



## NORTH ROAD INDUSTRIAL AREA

### LOCAL DEVELOPMENT ORDER – PRIOR NOTIFICATION PROCESS



## 1. PURPOSE OF THE DOCUMENT

The purpose of this document is to act as guidance for developments that will be constructed as permitted development, under the North Road Industrial Area – Local Development Order (the Order). This guidance relates to developments permitted under Category A, Class A of the Order, which require prior approval by Cheshire West and Chester Council. The guidance is aimed at developers, planning consultants, ecologists, builders, end users and anyone else involved in the delivering developments permitted under the Order.

This guidance details the main development issues associated with the sites within the North Road Industrial Area. The validation requirements which should accompany any application for prior approval is also included in this guidance. As are a list of appropriate standard conditions which may be applied to any prior approval. This information is detailed as guidance in an effort to provide clarity for any proposed development. However the issues and conditions included are not exhaustive and early engagement with the Development Planning Department at Cheshire West and Chester Council is advised. The Development Planning Department can be contacted at;

By Phone:

By email to: [planning@cheshirewestandchester.gov.uk](mailto:planning@cheshirewestandchester.gov.uk)

By post to: Cheshire West and Chester Council

Development Planning

Nicholas House

1 Black Friars

Chester

CH1 2NU

## 2. DEVELOPMENT CONSIDERATIONS

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 area 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

There are a number of sites within and around 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.

A map showing the location of the potentially hazardous installations in and around the LDO area and the zones is provided in Appendix 2. 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

The Environment Agency have advised that 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. Rivacre Brook also flows through the area, any development within 8 metres of this watercourse requires written consent from the Environment Agency. The LDO area includes some areas at risk of surface water flooding. Whilst the LDO area itself is Flood Zone 1, it is likely that development would be discharging to areas that are known to be at risk of flooding.

Developer's will be expected to manage surface water from the development sites (including existing previously developed 'brownfield' sites) and attenuate runoff to represent greenfield, characteristics, or as close as reasonably practical. Developers will be expected to demonstrate that discharge to culverts etc, area hydraulically able to take the proposed flow of water. There are water abstraction licences in the LDO area, and developers will need to provide for filtering of water runoff/discharges where appropriate.

### Contamination

Given the history of industrial uses in the area, contamination issues are likely to arise on many sites. A condition will therefore be attached to the LDO to ensure that contamination and potential for unexploded ordnance is investigated prior to the commencement of any development.

### Visual Amenity

Although it is acknowledged that the North Road Industrial Area is predominantly industrial in character conditions relating to height, materials and pallet will be included in the order. These conditions will reinforce the good quality industrial character that currently exists in the area and ensure that future development will not result in incongruous structures.

### Ecology

The proposed LDO area is within close proximity to the Mersey Estuary which is designated as a Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest, primarily for its overwintering wading birds. There are several non-statutory Local Wildlife Sites (LWS) such as Booston Wood adjacent to the LDO and a Strategic Wildlife Area (SWA), identified by the former Ellesmere Port and Neston Borough Council, follows the Rivacre Brook.

Protected species including Peregrine and common species of bats are known to be present in the LDO area. Conditions will be therefore attached to the LDO to afford appropriate protection to the adjoining and on site habitats and species.

Under regulation 78 of the Conservation of Habitats and Species Regulations 2010 as amended, an LDO cannot permit development which is likely to have a significant effect on a European site (either alone or in combination with other plans and projects) and

which is not directly connected with or necessary for the management of the site. The development permitted by this order has been screened in respect of the regulations and concluded that there would be no likely significant effects and a Habitat Regulations Assessment is not required.

### 3. VALIDATION REQUIREMENTS

(a) Before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) the siting, design or external appearance of the building
- (ii) landscaping,
- (iii) transport and highways impacts of the development,
- (iv) noise impacts of the development,
- (v) air quality and pollution impacts of the development,
- (vi) contamination risks,
- (vii) drainage and flooding risks,
- (viii) biodiversity and habitat impacts
- (ix) heritage impacts of the development
- (x) construction impacts

(b) Development shall be carried out in accordance with the details submitted and approved as part of the LDO submission and prior approval process, and any conditions imposed by the local planning authority as part of the prior approval process.

