plan Documents and Supplementary Planning Documents that the Council is preparing or intends to prepare. The LDO is being prepared in order to encourage investment in the SVEZ and to facilitate delivery of employment development by creating a more certain planning environment and thereby making investment more attractive.
- 5.33 Originally, the majority of the LDO area (except circa 2.5ha of the south eastern area) was allocated for employment use in the B&NES Local Plan (2007) and reallocated in the current adopted Placemaking Plan (2017) under Policy SSV9: Old Mills Industrial Estate Development Requirements and Design Principles. The Plan sets out the following parameters and characteristics of that development on the Site should meet:
- Development of light industrial, heavy industrial, warehousing (classes B1c, B2, B8), builders' merchants and car show rooms (*sui generis*);
 - Major landscaping in order to mitigate the impact on the surrounding countryside and nearby residential properties;
 - Protection, diversion or undergrounding of overhead electricity lines;
 - Improvements to the transport network to mitigate the impact of the scheme;
 - Provision of community facilities to meet the needs of workers; and
 - Access from the A362 (west of Langley's Lane) and Paulton House / former Focus DIY access road.
- 5.34 The LPA are due to prepare then adopt a New Local Plan in 2025 and in the meantime has progressed with a partial update (LPPU) which proposes a series of priority policy changes to the Core Strategy and Placemaking Plan.
- 5.35 The changes proposed through the LPPU have been subject to public engagement and consultation and have been examined by a Planning Inspector. The Inspectors recommended changes (known as main modifications) have been incorporated and these main modifications were subject to public consultation. The LPPU is due to be adopted in January 2023.
- 5.36 The LPPU includes a revision of the SVEZ site boundary to include the south-east section that was omitted from the allocation in the 2017 Local Plan. It also broadens the mix of uses to include “*food & drink units (use class E(b), ancillary retail (use class E(a)) and a hotel (use class C1)*” if of a scale, type and format that does not harm, but complements, nearby town centres and that benefits the attractiveness and operation of the Enterprise Zone.
- 5.37 The LDO is judged to be consistent with, and will help deliver, a number of policies within the LPPU and existing adopted policy. These include policies in relation to design, energy efficiency and landscape.
- 5.38 The following are considered to be principal policy considerations:
- Employment allocation – (Placemaking Policy SSV9) – the site forms part of the adopted allocation to deliver light industrial, heavy industrial, warehousing (classes B1c, B2, B8), builders merchants and car show rooms (*sui generis*), as now updated by the LPPU. The delivery of the LDO will contribute to the policy aspiration to deliver net additional jobs within the wider Somer Valley.

- Green Infrastructure Network (Placemaking Policy NE1) – the land to the south of the subject site is identified as part of a green infrastructure network, where development would need to ensure it does not detract but instead makes a positive contribution.
- Minerals Safeguarding Area (Placemaking Policy M1) – outlines that development cannot affect the ability to mine the land for minerals; however, this covers a large proportion of Somer Valley, including land where development has come forward. This, coupled with the fact that SVEZ is an allocated site, demonstrates that policy M1 is not a constraint to development.
- Landscape Impact (PMP Policy NE2) requires the conservation and enhancement of local landscape character and that development should seek to avoid or mitigate any adverse landscape impact. The Landscape and Visual Impact Assessment has demonstrated that there will initially be major to moderate adverse effects, but that subject to appropriate mitigation these can be reduced to moderate after 5-15 years.

5.39 Furthermore, it is recognised that the adjacent ‘Batch’ is designated a regionally important geological site (NE3A), a site of nature conservation (NE3), and an ecological network (NE5). Furthermore, the land to the north (separated by a thin strip of field) is a protected landscape setting (NE2a). These designations have been taken into consideration as part of the design process, and are addressed in the relevant technical reports which inform the LDO.

5.40 In addition to the employment allocation described above, the Site has been granted EZ status and as a result, the principle of economic development of the site is considered acceptable. The granting of a LDO will further define the acceptable principles for development to come forward promptly and viably.

