

# Hartlepool Borough Council Local Development Order The Port



Adopted – March 2019



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## **1. Introduction**

- 1.1 In order to stimulate economic growth, the Government pursued a 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 included twelve sites across the Tees Valley and developers of the sites benefitted from either business rates discount or enhanced capital allowances to support the growth of existing firms and/or attract significant inward investment. Whilst some of the Enterprise Zones ceased to exist from the end of March 2018, seven Enterprise Zones remain and the financial incentives available as part of the Enterprise Zone at the Port will be in place until the end of March 2020.
- 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. The Port is now the only site within Hartlepool which is included within the Tees Valley Enterprise Zone. 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. This will be achieved through a Local Development Order (LDO). This means that for specific developments that help deliver the aims of the Enterprise Zone, 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**

<b>Tees Valley Borough</b>	<b>Site Name</b>	<b>Enterprise Zone Type</b>
<b>Hartlepool</b>	The Port	Enhanced Capital Allowance
<b>Stockton on Tees</b>	North Shore	Business Rates Discount
	Energy & Tech Park	Enhanced Capital Allowance
<b>Redcar &amp; Cleveland</b>	South Bank Wharf	Enhanced Capital Allowance
	Wilton	Enhanced Capital Allowance
<b>Middlesbrough</b>	Historic Quarter	Business Rates Discount
<b>Darlington</b>	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 Tees Valley 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 Zonesites.

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 has promoted the use of Local Development Orders (LDO) as a means to simplify the planning process. Hartlepool Borough Council therefore intends to re-confirm the 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;
  - Growth and Infrastructure Act 2013; and
  - Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015
- 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 does 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.
- 3.7 The LDO does not automatically grant planning permission for development which falls under Schedule 1 development within regulation 2 (1) of the DMPO regulations or Schedule 2, if it is considered that an Environmental Impact Assessment would be required.
- 3.8 If a development is likely to have a significant effect on a European site or a European offshore marine site, as established through the screening process, an LDO may not grant planning permission. The Conservation of Habitats and Species Regulations 2010 Regulation 8 defines these sites.

#### **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 (2018). The Port is allocated for the following uses:

- EMP4 – port related industrial development, renewable energy manufacturing.

##### **Proposed Business Sectors**

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

- Advanced Engineering & Advanced Manufacturing
- Renewable Energy Manufacturing

4.4 The Port Enterprise Zone benefits from Enhanced Capital Allowances until the end of March 2020. For details on the areas within the Port that will benefit from the financial incentives please consult the details below:

**Website:** <https://www.investinhartlepool.co.uk/>

**Contact:** Israr Hussain  
Economic Regeneration Manager

**Tel:** (01429) 857084

**Email:** [israr.hussain@hartlepool.gov.uk](mailto:israr.hussain@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 2006 Local Plan, the Port was allocated through policy Com15 as a mixed use site, with particular support for port related development or general industry.

### **Site Description**

- 5.6 Today, the site remains principally in operational use as a port with associated activity. A number of major local businesses operate from the port, providing employment for the local population and significantly contributing to the sub-regional economy. As a result there are a number of distinctive buildings and features on or adjacent to the port 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**

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

#### *Transport Access*

- 5.8 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*

- 5.9 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 C.



