

1. Statement of Reasons

1.1 The following paragraphs outline the rationale behind reconfirming the LDO.

Description of Development Granted Planning Permission

1.2 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 31st March 2020.

1.3 The LDO applies to the land identified in Diagram 1, in the LDO, which forms part of the wider Port area.

1.4 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.

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

Justification for Adopting the LDO

1.6 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.

1.7 This LDO allows 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.

- 1.8 The Port has been designated as an “enhanced capital allowance” Enterprise Zone. This allows any businesses that meet the criteria set out in the LDO to locate to the zone and take advantage of the financial incentives.
- 1.9 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

- 1.10 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 15th 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

- 1.11 The LDO commenced from 21 March 2019 when it was adopted by the Local Planning Authority.
- 1.12 Whilst there is a commitment that the LDO will be in place until at least 31st 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.

- 1.13 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

- 1.14 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

- 1.15 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

- 1.16 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.

- 1.17 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

1.18 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.