



Town and Country Planning Act 1990 Ashroyd and Shortwood Business Park Hoyland Local Development Order 2012

1. This Order is made by the Barnsley Metropolitan Borough Council (the 'Council') under the powers conferred on the Council as local planning authority by sections 61A-61D and schedule 4A of the Town and Country Planning Act 1990 (as amended) and pursuant to The Town and Country Planning (Development Management Procedure) (England) Order 2010/2184, and shall be known as The Ashroyd and Shortwood Business Park Hoyland Local Development Order 2012 (the 'Order').
2. The Order relates to land in part of the Council's administrative area depicted edged red on the plan attached at Schedule 1 (the 'Land').
3. The Order authorises development of the Land in accordance with Schedule 2 subject to:
 - (a) the definitions, limitations and provisos in that Schedule;
 - (b) the prior information and directions set out in Schedule 3; and
 - (c) the conditions set out in Schedule 4.
4. Definitions in the Town and Country Planning (Use Classes) Order apply in the interpretation of Schedule 2 unless expressly stated otherwise.
5. This Order was adopted by the Council on **10th January 2013** came into effect on the date of adoption and shall be in force until **31st March 2015**
6. On expiry the Order may be renewed in the same or a different form.
7. Pursuant to the provisions of section 61D of the Town and Country Planning Act 1990, any development that is granted planning permission by this Order and has started but is incomplete at the date the Order is withdrawn (as defined in section 61D of the Town and Country Planning Act 1990) may be completed.
8. The Council has made this Order for the reasons set out in the Statement of Reasons that appears with this Order.
9. The Schedules form part of this Order and the words in the Schedules have the same meanings as provided in the body of this Order unless expressly stated otherwise.

10. The address for submission of all communications in relation to operation of this Order is: Development Management Barnsley Council PO Box 604 S70 9FE

Dated

Signed

Borough Secretary

Schedule 1

Plan with the land that benefits from the LDO edged in red. The boundaries of named areas (Ashroyd 1 and 2 etc) will need to be identified

**BARNSELEY METROPOLITAN BOROUGH COUNCIL
STRATEGY, GROWTH & REGENERATION**



J36 Enterprise Zone
Hoyland

Within EZ: 12.3 Hectares (6)

Plot	Hectares
Ashroyd 1	1.04011
Ashroyd 2	3.35474
Ashroyd 3	0.972675
Ashroyd 4	3.6679
Shortwood 1	2.02069

Ashroyd Total
9.1

Shortwood Total
3.2

Overall Total
12.3 Hectares

Scale 1: 5,000



Drawn by: ES

Drwg No: 005

Date: 01/11/2011

Project: SGR: J36 Enterprise Zone (EZ)

Drawing: Enterprise Zone Status
Plot Priority



BARNSELEY
Metropolitan Borough Council

Strategy, Growth & Regeneration

Assistant Director: Steve Jagger
Barnsley MBC, PO Box 603, SGR, Barnsley S70 9FD
Tel: (01226) 772742 Fax: (01226) 772995

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Schedule 2

Shortwood 1

Up to 15,000 square metres gross floorspace comprising of any of the following uses:

- B1(b) research & development;
- B1(c) light industry,
- B2 general industry,
- B8 storage & distribution

- Of the 15,000 square metres gross floorspace, up to 1,500sqm may comprise of B1(a) Offices

- Associated engineering operations necessary to facilitate the means of access, formation of hardstandings and installation of required infrastructure

Subject to the following site specific conditions:

- The building(s) shall have a maximum eaves height of 8m and a maximum ridge height of 12m as measured from existing ground levels or those shown on any extant planning permission at the time the Order is adopted.

- The building(s) shall be located at least 10m from the north eastern and north western boundaries and 3m from the other boundaries.

- The Hawthorne (*Crataegus Monogyna*) hedge situated on the north eastern and north western boundaries shall be retained.

- Prior to commencement of development a Coal Mining Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved assessment.

