

Great Yarmouth and Lowestoft Enterprise Zone

Local Development Order for South Denes

Consultation Draft - <INSERT DATES OF CONSULTATION>

1. Introduction

What is this Document?

- 1.1. This document is a draft Local Development Order for South Denes, part of which forms part of the Great Yarmouth and Lowestoft Enterprise Zone. The Local Development Order will replace the existing Local Development Order (May 2012) for the area which will expire on 15th May 2022. This new Local Development Order grants the same permissions as the previous order. However, there have been a few updates to reflect latest legislation and policy.

Site Area

- 1.2. The area subject to the LDO comprises 124.5 hectares of land, of which 55.2 hectares is designated as an Enterprise Zone.

Site context

- 1.3. The South Denes LDO area is located to the south of Great Yarmouth town centre and east of Gorleston-on-Sea, located on Norfolk's east coast. The town is an internationally renowned centre for the offshore energy industry and has a high-tech electronics sector. Great Yarmouth's 24-hour port handles a range of cargoes, offering an effective gateway to northern Europe.
- 1.4. South Denes lies adjacent to the River Yare and the area includes a river port and outer harbour. The wider area is served by the A47 trunk road which provides links to the south and to the west. Great Yarmouth railway station, which is located 2km north of the area, provides links to Norwich and onto London. Lowestoft railway station is 16km to the south provides services to Norwich, Ipswich and beyond. Norwich International Airport is located 42km to the north west.
- 1.5. The area abutting the north and west of the South Denes LDO area includes residential development and a range of community facilities. The beachfront and the Golden Mile, with its tourism attractions lie to the north of the main area of the LDO. A full range of shops and services can be found in Great Yarmouth town centre and Gorleston town centre.
- 1.6. A large part of the LDO area comprises port operational land. The LDO and Design Code will not impact on or affect the rights set out in the Town and Country Planning (General Permitted Development) Order 2015 (GDPO) which applies to port operational land. Development undertaken using these permitted development rights in the GPDO does not have to comply with the LDO Design Code. In addition, the guidance set out in the Port Marine Safety Code and other port related legislation also still applies.

2. Statement of reasons

Summary of the overall objective

- 2.1. Great Yarmouth Borough Council has created this Local Development Order (LDO) to help enable the further development of South Denes and the port. The intention is to allow greater permitted development rights for new development associated with the port and energy industries in the South Denes area. Part of the Local Development Order is covered by the Great Yarmouth and Lowestoft Enterprise Zone.
- 2.2. The aims of the LDO are:
 - To allow greater permitted development rights for businesses operating in, or providing essential support services to, the energy, offshore engineering and ports & logistics sectors.
 - To foster economic growth and provide opportunity for businesses operating in, or providing essential support services to those sectors, to prosper and grow.

Justification for the creation of a Local Development Order for South Denes

- 2.3. The retention of an LDO for the site will continue to reduce the number of planning applications required for port and energy industries development, thereby providing the opportunity to speed up the planning process whilst ensuring a suitable measure of quality control. This will be beneficial to businesses wishing to locate to the area and will provide a degree of certainty as to the type of development which will be acceptable.
- 2.4. The LDO is supported by a Design Code to ensure that development permitted by the LDO is satisfactory. In producing the original Design Code the character of the area was carefully assessed together with the Council's aspirations for the area, therefore providing a clear understanding as to the general types of development which would be considered acceptable. Therefore, there is a sufficient degree of confidence that additional appropriate permitted development can be allowed for by the LDO subject to the safeguards created by the Design Code.

Statement of policies which the Local Development Order will implement

- 1.1. The Local Development Order will help implement Policy CS6 of the Core Strategy which seeks to support economic growth across the Borough and Policy GY10 of the Local Plan Part 2 which reserves and promotes the development of land within the Great Yarmouth Port and Harbour Area for port activities and industrial and office uses.

