

Hartlepool Borough Council Local Development Order The Port

**1st April 2015 -
31st March 2018**



April 2015



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1. Introduction

- 1.1 In order to aid economic recovery and stimulate growth, the Government is pursuing its programme of Enterprise Zones throughout the country. The Tees Valley Enterprise Zone was announced as part of the Budget in 2011, and its format was agreed between the Government and Tees Valley Unlimited in August 2011. It includes twelve sites across the Tees Valley and developers of the sites will benefit from either business rates discount or enhanced capital allowances to support the growth of existing firms and/or attract significant inward investment. The financial incentives available as part of the Enterprise Zone have been extended to at least March 2018.
- 1.2 The Enterprise Zone initiative is intended to support and attract investment in key sectors which have been identified as having potential for growth in the Tees Valley. There are three sites within Hartlepool which are included within the Tees Valley Enterprise Zone: Queens Meadow Business Park, Oakesway Business Park and the Port. The Port is an “Enhanced Capital Allowance” Enterprise Zone.
- 1.3 As well as the financial benefits, Enterprise Zones provide an added incentive of simplified planning processes. Most of the Tees Valley Enterprise Zones will do this through Local Development Orders (LDOs). This means that for specific developments that help deliver the aims of the Enterprise Zone, planning permission will not be required. The introduction of LDOs is intended to provide greater certainty to potential developers in terms of planning decisions and reduce costs associated with securing planning consents.
- 1.4 The Port will be guided by a Local Development Order. The LDO will allow development to be undertaken without the need for planning permission to be obtained, providing the development is carried out in accordance with established design guidance and conditions. This LDO sets out the details by which developments will be permitted within the Port and the associated design guidance and conditions that need to be satisfied.

2. Purpose of the Tees Valley Enterprise Zone

- 2.1 The economic strategy for the Tees Valley is to drive the transition from a high value, high carbon economy to a high value, low carbon economy focused on renewable energy, new technologies, biological feedstocks and the reduction of the carbon footprint of existing industries. Further support will be given to emerging new sectors such as digital and creative industries. One mechanism for delivering the economic strategy for the Tees Valley is the creation of Enterprise Zones, tailored to the specific and complex challenges and opportunities of the Tees Valley.
- 2.2 The Tees Valley Enterprise Zone is a collection of individual sites across the Tees Valley. The individual sites are identified in Table A. The Port is allocated as a site which benefits from Enhanced Capital Allowance.

Table A: Tees Valley Enterprise Zones

Tees Valley Borough	Site Name	Enterprise Zone Type
Hartlepool	Queens Meadow	Business Rates Discount
	Oakesway	Business Rates Discount
	The Port	Enhanced Capital Allowance
Stockton on Tees	Belasis Hall	Business Rates Discount
	North Shore	Business Rates Discount
	Energy & Tech Park	Enhanced Capital Allowance
Redcar & Cleveland	Kirkleatham	Business Rates Discount
	South Bank Wharf	Enhanced Capital Allowance
	Wilton	Enhanced Capital Allowance
Middlesbrough	South West Ironmasters	Business Rates Discount
	St Hilda's	Business Rates Discount
Darlington	Central Park	Business Rates Discount

- 2.3 The rationale behind the Tees Valley Enterprise Zone creation is to:
- Support the existing petrochemical, process and engineering industries to modernise, making them more sustainable and competitive.
 - Create an attractive platform to secure large-scale inward investors, particularly foreign direct investment in the petrochemical, process and advanced engineering sectors.
 - Encourage the growth of existing and new supply chains to support our large-scale industries.
 - Support the emerging and fast growing digital sector.
- 2.4 The Enterprise Zone strategy therefore is to:
- Use Business Rate Discount for those sites which are aimed at fostering indigenous small- and medium sized businesses which form the supply chain of the area's heavy industries such as petro-chemicals, renewable energy and advanced engineering or which are part of the area's emerging and fast-growing digital sector
 - Offer Enhanced Capital Allowances to support the petro-chemical, renewable energy production and fabrication and advanced engineering sectors to

modernise and expand their activities and to attract large-scale inward investors, particularly Foreign Direct Investment (FDI).

- Simplify the planning controls on the Enterprise Zone sites.

2.5 Only businesses that fall into one of the three business growth sectors will be allowed to take advantage of the financial incentives. These are:

- Advanced Engineering & Advanced Manufacturing;
- Chemical, Pharmaceutical & Biotechnology, and;
- Renewable Energy Manufacturing.

It will be to the discretion of the Local Enterprise Partnership Board, in consultation with the Local Planning Authority as to whether a proposed business is deemed to fall within one of the three business sectors.

2.6 Within the three business sectors, only Advanced Engineering, Advanced manufacturing and Renewable Energy Manufacturing will be appropriate for the Port.

3. Simplifying Planning on Enterprise Zones

- 3.1 A requirement of the Enterprise Zone designation is that planning controls are 'simplified'. The Government is promoting the use of Local Development Orders (LDO) as a means to simplify the planning process. Hartlepool Borough Council therefore intends to establish an LDO for the Port.
- 3.2 LDOs are an established part of the planning system having been introduced through the Town and Country Planning Act (1990). Their roles and functions have been revised through subsequent legislation as follows:
- Sections 61A-D and Schedule 4A to the Town and Country Planning Act 1990 as amended;
 - Planning and Compulsory Purchase Act 2004;
 - Section 188 of the Planning Act 2008;
 - Town and Country Planning (Development Management Procedure) (England) Order 2010, and
 - Growth and Infrastructure Act 2013
- 3.3 An LDO will enable development that supports the aims and objectives of the Tees Valley Enterprise Zone to be undertaken without the need for planning permission. This should encourage development by providing a high degree of certainty to developers and investors, as well as reducing costs through the removal of planning application fees.
- 3.4 An LDO sets out the type of development that will no longer need to be subject to a planning application. If the proposed development falls within the categories defined in the LDO and provided it satisfies certain conditions and development requirements, it is assumed that for planning purposes consent is granted and the work can start right away. Developments within the LDO area that do not fall within the specified criteria or do not meet the conditions or development requirements may still be suitable but will be subject to the normal planning consent procedures.
- 3.5 The LDO do not obviate the need to obtain other statutory consents such as Building Regulations approval, consents under Highways Legislation, Listed Building Consent, Health and Safety Executive consents etc.
- 3.6 The LDO does not alter or supersede any existing planning consents within the LDO boundary. Any development approved through such planning consents can continue to develop without being affected by any direction from this LDO.

