

HEREFORD (ROTHERWAS) ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER (2019)

1 Background and Purpose

- 1.1 Hereford (Rotherwas) Enterprise Zone Local Development Order (Hereford LDO) has been produced to support the development of Rotherwas Industrial Estate which was designated an Enterprise Zone on 17th August 2011. Hereford LDO was first adopted in April 2013.
- 1.2 The Enterprise Zone has already become a catalyst for enhanced economic growth throughout the Marches and some 52,500 sqm. (Gross External Area) of new employment workspace has been committed through the LDO (November 2018). It is intended that further highly skilled jobs will be created and investment encouraged into the area, in particular from overseas. There is an aspiration to develop part of the site into a centre of excellence for the defence and security sector with additional employment hubs focused on advanced technologies, environmental technologies and food and drink technologies. These operations fall within classes B1, B2 and B8 of The Town and Country Planning (Use Classes Order) 1987 (as amended).
- 1.3 The Enterprise Zone is located on the south eastern outskirts of Hereford, approximately 1.5 miles from the city centre. It is served by a new two-mile long access road directly onto the A49 (T) and the M50 is around a 25-minute drive from the site.
- 1.4 The extent of the area covered by Hereford LDO is shown edged in red, blue and brown in Appendix A. This includes additional areas to that covered by the original Hereford LDO. It now encompasses a greater part of Rotherwas Industrial Estate together with an additional area brought forward through Herefordshire Local Plan Core Strategy. It is anticipated that in combination, the current vacant parcels might accommodate 100,000 sqm. (GEA) of floorspace for employment uses, making a total of 150,000 sqm employing around 3,500 people in the longer term. This figure results from a reassessment of potential in the light of development undertaken so far within the Enterprise Zone. The aim is to achieve the build out during the life of the Enterprise Zone. Development will however need to be phased, in particular to ensure the resultant traffic generated from the zone can be accommodated on the Strategic Road Network (A49 [T]). In addition, the Council together with the support of Marches Local Enterprise Partnership is promoting a new Hereford University based on a 'New Model in Technology and Engineering' which proposes to work closely with local businesses, especially those located on the Rotherwas Industrial Estate and supporting the aspiration to create a centre of excellence for technologies.
- 1.5 The objective of Hereford LDO is to contribute to the development of Hereford Enterprise Zone by simplifying planning arrangements through granting planning permission for certain forms of development thereby avoiding the need for individual planning applications to be made where proposals accord with the aspirations for the Enterprise Zone.

- 1.6 All development within the Hereford Enterprise Zone and covered by this LDO will be exempt from section 106¹ obligations and any future Community Infrastructure Levy (CIL) requirements². Additionally, there will be no requirement to pay for prior notification applications, pre-application advice, amendments complying with the LDO or discharge of conditions. This will reduce the cost to developers and therefore promote and encourage the employment generation of this area.
- 1.7 It should be noted that Hereford LDO does not prevent development taking place which is not expressly permitted through the Order. Proposals for such development would be subject to the normal planning application process and may proceed if planning permission is granted. In addition, proposals which constitute permitted development would still be able to proceed without the need for planning permission from Herefordshire Council whether covered by this LDO or not.
- 1.8 Some works have been undertaken to mitigate flooding of land adjacent to and forming parts of the Enterprise Zone through the construction of a flood attenuation scheme which has been designed in partnership with the Environment Agency.
- 1.9 A new cycle/footway (Connect2) provides a direct sustainable transport link from the Enterprise Zone to the north of Hereford via a new bridge over the River Wye. Additional cycle paths are being provided. These should benefit accessibility to the Enterprise Zone using sustainable transport means.
- 1.10 A number of documents are referred to in Section 3 providing advice and guidance upon specific issues. In particular the **Skylon Park Design Guide** has been prepared for Hereford Enterprise Zone and adopted by the landowners to inform proposals.
- 1.11 Provisions are included within Hereford LDO to protect the condition of river water quality and biodiversity conservation of the River Wye corridor and to limit impact upon the Strategic Road Network.
- 1.12 Hereford LDO provides certainty and a streamlined approach thereby reducing development costs and time. It has been modified in the light of consultations and sanctioned by the Secretary of State. Herefordshire Council adopted Hereford LDO on (to be completed on adoption).
- 1.13 Hereford LDO comprises:
- (1) Hereford Local Development Order setting out the terms of the planning permission granted, including a prior notification requirement, planning conditions and exceptions;
 - (2) Statement of Reasons for granting planning permission and conditions. Advice notes indicating sources of further information are also included here;
 - (3) Processes and Procedures under this LDO to be followed by Herefordshire Council as local planning authority and applicants.

¹ Town and Country Planning Act 1990 (as amended)

² Town and Country Planning Act 2008 and Community Infrastructure Levy, England and Wales Regulations 2010 as amended in 2011

2 Hereford Local Development Order (Hereford LDO)

The following development is permitted within Hereford Enterprise Zone LDO area subject to the provisions and conditions set out in this Order:

- Within the area edged in red at Appendix A (Area A), development comprising the erection of buildings, related external plant, machinery or apparatus, provision of access to, parking and use of land falling within Classes B1, B2 and B8 of the *Use Classes Order 1987*³.
- Within the area edged and hatched in blue at Appendix A (Area B), development comprising the erection of buildings, related external plant, machinery or apparatus, provision of access to and use of land falling within Classes B1, B2, B8 and D1 (c) of the *Use Classes Order 1987*⁴.
- Within the area edged and hatched in brown at Appendix A (Area C), development comprising the erection of buildings, provision of access to, parking and use of land falling within Class B1 of the *Use Classes Order 1987*⁵.