### **Potential Constraints**

- 5.10 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*

- 5.11 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*

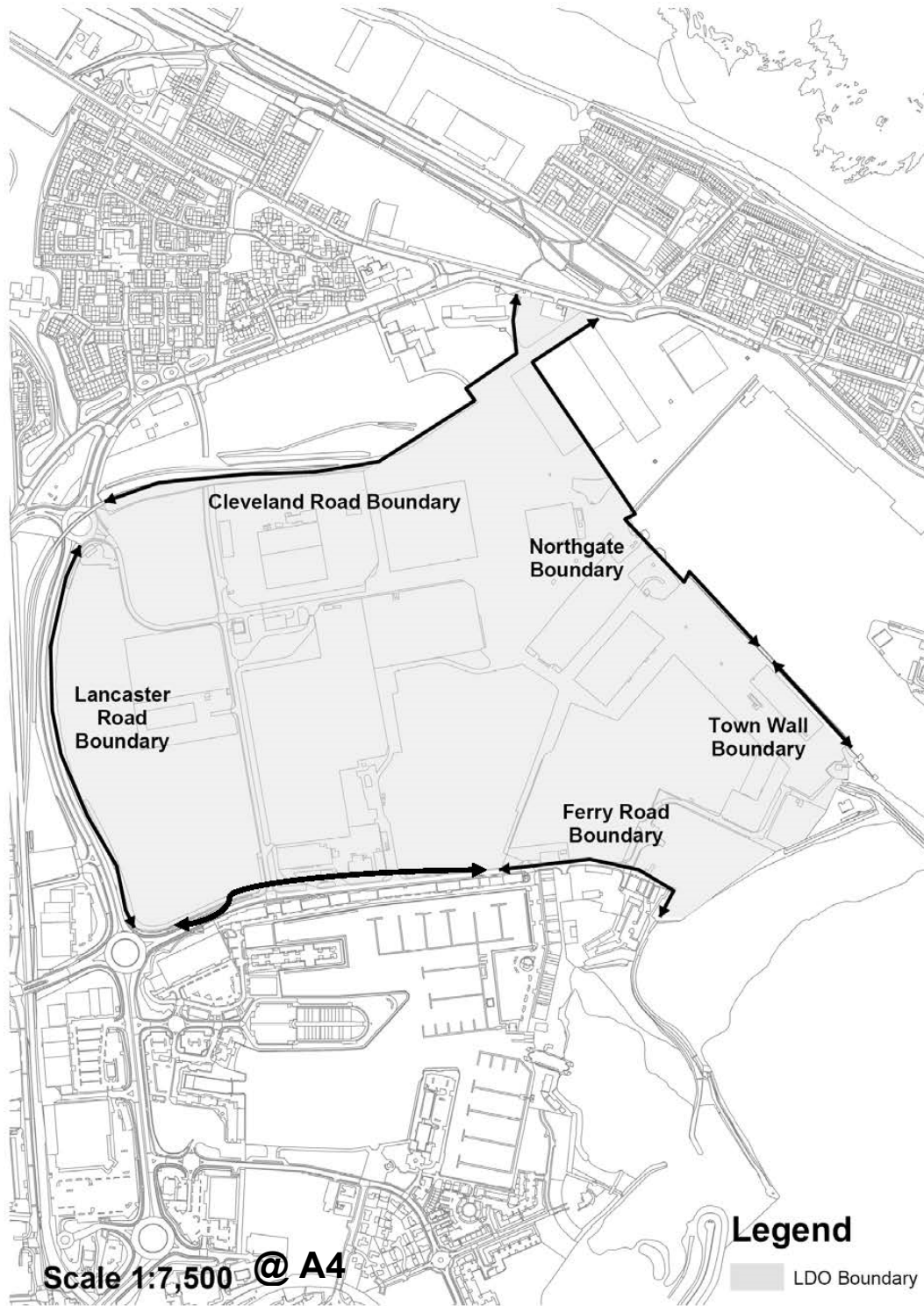
- 5.12 The Port area and occupying businesses already benefit from existing planning permissions and Permitted Development Rights that allow port related activities including, for example, offshore fabrication and the loading and unloading of offshore cargo. These existing practices will not be affected in any way by this LDO.
- 5.13 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.
- 5.14 It is considered that if any new proposed development was to produce noise which would exceed the limits stated below, then planning permission would be required for that element of the scheme, so the council can consult with relevant bodies on the noise levels.

**Table B: Maximum Noise Thresholds**

<b>Boundary</b>	<b>Time</b>	<b>Noise Thresholds</b>
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 90dB LAFmax

# Diagram A: Noise Threshold Boundaries

Crown



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#### *Flood Risk*

- 5.14 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 is in excess of 1ha of land it will require a flood risk assessment.

#### *Water Framework Directive*

- 5.15 A Water Framework Directive waterbody named Hart Beck from Source to Sea runs through the site and is currently at poor status. A large culvert is present on the site. The Environment Agency welcome proposals to improve the watercourse, specifically the daylighting of the culvert. Discussion with the Environment Agency is recommended regarding such proposals.

#### *Marine Environment*

- 5.16 Any scheme involving intakes or discharges to/from the marine environment will need to be modelled, discussed and agreed in advance. Early consultation with the Environment Agency along with Natural England is essential in agreeing any regulatory requirements or mitigating measures as part of any development. A developer may require a separate marine licence from the Marine Management Organisation for any works occurring below the mean high water spring tidal level.

