

Cabinet – 18 March 2015

Darlaston Local Development Order

Portfolio: Councillor M Nazir, Deputy Leader and Regeneration

Related portfolios: Councillor Jeavons, Environment and Transport

Service: Regeneration: Development and Delivery / Planning & Building Control

Wards: Pleck / Bentley & Darlaston North

Key decision: Yes

Forward plan: Yes

1. Summary

- 1.1 At its meeting on 16 April 2012 Council approved the adoption of the Darlaston Area Local Development Order ('the 2012 Darlaston LDO') and Statement of Reasons to provide the simplified planning regime for the Darlaston element of the Black Country Enterprise Zone.
- 1.2 The 2012 Darlaston LDO had a lifespan of 3 years and as such it is in force until 15 April 2015 at which date it will expire. The Government expects a simplified approach to planning to be provided alongside the financial and other incentives available in the Black Country Enterprise Zone. Cabinet is therefore requested to approve the adoption of an updated local development order to commence upon expiry of the current adopted version.

2. Recommendations

- 2.1 That Cabinet approves the adoption of the Local Development Order ('the Order') and Statement of Reasons attached as Appendix A to take effect for a three year period on 16 April 2015.

3. Report detail

- 3.1 In March 2011 the Department of Communities and Local Government announced the creation of the Black Country Enterprise Zone which includes a cluster of sites in Darlaston on either side of the M6 motorway comprising some 45 hectares of developable land.
- 3.2 A requirement of Enterprise Zone status was that a simplified planning regime was established as part of a suite of incentives to support growth, attract new businesses and create jobs. The intention was to enable the business sector to be able to bring these sites forward for development expediently.

- 3.3 At its meeting on 9 November 2011 Cabinet agreed to the preparation of a local development order to form the simplified planning regime in the Darlaston part of the Enterprise Zone. Cabinet supported the establishment of such an order covering the Black Country Enterprise Zone sites in Darlaston together with surrounding areas in order to enable many existing businesses to gain at least some of the benefit that Enterprise Zone sites receive and act as a stimulus for additional investment.
- 3.4 On 4 April 2012 Cabinet endorsed the final document and Council then approved the adoption of the 2012 Darlaston LDO and Statement of Reasons at its meeting on 16 April 2012.
- 3.5 The 2012 Darlaston LDO has a lifespan of 3 years and it is due to expire on 15 April 2015. The Council must now consider whether to adopt an updated local development order, brought up to date to reflect the latest local circumstances, policy and legislation, or to return to the established planning regime.
- 3.6 Development of the Black Country Enterprise Zone sites in Darlaston is a key priority for the Council in order to create jobs and investment. It is therefore important that a simplified approach to planning continues to exist to maintain the full offer associated with the Enterprise Zone. Furthermore, the Enterprise Zone financial incentives were originally due to end in 2015 (business rate discounts) and 2017 (enhanced capital allowances) but it was announced in the Budget 2014 that the deadline for accessing these benefits had been extended to 2018 and 2020 respectively. On the basis that Cabinet has previously approved the principle of a local development order it is therefore proposed that the Order at Appendix A is adopted for a further 3 year period to provide the required simplified planning regime and complement the extended availability of the financial benefits.
- 3.7 It is acknowledged that the number of schemes that have come forward under the 2012 Darlaston LDO has not been significant, with a total of four submissions to date. It is thought that this is due to a combination of factors such as the economic downturn leading to less activity, the requirements of the 2012 Darlaston LDO itself and a general unfamiliarity with the concept of local development orders. It is hoped that during the next 3 year period the updated Order at Appendix A will be utilised more fully. The Order has been simplified as far as possible given the environmental constraints of the area, and legal obligations to consider certain matters before permission is granted for development, which mean that some developments have to be excluded from the Order and will require a formal application for planning permission.
- 3.8 A statutory period of consultation was undertaken on the Order between 6 January 2015 and 13 February 2015. The Order and Statement of Reasons were sent to all premises within the boundary of the Order area, as well as those immediately surrounding (copies of these versions of the documents are contained within Appendix B). In addition a number of site notices were erected, a notice was published in the Express & Star newspaper, copies were deposited at Pleck and Darlaston libraries and the Council's First Stop Shop and the documentation was available to view on the Council's website. Through this consultation process a number of comments were received. The consultation

table attached as Appendix C provides a record of these comments and notes any proposed amendments to the Order as a result. Original documentation is available on request.

- 3.9 Having considered the consultation responses, Cabinet is requested in paragraph 2.1 to approve the Order and Statement of Reasons attached at Appendix A.

4. Council priorities

- 4.1 The Council's Corporate Plan 2015-2019 seeks to ensure that with fewer resources available there is concentration on protecting the most vulnerable and reducing inequalities through a small number of key priorities. One of these priorities is creating jobs and helping people get new skills. Establishing a Local Development Order will support the delivery of the Black Country Enterprise Zone which will lead to economic growth and job creation.
- 4.2 The Development Plan (comprising the Black Country Core Strategy and the 'saved' policies of Walsall's Unitary Development Plan) sets out the council's priorities for development and land use. The Black Country Core Strategy includes the area covered by the Order in a 'Regeneration Corridor' where there is existing strategic employment and where further development for employment is to be promoted to meet the strategy's targets for economic growth (Policies CSP1, EMP1, EMP2 and EMP3). Thus, the Order supports the Council's development plan strategy in broad terms.
- 4.3 The relevant saved policies of the Unitary Development Plan identify much of the area as a Core Employment Area (Policy JP5) where existing employment is to be protected and where development for industry (B1(b 7c), B2) and distribution (B8) is to be supported. It also allocates sites for development for employment uses under specific policies for particular sites (such as the southern part of the 'Tempus 10' site Policy JP4.1, and the 'Phoenix 10' site Policy JP4.2) or under general policies for employment land and for best quality sites (Policies JP1 and JP2). Where sites within the Order area are not designated or allocated, the Unitary Development Plan will protect existing employment uses and allow other uses consistent with employment areas (Policy JP5). The Order is therefore supporting employment provision in areas and on sites that have been allocated and proposed for such uses.
- 4.4 There are very few significant sites within the Order area that are not in, or allocated or safeguarded for, the kinds of uses. Land at Bentley Road North and at Millers Close includes a hotel and catering / diner uses, but these areas have already been included in the 2012 Darlaston LDO. Following expressions of interest on behalf of the site owner, the revised Order will include the cinema and casino site at Bentley Mill Way. All of these sites can provide important potential for development for employment to help deliver the Black Country Core Strategy.
- 4.5 The Order is intended to have positive impacts in terms of the creation of employment and good work for all (an important objective of the 'Marmot Review'). The creation of new job opportunities as well as improvements to the appearance of the local environment, by facilitating the development of land, should lead to positive impacts on the lives of local people.

5. Risk management

- 5.1 There is a risk of legal challenge if it cannot be demonstrated that the Order is compliant with current planning policy and if the drawing up of the Order does not comply with the legal requirements including a requirement for consultation. This has been mitigated by taking appropriate legal advice and following statutory guidance in the preparation of the Order.

6. Financial implications

- 6.1 The Council may experience a net income reduction as planning applications will no longer be required for compliant proposals within the LDO area. It is not possible to provide an estimate of any reduction as this will be dependent on the number of LDO submissions which is in itself is dependent on a variety of factors such as the state of the development market and the compliance of any particular proposal. However, simplifying the planning process can contribute to greater investment by businesses which can generate higher business rate returns, strengthen the local economy and reduce reliance on the public sector for employment.

7. Legal implications

- 7.1 The Order and Statement of Reasons have been prepared in accordance with Schedule 4A of the Town and Country Planning Act 1990 (as amended) and Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 7.2 The preparation of the Order and the rights it confers also have to reflect other relevant legislation, including The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and The Conservation of Habitats and Species Regulations 2010 as amended and the Waste Regulations 2011 (as amended). In terms of the potential requirements of the Environmental Assessment of Plans and Programmes Regulations 2004, it is considered that the Order does not require any screening to determine whether a strategic environmental assessment is undertaken, as the Order is not a plan or programme for the purposes of that legislation. In addition, the Order is consistent with and helping to deliver the BCCS, which was subject to such an assessment. This same approach was taken previously when the 2012 Darlaston LDO was made.
- 7.3 The 2012 Darlaston LDO was adopted by Council after submission to the Secretary of State for Communities and Local Government. Since December 2013 the Secretary of State has no longer required the Order to be submitted in advance of adoption; instead, the requirement is now to submit the Order only after it has been adopted. Under the Local Government (Functions and Responsibilities) (England) Regulations 2000 the adoption of a local development order is not listed as a matter which is not to be the responsibility of a local authority's executive, so in accordance with the Local Government Act 2000 the adoption of the Order is a matter for Cabinet.

8. Property implications

- 8.1 There are no property implications associated with this matter, although part of the Phoenix 10 site is owned by the Council.

9. Health and wellbeing implications

- 9.1 The Order will facilitate the development of land which will generate jobs thereby increase employment and income levels making a positive impact on general health and wellbeing.
- 9.2 The Order and its preparation have taken account of likely risks to health and well-being including by avoiding potential exposure to pollution (for example from the remediation of contaminated land or from air pollution) and by ensuring that activities such as waste management will be carried out without endangering human health or the environment. The relevant health, environmental protection, pollution control and regulatory authorities were consulted on the Order, and it has been amended in accordance with their recommendations. None of these bodies has raised any objections to the Order in principle.

10. Staffing implications

- 10.1 Officers in Development Management will continue to be responsible for the day to day management of the Order.

11. Equality implications

- 11.1 There are no direct implications on people with protected characteristics from this report and an equalities impact assessment is not required. It is expected that any applicant submitting a proposal under the Order will:
- Ensure that they do not act unlawfully by discriminating under the Equality Act.
 - Take all reasonable steps to ensure that staff, suppliers and subcontractors meet their obligations under the Equality Act.

12. Consultation

- 12.1 The Order has been the subject of a statutory consultation period.

Background papers

Copies of all written consultation responses are available on request. For the purposes of the consultation responses table attached as Appendix C names of individuals have been removed.

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17 March 2015

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Simon Neilson
Executive Director
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18 March 2015



Councillor M Nazir
Deputy Leader
Portfolio Holder - Regeneration

18 March 2015

Appendix A

Darlaston Local Development Order 2015 – final version

Darlaston LDO 2015 Statement of Reasons – final version

Darlaston Local Development Order 2015

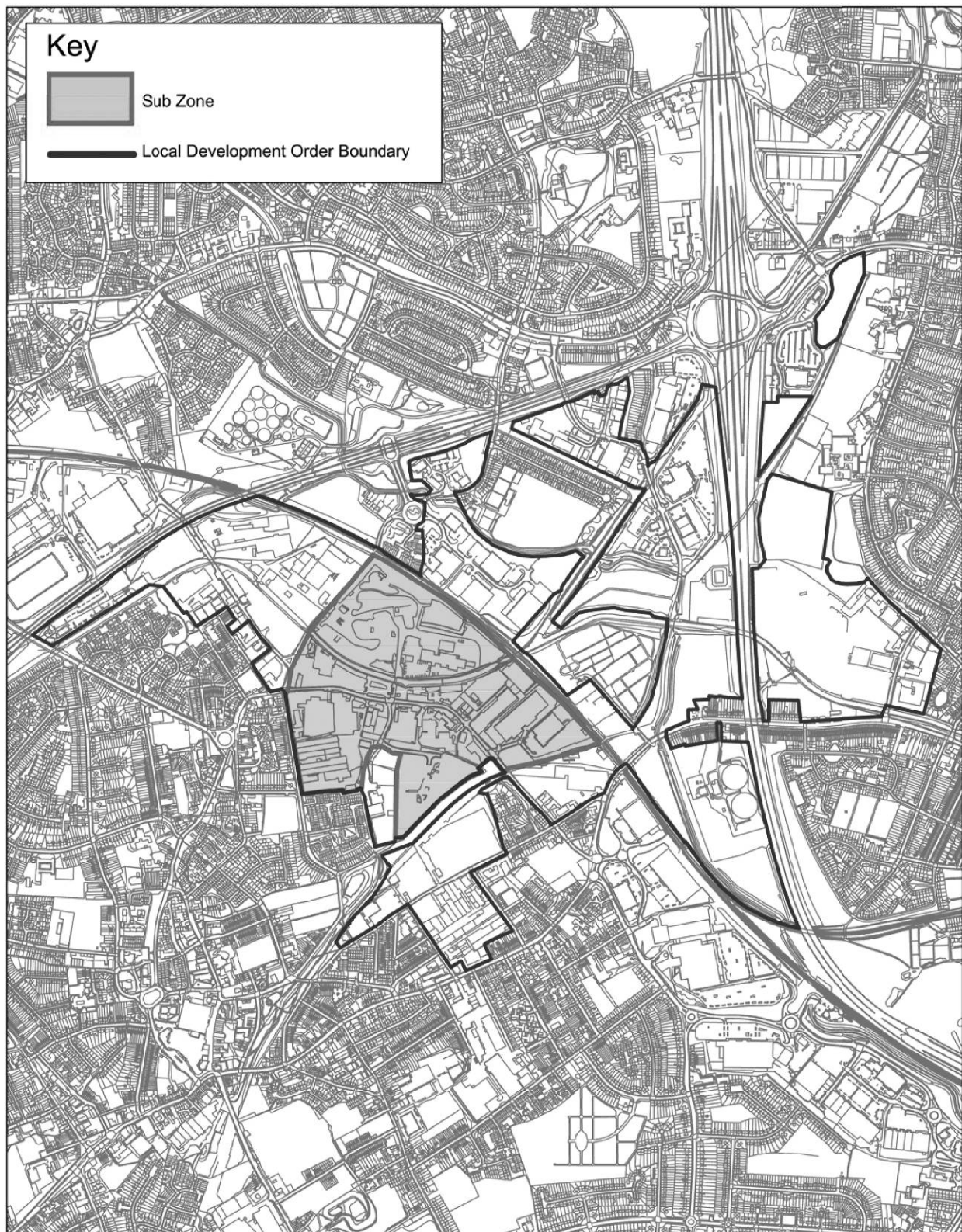
1. This Order is made by Walsall Metropolitan Borough Council (the 'Council') under the powers conferred on the Council as local planning authority by sections 61A-61D and Schedule 4A of the Town and Country Planning Act 1990 (as amended) and pursuant to The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended), and shall be known as the Darlaston Local Development Order 2015 (the 'Order').
2. The Order relates to land (the 'Area') in the Council's administrative area which comprises the Black Country Enterprise Zone sites together with additional land in the immediate vicinity, as edged in black and depicted on the plan attached at Schedule 1 (the 'Plan').
3. The key and additional depictions on the Plan shall have effect for the interpretation of this Order but where there is any inconsistency between the wording of the Order and the Plan the wording of this Order shall take precedence.
4. This Order authorises development of the type set out in Schedule 2 subject to:
 - (a) the definitions, limitations and restrictions in that Schedule;
 - (b) compliance with Schedule 3; and
 - (c) compliance with the preamble to, and conditions set out in, Schedule 4.
5. Definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply in the interpretation of Schedule 2 unless expressly stated otherwise.
6. This Order was adopted by the Council on [] 2015 and shall be in force until [] 2018 when it shall expire.
7. On expiry the Order may be renewed in the same or a different form when it will be subject to re-consultation.
8. The Council has made this Order for the reasons set out in the Statement of Reasons that appears with this Order.
9. The Schedules form part of this Order and the words in the Schedules have the same meanings as provided in the body of this Order unless expressly stated otherwise.
10. The address for submission of all communications in relation to operation of this Order is: Head of Planning and Building Control, Regeneration Services, Walsall MBC, Civic Centre, Darwall Street, Walsall, WS1 1TP but this Order authorises the Council to substitute another address by 28 days prior notice of the change on its web-site www.walsall.gov.uk

Date:

Authorisation

Schedule 1

Local Development Order Boundary (The 'Plan')



Schedule 2

Development permitted under this Order:

Development for uses falling within Use Classes B1(b), B1(c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ('the UCO').

and in addition, within the Sub Zone:

Development for the re-use and re-cycling of non-hazardous, non-organic waste enclosed within permanent buildings (uses not included within Use Classes B1(b), B1(c), B2 or B8 of the UCO and deemed to be Sui Generis).

Subject to:

- a) the limitations and restrictions in this Schedule;
- b) compliance with the Pre-Information process set out in Schedule 3
- c) compliance with the preamble to, and conditions in, Schedule 4.

The development permitted under this Order will be subject to the following general limitations:

- (a)** Change of use of existing buildings to provide for development falling within Use Classes B1(b), B1(c), B2 or B8, and within the Sub Zone for development for the re-use and recycling of non-hazardous, non-organic waste falling outside of the aforementioned Use Classes, shall be limited to a maximum gross external floorspace of 5000 square metres;
- (b)** Erection of new buildings to be used for Class B1(b), B1(c), B2 or B8 purposes, shall be subject to the following restrictions:
 - (i) no development shall take place within 5 metres of the boundary of the Area;
 - (ii) no building or part of a building shall exceed 15 metres in height, and within 5 -10 metres of the boundary of the Area no building or part of a building shall exceed 5 metres in height;
 - (iii) no building shall comprise a gross external floorspace greater than 5000 square metres;
 - (iv) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (c)** Enlargement of existing buildings to accommodate Class B1(b), B1(c), B2 or B8 uses shall be subject to the following restrictions:
 - (i) no development shall take place within 5 metres of the boundary of the Area;
 - (ii) the enlarged part of the building shall not exceed the height of the existing building or a height of 15 metres, whichever is the lesser, and within 5 -10 metres of the boundary of the Area shall not exceed 5 metres in height;
 - (iii) no enlarged building shall comprise a gross external floorspace greater than 5000 square metres;

- (iv) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (d)** Erection of new buildings within the Sub Zone for land uses falling outside Use Classes B1(b), B1(c), B2 or B8 involving re-use and recycling of non-hazardous, non-organic waste shall be subject to the following restrictions:
 - (i) all waste management operations shall be enclosed within permanent buildings;
 - (ii) no development shall take place within 5 metres of the boundary of the Area;
 - (iii) no building or part of a building shall exceed 15 metres in height, and within 5 -10 metres of the boundary of the Area no building or part of a building shall exceed 5 metres in height;
 - (iv) no building shall comprise a gross external floorspace greater than 5000 square metres;
 - (v) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (e)** Enlargement of existing buildings accommodating existing waste management developments falling outside Use Classes B1(b), B1(c), B2 or B8 shall be subject to the following restrictions:
 - (i) the enlarged buildings shall be used solely for the purpose of existing developments and/ or other land uses permitted by this Order;
 - (ii) no development shall take place within 5 metres of the boundary of the Area;
 - (iii) the enlarged part of the building shall not exceed the height of the existing building or a height of 15 metres, whichever is the lesser, and within 5 -10 metres of the boundary of the Area shall not exceed 5 metres in height;
 - (iv) no enlarged building shall comprise a gross external floorspace greater than 5000 square metres;
 - (v) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (f)** Demolition of buildings shall be permitted only where it is to facilitate development permitted under this Order;
- (g)** Other works ancillary to new or existing uses permitted by this Order within the Area shall comprise only:
 - (i) car parking;
 - (ii) hard standing;
 - (iii) landscaping;
 - (iv) boundary treatments and means of enclosure.

Development not permitted under this Order:

- (1)** Any development in relation to which, following the supply of Pre-Information as required by Schedule 3, the Council has informed the applicant in writing that:

 - (i) the development proposed is not development authorised by this Order; or
 - (ii) the proposed development is considered, individually or cumulatively, to give rise to significant or substantial impacts that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order; or
 - (iii) the development would require an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended); or
 - (iv) the development would require listed building or scheduled ancient monument consent, or the Council is of the opinion that the development would adversely affect a heritage asset or its setting;
- (2)** Any development that would breach a condition or limitation of an existing and implemented planning permission, or would breach the provisions of any planning obligation;
- (3)** Ground reclamation works, including mineral extraction, landfilling and other disposal of waste into or onto land;
- (4)** Landfilling with waste and other disposal of waste into or onto land for other purposes, incineration of waste (with or without energy recovery), treatment and recovery of organic waste (including composting) scrap metal recovery (including vehicle dismantling and end of life vehicle recovery), hazardous waste treatment and recovery, and waste transfer;
- (5)** Any development that would affect a Highway Improvement Line under the Darlaston Strategic Development Area Access Project;
- (6)** Any open storage;
- (7)** Any development where the distance between new buildings / enlargements of existing buildings and primary highways and/or secondary highways within the Area falls below 8 metres and 3 metres respectively.

Schedule 3

The Darlaston Local Development Order 2015 – Pre-Information Schedule

In order for the Council to determine whether the proposed development is permitted under this Order, the applicant will be required to comply with a Pre-Information process. This process requires the submission of a Pre-Information form and details of the development. Additional supporting documents may also be required dependent on the specific proposal. The Pre-Information process is set out in the table below.