4. The Port Enterprise Zone

4.1 As outlined in Table A, the Port is allocated as part of the Tees Valley Enterprise Zone.

Proposed Land Uses

4.2 The Port is currently allocated through the Hartlepool Local Plan (2006). The Port is allocated for the following uses:

- A1, A3, A4, A5, B1, C1, C3, D1 and D2, and;
- Port related development or (B2) General Industry (excluding incineration purposes, chemical treatment or landfill or hazardous or inert waste).

4.3 These allocations reflected the aspirations at the time to serve a strategic mixed-use development on the site which was referred to as Victoria Harbour. The 2012 Development Plan which is expected to be adopted in Autumn 2012 reflects the revised objective for the Port area through the allocation of the land for port related and off-shore renewable energy related development.

The proposed LDO proposes only certain uses within the above use classes.

Proposed Business Sectors

4.4 Through the LDO the following business sectors will be appropriate on the Port:

- Advanced Engineering & Advanced Manufacturing
- Renewable Energy Manufacturing

4.5 The Port Enterprise Zone benefits from Enhanced Capital Allowances. For details on the areas within the Port that will benefit from the financial incentives please consult the details below:

Website: <http://www.destinationhartlepool.com/>

Contact: Antony Steinberg
Economic Development Manager

Tel: (01429) 875081

Email: antony.steinberg@hartlepool.gov.uk

5. The Port Site

- 5.1 The Port Enterprise Zone encompasses the majority of the working port area. The total Enterprise Zone, and equivalent LDO boundary equates to 79ha.

Site History

- 5.2 Following the construction of the railway to Hartlepool for exporting coal from the Durham coalfield the harbour was reconstructed with Victoria Dock (later Victoria Harbour) opening in about 1841. This led to rapid growth of Hartlepool, including the Headland area, and its shipping trade boomed.
- 5.3 In 1847 West Hartlepool was established as a separate and rival port leading to major growth in the economy and population of the town. The construction of a system of docks comprising the Coal Dock, Swainson, Central, Jackson and Union Docks together with expanses of timber ponds were constructed and by the 1880's were linked up to the original Victoria Dock.
- 5.4 The export of coal all but ceased around 1970 leaving most of the docks underused. The southern part of the docks was developed as the Hartlepool Marina in the late 1980's early 1990's with the commercial North Docks continuing to operate. Whilst the original Victoria Harbour still functions as the Deep Water berth, the term "the Port" is now applied to the whole of the former North Docks system.
- 5.5 In the 1994 Local Plan the Port, was allocated through policy Ec6 for port related industrial uses, typically falling within B1, B2 and B8 use classes.
- 5.6 The site is identified in the 2006 Local Plan as a Mixed Use Area, allocated for A1, A3, A4, A5, B1, C1, C3, D1 and D2 and also port related development and B2 General Industry.

Site Description

- 5.7 Today, the site remains principally in operational use as a port and associated activity. A number of major local businesses operate from Victoria Harbour, providing employment for the local population and provide significant contributions to the sub-regional economy. As a result there are a number of distinctive buildings and features on or adjacent to Victoria Harbour including industrial sheds, processing units, smaller port related buildings, scrap storage and a number of heavy and visually distinctive cranes located around the waterfront.

Existing Infrastructure

- 5.8 The Port is served by a full complement of existing utilities and infrastructure, including the following.

Transport Access

- 5.9 There is vehicular, pedestrian and cycle access from the A689 and A179 via the Marina Way dual carriageway. The Newcastle to Middlesbrough rail line runs adjacent to the site with passenger access at nearby Hartlepool Station. There is freight access link to the Port area via a spur line already on the site. The north eastern boundary of the site will give access to a deep water berth, giving a unique advantage to major inward investors.

Utilities Provision

- 5.10 It is recommended that developers contact the relevant utility provider when designing a new development on the Port. Contact details can be found in Table A.

Potential Constraints

- 5.11 The known potential constraints relating to the site are set out below, and represent the information available to the Local Planning Authority at the time of preparing this LDO. It is recommended that any potential developers seek clarification regarding these issues prior to commencing any development.

Residential Amenity

- 5.12 There are residential areas at the Headland, Central Estate, Dyke House and the Marina that have the potential to be affected by certain types of new development on the Port. Controls on development generated noise, dust, smell, vibration and general disturbance will be placed on development enabled through this LDO.