National Planning Policy Framework

5.41 The National Planning Policy Framework (NPPF) (July 2021) sets out that to create high quality, beautiful and sustainable buildings and places, effective engagement between applicants, communities, local planning authorities and other interested parties is imperative throughout the process (para 126).

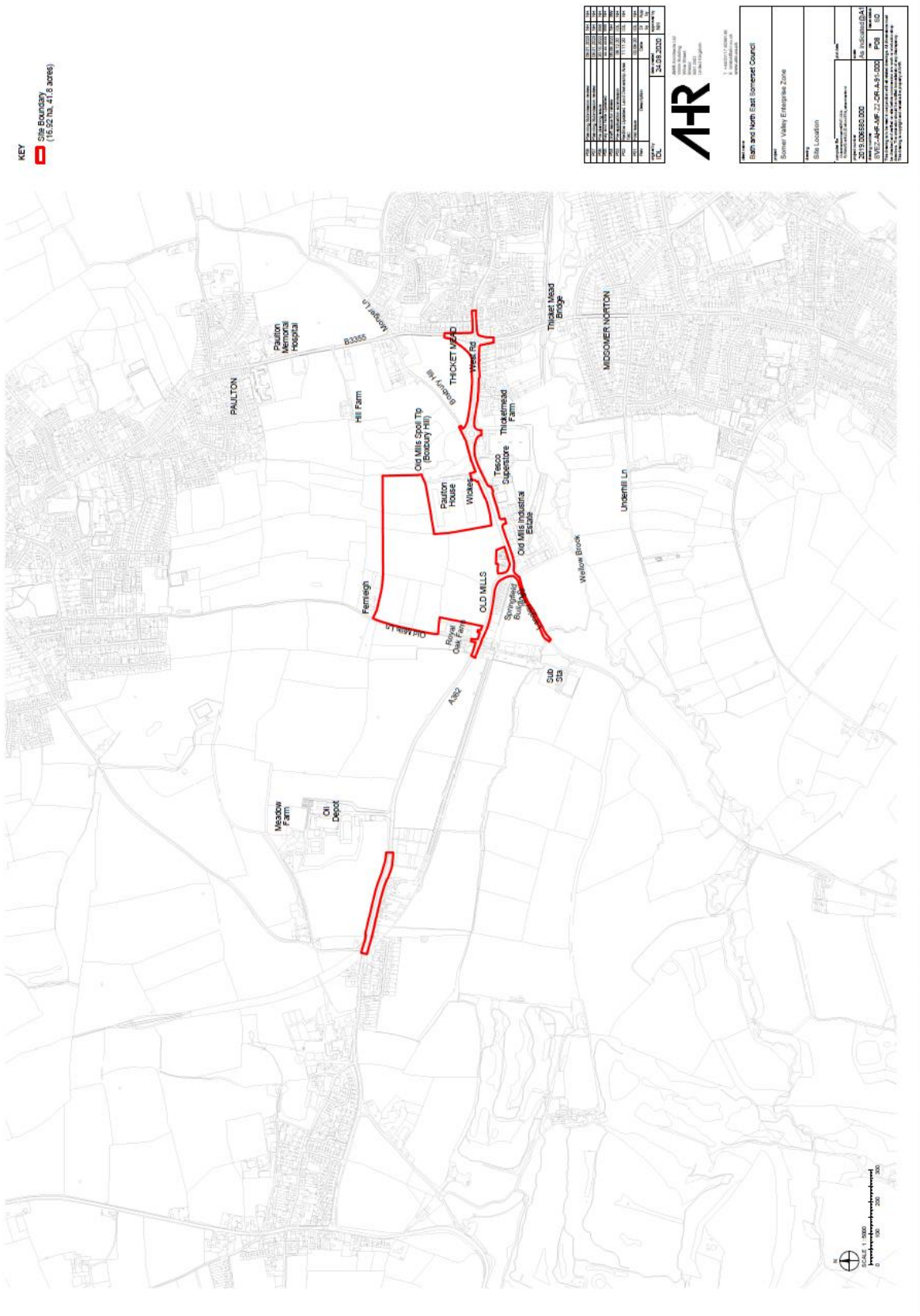
5.42 The NPPF states, at paragraph 81, that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This is particularly important where the UK can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential. Para 81 also recognises that the approach taken should allow “*each area to build on its strengths, counter any weaknesses and address the challenges of the future*”

5.43 At paragraph 83 the NPPF also states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative, or high technology industries, and for storage and distribution operations at a variety of scales and in suitably accessible locations.

