

KNOWSLEY INDUSTRIAL AND BUSINESS PARK

LOCAL DEVELOPMENT ORDER AND STATEMENT OF REASONS

CONSULTATION DRAFT

Facilitating investment and reducing red tape



Knowsley Council

EXPIRED

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1. INTRODUCTION

- 1.1 This document constitutes a draft Local Development Order (LDO) for Knowsley Industrial and Business Parks. The draft LDO has been produced to support the Council's regeneration programme for the Parks and its objective of transforming the area into the most successful business parks in the Liverpool City Region. This LDO is intended to complement the wider regeneration strategy for the Principal Regeneration Area within the emerging Local Plan: Core Strategy (see Policy CS11: Principal Regeneration Area – Knowsley Industrial and Business Parks).
- 1.2 The Government is committed to promoting sustainable economic growth through the creation of a simplified planning system. In particular, it recognises that improving the speed and effectiveness of the planning process can ensure that development is not unnecessarily prevented or delayed and can stimulate investment by removing barriers to development.
- 1.3 One measure by which the Government believes the planning system can be simplified is by removing the need for planning permission for certain forms of development where this is appropriate and proportionate.
- 1.4 Some forms of development are already deemed to be 'permitted development' and are automatically granted planning permission by the Town and Country Planning (General Permitted Development) Order 1995 (as amended). These 'permitted development rights' are set at a national level.
- 1.5 LDOs provide a mechanism to amend these permitted development rights at a local level in order to permit a greater range and/or scale of development. LDOs can either apply to the whole of a local planning authority's (LPA's) area or particular parts of it. Once adopted, if a proposed development falls within the categories defined in the LDO, and provided that it satisfies certain conditions and development requirements, it is assumed that for planning purposes consent is granted.
- 1.6 LDOs were introduced under section 61 of the Town and Country Planning Act 1990. More detailed secondary legislation on LDOs is contained within the Town and Country Planning (Development Management Procedure) (Order) 2010. Article 34 paragraph (1) of this order outlines that where a LPA proposes to make a LDO they shall first prepare:
- (a) A draft of the order; and
 - (b) A statement of their reasons for making the order.
- 1.6 Article 34 paragraph (2) of the order stipulates that *'the statement of reasons shall contain:*
- (a) A description of the development that the order would permit; and*
 - (b) A plan or statement identifying the land to which the order would relate.'*

- 1.7 The Statement of Reasons for making the Knowsley Industrial and Business Park LDO is set out in Section 2 of this document. The draft Order itself is presented in Section 3. The draft Order is the subject of a period of public consultation. Details of the consultation arrangements and how comments can be submitted are provided in Section 4.

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2. STATEMENT OF REASONS

Knowsley Industrial and Business Parks

- 2.1 Knowsley Industrial and Business Parks is the principal industrial estate within the Borough. It is the largest industrial area in the Liverpool City Region, and second in size only to Trafford Park within the North West region.
- 2.2 The origins of Knowsley Industrial Park (KIP) date back to the 1940s, when a munitions factory was built to the north of the site as part of the national war effort. Several buildings and structures within the park still date back to this period or the 1950s and 1960s. Although KIP contains a range of uses, it is predominantly industrial in character. There is however some small pockets of residential uses within KIP and a number of existing green space assets, notably Charley Wood and Acornfield Plantation, which have the potential to act as amenity spaces for the benefit of the users of the Park.
- 2.3 Knowsley Business Park (KBP) adjoins the Industrial Park to the south of the A580 East Lancashire Road. It has developed over the last 20 years and has successfully attracted high profile and multinational companies to the area.
- 2.4 The two employment areas are intrinsically linked in economic and spatial terms. However, KBP exhibits a higher quality built form and public realm, and benefits from a more legible route network. The presence of a greater proportion of office and light industrial uses on KBP further contribute to a comparatively better image than that of KIP in terms of its visual quality and market appeal.

Reasons for Introducing a Local Development Order

- 2.5 Knowsley Industrial and Business Parks are a key driver of the local and sub-regional economy. KIP covers an area of approximately 411 hectares and accommodates 600 businesses employing 10,300 people. KBP occupies a further 133 hectares, and is home to an additional 196 businesses and 4,800 employees¹.
- 2.6 Knowsley Industrial and Business Parks are unique destinations not only because of their size and location but also due to their ability to accommodate a wide range of businesses. The key sectors of activity on the Parks are diverse and include manufacturing, distribution and retail, transport and communication, and banking, finance and insurance, which is reflective of the breadth of offer at the Parks encompassing industrial, warehouse and office uses.
- 2.7 Collectively KIP and KBP provide 27% of total jobs in the Borough and contribute £214 million per annum in Gross Value Added (GVA) to the economy². The Parks occupy an excellent strategic location close to the M57 and A580, and have the potential to support and augment the delivery of major projects underway in the region, including Kirkby Town

¹ Delivering a New Future for Knowsley Industrial Park: Strategic Framework. DTZ, Arup and Taylor Young, 2010

² Delivering a New Future for Knowsley Industrial Park: Strategic Framework. DTZ, Arup and Taylor Young, 2010

Centre, Liverpool SuperPort and the Atlantic Gateway. As such, the continued success of the Parks as a business location is vital for economic growth and prosperity in Knowsley and the Liverpool City Region.

- 2.8 However, despite the importance of KIP and KBP in terms of their contribution to GVA and the number of jobs they provide, recognition of the importance of the Parks to the regional economy has historically been low. In addition, as new business destinations have emerged over the years, there is a perception that the sections of the Parks have stood still to the point that they are in relative decline, particularly the area to the north of South Boundary Road.
- 2.9 Sections of the Parks are increasingly characterised by a poor quality public realm, an ageing stock of buildings and obsolete layouts which reduce their attractiveness to many potential investors. There are a number of vacant sites, several of which are quite prominent and detract from the image of the area, and existing gateways fail to create a positive 'first impression' and identity for the Parks. In addition, a perceived problem with crime and a need for enhanced security has been raised as a concern for some companies.
- 2.10 Consequently, there is an acknowledged need to regenerate the area. In particular, the infrastructure of the Parks needs to be improved to meet investor and occupier needs, and the image and branding of the area needs to be enhanced in order to attract high value investment, particularly within growth sectors. This need to enhance the offer of the Parks is increasingly salient given that they are likely to face growing competition in its role as a major business location as neighbouring areas bring forward new and improved business accommodation and services - including the Mayoral Development Zones in Liverpool and the introduction of Enterprise Zones for Wirral Waters and Daresbury Innovation Park in Halton.
- 2.11 The Council is committed to adopting a proactive approach to the regeneration of the area. As part of this commitment, the Council consider that the introduction of a LDO could increase investment in the area and enhance its image as a clean, secure and high quality business location.
- 2.12 A critical part of improving the Parks to meet modern business requirement is energy infrastructure. A study³ undertaken to assess the feasibility of delivering a heat network in Knowsley Industrial and Business Parks concluded that the development of energy centres and heat networks on the Parks was financially viable and commercially attractive. In addition, early market testing undertaken in 2012 showed very strong interest from potential strategic partners in the business of delivering, design, build, finance, operation and maintenance services over the long term and also revealed that there is a genuine business appetite for connecting to a heat network.

³ Knowsley Industrial Park: Energy Network Feasibility Study, Arup, 2012

- 2.13 The delivery of a heat network would not only help to develop a sustainable energy supply and significantly reduce contributions to climate change, but could also help to attract and retain businesses in the area and improve their competitiveness by reducing energy costs and delivering energy security. The delivery of a heat network would also enhance the reputation of the Parks as a business location and could significantly aid efforts to attract green businesses to the Park, which is one of the key growth markets in the UK economy.
- 2.14 The introduction of a LDO can support the delivery of this heat network by reducing the regulatory barriers to the development of the network, reducing the cost of network development and raising awareness about the network.

Benefits of the Local Development Order

2.15 The overall purpose of the LDO is to support the regeneration of the Parks, encourage the development of a heat network and maximise the contribution the Parks make to the local and sub-regional economy. Specifically, by simplifying the planning permission requirements for the area, it is considered that the first part of the LDO can support existing businesses, stimulate additional investment in the Parks and help to deliver improvements to the public realm and image of the area by:

- Removing the concerns relating to the cost of, and the uncertainties associated with, submitting a planning application;
- Increasing the speed of change for business by providing greater flexibility for the development of existing assets and reducing procedural delays associated with making a planning application. Thus allowing businesses to respond quickly to changing markets and economic growth opportunities and thereby helping them to remain competitive;
- Improving investor and occupier clarity, certainty and confidence;
- Enhancing the image of the area as a site for enterprise and investment; and
- Demonstrating that the Council is adopting a positive approach to planning and is proactively seeking to support the regeneration of the Parks and helping them realise their full economic potential.

2.16 The purpose of the second part of the LDO is to:

- Enable a planned and staged delivery of heat networks and in response to opportunities already identified by the Council
- Support the long-term linking up of individual Combined Heat and Power (CHP) schemes that are delivered across the Parks;
- Increase the energy resilience of the Industrial and Business Parks in the longer term;
- Reduce regulatory and administrative barriers to heat network expansion without compromising on mitigation of local impacts; and