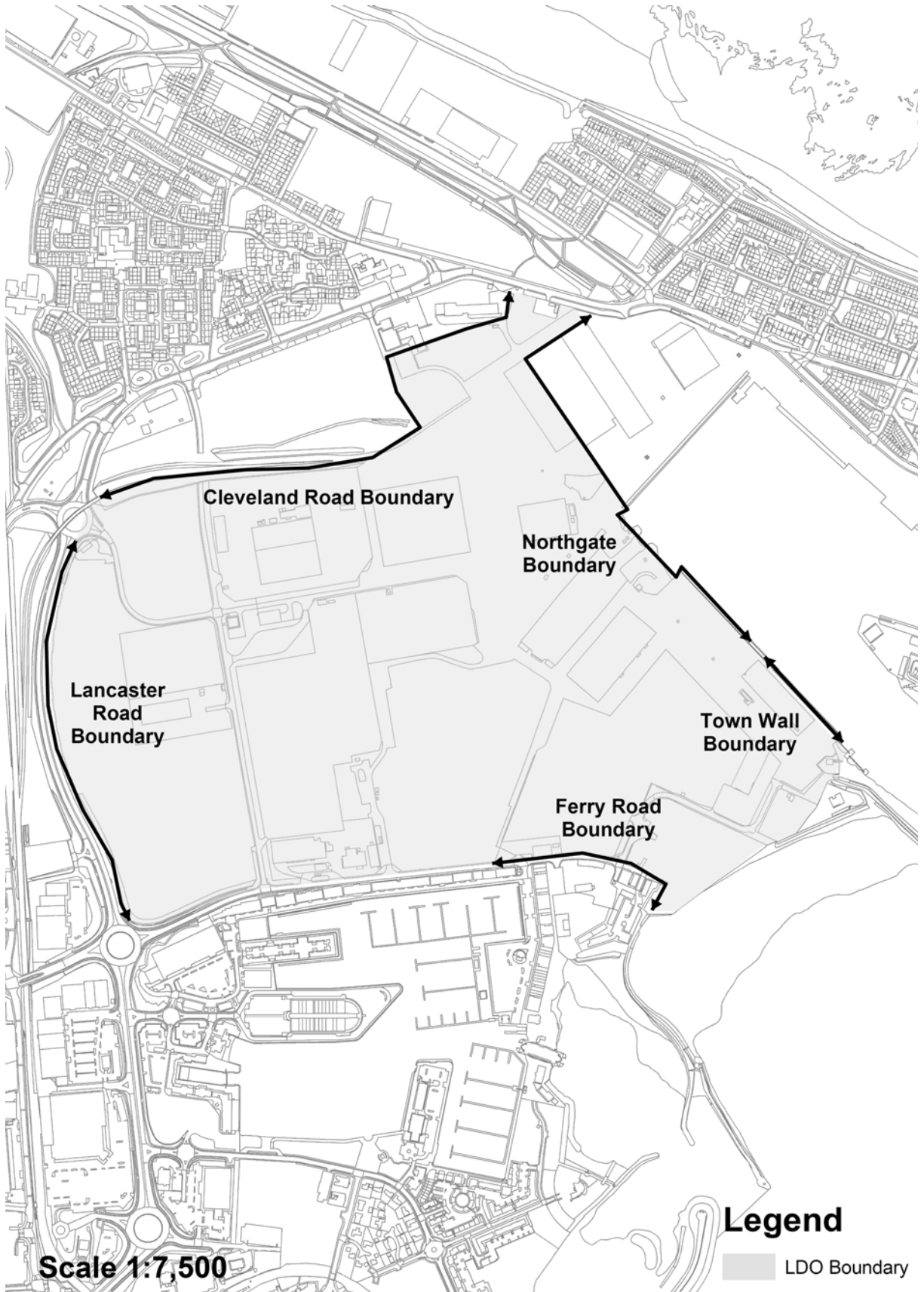
Noise

- 5.13 The Port area and occupying businesses already benefit from existing planning permissions and Permitted Development Rights that allow port related activities including, for example, offshore fabrication and the loading and unloading of offshore cargo. These existing practices will not be affected in any way by this LDO.
- 5.14 Only new development consented under the LDO will need to take into consideration the nearby residential areas and existing and future business occupiers of the Port. Therefore, unless agreed by the Local Planning Authority, development generating noise in excess of the thresholds identified in Table B, as measured at the boundary of the LDO site, will not be permitted through the LDO. The Local Planning Authority will, where possible be flexible, and endeavour to accommodate new development on the Port bearing in mind the noise thresholds. The boundary locations are identified on Diagram A.

Table B: Maximum Noise Thresholds

Boundary	Time	Noise Thresholds
Town Wall	23:00 to 07:00	60dB LAeq5min and 70dB LAFmax
	07:00 to 23:00	64dB LAeq1hr and 77dB LAFmax
Northgate	23:00 to 07:00	71dB LAeq5min and 84dB LAFmax
	07:00 to 23:00	80dB LAeq1hr and 90dB LAFmax
Cleveland Road	23:00 to 07:00	55dB LAeq5min and 85dB LAFmax
	07:00 to 23:00	70dB LAeq1hr and 95dB LAFmax
Lancaster Road	23:00 to 07:00	64dB LAeq5min and 73dB LAFmax
	07:00 to 23:00	80dB LAeq1hr and 95dB LAFmax
Ferry Road	23:00 to 07:00	55dB LAeq5min and 65dB LAFmax
	07:00 to 23:00	70dB LAeq1hr and 90B LAFmax

Diagram A: Noise Threshold Boundaries



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Flood Risk

- 5.15 The LDO area is predominantly identified as being within Flood Zone 1 and it therefore considered being at low risk of flooding. However there is a need to consider the implications of climate change in design and undertake a flood risk assessment if developing in Flood Zones 2 or 3. Notwithstanding the flood risk, if any development takes up in excess of 1ha of land it will require a flood risk assessment. Early consultation with the Environment Agency is essential.

Health & Safety Executive Consultation Zones

- 5.16 No part of the site is within any identified HSE consultation zones.

Contamination

- 5.17 The site was formally subject to potentially contaminative land uses. The site lies with a sensitive environmental setting as it lies on the Magnesian Limestone principle aquifer. There are risks associated with land contamination and these should be addressed any redevelopment. Early consultation with the Environment Agency and Hartlepool Borough Council is recommended.