#### *Health & Safety Executive Consultation Zones*

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

#### *Contamination*

- 5.18 The site was formally subject to potentially contaminative land uses. The site lies within 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 as part of any redevelopment. Early consultation with the Environment Agency and Hartlepool Borough Council is recommended.

#### *Foul Effluent Disposal*

- 5.19 Foul effluent disposal, in the first instance, should be through agreement with Northumbrian Water Limited to connect to the public foul sewer. If it is not possible to connect to the public foul sewer, the developer will need to apply to the Environment Agency for a discharge permit and will need to justify why connection to the public sewer is not possible.

#### *Landfill Gas Migration*

- 5.20 The proposed development lies within 250 meters 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 – REP 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*

- 5.21 Where birds, which are interest features of the adjacent Teesmouth and Cleveland Coast Special Protection Area (T&CC SPA) and Ramsar European Sites, actively use parts of the Port, the land is assessed as being functionally linked to the SPA and the Habitats and Species Regulations (HRA) applies. Birds use certain areas at certain times of the year, where ground conditions and business activity allow, particularly as a safe roosting area. The proposed SPA extension includes all of Victoria Harbour which holds permanent water. The terrestrial area of the T&CC SPA is underlain by the national designation of Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI). 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.
- 5.22 Where mitigation works would be required, Hartlepool Borough Council would need to submit to Natural England, for their approval, a HRA screening and Appropriate Assessment giving details of the exact nature of such works, the impact on SPA species and suitable mitigation measures which would need to be delivered by the developer in accordance with condition F. Early consultation with Natural England and Hartlepool Borough Council is essential in order to ensure effective mitigation is provided.
- 5.23 Development that results in the loss of, or damage to, the ecological integrity of intertidal habitat will not be permitted.
- 5.24 If alternations within the port area are required to access the site such as dredging or piling works then consideration would need to be given to the timings for migratory fish and seals. All arisings from dredging activities must be disposed of in a sustainable manner.
- 5.25 Consideration should be given to the Eels (England and Wales) regulations 2009. Best practice guidance can be found at: <https://www.gov.uk/government/publications/eel-and-elver-passes-design-and-build>
- 5.26 The site is close to the River Tees and is particularly valuable for wildlife. Careful consideration is required for any works within the watercourse or to the quay walls. The Hartlepool Port Area could be improved ecologically through the incorporation of 'Estuary Edges' habitat enhancement measures. Such measures could form part of any mitigation to reduce the impact of any development or compensation to offset the impact of any development. The Estuary Edges Ecological Design Guidance can be found at: <https://www.therrc.co.uk/publications/estuary-edges-ecological-design-guidance>
- 5.27 The Slake, which is designated as a Local Wildlife Site for its saltmarsh, 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.

- 5.28 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.
- 5.29 The Conservation of Habitats and Species Regulations 2017 will not permit an LDO to grant planning permission to a development if a Special Protection Area would be adversely affected.
- 5.30 As a result of this, a development proposal under the LDO is likely to be subject to a Habitats Regulation Assessment stage 1 screening assessment to see whether there is a 'likely significant effect'.
- 5.31 *Works to the Harbour and Channel*  
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 (MMO) and the Environment Agency is essential as a marine licence may be required. Natural England is a statutory consultee of the MMO in assessing activities requiring a licence and will comment as appropriate.

*Historic Environment*

- 5.32 Although there are no buildings of historic merit that need to be taken into consideration on site, the Headland Conservation Area is within 150m of the boundary of the site. This conservation area contains a number of listed buildings and the impact of development affecting the setting of these heritage assets should be taken into account.

*Strategic Highway Capacity (A19 Impact)*

- 5.33 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. Highways England has advised 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.
- 5.34 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 England, before development commences.
- 5.35 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*

5.36 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.

*5.37 Archaeology*

There are several areas of archaeological interest that developers must be mindful of when considering proposals for development within the Port area.

5.38 Previously, ancient human remains had been found in the north-west part of the site. If during any part of a development human remains are discovered or suspected, all work must cease immediately, and the developer must inform Cleveland Police and Tees Archaeology. The excavation of ancient human remains requires a licence from the Ministry of Justice. Tees Archaeology will assist the developer in making appropriate arrangements.

5.39 The Port site is within the vicinity of prehistoric peat deposits forming part of the Hartlepool submerged forest. As a result of this, any proposed development exceeding the depth of 4m will need to include a sampling strategy for the peat deposits.