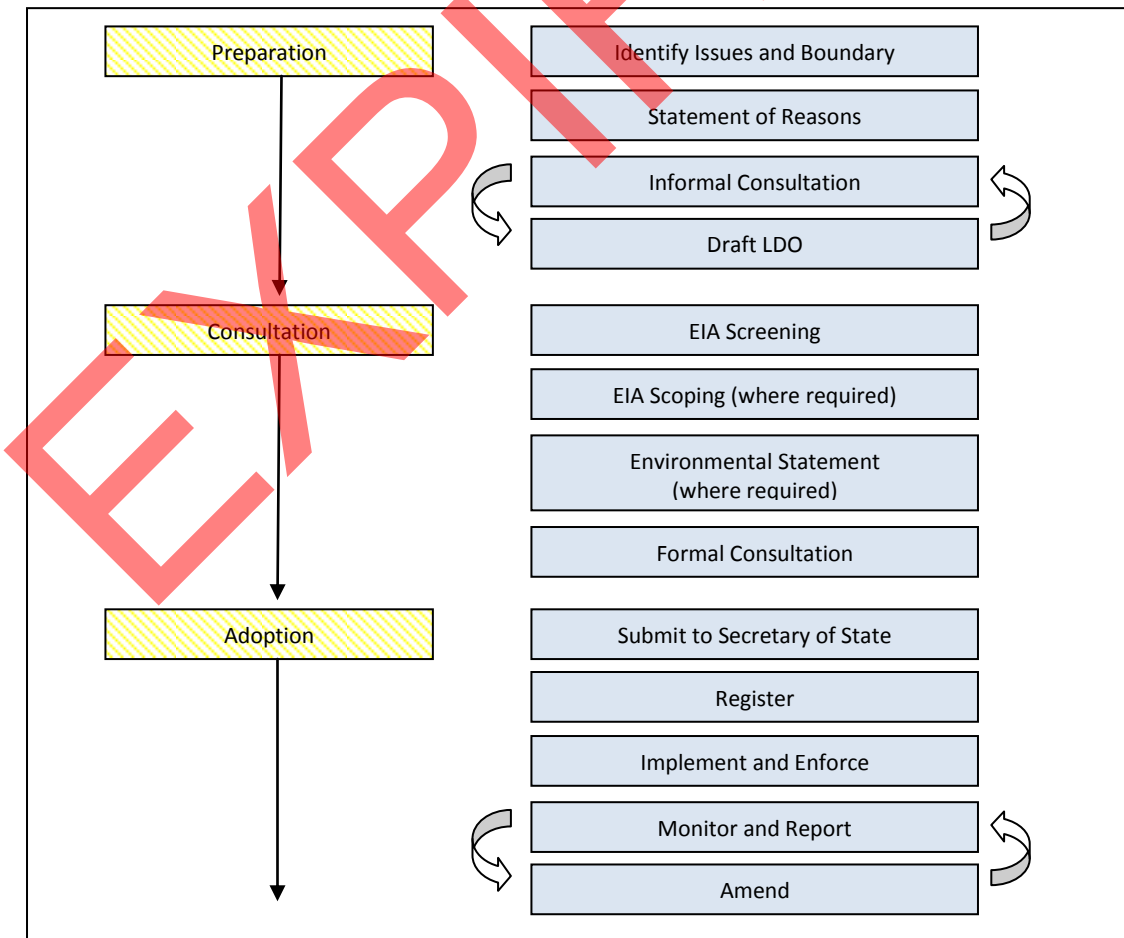
- Reduce the cost of network development, raise awareness and build knowledge about decentralised energy infrastructure.

Process for Producing a Local Development Order

2.17 The primary legislative framework governing the procedures for producing a LDO is set out in the Planning and Compulsory Purchase Act 2004. This legislation has been amended and supplemented by further primary and secondary legislation. In particular:

- Section 188 of the Planning Act 2008 removed the requirement for LDOs to implement Local Plan policies;
- Section 5 of the Growth and Infrastructure Act 2013 repealed the power of the Secretary of State to intervene in the preparation of a LDO prior to its adoption; and
- The Growth and Infrastructure Act 2013 (Local Development Orders) (Consequential Provisions) (England) 2013 removed the requirement for a LDO to be approved by the Secretary of State prior to it being adopted by a LPA and replaced this with a requirement for the LPA to submit a copy of the Order and associated Statement of Reasons within 28 days of its adoption.

Figure 1: Local Development Order Production Process Summary



- 2.18 Detailed guidance on the procedure for producing a LDO is set out in the Town and Country Planning (Development Management Procedure) (Order) 2010 and *Circular 01/2006 'Guidance on Changes to the Development Control System'*. Figure 1 provides a summary of the process to be followed.
- 2.19 A draft LDO for the Parks has been produced and subject to Environmental Impact Assessment (EIA) Screening. The Knowsley Industrial and Business Park LDO has therefore reached the formal consultation stage.

Provisions of the Draft Local Development Order

- 2.20 The LDO comprises of two parts. The first element grants planning permission for the extension of existing office, industrial and warehouse buildings in Knowsley Industrial and Business Parks. Permission is also granted for a number of physical alterations to existing buildings, including the insertion of new windows and doors, the re-cladding of building exteriors and the installation of external plant and machinery. The Order also permits certain changes of use and grants planning permission for specific minor operations including the erection of fences, cycle stores and smoking shelters. These aspects of the Order relate exclusively to buildings and land that falls within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended.
- 2.21 The second part of the LDO seeks to support the development of a heat network. It grants planning permission for certain works associated with the construction of a district heat network. Specifically, it grants permission for the installation of below ground district heating apparatus to develop a heat network, including pipes, heat exchange equipment, inspection and valve chambers, street furniture and ancillary engineering works, along the length of the route.
- 2.22 The delivery of decentralised energy infrastructure across the Parks is a long-term project. It is initially planned to be delivered to a number of large 'anchor' consumers, whose energy requirements alone ensure a heat network is viable in several zones of the Industrial and Business Parks. The LDO forms part of a wider strategy to encourage the growth of district heating as part of the overall regeneration of the Parks and achieve the objective of Knowsley becoming a low carbon economy.
- 2.23 The development permitted by the LDO is subject to various criteria and conditions which seek to minimise or avoid any impacts on amenity and the environment. It is in addition to nationally prescribed permitted development rights and does not restrict the forms of development already granted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Similarly, the Order does not prevent the implementation of a change of use granted by the Town and County Planning (Use Classes) Order 1987 (as amended).

Area Covered by the Local Development Order

- 2.24 The LDO has been prepared to cover all of the land within KIP and KBP. It covers an approximately 540 hectare area. The boundary of the LDO area is shown in Appendix 1.

Planning Policy Context

- 2.25 Although Section 188 of the Planning Act 2008 removed the requirement for LDOs to implement Local Plan policies, the LDO for Knowsley Industrial and Business Parks has been prepared to support the implementation of both national and local planning policies.
- 2.26 A core principle of the National Planning Policy Framework (NPPF) (CLG, 2012) is that the planning system should proactively drive and support sustainable economic development. It sets out the Government's aspiration to create a planning system that does everything it can to support sustainable economic growth and advises that investment in business should not be over-burdened by the combined requirements of planning policy expectations. The NPPF states that planning policies should seek to address potential barriers to investment, including a poor environment or any lack of infrastructure.
- 2.27 As a measure to encourage rather than act as an impediment to sustainable growth, paragraph 199 of the NPPF specifically promotes the use of LDOs in order 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"*. In accordance with these provisions of the NPPF, the key objective of the LDO for Knowsley Industrial and Business Park is to stimulate investment in the area and encourage economic growth by reducing barriers to development.
- 2.28 There is considerable support at a national level for the implementation of district heating systems and decentralised energy production and district heating is now a central part of the Government's energy strategy. In particular, the Energy White Paper 2007, which details the Government's international and domestic energy strategy, recognises the role that decentralised energy can play in meeting the Government's energy goals.
- 2.29 The NPPF is also supportive of the delivery of renewable and low carbon energy and associated infrastructure. In particular, paragraph 97 states that local planning authorities should:
- Have a positive strategy to promote energy from renewable and low carbon sources;
 - Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
 - Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

- 2.30 The LDO will also support the aims of existing and emerging local planning policies. Current local policies for the area are set out in the Knowsley Replacement Unitary Development Plan (UDP) (2006). Both KIP and KBP are allocated as Primarily Industrial Areas by UDP Policy EC3. The policy identifies both areas as appropriate locations for Business (Class B1); General Industry (Class B2); and Storage and Distribution (Class B8) uses and only permits alternative uses where they would:
- Be complementary to and compatible with the surrounding employment uses;
 - Be consistent with any approved regeneration strategy for the area;
 - Preserve or enhance the image of the industrial area; and
 - Avoid causing an unacceptable loss of land available for industrial development.
- 2.31 The Parks are also identified by UDP Policy CP1 as a Strategic Employment Location where new development and regeneration activities shall be guided.
- 2.32 A Local Plan is being prepared to replace the UDP. Part of this replacement plan (the Local Plan: Core Strategy) has reached an advanced stage in its production. It identifies KIP and KBP as key locations where employment development will be directed. The Parks are designated by Policy CS11 as a Principal Regeneration Area where a mix of new high quality employment development will be encouraged. The policy states that there will be a particular focus on B2 (General Industrial) and B8 (Storage and Distribution) uses north of South Boundary Road and B1 (Business) and B2 uses to the south of South Boundary Road. KIP is also listed as a "Priority Zone" for promoting the production of renewable, low carbon and decentralised energy and support is provided for the provision of improved facilities for sustainable transport. Policy CS22 provides further support for the development of decentralised energy networks in Knowsley Industrial and Business Parks. Additional guidance regarding renewable energy infrastructure is set out in Policy CS23 which confirms the Council's support for the generation and distribution of decentralised energy in principle.
- 2.33 The Parks contain a number of areas and features that are designated as Local Wildlife Sites (LWS) under UDP Policy ENV9 (subject to replacement by emerging Core Strategy Policy CS 21 Greenspace and Trees). This policy states that development proposals which would destroy or have a significant adverse effect on the nature conservation interests of a LWS will not be permitted.

Environmental Impact Assessment

- 2.34 Developments which are likely to have a significant impact on the environment are required to be subject to an Environmental Impact Assessment (EIA). The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations) stipulate that a development proposal constitutes EIA development if it is:
- Within one of the categories of development in Schedule 1 of these regulations; or

- Within one of the categories of development in Schedule 2 of these regulations and which is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
- 2.35 Schedule 3 of the EIA Regulations provides guidance on assessing development proposals that fall within Schedule 2 to determine whether they are likely to have significant effects on the environment. This assessment is undertaken in the first instance by the developer themselves but a formal decision can be obtained from the LPA who will issue a Screening Opinion on whether a proposal constitutes EIA development. In instances where the developer and LPA fail to agree on whether a proposal constitutes EIA development, developers can apply to the Secretary of State who will provide a Screening Direction on whether an EIA is required.
- 2.36 Where a proposal is deemed to be EIA development it is required to be accompanied by an Environmental Statement that provides sufficient information to enable the environmental effects of the proposal to be assessed and which suggests measures to avoid, reduce or remedy significant adverse effects.
- 2.37 Article 34 paragraph 13 part (b) of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2010 states that a LDO cannot permit Schedule 1 development. Therefore, the types of development within Schedule 1 of the EIA Regulations are excluded from the provisions of this Order.
- 2.38 An Order may be made to permit development that falls within Schedule 2. However, regulation 29 of EIA Regulations applies in such instances. This regulation is unequivocal that a LPA should not make a LDO for such development unless they have adopted a screening opinion or the Secretary of State has made a screening direction and, if required, an environmental statement has been prepared in relation to the Order.
- 2.39 The development covered by this LDO has the potential to fall within Part 10 “Infrastructure Projects” of Schedule 2 which refers to industrial estate development projects where the area of development exceeds 0.5 hectares. In addition, the underground pipelines that would be permitted by the Order could fall within Part 3 “Energy Industry” of Schedule 2 which refers to industrial installations for carrying steam or hot water. Consequently, and in accordance with the requirements of the EIA Regulations, the draft LDO has been screened (as far as is possible with the information available) by the Council prior to it being published for consultation.
- 2.40 The screening opinion concluded that the LDO is unlikely to have significant environmental effects for the purposes of the EIA regulations. The Council therefore considers that the impact of development proposed by the LDO will not be so significant as to require the submission of an Environmental Statement. The full Screening Opinion is provided in Appendix 2.

