



LPA OFFICER REPORT

Reference No: 25/02114/LDO

Details of location and proposal and Relevant History:

Local Development Orders (LDOs) provide permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that LPAs can use to help accelerate the delivery of appropriate development in the right places. LDOs can help enable growth by positively and proactively shaping sustainable development in their area. They can play an important role in incentivising development by simplifying the planning process and making investment more attractive.

In 2024, the Council adopted a Local Development order in accordance with s61A of the Town and Country Planning Act 1990. The adopted LDO authorised the following development:

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.

The Council is now seeking to amend the LDO, specially seeking to amend condition 5 (supporting documents) and condition 12 (highways plans). These are essentially to enable an amendment to the approved highways plans to reflect updated proposals for the Thicketmead Roundabout and the A362 works adjacent to Sunnyside. These changes reflect ongoing detailed design work and to assist with the delivery of the scheme.

The purpose of this report is to provide a review of the proposed amendments to the LDO against the Council's adopted development plan. As there are no other changes to the LDO proposed, this review will be limited to consideration of the proposed amendments and will not repeat issues that

remain unchanged from the assessment undertaken in respect of the original LDO (ref: 23/00076/LDO).

The adopted LDO covers an area of approximately 13.5ha (plus additional land required highways works) at Old Mills on the north-west outskirts of Midsomer Norton.

With regards to the site's context, to the north of the site lies a series of agricultural fields, well defined by hedgerows, slope upwards towards the village of Paulton. There are several internal hedgerows within the site boundary. A mixed use employment / retail development, including the former Focus DIY superstore, adjoins to the east, densely enclosed by planting. The western edge of the site is bound by Old Mills Lane and surrounding farmland, with views out towards the valley base. The A362 road borders the south of the site, with a row of terraced cottages linked to the former railway to the south west. The coal mining past is evident within the surrounding landscape, including the widely visible and distinct conical shape of the Old Mills Batch.

The adopt order permits the development of an employment-led Enterprise Zone with related highways works including a new roundabout on the A362 and associated development. The full description of works authorised by the order is set out below:

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.

Except for the highways works, the area covered by the order covers approximately the same land as covered by northern area of allocation SSV9 in the Local Plan Partial Update.

The proposed amendment to the order makes some marginal changes to the red line boundary (i.e. the area covered by the LDO) for the highways works at Sunnyside. This is to resolve the highway alignment to meet the DRM highway standards, requiring some existing kerb alterations and additional surface changes slightly beyond the original LDO red line. To the west, the junction with Paulton Road is now to be excluded (Somer Valley Links project to include the proposed

crossing on Paulton Road) and to the east the redline boundary is to be extended c. 30m to capture the tie in works with the Somer Valley Links project.

Environmental Impact Assessment

The original order was subject to a screening request to the Local Planning Authority in September 2020 (ref: 20/01973/SCREEN). The screening response determined that the development proposed by the LDO is unlikely to have any significant environmental effects in EIA terms. The proposed amendments and updated LDO have been subject to a more recent screening request in August 2025 (ref: 25/02931/SCREEN). This screening request explicitly included all the associated highways works alongside the employment-led Enterprise Zone itself. The latest screening request concluded that the updated LDO is unlikely to have any significant environmental effects in EIA terms.

The proposal therefore does not constitute EIA development and an Environmental Statement is not required.

Relevant Planning History

23/00076/LDO

The development of an employment-led Enterprise Zone with related highways works including a new roundabout on the A362 and associated development
Approved February 2024

The planning history of several nearby sites should be noted, including:

Old Mills South Area SSV9:

19/03984/OUT

Outline planning application for small scale industrial units with associated works and access from existing Old Mills development.

Refused 6th February 2020

Appeal dismissed

20/01950/OUT

Outline planning application for small scale industrial units with associated works and access from existing Old Mills development. (Resubmission)

Refused 16th October 2020

22/00881/OUT

Outline planning application (with all matters reserved, except for access) for small scale industrial units with associated works and access from existing Old Mills development.

Withdrawn 14th November 2023

Summary of Consultation/Representations

The updated LDO was subject to a 4 week period of statutory consultation commencing in June 2025. All persons with an interest which could be affected by the LDO have been consulted in accordance with s38(3) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) A summary of the consultation responses is provided below. The detailed comments received can be found on the Council's website.

HIGHWAYS

The application seeks to amend the approved highways plans to reflect updated proposals as part of the ongoing detailed design work.

Since the original application 23/00076/LDO was permitted with preliminary drawings those designs have been developed into for construction designs and a number of changes have been required to improve safety and operation of the improvements in line with national design guidance and standards.

