



Walsall Council

Darlaston Area 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

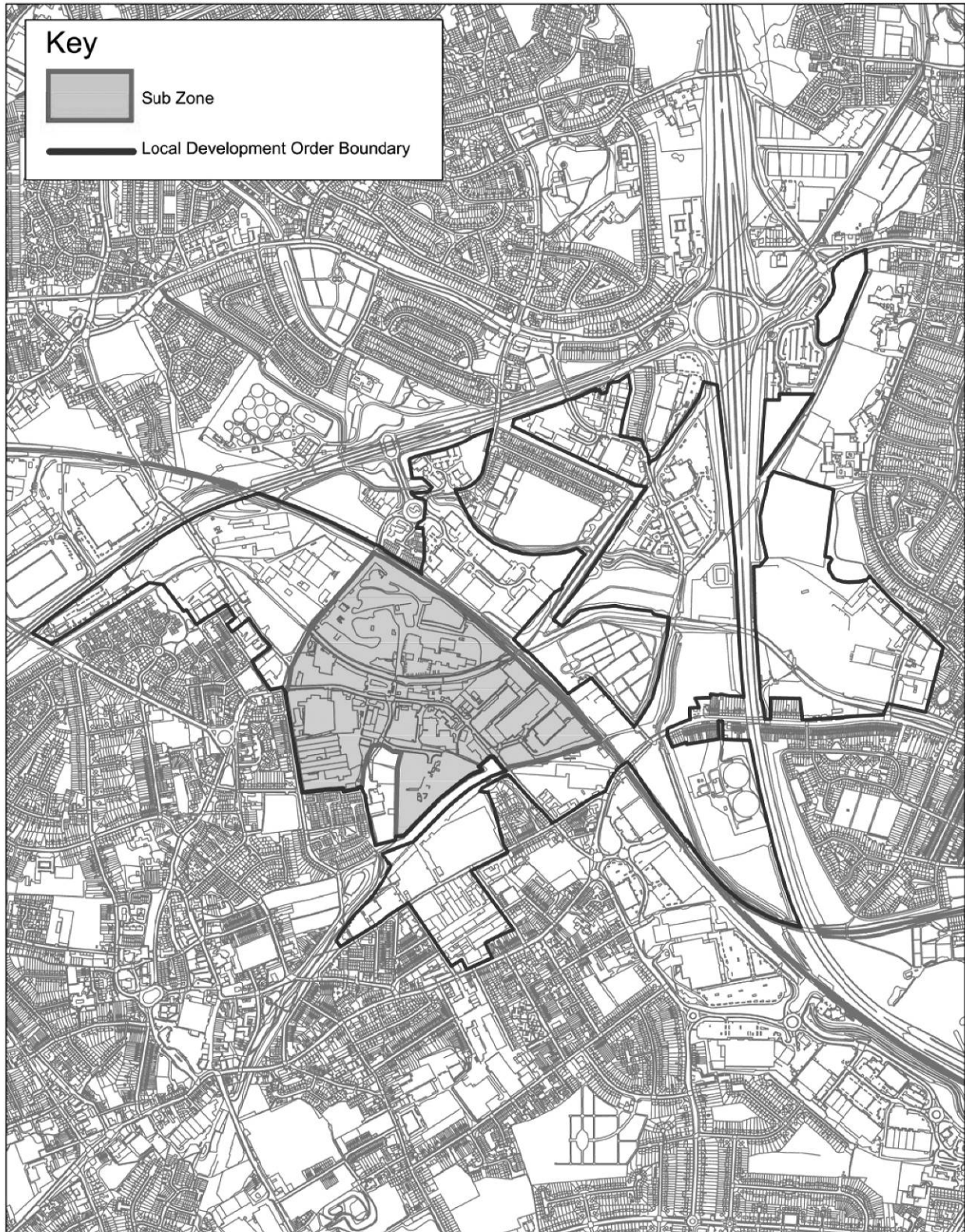
Date:

Authorisation

Schedule 1

DRAFT

Local Development Order Boundary (The 'Plan')



**Walsall
Council**

Map Scale: Not to scale

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Map Produced By: Planning & Building Control

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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 not limited to:</p> <ul style="list-style-type: none"> • location plan • site layout plan 	<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</p>

	<ul style="list-style-type: none"> • 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. 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>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 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 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>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>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 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>In the interests of protecting and enhancing the habitats of protected species.</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>
<p>5</p>	<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 Document published on behalf of the Black Country Local Authorities. <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</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>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>
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</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>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>	
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>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 must comply with HD22/08 Managing Geotechnical Risk and BD2/05 technical approval processes.</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>
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:</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 stability shall be submitted where appropriate.</p> <p>A remediation statement setting out any required</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</p>

	<p>mitigation works to address contamination identified through the site investigation. Appropriate validation will be required for any agreed mitigation.</p> <p>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.</p> <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 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>	<p>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>
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</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>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 effectively regulated.</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>
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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	<p>Deliveries:</p> <p>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</p>	<p>In the interests of residential amenity and UDP Policy ENV10 Pollution.</p>
2	<p>Hours of Operation:</p> <p>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.</p>	<p>In the interests of residential amenity and UDP Policy ENV10 Pollution and UDP JP8 Bad Neighbour Industrial Uses.</p>
3	<p>Survey Recommendation – Mitigation:</p> <p>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</p>	<p>In the interests of mitigating the impacts of the development.</p>