5.44 It explains that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF and that planning policies and decisions should play an active role in guiding development towards sustainable solutions.

- 5.45 Under the heading of ‘tailoring planning controls to local circumstances’ at paragraph 51, the NPPF explains that LPAs are encouraged to use LDOs to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.
- 5.46 The LDO has been prepared in the light of the NPPF as well as local policy, and seeks to deliver a high quality, commercially focussed development. The aims of the SVEZ LDO clearly align with the expectation as set out in the NPPF that policies and decisions “*should help create the conditions in which businesses can invest, expand and adapt*”.
- 5.47 It is considered that the LDO will facilitate a sustainable pattern of development which meets the commercial development needs of the Somer Valley while facilitating growth and infrastructure, protecting the local environment and mitigating against the risk of climate change.

Appendix A – Red Line Plan



Code	Description	Area (m ²)	Area (ha)	Area (ac)
1	Site Boundary	165,200	16.52	41.5
2	Other
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South and North East Somerset Council	
Somerset Valley Enterprise Zone	
Site Location	
Application No:	24/03/2024
Reference No:	24/03/2024
Site Name:	...
Site Area:	...
Site Address:	...
Site Coordinates:	...
Site Description:	...
Site History:	...
Site Status:	...
Site Date:	...
Site Author:	...
Site Version:	...
Site Date:	...
Site Author:	...
Site Version:	...

APPENDIX B – LDO Commencement Notice

LDO Commencement Notice

Notice to Bath and North East Somerset Council (B&NES) of Commencement of Development within the Somer Valley Enterprise Zone LDO area.

Please complete using block capitals and black text

Development site:	
Brief description of development:	
Notice is hereby given that works to implement the above LDO Compliant Scheme will commence on:	
Signed:	
For and on behalf of: (name and address of developer)	
Date:	
Contact Name:	
Telephone Number:	
Email Address:	

Please send the completed form via email to: Planning_Registration@BATHNES.GOV.UK

Or by post to: Development Management
 Bath and North East Somerset Council
 Lewis House
 Manvers Street
 Bath
 BA1 1JG

APPENDIX C – LPA Screening response



Bath & North East Somerset Council
Directorate of Place – Development
Lewis House, Manvers Street

Bath BA1 1JG

Email: Tessa_hampden@bathnes.gov.uk

Direct Line: 01225 477695

28th October 2020

Kevin Hunt

JLL

31 Great George Street

Bristol

BS1 5QD

Our Ref: 20/01973/SCREEN

Dear Kevin

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Local Development Order (LDO) for proposed Somer Valley Enterprise Zone (SVEZ),

The Local Planning Authority (LPA) has assessed whether there are likely to be significant environmental impacts as a result of this proposal. You will be aware that in cases where significant effects are likely to occur, the subsequent planning application will need to be accompanied by an Environmental Statement.

The LPA is of the opinion that the proposed development does not fall within Schedule 1 of the above Regulations. The proposed development is however 'Industrial Estate Development Project' which falls under category 10(a) of first column of Schedule 2 to the EIA Regulations and exceeds the threshold of 0.5 hectares.

Waste

The proposed development will result in construction and demolition waste produced for

Bath and North East Somerset –
The place to live, work and visit

The development has therefore been screened for EIA, using the selection criteria set out in Schedule 3 as a guide. The fundamental test to be applied in each case is whether the development and its specific impacts are likely in that location to result in direct or indirect significant effects on the environment.