3. Local Development Order

Description of development permitted under the Local Development Order

- 3.1. Within the boundaries of the site as shown on the map in Section 7, the Local Development Order grants planning permission for the following classes of development:

Class 1: Port and Energy Industries

Development is permitted for the purposes of:

- a) Ship building, boat building and maintenance of marine craft;
- b) The shipping, embarking, disembarking, loading, storage, discharging or transport of passengers, livestock or goods in connection with the operation of the harbour, or with the movement of traffic by inland navigation or in any way connected with or comprising the import or export of goods and materials;
- c) The manufacture, assembly, storage, maintenance and movement of components, machinery and plant to be used for the generation or transmission of energy, or the extraction of fossil fuels;
- d) The provision of administrative and support services required for the survey, construction and maintenance of infrastructure, machinery and plant to be used for the generation or transmission of energy, or the extraction of fossil fuels;
- e) The provision of administrative and support services required for the purpose of survey and reporting in advance of the installation of energy generating equipment, or equipment for the extraction of fossil fuels;
- f) The decommissioning and disassembly of components, machinery, plant and rigs previously used for the generation or transmission of energy, or the extraction of fossil fuels;
- g) Education and training in connection with development permitted by Class 1; or
- h) Providing ancillary facilities to support the undertaking of development permitted by Class 1.

Subject to the following conditions:

- i. Development is not permitted by Class 1 if it consists of or includes the construction or erection of a hotel or residential accommodation;
- ii. Development is not permitted by Class 1 if it includes the development or use of land for a taxi business;
- iii. Development is not permitted by Class 1 if it includes development to facilitate the landing of helicopters or other aircraft;

- iv. Development is not permitted by Class 1 if the primary use of the building, structure or site is to be used for the generation or transmission of energy or the extraction of fossil fuels;
- v. All aspects of development undertaken in accordance with this permission shall comply with the requirements of the South Denes LDO Design Code;
- vi. On-site parking provision shall be provided in accordance with the standards set out in the South Denes LDO Design Code, unless otherwise agreed in writing by the Local Planning Authority;
- vii. Notwithstanding Class E of the Town and County Planning (Use Classes) Order 1987 (as amended), any building constructed under this class must only be used for purposes detailed above and no other use within Class E or any other use permitted through the Town and County Planning (General Permitted Development Order) 2015.
- viii. Prior to the commencement of any development within the flood risk area the completed South Denes Flood Risk Management Form (see Appendix 2 South Denes LDO) needs to be submitted and approved in writing by the Local Planning Authority.
- ix. Prior to the occupation of any building, a Flood Response Plan detailing procedures and escape routes for the emergency evacuation of the flood risk area shall be submitted to and approved in writing by the Local Planning Authority;
- x. No development shall take place within the area of Malthouse Quay or Gashouse Quay (west of the River Yare and south of the route for the third river crossing) as shown in Appendix 3 until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority and the work has been carried out in accordance with that approved scheme and by a suitably qualified investigating body acceptable to the Local Planning Authority;
- xi. Where piled foundations are to be employed, piling operations shall be restricted to the following times: - Monday to Friday 09.00 to 17.00hrs and Saturdays 09.00 to 13.00hrs with no piling taking place on Sundays or Bank/Public holidays;
- xii. Where any boundary of a development site abuts Monument Road no development shall be commenced until scale plans and elevations, along with a schedule of materials to be used in the development, has been submitted to and approved in writing by the local planning authority; and
- xiii. The following uses associated with Class 1 developments are not permitted within the area indicated on Appendix 3 -
 - 1. Ancillary facilities which involve members of the public (for example visitor centres or conference venues) with an indoor floorspace greater than 250m²;

2. Occupied workplace buildings associated with development permitted by Class 1(c) to f which provide for more than 100 people or contain more than two occupied storeys.

Class 2: Electronic Communications

Development is permitted for the purposes of providing electronic communications consisting of the installation, alteration or replacement of any electronic communications apparatus and development ancillary to equipment housing.

Subject to the following conditions-

- i. Development is not permitted if:
 1. In the case of the installation of apparatus, the apparatus (including any antenna) would, within the LDO area south of Bloomfield Road, exceed a height of 30m above ground level; or, within the LDO area north of Bloomfield Road, would exceed a height of 25m above ground level.
 2. Any part of the development would cause obstruction to the public highway, or obscure the sight lines of any road junction or access/egress to the highway.
 3. The apparatus would be located within 100m of Nelson's Monument
- ii. Any antenna, dish or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building;
- iii. Prior to the use of any radio equipment approved under this order, the developer shall provide to the local planning authority a certificate confirming that the development itself will meet International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines for public exposure and confirming that the cumulative exposure of the development and other adjacent radio equipment will not exceed the ICNIRP guidelines for public exposure;
- iv. Any apparatus or structure provided in accordance with this permission shall be removed from the land, building or structure on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes and such land, building or structure shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer;
- v. No development shall take place within the area of Malthouse Quay or Gashouse Quay (west of the River Yare and south of the route for the third river crossing), shown in Appendix 3 until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority and the work has been carried out in accordance with that

approved scheme and by a suitably qualified investigating body acceptable to the Local Planning Authority;

- vi. Where piled foundations are to be employed, piling operations shall be restricted to the following times: Monday to Friday 0900 to 1700hrs and Saturdays 0900 to 1300hrs with no piling taking place on Sundays or Bank/Public holidays.
- vii. All aspects of development undertaken in accordance with this permission will comply with the requirements of the South Denes LDO Design Code.