Shortwood 2

Up to 10,000 square metres gross floorspace comprising of any of the following uses:

- B1(b) research & development;
- B1(c) light industry,
- B2 general industry,
- B8 storage & distribution

- Of the 10,000 square metres gross floorspace, up to 1,000sqm may comprise of B1(a) Offices

- Associated engineering operations necessary to facilitate the means of access, formation of hardstandings and installation of required infrastructure

Subject to the following site specific conditions:

- The building(s) shall have a maximum eaves height of 7m and a maximum ridge height of 10m as measured from existing ground levels or those shown on any extant planning permission at the time the Order is adopted.
- The building (s) shall be located at least 3m from the site boundaries.
- Prior to commencement of development a Coal Mining Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved assessment.

Ashroyd 1

- Use of the existing building for:
 - B1(b) research & development
 - B1(c) light industry
 - B2 general industry
 - B8 storage & distribution
 - Up to 1,000sqm may comprise of B1(a) Offices

Ashroyd 2

- Use of the existing building for:
 - B1(b) research & development
 - B1(c) light industry
 - B2 general industry
 - B8 storage & distribution
 - Up to 2,000sqm may comprise of B1(a) Offices

Ashroyd 3

Up to 8,000 square metres gross floorspace comprising of any of the following uses:

- B1(b) research & development
- B1(c) light industry
- B2 general industry
- B8 storage & distribution
- Of the 8,000 square metres gross floorspace, up to 1,000sqm may comprise of B1(a) Offices
- Associated engineering operations necessary to facilitate the means of access, formation of hardstandings and installation of required infrastructure

Subject to the following site specific conditions:

- The building(s) shall have a maximum eaves height of 10m and a maximum ridge height of 15m as measured from existing ground levels or those shown on any extant planning permission at the time the Order is adopted.

- Prior to commencement of development a Coal Mining Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved assessment.

Ashroyd 4

Up to 20,000 square metres gross floorspace comprising of any of the following uses:

- B1(b) research & development
- B1(c) light industry
- B2 general industry
- B8 storage & distribution

- Of the 20,000 square metres gross floorspace, up to 2,000sqm may comprise of B1(a) Offices

- Associated engineering operations necessary to facilitate the means of access, formation of hardstandings and installation of required infrastructure

Subject to the following site specific conditions:

- The building(s) shall have a maximum eaves height of 10m and a maximum ridge height of 15m as measured from existing ground levels or those shown on any extant planning permission at the time the Order is adopted.

Schedule 3 – Prior notification Forms

Self Certification Form

Notice of Intention to Commence Development Form



Ashroyd & Shortwood Business Park, Hoyland Local Development
Order 2012 - Self Certification Form

1. Applicants Details

Name of Contact	
Company Name	
Address	
Postcode	
Tel:	
E-mail	

2. Location, Uses & Floorspace

Proposed Plot (e.g. Shortwood 1)	Proposed Uses	Floorspace (m ²)
	B1(a)	
	B1(b)	
Development Description	B1 (c)	
	B2	
	B8	
	Total	

3. Building Heights (measured from existing ground level) **and Proximity to Boundaries** (measured at nearest point)

Building	Ridge Height	Eaves Height	Distance to Boundaries (Please identify boundary & distance – e.g. N.E. 7m)			
1						
2						
3						
4						

4. Landowners Consent

The landowners consent must be sought prior to submitting the scheme. Please provide details below:		
Name of Owner	Address	Date Notified

5. Declaration

I/We hereby apply for certification of compliance with the Ashroyd and Shortwood Business Park Hoyland Local Development Order 2012 as described in this form and the accompanying plans/drawings and additional information.	
Signed	Date

6. Checklist

Required Details	Enclosed? (Please Tick)
a) Block plan - showing the proposal in relation to the site boundaries, other buildings and trees at a metric scale of 1:200 or 1:500 <i>(not required for Ashroyd 1 & 2)</i>	
b) Elevations – all existing and proposed to be shown at a metric scale of 1:50 or 1:100 <i>(not required for Ashroyd 1 & 2)</i>	
c) Floor plans – existing (where relevant) and proposed at a metric scale of 1:50 or 1:100.	
d) Existing & Proposed Sections - showing the relationship of	

buildings with adjoining land and property, including finished floor levels of all buildings. <i>(not required for Ashroyd 1 & 2)</i>	
e) Planning Statement – explaining how the proposal conforms with the objectives of the Enterprise Zone	

7. Conditions

- Please note that condition 2 requires the Local Planning Authority to be given 28 days notice of an intention to start on site using *The Notice of Intention to Commence Development Form*
- Conditions 3, 4, 5, 6, 9, and 10 also require submission of various details prior to commencement of development.