As a result of that it was deemed necessary to ensure that no unassessed impact over and above that already approved would occur in terms of roundabout capacity, queue lengths etc.

The Technical Note provides a sufficient level of assessment. It demonstrates to a proportionate level that the design changes do not represent a significant change to the level of impact and network operation previously approved. As such there are no highway objections.

ENVIRONMENT AGENCY

No response provided

NATURAL ENGLAND

Natural England currently has no comment to make on the variation of condition 5 and 12.

HISTORIC ENGLAND

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

THE COAL AUTHORITY

We note that this current consultation relates to amendments to Conditions 5 and 12. I can confirm that the Planning team at the Coal Authority have no comments to make on these amendments.

NATIONAL GAS

Regarding planning application at site location 25/02114/LDO there are no National Gas assets affected in this area

SOMERSET COUNCIL

No objections

PAULTON PARISH COUNCIL

No objection

RADSTOCK TOWN COUNCIL

Support - A much-needed review of the impact to the highway and pedestrian access in the area.

THIRD PARTIES/NEIGHBOURS

A total of 27 representations comments were received across both consultation periods. All comments received have been reviewed and considered by planning officers. The summaries below have been generated with the assistance of Microsoft CoPilot and reviewed by planning officers for accuracy.

10 GENERAL comments were received. The main points raised were

- Support for widened lanes to improve traffic flow between Midsomer Norton and Farrington Gurney.

- Criticism of roundabout changes as ineffective and a waste of money.
- Concern over the omission of a previously funded cycle path extension along the former railway to Tesco.
- Objection to the current cycle path routing at the roundabout due to complexity and safety risks.
- Expectation that cyclists will ignore the designed route and take shortcuts, increasing danger.
- Concern that road widening will hinder parked cars from safely pulling out due to faster-moving traffic.
- Warning that increased traffic will worsen the bottleneck at Sunnyside (A362); need to address the narrow highway section.
- Dropped kerb at No. 1 Sunnyside not accounted for in the plan.
- Inadequate road drainage at Sunnyside causes surface water issues affecting rear gardens; calls for drainage improvements.
- Driveway entrance serving Nos. 19–24 Sunnyside not identified on the plan; concern over pedestrian safety and need for appropriate dropped kerb.
- Request to relocate the power cupboard near the upgraded Toucan crossing at West Road (Thicket Mead) to improve visibility when exiting driveway at No. 59

17 OBJECTION comments were received. The main points raised were:

- Multiple objections highlight that the proposed crossing is too close to the roundabout, creating risks for pedestrians due to limited visibility and driver distraction.
- Suggested relocation of the crossing further down the road towards Tesco, where it would be safer and more frequently used.
- Concerns about crossings being placed directly in front of driveways, making access difficult and hazardous.
- The proposed cycle route around Thicket Mead Roundabout is considered impractical and unsafe, especially with increased traffic volumes.
- Objections to convoluted cycling paths that require crossing multiple lanes or taking longer, indirect routes.
- Preference for extending the cycle path along the old railway line to Farrington Gurney, connecting to the Mendips network and promoting safe, recreational cycling.
- Fears that changes will worsen congestion, particularly during school drop-off times, increasing pollution from idling vehicles.
- Concerns that road widening at Sunnyside will encourage speeding and create bottlenecks near Bridge Buildings.
- Suggestions to remove the pavement on the north side of the A362 instead of widening the road, preserving agricultural land and maintaining traffic calming.
- Frustration over lack of school transport from Paulton to senior schools, forcing parents to drive and contributing to traffic issues.
- Calls to redirect funding from infrastructure changes to improving school transport services.
- Several comments describe the plans as illogical, convoluted, or a waste of time and money.
- Criticism of BANES for choosing the “easiest” or “cheapest” solution rather than the most effective or safest one.
- Suggestions to tweak the existing roundabout rather than overhaul it, including paving cobbled sections and adding short two-lane stretches.