Pre-Information Schedule		
	Necessary Information	Reason
1	<p>Completion of Pre-Information Form:</p> <p>Requirement Prior to the commencement of development, a ‘Local Development Order Pre- Information’ application form shall be completed by the applicant and submitted to the Council along with associated documents as set out in this schedule.</p> <p>Guidance Within 28 days of submission of this form, the Council shall confirm in writing whether or not the proposed development is permitted under this Order (unless a longer period is agreed in writing with the applicant).</p> <p>Prior to the Council confirming whether the proposed development is permitted under the Order, the Council shall consult with the relevant stakeholders including statutory bodies.</p> <p>If the proposal is not considered to be permitted under this Order a planning application will be required if the development is to proceed.</p> <p><u>EIA Screening Opinion Request</u> The Pre-Information form incorporates a request for an EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any subsequent amended legislation).</p> <p>The Council will provide the applicant with a formal Screening Opinion within 21 days of receipt of the EIA Screening Opinion Request (unless a longer period is agreed in writing with the applicant).</p>	<p>To assess whether or not the proposed development complies with this Order.</p> <p>To ensure that any new development is not an EIA development requiring an Environmental Statement, which is not permitted through this Order</p>

<p>2</p>	<p>Details of the proposed development:</p> <p>Requirement The Pre-Information form shall be accompanied by full details of the proposed development including but not limited to:</p> <ul style="list-style-type: none"> • location plan • site layout plan • elevation drawings • section drawings • boundary treatments/means of enclosure • relationship to immediate surroundings • any external plant • landscaping • external lighting proposals <p>To assist with the EIA Screening, all Pre-Information submissions must contain sufficient information to identify the kind, location, scale, height and operation proposed.</p> <p>In regard to waste management activity details of the size of the proposal; an explanation of the technology to be employed; the capacity of the proposed facilities (tonnes pa); proximity to controlled waters will also be required.</p> <p>Guidance Plot layout, external materials, servicing and car parking shall be designed implemented and built in accordance with the guidelines set out in the Council's 'Designing Walsall' SPD.</p> <p>All development will be encouraged to meet the principles of 'Secured by Design'.</p> <p>All new buildings shall be encouraged to meet the minimum of BREEAM 'Very Good' rating or equivalent.</p> <p>Where the Council concludes that development would result in structural integrity issues for a canal which cannot be mitigated appropriately as part of the development the proposal will not be permitted under this Order.</p>	<p>In the interests of achieving high quality sustainable design and efficient use of land and to ensure the development is of an appropriate mass, scale and form for its location.</p> <p>Reflecting Core Strategy Policies ENV3 'Design Quality', CSP3 'Environmental Infrastructure', CSP4 'Place Making', ENV1 'Nature Conservation' and ENV4 'Canals' and UDP Policies ENV11, ENV23 , ENV32 and ENV33 on 'design and landscaping', GP2 'Environmental Protection'; Designing Walsall SPD; Natural Environment SPD; Manual for Streets.</p>
<p>3</p>	<p>Drainage and Fluvial Flood Risk:</p> <p>Requirement All development proposals should be assessed against the most recent Environment Agency Flood Risk guidance. This guidance determines the</p>	<p>To ensure that the proposal does not have an adverse impact upon flood risk</p>

<p>circumstances in which a Flood Risk Assessment (FRA) is required. If required an FRA and/or detailed drainage strategy in accordance with the National Planning Policy Framework and Technical Guidance on Flood Risk shall be submitted with the Pre-Information form.</p> <p>Details shall be submitted of the means of disposal of foul and surface water drainage from the development.</p> <p>Development, excluding waste, will be expected to provide details of the design, implementation, maintenance and management of a sustainable drainage system (SDS), as part of any new major development. The proposed SDS must conform to national standards and specified criteria for sustainable drainage.</p> <p>Sustainable Drainage Systems shall be incorporated where possible as part of all other development.</p> <p>All development that encroaches within 20m of the top of the bank of a Main River or involves culverting / controlling flow within a watercourse designated as Main River, will require the consent of the Environment Agency as part of a formal application for Flood Defence Consent.</p> <p>Guidance</p> <p>There are sections of land within the LDO boundary that are affected by Flood Zones 2, 3(a) & 3(b). These zones have potentially restrictive implications for development. Applicants should contact the Council at the earliest opportunity to enquire about the latest Strategic Flood Risk Assessment mapping.</p> <p>Where the FRA recommends mitigation measures to address the flood risk or water management issues, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation measures set out in the FRA being incorporated and/or implemented within the development.</p> <p>Where the development is required to provide SDS or other drainage features, then providing that those features do not require planning permission in their own right, any confirmation that the proposal is permitted under this Order will be subject to the</p>	<p>To ensure adequate provision is made in respect of foul and surface water disposal from the site.</p> <p>Core Strategy Policy ENV5, whilst a recent government SDS consultation (a material planning consideration) also requires the installation of SDS and for its ongoing management and maintenance to be secured.</p> <p>National policy requires the application of the sequential and exception tests for development within certain flood zones based on the vulnerability classification assigned to the use or its proposed operation.</p> <p>Development that has an adverse impact on flood risk which cannot be appropriately mitigated through on site works is not permitted under this Order.</p> <p>Development that has an adverse impact on flood risk which cannot be appropriately mitigated through on site works is not permitted under this Order.</p> <p>National Policy, Core Strategy Policy ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat islands, UDP Policy ENV40 and the Natural Environment SPD</p>
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	<p>approved drainage scheme being implemented to the satisfaction of the Council before the development is brought into use, and subject to implementation of the approved ongoing management and maintenance details.</p> <p>Where the Council concludes that development would result in significant flood risk or water management issues which cannot be mitigated appropriately as part of the development the proposal will not be permitted under this Order</p>	
4	<p>Ecological Surveys:</p> <p>Requirement</p> <p>A baseline ecological appraisal which follows the Guidelines for Preliminary Ecological Appraisal published by the Chartered Institute of Ecology and Environmental Management (CIEEM) will be required to accompany the Pre-Information form on sites as categorised below to assess the ecological value, identify the impacts from the proposed development and to advise on appropriate avoidance/mitigation/compensation:</p> <ul style="list-style-type: none"> • Within or adjacent to a canal corridor; • Within or adjacent to the River Tame corridor or its tributaries; • Within or adjacent to any Site of Local Importance for Nature Conservation (SLINC) site. • Or other areas of potential ecological value. <p>Bat surveys (and other protected species surveys) may be required prior to the demolition or alteration of any buildings or structures within or adjacent to the above sites.</p> <p>Guidance</p> <p>Where the survey identifies no significant impact or makes recommendations as to how the impact can be avoided or mitigated through on site works and/or scheme amendments, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommendations of the survey being incorporated and/or implemented within the development.</p> <p>Where the surveys identify that there are significant impacts to the protected species which cannot be</p>	<p>In the interests of protecting and enhancing the habitats of protected species and other habitat of wildlife value.</p> <p>Proposals that have adverse impacts upon protected species and habitats are not permitted under this Order.</p>

	<p>mitigated, the development will not be permitted under this Order.</p> <p>Where the Preliminary Ecological Appraisal is inconclusive or its conclusions are not supported by the evidence from field work, the development will not be permitted under this Order.</p> <p>It is the applicant's responsibility to ensure that the development complies with legislation in avoiding damage to habitat or individuals that are covered by European and UK legislation. Applicants will need to follow the appropriate procedure with regards to such matters including obtaining the appropriate licenses to work within the confines of an approved method statement.</p> <p>Where development is proposed in locations set out above, ecological enhancement such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes may also be appropriate.</p>	
5	<p>Acoustics and Air Quality:</p> <p>Requirement An Acoustic (including vibration) and/or Air Quality Impact Assessment shall be provided where appropriate. Development must accord with: (i) The Walsall Air Quality Action Plan; (ii) Any Air Quality or Noise Supplementary Planning Document.</p> <p>Guidance Development shall: (i) Avoid noise giving rise to or increasing, significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life. (ii) Aim to sustain compliance with, and contribute towards, EU limit values and national air quality objectives for air pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. (iii) Adhere to Good Practice Guidance published on behalf of the West Midlands Low Emissions Town and Cities Programme. (iv) Have regard to requirements of the West Midlands Noise Action Plan.</p>	<p>To satisfy the quality standards as set out in Core Strategy Policy ENV3 Design Quality and in order to reduce the developments contribution to climate change and in the interests of residential amenity in accordance with UDP Policies ENV10 and ENV12.</p>

<p>Development shall be designed, managed and operated to ensure that noise does not exceed critical health effect criteria to prevent sleep interference during night-time hours (23.00 – 07.00) and moderate annoyance during daytime hours or otherwise give rise to significant impacts.</p> <p>Applicants should have reference to and consider the requirements of BS4142:2014 when designing and undertaking acoustic impact assessments, in particular in seeking to avoid significant impacts. Additional impact guidance can also be attained from the Institute of Environmental Management's Guidelines for Environmental Impact Assessment.</p> <p>Development shall be designed, managed and operated to ensure that in its own right or as a result of cumulative effects it does not give rise to external noise levels at educational establishments exceeding criteria stipulated in Building Bulletin BB93 (or any amended guidance).</p> <p>Where Air Quality Assessment and/or Acoustic Impact Assessments recommend mitigation measures to address adverse impacts, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation measures being incorporated and/or implemented within the development prior to the development being occupied and brought into use.</p> <p>Where significant impacts arise that cannot be acceptably mitigated, leading to breaches of national or local objectives at relevant receptors, or a significant worsening of existing conditions occurs in areas where such breaches occur at relevant receptors, development will not be permitted under this Order.</p> <p>Construction and development phases are subject to the provisions of the Control of Pollution Act 1974 with regards to construction site notices and prior consents. It should be ascertained whether a development proposal will be conditioned by notice, or alternatively if an application for prior consent should be sought.</p>	<p>Development that has an adverse impact on noise and/or air quality which cannot be appropriately mitigated through on site works is not permitted under this Order.</p>
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<p>6</p>	<p>Traffic Generation:</p> <p>Requirement Any development which individually or cumulatively exceeds 3000 square metres gross external floorspace, including a change of use, will require a Transport Statement or a Transport Assessment in accordance with Black Country Core Strategy Policy TRAN2 to accompany the Pre-Information form.</p> <p>Guidance Where the Transport Statement/Assessment recommends mitigation measures to address the impact on the road network, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation measures being incorporated and/or implemented within the development.</p> <p>Impacts upon the Strategic Road Network shall be assessed, including any necessary mitigation proposals, by Highways England.</p> <p>The applicant shall have regard to the West Midlands Low Emissions Towns and Cities Programme Good Practice Air Quality Planning Guidance (May 2014) when considering traffic impacts.</p>	<p>To ensure that traffic generated by the new development can be accommodated on the road network in the interests of highway safety.</p> <p>Proposals which have a detrimental impact upon the highway network are not permitted under this Order.</p>
<p>7</p>	<p>Highways:</p> <p>Requirement Details of servicing arrangements and the overall layout, including the proposed arrangement of access points onto the highway and visibility splays shall be submitted.</p> <p>Any roads and/or footpaths, that are to be adopted, within any development permitted under the Order, shall be provided to adoptable standard.</p> <p>Full details of any off-site highway works, should be submitted. If these require planning permission in their own right then the proposal will not be permitted under this Order.</p> <p>Guidance Works within 25 metres of the Strategic Road Network (SRN) must consider implications on road safety and structural integrity of the SRN. Development and/or demolition within the 25 metres</p>	<p>To promote sustainable development and sustainable transport choices, in line with Core Strategy Policy TRAN2 Managing Transport Impacts of New Development and with reference to UDP Policies T1 and T10 to T13.</p> <p>In the interests of highway safety.</p>

	must comply with HD22/08 Managing Geotechnical Risk and BD2/05 technical approval processes.	
8	<p>Parking:</p> <p>Requirement Details of turning areas and parking facilities shall be submitted.</p> <p>Guidance Turning areas and parking facilities are to be provided in accordance with the parking standards set out in saved policies within the UDP and are to be properly consolidated, surfaced, drained and free of loose stone, and retained thereafter.</p>	<p>To ensure new development is completed in accordance with the Council's adopted standards in UDP Policies T7 and T13 on car parking.</p>
9	<p>Contamination and Unstable Land:</p> <p>Requirement A site investigation report to assess contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and ground stability shall be submitted where appropriate.</p> <p>A remediation statement setting out any required mitigation, treatment or remedial works to address contamination and/or ground instability identified through the site investigation should be submitted. Appropriate validation will be required for any agreed mitigation.</p> <p>Guidance <i>Contamination</i> Sufficient information must be provided by the applicant to establish:</p> <ul style="list-style-type: none"> (i) the existing levels of contamination; (ii) potential contaminant pathways; (iii) sensitive receptors which might be impacted upon by developments permitted under this Order; (iv) the adequacy of any mitigation measures where these are proposed. <p><i>Unstable land</i> Sufficient information must be provided by the applicant to establish:</p> <ul style="list-style-type: none"> (i) existing ground conditions; (ii) the known and potential causes of instability; (iii) the precise location of any mine entries; (iv) the zone of influence of any mine entries; (v) the investigations undertaken; 	<p>Land may be contaminated or unstable as a result of past or current activity. The Council wishes to ensure that the proposed development can be implemented and occupied with adequate regard to public health, environmental public protection.</p> <p>UDP Policies GP2 Environmental Protection and ENV14 Development of Derelict and Previously Developed Sites.</p> <p>Development that cannot be implemented and occupied with adequate regard to public health and/or environmental protection are not permitted under this Order.</p>

	<p>(vi) the likelihood of risk to the development; (vii) the adequacy of any mitigation, treatment or remedial measures where these are proposed</p> <p>Where mitigation, treatment or remedial measures are required, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation, treatment or remedial measures being incorporated and/or implemented within the development.</p> <p>Where the site investigation concludes that development would result in significant contamination or ground instability issues which cannot be mitigated appropriately as part of the development the proposal will not be permitted under this Order</p>	
10	<p>Sustainable Use of Water and Energy:</p> <p>Requirement Adequate water supplies should be available to support the proposed development without detriment to the environment. Proposed developments are encouraged to include measures for the conservation of water, such as use of water efficient devices, on-site water recycling, collection and use of rainwater, and minimising water used to sustain landscaping. Development of more than 1000 square metres individually or cumulatively must also incorporate generation of energy from renewable sources sufficient to offset at least 10% of the estimated residual energy demand of the development on completion. The use of on-site and/or off-site energy generation should be considered, unless it is demonstrated to and agreed by the Council that it is unfeasible or not economically viable to do so.</p> <p>Guidance Development should have regard to current good practice guidance, for example: (i) Online guidance on Water Efficiency in Construction produced by the Waste and Resources Action Programme (WRAP) (ii) Renewable Energy Sources: Opportunities for Businesses (2010), Carbon Trust (iii) An Introduction to Energy Management (2011), Carbon Trust.</p> <p>If applicants can demonstrate that development is not viable with the imposition of the Core Strategy renewable energy requirement, the Council will be</p>	<p>In accordance with “saved” UDP Policy ENV40, Core Strategy Policy ENV7 Renewable Energy, and NPPF paragraphs 7, 17 and 93 – 99, in the interests of promoting sustainable development that uses natural resources prudently and efficiently and minimises carbon dioxide emissions.</p>

	flexible in its application of the policy, and will take into account measures aimed at maximising energy efficiency, minimising energy consumption, and reducing carbon dioxide emissions.	
11	<p>Waste and Resource Management:</p> <p>Requirement Development of more than 1000 square metres, individually or cumulatively, must include details of how and where the waste generated by the development will be managed, including construction, demolition and excavation waste (where applicable), and waste and effluent generated by the proposed development once it is implemented, and information about construction materials, such as re-used, recovered and recycled materials, locally sourced materials, and materials with low environmental impacts. Supporting information may include a resource management strategy, a waste audit, or a site waste management plan (SWMP).*</p> <p>Guidance Development will be expected to have regard to the following guidance (where applicable): (i) Demolition Protocol 2008, Institution of Civil Engineers (ii) Online guidance on Implementing Resource Efficiency in Construction and Resource Management Planning produced by the Waste and Resources Action Programme (WRAP) (iii) Online “SMARTWaste” guidance produced by Building Research Establishment (BRE) (iv) Definition of Waste: Construction Industry Code of Practice Version 2 (2011), Contaminated Land: Applications in the Real Environment (CL:AIRE)</p> <p>*It is no longer a legal requirement to prepare a SWMP for a large-scale construction project, but they may be prepared by developers on a voluntary basis.</p>	<p>In accordance with Core Strategy Policy WM5, NPPF paragraphs 7 and 17 and the National Planning Policy for Waste (October 2014) paragraphs 1, 8 and 9, in the interests of ensuring that waste arising from the development process and waste generated by the operational development is minimised as far as possible and that unavoidable waste will be appropriately managed.</p>
12	<p>Mineral Safeguarding:</p> <p>Requirement: Developments on sites of 5 hectares and over, individually or cumulatively (except for conversions/ changes of use that do not involve any new building or excavation works) must include information demonstrating that mineral resources will not be needlessly sterilised. This should include details of a proposed “prior extraction” scheme (for which planning permission will be required),* or evidence that such a scheme is not feasible.</p>	<p>In accordance with Core Strategy Policy MIN1 and NPPF paragraphs 7, 143 - 144, in the interests of ensuring that mineral resources are not needlessly sterilised by non-mineral development.</p>

	<p>Guidance:</p> <p>The whole of the LDO Area is within the Black Country Mineral Safeguarding Area (MSA) shown on the BCCS Minerals Key Diagram. The main mineral resources present in the Darlaston area are coal and associated mudstones, sands and gravels. BCCS Policy MIN1 lists the type of evidence developers will be expected to provide, to demonstrate that “prior extraction” of any mineral resources underlying the site is not feasible. In addressing the BCCS requirement, applicants should have regard to the following information and guidance, where applicable:</p> <ul style="list-style-type: none"> (i) Mineral Safeguarding in England: Good Practice Advice (2011), British Geological Survey (BGS) and Coal Authority (ii) Black Country Joint Core Strategy Minerals Study 2008 by RPS Consulting, and relevant geological and mineral resource maps published by the British Geological Survey (BGS) (iii) Evidence required in relation to 9: Contamination and Unstable Land above, such as Coal Mining Reports and site investigation reports/ borehole logs providing further information on the extent of historic mining activities, and the extent, depth and thickness of overburden/ made ground and underlying mineral deposits (iv) Other information about environmental and physical constraints that may affect the feasibility of mineral working <p>*The LDO does not permit mineral extraction (see Schedule 2 (3)). Therefore, if “prior extraction” of minerals is proposed in advance of an industrial or waste management development that is permitted by the LDO, planning permission will be required for this, as well as for any associated site remediation works.</p>	
13	<p>Waste Permitting:</p> <p>Requirement</p> <p>Where development involving re-use and recycling of waste is proposed, developers will be required to demonstrate that the facility will be effectively regulated, by providing copies of waste permits, licences and exemptions issued by the regulator, for the facility proposed.</p> <p>Guidance</p> <p>While regulation of the effects of waste management on human health and the environment is the responsibility of the relevant regulatory bodies (in most cases, the Environment Agency), the Council</p>	<p>To ensure that waste management development will be effectively regulated and will not present risks to human health or the environment.</p> <p>Article 13, Waste Framework Directive (2008/98/EC), Regulation 18 (a), The Waste (England and Wales) Regulations 2011, National Planning Policy for Waste, paragraphs 5 and 6 and Appendix B (October 2014), National Planning Practice</p>

	<p>has a duty to ensure that “waste management is carried out without endangering human health” and “without harming the environment” (Article 13 of Waste Framework Directive, transposed by Regulation 18 (a) of Waste (England and Wales) Regulations 2011, and to check that effective regulation will be in place when determining planning applications (National Planning Policy for Waste, paragraph 7 and Planning Policy Guidance on Waste paragraphs ID 28-005 and ID 28-050. The requirement is aimed at ensuring that permission is not granted for development that would not be effectively regulated.</p>	<p>Guidance for Waste (October 2014), paragraphs ID 28-005 and ID 28-050.</p>
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Schedule 4

The Darlaston Local Development Order 2015 – Conditions;

Development permitted by this Order shall take place only in accordance with the conditions as specified within the following table, which should be complied with in perpetuity. Where details need to be agreed with the Council, these should be included in the Pre-Information submission as set out in Schedule 3.

Conditions Table		
1	Deliveries: There shall be no deliveries dispatched or received and no unloading or loading or external stacking or arranging materials or packaging between 2100 hours and 0700 hours or at any time on Sundays and Bank/Public Holidays	In the interests of residential amenity and UDP Policy ENV10 Pollution.
2	Hours of Operation: There shall be no processes or operations taking place between the hours of 2100 and 0700 hours or at any time on Sundays and Bank/Public Holidays.	In the interests of residential amenity and UDP Policy ENV10 Pollution and UDP JP8 Bad Neighbour Industrial Uses.
3	Survey Recommendation – Mitigation: Where the Council has confirmed in its written response to the Pre-Information Process that the proposed development is permitted by this Order subject to the recommendations set out in any submitted documents, the development shall be carried out only in accordance with those recommendations as specified in the Council's response	In the interests of mitigating the impacts of the development.



Walsall Council

DARLASTON LOCAL DEVELOPMENT ORDER 2015

STATEMENT OF REASONS

CONTENTS

- 1.0 INTRODUCTION**
- 2.0 ENTERPRISE ZONE CONTEXT**
- 3.0 POLICY BACKGROUND AND JUSTIFICATION FOR CREATING A LOCAL DEVELOPMENT ORDER IN DARLASTON**
- 4.0 LOCAL DEVELOPMENT ORDER AREA CONTEXT**
- 5.0 DESCRIPTION OF DEVELOPMENT PERMITTED BY THE LOCAL DEVELOPMENT ORDER**
- 6.0 HOW THE LOCAL DEVELOPMENT ORDER WILL WORK**
- 7.0 LIFETIME OF THE LOCAL DEVELOPMENT ORDER**
- 8.0 CONCLUDING REMARKS**

APPENDICES

- (i) The Local Development Order Plan**

1.0 INTRODUCTION

- 1.1 In March 2011 the Department of Communities and Local Government (DCLG) announced the creation of the Black Country Enterprise Zone (BCEZ) which includes a cluster of sites in Darlaston on either side of the M6 motorway. These sites comprise some 45 hectares (net) developable land providing an important strategic opportunity and a signal of change for private sector growth.
- 1.2 A requirement of Enterprise Zone status was that a simplified planning regime was established as part of a suite of incentives to support growth, attract new businesses and create jobs. The intention was to enable the business sector to be able to bring these sites forward for development easily and quickly with simplified fast track procedures to attract investment and hence to support the Black Country Core Strategy.
- 1.3 Whilst various mechanisms can be adopted by a local planning authority to achieve a simplified approach to planning, the Council decided a local development order (LDO) under sections 61A – 61D of the Town and Country Planning Act 1990 would be the best way to achieve this. Accordingly, on 16 April 2012 the Council adopted the Darlaston Area Local Development Order 2012 (the 2012 Darlaston LDO) and the accompanying Statement of Reasons.
- 1.4 The 2012 Darlaston LDO expired on 15 April 2015. On 18 March 2015 the Council resolved to adopt this LDO (hereinafter referred to as 'the Order'). It came into force on 16 April 2015 and will expire on 15 April 2018, unless it is revised or revoked before that date. The details of what is permitted by the Order are set out in section 5 of this Statement.

2.0 ENTERPRISE ZONE CONTEXT

- 2.1 The purpose of the BCEZ is to create sustainable, private sector-led economic growth. Development within the BCEZ should be in accordance with the Black Country Core Strategy (BCCS) and Unitary Development Plan (UDP) employment policies and proposals. It should also contribute to addressing the local employment issues identified in the Walsall Local Economic Assessment (2011) and the Walsall Employment Land Review (2012).
- 2.2 The BCEZ forms part of a wider package of measures designed to regenerate the Darlaston area. This includes the £26 million Darlaston Strategic Development Area Access Project (DSDA) for which funding was confirmed by Government in December 2011 and which is now under construction. This is a major infrastructure project which will improve existing roads, junctions and bridges boosting the viability of existing businesses and making the Darlaston area more attractive to new inward investment.
- 2.3 In addition to the Order the BCEZ offers business rate discounts, enhanced capital allowances on selected sites and access to superfast broadband. The financial incentives were originally due to end in 2015 (business rate discounts) and 2017 (enhanced capital allowances) but it was announced in Budget 2014 that the deadline for accessing these benefits had been extended to 2018 and

2020 respectively. On this basis it is important that a simplified approach to planning continues to exist to maintain the full offer associated with the BCEZ.