Please complete and send this form

By e-mail: developmentmanagement@barnsley.gov.uk

By post: Development Management, Planning & Regulatory Services,
Barnsley Metropolitan Borough Council, Westgate Plaza, PO
Box 604, Barnsley, S70 9FE

Ashroyd & Shortwood Business Park, Hoyland Local Development
Order 2012 – Commencement Notice

Development Site	
Description	
Notice is hereby given that works to implement the above LDO compliant scheme will commence on:	
Signed	
For and on behalf of (name and address of developer)	
Contact Name	
Tel:	
E-Mail	
Pre Commencement Conditions (3, 4, 5, 6, 9, and 10) Complied with?	(Yes/No) delete as appropriate

Please complete and send this form

By e-mail: developmentmanagement@barnsley.gov.uk

By post: Development Management, Planning & Regulatory Services,
Barnsley Metropolitan Borough Council, Westgate Plaza, PO
Box 604, Barnsley, S70 9FE

Schedule 4 – General Conditions

1. Any development authorised by this Order is only authorised if it has begun by 31st March 2015. If this Order is withdrawn (as defined in section 61D of the Town and Country Planning Act 1990) and at that date development that is authorised by this Order has started but is incomplete, that development may be completed
2. Before commencement of development and in order to ensure compliance with the LDO, all proposals which seek to benefit from the provisions of the LDO must complete and submit the self-certification form at Schedule 3 together with the plans, documents indicated in the checklist in that form. The Council will confirm in writing within 28 days of the receipt of the form whether the proposed development is permitted under this Order subject to these conditions and notifications. Thereafter the Local Planning Authority should be given 28 days notice of an intention to start on site using the form at Schedule 3).
3. Prior to commencement of development details of the means of access, manoeuvring areas and parking provision shall be submitted to and approved in writing by the Local Planning Authority. The details shall include parking provision (including disabled parking and cycle parking) in compliance with the standards in the Council's Supplementary Planning Document – Parking. The means of access, manoeuvring areas and parking provision shall be installed in accordance with the approved details prior to the commencement of the approved use(s).
4. No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including boundary treatments and details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows

to be retained. The approved boundary treatments and hard landscaping details shall be implemented prior to the occupation of the building(s)/commencement of the use(s).

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
8. All development shall be constructed to achieve a minimum rating of BREEAM 'very good' and shall have received formal certification before occupation.
9. Prior to occupation of the building(s)/commencement of the use(s), full details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building(s)/ commencement of the use(s) and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
10. No development shall take place until:
 - (a) Full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development, unless otherwise agreed in writing with the Local Planning Authority.
11. No piped discharge of surface water from the application site shall take place prior to the completion of the approved surface water drainage works and no building shall be occupied or brought into use prior to completion of the approved foul drainage works.
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol / oil interceptor designed and

constructed in accordance with details to be approved in writing by the Local Planning Authority prior to commencement of development.