Walsall Council

DARLASTON AREA LOCAL DEVELOPMENT ORDER 2015

STATEMENT OF REASONS

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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

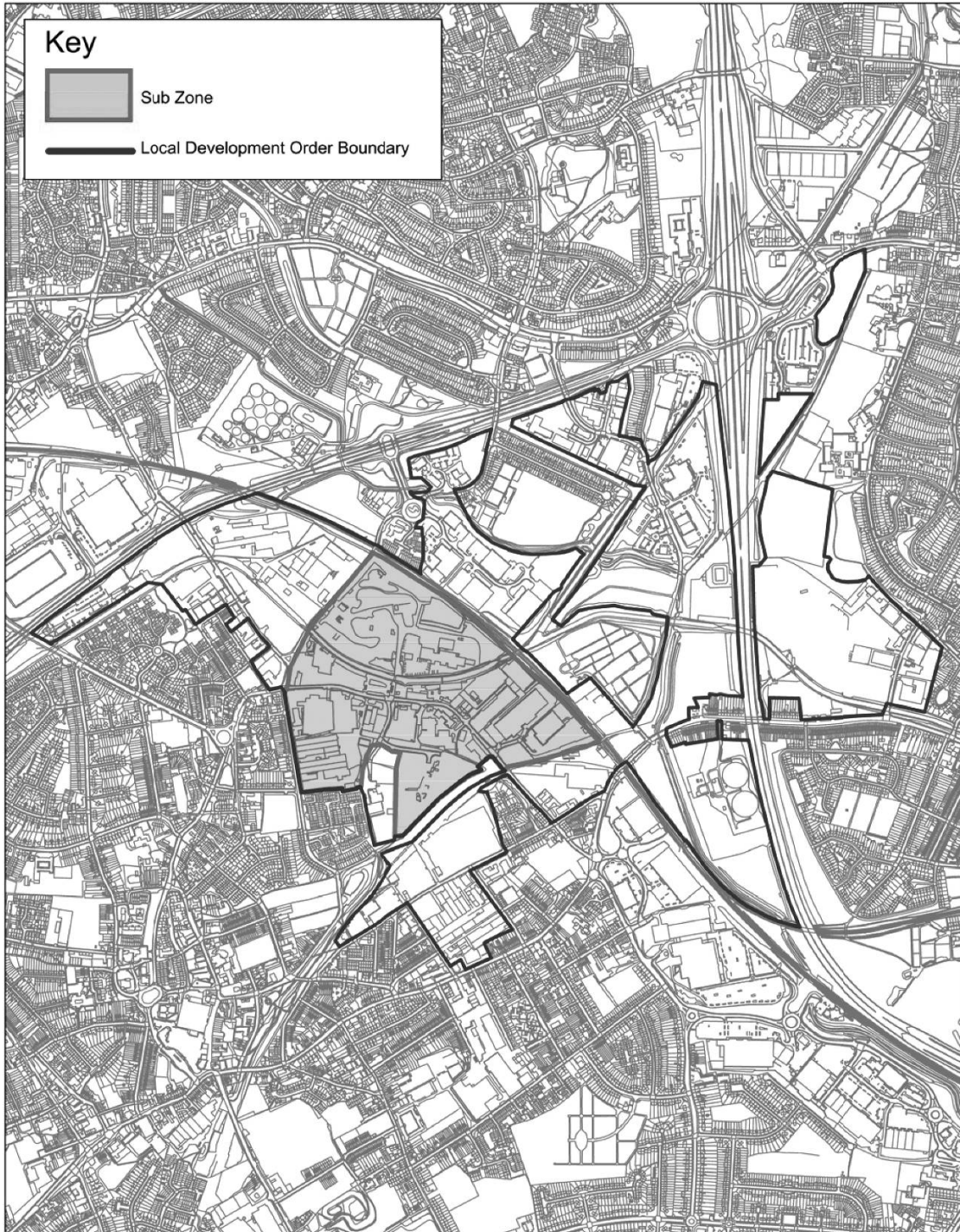
Planning Act 1990. The Council therefore wishes to confirm a 3 year life span of the Order, as it is currently proposed.

- 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.

Schedule 1 DRAFT 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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Walsall Council

Regeneration, Planning and Building Control

Town and Country Planning (Development Management Procedure)
(England) Order 2010

NOTICE UNDER ARTICLE 34 OF PROPOSAL FOR LOCAL DEVELOPMENT ORDER GRANTING PLANNING PERMISSION

Proposed development at the location specified on the attached plan.

I give notice that Walsall Metropolitan Borough Council proposes to make a local development order granting planning permission for 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).

A copy of the draft order and a statement of the Council's reasons for making the order are available for inspection at Civic Centre, Darwall Street, Walsall, WS1 1TP (8.45am to 5.15pm Monday to Thursday and 8.45am to 4.45pm on Friday), at Darlaston and Pleck libraries and are published on the Council's website at **www.walsall.gov.uk/ldo**

Anyone who wishes to make representations about this proposed local development order should write to the Council at Development & Delivery, Regeneration Directorate, Civic Centre, Walsall, WS1 1DG or email development@walsall.gov.uk by **6 February 2015**.

Signed

David Elsworthy, Head of Planning and Building Control on behalf of Walsall Metropolitan Borough Council

Date 5 January 2014

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.