The following comprise the provisions and conditions of the LDO:

A) The person undertaking the development shall apply to the local planning authority in advance of work commencing for a DETERMINATION about whether:

- i) The proposal falls within the terms of this Local Development Order and complies with the design principles for Hereford Enterprise Zone;
- ii) It is necessary for the Council to reserve approval of any additional matters beyond those set out in Part D below for subsequent approval.

B) The application for DETERMINATION must be accompanied by a copy of each of the following:

- A site layout plan to an appropriate metric scale, normally 1:500. This should include; details of related external plant, machinery or apparatus, access, proposed car parking arrangements, hard and soft landscape proposals and the location of any open-air storage areas;
- A written specification for hard and soft landscape elements, including for the design of enclosures, surface materials and minor structures.
- Detailed elevations and floor plans of all buildings to an appropriate metric scale, normally 1:100;
- A schedule of floorspace (Gross Floor Area) within all buildings indicating the proposed type of use within classes B1, B2 and B8, where appropriate broken down between these categories;
- A schedule of external facing materials;
- A calculation of the volume of water use and foul/wastewater drainage to be discharged to the public foul sewer.

C) DEVELOPMENT MAY NOT COMMENCE UNTIL:

- A written notice is provided by the Council in response to the determination application that the proposal complies with the Local Development Order; or

³ The Town and Country Planning (Use Classes) Order 1987 (as amended)

⁴ Ibid

⁵ Ibid

- The expiry of 28 days from the date on which the Council RECEIVED the application (not the date on which it was sent) without any formal determination by that Council; or
- The expiry of a mutually specified period agreed between the applicant and the local planning authority beyond the 28 days in order to consult a statutory consultee upon a matter of significant concern. Such agreement should be made in writing between the applicant and local planning authority.

Should the Council, within 28 days of receiving the application for a determination, confirm that the proposal does not comply with Hereford LDO, a planning application will need to be made.

D) In cases where proposals comply with the Local Development Order, planning permission is GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Regulating the Permission granted by the LDO

1. The development shall be carried out strictly in accordance with the details and schedules submitted under Part B above except where otherwise stipulated by conditions set out below.
2. Development shall be commenced within 12 months of the date of the Council's confirmation that it is in conformity with the Local Development Order.

Traffic and Highways

3. Prior to commencement of development an Outline Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall be consistent with the estate-wide travel plan prepared by Hereford Enterprise Zone Executive Board current at the time and will contain an overview of the transport implications of the proposed development, a commitment to promote alternative sustainable means of transport for staff, visitors and supporting strategies including travel surveys and related monitoring and reporting provisions.
4. Within 6 months of the development being brought into use, a full Travel Plan, again consistent with the estate-wide travel plan prepared by Hereford Enterprise Zone Executive Board, shall be submitted to and approved in writing by the Local Planning Authority. It should contain a survey of staff and visitor travel patterns, targets for achieving modal shift, measures to be implemented to promote alternative sustainable means of transport for staff and visitors, and associated provisions for future monitoring and reporting. The Travel Plan shall be implemented in accordance with the approved details.

Landscape Works

5. The landscaping proposals submitted under Part B above shall be carried out concurrently with the development and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded

shall be replaced with others of similar sizes and species. If any plant fails more than once they shall continue to be replaced annually until the end of the 5-year period. The hard landscaping shall be completed prior to first occupation of the development.

Surface Water Management and Flood Prevention

6. There shall be no direct or indirect discharge of surface water and/or land drainage run off to the public foul sewer.
7. A surface water drainage system shall be submitted to and approved in writing by the local planning authority which incorporates oil interception measures, a sustainable urban drainage system and necessary water attenuation measures and accords with the principles of section 3.2 of the ***Rotherwas Drainage and Flood Management Strategy (2009)***⁶ or any document amending or superseding this strategy. The scheme shall include a schedule of works and details of how the system will be managed and maintained for the lifetime of the development and shall thereafter be implemented in accordance with the approved details before the development is first brought into use.
8. Details of flood mitigation and resilience measures shall be submitted to and be approved by the local planning authority that comply with requirements set out in the Rotherwas Drainage and Flood Management Strategy (2009)⁷ or any revision or modification to, or replacement superseding this document, prepared by or for the local planning authority. The development shall be completed in accordance with the approved details.
9. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority's Emergency Planning Officer and Emergency Services. The plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall also include a commitment to retain and update the plan and include a timescale for revision of the plan.

On-site Storage of Oil, Fuels, Chemicals or other Hazardous Substances

10. There shall be no underground storage of any oil, fuels, chemicals or any other hazardous substances.
11. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank, plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest vessel or the combined capacity of inter-connected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from

⁶ See informative note under Reasons for Conditions 6 to 9 at paragraph 3.19

⁷ Ibid

accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

12. No development within each development plot shall take place until the following components of a scheme to deal with the risks associated with contamination of the site are submitted to and approved in writing by the local planning authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on i) above, to provide information for a detailed assessment of the risk to all receptors.
- iii) The site investigation results and the detailed risk assessment ii) based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.
- iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.
- v) Prior to the occupation of any part of the development (unless in accordance with agreed phasing under part iv) above), a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (iii) and iv)). The report shall include results of any sampling and monitoring. It shall also include any plan (a long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