The existing site comprises nine arable fields spread across five landholdings bound by hedgerows. It is located adjacent to the A362, on the north western edge of Midsomer Norton located approximately 1.25 miles from the town centre.

The submission explains the nature and composition of the proposed development is yet to be explicitly defined and will depend on the LDO design process. The indicative mix demonstrates primarily B1b, B1c, B2 and B8 (E/B2), with complimentary A1 (E), A4 (Sui generis), A3 (E), C1 (C1) B1a (E) and B1/B1c (E).

Population and Human Health

The site is on the edge of an urban area which is relatively densely populated. However, the site is separated from the main areas of nearby residential development and the risk of accidents, having regards to substances or technologies used, will be low. The risk to human health associated with contaminated land are not considered to be significant and remedial works can be carried out where necessary.

a limited period. The operation of the completed development will not give rise to any unusual production of waste beyond that typically associated with a small-scale industrial/commercial use. Given the scale and nature of the proposed development, significant environmental effects in respect of the production of waste are not considered likely.

Pollution and Nuisance

The uses proposed are typically considered to be those which could result in noise emissions and nuisance. A planning noise assessment would accompany any submission and there is no reason to conclude that the noise from fixed external plant and break out noise associated with the commercial units could be mitigated via scheme design and control through the imposition of planning conditions.

The site is relatively close to the of the Farrington Gurney Air Quality Management Area (AQMA) designated for mean annual Nitrogen Dioxide (NO₂) levels. The submission confirms that the diffusion tube monitoring in Farrington Gurney reduced in 2018 and results were just below the objective of 40 µg/m³ at the residential façade at 39.6 µg/m³ along the A37.

The screening report has identified that the proposed development may have an impact on air quality. The baseline conditions have been considered close to the development site. As part of the proposal junction improvements have been proposed at the A362 and A37 junction which is within the AQMA.

The report highlights that an air quality assessment will be submitted with the LDO to consider the impact of the proposed development and junction improvements on air quality. Increasing capacity and traffic flows at the junction of A37/A362 could lead to increasing nitrogen dioxide concentrations in an area where concentrations are currently close to the Government's air quality objective.

The submission anticipates that there would be no receptors where NO₂ and PM₁₀ objectives would be exceeded. The scheme will be considered to have a significant impact if the predicted concentrations of nitrogen dioxide with the development/junction improvements are above 40 µg/m³ at any location. However, this is impact would be localised and would not have a significant impact on the environment in EIA terms. Overall the impact on pollution and noise will not be significant in EIA terms

Natural Resources

The principal natural resource expended by the development will be the land itself, which is previously undeveloped in nature. Other natural resources used are likely to be limited to those used in the construction process. There will not be any unusual use of natural resources in the construction and future operation of the site. The impact on natural resources will not be significant in EIA terms.

Biodiversity

The site comprises predominately arable habitats with semi-improved grassland, improved grassland, ruderal and scattered scrub. There are also boundary hedgerows, some of which are species-rich and all native hedgerows are likely to be of some ecological value. There are also occasional buildings and hardstanding. The site is approximately 3.5km from the nearest Site of Special Scientific Interest (SSSI) and 7.8km from the closest SSSI component unit of the Mells Valley Special Area of Conservation (SAC). The proposals do not meet Natural England's SSSI Impact Risk Zone criteria.

The site is immediately adjacent to the Old Mills Mine Tip Site of Nature Conservation Interest (SNCI) which is designated due to the occurrence of mosaic habitats including semi-natural woodland and grassland which support notable plant species. There are other SNCIs in close proximity. The site may also support protected and notable species.

The proposals are not likely to impact on an ecologically-sensitive area. There will not be significant ecological impacts which would trigger inclusion in an Environmental Impact Assessment. This does not negate the need for comprehensive ecological surveys to be completed and an ecological avoidance, mitigation, compensation and enhancement scheme to be developed.

Landscape/Cultural Heritage and Archaeology

The landscape and visual impacts would be permanent and would result in a marked change to the character of the immediate area. However, the direct impacts of the proposed development are likely to be limited to the site itself and its immediate surroundings.