Class 3: Security Cameras

Development is permitted for:

- a) The installation, alteration or replacement of any closed-circuit television camera to be used for security purposes, including any pole or supporting equipment required for such installation.

Subject to the following conditions:

- i. A closed circuit television camera permitted by this order shall be so designed or mechanically limited such that it cannot film any residential building or residential rear garden that lies within 50m of the installation.
- ii. A closed circuit television camera permitted by this order shall be removed as soon as reasonably practicable after it is no longer required for security purposes.

Class 4: Fences

Development is permitted for:-

- a) Operational development comprising the installation, alteration, or replacement of security walls, fences and gates.

Subject to the following conditions:-

- i. On Monument Road and Fenner Road, walls, fences or gates permitted by this order that abut these roads and are adjacent to Nelson's Monument shall not exceed 2m in height measured from ground level.
- ii. A security wall, fence or gate permitted by this order shall not obscure sight lines of any junction on the public highway or any vehicular access to the highway.
- iii. All aspects of development undertaken in accordance with this permission shall comply with the requirements of the South Denes LDO Design Code.

Class 5: Temporary uses of land

Development is permitted for:

- a) The use of any land for the purpose of an exhibition, trade fair, or public information event associated with the activities authorised by Class 1 of the order, for not more than 56 days in total in any calendar year; such time period to include the time required to set up and dismantle any temporary structures associated with the use.

Subject to the following condition:

- i. Temporary uses of land for the purposes of exhibition, trade fair or information events which involve members of the public and are not limited to those working in the industries permitted by Class 1 are not permitted within the area identified in Appendix 3 in relation to condition Xii of Class 1.

Condition for all Classes

3.2. The conditions listed below apply to all classes of development listed above.

- iv. Prior to the commencement of development notice shall be served on the Local Planning authority (using the form shown in Appendix 1) confirming that the development is in accordance with this order and Design Code (where required under that class). The notice shall be accompanied by a site plan with the site outlined in red and sufficient plans and elevations to determine the size and appearance of the development (all plans shall be to a recognised metric scale);
- v. Before development permitted under any class of the South Denes LDO commences, a survey for the presence of protected species needs to be undertaken. If protected species are present the development must ensure that there is no detrimental harm to the species and mitigating measures are taken.

Limitations for all Classes

3.3. The permission granted by the order shall not apply if:

- i. Any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.
- ii. An application for planning permission for that development would be a Schedule 1 application within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- iii. An application for the development would fall within the descriptions of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, unless the local planning authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same Regulations, that the development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development.
- iv. Listed building or scheduled monument consent would also be required for the development.
- v. The development involves activities with a high pollution risk to the water environment as listed below:-

1. Pipelines or high voltage fluid filled cables that transport pollutants, particularly hazardous substances below the water table in principal aquifers.
 2. Underground storage of hazardous substances.
 3. Direct discharge of pollutants to the groundwater.
 4. Use of deep soakaways for surface water and effluent disposal.
- vi. The development is within 9 metres of the landward toe of any tidal defence without the prior consent of the Environment Agency and/or the coastal defence authority. Formal Flood Defence Consent is required for any such works or structures under the terms of the Water Resources Act, 1991. For guidance, the Environment Agency will generally require a 9 metre (minimum) access strip adjacent to any tidal defence in order to facilitate future maintenance requirements.
 - vii. The development would be contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Town and Country Planning Act 1990, otherwise than by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
 - viii. An application for that development would be a Nationally Significant Infrastructure Project as defined in the Planning Act 2008.
 - ix. Any development proposal which are 'County Matters' and are therefore determined by Norfolk County Council as the Local Planning Authority. 'County Matters' include minerals and waste developments and the County Council's own development proposals, such as schools and non-trunk road schemes.
- 3.4. Nothing in this order gives consent (other than planning permission) for any activity or development that requires other authorisation (e.g. building regulations consent, hazardous substances consent, SuDS approval, consents for carrying out works within or stopping up the highway, a licence from the Marine Management Organisation, electronic communications licences etc.). Developers should satisfy themselves that they have obtained all appropriate other consents before proceeding with any planning permission granted by this order. Developments involving ancillary waste management facilities may require Environmental Permits from the Environment Agency.
 - 3.5. Nothing in this Order shall apply to any permission which is deemed to be granted under section 222 of the Act (planning permission not needed for advertisements complying with regulations).
 - 3.6. Nothing in this Order shall apply to any permission which is deemed to be granted under a local or private Act of Parliament.
 - 3.7. Nothing in this order prevents the implementation of any planning permission granted or deemed to be granted under Part III of the Town and Country Planning Act 1990.
 - 3.8. It is important to note that this order does not remove existing permissions that are already granted. Any planning permission that has been granted may still be enacted if it is within the time limit set by conditions. Similarly permissions granted by the Town