13. If, during the development within each development plot, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the local planning authority. The report shall include results of any sampling and monitoring. It shall also include any plan (a long-term monitoring and maintenance plan) for longer term

monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Other Design Matters

14. All buildings (accommodating personnel) shall be designed and constructed to meet the required minimum standard indicated within Hereford Enterprise Zone Sustainability Scheme or a minimum of a BREEAM rating of 'Very Good'. No development shall commence until authorised certification has been provided confirming compliance with the Hereford Enterprise Zone Sustainability Scheme to the "Tender Stage" (or in the case of BREEAM, Interim Stage) and to "Handover Stage" prior to the occupation of the buildings. Further certification shall be provided in the form of the "Occupation Stage" certification (or in the case of BREEAM, Final Certification) confirming that the development has been constructed in accordance with the agreed standard.'
15. Prior to the commencement/first use of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the building) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.
16. Development within Area C identified as adjacent to residential properties (edged and hatched in brown on the map attached at Appendix A) shall be restricted to Use Class B1 Business (Offices [other than those that fall within A2], research and development of products and processes, light industry appropriate in a residential area) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose, and subject to the following site specific conditions:
 - a) No building hereby permitted on any part of the site shall exceed two storeys in height.
 - b) There shall be no raising of existing ground levels on the site.
 - c) There shall be no open air operation of plant, machinery or equipment within the area shown edged and hatched in brown.
 - d) No power tools or machinery shall be used at the premises other than portable hand tools.
 - e) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no service openings other than staff and visitor pedestrian access shall at any time be located in the on the southern elevation of any building frontage facing on to the Holme Lacy Road.
 - f) Vehicle parking and turning areas shall be located to the north of any building upon the site.
 - g) During the construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside of the following times: Monday- Friday 7.00am-6.00pm, Saturday 8.00am-1.00pm nor at any time on Sundays, Bank or Public Holidays.

- h) The earth mound running along the north side of the site edged and hatched in brown that forms a protective buffer between the uses to its north and this site and adjacent dwellings shall be retained and no works to alter its height or width are permitted through this order.

17. Any minor amendments shall be agreed in writing by the Local Planning Authority.

E) This permission excludes development that would:

- a) either on its own or in combination with other development already confirmed as complying with Hereford LDO lead to a net increase in morning and afternoon peak hour trip generation above the development trip limit agreed between Herefordshire Council and the Highways Agency, and specified in any Variation to the Memorandum of Understanding and set out in Appendix B. For the avoidance of doubt the vehicle traffic generation set out in the Memorandum of Understanding, or agreed Variations thereto, which forms an element of the development trip limit shall also not be exceeded;
- b) fall within a description of projects listed in Schedule 1 of the *Environmental Impact Assessment Regulations 2017*⁸;
- c) fall within a description of projects listed in Schedule 2 of the *Environmental Impact Assessment Regulations 2017*, which is likely to have a significant effect on the environment by virtue of factors such as its nature, scale or location;
- d) be likely to have a significant effect on a European site (SAC), either alone or in combination with other plans or projects, as prescribed by Regulation 80 of the *Conservation of Habitats and Species Regulations 2017*;
- e) discharge foul/wastewater drainage to other than the public foul sewer; and
- f) take place in the areas identified as Rotherwas House Green Space Buffer Zone, Rotherwas House Cemetery or the corridor identified within the southern extension area⁹ (all as shown edged and hatched green in Appendix A).

F) Period of Operation of the LDO

This LDO and the terms within it will be active for a period of 5 years following the day of its adoption and will expire at the end this period. It will therefore cease to apply on the day following the 5-year anniversary of the adoption of this order. Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked or revised or expires.

Notes

⁸ The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

⁹ An access may be developed across this area to service units outside where this is agreed with the Local Planning Authority as part of a planning application.

1. The LDO does not remove the need for consent under other regulatory controls, such as advertisement consents (which includes signage), trade effluent discharge consents, Site Waste Management Plan Regulations 2008, other environmental permits, or building regulations.

3. Statement of Reasons

Justification for Hereford Enterprise Zone Local Development Order (Hereford LDO)

3.1 The designation of Hereford Enterprise Zone is supported by the Marches Local Enterprise Partnership, which includes Shropshire, Telford & Wrekin and Herefordshire, and the bid was developed by Herefordshire Business Board. Hereford LDO supports the ambitions of these organisations by providing a simplified approach to planning within Hereford Enterprise Zone by reducing formal planning controls.

3.2 The costs and potential delays incurred during the usual planning application process for the development of buildings accommodating employment can be a disincentive to businesses and thereby inhibit growth. The uncertainty of the planning process is also often cited as a disincentive such that business can be reluctant to invest time and money without a guarantee that permission will be forthcoming.

3.3 Hereford LDO is intended to support timely employment generating growth in Hereford Enterprise Zone. By granting planning permission for specified types of development and removing the need for a planning application to be made those wishing to pursue specified types of development will save both application costs and time delays. In addition, Hereford LDO will provide businesses with greater certainty. By enabling private sector investment in this way, the aim of encouraging growth in Hereford Enterprise Zone can be supported. Experience since the LDO was first introduced in 2014 indicates that the approach has been welcomed by businesses seeking to locate within the Enterprise Zone and that the approach has worked really well and been very beneficial.

3.4 By targeting specific areas with real potential for growth, the benefits of Hereford Enterprise Zone and its accompanying incentives can spread more widely, supporting Hereford's important sub-regional role and the economy of the wider County. In addition, the development of Hereford University to teach technology and engineering, including within a work-based environment, will further support employment growth and elements of its approach are seen as complementary to the Enterprise Zone's development.