Landfill Gas Migration

- 5.18 The proposed development lies within 250 metres of 2 former landfill sites. Site CLE 30 accepted waste from the construction industry, slag and road sweepings waste material and site CLE 213 accepted construction waste and dredgings. There may be a potential for landfill gas to be generated. Hartlepool Borough Council can give further advice. The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No. 27
- Building Research Establishment guidance – BR 212 ‘Construction of new buildings on gas-contaminated land’ 1991 and CIRIA Guidance – C659 ‘Assessing risks posed by hazardous ground gases to buildings’ 2006

Habitats and Biodiversity

- 5.19 Birds actively use certain parts of the Port at certain times of the year, where ground conditions and business activity allow. It is the view of Natural England that mitigation for loss of biodiversity interest that might occur on the Port site as a result of development could be addressed through:

- On site habitat creation where land is set aside and managed, or;
- Off-site mitigation works to enhance the roost island within Hartlepool West Harbour or at alternative locations where appropriate mitigation can be made.

- 5.20 Natural England and Hartlepool Borough Council would need to receive further details in terms of the exact nature of such works required and also suitable periods in which these could take place as the island lies within the Tees and Hartlepool Foreshore and Wetlands SSSI and Teesmouth and Cleveland Coast SPA. Early consultation with Natural England and Hartlepool Borough Council is essential in order to ensure effective mitigation is provided.

- 5.21 The Slake, which is designated as a Local Wildlife Site to the north of the site, is not included within the LDO boundary. However the Slake watercourse could still be affected by development in the LDO area by virtue of surface water drainage

containing substances with the potential to harm the biodiversity interest. Therefore no surface water drainage with the potential to harm the biodiversity interest will be allowed to enter the Slake as part of any new development on the LDO. Early consultation with Hartlepool Borough Council is essential and is recommended.

- 5.22 Notwithstanding the advice on off-site mitigation, breeding birds are afforded protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. Early consultation with Hartlepool Borough Council is recommended.

Works to the Harbour and Channel

- 5.24 If alterations or works (including dredging, piling or intakes or discharges from the marine environment) within the harbour water are required as part of any development then consideration would need to be given to the timings for migratory fish and methods for sustainable disposal of any material. Before undertaking any works within the harbour water early consultation with the Marine Management Organisation and the Environment Agency is essential previous to any works being undertaken as a marine licence would be required.

Historic Environment

- 5.25 There are no buildings of historic merit that need to be taken into consideration on site.

Strategic Highway Capacity (A19 Impact)

- 5.26 The Port is a strategic employment site in the Borough which has the potential to create a significant amount of new jobs in the local area. These new jobs could include new workers travelling to the Port from outside of the Borough, thereby increasing car journeys on the strategic road network. Through consultation on the draft LDO the Highways Agency stated that any new development delivered on the Port through the LDO has the potential to have a significant negative effect on the A19/A689 junction of the strategic road network; as this junction is nearing capacity.
- 5.27 Therefore any new development on the Port delivered through the LDO will be required to be accompanied by a Transport Assessment. The Transport Assessment will be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency, before development commences.
- 5.28 Developers are advised to consult the Borough Council at the earliest opportunity to discuss the Transport Assessment and how any off-site mitigation works, if required, can be delivered and to explore how the Borough Council can assist in any such delivery.

Building Regulations

- 5.29 Any development would require compliance with the Building Regulations and Hartlepool Borough Council would be available to provide further advice and guidance to ensure the project is dealt with as efficiently as possible.

6. Pre Development Consultations

- 6.1 Where the identified constraints mentioned in the previous section are relevant there will be a requirement to consult an appropriate organisation. The following contacts in Table C are of relevance:

Table C: Contact Details

Consideration	Organisation Details
Hartlepool Borough Council	Planning Services Manager Hartlepool Borough Council Tel: (01429) 523596 Email: andrew.catrter@hartlepool.gov.uk
Electricity	NEDL Durham Training Centre (RIC), Kepier Farm, Durham City, DH1 1LB
Gas	Northern Gas Networks Burradon Operational Unit, Mylord Crescent, Burradon, NE12 0UJ
Water	Hartlepool Water 3 Lancaster Road, Hartlepool, TS24 8LW
Surface and Sewer Water Drainage	Northumbrian Water Leat House, Pattinson Road, Washington, NE38 8LB Tel: (0191) 4196603
Flood Risk Management	Environment Agency Skinnerburn Road, Newcastle Upon Tyne NE4 7AR Tel: (0191) 2034203
Environmental Mitigation	Natural England Consultation Service Hornbeam House, Crewe Business Park, Crewe CW1 6GJ Tel: 0300 060 4654 Email: consultations@naturalengland.org.uk

Consideration	Organisation Details
Harbour / Channel Area Development	Marine Management Organisation Hampshire Court, Newcastle Upon Tyne NE4 7YH Tel: (0191) 3762790 Email: planning@marinemangement.org.uk
Strategic Road Network (A19)	Highways Agency Lateral, 8 City Walk, Leeds LS11 9AT Tel: (0113) 2835474

- 6.2 Pre development advice and the formal discharging of conditions will be chargeable by the Borough Council.

Pre Development Advice

- 6.3 As per the requirements of the LDO, certain information will need to be submitted to the Borough Council prior to any development being undertaken in accordance with the LDO. Pre development discussions will ensure greater certainty and clarity to the developer by identifying planning issues and requirements to ensure that the proposed development will be in accordance with the requirements of the LDO.
- 6.4 The Borough Council will aim to respond to all pre development advice within 15 to 25 working days. For further advice and a detailed illustration of the pre development advice service, including fees and timescales, please consult the Hartlepool Borough Council website.