13. 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 should be at least equivalent to the capacity of the largest tank, or the combined capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be designed to discharge downwards into the bund.
14. Upon commencement of the use a car share scheme, including a database, shall be set up and during employee inductions, employees shall be provided with details of the car share scheme as well as details of public transport timetables (bus and rail) and of cycle and walking routes to and from the site.
15. Outside storage shall only occur in purpose designed enclosures, detailed plans of which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and thereafter shall be retained.
16. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1900 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) (“the GPDO”) and the provisions of the Town and Country Planning (Use Classes) Order 1987 (“the Use Classes Order”) no changes of use are permitted under Schedule 2 of Part 2 of the GPDO to B1 that have the effect of exceeding the limitation of B1(a) office floorspace under this Order or changes from B1(b) or B1(c) of the Use Classes Order to B1(a) which have the effect of exceeding the limitation on B1(a) office floorspace under this Order

Checklist

1. Block plan - showing the proposal in relation to the site boundaries, other buildings and trees at a metric scale of 1:200 or 1:500
2. Elevations – all existing and proposed to be shown at a metric scale of 1:50 or 1:100
3. Floor plans – existing (where relevant) and proposed at a metric scale of 1:50 or 1:100.

4. Sections - showing the relationship of buildings with adjoining land and property, including finished floor levels of all buildings.
5. Planning Statement – explaining how the proposal conforms with the objectives of the Enterprise Zone

Informatives

(a) The developer must contact Mr G Handley – Highways & Engineering prior to any work commencing on-site, to gain all necessary technical and legal approvals relating to the creation/alteration/reinstatement and removal of permanent or temporary vehicular access(es) to the highway.

(b) Prior to commencement of development, the developer is advised to contact the Council's Pollution Control Team to discuss their requirements and the suitability of the site and buildings in terms of noise generation. In order to minimise the risk of noise complaints, the Pollution Control Team will be able to advise on mitigation measures such as site layout, building design, boundary treatments and location of plant/machinery.

(c) The granting of planning permission does not effect the status of species such as owls and bats which have protection under other legislation. These may be present, and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning & Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

(d) For Ashroyd 1, 2 and 4 the proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845762 6848 or at www.groundstability.com

(e) The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore the consent of all relevant landowners is required before proceeding with any development including that of the Council as landowner.

(f) Where a proposed development includes an activity listed under the Environmental Permitting (England and Wales) Regulations 2010 then, separate from any planning permission granted under the LDO, the developer will also need to make a successful application for an Environmental Permit. This Environmental Permit must have been issued before any activities that require permitting can begin. There is no presumption that Environmental Permits will be issued for installations sited within a Local Development Order area. Early contact with the Environment Agency will allow any permitting requirements to be clearly explained so potentially costly delays can be avoided.

**Ashroyd & Shortwood Business Park, Hoyland Local Development
Order 2012 – Statement of Reasons**

**Barnsley Metropolitan Borough Council
Enterprise Zone – Business Rate Relief Site**

1. Introduction

- 1.1 Article 34 of the Town and Country Planning (Development Management Procedure) (Order) 2010 DMPO paragraph (1) outlines that ‘where a local planning authority propose to make a local development order (LDO) they shall first prepare:-
 - (a) a draft of the order; and
 - (b) a statement for their reasons for making the order’.
- 1.2 A draft of the LDO is attached.
- 1.3 Article 34 paragraph (2) of the DMPO states that ‘the statement of reasons shall contain:-
 - (a) a description of the development which the order would permit; and
 - (b) a plan or statement identifying the land to which the order would relate’.
- 1.4 The text in this document acts as the statement of reasons for making the LDO. A plan identifying the land is attached to the draft LDO (Appendix A).

2. Background / Context

- 2.1 The Sheffield City Region (SCR) has been granted Enterprise Zone Status (EZ) and the Local Enterprise Partnership has designated an economically linked cluster of sites as a Modern Manufacturing and Technology Growth Area (MMTGA). This reflects the reality of the SCR economy, removes a number of barriers to investment and growth and is clustered around a number of the city region’s key advanced manufacturing and related technology assets.
- 2.3 The selection of this Enterprise Zone represents a varied, yet cohesive offer of development opportunities, giving businesses (those starting up, expanding or inward investors) the choice of quality, size and type of space they need.