Policies/ Legislation:

The Development Plan for Bath and North East Somerset comprises:

Bath & North East Somerset Core Strategy (July 2014)
Bath & North East Somerset Placemaking Plan (July 2017)
Bath & North East Somerset Local Plan Partial Update (2023)
West of England Joint Waste Core Strategy (2011)
Made Neighbourhood Plans

CORE STRATEGY

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The following policies of the Core Strategy are relevant to the updated LDO:

SD1 Presumption in favour of sustainable development
CP5 Flood Risk Management
CP6 Environmental Quality
CP13 Infrastructure provision

PLACEMAKING PLAN

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the updated LDO:

SV1 Somer Valley Spatial strategy
CP12 Centres and Retailing
D1 General urban design principles
D2 Local character and distinctiveness
D3 Urban fabric
D4 Streets and spaces
D5 Building design
D6 Amenity
D9 Advertisement and outdoor street furniture
D10 Public realm
ED1a Office development
HE1 Historic environment
NE2A Landscape setting of settlements
PCS1 Pollution and nuisance
PCS2 Noise and vibration
PCS3 Air quality
PCS7A Foul sewage infrastructure
RE5 Agricultural land
SCR2 Roof-mounted/ building integrated scale solar PV
SU1 Sustainable drainage policy

LOCAL PLAN PARTIAL UPDATE

The Local Plan Partial Update for Bath and North East Somerset Council was adopted on 19th January 2023. The Local Plan Partial Update has introduced new policies and updated some of the policies contained with the Core Strategy and Placemaking Plan. The following policies of the Local Plan Partial Update are relevant to the updated LDO:

SSV9 Old Mills Industrial Estate (Incorporating Somer Valley Enterprise Zone)
DW1 District Wide Spatial Strategy
CP3 Renewable Energy
CP7 Green infrastructure
D8 Lighting

ED2A Strategic and other primary industrial estates
NE1 Development and green infrastructure
NE2 Conserving and enhancing the landscape and landscape character
NE3 Sites, species, and habitats
NE3a Biodiversity Net Gain
NE5 Ecological networks
NE6 Trees and woodland conservation
PCS5 Contamination
RE1 Employment uses in the countryside
SCR7 Sustainable Construction Policy for New Build Non-Residential Buildings
SCR8 Embodied Carbon
SCR9 Electric Vehicles Charging Infrastructure
ST2A Recreational routes
ST3 Transport infrastructure
ST5 Traffic management proposals
ST7 Transport requirements for managing development

SUPPLEMENTARY PLANNING DOCUMENTS

The following Supplementary Planning Documents (SPDs) are relevant to the updated LDO:

Sustainable Construction Checklist Supplementary Planning Document (January 2023)

Transport and Development Supplementary Planning Document (January 2023)

Planning Obligations Supplementary Planning Document (January 2023)

NATIONAL POLICY

The National Planning Policy Framework (NPPF) is a material consideration. Due consideration has been given to the provisions of the National Planning Practice Guidance (NPPG).

LOCAL DEVELOPMENT ORDERS

The legislative procedures that must be followed in order to bring forward and adopt a LDO are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Officer Assessment:

The main issues to consider are:

1. Legal compliance
2. Highways amendments
3. Public sector equality duty
4. Planning balance
5. Conclusion

1. LEGAL COMPLIANCE

The legislative procedures that must be followed in order to revise an adopted LDO are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

A LDO can only relate to land within a Local Planning Authorities area. It cannot straddle boundaries with adjoining Local Planning Authorities. They may relate to all land in the relevant area of an LPA; any part of that land; or a site specified in the LDO.

The updated SVEZ LDO covers a defined area of land which falls wholly within the Bath and North East Somerset Council administrative area and is defined by a red line plan covering an area of approximately 13.5ha (plus additional land required highways works) at Old Mills on the north-west outskirts of Midsomer Norton.

A LDO cannot grant planning permission for development:

- a) that affects a listed building;
- b) that is within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- c) where following an appropriate assessment it is determined that it would have adverse effects on the integrity of a protected European Site or European Offshore Marine Site (as the case may be) (see the Conservation of Habitats and Species Regulations 2017, amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018)

There are no listed buildings within close proximity to the SVEZ LDO and it would not affect the setting of any listed building or assets. There are non-designated heritage assets near to the site (such as the Batch), but these do not preclude the grant of planning permission via an LDO or revision of an LDO. The impacts upon these non-designated heritage assets have previously been considered as part of the adoption of the original LDO. It is considered that the proposed revisions to the highways elements of the LDO do not materially alter the assessment made in respect of these non-designated heritage assets and therefore this matter does not need to be revisited.

The development proposed by the updated LDO does not represent schedule 1 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The original LDO had the potential for disturbance to qualifying species of both the Bath and Bradford-on-Avon Bats SAC and the Mells Valley SAC and therefore an appropriate assessment was undertaken. The appropriate assessment determined that there would be no adverse effects on the integrity of either of these protected European Sites. The updated LDO does not materially alter the assessments made in respect of ecology and therefore this matter does not need to be revisited.