Planning Policies

3.5 Hereford LDO will assist the implementation of policies within Herefordshire Local Plan Core Strategy (2011-2031) which advocates economic development within the Enterprise Zone indicating it will remain the largest focus for new employment provision within the County (Policy SS5). The significant strategic importance of the Enterprise Zone is emphasised more specifically in policy HD7.

3.6 Policy HD7 (Hereford Employment Provision) states

Hereford will continue to provide focus for employment provision in the county. Employment supply at Hereford will be delivered through:

- the expansion of the city centre as part of wider city regeneration which will include commercial uses including new office provision and creating a better environment for existing businesses. Proposals for office uses outside of the city centre will be subject to the sequential test, as set out in paragraph 24 of the NPPF;*

• continuing development of employment land at Hereford Enterprise Zone at Rotherwas to strengthen the enterprise zone, with particular focus on defence and knowledge sectors, creating added benefit for companies who locate in the area;

- encouraging small scale environmental and knowledge-based employment development opportunities; and
- provision of new areas of employment land particularly through the development of strategic urban extensions.

3.7 In addition Herefordshire Local Plan Core Strategy policy HD6 states includes, among other provisions, the making available around 5 hectares of additional employment land comprising a mixture of Use Class B1, B2 and B8 to complement Hereford Enterprise Zone, as part of proposals for the Southern Urban Expansion (Lower Bullingham). This LDO includes that area in order to enable a consistent approach to the release of land for employment within this vicinity

3.8 Hereford Area Plan will expand upon policies within the Core Strategy and allocate land for employment and also recognise the importance of the new Hereford University which would comply with Core Strategy policy SC1. It is expected that this plan will not affect the areas covered by Hereford LDO other than to retain them as employment land. Lower Bullingham Neighbourhood Development Plan, one of two such plans that cover parts of the area included within Hereford LDO, has been adopted. It seeks to promote high quality design and highlights the need to address flooding, especially areas covered by this LDO. Conditions within Hereford LDO address these matters. Dinedor Neighbourhood Development Plan, which is the second plan, is still in preparation and must conform with policies set out in Herefordshire Local Plan Core Strategy.

3.9 The LDO provides for the following:

- Granting developers planning permission subject to conditions for development within Classes B1, B2 and B8 of the Use Classes Order 1987(as amended) within the defined LDO area edged in red (Appendix A) where proposals comply with the principles for Hereford Enterprise Zone. This includes offices (not falling within Class A2), research and development, light industry, general industrial processes and storage and distribution uses.
- Granting developers planning permission subject to conditions for development within Classes B1, B2, B8 and D1(c) of the Use Classes Order 1987(as amended) within the defined LDO area edged and hatched in blue (Appendix A) where proposals comply with the principles for Hereford Enterprise Zone. This includes offices (not falling within Class A2), research and development (including university premises, teaching laboratory space for engineering research and development), light industry, general industrial processes and storage and distribution uses.
- Granting developers planning permission subject to conditions for development within Classes B1 of the Use Classes Order 1987(as amended) within the defined LDO area edged and hatched in brown (Appendix A) where proposals comply with the principles for Hereford Enterprise Zone. This includes offices (not falling within Class A2), research and development and light industry being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

- Removing the need to submit some information in relation to statutory environment provisions, flood and transport impact assessments in that these have been carried out for developments complying with the provisions of the LDO;
- Withdrawing the need to contribute towards necessary infrastructure set out within the *Planning Obligations Supplementary Planning Document*;
- Withdrawing the requirement to pay for pre-application advice for proposals complying with the LDO;

3.10 The LDO supports the **National Planning Policy Framework (NPPF)** requirement to support economic growth through the planning system. Hereford Enterprise Zone has been identified as a strategic site for inward investment and expansion of existing businesses for which there is a clear vision in terms of the business types and clusters that it is hoped to attract. The approach seeks to build upon the wider area's strengths. There are a number of potential barriers to investment primarily in terms of infrastructure capacity that are being addressed, led by policies included within Herefordshire Local plan Core Strategy. The use of a Local Development Order is aimed at supporting the Enterprise Zone by providing the conditions in which business can invest with confidence.

Prior Notification Requirements (Parts A and B)

3.11 Developers are asked to submit a limited amount of information in order that the local planning authority can determine whether the terms of Hereford LDO are met such that planning permission is granted for the proposal under its provisions. A period of 28 days from receipt of this information is considered a realistic timescale within which the local planning authority should be able to assess compliance and respond without causing undue delay to applicants. Should the local planning authority respond positively or fail to respond within this 28-day period then planning permission is granted for the proposal by this LDO. Exceptionally the need for an extension of time for a specified period beyond the 28 days may be necessary where particularly complex proposals are advanced and where further consultation is necessary. In such instances the Council will contact the developer to agree an extension of time in which to consider whether, for example, additional information should be submitted to satisfy the requirements of a statutory consultee.

3.12 The information required to be submitted to determine whether the proposal complies with the LDO is considered to be that critical or important to ensure:

- The development is designed to contribute to an attractive and integrated business environment thereby supporting the purposes for the Enterprise Zone designation. In this regard the design principles set out in the ***Skylon Park Design Guide***¹⁰ should be of assistance and will meet the requirement for the submission of a Design Statement when utilised.
- Parking provision and highways works meet acceptable standards.
- The development, either on its own or in combination with other development under the LDO does not adversely affect the Strategic Road Network;
- The development, either on its own or in combination with other development under the LDO does not generate levels of wastewater that would result in nutrient level discharges from Welsh Water's Sewage Treatment Plant failing to comply with its Discharge Consent.