- 2.41 Notwithstanding the conclusions of the Screening Opinion, individual development proposals submitted to the Council under the provisions of the LDO will be screened by the LPA to consider whether they constitute EIA development.

Development Considerations

- 2.42 There are a number of potential constraints that affect certain parts of the LDO area. These issues must be taken into account by developers preparing proposals for development within the Parks irrespective of whether or not the proposal falls within the provisions of the Order. A summary, of some of the key potential considerations is provided below.

Hazardous Installations

- 2.43 There are a number of sites within the LDO area which have been identified by the Health and Safety Executive (HSE) as potentially hazardous installations due to the nature of the processes involved at these sites and the severity of the potential consequences if an accident were to occur. In order to control and manage the level of risk from these hazards, the HSE have identified zones around these installations where new development needs to be carefully managed.
- 2.44 A map showing the location of the potentially hazardous installations on KIP and KBP and the associated zones is provided in Appendix 3. Development within these zones will also require the consent from the HSE before it commences. Given the potential restrictions placed on development within these zones, developers and landowners in these areas must satisfy themselves that their proposal is in line with recommendations of the HSE.

Flood Risk

- 2.45 The area included within the LDO boundary is almost entirely within Flood Zone 1 and is considered to be at a 'low risk' (less than 1 in 1000 annual probability) of flooding from rivers or the sea.
- 2.46 A small proportion of KBP within the vicinity of School Lane and the A5207 is within Flood Zone 2 and is therefore considered to be at a 'medium risk' (between a 1 in 100 and 1 in 1000 annual probability) of flooding from Knowsley Brook. A map showing the parts of the LDO area that are within Flood Zone 2 is provided in Appendix 3. A condition is attached to the LDO to ensure that any development within this area would not be at an unacceptable risk of flooding or increase flood risk elsewhere.
- 2.47 Parts of the Order area, particularly on KBP, have some susceptibility to surface water flooding. A condition is therefore attached to the LDO to ensure that any development does not unacceptably increase surface water run-off.

Contamination

- 2.48 Given the history of industrial uses at KIP and KBP, contamination issues are likely to arise on many sites. The northern part of KIP in particular is known to contain sites with high levels of contamination and it is recognised that there is potential for contaminants to migrate

between areas and off-site sources. A condition is therefore attached to the LDO to ensure that contamination is investigated prior to the commencement of any development.

Pollution

- 2.49 KIP and KBP overlie a principal aquifer and a significant portion of the LDO area is within the catchment of a groundwater source protection zone. The Knowsley Brook, including a culverted section, runs through the Parks and Simonswood Brook is to the north of KIP. The LDO area is therefore within a sensitive hydrological setting. As a result, it is important that any contamination is appropriately addressed and that measures are undertaken to protect the water environment. Conditions are attached to this Order to protect the water environment.

Amenity

- 2.50 Although both Parks comprise almost exclusively of land that is in employment use, there are a number of residential properties located within the area. These are located principally towards the east of Knowsley Industrial Park on Spinney Road, Spinney View, Spinney Close and Acornfield Close. Restrictions within the Order should limit the impact on the amenity of the occupiers of these properties.

Ecology

- 2.51 Under regulation 78 of the Conservation of Habitats and Species Regulations 2010, an LDO cannot permit development which is likely to have a significant effect on a European site and which is not directly connected with or necessary for the management of the site.
- 2.52 A Habitat Regulations Assessment (HRA) has been undertaken of the potential effects of the Local Plan: Core Strategy on European Sites and Ramsar sites. As noted above, the Local Plan identifies the Parks as a location where employment development would be encouraged and a "Priority Zone" for the development of renewable and low carbon infrastructure. The HRA considered that this could potentially disrupt flight paths and displace bird species, including a significant population of wintering pink footed geese, which are known to use habitats adjacent to the Parks and which are a qualifying species for Martin Mere Special Protection Area. Nevertheless, the overall conclusion of the HRA was that the Local Plan contains an adequate policy framework to avoid or mitigate adverse effects on the integrity of European Sites, including Martin Mere.
- 2.53 Given that the LDO follows the aims of the emerging Local Plan for the Parks, it is considered that the same conclusion could be drawn from the implementation of the LDO. Consequently, and taking into account the amount of information that is presently available on the development that is likely to take place under the provisions of the Order, it is considered that a project-level HRA screening of the LDO is not required. Instead, the LDO incorporates restrictions to ensure that impacts on pink footed geese, and by extension Martin Mere Special Protection Area, are avoided or mitigated. This approach has been agreed with the Merseyside Environmental Advisory Service.

- 2.54 There are a number of designated local wildlife sites (formerly known as SBIs) within the LDO area. These include the Acornfield Plantation, an approximately 11.5ha area of mature/over-mature broadleaf woodland, and Charley Wood, a 7.5ha area of woodland dominated by broadleaf trees on acid peat soils. Acornfield Plantation is also designated as a Local Nature Reserve and is Knowsley's only national statutory designation. Other local wildlife sites within or adjacent to the LDO area include Kirkby Brook, Simonswood Brook, Otis Meadow and Kraft operational land.
- 2.55 Appropriate protection must be afforded to protected species. Development conditions have therefore been incorporated within the Order to ensure that any development permitted does not have an unacceptable impact on these features.

Monitoring

- 2.56 The LDO will be in place for a period of three years from the date of its adoption. At the end of this period, the Council will either re-introduce the Order with or without amendments; or revoke the Order and return to the established planning system.
- 2.57 While the LDO is in place it will be subject to on-going monitoring by the Council to assess its effectiveness and the extent to which it is meeting its objectives as set out in the Statement of Reasons.
- 2.58 A Monitoring Framework to assist with the evaluation of the implementation of the LDO is set out in Appendix 6. The outcomes of this process will be reported in the Council's Local Plan Monitoring Report which is published annually and any suggested modifications will be recorded to inform any future review of the Order.

EXD

3. DRAFT LOCAL DEVELOPMENT ORDER

- 3.1 This Local Development Order (LDO) is made by Knowsley Metropolitan Borough Council (“the Council”) under Section 61A (2) of the Town and Country Planning Act 1990 (as amended).
- 3.2 The LDO comprises of two parts. The first grants planning permission, subject to compliance with specific criteria, for extensions and alterations to existing buildings in Knowsley Industrial and Business Parks, changes of use and certain minor operations as set out in this Order. This element of the LDO relates exclusively to sites that are within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended. The second part of the LDO grants planning permission for infrastructure required to support the development of a heat network, including the installation of underground pipes.
- 3.3 Any development that does not comply with the conditions and limitations of this LDO will require planning permission and standard enforcement practices will apply to development brought forward under the provisions of the Order. The Order does not remove or affect any existing planning conditions that have already been imposed on existing developments.
- 3.4 It is also important to emphasise that the LDO only relates to planning permission and does not remove the need to obtain other statutory consents, such as Building Regulations approval, consents under Highways legislation, Environmental Permits, Advertisement Consent or Health and Safety Executive Consents. The LDO also does not alter the requirement to comply with other legislation, such as Tree Preservation Order legislation or the Wildlife and Countryside Act 1981, which safeguards protected species and their habitats. It is the responsibility of developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to.
- LDO Boundary**
- 3.5 The LDO applies to the area within Knowsley Industrial and Business Parks as outlined in red on the map contained within Appendix 1.

Period of Operation

- 3.6 The LDO and the terms within it will be active for a period of three years from the day of its adoption. At the end of this period, the Council will either re-introduce the Order with or without amendments; or revoke the Order and return to the established planning system.
- 3.7 The Council may exercise its powers to amend or withdraw the LDO (provided by section 61A [6] of Planning and Compulsory Purchase Act 2004) at any time within the three year period if the Order has consistently failed to meet its objectives as set out in the Statement of Reasons, and it is considered that amendments to the Order would not overcome this, or if changes in material considerations require the Order to be revoked, amended or revised.

3.8 In the event that the Order is revoked or revised, either after three years or before the end of this period, development that has taken place under the LDO will be allowed to continue to operate and the conditions attached to the LDO will continue to apply to any development permitted during its lifetime. Development which has commenced⁴ by the end date will be permitted to be completed. Upon expiry of the LDO, the permitted development rights contained within the Order will cease to apply to any development that has not commenced.

Procedure

3.9 To benefit from the provisions of this LDO, developers are required to submit a completed Self-Certification form prior to the commencement of development. A copy of this form and a checklist of the information required to validate this request is presented in Appendix 4.

3.10 The Council will acknowledge receipt of submissions by email and within 28 days of this date will:

- Confirm in writing if development is permitted by the LDO and, if not, why; or
- Ask for additional information and a further 10 working days to consider the proposal on receipt of this information.

3.11 Any proposal which fits into the categories permitted by the LDO can take place once the developer has discharged any conditions attached to the permission which require the submission of further details or information. However, to benefit from the provisions of the Order developers are required to notify the LPA in writing of their intention to start work on site in order to ensure that an accurate record of development is maintained. A Notice of Commencement Form which should be submitted for this purpose is provided in Appendix 5. Whilst no fee is payable to the Council for an application made under the LDO, standard fees relating to the discharge of planning conditions will apply. Details of the fee associated with such applications are provided at:

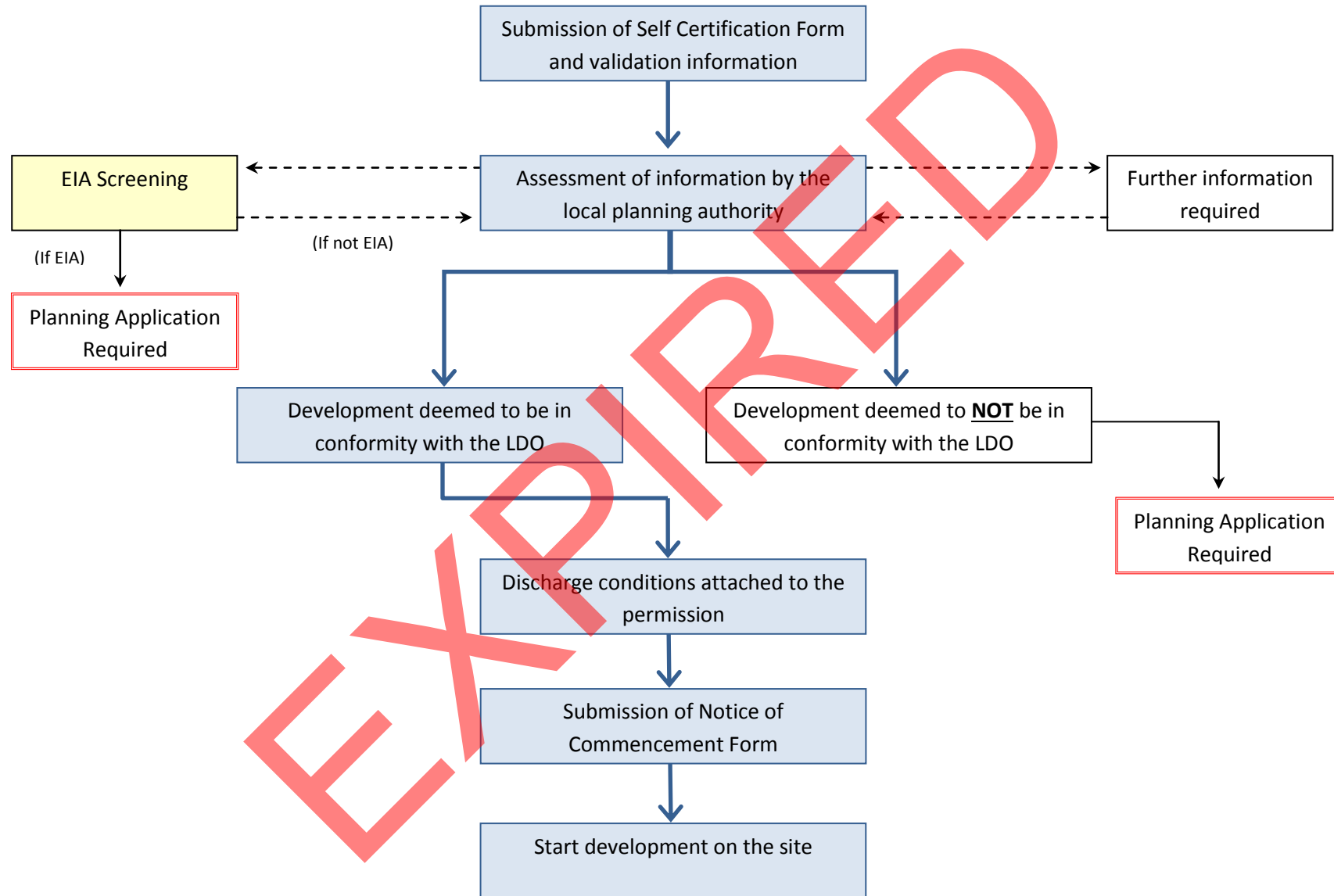
http://www.planningportal.gov.uk/uploads/english_application_fees.pdf

3.12 Any proposal which does not fall within the prescribed criteria of the LDO may still be acceptable in planning terms and the LDO does not imply that development that is not specifically covered by the Order will be unacceptable. Proposals that do not conform with the LDO would however need to secure planning permission through the normal planning process and would be considered on their own merits in the context of local and national planning policies.

3.13 A summary of the LDO procedure is provided below.

⁴ As defined in Section 56 (4) (a) – (d) of the Town and Country Planning Act 1990

Figure 2: LDO Procedure



SCHEDULE A: EXTENSIONS OR ALTERATIONS

Permitted Development

Class 1 – The extension of an office building, industrial building or warehouse

Development is not permitted by Class 1 if:

- (a) The building extended would be used for purposes other than those identified under Use Classes B1, B2 or B8;
- (b) In the case of an extension to an industrial building or a warehouse, the gross internal floor space of the original building would be exceeded by 1,500 square metres;
- (c) In the case of an extension to an office building, the gross internal floor space of the original building would be exceeded by 500 square metres;
- (d) The extension would exceed the height of the original building;
- (e) The extension would exceed 15 metres in height or 10 metres in height if it is within 10 metres of a boundary of the curtilage of the premises;
- (f) The height of the eaves of the extension would exceed the height of the eaves of the existing building;
- (g) Any part of the extension would be within 15 metres of a boundary shared with a residential property; or
- (h) Any part of the extension would be within 8 metres of Knowsley Brook.

Conditions

Development permitted by Class 1 is subject to the following conditions:

- (a) General Conditions GC1 and GC2;
- (b) Specific Conditions SC1, SC2, SC3, SC4, SC5, SC6, SC7, SC8, SC9, SC10, SC11, SC12 and SC13; and
- (c) The extension shall be in accordance with the Knowsley Industrial and Business Park Design Code.

Class 2 – The alteration of an office building, industrial building or warehouse comprising of:

- 1) The formation of new windows or doors to an existing building;
- 2) The re-cladding of building exteriors;
- 3) The installation, alteration or replacement of flue and extraction systems;
- 4) The installation, alteration or replacement of air conditioning units; and
- 5) The installation, alteration or replacement of other external plant, apparatus and machinery.

Development is not permitted by Class 1 if:

- (a) The building altered is used for purposes other than those identified under Use Classes B1, B2 or B8;
- (b) Any window or door installed would be less than 15 metres from the boundary of an existing residential property;

- (c) The plant, apparatus or machinery would be for a purpose that is not directly required for the operational needs of the permitted business/industrial activity undertaken on the site;
- (d) The flue, extraction system or air conditioning units would be attached to the principal elevation of the building or another elevation which directly faces a highway;
- (e) The flue would exceed the height of the existing building by 2 metres; or
- (f) The development would result in there being more than six flues on a single building.

Conditions

Development permitted by Class 1 is subject to the following conditions:

- (a) General Conditions GC1 and GC2;
- (b) Specific Conditions SC4, SC5 and SC11; and
- (c) The development shall be in accordance with the Knowsley Industrial and Business Park Design Code.

SCHEDULE B: CHANGE OF USE

Permitted Development

Class 1 – Within Zone A (north of South Boundary Road) the change of use of premises:

- 1) From any purpose falling within Class B1 (business) to a B2 (general industrial) or B8 (storage and distribution) use;**
- 2) From any purpose falling within B2 (general industrial) to a B8 (storage and distribution) use; or**
- 3) From any purpose falling within Class B8 (storage and distribution) to a B2 (general industrial) use.**

Within Zone B (south of South Boundary Road) the change of use of premises:

- 1) From any purpose falling within Class B2 (general industrial) or B8 (storage and distribution) to a Class B1 (business) use; or**
- 2) From any purpose falling within Class B1 (business) or B2 (general industrial) to a Class B8 (storage and distribution) use.**

Development is not permitted if:

- (a) The building would be used for purposes other than those identified under Use Classes B1, B2 or B8;
- (b) The gross internal floor space of the building exceeds 2,000 square metres in the case of a building to be used as a B2 (industrial) or B8 (storage and distribution) use;
- (c) The gross internal floor space of the building exceeds 1,000 square metres in the case of a building to be used as a B1 use; or
- (d) If the existing use is a waste management facility unless it is demonstrated that the waste use is in an inappropriate area, causes a significant loss of amenity or if the lost capacity has been made up elsewhere.

Conditions

Development permitted by Class 1 is subject to the following conditions:

- (a) General Conditions GC1 and GC2;
- (b) Specific Conditions SC1, SC4, SC5, SC8, SC9, SC10, SC11, SC12 and SC13; and
- (c) Any external storage should not cover more than 10% of the total area of the curtilage and the overall height of any items stored shall not exceed 3 metres from ground level

SCHEDULE C: MINOR OPERATIONS

Permitted Development

Class 1 – The erection, maintenance or alteration of a fence, gate or other means of enclosure.

Development is not permitted by Class 1 if:

- (a) The height of any gate, fence or means of enclosure erected adjacent to a highway used for vehicular traffic would, after the carrying out of the development, exceed 2.5 metres above ground level;
- (b) The height of any gate, fence or means of enclosure erected in all other instances would exceed 3 metres above ground level; or
- (c) The gate, fence or means of enclosure erected would be within 10 metres of a residential property.

Conditions

Development permitted by Class 1 is subject to the following conditions:

- (a) General Conditions GC1 and GC2;
- (b) Any gates erected at a vehicle entrance point which is within 6 metres of a highway must remain open at all times that the business is open; and
- (c) Any fence, gate or means of enclosure erected adjacent to a highway shall not obscure sight lines of any junction on the public highway or any vehicular access to the highway.
- (d) The development shall be in accordance with the Knowsley Industrial and Business Park Design Code.

Class 2 – The erection of above ground facilities for the storage of oils, fuels and chemicals.

Development is not permitted by Class 2 if:

- (a) The storage facility would be for a purpose that is not directly required for the permitted business and/or industrial activities undertaken on the site;
- (b) The storage facility would exceed 3 metres in height;
- (c) The storage facility would cover an area that exceeds 15 square metres; or
- (d) The storage facility would be located within 15 metres of the boundary of any residential property; or
- (e) The storage facility would be located in a position where it would obstruct or conflict with pedestrian, vehicular or cycle routes.

Conditions

Development permitted by Class 2 is subject to the following conditions:

- (a) General Conditions GC1 and GC2;
- (b) Specific Condition SC9 if the provision of the storage facility would reduce the amount of space available for vehicle parking; and
- (c) Any storage facility and associated filling points, vents and gauges must be sited on an impervious base and surrounded by a secondary containment that is impermeable to the oil, fuel or chemical and water. This secondary containment should have a volume of at least 110% of the tank capacity. The storage facility and secondary containment area should be in accordance with the current Oil Storage Regulations; and

Class 3 – The installation, alteration or replacement of a closed circuit television camera to be used for security purposes, including any pole/column or supporting equipment required for such installation.

Development is not permitted by Class 3 if:

- (a) Any pole erected to support the provision of a closed circuit television camera would exceed 8 metres in height; and
- (b) The proposal would result in there being more than 6 poles to support the provision of a closed circuit television system on a single site.

Conditions

Development permitted by Class 3 is subject to the following conditions:

- (a) General Conditions GC1 and GC2;
- (b) Any closed circuit television cameras and supporting equipment installed shall be removed as soon as reasonably practicable after it is no longer required for security purposes;
- (c) The field of view of the CCTV cameras shall be restricted such that they would not result in an unacceptable loss of privacy to any neighbouring properties;
- (d) Any pole erected adjacent to a highway shall not obscure sight lines of any junction on the public highway or any vehicular access to the highway; and
- (e) The development shall be in accordance with the Knowsley Industrial and Business Park Design Code.

Class 4 – The erection of a shelter for the purpose of the storage of bicycles and associated equipment or to act as smoking shelter.

Development is not permitted by Class 4 if:

- (a) The shelter would exceed 3 metres in height;
- (b) The shelter would cover an area that exceeds 20 square metres;
- (c) The shelter would be located in a position where it would obstruct or conflict with pedestrian, vehicular or cycle routes; or
- (d) In the case of a structure erected to act as a smoking shelter, the structure would be within 15 metres of a residential property.

Conditions

Development permitted by Class 4 is subject to the following conditions:

- (a) General Conditions GC1 and GC2;
- (b) Specific Condition SC9 if the provision of the shelter would reduce the amount of space available for vehicle parking;
- (c) The shelter shall be in accordance with the Knowsley Industrial and Business Park Design Code; and
- (d) All smoking shelters must be provided with an ashtray that is suitable for outdoor use and which is made from metal or another fire retardant material.