2.4 Since the 2012 Darlaston LDO was adopted, the number of schemes that have come forward under it has not been significant. It is thought that this has been due to a combination of transient factors:

- There has been less development activity generally as a result of the economic downturn. However, there are indications that the economy is now beginning to recover and as such it is expected that the number of proposals will increase under this Order.
- The designated BCEZ sites in Darlaston are all constrained to some extent by poor ground conditions that need to be addressed before development can take place. However, the Council is in discussion with the respective landowners regarding the support that can be provided to secure the delivery of these sites.
- A number of the BCEZ sites in Darlaston are also constrained by outdated road infrastructure and this has impacted on their development potential. However, the improvements to the road network resulting from the DSDA will resolve this issue and mean that the sites are more likely to be delivered in the coming years.
- Prior to the introduction of Enterprise Zones the use of LDOs was not common. On this basis it is natural that in the early years an LDO being in place some applicants continue to prefer the familiarity of a traditional planning application. However, it is anticipated that as time moves on and awareness grows use of the Order will become more frequent.
- Given the nature of LDOs there may be a perception that they do not represent a truly simplified approach. However, the update of the Order seeks to address this issue and where necessary amends the document so that there is absolute clarity regarding the way in which it operates.

There is a continued requirement for a simplified planning regime in the BCEZ. In view of the assessment set out above the Council believes that the most suitable option remains an LDO.

2.5 The Order which is the subject of this Statement of Reasons applies to the Darlaston part of the BCEZ and a number of other adjoining sites. The Order sets out the type of development that will be permitted to support the aims of the BCEZ. Any development proposal beyond the scope of the Order will need to be considered through the normal planning application process. To enable the Council to establish whether any proposal is within the scope of the Order applicants must comply with a pre-information process which requires the submission of key information.

2.6 Whilst the aspirations for the area are to deliver a high quality urban design, the Council has tried to ensure only the essential design components and features are included in the pre-information requirements and conditions set out in the Order.

2.7 Given that high quality urban design across the Order area is a priority for the Council the Council strongly urges applicants to consider the 'Designing Walsall SPD' during the formulation of design and to strive for development beyond the

standard required by conditions in order to deliver the high quality design and environment which is envisaged for the area. Applicants are encouraged to make early contact with the Council for further advice and guidance in relation to this matter to ensure that proposals are of a high quality, locally distinctive design.

- 2.8 It is hoped that, in simplifying the planning requirements for development within the Order area, it will be an additional incentive for those businesses wishing to relocate to the area, or for those local businesses already in the area wishing to expand. In drafting the Order the Council has endeavoured to ensure that a limited number of details are required for approval. Where details are required, it is because site conditions suggest there may be an environmental or amenity issue which needs extra consideration and controls placed upon them to minimise the harm to these features.
- 2.9 In addition, there is a requirement to submit details for consideration by the Council before it can confirm that the development complies with the Order in relation to other areas of regulation and statutory duty, for example on Environmental Impact Assessment, protected species, waste, updated national planning policy and the Council's role as Local Highway Authority. However, other non-planning permissions or consents may still need to be sought by the applicant before development can commence.
- 2.10 The Order is not the mechanism which will determine whether a development or business would be eligible for any financial incentives associated with the BCEZ designation, which will be assessed through separate procedures.

3.0 POLICY BACKGROUND AND JUSTIFICATION FOR CREATING A LOCAL DEVELOPMENT ORDER IN DARLASTON

- 3.1 The Black Country Core Strategy (BCCS) was adopted on 3 February 2011 and forms the basis of the Black Country Authorities' Development Plan. The BCCS Key Diagram identifies a number of Strategic Centres and Regeneration Corridors which are key to the delivery of economic growth within the area during the plan period (2006-2026) (Policy CSP1 'Growth Network').
- 3.2 The Order area and the BCEZ sites are located within Regeneration Corridor 6: Darlaston - Willenhall - Wednesfield. As such the Order area will be a key contributor to the Growth Network of the Black Country and the delivery of its underlying vision, sustainability principles and spatial objectives.
- 3.3 The 'saved' policies of the Walsall Unitary Development Plan (UDP) are also of relevance, in particular 'saved' Policy JP1 'New Employment Sites' and the 'saved' Proposals Map, which identify sites allocated for employment use within the Walsall area. Five of the allocated sites have since been defined as BCEZ sites. Additionally, Policy JP5 'Core Employment Areas' defines a number of core employment areas. Within these areas land will be safeguarded for core employment uses (i.e. development falling within Use Classes B1 (b), B1 (c), B2 and B8), permissions for which may be subject to conditions to prohibit change to other uses. The Core Employment Area includes a significant amount of the Order area.

- 3.4 The BCCS identifies two broad categories of employment land in the Black Country - Actual and Potential High Quality and Local Quality – and identifies the types of employment uses that can be developed on each. The Walsall Employment Land Review (2012) has evaluated all of the employment land in Walsall Borough, and has identified sites of both categories within the Order area, including within the Sub Zone. It has therefore been necessary to restrict the range of waste management uses permitted in the Sub Zone, to avoid potential conflict with BCCS policy on the types of uses to be developed on high quality employment land.
- 3.5 The local planning authority is currently in the process of preparing a Site Allocation Document (SAD). This will identify specific sites for particular uses, to show how the targets in the BCCS will be met. It will cover the whole of the borough excluding Walsall Town Centre. The SAD will replace many of the policies in the current UDP, in particular the Proposals Map (which shows which policies apply to particular sites).
- 3.6 An indicative strategy for each of the Strategic Centres and Regeneration Corridors is set out in Appendix 2 of the BCCS. Regeneration Corridor 6 is recognised as one of the main gateways to the Black Country, leading from Junction 10 of the M6. It is seen as having the potential to provide first class quality employment land for knowledge-led manufacturing and logistics businesses serving the regional economy.
- 3.7 The Corridor contains a number of large existing industrial areas, one being the DSDA. The DSDA is listed as a key opportunity in relation to high quality industry.
- 3.8 The Corridor also includes a number of strategic waste management facilities, all of which fall within the Order area. These are to be retained in waste management use, and uses which are unlikely to be compatible should avoid locating near them (BCCS Policy WM2). New waste management facilities will also be permitted elsewhere within the retained employment areas of DSDA, Longacres and Neachells subject to compliance with the locational guidance in the local plan (BCCS Policies EMP2, EMP3 and WM4).
- 3.9 These BCCS policies, along with the saved employment land allocations from the UDP, form the policy basis for the designation of the Order. The Order will assist in realising the economic growth aims of the BCCS, while also according with other adopted policies and guidance relating to the protection of the environment and local amenity.
- 3.10 It is considered that the final draft of the Order accords with the aims and guidance of the National Planning Policy Framework. Paragraph 199 of the NPPF states that:

'Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.'

- 3.11 In accordance with the NPPF, the Order will contribute to building a strong, responsive and competitive economy, while supporting strong, vibrant and healthy communities and protecting and enhancing our natural, built and historic environment.

4.0 LOCAL DEVELOPMENT ORDER AREA CONTEXT

Development Context

- 4.1 Unlike other LDO areas across the country, the area in Darlaston comprises a broad area and contains land identified as individual BCEZ sites, together with additional adjacent land.
- 4.2 The known potential constraints affecting the Order area are set out below, and represent the information available to the planning authority at the time of preparing the Order. It is strongly recommended that any potential applicants seek clarification regarding these issues prior to formulating their development proposals.

Utilities

- 4.3 The area is currently serviced by mains gas, water and electricity. Western Power Distribution has previously advised on the current capacity of the electricity network in the area (to inform a utilities capacity study) and has confirmed that infrastructure improvements may be required to serve significant new development in the area.

Transport and Access

- 4.4 As a result of previous consultations with the Highways Agency some parts of the Order area are considered particularly sensitive and development will be subject to specific requirements.
- 4.5 In addition it is important to note the current transport initiatives within the Order area. This includes the DSDA Access Project, which comprises:

Bentley Road South

- widened junction with improved traffic lights and pedestrian facilities;
- the railway bridge and the carriageway will be widened and strengthened to modern standards – this will enable safe two-way flow of traffic across the bridge and will enable larger vehicles to cross the bridge;
- the railway bridge will be converted from a dual span to a single span enabling EMR to create a rail siding in their premises which will see significant numbers of heavy vehicles removed from local roads and replaced by freight trains;
- the vertical level of Bentley Road South will be ‘smoothed-out’ to make the road easier and safer to travel along;
- footpaths along Bentley Road South will be widened to allow pedestrians safer passage.

Bentley Mill Way

- access beneath the James Bridge Aqueduct will be controlled by new traffic signals;
 - the level of the road beneath the James Bridge Aqueduct will be lowered – this will enable taller vehicles to travel beneath the aqueduct;
 - traffic signals will be installed at a new junction between Darlaston Road and Bentley Mill Way with the new junction being created by reducing access from Cemetery Road and creating new carriageway – this will enable a much higher volume of traffic to travel between Bentley Mill Way and Darlaston Road.
- 4.6 Outside of the Order area, improvements are proposed at the A4038 Darlaston Road/A4148 Old Pleck Road junction and at the A461 Bescot Road/A4148 Wallows Lane junction. These works will improve access south to Junction 9 of the M6.
- 4.7 Planning permission for the DSDA scheme was granted in March 2012. Development that would affect any highway improvement line of the DSDA Access Project is excluded from the Order, so that the provision of the highway works is not prejudiced.

Flood Risk

- 4.8 As a result of previous consultations with the Environment Agency some parts of the Order area are subject to requirements in relation to flood risk. In particular new development should make provision for appropriate surface water drainage.
- 4.9 As per the advice in the National Planning Policy Framework and Technical Guidance on Flood Risk, for any proposed development on sites over 1 Ha in size, or within Flood Zones 2 or 3 for sites of any size, the applicant will need to submit a Flood Risk Assessment (FRA) for approval by the Council as part of the Pre Information process.

Hazardous Sites

- 4.10 Parts of the Order area fall within Health and Safety Executive (HSE) Consultation Zones and some sites are particularly constrained in this respect. As a result of previous discussions with the HSE, some parts of the Order area are within an area where development will be subject to specific requirements.
- 4.11 It is important to note that the Order does not remove the need for Hazardous Substance Consent. Therefore, should an applicant wish to bring forward a use in accordance with the Order, which includes the use of hazardous substances, the applicant/operator would need to apply for Hazardous Substance Consent in the usual manner.

Contamination

- 4.12 The Order area has been subject to a number of previous land uses. Many of these relate to industrial and commercial processes that by reason of less strict regulation, enabled substances to either leak or be dumped, resulting in ground contamination. Depending on the particular activities undertaken at each site there will be a need to identify likely contaminants and confirm the intrusive

investigation required. Given the nature of contamination of some sites in the area, further site investigations and possible remediation may be required to ensure that the land is suitable for its end use.

Noise and Air Pollution

- 4.13 The definition of B1 uses in the Use Classes Order sets out that these are uses capable of being undertaken in any residential area (without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit). The plant often associated with these uses, including air conditioning units, extraction or ventilation as well as external operations and deliveries and dispatches together can, however, sometimes create disturbance to the amenity of the local area.
- 4.14 In addition, the B2, B8 and waste recovery, transfer and/or treatment activities proposed also have potential to give rise to noise, fumes and smells which may also give rise to disturbance.
- 4.15 The area is in close proximity to a number of residential properties, education establishments and public spaces. As such it is important to consider the impact of the proposed uses on these properties and spaces.
- 4.16 The Council's aspirations for the BCEZ are to seek to create a high quality environment which can be used by residents, employees and visitors alike. This makes it essential that noise, fumes and smells in particular are appropriately controlled in an effort to safeguard this aspiration.
- 4.17 Noise, vibration, smells, fumes and air pollutants in general resulting from plant and processes associated with an industrial and commercial activity can in many cases be managed appropriately to limit the impact on sensitive development and local amenity. To ensure that these are designed and located in a manner to minimise the impact upon the surrounding area, the Council's Pollution Control Team can discuss and provide advice on the design, installation and technical requirements prior to a proposal being finalised. In order to ensure that any plant, process or operational proposal is not detrimental to the local and residential amenity or unduly impacting upon sensitive development, any proposal which requires evening, night time and weekend working and which involves external operations and emissions to air and/or noise or vibration beyond site boundaries must submit details for approval by the Council and implement them accordingly.
- 4.18 Noise sources have the potential to create disturbance to the users of buildings within the Order Area. It is important that appropriate measures are put in place to minimise the disturbance which external noise has on the use and operation of both new and existing buildings and neighbouring users, to ensure the high quality working environment aspirations are achieved.
- 4.19 Development in the Order area will be subject to specific requirements and conditions. These include a restriction of the hours of operation and delivery (and associated activities), as these can cause particular disturbance to residential properties.

Use and Consumption of Natural Resources

- 4.20 Development in the Order area will be subject to the requirements in the BCCS, “saved” UDP policies and national planning policy guidance on the use and consumption of natural resources, such as energy, water, waste and minerals.
- 4.21 Moving towards a “low carbon” economy is an important element of current national planning policy, which seeks to increase the use and supply of renewable and low carbon energy, as energy consumption and production is a significant generator of carbon dioxide emissions (see NPPF paragraphs 7, 17 and 93 - 99). Accordingly, BCCS Policy ENV7 requires all non-residential developments with floorspace of more than 1,000 square metres to incorporate generation of energy from renewable sources, sufficient to off-set at least 10% of the completed development’s estimated residual energy demand. The Pre-Information process must therefore establish that the local plan requirement has been met for developments of this scale, and that regard has also been had to relevant national planning policy guidance on this issue. The Pre-Information Schedule (Schedule 3, Section 10) includes guidance on how to demonstrate compliance with these policies, and gives examples of good practice guidance that applicants may have regard to.
- 4.22 Water supply is becoming an increasingly important issue (see Water White Paper: Water for Life (2011) and Water for Life and Livelihoods (2013) published by the Environment Agency). The Pre-Information process must therefore establish that developments permitted under the Order have given due consideration to relevant local plan policy. This is set out in “saved” UDP Policy ENV40, which only permits development where adequate water supplies are available, and encourages proposed developments to include measures for the conservation of water, such as use of water efficient devices, on-site water recycling, collection and use of rainwater, and minimising water used to sustain landscaping. The Pre-Information Schedule (Schedule 3, Section 10) explains the requirement and includes examples of good practice guidance.
- 4.23 Current national planning policy expects new developments to minimise waste, use resources efficiently, and include adequate provision for waste management (see NPPF paragraphs 7 and 17, and National Policy for Waste, paragraphs 8 and 9). At a local level, these requirements are already addressed in BCCS Policy WM5, which requires all developments to address waste as a resource, minimise waste as far as possible, manage unavoidable waste responsibly, and maximise use of building materials with low environmental impacts. In addition, non-residential developments of more than 1,000 square metres of floorspace must provide information on how and where waste generated by the development is being managed, and the approach towards sustainable construction. Compliance with this policy must be demonstrated through the Pre-Information process, where development falls within the policy thresholds. The Pre-Information Schedule (Schedule 3, Section 11) provides appropriate guidance for applicants on this issue.
- 4.24 There are significant resources of coal and associated minerals underlying the Order area, which is part of the South Staffordshire Coalfield. In accordance with current national planning policy (NPPF paragraph 143), the BCCS has included these resources in a mineral safeguarding area (MSA), and non-mineral

development that would needlessly sterilise mineral resources of potential economic value is discouraged (see BCCS Policy MIN1 and Minerals Key Diagram). The BCCS policy adopts a pragmatic approach, and recognises that “prior extraction” of minerals is rarely feasible, although developments on sites of 5 hectares or more are expected to provide evidence that this is the case, where “prior extraction” is not proposed. The Pre-Information Schedule (Schedule 3, Section 12) explains how developers can demonstrate compliance with this requirement where their developments fall within the BCCS policy threshold, and provides examples of the type of supporting evidence applicants can use.

Habitats, Protected Species and Green Infrastructure

- 4.25 As a result of previous consultations undertaken with Natural England, some parts of the Order area are within an area where development will be subject to specific requirements.
- 4.26 Parts of the Order area are designated as a local wildlife site in the BCCS (CSP3 and ENV1) and UDP. There is a presumption against development of these areas unless the loss of habitat can be adequately compensated for elsewhere. In addition, the Order contains habitats which suggest that protected species may be present. The Council must therefore ensure that the Order allows for the assessment of protected species and how they could be affected as a result of any new development.
- 4.27 To minimise the potential harm to protected species, the Council will require appropriate survey work to be submitted as part of the Pre-Information process to enable it to determine whether it is appropriate to incorporate any mitigation measures into the proposal. Natural England has published standing advice in relation to protected species, which sets out further information on the species in question and advice on the content of surveys required.
- 4.28 Landscaping will form an important component of any proposal within the Order area, to ensure the wider design and environmental aspirations are achieved.
- 4.29 The Order area contains a number of canals and previous consultations were undertaken with British Waterways (now known as the Canal and River Trust). Its statutory position is addressed in the Pre-Information process and will be taken into account by the Council in its assessment of proposals under the Order.

Historic Environment

- 4.30 Previous consultation with English Heritage confirmed that there is one statutorily listed structure within the Order Area (the James Bridge Aqueduct) and one immediately adjacent to the Order Area (The Globe Inn Public House).
- 4.31 Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) states that an LDO cannot permit development affecting a Listed Building.
- 4.32 Although it is considered unlikely that development under the Order will significantly affect the setting of these structures, the Council will consider this issue as part of the Pre-Information process.

- 4.33 Where it is determined by the Council that the development would have an adverse impact upon the setting of the listed property, the Council will open negotiations with the applicant to identify whether this impact could be mitigated through scheme amendments.
- 4.34 Additionally, the relationship of any buildings or works to a site or feature identified on Walsall's Historic Environment Record will require consideration as part of the Pre-Information stage.
- 4.35 There are no currently 'Scheduled Ancient Monuments' or features of archaeological importance in the Order area. However due care and attention should be paid when developing the site. Should artefacts of interest be located, these should be reported to the Council.

Surrounding Uses

- 4.36 It is recognised that a number of sensitive uses are located adjacent to the boundary of the Order area, in particular residential properties and educational facilities. In view of this there is a need to ensure that the design of buildings does not have a detrimental impact on these uses.
- 4.37 In this context the height of new or extended buildings, and their proximity to existing uses on the boundary of the Order area will be particularly important. The Order therefore imposes suitable restrictions.

5.0 DESCRIPTION OF DEVELOPMENT PERMITTED BY THE LOCAL DEVELOPMENT ORDER

- 5.1 Reflecting the policy context for the area, as set out above and the aspirations of the Council for the BCEZ, development falling within the following use classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be permitted throughout the Order area, under the Order, subject to suitable limitations and conditions:
- Class B1(b) – research and development of products or processes
 - Class B1(c) – light industry
 - Class B2 - general industry; use for the carrying out of an industrial process other than one falling in Class B1
 - Class B8 – use for storage and/or distribution
- 5.2 Reflecting an existing cluster of waste treatment operations in the LDO area, the Order also permits, within a defined area known as the Sub Zone, *sui generis* development related to re-use and recycling of non-hazardous, non organic waste enclosed within permanent buildings.
- 5.3 Whilst waste re-use and recycling is permitted by the Order, it is not considered that all sites within the Order area would be suitable for such uses given the proximity to residential and non-commercial existing uses. In line with the 2012 Darlaston LDO a Sub Zone has again been established where these uses would be appropriate to reflect an existing cluster of waste facilities. The range of waste management developments permitted in the Sub Zone is also more restricted, to reflect changes to national planning policy guidance on waste, and the need for

consistency with local plan policy on employment land and the location of new waste management facilities (see 5.4 below). On the basis that there have been no significant changes to the area in the intervening period the Sub Zone is principally the same as the 2012 Darlaston LDO with the exception of the removal of a single site that is geographically separated from the main Sub Zone. It is considered that the removal of this site allows a sub zone that is a single entity and therefore is better defined.

5.4 The suitability of the Sub Zone for waste management uses has been evaluated using the locational guidance and criteria in Policy WM4 of the Black Country Core Strategy 2011, and the locational criteria in paragraph 5 and Appendix B of the National Planning Policy (NPP) for Waste (October 2014). This has confirmed that it is a suitable location for the development of waste re-use and recycling facilities, but not necessarily for other types of waste management development. A summary of the key findings of the evaluation is set out below:

- Promoting the development of new waste re-use and recycling facilities in this area will support objectives to drive waste further up the “waste hierarchy” and broaden the range of waste management facilities currently available in the Black Country (BCCS Spatial Objective 9 and Policy WM1, and NPP for Waste, paragraphs 1 and 4 and Appendix A).
- It will address the requirement to apply the principles of “protection of human health and the environment,”¹ by ensuring that properties are appropriately located and can be properly regulated, before permission is granted for new waste management facilities (BCCS Spatial Objective 9 and Policy WM4, and NPP for Waste, paragraphs 4 - 7 and Appendix B).
- It will support objectives to locate waste infrastructure appropriately, including addressing the principles of “proximity” and “self-sufficiency” to facilities for recovery of mixed municipal waste collected from households and other producers as part of the same collection arrangements² (BCCS Spatial Objective 9 and Policy WM4 and NPP for Waste, paragraphs 1 and 4 and Appendix A). The area is centrally located with good access to the national and local road network and is well located to serve Walsall and adjoining areas of the Black Country and Birmingham.
- Given that there is an existing cluster of waste facilities in the area there will be opportunities for co-location and/or other potential benefits such as the possibility of management of a range of waste types (BCCS Policy WM4, NPP for Waste, paragraph 4).
- New waste uses would be compatible with neighbouring uses given that these largely comprise existing waste facilities and other employment uses (BCCS Policy WM4, NPP for Waste, paragraphs 1, 4, 5).

¹ Under Regulation 18 (a) of the Waste Regulations 2011 (as amended), the Council has a duty to apply these principles when considering proposals for any waste management development. Current national policy guidance (NPP for Waste and National Planning Practice Guidance) advises that this requirement should be addressed by ensuring that facilities are appropriately located, and by consulting the relevant health, environmental protection, pollution control and regulatory bodies on proposals. All of the relevant bodies have been consulted on the Order and none has raised any objection.