¹⁰ <https://www.skylonpark.co.uk/media/5854/skylon-park-design-guide-reduced-.pdf>

Design Principles

3.13 The ***Skylon Park Design Guide***¹¹ has been produced to indicate those design elements considered important to the delivery of a high-quality development consistent with the expectations of landowners promoting Hereford Enterprise Zone. The objective is to achieve a visually attractive environment based upon sustainable and good quality architecture within a well-structured landscape. Information required under section B of the LDO are those considered necessary to address issues of principle whereas additional details should be submitted in compliance with conditions set out in Part D. Exceptionally the prior determination stage (Part A) may identify other details that would be needed where proposals would have a major effect on the natural, built or historic environment of the Enterprise Zone. The guidance, however, is aimed at promoting innovation in design with the aim of raising standards across the whole of Rotherwas Industrial Estate and beyond.

Parking and Highway Works

3.14 The Council's ***Highways Design Guide for New Development*** and ***Highway Specification for New development***¹² sets out standards to be met for particular types of use as well as design guidance upon layout. One of the purposes is to ensure businesses within the Enterprise Zone do not hinder the beneficial operation of others. Provision, in particular, should be made for cycle parking in accordance with the required standard or better if possible, and covered in order to promote cycling to work and the benefits of Connect2.

Effect on the Strategic Road Network

3.15 Vehicular traffic generated by new development within Hereford Enterprise Zone will increase vehicular movements on the A49 trunk road that forms part of the Strategic Road Network. This has the potential to cause congestion at certain points on that network. Until works have been undertaken to enable the whole of the Enterprise Zone to be completed without exceeding the capacity of the Strategic Road Network, caps need to be set on the extent of new development that might take place.

3.16 The caps on development were initially set out in a Memorandum of Understanding dated 17th April 2013 and have been and may further be varied from time-to-time as works are carried out to increase the use of sustainable transport measures within the Enterprise Zone and/or increase capacity upon the network. The caps included in the Variation to the Memorandum of Understanding when this LDO was adopted are set out in Appendix B to this Local Development Order. Development will be excluded from this LDO once the development trip generation threshold in either the morning or the evening peak is reached, or a proposal will lead to such being exceeded. The cap relates to both new development and redevelopment. Any redevelopment proposals resulting in increased vehicular trip generation will need to be considered in the light of spare capacity within the cap should it proceed under this LDO. Compliance with this provision will be assessed using relevant information derived from the TRICS database (Trip Rate Information Service Computer System – managed by JMP Consultants Ltd) - see paragraphs 4.9 and 4.10.'

¹¹ Ibid

¹² https://www.herefordshire.gov.uk/downloads/download/585/highways_and_new_development

3.17 Should proposals be advanced that would exceed the cap, either on their own or in combination with other proposals granted planning permission through this LDO, then they will be unable to proceed under the LDO provisions and a planning application will need to be made.

Effect of Foul/Wastewater Drainage

3.18 The River Wye that lies close to the Enterprise Zone is a Special Area of Conservation (SAC). It can be vulnerable to the effects of certain forms of development, particularly those that cause elevated levels of phosphate, and therefore care needs to be taken in terms of operations that may cause pollution. In relation to foul/wastewater drainage, discharges from Hereford Treatment Works enter the River Wye, and modelling analysis by the Environment Agency indicates the proposed level of growth should be capable of delivery without breaching conservation objectives for the SAC. The maximum level of additional development that can be accommodated by Hereford Treatment Works, based on conversion to wastewater per dwelling, is 6500 dwellings. It is anticipated that development of the Enterprise Zone would equate to approximately 520 dwellings. The level is such that the development of the Enterprise Zone need not be restricted unless the type of operation undertaken releases excessive levels of wastewater into the infrastructure system. It may not be possible to accommodate such operations within the Enterprise Zone. Developers will need to provide information on anticipated water use and foul/wastewater discharges at the prior notification stage so that Herefordshire Council can assess whether or not the proposal accords with the SAC conservation objectives. In addition, applicants will require trade effluent discharge consent where their operation discharges any trade effluent into the public foul sewer. Consequently, applicants will need to reach agreement with the waste water undertaker (Dwr Cymru Welsh Water) on treatment of water arising from any industrial processes proposed. Where it is not possible to conclude there will be no likely significant effect on the River Wye SAC then the Local Planning Authority would exclude development through Part E.d) of the Local Development Order.

Reasons for Conditions on the Grant of Planning Permission (Part C)

3.19 Hereford LDO conditions are required to ensure that development is acceptable, especially in terms of effects upon the environment and to define those matters of detail that need to be addressed. The detailed reasons for the conditions are:

Condition 1: to ensure that the development adheres to the submitted plans aimed at protecting the design principles.

Condition 2: required under Section 92 of the Town and Country Act 1980 and this is shorter than would normally apply in order to ensure construction is realised and realistic employment generating proposals proceed.

Conditions 3 and 4: to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives, and to conform to the requirements of policy MT1 of Herefordshire Local Plan Core Strategy.

Informative Note – Applicants can, alternatively, agree to comply with the provisions of **Rotherwas Travel Plan**¹³ current at the time or use its principles as the basis for

¹³ https://www.skylonpark.co.uk/media/22792/HEZ-Travel-plan_2018.pdf

their approach to sustainable travel adapted to their particular circumstances. Measures such as the provision of cycle storage can be undertaken through this condition.

Condition 5: to ensure landscape works are undertaken in order to maintain the visual amenities of Hereford Enterprise Zone, and to comply with policy LD1 of Herefordshire Local Plan Core Strategy.