Development Permitted - PART 2

SCHEDULE D: HEAT NETWORK INFRASTRUCTURE

Permitted Development

Class 1 – The installation of below ground district heating apparatus to develop a heat network, including pipes, heat exchange equipment, inspection and valve chambers, street furniture and ancillary engineering works.

For the majority of the route, the construction method will be trenching.

As a result of preliminary analysis, a trench c. 2.5m wide will be required to install the transmission pipeline, with a smaller trench (1.5m) required for the distribution pipelines.

If pipes are laid side by side, a trench of approximately 1m in depth would be required. If the pipes are laid on top of each other, then there would be a need for deeper excavation. On average, at least 500mm cover will be provided between the pipes and the top surface.

However the actual dimensions of an excavation will depend on local circumstances.

Development is not permitted if it comprises:

- (a) Any above-ground pipeline development on any land; or
- (b) any electricity and thermal energy generating plant or equipment.

Conditions

Development permitted by Class 4 is subject to the following conditions:

- (a) General Conditions GC1 and GC2; and
- (b) Specific Conditions SC1, SC2, SC3, SC5, SC7, SC8, SC11, SC14.

Conditions and Informatives

General Conditions

GC1: Submission Requirements

Prior to the commencement of development, proposal which seek to benefit from the provisions of the LDO must complete and submit the Self-Certification Form attached to this Order and the plans and documents identified in the accompanying checklist.

GC2: Notice of Commencement

A minimum of 14 days before undertaking works permitted by this Order, the developer must notify the Council in writing of their intention to commence works on site using the form attached to this Order.

Specific Conditions

SC1: Flood Risk

Any development within Flood Zone 2 shall be accompanied by a Flood Risk Assessment (FRA) to be submitted to and approved in writing by the Local Planning Authority. The FRA should identify and assess the risks from all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The development shall be completed in accordance with the agreed details.

SC2: Hours of Construction

Construction work which is audible beyond the site boundary shall not take place outside the hours of 08:00-19:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays.

SC3: Contaminated Land

A. Risk Assessment

No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with authoritative guidance (CLR 11), and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems, and

- archaeological sites and ancient monuments.

B. Submission of Remediation Scheme

Where land affected by contamination is found which poses unacceptable risks, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. As a minimum, the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be implemented and a verification report submitted to and approved in writing by the Local Planning Authority, prior to the development (or relevant phase of development) being brought into use.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the development (or relevant phase of development) being brought into use.

E. Importation of Soil/Material

No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

SC4: Odour

Where the development involves processes which have the potential to produce odours that could be offensive, an odour management and control plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The plan shall include but not be limited to details of odour abatement and control systems at the site and the mechanisms in place to control fugitive odour emissions from the operation. The scheme shall be implemented in full prior to the occupation of the approved development and retained at all times thereafter in the approved manner.

SC5: Noise

Where the development involves potentially noise generating activities or where potentially noisy plant or machinery is to be installed, a scheme specifying the provisions to be made to control noise emanating from the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development approved under this Order. The scheme shall be based on the results of a noise assessment which suitably characterises the noise climate at nearby premises both prior to and following the operation of the development permitted. Measurement and assessment shall be made according to British Standard BS 4142:1997. All works which form part of the scheme shall be implemented in full in accordance with the scheme as agreed.

SC6: Drainage

No development shall commence until a scheme for the provision and implementation of a surface water regulation system to manage the risk of flooding from both overland flow and from the sewer network has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented in its entirety.

SC7: Works to a Highway

Where any development would require work to a public highway or any road or footway to which the public will have right of access to, that development shall not be begun until details of the those highways works (including layout, geometry, dimensions, levels, gradients, surfacing, visibility splays and means of surface water drainage) have been submitted to and approved in writing by the Local Planning Authority.

The development shall not be brought into use until the approved highways works have been completed in accordance with the approved details.

SC8: Servicing

All servicing of the development shall take place from within the site and not from the public highway. Adequate turning space shall be provided on the site such that vehicles can enter and exit in a forward gear.

SC9: Parking

No development shall commence until details showing the existing and proposed levels of car parking within the site have been submitted to and approved in writing by the Local Planning Authority. The level of parking provided shall be in accordance with the standards set out in the Table attached at Appendix 7 unless otherwise agreed in writing with the Local Planning Authority and shall be implemented in full prior to the development being brought into use and maintained for such purposes thereafter.

SC10: Nesting Birds

No vegetation/site clearance shall take place between the 1st March and 31 August inclusive unless an ecologist has first confirmed that nesting birds are not present.

SC11: Bat Surveys

If any significant trees or existing buildings or structures are to be removed as part of proposed development a daytime inspection to assess the roosting and foraging potential for bats should be submitted to the Council alongside the self-certification form. If the daytime inspection finds a likelihood of greater than limited or low potential for bats then a further emergence and re-entry/activity survey will be required to be submitted to the Council. Development which would have an unacceptable impact on bats it will not be permitted to take place through the Order.

SC12: Habitat Regulations Assessment

A Habitats Regulation Assessment (HRA) screening must be undertaken and submitted to the Council alongside the self-certification form for development taking place within the identified area on Map 3 (Appendix 3). Appropriate ecological surveys and assessment which demonstrate that the proposal would not have an unacceptable impact on a Pink-footed geese roost or a local farmland Biodiversity Action Plan (BAP) may also be required.

SC13: Nature Conservation Sites

All development should have regard to all statutory and non-statutory nature conservation sites in mitigating any impacts development adjacent to these sites might have on their ecological function/integrity.

SC14: Development over or under electricity cables

No permanent structures should be built over or under cables or within the zone specified on Map LDO1, and unrestricted and safe access must be maintained at all times. All relevant site staff should be aware of and understand HSE Guidance HS (G) 47. Ground cover above our cables should not be reduced or increased. No trees or shrubs should be planted either directly above or within 3 metres of the existing underground cable, to avoid root damage to cables.

Informatives

IN1: EIA Development

The LDO does not grant consent for Schedule 1 or Schedule 2 development (for which an Environmental Statement is required) within the meaning of regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. Developers should therefore satisfy themselves that the proposal would not constitute EIA development prior to work commencing.

IN2: Other Consents

The LDO does not remove the requirement to obtain other statutory consents, such as Building Regulations approval, consents under Highways legislation, Environmental Permits, Hazardous Substance Consent or Advertisement Consent. It also does not alter the requirement to comply with other legislation, such as Tree Preservation Order legislation or the Wildlife and Countryside Act 1981, which safeguards protected species and their

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

IN3: Details Submitted

Approval for permitted development granted under this Order is based on the information submitted with the application. If this information is found to be incorrect, the proposal may no longer be permitted under the LDO and any approval given could therefore be null and void.

IN4: Existing Conditions

The LDO does not remove the requirement to comply with the conditions attached to any extant planning permissions on the site. To vary any existing planning conditions an application will need to be made to the Council in the normal way.

IN5: Hazardous Installations

Health and Safety Executive (HSE) consultation zones exist on KIP/KBP. These are shown in Appendix B to the LDO. Where any change of use or extension is likely to increase the number of people working at premises within one of these zones the HSE must be consulted. The LDO does not waive this requirement.

IN6: Work Over, Under or Near Knowsley Brook

Any development over, under or near Knowsley Brook, which is a designated Main River under the Water Resources Act 1991 and the Land Drainage Byelaws, may need to obtain Flood Defence Consent from the Environment Agency prior to being implemented. The Environment Agency also has the right of entry to Knowsley Brook to carry out maintenance and improvement works.

IN7: Storage of Oil and Fuel

The storage of oil/fuel should be carried out in accordance with the Control of Pollution (Oil Storage) (England) Regulations 2001.

IN8: GPS Location Data

Geographical Positioning System (GPS) data shall be provided to the local authority before completion of works permitted by this Order. This is to ensure the Council maintains accurate records of the location of heat networks and to monitor its implementation,

IN9 Explosive Ordnance

Knowsley Industrial and Business Park is located in an area that has a potential risk from buried explosives ordnance due to wartime bombing. It is recommend that professional advice is obtained and a risk assessment undertaken to identify and analyse any threat posed by ordnance work before work commences.

4. CONSULTATION

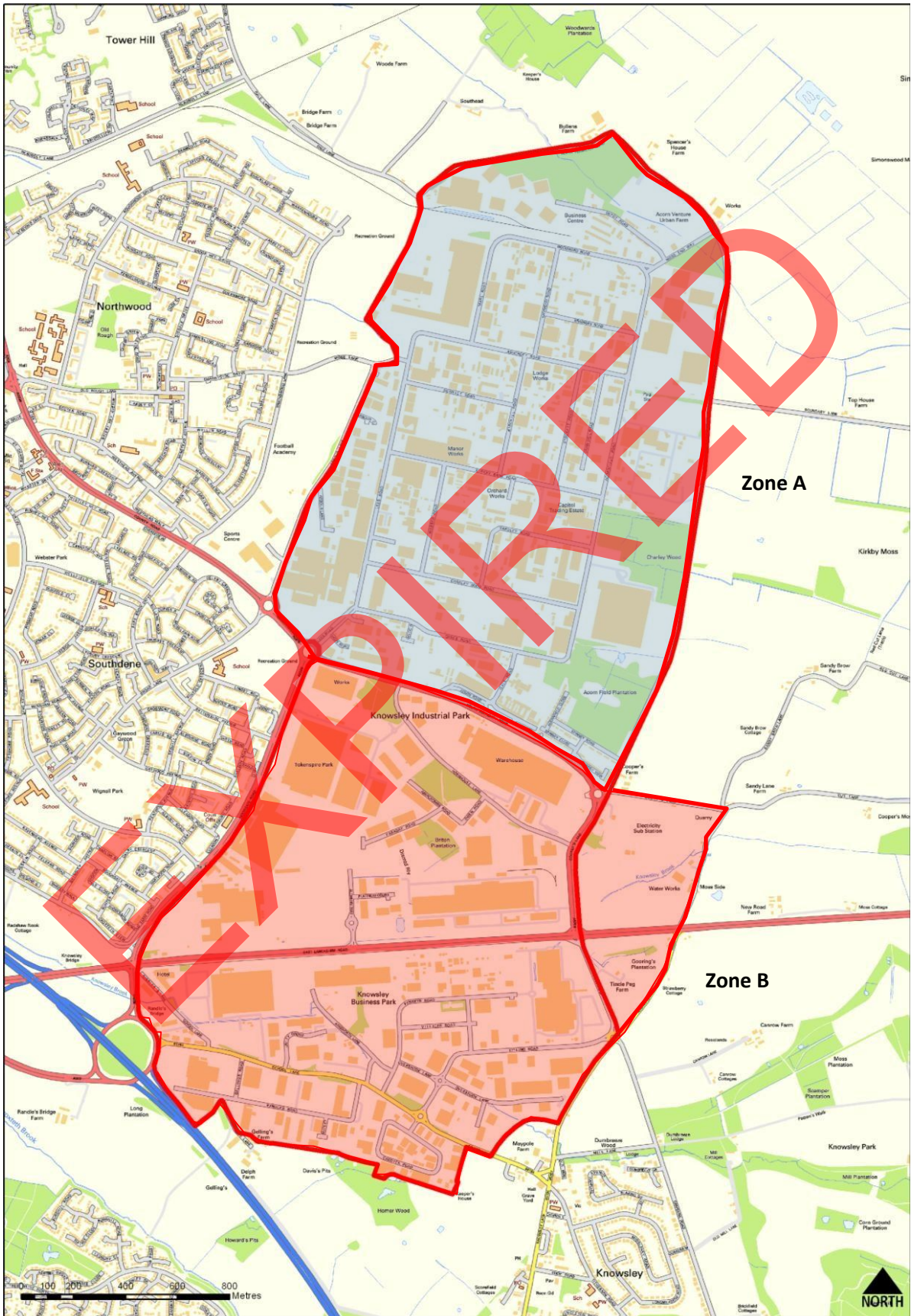
- 4.1 LDOs are required to be subject to a period of consultation prior to being adopted. The procedures for consultation on a LDO are set out in Article 34 of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended).
- 4.2 In accordance with these regulations, the draft LDO and Statement of Reasons are being made available for a minimum of a 28 day period of consultation that will take place between 19th September and 12 noon on Tuesday 21st October 2014.
- 4.3 During this consultation period, copies of the draft LDO and Statement of Reasons will be made available for inspection during normal opening times at:
- Knowsley Metropolitan Borough Council's offices
Archway Road
Huyton
Knowsley
Merseyside
L36 9YU
- 4.4 Copies of the draft LDO and Statement of Reasons will also be available to view at relevant Council libraries and online at: www.knowsley.gov.uk/localplan.
- 4.5 Comments on the draft Order can be made via the following methods:
- By post to: Knowsley Industrial Park Local Development Order
Knowsley Metropolitan Borough Council
Local Plan Team
1st Floor Annexe
Municipal Buildings
Archway Road
Huyton
L36 9YU
- By email to **LocalPlan@knowsley.gov.uk**
- 4.6 All comments submitted during the consultation period will be recorded, analysed and assessed and, where appropriate, the LDO will be revised to reflect the comments received. A final LDO will then be prepared and procedures put in place for its adoption.