(c) Development shall be carried out in accordance with and shall satisfy the conditions identified in Schedule 1 below.

(d) Development must be commenced prior to the date of expiry of the Order .

### 4. STANDARD CONDITIONS

#### Site layout

B.1 Any development, or phase of development, shall be positioned in such a way as to not prejudice future development of the wider LDO area; and in particular shall be accompanied by a statement/plans to be submitted to and approved in writing by the local planning authority to demonstrate the development does not to prejudice the development of, or access to, adjacent areas.

B.2 Prior to the development becoming operational, details of any open storage areas, to include location and maximum heights, shall be submitted to and approved in writing by the local planning authority. Open storage shall only occur in accordance with the approved details and there shall be no other outside storage of plant, containers, equipment, materials or products within the curtilage of, or in connection with, any development hereby permitted without the prior written consent of the local planning authority.

#### Design and external appearance

C.1 Development proposals requiring prior approval under Condition 1.2 (b) (i) of Class 1 (A and B) above, Condition 2.1 (a) (i) of Class 2 above, or Condition 3.1 (a) of Class 3 above, shall be accompanied by a design statement and access statement and drawings of the elevations and details / samples of the materials to be used in the external treatment of the development.

## Landscaping

D.1 Development proposals requiring prior approval under Condition 1.2 (b) (ii) of Class 1 (A and B) above, or Condition 2.1 (a) (ii) of Class 2 above, shall be accompanied by a hard and soft landscape scheme, which shall include details of vegetation to be retained and its means of protection during construction in accordance with BS5837:2012, proposed earthwork materials, finished levels or contours, proposed plant species, plant locations and mixes, planting density and sizes and its long term management.

D.2 The landscape works shall be implemented in accordance with the submitted/approved plans before the development is occupied or brought into use (unless alternative implementation programme is approved as part of the details of landscaping).

D.3 If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the submitted/approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.

## Transport

E.1 Development proposals requiring prior approval under Condition 1.2 (b) (iii) of Class 1 (A and B) above shall be accompanied by a Transport Statement or Transport Assessment (to be confirmed by the local planning authority) and Travel Plan to be submitted to and approved in writing by the local planning authority. The Travel Plan shall include provision for the appointment of a Travel Plan Coordinator, an implementation timetable, an enforcement mechanism and arrangements for monitoring of the proposals and review thereof. The development shall be carried out in accordance with the approved Transport Statement / Assessment and any approved recommendations contained therein. The Travel Plan shall be implemented and maintained in accordance with the approved timetable and scheme of monitoring and review as long as any part of the development is occupied.

## Internal access and parking

F.1 Development proposals under Class 1 (A and B) and Class 2 above shall be accompanied by details of existing and proposed servicing and parking (including cycle facilities). Details shall include provision for a proportion of parking spaces to be marked out for use by electric vehicles, together with charging infrastructure. Details shall be submitted to and approved by the local planning authority before the commencement of development. The approved details shall be implemented in full prior to the development being brought into use and such provision shall be maintained for such purposes thereafter.

F.2 Development involving industrial estate roads serving more than a single unit or occupier shall not take place until details of the design and construction of all highways, footways and cycleways within the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## Noise

G.1 Development proposals requiring prior approval under Condition 1.2 (b) (iv) of Class 1 (A and B) above, Condition 2.1 (a) (iii) of Class 2 above, or Condition 3.1 (a) of Class 3 above, shall be accompanied by a noise assessment and scheme for attenuation and noise mitigation to be submitted for the approval in writing of the local planning authority. The development shall be carried out in accordance with the approved assessment and scheme.

G.2 Where 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. All works which form part of the scheme shall be implemented in full in accordance with the scheme as approved.

G.3 No construction, operational or decommissioning noise shall exceed 55db (LMax) at any area designated as SSSI, SPA or Ramsar during the wintering period (1st October - 31st March inclusive). This must be demonstrated (if requested by the local planning authority) through sound modelling to be submitted and approved by the local planning authority prior to the commencement of development.