- 2.4 It is considered that businesses in the MMTGA's target sectors need designated sites and/or premises that offer choice and flexibility. There is latent demand for quality industrial space in SCR, both from local firms seeking to grow (constrained by inappropriate premises) and from inward investors, who are continually looking to the SCR due to its range of economic assets which are vital to the sector.
- 2.5 Both local and national evidence and consultation with businesses highlights that a lack of appropriate sites and ageing stock of buildings acts as a barrier to winning inward investment and facilitating growth of indigenous firms. Designated sites that offer choice and flexibility are needed. The SCR Enterprise Zone will deliver:
- Sites across a range of sizes, with some larger sites of between 20- 30 hectares
 - A range of property tenures and sizes, particularly larger units in excess of 2000sqm
 - A mix of 'industry only', hybrid and office sites
 - A choice of newly built property or 'development-ready' sites affording greater flexibility for bespoke requirements.
- 2.6 The range of sites will provide the opportunity for the accelerated delivery of the following mix and type of developments:
- Research and development intensive space, suitable for delivering roll out of high technology, research and development
 - Hybrid space, encompassing a mix of industrial space and offices, ideal for modern manufactures and emerging sectors such as low carbon industries and medical technology
 - Large, undeveloped sites, which provide flexibility and can be developed with potential inward investors specifically around their needs. This could provide much needed space for heavier industrial use and or large scale investments, like data centres.
 - General industrial space and office space, where this is needed to meet the needs of manufacturing and technology firms, and allows supply chain agglomeration.
- 2.7 The portfolio of sites for Enterprise Zone status has been selected to ensure that it is market-led and importantly meets the needs of the Sheffield City Region's priority sectors.

3. Objectives

- 3.1 The MMTGA will secure and accelerate development of modern manufacturing in the SCR; one of the largest concentrations of modern manufacturing in the UK. It will also capitalise on and accelerate growth in the other related technology sectors in which SCR has a competitive advantage and that have been identified as a priority by the Local Enterprise Partnership (LEP), including low carbon industries, creative and digital, and medical technologies.
- 3.2 The SCR approach is built on removing the barriers to growth that will

deliver the wider vision for the SCR MMTGA as a key asset of the SCR. The focus is firmly on advanced manufacturing and technology, attracting inward investment and foreign direct investment to the City Region and the UK, as well as providing the environment where the indigenous business base can grow and continue its transformation and where new start-ups will establish.

- 3.3 The MMTGA is a key element in delivering the LEP's vision for the SCR, which highlights the importance of supporting and developing the sectors with the greatest growth potential, helping to build a more balanced, resilient and diverse economy.

4. Why a Local Development Order

- 4.1 The SCR approach to accelerating development across the MMTGA is through the creation of a number of Local Development Orders which will simplify planning permission requirements across the Enterprise Zone sites that are set to benefit from Business Rate Relief. This will give businesses and developers more certainty in an uncertain economic climate by detailing the specific types of development and uses which are permitted. This particular Order will be specific to Barnsley Metropolitan Borough Council but all of the Local Planning Authorities within the SCR are committed to simplifying the planning process through this approach.

- 4.2 The overall SCR approach is captured in a Memorandum of Understanding (MoU), which all Local Planning Authorities within the SCR MMTGA are signed up to. This details a number of factors, including:

(a) The vision for the MMTGA and a statement of common themes that will underpin all of the Local Development Orders – this will ensure that each Local Development Order has a basis even though they may differ in minor detail to reflect local circumstances

(b) The use classes permitted for each of the EZ sites will promote advanced manufacturing and related technology, as well as other related uses which support these industries. In order to reflect the sectoral focus of the MMTGA the individual Local Development Orders will specify uses relating to Research and Development and Light and General Industry (Use Classes B1b, B1c and B2) and Warehousing together with more limited amounts of Office (B1a). Specific proportions for each site have been identified in order to ensure that the EZ delivers a coherent and attractive portfolio of sites and premises which meet the needs of businesses across the identified priority sectors.

(c) The approach for dealing with the planning process across all growth poles and EZ sites – ensuring that this can deliver a

streamlined and fast-track planning process which meets the needs of business.

(d) Any local considerations relating to distinctiveness and quality in order to ensure that we deliver economic growth alongside maintaining a quality environment, one of the SCRs key assets.