and Country Planning (General Permitted Development Order) 2015 may be used to undertake development in the LDO Area and any rights to develop that are included in the Harbour Development Acts or other private Acts are unaffected by this Order. The Order is intended to enable a further layer of permissions in addition to those outlined above.

4. Lifetime of the Local Development Order

- 4.1. The Local Development Order will be in place for a period of 15 years from the day of its adoption. It will therefore cease to apply on the day following the 15th anniversary of the adoption of the order. The LDO can be reviewed and reissued following consultation if it is considered appropriate to extend beyond 15 years.
- 4.2. Development which was started under the provision of the LDO can be completed in the event that the LDO were to be revoked or revised or expire. Development which has started under the provision of an LDO can be completed following the expiry of the LDO, and the uses that have taken place will therefore be permitted development. However, future development after this period would once more require the express consent of the Local Planning Authority following the submission of a full planning application.

5. Monitoring of the Local Development Order and how this will be reported

- 5.1. Development permitted under the LDO will be subject to continuous monitoring to assess the effectiveness of the LDO. Details of all notifications received through the LDO will be made available on the Council's public register of planning applications. It will also be the subject of a section in the Council's Annual Monitoring Report.

6. Definitions

For the purposes of Class 1(h) of this order 'ancillary facilities' means:

Canteens, staff rest areas, workplace medical facilities, facilities for fire-fighting or other emergency services, visitor centres, conference venues, smoking shelters, passenger shelters, bicycle shelters, motorbike shelters, security buildings, barriers for the control of people and vehicles, traffic signals, waste recycling facilities, vehicle maintenance facilities, machinery and plant maintenance facilities, parking of vehicles, bunkering facilities for vessels, multi storey car parks, electricity sub stations and associated electric line, electric vehicle recharging points, bollards, lamp standards, telephone boxes, post boxes, refuse bins or baskets; that are required for purposes ancillary to the undertaking of the activity permitted by Class 1 and Class 2.

'Building' means:

- (a) includes any structure or erection and includes any part of a building; but
- (b) does not include plant or machinery, gate, fence, wall or other means of enclosure.

‘Electronic Communications Apparatus’ means:

- (a) Any apparatus which is designed or adapted for use in connection with the provision of an electronic communications network.
- (b) Any apparatus that is designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network.
- (c) Any line.
- (d) Any conduit, structure, pole or other thing in, on, by or from which any electronic communications apparatus is or may be installed, supported, carried or suspended.

References to the installation of electronic communications apparatus are to be construed accordingly.

‘Electronic communications network’ means:

- (a) A transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and
- (b) Such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals.
 - (i) Apparatus comprised in the system.
 - (ii) Apparatus used for the switching or routing of the signals; and
 - (iii) Software and stored data.

‘flood risk area’ means:

An area at risk from flooding (Flood Zone 2 or Flood Zone3) as identified by the Environment Agency’s Flood Map for Planning - <https://flood-map-for-planning.service.gov.uk/> or an area at risk of flooding as identified in the Council’s latest Strategic Flood Risk Assessment.

