

**Response of Council officers to objections / comments on LDO. First consultation round.
Appendix 3 of Council Report 6 December 2018.**

Consider that there should be a net gain in biodiversity from new development permitted by the LDO - this is unfeasible, given it is an existing brown field site. New planning applications if submitted in the Park would not necessarily meet this test in any event. In addition saved policy ECON6 does not require this. In addition the Trust in conjunction with the Council have significantly enhanced biodiversity on the Common to the north, which will not be impacted by the LDO designation.

The statement of reasons do not stand up to scrutiny. Noted. These have been subsequently revised to provide a more robust basis for the LDO. The Council is seeking, in accord with both National and Local Policy Advice, to improve local job prospects at an existing recognised major / strategic Business Park in accord with the advice in para 51 in the NPPF.

The adoption of the LDO should be deferred in order for more traffic modelling to be undertaken to assess the capacity of the highway network particularly on the A339 corridor. Noted. By their very nature planning commitments vary over time [every month potentially] so such modelling by its nature is variable in outputs. In addition the LDO does NOT go beyond the already permitted floor space set out in 145585 [the outline permission] and subsequent 155587, which could be implemented without the LDO. The Council imposed highways mitigation measures via the s106 obligation in that permission so the Council cannot revisit those measures now in the LDO. Finally all new commitments post 1997 would/should have taken into account the above outline permission in traffic modelling. It is noted in addition that both the Council highways officer and HCC are not objecting to the LDO on this basis.

A number of objectors consider that there should be a review period i.e. 25 years is too long – Noted. The LDO period is now reduced to 15 years. If the Council proposed to extend the LDO beyond this period it would be subject to a new full consultation round and adoption by the Council.

Other objections relate to the defined boundary of the LDO - this has been looked at carefully and takes into account the defined boundary under policy ECON6 and hence CS9 plus any extant permissions but specifically excludes e.g. SSSIs. It is clear that any existing landscaped areas in the boundary cannot be built upon in the LDO. Natural England's objection has been removed on this matter following clarification.

Some objectors consider that the range of conditions in Appendix 2 are not sufficient to protect local amenity. It is correct that by their very nature any development permitted by an LDO will be "light touch", and so [for example] in comparing the extensive range of conditions applied in the Pro Logis appeal decision [08/00349/comind] some will not be applied in the LDO, but this is the fundamental point of the LDO. The Council does have other powers of course to control harm to amenity. Additional conditions especially re noise have however been added into the LDO.

Building heights are excessive particularly to the north - this has been carefully considered by officers, informed by the updated Landscape Visual Appraisal. The heights have had regard to the extant Prologis permission on the 128m AOD maximum set by the Inspector and the EPC factory already permitted on the north boundary. In addition the design guide makes provision for suitable visual gaps to be retained between buildings in the northern zone which is the most sensitive area / zone. The bund to the north is to be retained and this was a requirement of the original permission in any event. There is a need to be flexible in addition for prospective new business occupiers in the Park area.

However further changes have been made to the height zones in the plateau area and below in relation to the former 16m height zone—see amended plans for more detail. This now reflects in better detail the existing topography of the site. In addition the original LVIA for the LDO has been reconsidered by an independent assessor who is satisfied that the LVIA evidence base is acceptable.

The LDO will grant planning powers to an unelected body. This is incorrect since the LDO is a Council document - the Trust cannot produce one unilaterally as they are not a planning authority. The Council is an elected body.

Landscaping should be enhanced around the Park boundary. Noted, but it is considered that the level of existing natural landscaping around the LDO area is already very effective. In addition the design guide makes provision for further landscaping where appropriate.

Smells, noise and lighting will not be adequately controlled. The Council has strengthened the previous conditions to the LDO in order to protect future amenity.

The LDO has inaccurate information. Not agreed. The original draft had some minor discrepancies but these have all been corrected particularly in regard to the detailed planning history on the site. The Council is satisfied that all the information upon which the technical reports have been based is acceptable and accurate.

The LDO is wrong in principle and not necessary. Not accepted. The Council has made a justifiable decision as encouraged in both the Development Plan and the NPPF to assist the local economy through its planning function. [e.g. see para 51 in the NPPF of 2018]. Planning legislation clearly allows for LDOs to be promulgated by Councils to achieve economic benefits. In addition GBP is the premier Employment Park in the District and already serves a very valuable function in the District economy.