Informative Note - landscape design guidance is set out in ***Skylon Park Design Guide***¹⁴.

Conditions 6 – 9: to reduce the risk of flooding through the satisfactory measures of surface water disposal and to comply with policy SD3 of Herefordshire Local plan Core Strategy.

Informative Note - ***Rotherwas Drainage and Flood Management Strategy (2009)*** and subsequent documents provide information that may assist developers/applicants who may also wish to consider whether and if so how they might utilise infrastructure provided through the ***Rotherwas Futures Flood Attenuation Scheme*** and subsequent measures. Work has been undertaken to update the strategy and develop further measures that may be necessary. Herefordshire Council will advise those utilising this LDO whether this and further studies and works might affect their site.

Conditions 10 and 11: to prevent pollution of the water environment and comply with policies LD2, SD1 and SD4 of Herefordshire Local Plan Core Strategy.

Condition 12: to ensure any contamination of land is identified and measures advanced and agreed to ensure such contamination is dealt with appropriately, especially in the light of previous uses within parts of the area covered by the LDO, and to comply with policy SD1 of Herefordshire Local Plan Core Strategy.

Condition 13: to ensure any unexpected identification of contamination is identified during works so that it can be dealt with appropriately and to comply with policy SD1 of Herefordshire Local Plan Core Strategy.

Informative Note – Herefordshire Council will review from time to time the need to investigate whether contamination is present and if there is a need for a strategic approach to addressing its presence that would benefit the release of land within the area covered by the LDO. The Council will advise those utilising this LDO whether such work has been undertaken that might affect their site.

Condition 14: to promote sustainable design in accordance with the priorities set for the Enterprise Zone and comply with policy SD1 of Herefordshire Local Plan Core Strategy.

Condition 15: to safeguard the character and amenity of the area and to comply with Policy SD1 of Herefordshire Local Plan Core Strategy.

Condition 16: to protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

¹⁴ <https://www.skylonpark.co.uk/media/5854/skylon-park-design-guide-reduced-.pdf>

Condition 17: To define the scope of the development hereby permitted.

Exclusions (Part E)

3.20 It is necessary to exclude some forms of development that might otherwise fall within the provisions of Hereford LDO where these will have unacceptable effects on major constraints or because of particular overriding regulations.

3.21 The reason for excluding development that will generate vehicle trips in excess of the capacity of the Strategic Road Network is explained in paragraphs 3.15 to 3.17. In effect Hereford LDO will cease to operate when the stipulated limit of additional vehicular traffic generated is reached. Herefordshire Council will continue to review whether further spare capacity might be made available over time and what would be necessary to enable the full extent of the Enterprise Zone to be developed. Small increases in capacity will be a technical matter determined through Variations to the Memorandum of Understanding with the Highways Agency and hence within the spirit of the current LDO. The LDO may be reviewed in light of measures that would lead to a significant increase capacity on the Strategic Road Network

3.22 Regulations require Environmental Impact Assessments to be carried out for certain specified developments. Hereford LDO cannot remove this requirement. Similarly, regulations restrict the Council's ability to approve proposals that will have a Likely Significant Effect on the River Wye SAC without carrying out an 'appropriate assessment' and should this prove that there will be an adverse effect then the Council cannot grant permission. Conditions within Hereford LDO are intended to safeguard the River Wye SAC in accordance with Herefordshire Local Plan Core Strategy policies LD2, SD1, SD3 and SD4. They will operate through physical protective measures or the submission of information to enable an assessment to be made about the effects upon nutrient levels in the River Wye SAC. Natural England has advised these safeguards should ensure Hereford LDO is not likely to have a significant effect on the features for which the River Wye SAC has been classified. Herefordshire Council is aware of the level at which foul effluent entering the treatment network will provide a constraint and development proposals that reach this level, including in combination with others, will be excluded from Hereford LDO.

3.23 Exclusion of the area identified as Rotherwas House Green Space Buffer Zone is to protect the setting of significant heritage assets in the locality of Rotherwas Chapel in accordance with Policy LD4 of Herefordshire Local Plan Core Strategy. Rotherwas House Cemetery and the corridor identified within the southern extension area are also considered to be areas of significant heritage importance. Although the latter contains buried archaeology, it is thought to have been a feature within the landscape, and its treatment should reflect this. These areas are within the LDO area and some forms of development may be possible provided they can show that policies to protect heritage assets and their settings can be met satisfactorily. Should this be possible, the other benefits that are available to businesses within the LDO will apply.

3.24 Rotherwas Industrial Estate Heritage Assessment and Conservation Management Plan (August 2012) identified a small number of buildings within the LDO area that are important in terms of representing the history of the industrial estate's development. These are to be retained although can still accommodate business uses. Advice upon these buildings and how they might be used can be obtained through the Enterprise Zone Office.

Period of Operation (Part F)

3.25 In order to monitor the effectiveness of the LDO, in particular given major infrastructure constraints, Herefordshire Council is committed to reviewing the document and its provisions at an early date. Hence it has given effect to this objective by specifying a date shorter than the effective life of the Enterprise Zone during which the current document will operate.

4. Processes and Procedures under the Local Development Order

4.1 The LDO requires that proposals for development should be first considered by Herefordshire Council to assess whether or not such schemes accord with the LDO, whether further screening may be required or whether there is a need for the submission of a formal planning application.