² Under Regulation 18 (b) and (c) of the Waste Regulations 2011 (as amended), the Council has a duty to have regard to these principles when considering proposals for these types of facilities. Such facilities may include any commercial facilities that could be preparing for re-use, or recycling, mixed wastes collected from households and/ or businesses under a contract with a waste collection authority or waste disposal authority.

- Further growth of the existing cluster of waste facilities will support economic and growth objectives for the Black Country by both retaining and creating jobs and generating investment (BCCS Policy WM4, NPP for Waste, paragraphs 1, 4).
- It will permit existing waste management developments within the Order area to carry out the specified operational developments, including extensions to existing premises, giving them an opportunity to improve their operational efficiency (BCCS Policy WM4, NPP for Waste, paragraph 1).
- An assessment of the area indicates that any sensitive receptors in the vicinity of the Sub Zone would not be adversely impacted by new waste re-use and recycling operations (BCCS Policy WM4, NPP for Waste paragraphs 1, 4, 5 and Appendix B). Notwithstanding this, in line with local plan requirements, the Order only permits waste uses in permanent buildings and therefore the impact on any receptor is likely to be limited in any case (BCCS Policy WM4).

However, within this Sub Zone, particular limitations will still apply. To ensure that waste management will not present risks to health or the environment, development involving the management of hazardous wastes and organic wastes and incineration (with or without energy recovery) is not permitted. The types of waste management operations specified as being permitted will only be permitted within the Sub Zone where they can be effectively regulated, in accordance with current environmental protection legislation. As part of the Pre-information process, prospective developers will be expected to provide copies of the appropriate waste permits, licences and exemptions issued by the regulator, for the facility proposed – see Schedule 3 of the Order for details.

- 5.5 The Sub Zone is indicated on the plan appended to the Order. In addition to the uses in classes B1(b), B1(c), B2 and B8 uses generally permitted by the LDO, this is the area where it is considered appropriate to permit development involving the re-use and recycling of waste which do not fall within the specified Use Classes. This could include the introduction of new waste recycling technologies, providing all activities take place within permanent buildings. However, some types of waste treatment and recovery operation (including scrap yards, vehicle dismantling, end of life vehicle recovery and waste transfer) have been excluded because of the potential for conflict with BCCS Policies EMP3 and WM4, which do not identify Existing or Potential High Quality Employment Land as suitable for these types of facilities.
- 5.6 Outdoor storage and management of waste is recognised to be an important activity in the local area and it may be appropriate for such activities to expand or for new operations to be introduced but it is considered most appropriate for the impacts of such proposals to be assessed through conventional planning applications rather than to be permitted by the Order.
- 5.7 It is important to note that the Order does not remove the requirements of other statutory regulation, including existing permitting and consent regimes, such as the Building Regulations, Listed Building Consent, Advertisement Consent, Hazardous Substances Consent and the Environmental Permitting (England and Wales) Regulations 2010 (as amended). These will all need to be obtained where appropriate through the existing regimes. In addition the Order does not

remove other forms of statutory regulation including the Conservation of Habitats and Species Regulations (2010) (as amended), the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and specific protected species legislation.

- 5.8 Furthermore, if any highway or public rights of way would be affected by development permitted by this Order, then the necessary statutory procedures through either the Highway Act or Town and Country Planning Acts will still apply.
- 5.9 The development permitted by the Order is set out below:

Development permitted under this Order:

Development for uses falling within Use Classes B1(b), B1(c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ('the UCO').

and in addition, within the Sub Zone:

Development for the re-use and recycling of non-hazardous, non-organic waste enclosed within permanent buildings (uses not included within Use Classes B1(b), B1(c), B2 or B8 of the UCO and deemed to be Sui Generis).

Subject to:

- a) the limitations and restrictions in this Schedule;
- b) compliance with the Pre-Information process set out in Schedule 3
- c) compliance with the preamble to, and conditions in, Schedule 4.

The development permitted under this order will be subject to the following general limitations:

- (a)** Change of use of existing buildings to provide for development falling within Use Classes B1(b), B1(c), B2 or B8, and within the Sub Zone, also for development for the re-use and recycling of non-hazardous, non-organic waste falling outside of the aforementioned Use Classes, shall be limited to a maximum gross external floorspace of 5000 square metres;
- (b)** Erection of new buildings to be used for Class B1(b), B1(c), B2 or B8 purposes, shall be subject to the following restrictions:
 - (i) no development shall take place within 5 metres of the boundary of the Area;
 - (ii) no building or part of a building shall exceed 15 metres in height, and within 5 -10 metres of the boundary of the Area no building or part of a building shall exceed 5 metres in height;
 - (iii) no building shall comprise a gross external floorspace greater than 5000 square metres;
 - (iv) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;

- (c)** Enlargement of existing buildings to accommodate Class B1(b), B1(c), B2 or B8 uses shall be subject to the following restrictions:

 - (i) no development shall take place within 5 metres of the boundary of the Area;
 - (ii) the enlarged part of the building shall not exceed the height of the existing building or a height of 15 metres, whichever is the lesser, and within 5 -10 metres of the boundary of the Area shall not exceed 5 metres in height;
 - (iii) no enlarged building shall comprise a gross external floorspace greater than 5000 square metres;
 - (iv) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (d)** Erection of new buildings within the Sub Zone for land uses falling outside Use Classes B1(b), B1(c), B2 or B8 involving re-use and recycling of non-hazardous, non-organic waste shall be subject to the following restrictions:

 - (i) all waste management operations shall be enclosed within permanent buildings;
 - (ii) no development shall take place within 5 metres of the boundary of the Area;
 - (iii) no building or part of a building shall exceed 15 metres in height, and within 5 -10 metres of the boundary of the Area no building or part of a building shall exceed 5 metres in height;
 - (iv) no building shall comprise a gross external floorspace greater than 5000 square metres;
 - (v) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (e)** Enlargement of existing buildings accommodating existing waste management developments falling outside Use Classes B1 (b), B1 (c), B2 or B8 shall be subject to the following restrictions:

 - (i) the enlarged buildings shall be used solely for the purpose of existing developments and/ or other land uses permitted by this Order;
 - (ii) no development shall take place within 5 metres of the boundary of the Area;
 - (iii) the enlarged part of the building shall not exceed the height of the existing building or a height of 15 metres, whichever is the lesser, and within 5 -10 metres of the boundary of the Area shall not exceed 5 metres in height;
 - (iv) no enlarged building shall comprise a gross external floorspace greater than 5000 square metres;
 - (v) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (f)** Demolition of buildings shall be permitted only where it is to facilitate development permitted under this Order;
- (g)** Other works ancillary to new or existing uses permitted by this Order within the Area shall comprise only:

 - (i) car parking;
 - (ii) hard standing;
 - (iii) landscaping;
 - (iv) boundary treatments and means of enclosure.

Development not permitted under this Order:

- (1)** Any development in relation to which, following the supply of Pre-Information as required by Schedule 3, the Council has informed the applicant in writing that:
 - (i) the development proposed is not development authorised by this Order; or
 - (ii) the proposed development is considered, individually or cumulatively, to give rise to significant or substantial impacts that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order; or
 - (iii) the development would require an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended); or
 - (iv) the development would require listed building or scheduled ancient monument consent, or the Council is of the opinion that the development would adversely affect a heritage asset or its setting;
- (2)** Any development that would breach a condition or limitation of an existing and implemented planning permission or would breach the provisions of any planning obligation;
- (3)** Ground reclamation works, including mineral extraction, landfilling and other disposal of waste into or onto land;
- (4)** Landfilling with waste and other disposal of waste into and onto land for other purposes, incineration of waste (with or without energy recovery), treatment and recovery, treatment and recovery of organic waste , scrap metal recovery (including vehicle dismantling and end of life vehicle recovery), hazardous waste treatment and recovery, and waste transfer;
- (5)** Any development that would affect a Highway Improvement Line under the Darlaston Strategic Development Area Access Project;
- (6)** Any open storage;
- (7)** Any development where the distance between new buildings / enlargements of existing buildings and primary highways and/or secondary highways within the Area falls below 8 metres and 3 metres respectively.

5.10 Due to the potential constraints on development already identified it is considered that specific pre-information is required by the Council to determine whether a proposal falls within the scope of the Order.

6.0 HOW THE LOCAL DEVELOPMENT ORDER WILL WORK

Pre-Information Process

6.1 A Pre-Information Schedule forms part of the Order and sets out the information which the Council will require before it can confirm whether development complies with the Order.

- 6.2 The Pre-Information process must be followed for every proposed development coming forward under the Order. Development cannot be considered lawful development until, amongst other things (including other provisions of Schedule 3), the Pre-Information process has been undertaken and the Council has confirmed in writing that the proposal complies with the Order.
- 6.3 There is a need for the Council to formally confirm that development is compliant with the Order as this provides a number of benefits:
- allowing funding bodies to receive confirmation of the lawfulness of the development;
 - allowing for an EIA screening to take place;
 - replacing the prior notification process required when property is to be demolished for the purposes of facilitating development permitted under the Order;
 - it can be considered as a grant of planning permission for the purposes of sections 247 and 248 of the Town and Country Planning Act 1990 allowing, where appropriate, an application to be made for the stopping-up or diversion of public highways or rights of way.
- 6.4 As part of the Pre-Information stage the Council will consult with the relevant stakeholders with respect to development proposals in the area. The stakeholders may include (though not exclusively):
- Highways England;
 - Health and Safety Executive;
 - Natural England;
 - English Heritage;
 - Canal & River Trust;
 - Network Rail; and
 - Environment Agency.
- 6.5 Where no significant issues are raised by stakeholders and the Council concludes that the proposal satisfies the requirements of the Order, it will write to the applicant to confirm that the proposal is permitted under the Order. This will occur within 28 days of the receipt of the complete Pre-information form and associated documentation (unless a longer period is agreed in writing with the applicant).
- 6.6 All development brought forward under the Order must comply with the conditions set out in Schedule 4 of the Order.
- 6.7 The Order does not permit any development which is "Schedule 1 development" or "Schedule 2 development" as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (EIA Regulations). The Pre-information process includes an EIA screening opinion request with the Pre-Information form to enable the Council to determine whether

the proposal is deemed to be EIA development. This requires an overview of the development, its location and proposed use; it should also include a deposit copy of the plans and elevations, together with a specification where necessary, to enable the Council to make an informed judgement. If the screening opinion provided by the Council identifies that the development constitutes EIA development, development will not be permitted under the Order. Instead, a planning application will be required which must be accompanied by an environmental statement.

- 6.8 To allow the Council to confirm whether the proposed development falls within either Schedule 1 or Schedule 2 of the EIA Regulations, the Pre Information form requires the applicant to submit details of the proposed size, type and use of the development.
- 6.9 Fundamentally, the Order would allow compliant development to take place quickly and yet still provide for appropriate environmental safeguards to be in place.

Conditions

- 6.10 In addition to the Pre-Information process, there are conditions attached to the Order to ensure impacts of the development are appropriately managed and/or mitigated.
- 6.11 The Council has endeavoured to keep the conditions attached to this Order to the minimum required to ensure the development meets the needs of the simplified planning process.

Policy Implementation, Monitoring and Other Statutory Requirements

(i) Statement of policies implemented by the LDO

- 6.12 The Order supports the implementation of existing strategies, plans and policies at national, regional and local level. The relevant strategies, plans and policies are listed below:

National Planning Policy Framework (2012)

Local Policy;

- Black Country Core Strategy - Regeneration Corridor 6, CSP1, WM2, WM4, EMP1, CSP3, CSP4, CSP5, ENV1, ENV3, ENV4, ENV5, ENV7, TRAN2.
- Walsall UDP Policies – JP1, JP4.1, JP4.2, JP5, JP6, JP7, JP8, GP2, GP3, T1, T7, T10, T11, T12, T13, ENV10, ENV12, ENV22, ENV11, ENV14, ENV23, ENV33, ENV40,
- Designing Walsall SPD
- Conserving Walsall's Natural Environment SPD
- Urban Open Space SPD

Supporting Strategies / Reports

- Walsall Revised Statement of Community Involvement (2012)
- Walsall Employment Land Review (2012)
- Walsall Local Economic Assessment (2011)
- Sustainability Appraisal of the Black Country Core Strategy (2011)
- Habitats Regulations Assessment of the Black Country Core Strategy (Nov 2008)
- Black Country Strategic Flood Risk Assessment (2009)
- Local Transport Plan (2011)
- Darlaston Strategic Development Area (SDA) Access Project

(ii) Monitoring Framework

- 6.13 The Order will be subject to on-going monitoring to assess its effectiveness in delivering the simplified planning rules which support the BCEZ as well as a means by which any unintended impacts or outcomes of the Order can be identified.
- 6.14 In addition this monitoring framework will also contribute to assessing the impact and success of the BCEZ, and in turn the Government's policy of Enterprise Zones. It is important to note that this Order Monitoring Framework is only a single element of this monitoring activity and will only be able to provide information relating to the establishment of the simplified planning rules as opposed to the impact and success of the financial incentives for example.
- 6.15 The outcomes of the monitoring process in relation to the Order will be reported in the Local Development Framework Annual Monitoring Report (AMR).

(iii) Other Statutory Requirements

- 6.16 Whilst the Order grants planning permission for certain types of development within the Order Area, it will remain the responsibility of the applicants to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.
- 6.17 Particular attention is drawn to the following legislation:

European;

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

National;

- Wildlife and Countryside Act 1981(as amended)
- Conservation of Habitats and Species Regulations 2010
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- Pollution Prevention and Control Act 1999 and the Environmental Permitting Regulations 2010 and 2011

- 6.18 In addition to above, the Order does not remove the need to obtain consent under other regimes as appropriate, including:
- Listed Building Consent;
 - Hazardous Substance Consent; and
 - Advertisement Consent
 - Building Regulations
 - Site Waste Management Plans
 - Waste Management Licensing

7.0 LIFETIME OF THE LOCAL DEVELOPMENT ORDER

- 7.1 Any revision or modification of the Order whereby it becomes more restrictive may open up the liability for compensation for loss /damage directly attributable to the revocation or modification under Section 107 and 108 of the Town and Country Planning Act 1990. A 3 year life span is therefore considered appropriate for the Order.
- 7.2 The Order was adopted by the Council on 16 April 2015, with expiry of the Order on 15 April 2018. On expiry of the Order, the Council can adopt another Order, updated as necessary, if it considers it appropriate to do so, or it can return to the established planning regime. The Council is also able to revise the Order at any time. Adoption or revision of a local development order requires a period of consultation.
- 7.3 Any development which has commenced under the provisions of the Order, before expiry, will be able to be completed and operated in accordance with the requirements and conditions of the Order, subject to the Council's confirmation of compliance issued under the Pre-Information process.
- 7.4 The uses which have been developed and implemented under the Order will be allowed to continue to operate following expiry in accordance with the conditions under which they were permitted – i.e. those set out in the Order and subject to the Council's confirmation of compliance issued under the Pre-Information process.
- 7.5 Following the expiry of the Order, any new development, changes to existing development or changes to the restrictions imposed upon them by the Order's conditions must not take place until the Council has considered whether these changes can be agreed under the conditions of the Order by which they were permitted, or whether a planning application is required,

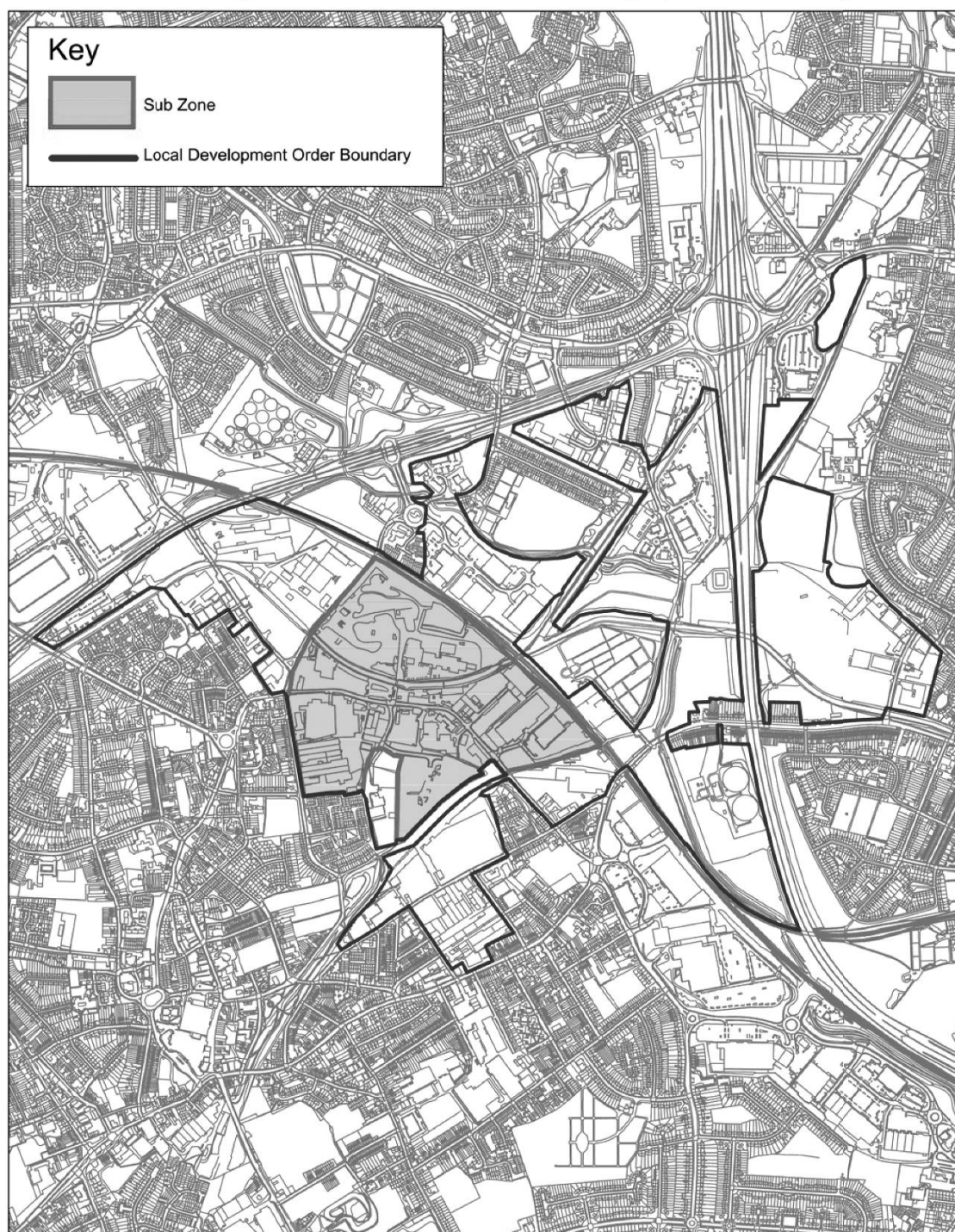
8.0 CONCLUDING REMARKS

- 8.1 The Order will provide a simplified approach to planning to encourage the introduction of new employment activity to the area and the expansion of existing operations in full accordance with the Council's adopted planning policies. The use of the Pre-Information process allows applicants to pursue appropriate development as quickly and effectively as possible, with the minimum of delay and with the support of the Council. On this basis the Council believes that there is merit in adopting the Order, which will be in force for another three year period.

- 8.2 A comprehensive review of 2012 Darlaston LDO has been undertaken and a number of amendments have been made to ensure that the Order operates as efficiently and effectively as possible. It is hoped that these changes will help to ensure an increase in the number of proposals submitted under the Order in the forthcoming period.

Appendix (i) The Local Development Order

Schedule 1 Local Development Order Boundary (The 'Plan')



Map Scale: Not to scale

Printed: 15/12/2014

Map Produced By: Planning & Building Control

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Appendix B

Darlaston Local Development Order 2015 – consultation version

Darlaston LDO 2015 Statement of Reasons – consultation version

Darlaston Local Development Order 2015

1. This Order is made by Walsall Metropolitan Borough Council (the 'Council') under the powers conferred on the Council as local planning authority by sections 61A-61D and Schedule 4A of the Town and Country Planning Act 1990 (as amended) and pursuant to The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended), and shall be known as the Darlaston Area Local Development Order 2015 (the 'Order').

2. The Order relates to land (the 'Area') in the Council's administrative area which comprises the Black Country Enterprise Zone sites together with additional land in the immediate vicinity, as edged in red and depicted on the plan attached at Schedule 1 (the 'Plan').

3. The key and additional depictions on the Plan shall have effect for the interpretation of this Order but where there is any inconsistency between the wording of the Order and the Plan the wording of this Order shall take precedence.

4. This Order authorises development of the type set out in Schedule 2 subject to:

- (a) the definitions, limitations and restrictions in that Schedule;
- (b) compliance with Schedule 3; and
- (c) compliance with the preamble to, and conditions set out in, Schedule 4.

5. Definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply in the interpretation of Schedule 2 unless expressly stated otherwise.

6. This Order was adopted by the Council on [] 2015 and shall be in force until [] 2018 when it shall expire.

7. On expiry the Order may be renewed in the same or a different form when it will be subject to re-consultation.

8. The Council has made this Order for the reasons set out in the Statement of Reasons that appears with this Order.

9. The Schedules form part of this Order and the words in the Schedules have the same meanings as provided in the body of this Order unless expressly stated otherwise.