APPENDICES

EXPIRED

Appendix 1 – Local Development Order Area

Map 1: Knowsley Industrial and Business Park Local Development Order Area



Appendix 2 – Environmental Impact Assessment Screening Opinion

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011 (AS AMENDED) “THE EIA REGULATIONS”.

KNOWSLEY INDUSTRIAL AND BUSINESS PARK LOCAL DEVELOPMENT ORDER

1. This Screening Opinion has been adopted by Knowsley Metropolitan Borough Council, as local planning authority (LPA), pursuant to regulation 29(2) of the EIA Regulations for the Knowsley Industrial and Business Park Local Development Order (LDO).
2. In accordance with the 2011 Regulations, a copy of this Screening Opinion has been placed on the Planning Register.

Proposal

3. The Knowsley Industrial and Business Park LDO comprises of two parts. The first element relates exclusively to buildings and land that falls within Class B of the Town and Country Planning (Use Classes) Order 1987 as amended. It grants full planning permission, subject to a number of limitations, for several classes of development. In particular, the LDO allows for the erection of extensions to existing offices, industrial buildings and warehouses and grants permission for changes of use within Class B of the Use Classes Order. The Order also grants permission for associated site infrastructure and minor alterations and development.
4. The second part of the LDO seeks to support the development of a heat network by granting planning permission for the installation of below ground pipelines to facilitate connection to this network.
5. Planning permission granted by virtue of the LDO is subject to a number of limitations which are attached to the LDO Schedule. In addition, there are a number of conditions that limit the impact of the development permitted.
6. The LDO will be in place for a period of three years from the date of its adoption.

Need for an EIA Screening Opinion

7. Article 34 paragraph 13 part (b) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 states that a LDO cannot permit development that is within Schedule 1 of the EIA Regulations. Whilst a LDO may be made to permit development that falls within Schedule 2, regulation 29 of the EIA Regulations states that in such instances the LDO should not be made unless it has been subject to a Screening Opinion or Screening Direction.
8. Having considered the development to be permitted by the LDO, the LPA is of the opinion that the proposal does not constitute Schedule 1 development.

9. The LPA does however consider that the development permitted by the LDO has the potential to constitute Schedule 2 development by virtue of it falling under Part 10 “Infrastructure Projects” of Schedule 2 which refers to industrial estate development projects where the area of development exceeds 0.5 hectares. In addition, the underground pipelines that would be permitted by the Order could fall within Part 3 “Energy Industry” of Schedule 2 which refers to industrial installations for carrying steam or hot water. Consequently, there is a need to screen the LDO to consider whether it is likely to have significant environmental effects for the purposes of the EIA regulations.

The Site and Surrounding Area

10. Knowsley Industrial and Business Parks cover approximately 540ha of predominantly previously developed land to the east of Kirkby. It is allocated as a Strategic Employment Location and a Primarily Industrial Area by policies CP1 and EC3 respectively of the Knowsley Replacement Unitary Development Plan (UDP) (2006). The emerging Local Plan: Core Strategy also identifies the Parks as key locations where employment development will be directed and a Principal Regeneration Area where a mix of new high quality employment development will be encouraged.
11. Although the Parks contain a variety of uses, the LDO area is predominantly industrial in character and is occupied principally by industrial and warehouse buildings with materials and simple architectural styles that reflect their storage or manufacturing activities. The area also contains examples of high quality light industrial units and offices, particularly on the Business Park, and heavy industrial uses. In addition, there are pockets of residential properties and a number of green space assets, notably Charley Wood and Acornfield Plantation. The LDO area is bisected by the A580 East Lancashire Road.
12. The land to the north and east of the LDO area comprises principally of open countryside which is within the Green Belt. Residential areas that form the eastern extent of Kirkby are located to the west of the LDO area. To the south of the site is the M57 motorway, areas of open countryside and Knowsley Village.

Reasons for Determination

13. As noted above, having considered the development to be permitted by the LDO, the LPA is of the opinion that the proposal falls within Schedule 2 of the EIA Regulations under Part 10(b) 'Urban Development Projects' which refers to industrial estate development projects where the area of development exceeds 0.5 hectares and could also fall within Part 3 'Energy Industry' of Schedule 2 which refers to industrial installations for carrying steam or hot water. The key consideration is therefore whether the development permitted by the LDO is likely to have significant effects on the environment.

Schedule 3 of the EIA Regulations

14. Schedule 3 of the EIA Regulations outlines the criteria that should be used when screening Schedule 2 development to determine whether it would require an EIA. The proposed LDO is considered against each of these criteria below.

15. Additional guidance on deciding whether a Schedule 2 development is likely to have significant effects is provided in the national Planning Practice Guidance. The guidance advises that only a very small proportion of Schedule 2 development will require an assessment and provides a set of indicative thresholds and criteria to aid local planning authorities in determining whether a project is likely to have significant environmental effects. The guidance does however caution that it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location.
16. The advice provided in the national Planning Practice Guidance is taken into account in the assessment below.

The Characteristics of the Development

17. Schedule 3 of the EIA Regulations advises that when considering the characteristics of the development regard should be had to its size, cumulative impact with other developments, use of natural resources, waste production, pollution and nuisances and the risk of accidents from substances or technologies employed.
18. The LDO relates to an established industrial area and the development permitted by the Order is relatively minor in nature and subject to a series of criteria which, amongst other things, limit the scale of development that can take place. Consequently, although the development permitted by the Order would result in physical changes to the site, these changes would be localised and would not be out of scale with the surrounding environment due to the built up nature of the existing area.
19. The construction of development permitted by the LDO would inevitably lead to the use of natural resources and the generation of waste. The operation of certain development permitted by the Order would also result in energy consumption. However, as noted above, the development permitted by the LDO is relatively modest in scale. As a result, the volumes of waste that would be generated and the amount of natural resources that would be used are not considered to be significant in EIA terms. In addition, the element of the Order which relates to the heat network could result in a more sustainable use of natural resources.
20. The construction and operation of the development permitted does have the potential to create some nuisance through, for example, the generation of noise associated with the operation of machinery and the emission of odours from industrial processes. However, the extent of the impact will be restricted to the local area and the Order includes appropriate conditions to control potential nuisances associated with the construction and operation of the development permitted. Furthermore, these environmental effects would not be sufficiently unusual, complex or out of keeping with the surrounding area to warrant an EIA and the nature of the impact is not considered to be such that a large change in environmental conditions would result.
21. The Order also contains conditions to prevent the contamination of land or water from the release of pollutants and it is considered that the development permitted is unlikely to result in a risk of accidents that would warrant EIA. In addition, although the Order could lead to some

additional vehicular movements, these are unlikely to be significant in EIA terms given the levels of traffic that are already generated from the site and adjoining commercial and residential development.

22. It is therefore considered that the characteristics of the development permitted indicate that the Order would not result in significant environmental effects that would warrant an EIA.

The Location of the Development

23. Schedule 3 of the EIA Regulations advises that when considering whether a proposal that falls within Schedule 2 would constitute EIA development regard should be had to the environmental sensitivity of the geographic areas likely to be affected taking into consideration the existing land use, the regenerative capacity of natural resources and the absorption ability of the natural environment.
24. The LDO area constitutes an established industrial estate and the development permitted by the Order should be considered in the context of the existing development on the site.
25. Any new build development permitted by Part 1 of the order would essentially infill remaining undeveloped sections of an existing industrial estate which is already allocated for employment and industrial development in the UDP. The emerging Local Plan: Core Strategy also identifies the area as a key location where employment development will be directed. Under these designations it has already been accepted that employment and industrial land uses at this location would not have a significant environmental impact and it is not expected that the LDO would lead to a significant change in environmental conditions on the site or in the local area given the nature of the existing development in the Parks.
26. The second part of the Order would also help to implement the emerging Local Plan: Core Strategy which identifies the Parks as a "Priority Zone" for promoting the production of renewable, low carbon and decentralised energy. Accordingly, it has already been accepted that the development of a decentralised energy network in this location would not have a significant environmental impact.
27. The site is not within close proximity of a Site of Special Scientific Interest (SSSI), scheduled ancient monument, World Heritage Site, Area of Outstanding Natural Beauty or any other sensitive area as defined by paragraph 2 of the EIA Regulations (2011). In addition, there are no designated heritage assets either within or immediately adjacent to the LDO area.
28. The LDO area does contain/adjoin a number of Local Wildlife Sites (LWSs), including Acornfield Plantation which is also designated as a Local Nature Reserve and is Knowsley's only national statutory designation.
29. However, with the exception of Acornfield Plantation, each of the LWSs is only of local importance. All of the LWSs, including Acornfield Plantation, also have a number of buildings close to its boundary and are therefore accustomed to the vehicular movements, noise and the physical presence of the buildings on the site. Moreover, the impact of the proposed

development will not be significantly different to those associated with the existing development and the Order incorporates a number of safeguards to protect biodiversity. Therefore, it is considered that the LDO would not bring about a significant change to these LWSs.