‘Ground level’ means:

The level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

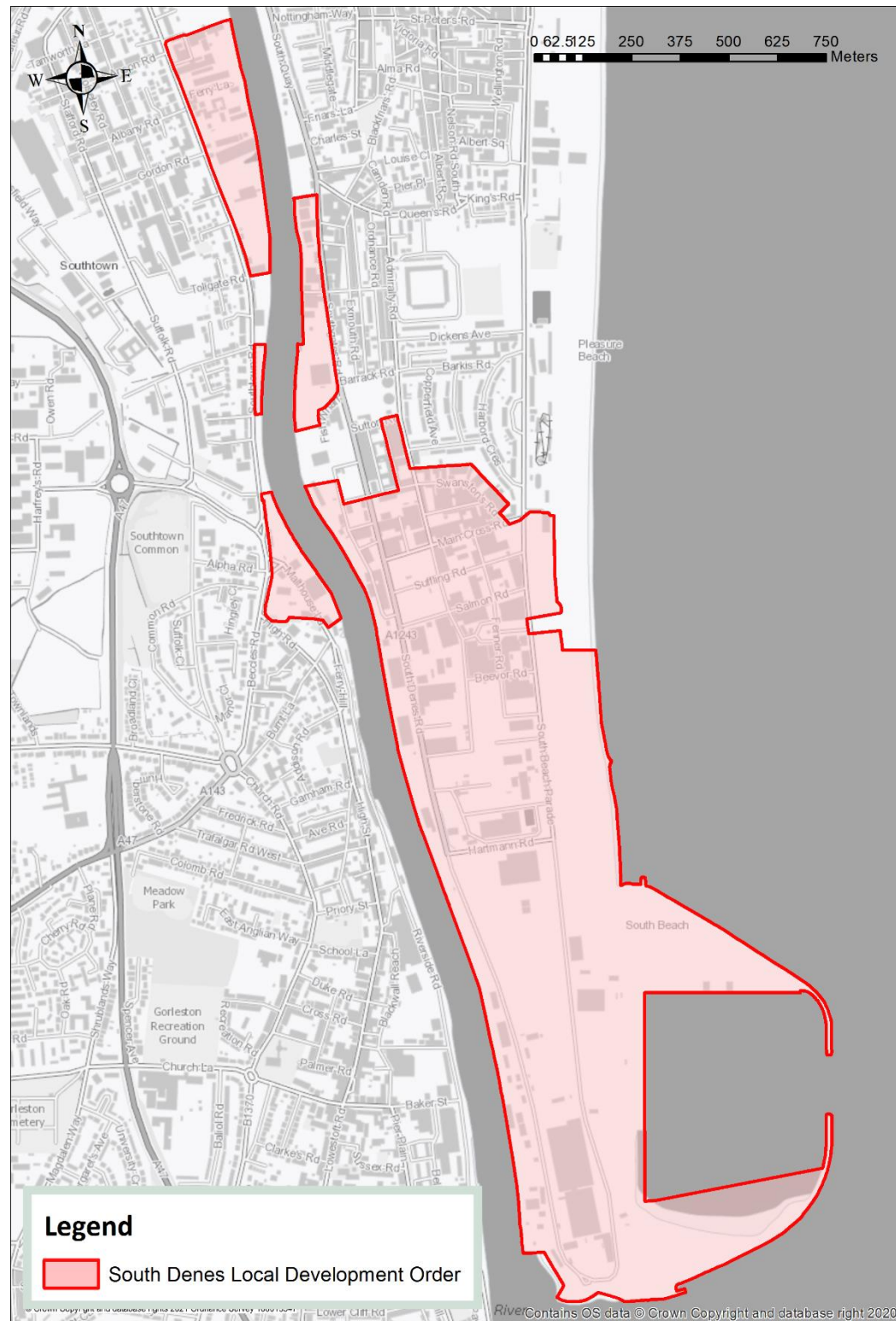
‘Machinery’ means:

Includes any structure or erection in the nature of machinery.

‘Plant’ means:

Includes any structure or erection in the nature of plant.

7. Site Plan of South Denes Local Development Order Area



Appendix 1: South Denes Local Development Order Self Certification Form

Office use only

Ref no:

Date received:

By submitting this form you are confirming that the works you are proposing would constitute permitted development under the permissions given by the South Denes LDO. Please note that your development will still be subject to the normal requirements with regard to the need for any other consents or permissions required under other legislation.

The existence of a covenant does not prevent development as permitted in this LDO from being self certified nor does it 'override' the requirements of a covenant. It is still possible to enforce a covenant, which restricts certain actions from being taken.

Please complete the relevant sections of this form and return one copy to Great Yarmouth Borough Council together with a site location plan (with the site area outlined in red) and sufficient plans and elevations to describe the development (indicating all measurements in metric).