The LDO is too far ranging. Agreed [in part]. Most of the uses proposed either already exist on the Park or are already permitted in the outline permission. The only other “new” uses such as A1 will be largely ancillary. It has been agreed that the proposed hotel use be deleted from the LDO in recognition of this objection however. In addition some of the possible waste operations that could have been permitted under Class B2 are now excluded from the LDO parameters.

Wildlife appears to be more protected than humans. Noted. The Council has a statutory responsibility under the principal 1981 Wildlife and Countryside Act [et al] to fully protect and conserve wildlife, protected species particularly where areas about SSSIs as does the LDO. It is not accepted however that local amenity will be impinged upon relative to wildlife given the conditions noted in the LDO.

Control over night time operations. Many of the present uses on the Park currently do not have such controls - the business park is a 24/7 operation by definition, and so to apply such controls under the LDO would not provide the required flexibility to attract businesses to the site. See above in respect of local amenity and noise, however. Hours of operation are controlled for demolition and construction activities however via condition. It is notable that the extant planning permission has none of these controls applied by condition.

Design guidance should be improved. This guidance has been carefully prepared by officers in conjunction with the Trust to ensure the right balance is achieved in enabling an attractive physical form to be created in the Park area. In addition the Council commissioned an independent critique of the supporting LVIA to the LDO, which specifies changes to the design guide which have been duly made. See also the reduced height parameters above.

No replacement Arts Centre promoted in the LDO. Noted. However a new arts centre is currently being constructed on the GBP site .This will obviously improve local social / arts facilities and will increase local employment potential in the Park.

The Trust has been allowed to write the document itself. Not agreed. Whilst the Trust has had an active involvement in the LDO for obvious reasons, the Council at all times has retained full control of the document, and has prepared it in the spirit of partnership working as espoused in the NPPF. In addition full public consultation has occurred under the statutory planning regime.

The Common needs to be more protected. No part of the LDO designation covers the Common nor should it. The clear defined northern boundary will be retained and maintained by the Trust. It is accepted that there may be some visual impact arising from new building on the northern plateau but a) this already occurs and b) under extant permissions such an impact is inevitable, if implemented. For clarification the whole of the Common has been returned to public ownership [ie the Council] and is currently managed by BBOWT.

Fails to meet adopted planning policies. Not accepted. Both saved policy ECON 6 and adopted policy CS9 in the WB Local Plan 2006 to 2026, makes it clear that all of the employment generating uses identified in the LDO are acceptable. Where such uses may not have accorded with the Development Plan [e.g. hotels by virtue of the sequential test set out in the NPPF] these are now excluded. In addition detailed points set out in relation to policy definitions have been revisited in the LDO and altered accordingly to improve internal consistency in wording.

Zoning of uses should be revised to protect existing occupiers. Noted but not agreed. The LDO specifically controls uses such as B2 in the eastern edge of the Park in order to protect the few dwellings which lie to the east of the LDO area. For those dwellings lying to the south of the A339 the distance involved is considered acceptable in regard to potential amenity impacts.

Demolition impacts should be controlled. This has been noted and is now identified in the conditions process i.e. agreed.

Lessons of the last 20 years have not been taken into account. Not accepted. Since the 1997 permission the equivalent of 40% of the possible floor space in the Park has been implemented. This is a slow rate of development and is the primary reason for the LDO to be set out. It is accepted that in some cases the long planning process has caused some potential developers to not invest in GBP but go elsewhere.

Finally the Council is not abdicating its planning powers for two reasons - firstly the LDO has a whole range of controls in place, and secondly the LDO can be revoked at any time by the Council, if necessary [without prejudice] without agreement with the Trust.

The LDO should be withdrawn. To do so would mean an opportunity to assist the local economy in the District [and beyond in the Travel to Work area] would be missed. In addition the Council is envisaging the promotion of more LDOs in the District in the future so to withdraw this one with no good reason to do so would be perverse. In addition para 51 in the new NPPF actively encourages Local Planning Authorities to adopt LDOs where possible.

The setting of the listed buildings needs to be carefully respected. Noted. Firstly the LDO does not include the listed buildings [legislation does not allow for this] and secondly the design guidance includes advice that will ensure this visual setting is fully respected. The setting of the listed buildings

to the west has been taken into full account as well. This was noted in the response to the Historic England concerns. No change required.