10. The address for submission of all communications in relation to operation of this Order

is: Head of Planning and Building Control, Regeneration Services, Walsall MBC, Civic Centre, Darwall Street, Walsall, WS1 1TP but this Order authorises the Council to substitute another address by 28 days prior notice of the change on its web-site www.walsall.gov.uk

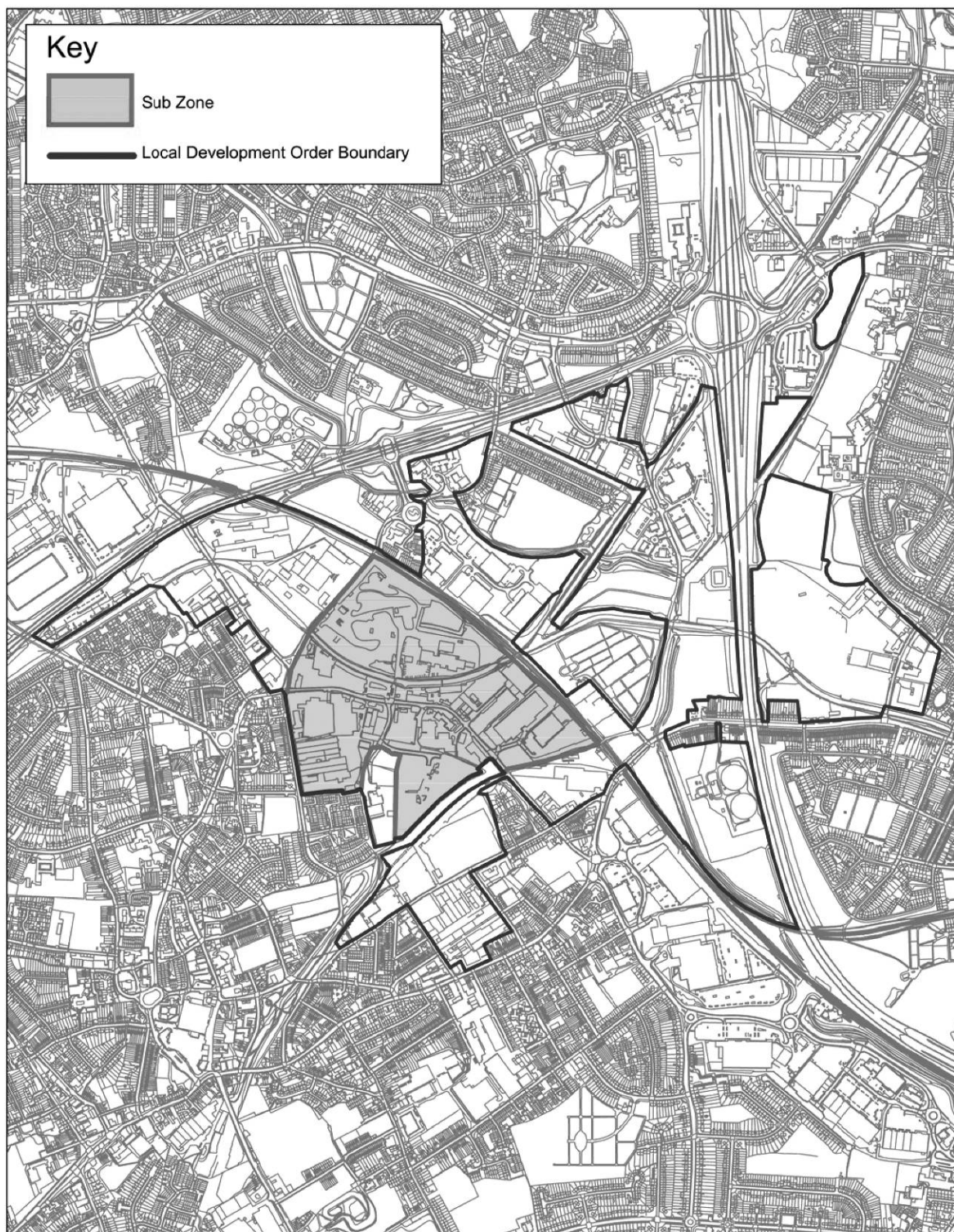
Date:

Authorisation

Schedule 1

DRAFT

Local Development Order Boundary (The 'Plan')



Schedule 2

Development permitted under this Order:

Development for uses falling within use classes B1(b), B1(c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ('the UCO').

and in addition, within the Sub Zone:

Development for non-hazardous, non-organic waste recovery, transfer and/or waste treatment use that is enclosed within permanent buildings (uses not included within the UCO and deemed to be Sui Generis).

Subject to:

- a) the limitations and restrictions in this Schedule;
- b) compliance with the Pre-Information process set out in Schedule 3
- c) compliance with the preamble to, and conditions in, Schedule 4.

The development permitted under this order will be subject to the following general limitations:

- (a)** Change of use of existing buildings to provide for B1(b), B1(c), B2 or B8, or for waste management and/or waste treatment use within the Sub Zone, shall be limited to a maximum gross external floorspace of 5000 square metres;
- (b)** Erection of new buildings to be used for B1(b), B1(c), B2 or B8 purposes, shall be subject to the following restrictions:
 - (i) no development shall take place within 5 metres of the boundary of the Area;
 - (ii) no building or part of a building shall exceed 15 metres in height, and within 5 -10 metres of the boundary of the Area no building or part of a building shall exceed 5 metres in height;
 - (iii) no building shall comprise a gross external floorspace greater than 5000 square metres;
 - (iv) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (c)** Enlargement of existing buildings to accommodate B1(b), B1(c), B2 or B8 uses shall be subject to the following restrictions:
 - (i) no development shall take place within 5 metres of the boundary of the Area;
 - (ii) the enlarged part of the building shall not exceed the height of the existing building or a height of 15 metres, whichever is the lesser, and within 5 -10 metres of the boundary of the Area shall not exceed 5 metres in height;
 - (iii) no enlarged building shall comprise a gross external floorspace greater than 5000 square metres;
 - (iv) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;

- (d)** Erection of new buildings for non-hazardous, non-organic waste recovery, transfer and/or waste treatment use, within the Sub Zone shall be subject to the following restrictions:

 - (i) all waste operations shall be enclosed within permanent buildings;
 - (ii) no development shall take place within 5 metres of the boundary of the Area;
 - (iii) no building or part of a building shall exceed 15 metres in height, and within 5 -10 metres of the boundary of the Area no building or part of a building shall exceed 5 metres in height;
 - (iv) no building shall comprise a gross external floorspace greater than 5000 square metres;
 - (v) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (e)** Enlargement of existing buildings accommodating existing non-hazardous, non-organic waste recovery, transfer and/or waste treatment use within the Sub Zone shall be subject to the following restrictions:

 - (i) all waste operations shall be enclosed within buildings;
 - (ii) no development shall take place within 5 metres of the boundary of the Area;
 - (iii) the enlarged part of the building shall not exceed the height of the existing building or a height of 15 metres, whichever is the lesser, and within 5 -10 metres of the boundary of the Area shall not exceed 5 metres in height;
 - (iv) no enlarged building shall comprise a gross external floorspace greater than 5000 square metres;
 - (v) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (f)** Demolition of buildings shall be permitted only where it is to facilitate development permitted under this Order;
- (g)** Other works ancillary to new or existing uses permitted by this Order within the Area shall comprise only:

 - (i) car parking;
 - (ii) hard standing;
 - (iii) landscaping;
 - (iv) boundary treatments and means of enclosure.

Development not permitted under this Order:

- (1)** Any development in relation to which, following the supply of Pre-Information as required by Schedule 3, the Council has informed the applicant in writing that:

 - (i) the development proposed is not development authorised by this Order; or
 - (ii) the proposed development is considered, individually or cumulatively, to give rise to significant or substantial impacts that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order; or

- (iii) the development would require an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended); or
 - (iv) the development would require listed building or scheduled ancient monument consent, or the Council is of the opinion that the development would affect a heritage asset or its setting;
-
- (2)** Any development that would breach a condition or limitation of an existing and implemented planning permission for development in classes B1(b), B1(c), B2 or B8, or in the Sub Zone waste management and/or waste treatment use, or would breach the provisions of any related planning obligation;
 - (3)** Ground reclamation works, including mineral extraction, landfilling and the deposition of waste onto land;
 - (4)** The incineration of waste, the composting of organic waste (unless in an enclosed vessel) and the management of hazardous waste;
 - (5)** Any development that would affect a Highway Improvement Line under the Darlaston Strategic Development Area Access Project;
 - (6)** Any open storage;
 - (7)** Any development where the distance between new buildings / enlargements of existing buildings and primary highways falls below 8m and/or the distance between new buildings and secondary highways falls below 3m.

Schedule 3

The Darlaston Area Local Development Order 2015 – Pre-Information Schedule

In order for the Council to determine whether the proposed development is permitted under this Order, the applicant will be required to comply with a Pre-Information process. This process requires the submission of a Pre-Information form and details of the development. Additional supporting documents may also be required dependent on the specific proposal. The Pre-Information process is set out in the table below.

Pre-Information Schedule		
	Necessary Information	Reason
1	<p>Completion of Pre-Information Form:</p> <p>Requirement Prior to the commencement of development, a 'Local Development Order Pre- Information' application form shall be completed by the applicant and submitted to the Council along with associated documents as set out in this schedule.</p> <p>Guidance Within 28 days of submission of this form, the Council shall confirm in writing whether or not the proposed development is permitted under this Order.</p> <p>Prior to the Council confirming whether the proposed development is permitted under the Order, the Council shall consult with the relevant stakeholders including statutory bodies.</p> <p>If the proposal is not considered to be permitted under this Order a planning application will be required if the development is to proceed.</p> <p><u>EIA Screening Opinion Request</u> The Pre-Information form incorporates a request for an EIA Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (or any subsequent amended legislation).</p> <p>The Council will provide the applicant with a formal Screening Opinion within 21 days of receipt of the EIA Screening Opinion Request.</p>	<p>To assess whether or not the proposed development complies with this Order.</p> <p>To ensure that any new development is not an EIA development requiring an Environmental Statement, which is not permitted through this Order</p>
2	<p>Details of the proposed development:</p> <p>Requirement The Pre-Information form shall be accompanied by full details of the proposed development including but</p>	<p>In the interests of achieving high quality sustainable design and</p>

	<p>not limited to:</p> <ul style="list-style-type: none"> • location plan • site layout plan • elevation drawings • section drawings • boundary treatments/means of enclosure • any external plant • landscaping • external lighting proposals <p>To assist with the EIA Screening, all Pre-Information submissions must contain sufficient information to identify the kind, location, scale, height and operation proposed.</p> <p>In regard to waste management activity details of the size of the proposal; an explanation of the technology to be employed; the capacity of the proposed facilities (tonnes pa); proximity to controlled waters will also be required.</p> <p>Guidance</p> <p>Plot layout, external materials, servicing and car parking shall be designed implemented and built in accordance with the guidelines set out in the Council's 'Designing Walsall SPD'.</p> <p>All development will be encouraged to meet the principles of 'Secured by Design'.</p> <p>All new buildings shall be encouraged to meet the minimum of BREEAM 'Very Good' rating or equivalent.</p>	<p>efficient use of land and to ensure the development is of an appropriate mass, scale and form for its location.</p> <p>Reflecting Core Strategy Policies ENV3 'Design Quality', CSP3 'Environmental Infrastructure', CSP4 'Place Making', ENV1 'Nature Conservation' and ENV4 'Canals' and UDP Policies ENV11, ENV23, ENV32 and ENV33 on 'design and landscaping', GP2 'Environmental Protection'; Designing Walsall SPD; Natural Environment SPD; Manual for Streets.</p>
3	<p>Drainage and Fluvial Flood Risk:</p> <p>Requirement</p> <p>Where development is proposed on sites exceeding 1 hectare (gross) a Flood Risk Assessment (FRA), in accordance with the National Planning Policy Framework and Technical Guidance on Flood Risk shall be submitted with the Pre-Information form. Within areas identified as falling within Flood Zones 2 or 3, a FRA will be required for all development.</p> <p>Details shall be submitted of the means of disposal of foul and surface water drainage from the development.</p> <p>Development, excluding waste and minerals, will be expected to provide details of the design, implementation, maintenance and management of a sustainable drainage system (SDS), as part of any</p>	<p>To ensure that the proposal does not have an adverse impact upon flood risk</p> <p>To ensure adequate provision is made in respect of foul and surface water disposal from the site.</p> <p>Core Strategy Policy ENV5, whilst a recent government SDS consultation (a material planning consideration) also requires the installation of SDS and for its ongoing management and maintenance to be secured.</p>

	<p>new major development. The proposed SDS must conform to national standards and specified criteria for sustainable drainage.</p> <p>Sustainable Drainage Systems shall be incorporated where possible as part of all other development.</p> <p>Guidance</p> <p>There are sections of land within the LDO boundary that are affected by Flood Zones 2, 3(a) & 3(b). These zones have potentially restrictive implications for development. Applicants should contact the Council at the earliest opportunity to enquire about the latest Strategic Flood Risk Assessment mapping.</p> <p>Where the FRA recommends mitigation measures to address the flood risk or water management issues, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation measures set out in the FRA being incorporated and/or implemented within the development.</p> <p>Where the development is required to provide SDS or other drainage features, then providing that those features do not require planning permission in their own right, any confirmation that the proposal is permitted under this Order will be subject to the approved drainage scheme being implemented to the satisfaction of the Council before the development is brought into use, and subject to implementation of the approved ongoing management and maintenance details.</p> <p>Where the Council concludes that development will result in significant flood risk or water management issues which cannot be mitigated appropriately as part of the development the proposal will not be permitted under this Order</p>	<p>National policy requires the application of the sequential and exception tests for development within certain flood zones based on the vulnerability classification assigned to the use or its proposed operation.</p> <p>Development that has an adverse impact on flood risk which cannot be appropriately mitigated through on site works is not permitted under this Order.</p> <p>Development that has an adverse impact on flood risk which cannot be appropriately mitigated through on site works is not permitted under this Order.</p> <p>National Policy, Core Strategy Policy ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat islands, UDP Policy ENV40 and the Natural Environment SPD</p>
4	<p>Ecological Surveys:</p> <p>Requirement</p> <p>A baseline ecological appraisal which follows the Guidelines for Preliminary Ecological Appraisal published by the Chartered Institute of Ecology and Environmental Management (CIEEM) will be required to accompany the Pre-Information form on sites as categorised below to assess the ecological value, identify the impacts from the proposed development</p>	<p>In the interests of protecting and enhancing the habitats of protected species.</p>

	<p>and to advise on appropriate avoidance/mitigation/compensation:</p> <ul style="list-style-type: none"> • Within or adjacent to a canal corridor; • Within or adjacent to the River Tame corridor; • Within or adjacent to any Site of Local Importance for Nature Conservation (SLINC) site. • Or other areas of potential ecological value. <p>Bat surveys may be required prior to the demolition or alteration of any buildings or structures within or adjacent to the above sites.</p> <p>Guidance</p> <p>Where the survey identifies no significant impact or makes recommendations as to how the impact can be avoided or mitigated through on site works and/or scheme amendments, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommendations of the survey being incorporated and/or implemented within the development.</p> <p>Where the surveys identify that there are significant impacts to the protected species which cannot be mitigated, the development will not be permitted under this Order.</p> <p>It is the applicant's responsibility to ensure that the development complies with legislation in avoiding damage to habitat or individuals that are covered by European and UK legislation. Applicants will need to follow the appropriate procedure with regards to such matters including obtaining the appropriate licenses to work within the confines of an approved method statement.</p>	<p>Proposals that have adverse impacts upon protected species and habitats are not permitted under this Order.</p>
5	<p>Acoustics and Air Quality:</p> <p>Requirement</p> <p>An Air Quality and/or Acoustic Impact Assessment (to include where necessary vibration) shall be provided where appropriate.</p> <p>Any development must accord with:</p> <ul style="list-style-type: none"> (i) The Walsall Air Quality Action Plan; (ii) Good Practice Guidance published on behalf of the West Midlands Low Emissions Town and Cities Programme; (iii) Any Air Quality Supplementary Planning 	<p>To satisfy the quality standards as set out in Core Strategy Policy ENV3 Design Quality and in order to reduce the developments contribution to climate change and in the interests of residential amenity in accordance with UDP Policies ENV10 and ENV12.</p>

<p>Document published on behalf of the Black Country Local Authorities.</p> <p>Guidance</p> <p>Any new development shall:</p> <ul style="list-style-type: none"> (i) Avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development. (ii) Mitigate and reduce to a minimum other adverse impacts on health and quality of life. <p>Development shall be designed, managed and operated to ensure that noise does not exceed critical health effect criteria to prevent sleep interference during night-time hours (23.00 – 07.00) and moderate annoyance during daytime hours or otherwise give rise to significant impacts.</p> <p>Applicants should have reference to and consider the requirements of BS4142:2014 when designing and undertaking acoustic impact assessments, in particular in seeking to avoid significant impacts. Additional impact guidance can also be attained from the Institute of Environmental Management's Guidelines for Environmental Impact Assessment.</p> <p>Development shall be designed, managed and operated to ensure that in its own right or as a result of cumulative effects it does not give rise to external noise levels at educational establishments exceeding criteria stipulated in Building Bulletin BB93 (or any amended guidance).</p> <p>Where Air Quality Assessment and/or Acoustic Impact Assessments recommend mitigation measures to address adverse impacts, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation measures being incorporated and/or implemented within the development prior to the development being occupied and brought into use.</p> <p>Where significant impacts arise that cannot be acceptably mitigated, leading to breaches of national or local objectives at relevant receptors, or a significant worsening of existing conditions occurs in areas where such breaches occur at relevant receptors, development will not be permitted under this Order.</p>	<p>Development that has an adverse impact on noise and/or air quality which cannot be appropriately mitigated through on site works is not permitted under this Order.</p>
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	Construction and development phases are subject to the provisions of the Control of Pollution Act 1974 with regards to construction site notices and prior consents. It should be ascertained whether a development proposal will be conditioned by notice, or alternatively if an application for prior consent should be sought.	
6	<p>Traffic Generation:</p> <p>Requirement Any development which individually or cumulatively exceeds 3000 square metres gross external floorspace, including a change of use, will require a Transport Statement or a Transport Assessment in accordance with 'Guidance on Transport Assessment' (DfT 2007) to accompany the Pre-Information form.</p> <p>Guidance Where the Transport Statement/Assessment recommends mitigation measures to address the impact on the road network, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation measures being incorporated and/or implemented within the development.</p> <p>The applicant shall have regard to the West Midlands Low Emissions Towns and Cities Programme Good Practice Air Quality Planning Guidance when considering traffic impacts.</p>	<p>To ensure that traffic generated by the new development can be accommodated on the road network in the interests of highway safety.</p> <p>Proposals which have a detrimental impact upon the highway network are not permitted under this Order.</p>
7	<p>Highways:</p> <p>Requirement Details of servicing arrangements and the overall layout, including the proposed arrangement of access points onto the highway and visibility splays shall be submitted.</p> <p>Any roads and/or footpaths, that are to be adopted, within any development permitted under the Order, shall be provided to adoptable standard.</p> <p>Full details of any off-site highway works, should be submitted. If these require planning permission in their own right then the proposal will not be permitted under this Order.</p>	<p>To promote sustainable development and sustainable transport choices, in line with Core Strategy Policy TRAN2 Managing Transport Impacts of New Development and with reference to UDP Policies T1 and T10 to T13.</p> <p>In the interests of highway safety.</p>

	<p>Guidance</p> <p>Works within 25 metres of the Strategic Road Network (SRN) must consider implications on road safety and structural integrity of the SRN. Development and/or demolition within the 25 metres must comply with HD22/08 Managing Geotechnical Risk and BD2/05 technical approval processes.</p>	
8	<p>Parking:</p> <p>Requirement</p> <p>Details of turning areas and parking facilities shall be submitted.</p> <p>Guidance</p> <p>Turning areas and parking facilities are to be provided in accordance with the parking standards set out in saved policies within the UDP and are to be properly consolidated, surfaced, drained and free of loose stone, and retained thereafter.</p>	<p>To ensure new development is completed in accordance with the Council's adopted standards in UDP Policies T7 and T13 on car parking.</p>
9	<p>Contamination:</p> <p>Requirement</p> <p>A site investigation report to assess contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability shall be submitted where appropriate.</p> <p>A remediation statement setting out any required mitigation works to address contamination identified through the site investigation. Appropriate validation will be required for any agreed mitigation.</p> <p>Guidance</p> <p>Sufficient information must be provided by the applicant to establish:</p> <ul style="list-style-type: none"> (i) the existing levels of contamination; (ii) potential contaminant pathways; (iii) sensitive receptors which might be impacted upon by developments permitted under this Order; (iv) the adequacy of any mitigation measures where these are proposed. <p>Where mitigation measures are required, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation measures being incorporated and/or implemented within the</p>	<p>Land may be contaminated as a result of past or current activity. The Council wishes to ensure that the proposed development can be implemented and occupied with adequate regard to public health, environmental public protection.</p> <p>UDP Policies GP2 Environmental Protection and ENV14 Development of Derelict and Previously Developed Sites.</p> <p>Development that cannot be implemented and occupied with adequate regard to public health, environmental public protection are not permitted under this Order.</p>

	<p>development.</p> <p>Where the site investigation concludes that development will result in significant contamination issues which cannot be mitigated appropriately as part of the development the proposal will not be permitted under this Order</p>	
10	<p>Design – Renewable Energy:</p> <p>Requirement Development of more than 1000 square metres individually or cumulatively must incorporate generation of energy from renewable sources sufficient to offset at least 10% of the estimated residual energy demand of the development on completion. The use of on-site and/or off-site sources should be considered, unless it is demonstrated to and agreed by the Council that it is unfeasible or not viable to do so.</p> <p>Guidance If applicants can demonstrate that development is not viable with the imposition of this requirement, the Council will be flexible in its application.</p>	<p>In accordance with Core Strategy Policy ENV7 Renewable Energy, in the interests of reducing the developments carbon emissions.</p>
11	<p>Waste Permitting:</p> <p>Requirement Where waste recovery, transfer or treatment operations are proposed within the Sub Zone, developers will be required to demonstrate that the facility will be effectively regulated, by providing copies of waste permits, licences and exemptions issued by the regulator, for the facility proposed.</p> <p>Guidance While regulation of the effects of waste management on human health and the environment is the responsibility of the relevant regulatory bodies (in most cases, the Environment Agency), the Council has a duty to ensure that “waste management is carried out without endangering human health” and “without harming the environment” (Article 13 of Waste Framework Directive, transposed by Regulation 18 (a) of Waste (England and Wales) Regulations 2011, and to check that effective regulation will be in place when determining planning applications (National Planning Policy for Waste, paragraph 7 and Planning Policy Guidance on Waste paragraphs ID 28-005 and ID 28-050. The requirement is aimed at ensuring that permission is not granted for development that will not be</p>	<p>To ensure that waste management development will be effectively regulated and will not present risks to human health or the environment.</p> <p>Article 13, Waste Framework Directive (2008/98/EC), Regulation 18 (a), The Waste (England and Wales) Regulations 2011, National Planning Policy for Waste, paragraphs 5 and 6 and Appendix B (October 2014), National Planning Practice Guidance for Waste (October 2014), paragraphs ID 28-005 and ID 28-050.</p>

	effectively regulated.	
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Schedule 4

The Darlaston Area Local Development Order 2015 – Conditions;

Development permitted by this Order shall take place only in accordance with the conditions as specified within the following table, which should be complied with in perpetuity. Where details need to be agreed with the Council, these should be included in the Pre-Information submission as set out in Schedule 3.