A Landscape and Visual Impact Assessment (LVIA) can be used to inform the creation of a landscape framework that incorporates, retains and augments existing hedgerows, trees and Public Rights of Way and integrates these features with a SuDs network to form a landscape framework within which future development takes place and by which the landscape and visual impact of development is avoided or adequately mitigated.

The Site is at a sufficient distance from designated heritage assets such that there is no potential for significant adverse effects on their setting. Any works to enable the development such as road improvements, is not considered to have any significant impact upon the setting of designated heritage assets. Overall, any impacts upon the above areas, is not considered to be significant in EIA terms.

Transport and Access

Traffic levels on the surrounding road network are high and the route is congested and peak times. The proposed development will create a change in the highway network. This site is allocated, and as part of the evidence base it was recognised that some mitigation may be required.

The submission explains that the vehicular access will be gained from the A362 via the site access which is currently proposed to be located immediately west of the two residential properties at the southern boundary of the site. A number of highways improvements are required to enable delivery of the proposed development. These improvements are along the A362 corridor between the A37 junction and Midsomer Norton

Whilst the development may give rise to localised traffic impacts, there is no reason to conclude that the development and the change itself will have a significant environmental impact. The submission of a Transport Statement and Travel Plan is anticipated, and this will limit the impact of the development further. Overall, any impact is not considered to be significant in EIA terms.

Land Stability and Climate

The site is not known to suffer from land stability issues nor be susceptible to significant impacts from climate effects. Full details of sustainable construction methods and design would be considered at detailed design stage.

Due to the size of the site, the proposed development has the potential to alter and affect drainage patterns, with the possibility of increased run-off rates and levels of overland flow. However, these effects would be localised and would be likely to be able to be mitigated within the site itself. The site falls within Flood Zone 1 and therefore any drainage problems are unlikely to be critical.

Land Use

The proposed land uses are considered compatible with those uses surrounding the site and vice versa. Whilst there is some potential for noise and disturbance, this can be controlled through mitigation and conditions. It is not considered any conflict will amount to significant environmental effects.

Socio/economic impacts

In terms of potential socio-economic effects, the development will result in a change in the local economy and a change in the characteristics of level of the employment in the local area. In addition the site is close to the local centres of Midsomer Norton and Paulton, and, if not correctly managed, any non-industrial employment uses (including retail, hotel etc.) have the potential to have social and economic impacts upon these areas and the local population using these centres. They are not however considered to result in any impacts on the environment that are significant in EIA terms.

Transboundary Effects

There will be limited transboundary effects. Impacts will most likely be limited to (but not exclusively) the site's immediate surroundings.

Cumulative Effects

The area to the south of the site which forms part of the planning application must be considered as part of this EIA screening. It is not however considered that the cumulative impacts of these developments will be significant in EIA terms. Notwithstanding the above considerations, the total areas of the sites is approximately 13.5 hectares, which falls below the Indicative criteria and threshold which is more than 20 hectares. Indicative criteria and threshold. Potential increase in traffic, emissions and noise.

Conclusion

It is considered that the development is unlikely to have any significant environmental effects in EIA terms. Whilst there are a number of important issues and potential impacts to consider, none of these are likely to be significant as defined by the EIA Regulations. All noticeable impacts are likely to be localised to the site itself or the local vicinity. These issues are not of more than local importance. The developments' expected impacts will not be unusually complex nor potentially hazardous.

It is concluded, for the reasons set out above, that the development does not constitute EIA development. It is not necessary therefore for a future planning application (for the development described) to be accompanied by an Environmental Statement.

Please note that the adoption of a negative screening opinion is not an assessment of the planning merits of your proposal rather it is purely an assessment of whether significant environmental impacts, under the terms of the EIA regulations, would be likely to occur.

Yours sincerely

Tessa Hampden
Senior Planning Officer



JLL

31 Great George Street
Bristol
BS1 5QD

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