Website: www.hartlepool.gov.uk

Discharging of Planning Conditions

- 6.5 A development that is commenced without compliance with the conditions contained in the LDO will be at risk of being unauthorised development. There is a fee associated with the discharge of planning conditions. The procedures apply with regard to all requests made to the Council to discharge conditions imposed on planning approvals or requests seeking confirmation of compliance with such conditions (as in the case of the requirements set out in the Enterprise Zone LDO's). The request can be made in any written form, which is clear, understandable and identifies the relevant permission and conditions concerned.
- 6.6 The fee payable for requests is £85.00. The fee must be submitted at the same time the request is made. Requests that are received without the appropriate fee will be returned unanswered. The fee is payable for each request made. A single request may seek to discharge more than one condition. If you later decide to change the details of an agreed condition a new payment is required.

- 6.7 The Borough Council will seek to respond within eight weeks. A longer period of time may be required where ongoing discussion and correspondence are necessary. If the authority fails to provide confirmation or notification that confirmation cannot be provided within twelve weeks of the date of receipt, the fee will be refunded.
- 6.8 Any advice requests regarding pre development or conditions should be made to the Planning Services Manager; see contact details in Table C.

7. Statement of Reasons

7.1 The following paragraphs outline the rationale behind creating the LDO.

Description of Development Granted Planning Permission

7.2 The Local Development Order (LDO) grants planning permission, exclusively for buildings and associated development relating to:

- (B1) Offices, research and development of products and processes, light industry appropriate in a residential area;
- (B2) General Industry (excluding incineration purposes, chemical treatment or landfill or any operation (processing or storage) or activity involving hazardous or inert waste), and;
- (B8) Storage and Distribution.

Specifically related to the following business sectors:

- Advanced Engineering & Advanced Manufacturing
- Renewable Energy Manufacturing

Providing that:

- The Development Requirements identified in Table 1 are satisfied, and;
- The Conditions in Table 2 are satisfied, and;
- Submissions are made to the Local Planning Authority by 1st April 2018.

7.3 The LDO would apply to the land identified in Diagram 1, in the LDO, which forms part of the wider Port area.

7.4 The LDO does not permit changes of use between use classes or from a different land use within the same use class to any use which is not specifically identified in the LDO. If a change is proposed a planning application would be required. The purpose of the restriction is to support development in these key growth sectors and to restrict any uses which may be detrimental or inappropriate to this location.

Justification for Creating the LDO

7.5 As part of its commitment to economic recovery and growth, the Government has introduced Enterprise Zones to stimulate private sector investment and support business development. The two key components of Enterprise Zones are the provision of financial incentives to support investment and the simplifying of the planning system. The Government is advocating the use of LDOs as a means to simplify the planning process. An LDO is considered to be the most appropriate mechanism for the Port Enterprise Zone.

7.6 This LDO will allow development to be undertaken without the need for planning permission to be obtained provided they comply with specified development requirements and conditions. In exempting certain defined development from the need to obtain specific planning permission, developers will save on planning application costs and the time required to process applications. Developers will also benefit from receiving a greater degree of certainty that they can go ahead as permission is granted provided they meet the agreed conditions and development requirements.

7.7 The Port has been designated as a “enhanced capital allowance” Enterprise Zone. This will allow any businesses that meet the criteria set out in the LDO to locate to the zone and take advantage of the financial incentives.

7.8 The types of businesses identified in the LDO are restricted to the following specific business sectors:

- Advanced Engineering & Advanced Manufacturing
- Renewable Energy Manufacturing

The business sectors proposed for the Port will attract investment into the Borough, in areas identified as growth sectors for the Tees Valley and the Borough of Hartlepool; contributing towards the aim of creating a more diversified and inclusive economy.

Statement of Policies that the LDO will Implement

7.9 The LDO supports the implementation of existing strategies, plans and policies at a national and local level. The relevant policies are listed below:

National Planning Policy Framework 2012
Paragraphs 17 to 21

National Planning Practice Guidance
'When is permission required' Updated 5th March 2015

Local Planning Policy (Hartlepool Local Plan 2006)
GEP1 General Environmental Principles
GEP2 Access for All
GEP3 Crime Prevention by Planning and Design
Tra 20 Travel Plans
WL7 Protecting of SNCIs, RIGSs and Semi Ancient Semi-Natural Woodland

Lifetime of the LDO

7.10 The LDO originally commenced on 1st April 2012 and was due to expire on 1st April 2015. The LDO has now been extended for a further three years and will now expire on 1st April 2018.

7.11 Once the LDO expires on 1st April 2018 the Local Planning Authority will have three options available:

- Extend the LDO under the same criteria and conditions;
- Revise the LDO and modify the criteria and conditions; or
- Revoke the LDO and return to the established planning system.

7.12 Any development which has commenced under the provision of the LDO will be allowed to be completed within a reasonable time period, in accordance with the terms and conditions of the LDO.

Monitoring the LDO

7.13 The LDO will be subject to continuous monitoring to assess its effectiveness in achieving economic growth objectives; ensuring development is appropriate. The

full details of the monitoring framework are set out in Appendix 1. The monitoring information will be incorporated in the Annual Monitoring Report.

Development Requirements

7.14 Taking into consideration the location of the Port, existing and proposed users and also the need to protect the amenity nearby residential areas it is imperative that any new development be in accordance with the design requirements and conditions set out in Tables 1 and 2 identified in the LDO. In summary these seek to secure:

- A high standard of design and materials used;
- Energy efficiency measures;
- Appropriate surface water and sewer drainage infrastructure;
- Adequate access, parking and road infrastructure;
- High quality landscaping and planting;
- Development that does not generate inappropriate noise and disturbance;
- Development that effectively deals with any on-site contamination, and;
- Development that considers crime prevention.

Other Statutory Requirements

7.15 Whilst the LDO grants planning permission for certain types of development at the Port it does not grant other consents that may be required under other legislation.

It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.