Conditions Table		
1	Deliveries: There shall be no deliveries dispatched or received and no unloading or loading or external stacking or arranging materials or packaging between 2100 hours and 0700 hours or at any time on Sundays and Bank/Public Holidays	In the interests of residential amenity and UDP Policy ENV10 Pollution.
2	Hours of Operation: There shall be no processes or operations taking place between the hours of 2100 and 0700 hours or at any time on Sundays and Bank/Public Holidays.	In the interests of residential amenity and UDP Policy ENV10 Pollution and UDP JP8 Bad Neighbour Industrial Uses.
3	Survey Recommendation – Mitigation: Where the Council has confirmed in its written response to the Pre-Information Process that the proposed development is permitted by this Order subject to the recommendations set out in any submitted documents, the development shall be carried out only in accordance with those recommendations as specified in the Council's response	In the interests of mitigating the impacts of the development.



Walsall Council

DARLASTON AREA LOCAL DEVELOPMENT ORDER 2015

STATEMENT OF REASONS

CONTENTS

- 1.0 INTRODUCTION**
- 2.0 ENTERPRISE ZONE CONTEXT**
- 3.0 POLICY BACKGROUND AND JUSTIFICATION FOR CREATING A LOCAL DEVELOPMENT ORDER IN DARLASTON**
- 4.0 LOCAL DEVELOPMENT ORDER AREA CONTEXT**
- 5.0 DESCRIPTION OF DEVELOPMENT PERMITTED BY THE LOCAL DEVELOPMENT ORDER**
- 6.0 HOW THE LOCAL DEVELOPMENT ORDER WILL WORK**
- 7.0 LIFETIME OF THE LOCAL DEVELOPMENT ORDER**
- 8.0 CONCLUDING REMARKS**

APPENDICES

- (i) The Local Development Order Plan**

1.0 INTRODUCTION

- 1.1 In March 2011 the Department of Communities and Local Government (DCLG) announced the creation of the Black Country Enterprise Zone (BCEZ) which includes a cluster of sites in Darlaston on either side of the M6 motorway. These sites comprise some 45 hectares (net) developable land providing an important strategic opportunity and a signal of change for private sector growth.
- 1.2 A requirement of Enterprise Zone status was that a simplified planning regime was established as part of a suite of incentives to support growth, attract new businesses and create jobs. The intention was to enable the business sector to be able to bring these sites forward for development easily and quickly with simplified fast track procedures to attract investment and hence to support the Black Country Core Strategy.
- 1.3 Whilst various mechanisms can be adopted by a local planning authority to achieve a simplified approach to planning, the Council adopted the Darlaston LDO and accompanying Statement of Reasons as the best way to achieve such a simplified approach.
- 1.4 The Darlaston LDO (2012) permits specified development falling within Class B1(b) – research and development of products or processes; Class B1(c) – light industry; Class B2 - general industry; use for the carrying out of an industrial process other than one falling in Class B1 and Class B8 – warehousing and distribution, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), together with waste management and waste treatment uses which are not included within the Use Classes Order and are therefore deemed to be ‘sui generis’ uses. All uses were subject to limitations and conditions as set out in the LDO and the accompanying Statement of Reasons (of which this is an updated version to accompany an amended LDO).
- 1.5 The Darlaston LDO is in force until 15 April 2015 at which date it will expire. On this basis an updated LDO has been prepared incorporating a boundary amendment which permits development falling within the uses defined in the Order. It is proposed that this updated LDO will come into force upon expiry of the current adopted version. The details of what is permitted by the updated LDO are set out in section 5 of this Statement.

2.0 ENTERPRISE ZONE CONTEXT

- 2.1 The purpose of the BCEZ is to create sustainable, private sector-led economic growth. Development within the BCEZ should be in accordance with the Black Country Core Strategy (BCCS) and Unitary Development Plan (UDP) employment policies and proposals. It should also contribute to addressing the local employment issues identified in the Walsall Local Economic Assessment (2011) and the Walsall Employment Land Review (2012).
- 2.2 The BCEZ forms part of a wider package of measures designed to regenerate the Darlaston area. This includes the £26M Darlaston Strategic Development Area (DSDA) Access Project for which funding was confirmed by Government in

December 2011 and which is now under construction. This is a major infrastructure project which will improve existing roads, junctions and bridges boosting the viability of existing businesses and making the Darlaston area more attractive to new inward investment.

- 2.3 In addition to the LDO the BCEZ offers business rate discounts, enhanced capital allowances on selected sites and access to superfast broadband. The financial incentives were originally due to end in 2015 (business rate discounts) and 2017 (enhanced capital allowances) but it was announced in Budget 2014 that the deadline for accessing these benefits had been extended to 2018 and 2020 respectively. On this basis it is important that a simplified approach to planning continues to exist to maintain the full offer associated with the BCEZ.
- 2.4 Since adoption in April 2012 the number of schemes that have come forward under the Darlaston LDO has not been significant. It is thought that this has been due to a combination of transient factors:
- There has been less development activity generally as a result of the economic downturn. However, there are indications that the economy is now beginning to recover and as such it is expected that the number of proposals in the LDO area will increase in future years.
 - The designated BCEZ sites in Darlaston are all constrained to some extent by poor ground conditions that need to be addressed before development can take place. However, the Council is in discussion with the respective landowners regarding the support that can be provided to secure the delivery of these sites.
 - A number of the BCEZ sites in Darlaston are also constrained by outdated road infrastructure and this has impacted on their development potential. However, the improvements to the road network resulting from the DSDA Access project will resolve this issue and mean that the sites are more likely to be delivered in the coming years.
 - Prior to the introduction of Enterprise Zones the use of LDOs was not common. On this basis it is natural that in the early years of the LDO some applicants continue to prefer the familiarity of a traditional planning application. However, it is anticipated that as time moves on and awareness grows use of the LDO will become more frequent.
 - Given the nature of the LDO there may be a perception that it does not represent a truly simplified approach. However, the update of the LDO will seek to address this issue and where necessary amend the document so that there is absolute clarity regarding the way in which it operates.

There is a continued requirement for a simplified planning regime in the BCEZ. In view of the assessment set out above the Council believes that the most suitable option remains a LDO.

- 2.5 The LDO which is the subject of this Statement of Reasons (hereinafter referred to as the 'Order') applies to the Darlaston part of the BCEZ and a number of other adjoining sites. The Order sets out the type of development that will be permitted to support the aims of the BCEZ. Any development proposal beyond the scope of the Order will need to be considered through the normal planning application process. To enable the Council to establish whether any proposal is within the scope of the Order applicants must comply with a pre-information process which requires the submission of key information.

- 2.6 Whilst the aspirations for the area are to deliver a high quality urban design throughout the entire scheme, the Council has tried to ensure only the essential design components and features are included in the pre-information requirements and conditions set out in the Order.
- 2.7 High quality urban design across the Order area is a priority for the Council. As such, the Council strongly urges applicants to consider the 'Designing Walsall SPD' during the formulation of design and to strive for development beyond the standard required by conditions in order to deliver the high quality design and environment which is envisaged for the area. Applicants are encouraged to make early contact with the Council for further advice and guidance in relation to this matter to ensure that proposals are of a high quality, locally distinctive design.
- 2.8 It is hoped that, in simplifying the planning requirements for development within the Order area, it will be an additional incentive for those businesses wishing to relocate to the area, or for those local businesses already in the area wishing to expand. In drafting the Order the Council has endeavoured to ensure that a limited number of details are required for approval; where details are required, it is because site conditions suggest there may be an environmental or amenity issue which needs extra consideration and controls placed upon them to minimise the harm to these features.
- 2.9 In addition, there is a requirement to submit details for consideration by the Council before it can confirm that the development complies with the Order in relation to other areas of regulation and statutory duty, for example, the Environmental Impact Assessment, protected species, national planning policy and the Council's role as Local Highway Authority. However, other non-planning permissions or consents may still need to be sought by the applicant before development can commence.
- 2.10 The Order is not the mechanism which will determine whether a development or business would be eligible for any financial incentives associated with the Enterprise Zone designation as this will be assessed through separate procedures.

3.0 POLICY BACKGROUND AND JUSTIFICATION FOR CREATING A LOCAL DEVELOPMENT ORDER IN DARLASTON

- 3.1 The Black Country Core Strategy (BCCS) was adopted on 3rd February 2011 and forms the basis of the Black Country Authorities' Development Plan. The BCCS defines a number of Regeneration Corridors which are key to the delivery of economic growth within the area (Policy CSP1 'Growth Network').
- 3.2 The Order area and the BCEZ sites are located within Regeneration Corridor 6: Darlaston, Willenhall, Wednesfield. As such the Order area will be a key contributor to the Growth Network of the Black Country and the delivery of its aims.
- 3.3 The Walsall Unitary Development Plan (UDP) is also of relevance, as 'saved' Policy JP1 'New Employment Sites' defines a series of sites allocated for

employment use within the Walsall area. Five of the allocated sites have since been defined as BCEZ sites. Additionally, Policy JP5 'Core Employment Areas' defines a number of core employment areas. Within these areas land will be safeguarded for core employment uses, permissions for which may be subject to conditions to prohibit change to other uses. The Core Employment Area includes a significant amount of the Order area.

- 3.4 The local planning authority is currently in the process of preparing a Site Allocation Document (SAD). This will identify specific sites for particular uses, to show how the targets in the BCCS will be met. It will cover the whole of the borough excluding Walsall Town Centre. The SAD will replace many of the policies in the current UDP, in particular the Proposals Map (which shows which policies apply to particular sites).
- 3.5 A detailed strategy for the Regeneration Corridors is set out in Appendix 2 of the BCCS. Regeneration Corridor 6 is recognised as one of the main gateways to the Black Country, leading from Junction 10 of the M6. It is seen as having the potential to provide first class quality employment land for knowledge-led manufacturing and logistics businesses serving the regional economy.
- 3.6 The Corridor contains a number of large existing industrial areas, one being the DSDA. The DSDA is listed as a key opportunity in relation to high quality industry.
- 3.7 The Corridor also includes a number of strategic waste management facilities, all of which fall within the LDO area. These are allocated to be retained in waste management use, and uses which are unlikely to be compatible should avoid locating near them (BCCS Policy WM2). New waste management facilities will also be permitted elsewhere within the retained employment areas of DSDA, Longacres and Neachells.
- 3.8 These BCCS policies, along with the saved employment land allocations from the UDP, form the policy basis for the designation of the Order. The Order will assist in realising the economic growth aims of the BCCS, while also according with other adopted policies and guidance relating to the protection of the environment and local amenity.
- 3.9 It is considered that the final draft of the Order accords with the aims and guidance of the National Planning Policy Framework. Paragraph 199 of the NPPF states that:

'Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.'
- 3.10 In accordance with the NPPF, the LDO will contribute to building a strong, responsive and competitive economy, while supporting strong, vibrant and healthy communities and protecting and enhancing our natural, built and historic environment.

4.0 LOCAL DEVELOPMENT AREA CONTEXT

Development Context

- 4.1 Unlike other LDO areas across the country, the area in Darlaston comprises a broad area and contains land identified as individual BCEZ sites, together with additional adjacent land.
- 4.2 The known potential constraints affecting the Order area are set out below, and represent the information available to the planning authority at the time of preparing the Order. It is strongly recommended that any potential applicants seek clarification regarding these issues prior to formulating their development proposals.

Utilities

- 4.3 The area is currently serviced by mains gas, water and electricity. Western Power Distribution has previously advised on the current capacity of the electricity network in the area (to inform a utilities capacity study) and has confirmed that infrastructure improvements may be required to serve significant new development in the area.

Transport and Access

- 4.4 As a result of previous consultations with the Highways Agency some parts of the Order area are considered particularly sensitive and development will be subject to specific requirements.
- 4.5 In addition it is important to note the current transport initiatives within the LDO area. This includes the DSDA Access Project, which comprises:

Bentley Road South

- widened junction with improved traffic lights and pedestrian facilities;
- the railway bridge and the carriageway will be widened and strengthened to modern standards – this will enable safe two-way flow of traffic across the bridge and will enable larger vehicles to cross the bridge;
- the railway bridge will be converted from a dual span to a single span enabling EMR to create a rail siding in their premises which will see significant numbers of heavy vehicles removed from local roads and replaced by freight trains;
- the vertical level of Bentley Road South will be ‘smoothed-out’ to make the road easier and safer to travel along;
- footpaths along Bentley Road South will be widened to allow pedestrians safer passage.

Bentley Mill Way

- access beneath the James Bridge Aqueduct will be controlled by new traffic signals;
- the level of the road beneath the James Bridge Aqueduct will be lowered – this will enable taller vehicles to travel beneath the aqueduct;
- traffic signals will be installed at a new junction between Darlaston Road and Bentley Mill Way with the new junction being created by reducing access from Cemetery Road and creating new carriageway – this will enable a much higher volume of traffic to travel between Bentley Mill Way and Darlaston Road.

- 4.6 Outside of the Order area, improvements are proposed at the A4038 Darlaston Road / A4148 Old Pleck Road junction and at the A461 Bescot Road / A4148 Wallows Lane junction. These works will improve access south to Junction 9 of the M6.
- 4.7 Planning permission for the scheme was granted in March 2012. Development in these locations is excluded from the Order, so that the provision of the highway works is not prejudiced by the grant of planning permissions.

Flood Risk

- 4.8 As a result of previous consultations with the Environment Agency some parts of the Order area are will be subject to requirements in relation to flood risk. In particular new development should make provision for appropriate surface water drainage.
- 4.9 As per the advice in the National Planning Policy Framework and Technical Guidance on Flood Risk, for any proposed development on sites over 1 Ha in size, or within Flood Zones 2 or 3 for sites of any size, the applicant will need to submit a Flood Risk Assessment (FRA) for approval by the Council as part of the Pre Information process.

Hazardous Sites

- 4.10 Parts of the Order area fall within Health and Safety Executive (HSE) Consultation Zones and some sites are particularly constrained in this respect. As a result of previous discussions with the HSE, some parts of the LDO area are therefore within an area where development will be subject to specific requirements.
- 4.11 It is important to note that the Order does not remove the need for Hazardous Substance Consent. Therefore should an applicant wish to bring forward a use in accordance with the Order, which includes the use of hazardous substances, the applicant/operator would need to apply for Hazardous Substance Consent in the usual manner.

Contamination

- 4.12 The Order area has been subject to a number of previous land uses. Many of these relate to industrial and commercial processes that by reason of less strict regulation, enabled substances to either leak or be dumped, resulting in ground contamination. Depending on the particular activities undertaken at each site there will be a need to identify likely contaminants and confirm the intrusive investigation required. Given the nature of contamination of some sites in the area, further site investigations and possible remediation may be required to ensure that the land is suitable for its end use.

Noise and Air Pollution

- 4.13 The definition of B1 uses in the Use Classes Order sets out that these are uses capable of being undertaken in any residential area (without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot,

ash, dust or grit). The plant often associated with these uses, including air conditioning units, extraction or ventilation as well as external operations and deliveries and dispatches together can, however, sometimes create disturbance to the amenity of the local area.

- 4.14 In addition, the B2, B8 and waste recovery, transfer and/or treatment activities proposed also have potential to give rise to noise, fumes and smells which may also give rise to disturbance.
- 4.15 The area is in close proximity to a number of residential properties, education establishments and public spaces. As such it is important to consider the impact of the proposed uses on these properties and spaces.
- 4.16 The Council's aspirations for the BCEZ are to seek to create a high quality environment which can be used by residents, employees and visitors alike. This makes it essential that noise, fumes and smells in particular are appropriately controlled in an effort to safeguard this aspiration.
- 4.17 Noise, vibration, smells, fumes and air pollutants in general resulting from plant and processes associated with an industrial and commercial activity can in many cases be managed appropriately to limit the impact on sensitive development and local amenity. To ensure that these are designed and located in a manner to minimise the impact upon the surrounding area, the Council's Pollution Control Team can discuss and provide advice on the design, installation and technical requirements prior to a proposal being finalised. In order to ensure that any plant, process or operational proposal is not detrimental to the local and residential amenity or unduly impacting upon sensitive development, any proposal which requires evening, night time and weekend working and which involves external operations and emissions to air and/or noise or vibration beyond site boundaries must submit details for approval by the Council and implement accordingly.
- 4.18 Noise sources have the potential to create disturbance to the users of buildings within the Order Area. It is important that appropriate measures are put in place to minimise the disturbance which external noise has on the use and operation of both new and existing buildings and neighbouring users, to ensure the high quality working environment aspirations are achieved.
- 4.19 Development in the Order area will be subject to specific requirements and conditions. These include a restriction of the hours of operation and delivery (and associated activities), as these can cause particular disturbance to residential properties.

Habitats, Protected Species and Green Infrastructure

- 4.20 As a result of previous consultations undertaken with Natural England, some parts of the Order area are within an area where development will be subject to specific requirements.
- 4.21 Parts of the Order area are designated as a local wildlife site in the BCCS (CSP3 and ENV1) and UDP. There is a presumption against development of these areas unless the loss of habitat can be adequately compensated for elsewhere. In addition, the Order contains habitats which suggest that protected species may

be present. The Council must therefore ensure that the Order allows for the assessment of protected species and how they could be affected as a result of any new development.

- 4.22 To minimise the potential harm to protected species, the Council will require appropriate survey work to be submitted as part of the Pre-Information process to enable it to determine whether it is appropriate to incorporate any mitigation measures into the proposal. Natural England has published standing advice in relation to protected species, which sets out further information on the species in question and advice on the content of surveys required.
- 4.23 Landscaping will form an important component of any proposal within the Order area, to ensure the wider design and environmental aspirations are achieved.
- 4.24 The Order area contains a number of canals and previous consultations were undertaken with British Waterways (now known as the Canals and Rivers Trust). Its statutory position is addressed in the Pre-Information process and will be taken into account by the Council in its assessment of proposals under the Order.

Historic Environment

- 4.25 Previous consultation with English Heritage confirmed that there is one statutorily listed structure within the Order Area (the James Bridge Aqueduct) and one immediately adjacent to the Order Area (The Globe Inn Public House).
- 4.26 Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) states that an LDO cannot permit development affecting a Listed Building.
- 4.27 Although it is considered unlikely that development under the Order will significantly affect the setting of these structures, the Council will consider this issue as part of the Pre-Information process.
- 4.28 Where it is determined by the Council's Conservation Officer that the development would have an adverse impact upon the setting of the listed property, the Council will open negotiations with the applicant to identify whether this impact could be mitigated through scheme amendments.
- 4.29 Additionally, the relationship of any buildings or works to a site or feature identified on Walsall's Historic Environment Record will require consideration as part of the Pre-Information stage.
- 4.30 There are no currently 'Scheduled Ancient Monuments' or features of archaeological importance in the Order area. However due care and attention should be paid when developing the site. Should artefacts of interest be located, these should be reported to the Council's Archaeological / Conservation Officers.

Surrounding Uses

- 4.31 It is recognised that a number of sensitive uses are located adjacent to the boundary of the Order area, in particular residential properties and educational facilities. In view of this there is a need to ensure that the design of buildings does not have a detrimental impact on these uses.

- 4.32 In this context the height of new or extended buildings, and their proximity to existing uses on the boundary of the LDO area will be particularly important. The Order will therefore impose suitable restrictions.

5.0 DESCRIPTION OF DEVELOPMENT PERMITTED BY THE LOCAL DEVELOPMENT ORDER

- 5.1 Reflecting the policy context for the area, as set out above and the aspirations of the Council for the BCEZ, it is proposed that development falling within the following use classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be permitted throughout the Order area, under the Order, subject to suitable limitations and conditions:

- Class B1(b) – research and development of products or processes
- Class B1(c) – light industry
- Class B2 - general industry; use for the carrying out of an industrial process other than one falling in Class B1
- Class B8 – use for storage and/or distribution

- 5.2 It is also proposed that, reflecting an existing cluster of waste treatment operations in the LDO area, the Order will also continue to permit, within a defined area known as the Sub Zone, *sui generis* development related to development for non-hazardous, non organic waste recovery, transfer and/or waste treatment use that is enclosed within permanent buildings.

- 5.3 Whilst waste recovery, transfer and/or treatment uses are permitted by the Order, it is not considered that all sites within the Order area would be suitable for such uses given the proximity to residential and non-commercial existing uses. In line with the previous LDO a Sub Zone has again been established where these uses would be appropriate to reflect an existing cluster of waste facilities. On the basis that there have been no significant changes to the area in the intervening period the proposed sub zone is principally the same as the previous LDO with the exception of the removal of a single site that is geographically separated from the main Sub Zone. It is considered that the removal of this site will create a sub zone that is a single entity and therefore is better defined.

- 5.4 The Sub Zone has been evaluated against the locational guidance and criteria in Policy WM4 of the Black Country Core Strategy 2011, and the locational criteria in paragraph 5 and Appendix B of the National Planning Policy for Waste (October 2014). This has confirmed that it is a suitable location for the development of the specified types of waste management facilities. This evaluation is set out below:

- Promoting the development of new waste facilities in this area will support Spatial Objective 9 of the BCCS which seeks to secure sufficient waste recycling and waste management facilities in locations which are the most accessible and have the least environmental impact. The area is centrally located with good access to the regional road network and is primarily occupied by existing waste facilities.

- Given that there is an existing cluster of waste facilities in the area there will be opportunities for co-location and/or other potential benefits such as the possibility of management of a range of waste types.
- New waste uses would be compatible with neighbouring uses given that these largely comprise existing waste facilities and other employment uses.
- Further growth of the existing cluster of waste facilities will support economic and growth objectives for the Black Country by both retaining and creating jobs and generating investment.
- It will give existing waste facilities an opportunity to improve their operational efficiency.
- An assessment of the area indicates that sensitive receptors would not be adversely impacted by new waste use. Notwithstanding this, the LDO only permits waste uses in permanent buildings and therefore the impact on any receptor is likely to be limited in any case.

However, within this Sub Zone, particular limitations will still apply. To ensure that waste management will not present risks to health or the environment, development involving the management of hazardous wastes and organic wastes is not permitted. The types of waste management operations specified as being permitted will only be permitted within the Sub Zone where they can be effectively regulated, in accordance with current environmental protection legislation. As part of the Pre-information process, prospective developers will be expected to provide copies of the appropriate waste permits, licences and exemptions issued by the regulator, for the facility proposed – see Schedule 3 of the Order for details.