30. The LDO area is located in close proximity to Simonswood Moss where there is a significant pink-footed goose roost. Pink footed geese are a qualifying feature of Martin Mere Special Protection Area (SPA) and the Ribble and Alt Estuaries SPA. The pink-footed geese population on Simonswood Moss is known to commute between this area and Martin Mere SPA⁵.
31. Nevertheless, a Habitat Regulations Assessment (HRA) has been undertaken of the potential effects of the Local Plan: Core Strategy. The overall conclusion of this HRA was that the Local Plan contains an adequate policy framework to avoid or mitigate adverse effects on the integrity of European Sites. It is considered that the same conclusion could be drawn from the implementation of the LDO given that the LDO follows the aims of the emerging Local Plan for the Knowsley Industrial and Business Parks. In addition, the LDO incorporates appropriate safeguards to ensure that the development permitted by the Order would not have a significant effect on the population of pink footed geese or, by extension, on the integrity of a European Site.
32. The LDO area is traversed by Knowsley Brook. It also overlies a principal aquifer and a significant portion of the area is within the catchment of a groundwater source protection zone. Nevertheless, conditions and restrictions attached to the Order should prevent development from having a significant impact on inland and underground waters.
33. Taking into account the above, it is considered that the LDO area is not environmentally sensitive or vulnerable to the extent that the potential impact of the LDO would warrant an EIA.

Characteristics of Potential Impact

34. Schedule 3 dictates that when screening Schedule 2 development the potential significant effects of development must be considered in relation to the characteristics and location of the development. It advises that particular regard must be had to the extent of the impact; the transfrontier nature of the impact; the magnitude and complexity of the impact; the probability of the impact; and the duration, frequency and reversibility of the impact.
35. As noted above, the LDO relates to an established industrial estate. The development permitted by Part 1 of the Order is relatively modest in scale and would essentially infill remaining undeveloped sections of the site or result in minor alterations to existing business and industrial premises. It is considered that the impacts of the proposal would be similar to those of the existing site and would not therefore be unusual in the area or particularly complex. The development permitted by Part 2 of the Order relates principally to below ground infrastructure and its impact would be similar to the permitted development rights of a number of statutory

⁵ Knowsley Core Strategy: Habitats Regulations Assessment, URS Scott Wilson, June 2011.

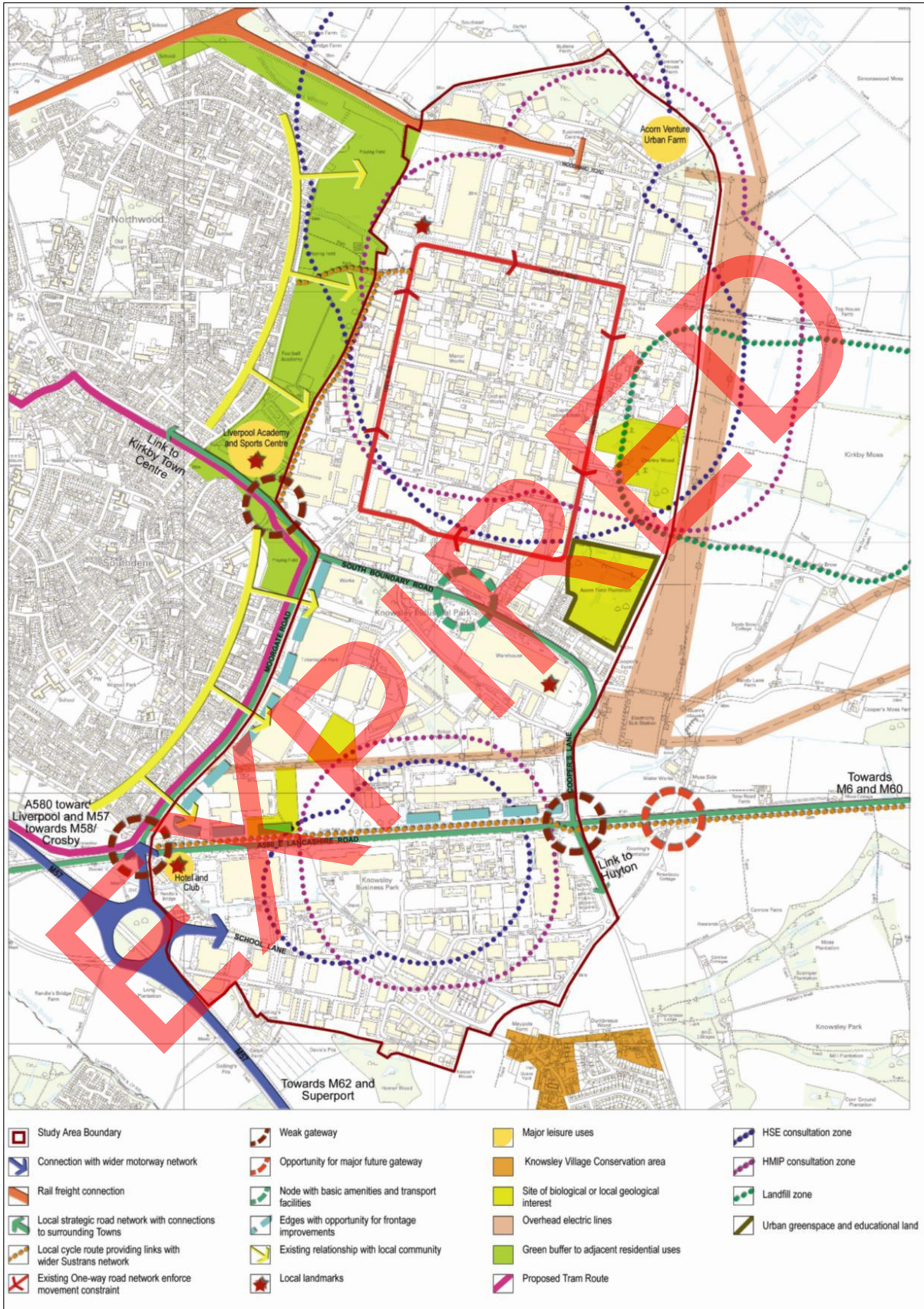
undertakers. It is also considered that any impact from both parts of the Order would be unlikely to extend over a large area and would not raise any transboundary impacts.

36. A potential impact of the Order relates to the effects of the development permitted on nature conservation. The LDO area contains a number of LWSs and it is also within close proximity of habitat used by pink footed geese, which is a qualifying species for Martin Mere SPA and the Ribble and Alt Estuaries SPA. However, given that the LDO relates to an existing employment and industrial area, these features are already accustomed to vehicular movements, noise and the physical presence of the buildings. In addition, the scale of development permitted is relatively modest and the Order incorporates appropriate safeguards to protect biodiversity.
37. Other potential impacts of the LDO relate to pollution, the effect of the development permitted by the Order on the amenity of residential properties through nuisances such as noise and odour, and traffic generation. Nevertheless, taking into account the scale of development that would be permitted by the Order, the LPA considers that there is a low probability that any effects in relation to these issues would be significant in EIA terms. In addition, many impacts would only occur during the construction of new development and would therefore be temporary in nature. The Order also incorporates sufficient conditions to mitigate the potential impacts on these issues.
38. Consequently, the potential impacts of the LDO are not considered to be so significant in scale that an Environmental Impact Assessment would be required.

Conclusion

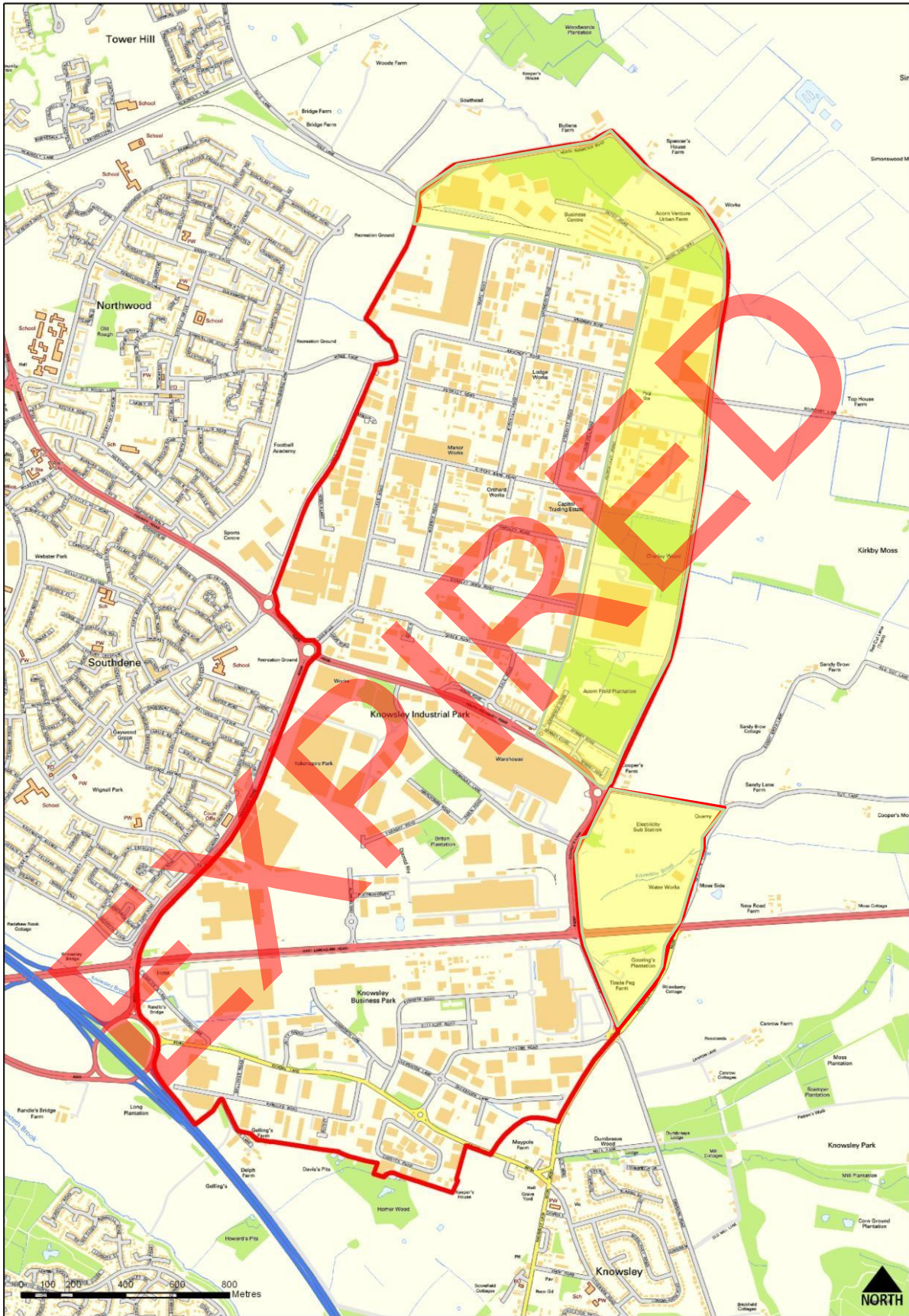
39. For the reasons set out above, and taking into account the criteria set out in Schedule 3 to the EIA Regulations, the LPA considers that the proposal is unlikely to have significant environmental effects for the purposes of the EIA regulations. The LPA therefore considers that the proposal is **not** EIA development and does **not** require the submission of an Environmental Statement.