7.16 Although not an exhaustive list, particular attention is drawn to the following relevant legislation:

European

- Directive 92/43/EEC (Habitats)
- Directive 85/337/EEC (amended by Directive 97/11/EC) (Environmental Impact Assessment)

National

- Wildlife and Countryside Act 1981
- The Conservation (Natural Habitats, &c.) Regulations 1994
- The Environmental Permitting (England and Wales) Regulations 2010
- Health and Safety Executive
- Building Regulations
- The Town and Country Planning Act 2007 (Control of Adverts)(England)
- The Planning Act 1990 (Hazardous Substances)
- The Planning Regulations 1992 (Hazardous Substances)
- The Highways Act
- Environmental Permitting Regulations 2010

7.17 Failure to comply with the relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the Borough Council and/or other agencies. It is the responsibility of the developer/development to be in accordance with all relevant legislation.

End of Supporting Documentation

The Port Local Development Order

Within the Port Enterprise Zone identified on Diagram 1, planning permission is granted, exclusively for the following land use, buildings and associated development for:

- **(B1) Offices, research and development of products and processes, light industry appropriate in a residential area;**
- **(B2) General Industry (excluding incineration purposes, chemical treatment or landfill or any operation (processing or storage) or activity involving hazardous or inert waste), and;**
- **(B8) Storage and Distribution.**

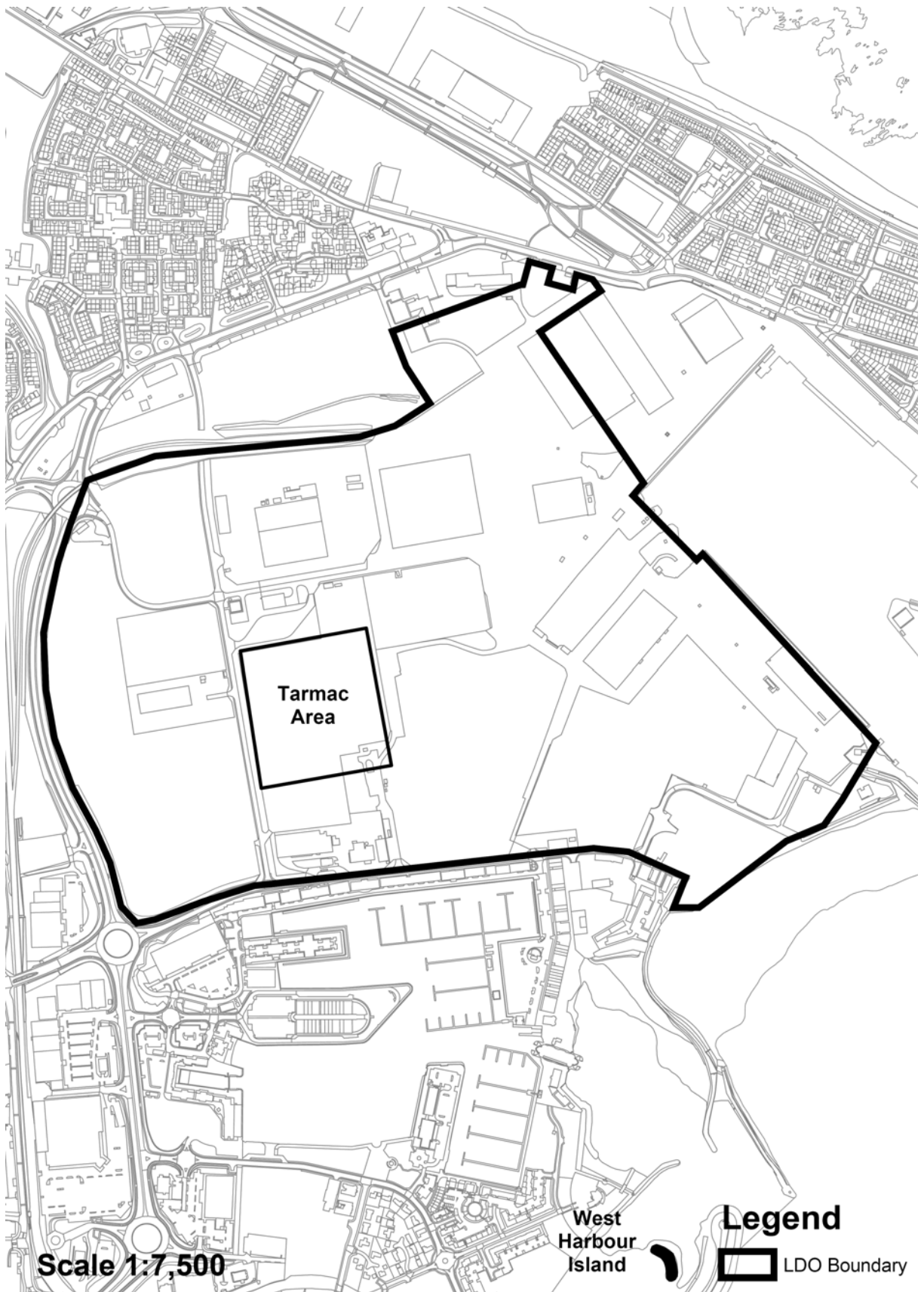
Specifically related to the following business sectors:

- **Advanced Engineering & Advanced Manufacturing**
- **Renewable Energy Manufacturing**

Providing that:

- **The Development Requirements identified in Table 1 are satisfied, and;**
- **The Conditions in Table 2 are satisfied, and;**
- **Submissions are made to the Local Planning Authority by 31st March 2018.**

Diagram 1: The Port Local Development Order Boundary



Scale 1:7,500

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Table 1: Development Requirements