5.40 It is considered that all developers should consult with Tees Archaeology on any proposed developments to receive case by case advice.

## 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**

<b>Consideration</b>	<b>Organisation Details</b>
<b>Hartlepool Borough Council</b>	<b>Planning &amp; Development Team</b> Hartlepool Borough Council Tel: (01429) 523741 Email: developmentcontrol@hartlepool.gov.uk
<b>Electricity</b>	<b>NEDL</b> Northern Electric Distribution Limited, Manor House, Station Road, New Peshaw, Houghton le Spring, DH4 7LA
<b>Gas</b>	<b>Northern Gas Networks</b> Northern Gas Networks, 1 <sup>st</sup> Floor, Emperor Way, Doxford International Business Park, Sunderland, SR3 3XR
<b>Water</b>	<b>Hartlepool Water</b> 3 Lancaster Road, Hartlepool, TS24 8LW
<b>Surface and Sewer Water Drainage</b>	<b>Northumbrian Water</b> Leat House, Pattinson Road, District 15, Washington, NE38 8LB
<b>Flood Risk Management</b>	<b>Environment Agency</b> Tyneside House, Newcastle Business Park, Skinnerburn Road, Newcastle Upon Tyne NE4 7AR Tel: (0191) 2034203
<b>Environmental Mitigation</b>	<b>Natural England Consultation Service</b> Hornbeam House, Crewe Business Park, Crewe CW1 6GJ Tel: 0300 060 4654 Email: <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a>



Consideration	Organisation Details
<b>Harbour / Channel Area Development</b>	<b>Marine Management Organisation</b> Neville House, Bell Street, North Shields, NE30 1LJ Tel: (0191) 257 4520 Email: <a href="mailto:planning@marinemangement.org.uk">planning@marinemangement.org.uk</a>
<b>Strategic Road Network (A19)</b>	<b>Highways England</b> Lateral Building, 8 City Walk, Leeds, LS11 9AT
<b>Tees Archaeology</b>	<b>Tees Archaeology</b> Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT Tel: (01429) 523455
<b>Historic Environment</b>	<b>Historic England</b> Historic Places Team Bessie Surtees House 41-44 Sandhill Newcastle-upon-Tyne NE1 3JF Email: <a href="mailto:e-neast@HistoricEngland.org.uk">e-neast@HistoricEngland.org.uk</a>

- 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 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 Council will aim to respond to all pre development advice with 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](http://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 discharge of conditions is £245, requests for confirmation that a condition is discharged is £116.00. The fee must be submitted at the same time the application/request is made. Applications/requests that are received without the appropriate fee will be returned unanswered. The fee is payable for each application/request made. A single application 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 & Development team; see contact details in Table C.

## 7. Statement of Reasons

7.1 The following paragraphs outline the rationale behind reconfirming 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 (page 23) are satisfied, and;
- The Conditions in Table 2 (page 29) are satisfied, and;
- For the purposes of qualifying for the Enhanced Capital Allowances, submissions are made to the Local Planning Authority by 31<sup>st</sup> March 2020.

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.

7.5 The LDO does not permit any development which is considered as EIA development, through EIA screening.

### **Justification for Adopting the LDO**

7.6 As part of its commitment to economic recovery and growth, the Government 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.

7.7 This LDO will allow development to be undertaken without the need for planning permission to be obtained provided the developer/operator complies 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.

- 7.8 The Port has been designated as an “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.
- 7.9 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**

- 7.10 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 2018*  
Paragraphs 51 and 80 to 82

*National Planning Practice Guidance*  
‘When is permission required?’ Updated 15<sup>th</sup> June 2018

*Local Planning (Hartlepool Local Plan 2018)*  
SUS1 – The Presumption in Favour of Sustainable Development  
LS1 – The Locational Strategy  
CC1 – Minimising and adapting to Climate Change  
CC2 – Reducing and Mitigating Flood Risk  
INF2 – Improving Connectivity in Hartlepool  
QP3 – Location, Accessibility, Highway Safety and Parking  
QP4 – Layout and Design of Development  
QP5 – Safety and Security  
QP6 – Technical Matters  
EMP4 – Specialist Industries  
NE1 – Natural Environment

