

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Policy Development & Scrutiny Panel	
MEETING/ DECISION DATE:	30th January 2023	EXECUTIVE FORWARD PLAN REFERENCE: <i>[Cabinet reports only]</i>
		E 9999
TITLE:	Somer Valley Enterprise Zone Local Development Order	
WARD:	Paulton	
AN OPEN PUBLIC ITEM		
List of attachments to this report: <ul style="list-style-type: none">• Local Development Order and Statement of Reasons• Statement of Community Involvement• Equalities Impact Assessment Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption		

1 THE ISSUE

1.1 A Local Development Order (LDO) has been prepared on by the LPA for the Somer Valley Enterprise Zone (SVEZ) which, if adopted by Cabinet in March 2023, will grant planning permission for the development of plots and buildings within use classes B2, B8, C1, E and sui generis on the site, subject to conditions and limitations. The LDO will remove planning barriers to the development of the site, thereby helping to encourage sustainable economic growth and job creation within the Somer Valley. This paper is for information and sets out the background and next steps in delivering the LDO that is being promoted by the Council.

2 THE REPORT

2.1 The Somer Valley Enterprise Zone is an allocated site which seeks to deliver a mixed-use commercial development in the Somer Valley. The SVEZ is located

on 13.5 hectares of land at Old Mills, which is situated to the north-west of Midsomer Norton.

2.2 The SVEZ has been allocated as an employment site since 2007, however the market has failed to bring forward the development due to significant barriers to private sector led intervention. These include the following:

- Viability – development has not been delivered by the private sector as it is rendered unviable by the high enabling infrastructure costs- both on and off site. For example and not limited to highways, utilities and issues related to topography, ground conditions and flood risk.
- Fragmented land ownership- challenges a comprehensive approach to delivery
- Planning risk/cost- the LDO will help reduce planning risk and cost to an occupied and/or developer delivering commercial development

2.3 The LDO will grant planning permission for the development within parameters, including, but not limited to, use classes and developable plots, specified in the Order. An LDO was selected as the planning mechanism for the site as it expedites the process of development by providing future developers/occupiers with the greatest level of planning certainty, whilst promoting flexibility to respond to market demands. The LDO enables the LPA to clearly stipulate what the LPA is seeking to achieve on site, and the parameters it sets will promote specific behaviour by developers, driving forward high-quality development and encouraging new employment growth.

2.4 The LDO itself has been informed by a large number of technical reports as well as informal engagement with key stakeholders, local business owners, Parish and Town Councils and the public. The project team has worked with the SVEZ Key Stakeholder Group throughout the project to develop the LDO and an illustrative masterplan with appropriate use classes and building characteristics.

2.5 The LDO statutory consultation is currently live, and open from 16th January 2023 to 13th February 2024 (subject to a 1 week extension). An officer report will be completed and taken to Cabinet as part of the adoption resolution in March. Full documents can be found on the Planning Portal with reference 23/00076/LDO.

3 STATUTORY CONSIDERATIONS

3.1 Section 61A of the Town and Country Planning Act 1990 (TCPA 1990) gives a LPA the power to make an LDO. The statutory provision confirms that the LDO grants planning permission for the development specified in the LDO including for development of any planning use class specified. Section 61C of the TCPA provides that an LDO may be granted unconditionally or subject to conditions and limitations as set out in the order.

3.2 The SVEZ LDO includes conditions and limitations to control how the SVEZ will be developed. This will ensure that the SVEZ is delivered in accordance with the Council's overarching vision for the scheme – as informed by the various technical assessments – and broadly in line with the illustrative masterplan for the SVEZ (to be submitted as part of the LDO).

- 3.3 Sections 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 set out the procedural requirements for the making of an LDO, including the need for consultation. The Council is satisfied that it has complied with these requirement insofar as they have fallen due.
- 3.4 Paragraph 3 of Schedule 4A of the TCPA 1990 prevents an LDO having effect unless it is adopted by resolution of the LPA. An LPA is defined in the TCPA 1990 as being the relevant council. The Council has taken legal advice to confirm that the decision to adopt the LDO should be taken by Cabinet. As the adoption of an LDO is not listed as a non-executive function in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, it should therefore be considered an executive function and the decision taken by Cabinet.
- 3.5 An Equalities Impact Assessment has been carried out for the SVEZ project- see below

4 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 4.1 The SVEZ has provisional programme entry via the WECA Investment Fund to enable delivery of infrastructure works, as well as financial and staff resources in the Council. An Outline Business Case '+' is due to be submitted to WECA in early 2023 to consolidate the on site and off site highways enabling works alongside land acquisition..

S.106 and CIL funding have also been secured for infrastructure delivery and deployed in earlier phases of the project to develop the original Outline Business Case.

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.
- 5.2 A Risk Register is maintained for the project

6 EQUALITIES

- 6.1 An Equality Impact Assessment has been carried out on the SVEZ project, please see Appendix 3. Following review with the Equalities Team, no adverse impacts have been identified.

7 CLIMATE CHANGE

- 7.1 The Council declared a Climate Emergency in March 2019, committing it to providing the leadership necessary to enable Bath and North East Somerset to achieve carbon neutrality by 2030
- 7.2 The SVEZ presents an opportunity to address several related issues to address the climate emergency. SVEZ will contribute to reducing out-commuting in the Somer Valley through the provision of new jobs and will provide a range of

active and sustainable travel improvements including a new cycle link to the Norton Radstock Greenway and new bus stops.

7.3 Biodiversity net gain is also a key aspect of the proposals, and it is proposed to provide a zero carbon, sustainable development. The development will achieve a 100% regulated operational carbon emissions reduction from Building Regulations Part L 2021 (or future equivalent legislation), in line with the hierarchy set out in Policy SCR7 & the B&NES Sustainable Construction Checklist SPD (2023). The SVEZ will help to reduce vehicle-related CO2 emissions through the provision of EV charging on site, in line with the Council's local transport policies and climate emergency declaration.

8 OTHER OPTIONS CONSIDERED

8.1 None

9 CONSULTATION

9.1 An informal engagement was held from 19th May 2022 to 30th June 2022 for stakeholders, Parish Councils, Town Councils and the public to comment on the illustrative masterplan, proposed highways works and design aspects of the site.

9.2 The LDO statutory consultation began on 16th January 2023 and will complete on 13th February 2023. Statutory consultees and the public will be able to comment on all relevant LDO documents via the planning portal.

9.3 Full information regarding consultation can be found in Appendix 2: Statement of Community Involvement.

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Background papers	
Please contact the report author if you need to access this report in an alternative format	