Development Requirements	Requirement Reason
<p>Development Design</p> <p><i>Building Design</i> (1) An appropriate standard of design and materials for a port locality will be required where development bounds the A179 Marina Way and Middleton Road.</p> <p><i>Development Plot Coverage</i> (2) All buildings and associated development will be located within the LDO boundary and adequate space where required for access and servicing will be provided.</p> <p><i>Energy Efficiency</i> (3) All buildings will be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "very good" ratings unless the nature of the business prevents this. Exceptions would include buildings such as fabrication sheds, warehouses, portable offices etc. Early consultation with Hartlepool Borough Council is recommended. (4) Developments in excess of 1,000m² floorspace and where the building allows will secure a minimum of 10% of their energy supply from a decentralised and renewable or low carbon source unless the nature of the business prevents this. The following renewable energy sources will be suitable:</p> <ul style="list-style-type: none"> • Photo voltaic panels or tiles • Micro wind turbines • Combined heat and power • Biomass boilers • Ground/air source heat pumps • Solar thermal hot water 	<p>(1)(2) To ensure the high quality physical environment of the Port and surrounding area is maintained.</p> <p>(3)(4) To ensure new development is energy efficient.</p>

Development Requirements	Requirement Reason
<p>Surface Water, Sewer Drainage Infrastructure and Flood Risk</p> <p><i>Surface Water Drainage</i> (5) Surface Water Drainage will utilise Sustainable Drainage methods and where possible incorporate habitat creation in the design. All new drainage will be designed to protect and accommodate any existing drainage and sewer infrastructure within the Port. No surface water drainage with the potential to harm the biodiversity interest will be allowed to enter the Slake as part of any new development. All new drainage will be designed and constructed to a standard to allow adoption by the relevant infrastructure body.</p> <p><i>Sewer Drainage infrastructure</i> (6) Early consultation with Northumbrian Water Ltd, the Environment Agency and Hartlepool Borough Council, as a minimum, is essential to arrange an appropriate drainage infrastructure as part of any development.</p> <p><i>Flood Risk</i> (7) Any development located in Flood Zones 2 or 3, as defined by the most up to date Environment Agency flood maps, and/or development in excess of 1ha total area will need to be accompanied by a Flood Risk Assessment (FRA), submitted to the Local Planning Authority for consideration. The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account.</p> <p><i>Ecology</i> (8) If alterations or works (including dredging, piling or intakes or discharges from the marine environment) within the harbour water area are required as part of any development then consideration would need to be given to the timings for migratory fish and methods for sustainable disposal of any material. Before undertaking any works within the harbour water early consultation with the Marine Management Organisation and the Environment Agency is essential previous to any works being undertaken.</p>	<p>(5)(6) To ensure adequate drainage is provided.</p> <p>(7) National Planning Policy Framework, paragraphs 100-104 National Planning Practice Guidance 'Flood Risk & Coastal Change'</p> <p>(8) To ensure any ecological interest is protected.</p>

Development Requirements	Requirement Reason
<p>Access, Parking and Road Infrastructure</p> <p><i>Access & Parking Provision</i> (9) All new buildings and associated development will be required to be fully accessible by all users by a range of transport, including vehicular, pedestrian and cycling, and have regard to servicing arrangements and highway safety. (10) All new development will be in accordance with the most up-to-date version of “Design Guide & Specification for Residential and Industrial Estates Development” document. The document is available at the following weblink: http://www.hartlepool.gov.uk/downloads/file/610/highways_design_guide_and_specification</p> <p><i>Internal Road Infrastructure</i> (11) Unless agreed by the Local Planning Authority all new roads consented under the LDO must be constructed to adoptable standards, if not the owner of the site (and interested parties) must enter into a Legal Agreement with Hartlepool Borough Council to indemnify the Council from any payment code issues and pay a bond should they dispose of their interest in the land to ensure that the roads will be to adoptable standards. Early consultation with Hartlepool Borough Council is recommended.</p> <p><i>Transport Assessment</i> (12) Unless agreed by the Local Planning Authority any new development will be accompanied by a Transport Assessment, submitted to the Local Planning Authority for consideration.</p>	<p>(9)(10)(11) To ensure newly constructed road infrastructure is of an adequate capacity and quality to allow adoption by the Borough Council.</p> <p>(12) To ensure new development does not impact on existing transport infrastructure.</p>
<p>Landscaping</p> <p><i>General Landscaping</i> (13) High quality landscaping will be required where development bounds the A179 Marina Way, A1048 Headland Approach and Middleton Road.</p>	<p>(13) To ensure the high quality physical environment of the Port and surrounding area is maintained.</p>

Development Requirements	Requirement Reason
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Development Generated Noise, Dust, Smell, Vibration and General Disturbance

(14) Unless agreed by the Local Planning Authority any buildings shall be constructed so as to provide insulation against internally generated noise, dust, smell, vibration and general disturbance. Early consultation with Hartlepool Borough Council is recommended.

(15) Unless agreed by the Local Planning Authority, development or associated activities and operations generating noise in excess of the thresholds identified below, as measured at the boundary of the LDO site, will not be permitted through the LDO.

Boundary	Time	Noise Thresholds
Town Wall	23:00 to 07:00	60dB LAeq5min and 70dB LAFmax
	07:00 to 23:00	64dB LAeq1hr and 77dB LAFmax
Northgate	23:00 to 07:00	71dB LAeq5min and 84dB LAFmax
	07:00 to 23:00	80dB LAeq1hr and 90dB LAFmax
Cleveland Road	23:00 to 07:00	55dB LAeq5min and 85dB LAFmax
	07:00 to 23:00	70dB LAeq1hr and 95dB LAFmax
Lancaster Road	23:00 to 07:00	64dB LAeq5min and 73dB LAFmax
	07:00 to 23:00	80dB LAeq1hr and 95dB LAFmax
Ferry Road	23:00 to 07:00	55dB LAeq5min and 65dB LAFmax
	07:00 to 23:00	70dB LAeq1hr and 90B LAFmax

Early consultation with Hartlepool Borough Council is recommended.

(14)(15)
To protect the residential amenity of nearby residential areas and other Port occupiers.