- 5.5 The Sub Zone is indicated on the plan appended to the Order. In addition to the uses in classes B1(b), B1(c), B2 and B8 uses generally permitted by the LDO, this is the area where it is considered appropriate to permit waste recovery, transfer and/or treatment uses. This could include the introduction of new waste technologies, providing all activities take place within permanent buildings. Appropriate activities would include re-use, recycling and material recovery (including the treatment and recovery of metals) and the sorting and transfer of waste. Operations involving mechanical, chemical or thermal processes (including anaerobic digestion and in-vessel composting but excluding incineration) would also be acceptable.
- 5.6 Outdoor storage and management of waste is recognised to be an important activity in the local area and it may be appropriate for such activities to expand or for new operations to be introduced but it is considered most appropriate for the impacts of such proposals to be assessed through conventional planning applications rather than to be permitted by the Order.
- 5.7 It is important to note that the Order does not remove the requirements of other statutory regulation and consent regimes, such as the Building Regulations, Listed Building Consent, Advertisement Consent, Hazardous Substances Consent and the Environmental Permitting (England and Wales) Regulations 2010. These will all need to be obtained where appropriate through the existing regimes. In addition the Order does not remove other forms of statutory regulation including the Conservation of Habitats and Species Regulations

(2010), the Town and Country Planning (Environmental Impact Assessment) Regulations (2011) and specific protected species legislation.

5.8 Furthermore, if any highway or public rights of way would be affected by development permitted by this Order, then the necessary statutory procedures through either the Highway Act or Town and Country Planning Acts will still apply.

5.9 The development authorised in the Order area is set out below:

Development permitted under this Order:

Development for uses falling within use classes B1(b), B1(c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) ('the UCO').

and in addition, within the Sub Zone:

Development for non-hazardous, non-organic waste recovery, transfer and/or waste treatment use that is enclosed within permanent buildings (uses not included within the UCO and deemed to be Sui Generis).

Subject to:

- a) the limitations and restrictions in this Schedule;
- b) compliance with the Pre-Information process set out in Schedule 3
- c) compliance with the preamble to, and conditions in, Schedule 4.

The development permitted under this order will be subject to the following general limitations:

- (a)** Change of use of existing buildings to provide for B1(b), B1(c), B2 or B8, or for non-hazardous, non-organic waste recovery, transfer and/or waste treatment use within the Sub Zone, shall be limited to a maximum gross external floorspace of 5000 square metres;
- (b)** Erection of new buildings to be used for B1(b), B1(c), B2 or B8 purposes, shall be subject to the following restrictions:
 - (i) no development shall take place within 5 metres of the boundary of the Area;
 - (ii) no building or part of a building shall exceed 15 metres in height, and within 5 -10 metres of the boundary of the Area no building or part of a building shall exceed 5 metres in height;
 - (iii) no building shall comprise a gross external floorspace greater than 5000 square metres;
 - (iv) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (c)** Enlargement of existing buildings to accommodate B1(b), B1(c), B2 or B8 uses shall be subject to the following restrictions:
 - (i) no development shall take place within 5 metres of the boundary of the Area;

- (ii) the enlarged part of the building shall not exceed the height of the existing building or a height of 15 metres, whichever is the lesser, and within 5 -10 metres of the boundary of the Area shall not exceed 5 metres in height;
 - (iii) no enlarged building shall comprise a gross external floorspace greater than 5000 square metres;
 - (iv) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (d)** Erection of new buildings for non-hazardous, non-organic waste recovery, transfer and/or waste treatment use, within the Sub Zone shall be subject to the following restrictions:
- (i) all waste operations shall be enclosed within permanent buildings;
 - (ii) no development shall take place within 5 metres of the boundary of the Area;
 - (iii) no building or part of a building shall exceed 15 metres in height, and within 5 -10 metres of the boundary of the Area no building or part of a building shall exceed 5 metres in height;
 - (iv) no building shall comprise a gross external floorspace greater than 5000 square metres;
 - (v) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (e)** Enlargement of existing buildings accommodating existing non-hazardous, non-organic waste recovery, transfer and/or waste treatment use within the Sub Zone shall be subject to the following restrictions:
- (i) all waste operations shall be enclosed within buildings;
 - (ii) no development shall take place within 5 metres of the boundary of the Area;
 - (iii) the enlarged part of the building shall not exceed the height of the existing building or a height of 15 metres, whichever is the lesser, and within 5 -10 metres of the boundary of the Area shall not exceed 5 metres in height;
 - (iv) no enlarged building shall comprise a gross external floorspace greater than 5000 square metres;
 - (v) the total area of ground covered by buildings within any individual planning unit shall not exceed 60% of the total area of that planning unit;
- (f)** Demolition of buildings shall be permitted only where it is to facilitate development permitted under this Order;
- (g)** Other works ancillary to new or existing uses permitted by this Order within the Area shall comprise only:
- (i) car parking;
 - (ii) hard standing;
 - (iii) landscaping;
 - (iv) boundary treatments and means of enclosure.

Development not permitted under this Order:

- (1)** Any development in relation to which, following the supply of Pre-Information as required by Schedule 3, the Council has informed the applicant in writing that:

- (i) the development proposed is not development authorised by this Order; or
 - (ii) the proposed development is considered, individually or cumulatively, to give rise to significant or substantial impacts that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order; or
 - (iii) the development would require an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended); or
 - (iv) the development would require listed building or scheduled ancient monument consent, or the Council is of the opinion that the development would affect a heritage asset or its setting;
- (2) Any development that would breach a condition or limitation of an existing and implemented planning permission for development in classes B1(b), B1(c), B2 or B8, or in the Sub Zone non-hazardous, non-organic waste recovery, transfer and/or waste treatment use, or would breach the provisions of any related planning obligation;
- (3) Ground reclamation works, including mineral extraction, landfilling and the deposition of waste onto land;
- (4) The incineration of waste, the composting of organic waste (unless in an enclosed vessel) and the management of hazardous waste;
- (5) Any development that would affect a Highway Improvement Line under the Darlaston Strategic Development Area Access Project;
- (6) Any open storage;
- (7) Any development where the distance between new buildings / enlargements of existing buildings and primary highways falls below 8m and/or the distance between new buildings and secondary highways falls below 3m.

5.10 Due to the potential constraints on development already identified it is considered that specific pre-information is required by the Council to determine whether a proposal falls within the scope of the Order.

6.0 HOW THE LOCAL DEVELOPMENT ORDER WILL WORK

Pre-Information Process

- 6.1 A Pre-Information Schedule forms part of the Order and sets out the information which the Council will require before it can confirm whether development complies with the Order.
- 6.2 The Pre-Information process must be followed for every proposed development coming forward under the Order. Development cannot be considered lawful development until, amongst other things (including other provisions of Schedule 3), the Pre-Information process has been undertaken and the Council has confirmed in writing that the proposal complies with the Order.

- 6.3 There is a need for the Council to formally confirm, that development is compliant with the Order as this would provide a number of benefits:
- allow funding bodies to receive confirmation of the lawfulness of the development;
 - allow for an EIA screening to take place;
 - replace the prior notification process required when property is to be demolished for the purposes of facilitating development permitted under the Order;
 - it can be considered as a grant of planning permission for the purposes of ss. 247 and 248 of the Town and Country Planning Act 1990 allowing, where appropriate, an application to be made for the stopping-up or diversion of public highways or rights of way.
- 6.4 As part of the Pre-Information stage the Council will consult with the relevant stakeholders with respect to development proposals in the area. The stakeholders may include (though not exclusively):
- Highways Agency;
 - Health and Safety Executive;
 - Natural England;
 - English Heritage;
 - Canals & Rivers Trust;
 - Network Rail; and
 - Environment Agency.
- 6.5 Where no significant issues are raised by stakeholders and the Council concludes that the proposal satisfies the requirements of the Order, it will write to the applicant to confirm that the proposal is permitted under the Order; this will occur within 28 days of the receipt of the complete Pre-information form and associated documentation.
- 6.6 All development brought forward under the Order must comply with the conditions set out in Schedule 4 of the Order.
- 6.7 The Order will not permit any development which is "Schedule 1 development" or "Schedule 2 development" as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (EIA Regulations). The Pre-information process requires an EIA screening opinion request to be submitted to the Council with the Pre-Information form to enable the Council to determine whether the proposal is deemed to be EIA development. This will require an overview of the development, its location and proposed use; it should also include a deposit copy of the plans and elevations, together with a specification where necessary, to enable the Council to make an informed judgement. If the screening opinion provided by the Council identifies that the development constitutes EIA development, development will not be

permitted under the Order. Instead, a planning application will be required which must be accompanied by an environmental statement.

- 6.8 To allow the Council to confirm whether the proposed development falls within either Schedule 1 or Schedule 2 of the EIA Regulations, the Pre Information form requires the applicant to submit details of the proposed size, type and use of the development.
- 6.9 Fundamentally, the Order would allow compliant development to take place quickly and yet still provide for appropriate environmental safeguards to be in place.

Conditions

- 6.10 In addition to the Pre-Information process, there are conditions attached to the Order to ensure impacts of the development are appropriately managed and/or mitigated.
- 6.11 The Council has endeavoured to keep the conditions attached to this Order to the minimum required to ensure the development meets the needs of the simplified planning process.

Policy Implementation, Monitoring and Other Statutory Requirements

(i) Statement of policies implemented by the LDO

- 6.12 The Order supports the implementation of existing strategies, plans and policies at national, regional and local level. The relevant strategies, plans and policies are listed below:

National Planning Policy Framework (2012)

Local Policy;

- Black Country Core Strategy - Regeneration Corridor 6, CSP1, WM2, WM4, EMP1, CSP3, CSP4, CSP5, ENV1, ENV3, ENV4, ENV5, ENV7, TRAN2.
- Walsall UDP Policies – JP1, JP5, JP8, GP2, GP3, T1, T7, T10, T11, T12, T13, ENV10, ENV12, ENV22, ENV11, ENV14, ENV23, ENV33, ENV40,
- Designing Walsall SPD
- Conserving Walsall's Natural Environment SPD
- Urban Open Space SPD

Supporting Strategies / Reports

- Walsall Revised Statement of Community Involvement (2012)
- Walsall Employment Land Review (2012)
- Walsall Local Economic Assessment (2011)
- Sustainability Appraisal of the Black Country Core Strategy (2011)
- Habitats Regulations Assessment of the Black Country Core Strategy (Nov 2008)

- Black Country Strategic Flood Risk Assessment (2009)
- Local Transport Plan (2011)
- Darlaston Strategic Development Area (SDA) Access Project

(ii) Monitoring Framework

- 6.13 The Order will be subject to on-going monitoring to assess its effectiveness in delivering the simplified planning rules which support the BCEZ as well as a means by which any unintended impacts or outcomes of the Order can be identified.
- 6.14 In addition this monitoring framework will also contribute to assessing the impact and success of the BCEZ, and in turn the Government's policy of Enterprise Zones. It is important to note that this LDO Monitoring Framework is only a single element of this monitoring activity and will only be able to provide information relating to the establishment of the simplified planning rules as opposed to the impact and success of the financial incentives for example.
- 6.15 The outcomes of the monitoring process in relation to the Order will be reported in the Local Development Framework Annual Monitoring Report (AMR).

(iii) Other Statutory Requirements

- 6.16 Whilst the Order grants planning permission for certain types of development within the Order Area, it will remain the responsibility of the applicants to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.
- 6.17 Particular attention is drawn to the following legislation:

European;

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

National;

- Wildlife and Countryside Act 1981(as amended)
- Conservation of Habitats and Species Regulations 2010
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- Pollution Prevention and Control Act 1999 and the Environmental Permitting Regulations 2010 and 2011

- 6.18 In addition to above, the Local Development Order does not remove the need to obtain consent under other regimes as appropriate, including:
- Listed Building Consent;
 - Hazardous Substance Consent; and
 - Advertisement Consent
 - Building Regulations

- Site Waste Management Plans
- Waste Management Licensing

7.0 LIFETIME OF THE LOCAL DEVELOPMENT ORDER

- 7.1 Any revision or modification of the Order whereby it becomes more restrictive may open up the liability for compensation for loss /damage directly attributable to the revocation or modification under Section 107 and 108 of the Town and Country Planning Act 1990. The Council therefore wishes to confirm a 3 year life span of the Order, as it is currently proposed.
- 7.2 The expected adoption of the Order by the Council will be in April 2015, with expiry of the Order in April 2018.
- 7.3 The Council has three options available, following the expiry of the Order. They are:
- Revise and re-adopt the Order with the similar conditions and criteria, brought up to date to reflect the latest policy and legislation. This will require a period of re-consultation;
 - Prepare a new LDO for the area as it has been defined or an amended area. This will also require a period of re-consultation; or
 - Return to the established planning regime.
- 7.4 Any development which has commenced under the provisions of the Order, before expiry, will be able to be completed and operated in accordance with the requirements and conditions of the Order, subject to the Council's confirmation of compliance issued under the Pre-Information process.
- 7.5 The uses which have been developed and implemented under the Order will be allowed to continue to operate following expiry in accordance with the conditions under which they were permitted – i.e. those set out in the Order and subject to the Council's confirmation of compliance issued under the Pre-Information process.
- 7.6 Following the expiry of the Order, any new development, changes to existing development or changes to the restrictions imposed upon them by the Order's conditions must not take place until the Council has considered whether these changes can be agreed under the conditions of the Order by which they were permitted, or whether a planning application is required,

8.0 CONCLUDING REMARKS

- 8.1 The Darlaston Local Development Order 2012 has provided a simplified approach to planning to encourage the introduction of new employment activity to the area and the expansion of existing operations in full accordance with the Council's adopted planning policies. The use of the Pre-Information process allows applicants to pursue appropriate development quickly and effectively with the minimum of delay and with the support of the Council. On this basis the Council believes that there is merit in adopting the Order, which will be in force for another three year period.

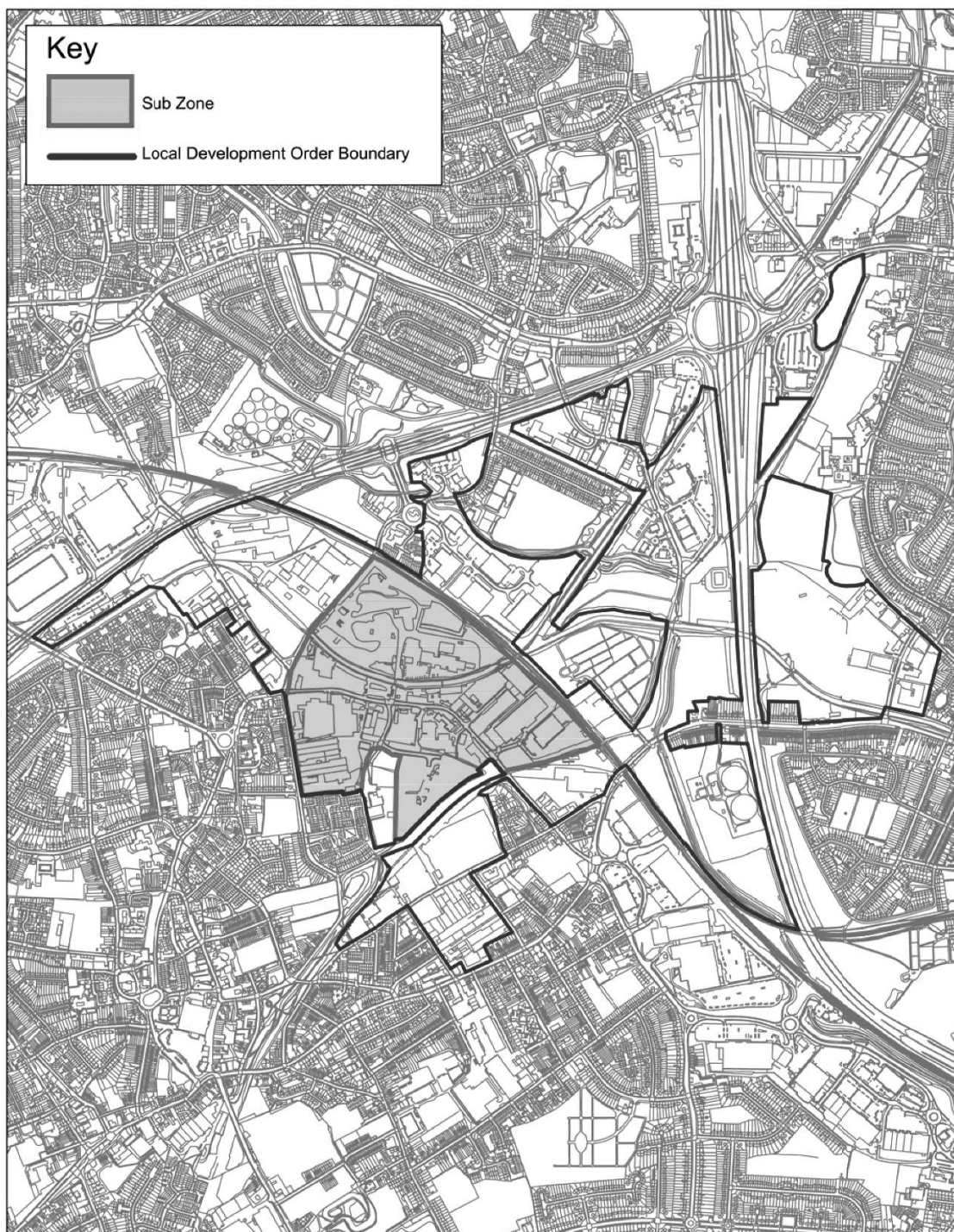
- 8.2 A comprehensive review of the Darlaston Local Development Order 2012 has been undertaken and a number of amendments have been made to ensure that the Order operates as efficiently and effectively as possible. It is hoped that these changes will help to ensure an increase in the number of proposals submitted under the Order in the forthcoming period.

Appendix (i) The Local Development Order Plan

Schedule 1

DRAFT

Local Development Order Boundary (The 'Plan')



Map Scale: Not to scale

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Map Produced By: Planning & Building Control

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Appendix C

Darlaston Local Development Order – Consultation responses table

Consultation respondent	Summary of comments made	Response to comments and action proposed
Environment Agency	<p>1. Note that the document makes reference to the types of waste management activity that would not require planning permission for development in this area. These are described in Schedule 2 as 'non hazardous, non organic waste recovery, transfer and/or waste treatment that is enclosed within permanent buildings'. From the Environment Agency's perspective, this would only permit, inert construction and demolition and scrap metal operations. However, the document contradicts itself further on. Clause 4 of schedule 2, referring to developments not permitted by the order, suggests that in vessel composting would be an acceptable waste treatment method. We consider this type of operation to be organic waste treatment and so should not be considered under the order. Paragraph 5.5 in the statement of reasons states that 'Operations involving mechanical, chemical or thermal processes (including anaerobic digestion and in-vessel composting but excluding incineration) would also be acceptable'. Again we consider these to be organic waste treatment processes. To avoid confusion or inappropriate development we recommend that these clauses are amended to reflect that no organic waste treatment activities can take place in the zone without full planning permission.</p> <p>Schedule 3 – Drainage & Fluvial Flood Risk</p> <p>2. Clarify when a flood risk assessment should be</p>	<p>1. The contradictions highlighted by the Environment Agency in respect of the definition of waste management activity are noted. Amendment to the LDO and Statement of Reasons to make it clear that organic waste treatment activities are not permitted.</p> <p>2. Amendment to the LDO to refer applicants to</p>

	<p>produced, and when standing advice would be more appropriate for applicants to submit in support of the pre-information request in order to improve Schedule 3.</p> <p>Request that the following text be included within section 3 of schedule 3: <i>Please note that all development that encroaches within 20m of the top of bank of a Main River or involves culverting/ controlling flow within a watercourse designated as Main River, will require the consent of the Environment Agency as part of a formal application for Flood Defence Consent.</i></p> <p>Schedule 3 – Ecological Surveys 3. The Development Order includes the watercourses of the River Tame, Darlaston Brook and Sneyd Brook as well as the Walsall Canal. Any development in this area has the potential to impact upon the watercourse either through site drainage and water quality or through development in close proximity to the watercourse. The River Tame, Darlaston Brook and Sneyd Brook fall into the Water Framework Directive (WFD) water body ‘River Tame (W/Hampton Arm) from Source to Sneyd Brook’ (GB104028046930). This is classed as a Heavily Modified Water body (HMWB) which is currently failing its WFD objective being of Moderate Ecological Potential with the target of Good by 2027. Invertebrate classification show signs of deterioration with issues around urban diffuse pollution and habitat availability. Development next to or that would include structures over the water course may require a WFD assessment depending on the boundary treatment with the</p>	<p>current Environment Agency guidance in order to determine the requirement for a flood risk assessment.</p> <p>LDO amended accordingly.</p> <p>3. Schedule 3 includes a requirement to provide details of a sustainable drainage system as part of any major proposal.</p>
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	<p>watercourse. All development in this situation should look to improve the ecological value of the watercourse and enhance it as a wildlife corridor. This includes incorporating mitigation measures for this water body as specified in the Humber River Basin Management Plan of:</p> <ul style="list-style-type: none"> • Increase in-channel morphological diversity • Re-opening existing culverts <p>All development should include a SuDS scheme which provides multiple benefits for flood risk, water quality, biodiversity and amenity value.</p> <p>4. The following details would be required for any development next to a watercourse: <i>No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:</i></p> <ul style="list-style-type: none"> • <i>plans showing the extent and layout of the buffer zone</i> • <i>details of any proposed planting scheme (for example, native species)</i> • <i>details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including</i> 	<p>4. The EA's comments with regards to the River Tame are noted. However, it is considered that the creation of an 8m wide buffer zone next to a watercourse would be overly onerous.</p> <p>As drafted the LDO does not permit any development within 5m of the boundary of the area. Furthermore, it stipulates that any development proposals either directly adjacent to or close to the River Tame would require the completion of baseline ecological appraisal (and any follow on survey considered necessary). Should it be identified that there would be significant impacts to protected species which cannot be mitigated, the proposed development would not be permitted through the LDO.</p> <p>It should also be noted that during the 28 days within which the Council considers whether the proposed development is permitted under the LDO all relevant stakeholders will be consulted. Should a</p>
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	<p><i>adequate financial provision and named body responsible for management plus production of detailed management plan</i></p> <ul style="list-style-type: none"> <i>• details of any proposed footpaths, fencing, lighting etc.</i> <i>• where a green roof is proposed for use as mitigation for development in the buffer zone ensure use of appropriate substrate and planting mix.</i> <p>We require this amendment because development that encroaches on watercourses has a potentially severe impact on their ecological value. e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. Such networks may also help wildlife adapt to</p>	<p>consultee consider it likely that a proposed development would result in a significant environmental impact then it will not be permitted by the LDO.</p> <p>The Environment Agency is a consultee and will continue to be consulted on all proposed development.</p>
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	<p>climate change and will help restore watercourses to a more natural state as required by the Humber river basin management plan.</p> <p>Schedule 3 - Contamination</p> <p>5. Under Schedule 3 section 9 (which sets out the pre-information requirements for any proposed redevelopment within these Black Country Enterprise Zone sites and some of its adjacent plots of land), it identifies the need to supply upfront all details and evidence from soil and groundwater contamination assessments and identify any mitigation measures needed.</p> <p>This ensures all these (largely contaminated) LDO sites will still need to be fully investigated under this simplified planning regime and could have their redevelopment proposals rejected if the data suggest the scheme will lead to significant contamination exposure / remobilisation without any effective mitigation being available.</p> <p>It should be very clear that the investigation and clean-up of these areas prior to or as part of any above-ground redevelopment cannot be ignored in order to speed up and/or incentivise local regeneration. However, I would suggest to improve the wording in the 'Reasons' under Item 9, amending '<i>...adequate regard to public health, environmental public protection...</i>' to '<i>... adequate regard to public health and/or environmental protection...</i>' to ensure this clearly captures our work to protect Controlled Waters rather than just focusing on the human health element of remediation.</p>	<p>5. Acknowledge the need to emphasise the importance of environmental protection. Amendment to the LDO to reflect the text suggested by the Environment Agency.</p>
Natural England	<p>Natural England does not consider that this Local Development Order (LDO) poses any likely or significant risk to those features of the natural environment for which</p>	<p>Note that no specific comments are provided on the content of the LDO. Response in relation to possible impacts:</p>