4.2 The Council will:

- Provide advice to potential applicants in advance of submitting an application for prior approval without charge;
- Acknowledge receipt of prior determination details submitted under Section A advising also whether such details meet the requirements of Section B;
- Consult those internal sections and agencies where necessary upon details submitted;
- Aim to respond within 28 days of the prior determination inquiry being submitted and will contact the developer if further time is required, in order to conclude whether a proposal is compliant with the Local Development Order;
- Acknowledge receipt of details submitted in compliance with conditions set out in Part D indicating when it is hoped to respond to these;
- Advise in writing whether the details submitted under Part D are acceptable;
- Should details not be acceptable, it will advise upon how changes might be made to achieve approval;
- If the activities are not considered to be compliant with the LDO, it will work with the applicant to find alternative sites within the County.

4.3 The LDO does not take away rights to undertake development granted under the General (Permitted Development) Order 2015 (as amended). Advice upon these provisions can be obtained from the Planning Office.

4.4 Applicants are directed to the following contact within the Council's Planning Office: The contact can assist with access to the various documents referred to in Section 3 above.

Heather Carlisle (Principal Planner – Major Applications Team)
Development Management
Plough Lane Offices
Plough Lane
Hereford
HR4 0XH

Tel: 01432 260453 or 07792880401
Email:
heather.carlisle@herefordshire.gov.uk

4.5 Applicants should:

- If uncertain seek an opinion upon whether their proposal falls within the terms of the LDO prior to submission of details under Section A, although this may require certain information to be provided. In particular applicants may wish to seek a formal screening opinion at this stage should they consider their proposal may fall within the excluded through the *Environmental Impact Assessment Regulations 2017* categories defined under Parts E.b) and E.c);

- Submit an application for prior determination ensuring they provide all details listed in section B of the LDO;
- If preferred submit copies electronically;
- Retain copy of their application, copy of the LDO, the Council's acknowledgement of receipt, and, where received, copy of the Council's response to the prior notification application;
- Submit details in compliance with the conditions set out in the LDO
- Retain copy of notices discharging conditions.

4.6 Should it be necessary to amend plans after receiving prior determination (Part B) applicants/developers should contact the Planning Office for advice upon information that is needed, and the process is to be followed.

Legal Agreements

4.7 In general no legal agreements are proposed for applicants to enter into as part of this LDO. Lease or land purchase agreements and covenants are separate from planning provisions.

Monitoring Arrangements

4.8 Herefordshire Council will monitor the effectiveness of the LDO through maintaining a record of take up of sites and through seeking the views of applicants. It will do this in conjunction with monitoring arrangements undertaken by the Council's Economic Development Team. More specific monitoring requirements are set out below:

Monitoring for Vehicle Trip Generation

4.9 Herefordshire Council will maintain a running schedule of applications for prior determination that meet the provisions of the LDO indicating:

- Name of Applicant;
- Site location;
- Site area; and
- Floorspace according to relevant use classes; respective conversion to trip generation derived by Herefordshire Council from the TRICS database.

4.10 The Highways Agency will be notified each time an application is added to this schedule. When the 'capacity limit' described in paragraph 3.16 is reached the LDO will cease to operate in accordance with exclusion a) in Section 2 Part E above. Where proposals remain unimplemented after the 12-month period specified in Condition 2 (Section 2) then the application will be removed from the Schedule, and the applicant notified accordingly that a further prior notification will be required and, given infrastructure constraints, it cannot be guaranteed that the proposal will comply with the LDO.

Monitoring for Wastewater

4.11 Having received proposed water use and foul/wastewater volumes arising from the development proposal from applicants Herefordshire Council will maintain a Schedule of Wastewater Volumes entering Hereford's treatment works. This will be used to monitor whether the sum of development proposals at the time will result in the water quality target being exceeded such that it would be concluded to have a likely significant effect upon the River Wye SAC. Should a proposed development,

within the Enterprise Zone, in combination with other development, result in the River Wye SAC being within 1% of Natural England's conservation objective for phosphates standards, then the Local Planning Authority will consult Natural England about the likely significant effects of the proposed development that may trigger exclusion under Part E.d) in Section 2 above.

4.12 Herefordshire Council is part of a working arrangement with the statutory agencies (Environment Agency and Natural England) and Welsh Water to monitor the effect of development within its area upon water quality and standards of watercourses primarily in order to ensure the long-term protection of the River Wye SAC. Regular analysis of phosphate levels within watercourses as a consequence of all environmental permits and the effects of measures to improve water quality through a proposed Nutrient Management Plan will be undertaken to ensure up-to-date information is available. In this way it is intended that the highest level of certainty is provided about the levels of phosphates arising from the Local Development Order, other 'in combination' proposals and measures aimed at meeting the SAC's conservation objectives.

Review of the LDO

4.13 The Council reviewed the LDO during its second and fourth years of operation in particular in the light of the implementation of transport planning measures. A further review will take place prior to the ninth year of the LDO's operation, or earlier if necessary, whereupon the Council will determine whether to:

- (a) Retain the LDO with no revisions, or
- (b) Retain the LDO with new terms and conditions, or
- (c) Revoke the LDO.

4.14 The need for a limit to be set upon peak hour vehicle trip generation is a material consideration although the level at which this is set is determined through discussions with the Highways Agency because it reflects a technical assessment of the effects upon the Strategic Road Network. Small changes resulting in Variations to the Memorandum of Understanding between Herefordshire Council and the Highways Agency in terms of the trip cap are not considered so material as to require a review of the LDO in every instance. The trip cap will be re-assessed from time-to-time between the two organisations and amended according to the technical assessments made.