Development Requirements	Requirement Reason
<p>Outside Storage</p> <p>(16) Outdoor storage of any active material that can be windborne will not be allowed.</p> <p>(17) Areas for outside storage situated on the boundary frontage of Marina Way or Middleton Road will be appropriately designed and effectively screened to minimise visual impact.</p>	<p>(16)(17)</p> <p>To protect the residential amenity of nearby residential areas and other Port occupiers.</p>
<p>Contamination</p> <p>(18) If any contamination is identified, the development must remove, contain or otherwise render harmless the contamination previous to the development site being occupied. If contamination is found on site, early consultation with Hartlepool Borough Council is essential to ensure any new development deals with any contamination effectively.</p>	<p>(18)</p> <p>To ensure that risk from land contamination to the future users of the land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.</p>
<p>Environmental Mitigation</p> <p>(19) Appropriate environmental mitigation works will be required as part of any development on the tarmac area of the Port site. Early consultation with Natural England and Hartlepool Borough Council is essential in order to ensure effective mitigation is provided.</p>	<p>(19)</p> <p>To ensure any loss of biodiversity habitat is effectively mitigated.</p>

Development Requirements

Requirement Reason

Environmental Impact Assessment (EIA)

(20) Development considered EIA development, through EIA screening, cannot be delivered through this Local Development Order and must be determined through a planning application.

(20)
To ensure any new development is not an EIA development.

Table 2: Planning Conditions

No	Condition	Reason
A	<p>Development Development will be implemented in accordance development requirements set out in Table 1.</p>	<p>To ensure only appropriate development takes place on the site.</p>
B	<p>Surface Water Details for the provision and implementation of surface water drainage, including the effective treatment of any discharge with the potential to harm the biodiversity interest of the Slake into the Slake and run off limitation incorporating sustainable urban drainage solutions shall be submitted to and approved in writing by the Local Planning Authority before development commences, and be implemented and managed in accordance with the approved details.</p>	<p>To ensure adequate drainage is provided.</p>
C	<p>Flood Risk Where a Flood Risk Assessment (FRA) is required, the FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA will be submitted to and approved in writing by the Local Planning Authority before development commences, and be implemented in accordance with the approved details.</p>	<p>To ensure the risk of flooding is reduced and mitigated against.</p>
D	<p>Transport Assessment A Transport Assessment will be submitted to and approved in writing by the Local Planning Authority before development commences, and be implemented in accordance with the approved details, including the implementation of any off-site works where required.</p>	<p>To ensure new development does not impact on existing transport infrastructure.</p>

No	Condition	Reason
E	<p>Development Generated Disturbance Outdoor storage of any active material that can be windborne shall take not place. Any windborne material must be stored in an appropriate building.</p>	To protect the residential amenity of nearby residential areas and other Business Park occupiers.
F	<p>Environmental Mitigation Appropriate environmental mitigation works will be required as part of any development on the tarmac area of the Port site. Details of the mitigation works shall be submitted to and approved in writing by the Local Planning Authority before development commences, and be implemented and managed in accordance with the approved details.</p>	To ensure any loss of biodiversity habitat is effectively mitigated.
G	<p>EIA Screening Request A request for an Environmental Impact Assessment (EIA) screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any subsequent amended legislation) shall be submitted to and assessed by the Local Planning Authority before development commences.</p> <p>Should the screening opinion find the proposed development is EIA development, no development shall be commenced and a planning application will be required.</p>	To ensure any new development is not an EIA development.
H	<p>Changes of Business Type There will be no permitted change of use between use classes and/or to a different land use within the same use class as identified in the Town and Country Planning Use Classes Order 1987 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that order with or without modification. If a change is proposed, other than to those specific uses mentioned in the LDO, a planning application would be required.</p>	To ensure only appropriate development takes place on the site.

No	Condition	Reason
1	<p>Contamination Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing by the Local Planning Authority.</p> <p>1) A preliminary risk assessment which has identified (i) all previous uses, (ii) potential contaminants associated with those uses, (iii) a conceptual model of the site indicating sources, pathways and receptors and (iv) potentially unacceptable risks arising from contamination at the site.</p> <p>2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.</p>	<p>The site has been subject to a potentially contaminative land-use. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.</p>

No	Condition	Reason
J	<p>Time Limit Where development has commenced and not completed after 3 years after the date of commencement, details, including site layout, building design, appearance, access arrangements and a programme of works will be submitted to the Local Planning Authority.</p>	To ensure the future development on the site is not prejudiced.
K	<p>Employment Charter To the discretion of the Local planning Authority a Targeted Training and Employment Charter will be agreed by the developer and the Borough Council before the development commences on site and be implemented and managed in accordance with the approved details.</p>	To ensure all employment opportunities are explored.

Appendix 1: Monitoring Framework (Period 2015 to 2018)

No	Indicator	Review Trigger	Further Action
(i)	Annual number of businesses locating to the Port.	<150 jobs created by 2018	Possible review of the LDO to relax the general design guidance considerations to further incentivise businesses to locate.
(ii)	Annual number of queries for businesses wanting to locate, that do not qualify through the LDO.	Significant number of queries from non LDO land uses that are appropriate on the site.	Possible review of the LDO to allow more/different the land uses other than those already identified.
(iii)	Annual number of developments considered to be unacceptable for design reasons.	Significant number of submissions Consistent “problems” identified with each submission.	Possible review of the LDO to relax identified problems where appropriate.
(iv)	Annual number of developments considered to be Environmental Impact Assessment type development.	Significant number of submissions	Possible review of LDO after an EIA is undertaken and an Environmental Statement considered based on submission trends.
(v)	Annual number of requests to change use class or land use within the same use class.	Significant number of queries	Possible review of the LDO to allow more/different the land uses other than those already identified.
(vi)	Annual number of requests from businesses outside but nearby the LDO boundary wanting to be incorporated into the LDO.	Significant number of queries	Possible review of the LDO boundary to include a larger LDO area.