#### **Lifetime of the LDO**

- 7.11 The LDO will commence from February 2019.
- 7.12 Whilst there is a commitment that the LDO will be in place until at least 31<sup>st</sup> March 2020, there is currently no planned expiry date for the LDO. The Council reserves the right to withdraw the document at its discretion, but will give six weeks notice of withdrawal.
- 7.13 If the Council chooses to revoke the LDO, 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**

- 7.14 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**

- 7.15 Taking into consideration the location of the Port, existing and proposed users and also the need to protect the amenity of 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 deals with any ecological considerations, where present;
- 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**

- 7.16 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.**

- 7.17 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 Natural Environment and Rural Communities Act 2006
- The Environmental Permitting (England and Wales) Regulations 2010
- The Conservation of Habitats and Species Regulations 2017
- 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 1980
- Environmental Permitting Regulations 2010

- Planning (Listed Buildings and Conservation Areas) Act 1990

7.18 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:**

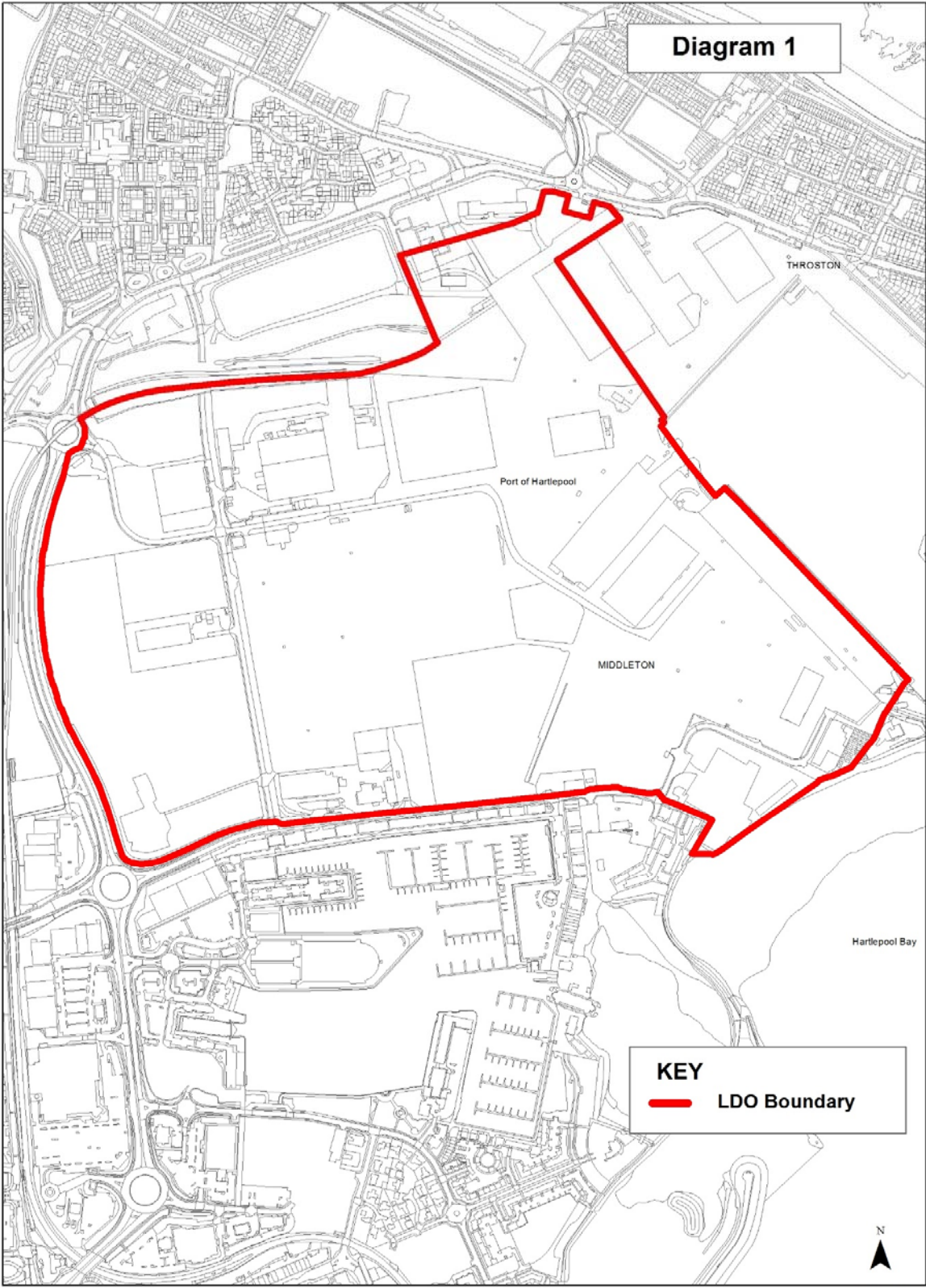
- **Advanced Engineering & Advanced Manufacturing**
- **Renewable Energy Manufacturing**