The updated Order is therefore considered to comply with the relevant legal requirements for LDOs.

2. HIGHWAYS AMENDMENTS

The updated LDO seeks to amend two conditions of the adopted LDO, condition 5, which requires compliance with the list of supporting documents which make up the LDO, and condition 12, which prevents any development on any individual plot until the highways infrastructure works have been completed in accordance with the listed highways plans. The proposed amendment seeks the substitution of the site location plan listed in condition 5 and two highway plans, listed in condition 12.

These amendments will essentially capture two changes to the highways infrastructure supporting the LDO.

The first is a revised design for the Thickmead Roundabout. Previously proposed as an oval shaped roundabout, the revisions propose a more conventional layout and geometric shape to the roundabout. A highways technical note has been provided and reviewed by the Local Highways Authority (LHA). This demonstrates that the revised design would not have material impact on traffic movements compared to the original LDO design. The LHA are satisfied that the proposed amendments reflect ongoing detailed design work and that the technical note provided has a sufficient level of assessment contained within it. It demonstrates to a proportionate level that the design changes do not represent a significant change to the level of impact and network operation previously approved.

The second amendments is a revised design for the A362 works adjacent to Sunnyside. These revisions seeks to replace the 2m footpath on the northern side of the carriageway to provide a 3.5m shared use path and a minor change to the road alignment. They also reduce the extent of the works to the west where it previously covered the junction with Paulton Road (now captured by the Somer Valley Links Project) and to the east the redline boundary is to be extended c. 30m to capture the tie in works with the Somer Valley Links project.

Again, these changes have been reviewed by the LHA who have no objection to the proposed changes. These changes will be beneficial in terms of cycle connectivity and this amendment will provide a more co-ordinated approach with the Somer Valley Links project.

In addition to the above changes, the wording of condition 12 is proposed to be amended from a 'fixed compliance' condition to allow for the future submission of revised plans. The revised condition wording will enable any subsequent changes to the submitted highways general arrangement plans that arise during the technical design and approval process to be submitted and approved by the Local Planning Authority, alleviating the need to formally amend the LDO.

Overall, it is considered that the proposed amendments to the LDO are relatively minor in nature and reflect ongoing design development. The highways works have been reviewed by the LHA are acceptable in terms of highways safety and capacity whilst also providing better linkages with the Somer Valley Links Project. There is no objection to the proposed revisions to the LDO.

3. PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning proposal the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty. The amended LDO proposals do not raise any significant issues in respect of the equalities duty.

4. PLANNING BALANCE:

When considering whether the updated Order accords with the development plan it is necessary to make this judgement with regard to the development plan as a whole.

The proposals are still considered to comply with the relevant parts of the allocation policy SSV9, all the Placemaking Principles of B3a and all of the other core policies of the development plan.

The updated LDO continues to provide the following key benefits:

1. Creation of employment floorspace sufficient to accommodate circa 1,300 FTE jobs and addressing the lack of supply of industrial floorspace in the district.
2. Addressing the imbalance between housing and jobs in the Somer Valley resulting in a reduction in out-commuting.
3. The provision of 10% biodiversity net gain.
4. Provision of new pedestrian and cycle routes as part of the highway's mitigation.
5. Enabling the delivery of a long-standing allocated site and providing greater certainty to investors.

Against these benefits, there are several harms and material considerations arising from the proposed development that weigh against the LDO. The key harms include:

1. Major to moderate adverse visual impacts to the landscape over the short term and moderate adverse visual impacts over the long term which are only partially mitigated.
2. Harm to the setting of several non-designated heritage assets include The Batch, the Old Mills Colliery, Springfield Buildings (south side of the A362), Cottages by the A362 at Old Mills, Cottages at Old Mills west of the site.
3. Harm to the rooting environment of mature trees T3, T12, T13, T14 and T20

The updated LDO contains only minor amendments to the highways infrastructure plans, which are considered to be sensible updates to reflect ongoing detailed design and will not materially alter the impacts of the proposed development. The amendments will also have some beneficial impacts in providing better linkages with the Somer Valley Links Project.

It remains the case that the above identified harms have been appropriately minimise whilst still enabling the delivery of the allocation and it is considered that these matters, both individually and cumulative, do not amount to material considerations which outweigh the compliance of the proposals with the development plan as a whole.

5. CONCLUSION:

It is therefore considered that the amendments to the Local Development Order comply with the development plan. It is therefore considered that the amendments are accepted and the LDO is revised accordingly.

Recommendation:

That the updated Local Development Order should be ADOPTED.