Other Approvals

4.15 This LDO only relates to the granting of planning permission within the terms specified. It does not grant permission or consent under other regulations or provisions.

4.16 In particular developers may wish to seek advice upon building control matters through the following contact:

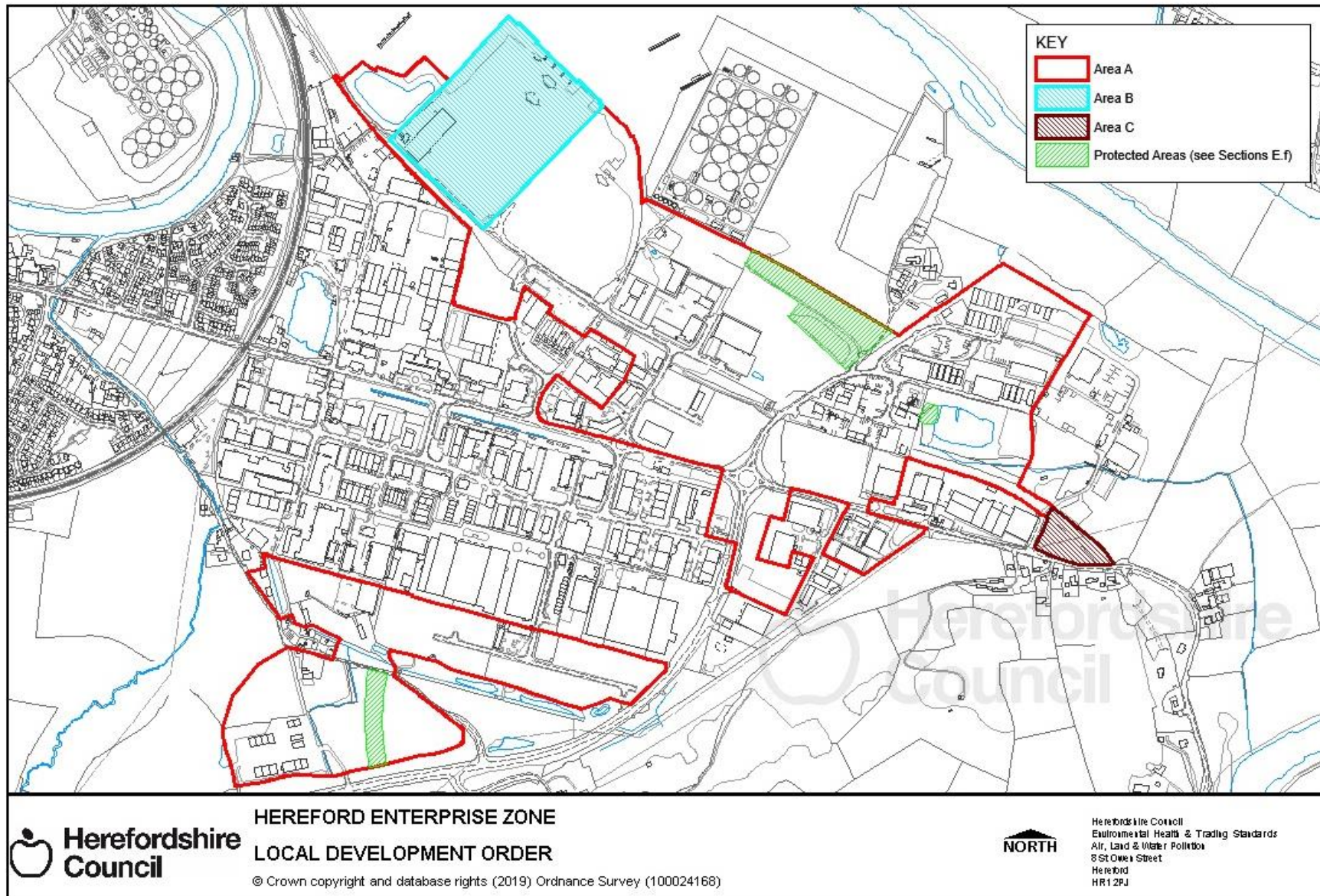
Nick Ford Building Control Manager Plough Lane Offices Plough Lane Hereford HR4 0XH
--

Tel: 01432 260237 Email: nick.ford@herefordshire.gov.uk
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4.17 Planning Officers may be able to signpost applicants to contacts for other approvals and advice.

Issue Status/Amendments

Issue Number	Date	Details	Status
No 1	April 2013	LDO Adopted	Superseded
No 2	November 2014	Revised LDO Adopted	Superseded
No 3	September 2019	To roll the LDO forward, including revisions of which the extension of the area covered and subdivision to enable or restrict particular uses within parts of the LDO area were the most significant	Current



APPENDIX B: The Approved Level of Development Trip Generation Agreed between Highways Agency and Herefordshire Council

(As set out in the Variation to the Memorandum of Understanding between the Highways Agency and Herefordshire Council)

The Approved Level Total is the level of road-based trips that should not be exceeded as a consequence of the LDO. The level of trips is calculated using the TRICS database (Trip Rate Information Service Computer System – managed by JMP Consultants Ltd).

Measure	Am Peak	Pm Peak
Rotherwas Futures Phases 1 and 2 (Agreed Vehicle Trip Limit)	257	219
Connect2 cycleway & bridge	15	22
Travel Plan measures	40	59
APPROVED LEVEL TOTAL	312	300

Appendix B - Issue Status/Amendments

Issue Number	Date	Details	Status
No 1	November 2014	Appendix C included in LDO	Superseded
No 2	November 2018	Appendix now referred to as Appendix B	Current