Appendix 3 – Development Considerations



Source: Delivering a New Future for Knowsley Industrial Park, DTZ (2010)

Map 3: Habitat Regulations Assessment Requirement Area



 Area where Self-Certification proposals will need to be accompanied by HRA Screening

Appendix 4 – Self Certification Form and Validation Requirements

1. Applicant Details	
Name	
Company Name (optional)	
Address	
Town	
County	
Country	
Post code	
Telephone (landline)	
Telephone (mobile)	
E-mail Address	

2. Agent Details	
Name	
Company Name (optional)	
Address	
Town	
County	
Country	
Post code	
Telephone (landline)	
Telephone (mobile)	
E-mail Address	

3. Site Address Details	
Address	
Town	
County	
Country	
Post code	

4. Site Area	
Please state the site area in hectares (ha)	

5. Description of the Proposal	
Please provide a description of the proposal	

Would the proposals result in an increase in the internal floor space of the building?	Yes	No
If you answered Yes to the above question, please indicate the amount of gross internal floor space that would be created		
Would the proposals change the use of the existing building?	Yes	No
If you answered Yes to the above question, please indicate the gross floor space of the original building		
Please indicate would the current or, if the building is vacant, the most recent use of the building.		

6. Compliance with the Local Development Order

Please provide a brief statement of why you consider the proposed development to be permitted by the LDO

--

7. Design and Materials

Please explain how the proposed development complies with the terms of the LDO Design Code

--

What materials are to be used externally? Please provide detail on the type, colour and name of each material.

	Existing	Proposed	Not Applicable
Walls			
Roof			
Windows			
Doors			
Boundary Treatments (e.g. fences and gates)			
Other			

8. Employment

	Full Time	Part Time
Number of existing employees		
Number of proposed employees		

9. Parking

Please provide information on the number of existing and proposed on-site parking spaces

	Total Existing	Total Proposed	Difference
Cars			
Light goods vehicles / public			

carrier vehicles			
Motorcycles			
Disability Spaces			
Cycle Spaces			
Other (please specify)			

10. Biodiversity and Geological Conservation			
Is there a reasonable likelihood of the following being affected adversely by the proposed development:			
	Yes, on the development site	Yes, on land adjacent to or near the development site	No
Protected and priority species			
Designated sites, important habitats or other biodiversity features			
Features of geological conservation importance			

11. Industrial or Commercial Processes and Machinery
Please describe the activities and processes which would be carried out on the site and the end products, including plant, ventilation or air conditioning. Please indicate the types of machinery that would be installed on site:

12. Ground Contamination		
Does the proposed development involve land which is known to be contaminated?	Yes	No
Does the proposed development involve land where contamination is suspected?	Yes	No

12. Waste and Hazardous Substances			
Is the proposal a waste management development?	Yes	No	
If you answered Yes to the above question, please provide details on the type of waste treatment which would take place and on the maximum volume of waste that would be handled annually			
Does the proposal involve the use or storage of any of the following materials in the quantities stated below?	Yes	No	N/A
If yes, please provide the amount of each substance that is involved:			

Acrylonitrile (tonnes)	Ethylene oxide (tonnes)	Phosgene (tonnes)
Ammonia (tonnes)	Hydrogen cyanide (tonnes)	Sulphur dioxide (tonnes)
Bromine (tonnes)	Liquid oxygen (tonnes)	Flour (tonnes)
Chlorine (tonnes)	Liquid Petroleum gas (tonnes)	Refined white sugar (tonnes)
Other: Amount (tonnes):	Other: Amount (tonnes):	Other: Amount (tonnes):

14. Landowner's Consent

The landowner's consent must have been sought prior to submitting this scheme. Please provide details below:

Name of Owner:	Address:	Date Notice Served on Owner:
Signed – Applicant:	Or Signed – Agent:	Date (DD/MM/YYYY):

15. Description of the Proposal

I / We hereby apply for certification of compliance with the Knowsley Industrial and Business Park Local Development Order as described in this form and the accompanying plans/drawings and additional information

Signed – Applicant:	Or Signed – Agent:	Date (DD/MM/YYYY):
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EXPIRED

Validation Requirements

In order for the Council to validate an application made through the LDO, all Self-Certification Forms should be accompanied by:

1. A **Location Plan** which identifies the land to which the proposal relates. The location plan should be based on an up-to-date map and should be at a scale of 1:1250 or 1:2500. The plan should be marked with a north point and should, wherever possible, show at least two named roads and surrounding buildings. The land to which the proposal relates should be edged with a red line and a blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.
2. Any other plans necessary to understand the proposal. This could include:
 - Existing and Proposed **Site Plans** drawn at a scale of 1:500 or 1:200 and accurately identifying the position of the development in relation to the site boundaries and existing buildings on the site. Where appropriate the plans should also provide details of existing and proposed parking, servicing access arrangements.
 - Existing and Proposed **Elevation Plans** drawn to a scale of 1:50 or 1:100 and clearly showing the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors.
 - Existing and Proposed **Floor Plans** drawn to a scale of 1:50 or 1:100 and clearly explaining the proposal in detail.
3. Any other information or documents required to assess the proposal.

The table below provides an indication of the information that will normally be required to enable the Council to validate an application made through the LDO. There may however be instances where additional information is required to validate or assess an application.

	Schedule A – Class 1 Extensions	Schedule A – Class 2 Alterations	Schedule B – Class 1 Change of Use	Schedule C – Class 1 Boundary Treatments	Schedule C – Class 2 Storage Facilities	Schedule C – Class 3 CCTV	Schedule C – Class 4 Cycle Stores
Self-Certification Form	✓	✓	✓	✓	✓	✓	✓
Location Plan	✓	✓	✓	✓	✓	✓	✓
Site Plans	✓	✓	X	✓	✓	✓	✓
Elevation Plans	✓	✓	X	✓ ⁺	✓ ⁺	✓ ⁺	✓ ⁺
Floor Plans	✓	X	?	X	X	X	X
HRA Screening	✓	✓	✓	X	X	X	X
Bat Survey	✓	✓	✓	X	X	X	X
Flood Risk Assessment*	✓	✓	✓	✓	✓	✓	✓

- ✓ - Plan/Information likely to be required to assess the proposal
- ? - Plan/Information may be required depending on the nature of the proposal
- X - Plan/Information unlikely to be required to assess the proposal

- + In some instances it may be acceptable to submit manufactures literature instead of elevation plans where this provides an acceptable level of detail on the appearance and size of the development proposed.
- * Only where development would take place within parts of the LDO area that are within Flood Zone 2 as indicated on the plan in Appendix 3.

EXPIRED

Appendix 5 – Notice of Commencement Form

COMMENCEMENT NOTICE

Notice to Knowsley Metropolitan Borough Council of the Commencement of Development within the Knowsley Industrial and Business Park LDO Area

Development Site	
Brief Description of Development	
LDO Compliance Confirmation Number (if known)	
Date on which LDO Compliant Scheme will commence:	
Signed	
For and on behalf of (name and address of developer)	
Date	
Contact Name	
Telephone Number	
Email Address	

Please complete and send this form to Knowsley Council a minimum of 14 days before undertaking works permitted by this Order.

Completed forms should be sent:

By email to: planning@knowsley.gov.uk

By post to: Knowsley Metropolitan Borough Council
Planning Services
PO Box 26
Yorkon Building
Archway Road
Huyton
L36 9FB

Appendix 6 – Monitoring Framework

Indicator	Review Trigger	Action
Annual number of extensions to existing premises within Knowsley Industrial and Business Parks permitted through the LDO	Less than 5	Possible review of LDO to allow greater flexibility/scale for extensions to existing businesses.
Annual number of proposals received that would have required planning permission but which are permitted development under the LDO	Less than 10	Possible review of LDO to extend the range of works that can be undertaken without planning permission under the terms of the Order.
Number of proposals received which do not meet the requirements of the LDO	More than 10	Possible review of LDO to extend the range of works that can be undertaken without planning permission under the terms of the Order.
Annual number of enforcement actions due to non-compliance with the LDO	More than 5	Possible review of LDO to ensure that the Order is sufficiently clear over the forms of development that are permitted by the Order and the conditions and limitations that apply to this development.
Proportion of Self-Certification applications that are processed within the required timeframes.	Less than 75%	Possible review of the LDO to consider whether it possible to reduce the level of information required to be submitted and assessed as part of the self-certification process.
Proportion of developers using the LDO process who are satisfied with the process.	Less than 75%	Possible review of the LDO to consider whether the process for handling applications made through the Order can be improved.
Kilometres of heat network delivered	Less than XXkm	Possible review of LDO to extend the range of works that can be undertaken without planning permission under the terms of the Order.
Number of businesses connected to a heat network.	Less than XX	Possible review of LDO to extend the range of works that can be undertaken without planning permission under the terms of the Order.

Appendix 7 – Parking Standards

Use Class	Broad Land Use	Specific Land Use	Parking Provision	Minimum Disabled Parking Provision (up to 200 bays)	Minimum Disabled Parking Provision (over 200 bays)
B1	Business	Offices, Research and Development	1 space per 30sqm gross floor area	Individual bays for each Disabled employee plus 2 bays or 5% of total capacity whichever is greater	6 bays plus 2% of total capacity
B1	Business	Call Centres	1 space per 30sqm gross floor area (starting point for discussions)	Individual bays for each Disabled employee plus 2 bays or 5% of total capacity whichever is greater	6 bays plus 2% of total capacity
B2	General Industry	General Industry	1 space per 45sqm gross floor area	Individual bays for each Disabled employee plus 2 bays or 5% of total capacity whichever is greater	6 bays plus 2% of total capacity
B8	Storage and Distribution	Storage and Distribution	1 space per 100sqm gross floor area	Individual bays for each Disabled employee plus 2 bays or 5% of total capacity whichever is greater	6 bays plus 2% of total capacity