	<p>we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.</p> <p>The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.</p> <p>In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when considering this LDO proposal:</p> <ol style="list-style-type: none"> 1. Protected species – where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05)2. 2. Local wildlife sites – if the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it considers the LDO. 3. Biodiversity enhancements – this LDO may provide opportunities to incorporate features into the design of its 	<ol style="list-style-type: none"> 1. Noted. Amendment to LDO to require protected species survey as appropriate. 2. Noted. Amendment to LDO to require sufficient information to enable an assessment of the impact on a local wildlife site. 3. Noted. Amendment to the LDO to require biodiversity enhancements where appropriate.
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	<p>buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the LDO area and its surroundings. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that <i>‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’</i>. Section 40(3) of the same Act also states that <i>‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’</i>.</p> <p>4. Landscape enhancements – the LDO may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.</p> <p>5. Habitat Regulations Assessment – whilst the LDO mentions, in passing, the LDO areas’ relative close proximity to the Cannock Chase Special Area of</p>	<p>4. Noted. No specific amendment to the LDO has been made. Proposals for landscaping are a requirement of the pre-information process.</p> <p>5. Development which would be permitted by the LDO is that screened in the HRA for the Black Country Core Strategy in 2009 and on this basis a</p>
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	<p>Conservation (SAC) [a European designated site] it does not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a formal Habitats Regulations Assessment (HRA).</p> <p>In considering the European site interest, as a competent authority under the provisions of the Habitats Regulations, you must have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.</p> <p>Nevertheless, in advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:</p> <ul style="list-style-type: none"> • the proposal is not necessary for the management of the European site • that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment 	<p>HRA has already been carried out. No new Special Protection Areas (SPA) or Special Area for Conservation (SAC) have been designated in the region and there are no other factors requiring a review of the original HRA. Furthermore, Natural England did not identify specific European sites, but did ask Walsall Council to consider the Habitats Regulations prior to the initial adoption of the LDO in 2012. The Council's consultants, Brooke Smith Planning, considered the significant distance between the LDO and European sites, the absence of a pathway between these sites and the restrictions placed upon the available development options within the LDO. The consultants concluded it was highly unlikely that development permitted under the LDO would represent a measureable impact on the European sites identified.</p> <p>Now, taking into account the limited time that has passed and the few changes there have been in the area or to the LDO it is considered that the amended LDO would not have any significant effects.</p> <p>Given that the LDO area is more than 15km from Cannock Chase SAC it is beyond any 'zone of influence' that Natural England have sought to identify in relation to possible impacts (which have been in respect of the generation of potential visits to Cannock Chase). It should also be noted that the LDO does not make any reference to the Cannock Chase SAC and therefore the response is incorrect in this statement.</p>
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		<p>It is noted that Natural England conclude that the proposal is not necessary for the management of the European site, and is unlikely to have a significant effect on a European site. It is therefore understood that a HRA is not required.</p> <p>Nevertheless, the Council has produced a HRA screening pro-forma to set out that the LDO will not pose significant effects to Cannock Chase, the only European site identified by Natural England for consideration.</p>
Highways Agency	<p>Note that the principals relating to renewal of the Order are largely consistent with those previously consulted upon during development of the existing order in 2012. In this regard the Agency is satisfied that the general approach is acceptable subject to the following remarks and clarification on a number of matters prior to adoption of the Order:</p> <p>1. Reference to the Highways Agency should be amended to the <i>“Secretary of State for Transport as represented by the Highways Agency and from 1 April 2015, Highways England”</i>. Exact wording of this should be checked with the Agency prior to finalisation of the Order.</p> <p>2. DfT Guidance for Transport Assessment is referred to within the Draft Order. This was withdrawn in October 2014 and replaced by the National Planning Policy Framework planning practice guidance which does not include advice on appropriate thresholds at which different levels of transport appraisal should be undertaken (Transport Statements and Assessments). This places sole</p>	<p>Note that general approach is acceptable. Response to specific matters:</p> <p>1. Adoption of the LDO will take place after 1 April 2015. On this basis all references to the Highways Agency will be amended to Highways England.</p> <p>2. Core Strategy policy Tran2 (Managing Transport Impacts of New Developments) requires Transport Assessments to be submitted for development exceeding 3000sqm on the basis that this was the defined threshold in Appendix B of the DfT Guidance on Transport Assessment when the Strategy was adopted. It is therefore proposed that</p>

	<p>determination of the appropriate thresholds within the hands of the Local Planning Authority. In this regards the Agency would welcome confirmation within the Order that an appropriate level of appraisal will be required either by agreement in consultation with the Agency (including its announced successor Highways England) or via an agreed Framework of thresholds. This is to ensure that sufficient information will be required of all applications to allow the assessment of the transport impacts of development upon the SRN.</p> <p>3. The Agency would wish to consult with the Authority on the definition of areas referred to in para 4.4 of the Statement of Reasons as areas <i>“particularly sensitive and development will be subject to specific requirements”</i> to consider the underlying assumptions and whether there has been a material change in circumstances since adoption of the existing order</p>	<p>this threshold continues to apply.</p> <p>3. When the Council consulted the Highways Agency on the previous LDO it was noted that the Agency was concerned about any development which could impact on the M6 and therefore the area around the motorway was considered to be particularly sensitive. On this basis there was a requirement for the Council to consult the Agency on any such development. This continues to be a requirement in the updated LDO, with Schedule 3 Part 1 stating that prior to the Council confirming whether the proposed development is permitted under the Order, the Council shall consult with the relevant stakeholders including statutory bodies. Highways Agency notes this response and states that in future it would wish to be party to any clarification on this but is content for this to be a matter dealt with on a case by case basis. Highways Agency understands that it is Walsall Council’s intent that Schedule 3 Part 1 of the new Order places the decision whether an area is considered as “particularly sensitive” in terms of impacts upon the SRN with the Agency. Highways Agency accept</p>
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	<p>4. Request clarification as to the reason for the removal of the following paragraphs under Section 4, Requirement of Pre-information Schedule:</p> <p><i>“Transport Statements/Assessments must be submitted to the Council and agreed in writing with the Council, prior to the commencement of development”.</i></p> <p><i>“Proposals which have a detrimental impact upon the highway network and/or surrounding residential areas and/or significant negative air quality impact are not permitted under this Order unless appropriate mitigation to moderate any such impacts to an acceptable level can be identified and agreed in writing with the Council”.</i></p>	<p>this is the appropriate basis for agreement and recommend that the wording of Schedule 3 Part 1 paragraph 3 is thus amended to indicate that Council will “consult and seek to agree” (with the relevant stakeholders). While the Council will consult stakeholders as necessary the proposed additional wording is not included in the LDO as this could have the effect of fettering the Council’s decision making process.</p> <p>4. The format of the LDO has been amended in this updated version. Schedule 3 now sets out all the requirements for submission of information while Schedule 4 is limited to specific conditions that will apply to the development. Schedule 3 Part 6 sets out the requirement for a Transport Statement/Assessment and states that where mitigation measures are proposed then these must be implemented for development to be permitted through the LDO. On this basis while the paragraphs referred to have been removed, the stipulations that they set out are still contained in the LDO, i.e. applicants must submit assessments and proposals that have a detrimental impact will not be permitted unless there are suitable mitigation measures. The Highways Agency notes this response but request that suitable additional wording is included which recognises the requirements of the SRN and in particular the critical role of the M6 Motorway. The Highways Agency therefore propose the following paragraph is included under Schedule 3 Section 4:</p> <p><i>“Impacts upon the Strategic Road Network shall be assessed and agreed, including any necessary</i></p>
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		<p><i>mitigation proposals, by the Highway Authority for the M6 motorway."</i> The additional wording will be incorporated within the LDO but without an explicit requirement for Highways England agreement as this could impact on the Council's decision making process.</p>
Coal Authority	<p>Priority is to ensure that new development permitted by the LDO is not itself at risk of land instability, it does not result in wider instability and that public safety is adequately protected at all times.</p> <p>Within the overall LDO boundary there are 373 recorded mine entries, these pose a very significant risk to land stability and public safety. In addition the area also contains recorded shallow coal workings, it has been surface mined and the area also contains unrecorded historic coal workings at shallow depth. In addition 3 coal mining related hazards have been notified to The Coal Authority within the LDO area and a further 3 hazards have been notified close to the LDO boundary.</p> <p>Land instability arising from mining legacy is consequently a very significant issue in the LDO area. In the 2012 LDO ground stability was addressed in Condition of Schedule 4.</p> <p>The proposed 2015 LDO has been restructured and now ground stability is mentioned within Pre-Information Requirement 9 of Schedule 3. Whilst ground stability is covered under this Pre-Information Requirement, the heading and the content is in our view too heavily focussed on the issue of contamination and needs some revision.</p>	<p>The need for greater emphasis on ground instability is noted. The changes proposed by the Coal Authority are considered acceptable and the LDO will be amended accordingly.</p>

	<p>The Coal Authority does not support the erection of new development above mine entries or within their zones of influence. This is the case even when mine entries have been treated. Following treatment measures mine entries remain a serious risk to public safety and standard construction practice would result in developers identifying relevant 'no build' zones.</p> <p>The distribution and concentration of mine entries, particularly in the eastern half of the LDO area is a constraint on development coming forward. If development is proposed to go over mine entries then clear demonstration will need to be made that other planning factors outweigh the risks posed.</p> <p>Proposed amendments to the draft LDO (additional text underlined):</p> <p>Schedule 3 – The Darlaston Area Local Development Order 2015 – Pre-Information Schedule</p> <p>9. <i>Contamination:</i></p> <p><i>Requirement</i> <i>A site investigation report to assess contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and <u>ground</u> stability shall be submitted where appropriate.</i></p> <p><i>A remediation statement setting out any required mitigation, <u>treatment or remedial</u> works to address contamination and/or <u>ground instability</u> identified through the site investigation. Appropriate validation will be</i></p>	
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required for any agreed mitigation.

Contamination Guidance

Sufficient information must be provided by the applicant to establish:

- (i) the existing levels of contamination;*
- (ii) potential contaminant pathways;*
- (iii) sensitive receptors which might be impacted upon by developments permitted under this Order;*
- (iv) the adequacy of any mitigation measures where these are proposed*

Unstable Land Guidance

Sufficient information must be provided by the applicant to establish:

- (i) existing ground conditions;*
- (ii) the known and potential causes of instability;*
- (iii) the precise location of any mine entries;*
- (iv) the zone of influence of any mine entries;*
- (v) the investigations undertaken;*
- (vi) the likelihood of risk to the development;*
- (vii) the adequacy of any mitigation, treatment or remedial measures where these are proposed*

Where mitigation, treatment or remedial measures are required, then providing that those measures do not require planning permission in their own right, any confirmation from the Council that the proposal is permitted under this Order will be subject to the recommended mitigation, treatment or remedial measures being incorporated and/or implemented within the development.

Where the site investigation concludes that development

	<i>will result in significant contamination <u>or ground instability</u> issues which cannot be mitigated appropriately as part of the development the proposal will not be permitted under this Order."</i>	
Jones Lang LaSalle (on behalf of ZF Lemforder UK Ltd)	<p>Reference to response to previous consultation in 2012 which concluded that the LDO would not simplify procedures. Reiterate that it would assist companies such as ZF Lemforder UK Ltd to realise plans for future investment if a much simpler approach as taken with the LDO, with far less restrictions and stipulations as to what is permitted and less onerous requirements as to the information to be provided. Notes that certain restrictions would mean that any proposals for the factory would fall outside the LDO, namely:</p> <ol style="list-style-type: none"> 1. Limit on enlargement of existing buildings to 1000sqm. 2. Restriction on height of new buildings within 5-10m of residential building. 3. Plot ratios for sites should not exceed 60% 4. Restriction on deliveries and hours of operation between 0700-2100 Monday to Saturday and at no time on Sundays. 	<p>While a LDO that included less rigid conditions and restrictions on the types and scale of development which could be permitted would enable industry to develop more freely, this needs continue to be balanced against the potential impacts on those living nearby. It is considered that the LDO as drafted reaches an appropriate balance between enabling industrial development and protecting the amenity of adjacent residential uses. Comments in response to the specific restrictions referred to:</p> <ol style="list-style-type: none"> 1. 1000sqm is considered necessary to enable a level of control the overall amount of development on site. 2. A height of 5m is considered to be appropriate as it represents the height of a typical two storey residential property. A type of development that would usually be considered appropriate adjacent to other residential properties. 3. The 60% ratio is considered necessary to maintain a level of control over the amount of development. 4. Restrictions are considered necessary to protect residential amenity.

	<p>5. No development of new building within 5m of the edge of the LDO area.</p> <p>6. No enlargement of existing buildings within 5m of the edge of the LDO area.</p> <p>7. No open storage.</p> <p>State that the required information to enable a LDO submission to be processed appear more extensive than in the previous version.</p> <p>Request that restrictions are amended to enable companies such as ZF Lemforder UK Ltd to utilise the LDO.</p>	<p>5. Restriction considered necessary to protect residential amenity.</p> <p>6. Restriction considered necessary to protect residential amenity.</p> <p>7. Restriction considered necessary to protect residential amenity.</p> <p>The appropriate consideration of the environmental impacts of any development proposal is important and therefore there is requirement to submit information as part of an LDO submission but this is in line with the existing version.</p> <p>The importance of achieving balance between facilitating new development and safeguarding residential amenity has been set out and therefore easing restrictions is not proposed. It should be noted that if a proposal does not meet the criteria of the LDO then this does not mean that it would necessarily be unacceptable.</p>
Canal & River Trust	<p>1. We welcome the inclusion of reference to Policy ENV4 Canals in relation to the pre-information schedule (section 2 of Schedule 3). Policy ENV4 requires amongst other things that <i>“All development proposals likely to affect the canal network must: • safeguard the operation of a navigable and functional waterway”</i>. Paragraph 4.24 of the Statement of Reasons states that <i>“The Order area contains a number of canals and previous consultations were</i></p>	<p>1. Amendment to the LDO to address the issue of structural integrity of the canal.</p>

	<p><i>undertaken with British Waterways (now known as the Canal and River Trust). Its statutory position is addressed in the Pre-Information process and will be taken into account by the Council in its assessment of proposals under the Order". We remain concerned that the Order does not appear to allow the Council to lawfully determine that a proposed development is not permitted under the Order on the grounds that its impact on the structural integrity of a canal is unacceptable and cannot be appropriately mitigated. We note that under other sections of Schedule 3 the Council specifies the circumstances where development will not be permitted under the order. We suggest that structural integrity issues related to the canal may be covered by similar guidance. For example, by including a requirement within section 2 of Schedule 3 such as the following: "where the Council concludes that development will result in structural integrity issues for a canal which cannot be mitigated appropriately as part of the development the proposal will not be permitted under this Order".</i></p> <p>2. We note that there is no longer a requirement within the pre-information schedule (proposed section 2 of Schedule 3) for submission of information relating to the <i>"relationship of any building or works to any boundary with a canal"</i>. The schedule also recognises that <i>"additional supporting documents may also be required dependent on the specific proposal"</i>. We would strongly encourage early engagement with the Trust in relation to any additional information that may be required for canalside sites, so that appropriate drawings and reports are submitted at the pre-information stage. This also gives the potential for structural integrity mitigation matters to be addressed</p>	<p>2. In providing full details of the proposed development as required under Schedule 3 Section 2 the relationship of any building or works to a canal will be demonstrated. In considering any submission through the LDO additional information can be required as appropriate.</p>
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	through recommendations in a report. The developer is then required to implement such mitigation by virtue of condition 3 of Schedule 4.	
English Heritage	No comments	No response required
Residents of Darlaston Road	<p>Letter signed by 35 residents stating:</p> <p>In respect of the Darlaston LDO the undersigned believe that you have given little or no consideration to residents on the Darlaston Road in respect of the height of potential new developments.</p> <p>We state in the strongest possible terms that 15 metres in height for new developments will blight the view from the rear of our properties. 15 metres is equal to nearly 50 feet yet our properties are only a height of approximately 30 feet which means that any new development could tower over our properties by as much as 20 feet!</p> <p>We consider this to be completely unacceptable especially in view of the fact that we have enjoyed an open aspect for more than 30 years.</p> <p>We respectfully ask that you change the LDO to reduce the height of such developments to a height of no more than 7.5 metres which will be sympathetic to our homes, way of life, outlook and privacy.</p>	<p>With regard to industrial development the General Permitted Development Order restricts the height of new buildings to 5m within 10m of a boundary and in all other cases no new building can be higher than 15m. The LDO therefore reflects existing legislation but provides an added restriction that no development is permitted within 5m of a boundary in order to protect residential amenity.</p> <p>It is believed that the reference to a longstanding open aspect relates to the Parallel 9-10 site. In law there is no right to any particular view from a property. Furthermore, the site is a long established employment site in the Unitary Development Plan, has previously had planning permission for such use and is a key site within the Black Country Enterprise Zone.</p> <p>No amendment to the LDO is proposed.</p>

Resident of Memory Lane, Darlaston	<p>Makes a number of complaints about the LDO:</p> <ol style="list-style-type: none"> 1. Application is too open, just because we have waste processing now does not mean we should increase it. 2. Darlaston with the new development should be looking to improve not become the local waste tip. 3. Just moving a process indoors does not protect from the dust associated with the transport and yard handling of hazardous materials, particularly old building dust. 4. The air in Darlaston and locally is bad enough without more hazardous dust. 5. This planning application is too loose and totally uncontrollable in the future. 6. Industrial dust from old industries is the most toxic hazard, particularly when those buildings are knocked down. 7. We already have the M6 destroying the air quality. We do not need any more. 	The waste management uses permitted in the Sub Zone have been re-evaluated, having regard to the comments from the Environment Agency, the latest national planning policy guidance on waste, and the locational guidance and assessment criteria in BCCS Policy WM4. The LDO and Statement of Reasons have been amended accordingly.
Additional amendments		
Walsall Council Development & Delivery	<p><i>'Development not permitted by the order'</i> the order states under (iv) that:</p> <p><i>'The development would require listed building or scheduled ancient monument consent, or the Council is of the opinion that the development would affect a heritage asset or its setting'.</i></p>	Amendment to the LDO and Statement of Reasons as proposed.

	<p>It is suggested that the word 'adversely' is added before the word 'affect'.</p> <p>Moreover, under the Statement of Reasons paragraph 4.25 through to 4.30 addresses the historic environment. Paragraph 4.28 and 4.30 both refer to the determination by or reporting to the '<i>Council's Archaeological / Conservation Officer</i>'. This should be replaced with 'the Council' so that the most appropriate officer can undertake a decision in the absence of a Conservation Officer.</p>	
Walsall Council Development & Delivery	Minor drafting issues noted following issue for statutory consultation purposes.	Amendments to the LDO to address drafting issues.
Walsall Council Pollution Control	Need for minor redrafting to LDO Schedule 3, Section 5 Acoustics and Air Quality.	Amendments to the LDO to provide greater clarity.
Walsall Council – Planning Policy	<p>Agree with Environment Agency comment about potential inconsistency in the draft LDO between range of waste facilities permitted in the Sub Zone and the information provided in the Statement of Reasons about the types of facilities that are acceptable – this needs to be addressed.</p> <p>Some land in the Sub Zone is identified as Potential High Quality employment land in the Walsall Employment Land Review (2012), so there is potential conflict between the range of waste management operations permitted by the draft LDO, and the range of facility types allowed on this category of employment land in the BCCS (see Policies EMP2 and WM4).</p> <p>National planning policy on waste has changed since the</p>	<p>The waste management uses permitted in the Sub Zone have been re-evaluated, having regard to the comments from the Environment Agency, the latest national planning policy guidance on waste, and the locational guidance and assessment criteria in BCCS Policy WM4. The LDO and Statement of Reasons have been amended accordingly.</p> <p>The Pre-Information guidance in Schedule 3 has been amended to include requirements for provision of information about sustainable use of energy and water, on-site waste management and safeguarding of mineral resources, and guidance on the information applicants can refer to. The Statement of Reasons has also been amended to explain why</p>

	<p>original draft LDO was prepared – new National Planning Policy (NPP) for Waste replaced the former PPS10 in October 2014. This clarifies that the following requirements of the Waste Framework Directive (2008/98/EC), transposed by the Waste Regulations 2011 (as amended), must be applied when considering proposals for new waste management developments, in particular:</p> <ul style="list-style-type: none"> • The application of the “waste hierarchy,” and the objective of driving waste further up the hierarchy; • The principle that waste should be disposed of or recovered without endangering human health or harming the environment; and • The application of the principles of “proximity” and “self-sufficiency” to waste disposal facilities and facilities for the recovery of mixed municipal waste from households and other producers. <p>The range of waste management developments permitted in the Sub Zone needs to be re-evaluated in the light of the new guidance (see NPP for Waste, paragraphs 1, 4 – 7 and Appendices A and B).</p> <p>The draft Pre-Information schedule (Schedule 3) does not take into account the following requirements for a “sustainable development” in the NPPF, NPP for Waste and current local plan policy:</p> <ul style="list-style-type: none"> • Sustainable use of energy and water resources (“saved” UDP Policy ENV40 and NPPF paragraphs 7, 17 and 93 - 99); • Provision for on-site waste management (NPPF paragraphs 7 and 17, NPP for Waste paragraphs 8 	<p>this information is required.</p>
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	<p>and 9 and BCCS Policy WM5); and</p> <ul style="list-style-type: none">• Safeguarding of minerals of local and national importance (NPPF paragraphs 7, 143 and 144 and BCCS Policy MIN1 and Minerals Key Diagram).	
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