G.4 Development proposals requiring prior approval under Condition 1.2 (b) (x) of Class 1 (A and B) above, or Condition 2.1 (a) (ix) of Class 2 above shall be accompanied by a Construction and Environmental Management Plan (CEMP), which shall be submitted for the approval in writing of the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:

- (i) the parking of vehicles of site operatives and visitors
- (ii) loading and unloading of plant and materials
- (iii) storage of plant and materials used in constructing the development
- (iv) wheel washing facilities
- (v) measures to control the emission of dust, dirt, noise, vibration and light during construction
- (vi) scheme for recycling/disposing of waste resulting from demolition and construction works
- (vii) location of construction compound

G.5 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.

G.6 No operations requiring piling or subsurface vibration ground improvement techniques shall be carried out on the site unless, details of the work, monitoring and environmental controls proposed have been submitted to and approved in writing by the local planning authority. All such works to be undertaken in complete accordance with the approved scheme.

## Dust, Particulates, Odour and Ventilation

H.1 Development proposals requiring prior approval under Condition 1.2 (b) (v) of Class 1 (A and B) above, Condition 2.1 (a) (iv) of Class 2 above, or Condition 3.1 (a) of Class 3 above, shall be accompanied by an air quality assessment and scheme for the control of emissions to be submitted for the approval in writing of the local planning authority. The development shall be carried out in accordance with the approved assessment and scheme. The submission shall include assessment of the impacts of deposition of air pollutants on the Mersey estuary, factoring in cumulative effects/impacts.

H.2 Where the development involves processes which have the potential to produce odours that could be offensive, an odour impact assessment and 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<sup>1</sup>.

### Land contamination

I.1 No development requiring prior approval under Condition 1.2 (b) (vi) of Class 1 (A and B) above, or Condition 2.1 (a) (v) of Class 2 above shall take place until the following components (a to d ) of a structured scheme ('contamination scheme') to deal with the risks associated with actual or potential contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:

- a. A preliminary risk assessment which identifies :
  - all previous uses on or within influencing distance of the site
  - potential contaminants associated with those uses
  - a conceptual model indicating the sources, pathways and receptors of contamination
  - actual or potentially unacceptable risks arising from contamination.
  - initial remediation options.
  
- b. A detailed scheme of site investigation based on component (a) from which a detailed assessment of risk to all current and future receptors that may be affected, including those off site, will be derived.

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<sup>1</sup> **Advisory** - The Clean Air Act 1993 requires commercial / industrial furnaces to be capable of being operated continuously without emitting smoke. For boilers / furnaces above certain capacities, it also requires that the height of any associated chimney is approved in writing by the local authority. This has consequences within the planning regime in that it is not possible state what height such a chimney should be without first ensuring that its calculated height meets the criteria set out in the Clean Air Act, and the Council cannot assess the suitability of any planning application that includes boiler plant without this information. Details of the information required for approval of the chimney height have been included within the appendices but should you need any further advice or information please contact the Environmental Protection Team - Email [wavernhousecontactcentre@cheshirewestandchester.gov.uk](mailto:wavernhousecontactcentre@cheshirewestandchester.gov.uk) or Telephone: 0300 123 7 038.

c. A remediation options appraisal and implementation strategy, based on the detailed results of (b), giving full details of the remediation measures required and how they are to be undertaken.

d. A verification plan providing details of the data that will be collected in order to demonstrate that the remediation works set out in (c) are complete and effective and identifying any requirements for longer-term:- monitoring of pollutant linkages; maintenance, contingency actions and reporting.

The pre development scheme shall be implemented as approved.

I.2 If during site preparation or development works contamination is encountered or is suspected in areas where it had not been anticipated

- being from a different source or
- containing a new contaminative substance or
- affecting a new pathway or receptor,

then revised proposals for detailed investigation, risk assessment, remediation and verification shall be submitted for the written approval of the LPA prior to all but urgent remediation works necessary to secure the area and control pollution risks.

or

If during site preparation or development works contamination is encountered or is suspected in areas where it had not been anticipated

- being from an existing risk assessed source and
- containing comparable risk assessed substances and
- affecting an already risk assessed pathway or receptor

that could be addressed by simple extension of the approved scheme to a larger area, then the LPA shall be notified promptly in writing confirming:- the areas affected, the approved investigation, remediation and validation measures to be applied and the anticipated completion timescale.