5. Area Covered by the LDO

- 5.1 The areas covered by Barnsley Metropolitan Borough Council's LDO are the two undeveloped plots on Shortwood Business Park and 4 plots on Ashroyd Business Park, two of which are undeveloped.

6. Planning Policy Context

- 6.1 Current planning policies for the area are set out in the Saved Unitary Development Plan (UDP) policies and the Core Strategy. The sites are designated as Employment Proposals and already have the benefit of outline planning permission for B1/B2/B8. Highways and associated infrastructure have been installed and some plots are now built out so work is already at an advanced stage to enable delivery of the intended Enterprise Zone outcomes. A Local Development Framework is being prepared and the Core Strategy has already been adopted. The uses set out will help to deliver the Core Strategy aims set out in policies CSP 8, CSP 12 and CSP 19.
- 6.2 There are no significant issues in terms of compliance with national planning policy. The LDO will also accord with existing and emerging local development plan policies, which are also being developed with close regard to current national planning policies.

7. Environmental Impact Assessment (EIA)

- 7.1 Developments which are likely to have a significant impact on the environment are subject to Environmental Assessment (EIA). The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (EIA Regulations) require the developer to provide an Environmental Statement (ES) where the development proposed is:
- a) Within one of the categories of development in Schedule 1;
 - b) Either it is in a sensitive area or is above a given threshold for that type of development (listed in Schedule 2) and the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location (i.e. 'EIA development').
- 7.2 A formal decision on whether the development proposed is 'EIA development' (and hence an ES is required) can be obtained from the Local Planning Authority through a screening opinion request. It should

be additionally noted that Article 34 paragraph 13 part (b) of the DMPO prohibits the use of an LDO to grant permission for development which falls within one of the categories in Schedule 1.

- 7.3 The Shortwood & Ashroyd LDO site has therefore been screened as part of the process of developing the LDO and this screening opinion is detailed below.

8. Screening Opinion (EIA & Habitat & Species Regulations)

- 8.1 The agreed uses for the LDO site do not fall within the development projects identified in "Schedule 1".
- 8.2 The proposals are classed as an "Urban Development Project" within Part 10, "Infrastructure Projects" of Schedule 2. As such the need for an Environmental Impact Assessment has to be considered.
- 8.3 As a significant part of the site has not been intensively developed before, the sensitivity of the particular location falls to be considered.
- 8.4 Circular 2/99 provides guidance on the regulations. In general, EIA will be needed for Schedule 2 developments in three main types of case. These are:
- i) for major developments which are of more than local importance
 - ii) for developments which are proposed for particularly environmentally sensitive or vulnerable locations, and
 - iii) for developments with unusually complex and potentially hazardous environmental effects.
- 8.5 In this case, it is not felt that the scale of the development proposed will have environmental effects other than locally. The site is not in an environmentally sensitive or vulnerable location nor are there expected to be any unusually complex or potentially hazardous environmental effects. The site will not impact upon a European Nature Conservation Site and no protected species have previously been detected on the site that would cause the LDO to breach the Conservation of Habitats and Species Regulations 2010. The undeveloped parts of the site already benefit from outline planning permission for a similar scale of development and for the same uses identified in the LDO. In this respect, extensive modelling of the traffic impacts has already been undertaken and the existing highway network has been designed and built to accommodate such development.
- 8.6 Circular 2/99 also gives indicative thresholds to assist in identifying Schedule 2 development requiring EIA. These include:
- i) where the size of the site is greater than 5 hectares; or
 - ii) where it would provide a total of more than 10,000m² of new commercial floorspace; or

iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings)

8.7 In this case, the site is capable of providing more than 10,000m² of new commercial floorspace but it is highly unlikely that it will be developed by a single entity. The site is viewed within the context of existing commercial development and limits have been imposed on building heights to ensure the impact on the landscape is acceptable. As such the development of this site could not be said to have significant urbanising effects in the locality.

8.8 Looking at the individual merits of the case:

The LDO area is partly occupied by existing industrial buildings and development platforms served by highway infrastructure have been installed so is unlikely to have any significant ecological importance.