**Providing that:**

- **The Development Requirements identified in Table 1 (page 23) are satisfied, and;**
- **The Conditions in Table 2 (page 29) are satisfied.**



**Diagram 1: The Port Local Development Order Boundary**



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Scale 1:7,000@A4

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**Table 1: Development Requirements**

Development Requirements	Requirement Reasons
<p><b>Development Design</b></p> <p><i>Building Design</i></p> <p>(1) An appropriate standard of design and materials for a port locality, and a high standard of design will be required where development bounds the A179 Marina Way and Middleton Road. Consideration should be given to the proximity of the designated heritage assets to the north of the site and the impact of the design and scale of development on the setting of these heritage assets.</p> <p><i>Development Plot Coverage</i></p> <p>(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></p> <p>(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.</p> <p>(4) Developments in excess of 1,000m<sup>2</sup> floor space 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"> <li>• Photo voltaic panels or tiles</li> <li>• Micro wind turbines</li> <li>• Combined heat and power</li> <li>• Biomass boilers</li> <li>• Ground/air heat source pumps</li> <li>• Solar thermal hot water</li> </ul>	<p>(1)(2) To ensure the high quality physical environment of the Port and surrounding area is maintained and consideration is given to nearby heritage assets.</p> <p>(3)(4) To ensure new development is energy efficient.</p>
<p><b>Surface Water, Sewer Drainage Infrastructure and Flood Risk</b></p> <p><i>Surface Water Drainage</i></p> <p>(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>(5)(6) To ensure adequate drainage is provided.</p>

<p><i>Sewer Drainage Infrastructure</i></p> <p>(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></p> <p>(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></p> <p>(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.</p>	<p>(7) National Planning Policy Framework, paragraphs 148-169 National Planning Practice guidance 'Flood Risk and coastal Change'.</p> <p>(8) To ensure any ecological interest is protected.</p>
<p><b>Access, Parking and Road Infrastructure</b></p> <p><i>Access and Parking Provision</i></p> <p>(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.</p> <p>(10) All new development will be in accordance with the most up to date version of "Design Guide and Specification for Residential and Industrial Estates Development" document. The document is available at the following web link:</p> <p><a href="https://www.hartlepool.gov.uk/downloads/file/1380/highway_design_guide_-_specification">https://www.hartlepool.gov.uk/downloads/file/1380/highway_design_guide_-_specification</a></p> <p><i>Internal Road Infrastructure</i></p> <p>(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>(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><i>Transport Assessment</i></p> <p>(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 its consideration and approval in writing. Any mitigation methods identified within the Transport Assessment will be provided in accordance with the approved Transport Assessment.</p>	<p>(12) To ensure new development does not impact on existing transport infrastructure.</p>																												
<p><b>Landscaping</b></p> <p><i>General Landscaping</i></p> <p>(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>																												
<p><b>Development Generated Noise, Dust, Smell, Vibration and General Disturbance</b></p> <p>(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.</p> <p>(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.</p> <table border="1" data-bbox="177 1234 1090 1626"> <thead> <tr> <th>Boundary</th> <th>Time</th> <th>Noise Thresholds</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Town Wall</td> <td>23:00 to 07:00</td> <td>60dB LAeq5min and 70dB LAFmax</td> </tr> <tr> <td>07:00 to 23:00</td> <td>64dB LAeq1hr and 77dB LAFmax</td> </tr> <tr> <td rowspan="2">Northgate</td> <td>23:00 to 07:00</td> <td>71dB LAeq5min and 84dB LAFmax</td> </tr> <tr> <td>07:00 to 23:00</td> <td>80dB LAeq1hr and 90dB LAFmax</td> </tr> <tr> <td rowspan="2">Cleveland Road</td> <td>23:00 to 07:00</td> <td>55dB LAeq5min and 85dB LAFmax</td> </tr> <tr> <td>07:00 to 23:00</td> <td>70dB LAeq1hr and 95dB LAFmax</td> </tr> <tr> <td rowspan="2">Lancaster Road</td> <td>23:00 to 07:00</td> <td>64dB LAeq5min and 73dB LAFmax</td> </tr> <tr> <td>07:00 to 23:00</td> <td>80dB LAeq1hr and 95dB LAFmax</td> </tr> <tr> <td rowspan="2">Ferry Road</td> <td>23:00 to 07:00</td> <td>55dB LAeq5min and 65dB LAFmax</td> </tr> <tr> <td>07:00 to 23:00</td> <td>70dB LAeq1hr and 90B LAFmax</td> </tr> </tbody> </table> <p>Early consultation with Hartlepool Borough Council is recommended.</p>	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	<p>(14)(15) To protect the residential amenity of nearby residential areas and other port occupiers.</p>
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<p><b>Outside Storage</b></p> <p>(16) Outdoor storage of any active material that can be windborne will not be allowed.</p>	<p>(16)(17) To protect the residential amenity of nearby</p>																												