I.3 In the case of development requiring a contamination scheme under I.1 above, unless otherwise approved in writing by the local planning authority, no part of the development approved by this permission shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include and plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

## **Flood risk and drainage**

J.1 Development proposals requiring prior approval under Condition 1.2 (b) (vii) of Class 1 (A and B) above, or Condition 2.1 (a) (vi) of Class 2 above shall be accompanied by a Drainage Strategy (and a Flood Risk Assessment (FRA) if the site is greater than 1ha or

if requested by the local planning authority to be submitted to and approved in writing by the local planning authority. The Drainage Strategy shall demonstrate that volume rates, including surface water discharge rates have been attenuated to represent greenfield characteristics, or as close as reasonably practicable. An assessment shall be carried out into the potential for disposing of surface water by means of a Sustainable Urban Drainage System (SuDS) and the results of the assessment provided to the local planning authority. The submitted details shall provide information about the design storm period and intensity, method employed to attenuate and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving waters. The FRA shall identify and assess the risks of 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 carried out and completed in accordance with the approved details and recommendations in the Drainage Strategy and FRA.

J.2 No development shall take place under Class 1 (A and B) or Class 2 above until a surface water regulation scheme, based on sustainable drainage principles, and a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the local planning authority. A sustainable drainage system (making allowances for climate change and likely changes in impermeable area within the development over its lifetime) shall be provided unless demonstrated to be inappropriate. The scheme shall include timetables for implementation and management and maintenance plans for the lifetime of the development, and include any arrangements for adoption by a statutory undertaker, management by a maintenance company, or any other arrangements to secure the operation of the scheme throughout the lifetime of the development. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

## Lighting

K.1 New external lighting shall be designed in accordance with the Institute of Lighting Professionals document GN01:2011 “**Guidance Notes For The Reduction Of Obtrusive Light**” (or most current version of this standard). Lighting must minimise the upward and outward spread of light near to and above the horizontal to the SPA, Ramsar and SSSI. No floodlighting shall be installed unless details have first been submitted to and approved in writing by the LPA. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.

## Ecological Assessment and Mitigation

L.1 Development proposals requiring prior approval under Condition 1.2 (b) (viii) of Class 1 (A and B) above, or Condition 2.1 (a) (vii) of Class 2 above shall include updated ecological surveys and measures to mitigate and compensate for any likely ecological impact.

L.2 During the Peregrine breeding season (1st May to 31st July inclusive), no construction works shall be undertaken within 50 metres of the nesting site(s) of Peregrine falcon. Nesting has been recorded previously on the water tower on the Peel site and General Assembly building on the Vauxhall site.

L.3 Any demolition works must take place in accordance with the recommendations made within the TEP Bat Assessment Report October 2015, including the need for repeat/updated surveys prior to works being carried out beyond October 2017.

L.4 No vegetation/site clearance shall be undertaken within the area of the development between 1st March and 31st August unless an ecologist has first confirmed that no bird nest are being built or are in use, eggs or dependent young will be damaged or destroyed and if appropriate a scheme to protect breeding birds shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved scheme.

L.5 Prior to the commencement of development, where invasive species of plants as listed in Schedule 9 of the Wildlife and Countryside Act 1981 are present within the development area, details of a scheme and programme to eradicate the invasive species from the site shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved programme. Prior to the occupation of the development a verification report confirming the treatment carried out and results of treatment shall be submitted to and approved in writing by the Local Planning Authority.

### Heritage

M.1 Development proposals requiring prior approval under Condition 1.2 (b) (ix) of Class 1 (A and B) above, or Condition 2.1 (a) (viii) of Class 2 above, shall be accompanied by a Heritage Impact Statement