8.9 Noise could affect existing and future occupiers on and close to the site but the range of uses proposed would not generate a level of noise that would warrant an EIA.

8.10 Additional traffic will be generated but the impact was considered as part of the extant outline planning permission. An EIA would only be warranted if the range and scale of uses was set to increase. To safeguard against this, the LDO will explicitly state the maximum amount of floorspace allowed in each land use category to closely align with the extant outline planning permission for the majority of the site.

8.11 The site is not within an Air Quality Management Area and emissions from traffic and the potential industrial uses would be unlikely to result in significant concentrations of air pollution.

8.12 Overall, the LDO area does not have sufficient of an impact warrant the submission of an EIA as part of the LDO designation.

9. Consultation on the LDO

9.1 A fundamental principle of LDOs is that they represent a partnership approach to development management. This requires an approach to consultation which seeks support for the concept of the LDO and its objectives, both among the direct participants; the communities affected; and wider stakeholders.

9.2 It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 34 of the *Town and Country Planning (Development Management Procedure) Order 2010* (Statutory Instrument 2010/2184). Consultation must include any person with whom the local planning authority would have been required to consult on an application for planning permission for the

development proposed to be permitted by the LDO.

- 9.3 As part of the preparation of this LDO the following consultation arrangements will be undertaken:
- Compliance with the publicity and consultation requirements of Article 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO) which relates specifically to publicity requirements for LDOs;
 - Formal approval to consult on the draft LDO required by the Cabinet Member responsible for Planning
 - Compliance with the consultation requirements of Barnsley's Statement of Community Involvement
 - Direct consultation letters to the stakeholders listed at the end of this document
- 9.4 Consultees will be directed to the copy of the draft LDO, a plan and the Statement of Reasons published on the Council's Website. The consultation period will be 28 days.
- 9.5 Following the expiry of the consultation period all responses received will be recorded, analysed and assessed in a Statement of Community Engagement Report which will inform the final version of the LDO that will be submitted to Planning & Regulatory Board seeking a resolution to submit to the Secretary of State in accordance with the requirements of the DMPO.

10. Monitoring and Enforcement

- 10.1 This LDO will be subject to on-going monitoring to assess its effectiveness in delivering development that supports the Enterprise Zone. The outcome of the monitoring process will be reported annually to the LEP Board.
- 10.2 Failure to comply with the terms of the LDO or any other statutory requirements may result in appropriate enforcement action being taken by the Council and/or other agencies.

11. Displacement

- 11.1 The LDO places limits on the types of uses it allows, particularly in relation to B1(a). However, it is not considered practical to differentiate between the numerous potential uses within each of the categories, particularly as the uses referred to would be acceptable in land use terms regardless of whether they contributed to the aims of the Enterprise Zone.
- 11.2 The evidence in a recent CIL viability study suggests that in general most commercial uses are unviable in Barnsley. Evidently the benefits of Enterprise Zone status will help improve viability but given the costs

of relocation, it is unlikely that the LDO would result in significant 'displacement' of development from adjoining areas.

12. Internal Consultees to the Draft LDO

- Ward Councillors
- Highways DC
- Drainage
- Regulatory Services
- Ecologist
- Strategy, Growth & Regeneration
- Barnsley Development Agency
- Transportation
- Equality & Diversity Manager

13. External Agencies to be Consulted on Draft LDO

- Central Government – Department for Communities and Local Government
- Sheffield City Region Local Enterprise Partnership
- Sheffield City Region Local Enterprise Board
- Barnsley Chamber of Commerce & Industry
- Barnsley Voice
- South Yorkshire Mining Advisory Service
- Coal Authority
- Environment Agency
- Highways Agency
- SYPTE
- South Yorkshire Police Architectural Liaison
- British Pipeline Agency
- Yorkshire Water Services
- Yorkshire Electric Distribution
- Digital Region Ltd
- British Telecom / BT Openreach
- Thales Telecom Services
- National Grid Gas
- E.On

14. Landowner Consultees

- All Land Owners.