<p>(17) Areas for 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>residential areas and other Port occupiers.</p>
<p><b>Contamination</b></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 contamination effectively.</p>	<p>(18) 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><b>Environmental Mitigation</b></p> <p>(19) Appropriate environmental mitigation works will be required as part of any development on 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) To ensure any loss of biodiversity habitat is effectively mitigated.</p>
<p><b>Environmental Impact Assessment (EIA)</b></p> <p>(20) Development considered EIA development, through EIA screening, cannot be delivered through this Local Development Order and must be determined through a planning application.</p>	<p>(20) To ensure any new development is not an EIA development.</p>
<p><b>Archaeology</b></p> <p>(21) Any proposed development exceeding the depth of 4m will need to include a sampling strategy for peat deposits.</p>	<p>(20) To ensure any archaeological considerations are factored into development.</p>

**Table 2: Planning Conditions**

<b>No</b>	<b>Condition</b>	<b>Reasons</b>
<b>A</b>	<p><b>Development</b> Development will be implemented in accordance with development requirements set out in Table 1 (page 23).</p>	<p>To ensure only appropriate development takes place on the site.</p>
<b>B</b>	<p><b>Surface Water</b> 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, 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>
<b>C</b>	<p><b>Flood Risk</b> 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>
<b>D</b>	<p><b>Transport Assessment</b> 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>
<b>E</b>	<p><b>Development Generated Disturbance</b> Outdoor storage of any active material that can be windborne shall not take place. Any windborne material must be stored in an appropriate building.</p>	<p>To protect the residential amenity of nearby residential areas and other Business Park occupiers.</p>
<b>F</b>	<p><b>Environmental Mitigation</b> Appropriate environmental mitigation works will be required as part of any development on the Port site. Details of the mitigation works shall be submitted to and approved in writing by the Local Planning Authority before development</p>	<p>To ensure any loss of biodiversity habitat is effectively mitigated.</p>

	commences, and be implemented and managed in accordance with the approved details.	
<b>G</b>	<p><b>EIA Screening Request</b> A request for an Environmental Impact Assessment (EIA) screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (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 should commence and a planning application will be required.</p>	To ensure any new development is not an EIA development.
<b>H</b>	<p><b>Changes of Business Type</b> 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.
<b>I</b>	<p><b>Contamination</b> Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination on the site shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <ol style="list-style-type: none"> <li>1) A preliminary risk assessment which has identified (i) all previous uses, (ii) previous 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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	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 development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

	<p>Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>Prior to any part of the permitted development being occupied/brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</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>To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.</p> <p>To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.</p>
J	<p><b>Time Limit</b> 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</p>	<p>To ensure the future development on</p>



	a programme of works will be submitted to the Local Planning Authority.	the site is not prejudiced.
<b>K</b>	<p><b>Employment Charter</b></p> <p>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 2018-2020)**

<b>No</b>	<b>Indicator</b>	<b>Review Trigger</b>	<b>Further Action</b>
<b>(i)</b>	Annual number of businesses locating to the Port.	<150 jobs created by 2020	Possible review of the LDO to relax the general design guidance considerations to further incentivise businesses to locate.
<b>(ii)</b>	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 land uses other than those already identified.
<b>(iii)</b>	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.
<b>(iv)</b>	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.
<b>(v)</b>	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 land uses other than those already identified.
<b>(vi)</b>	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.