1 Applicants details	
Name	
Address and post code	
Telephone number (daytime/mobile)	
Email	

2 Agent details (if you are completing on somebody else's behalf)	
Name	
Address and post code	
Telephone number (daytime/mobile)	
Email	

3	Address and location of proposed development (including post code)
4	Description of proposed development (including its use) Please provide a written description of the work.
5	Confirmation of Class of Development Please indicate which classes of permitted development within the South Denes LDO you believe your development falls under.
6	Brief explanation as to how your development accords with the requirements contained within the South Denes LDO Design Code.
7	For Class 1 developments within the flood risk area please detail how the development meets the flood risk requirements as set out in the South Denes LDO Flood Risk Management Form (please submit the South Denes LDO Flood Risk Management Form along with this form)
8	For Class 1 developments where there are occupied buildings please confirm that the Flood Response Plan has been completed and agreed

9 Monitoring data:	
Total Site area (Hectares):	
Total gross internal floor area of all existing buildings:	
Total gross internal floor area of any buildings to be demolished	
Total gross internal floor area of all proposed buildings:	
Total number of car parking spaces provided	
Height of all proposed buildings (highest point of buildings)	
Number of staff currently employed at site	
Anticipated number of staff to be employed at site (full time equivalent)	

Appendix 2: South Denes Local Development Order Flood Risk Management Form

Introduction:

Some parts of the Local Development Order are at risk from flooding. This is particularly important for Class 1 developments as permitted by the LDO. These developments should be designed to take account of the depth of flood water expected on site, using the levels provided in Figure 7 of the South Denes LDO Design Code, unless otherwise agreed in writing by the Council.

In order to demonstrate to the Council that you have adequately addressed flood risk issues, please complete the tables below and include it with the South Denes LDO Self Certification Form (Appendix 2, South Denes LDO).

Step 1: Calculating the expected flood level for your development site

The depth of flooding expected on-site can be calculated by comparing the predicted flood level for your development area (taken from the Flood Risk Map within Appendix 5 of the South Denes LDO Design Code) with your finished site level(s) taken from a topographic survey. Please note that these levels should be stated in relation to Ordnance Datum and should be verified using GPS.

The following formula should be used and the relevant information provided in the table below. Where necessary, for example where you are proposing multiple buildings at different levels, please provide a range of depths:

Predicted Flood Level – Site Level = Depth of flooding on site

Predicted Flood Level (mAOD)	
Site Level (mAOD)	
Depth of flooding expected on site (m)	

Step 2: Managing the risk

The first step in managing flood risk is to locate the more vulnerable aspects of your business in the areas of lowest risk. This means, wherever possible, places where people will regularly work in, such as offices or training facilities, should preferably be located on the highest parts of the site.

Your preferred strategy should be indicated in the table below. Further information and advice in relation to managing flood risk can be found below, or by following the links at the end of this document.

Table 1: Flood Mitigation Option

Flood Mitigation Option	Indicate your choice in the boxes below	Supporting Evidence
Raise ground floor levels - fully		A plan of finished floor levels relative to the predicted flood level
Use other flood resistant measures		
Incorporate flood proofing		Please provide details of any flood proofing / resilience and resistance techniques
Combination of flood resistance and flood proofing		Please provide plan and details of flood proofing techniques
Additional measures e.g. flood defences, anchoring.		Please provide details and any relevant supporting calculations

To resist the inundation of flood water you can choose to either raise ground floor levels above the predicted flood level identified by the Flood Risk Map; and/or employ other measures such as tanking of the structure and the utilisation of flood barriers at openings. It should be noted that, if you choose to resist the flood water your structure must be of sufficient strength to withstand the pressure exerted by a depth of flood water against your building (hydrostatic loads), as well as being capable of withstanding the pressures associated with flowing water during a breach of the defences (hydrodynamic pressure).

Some flood resistance measures, such as the use of flood boards, are most appropriate at lower flood depths of between 0.3-0.6m. If flood water depths will reach higher than this, these techniques will need to be used in combination with other mitigation measures.

Letting flood water enter your building will allow the equalisation of flood water on both sides of the structure (minimising issues of hydrostatic load). Your building will still need to be able to withstand the pressures associated with a breach of the defences. In this instance, you should consider incorporating flood proofing (flood resilience measures), wherever possible, up to the level identified by the Flood Risk Map.

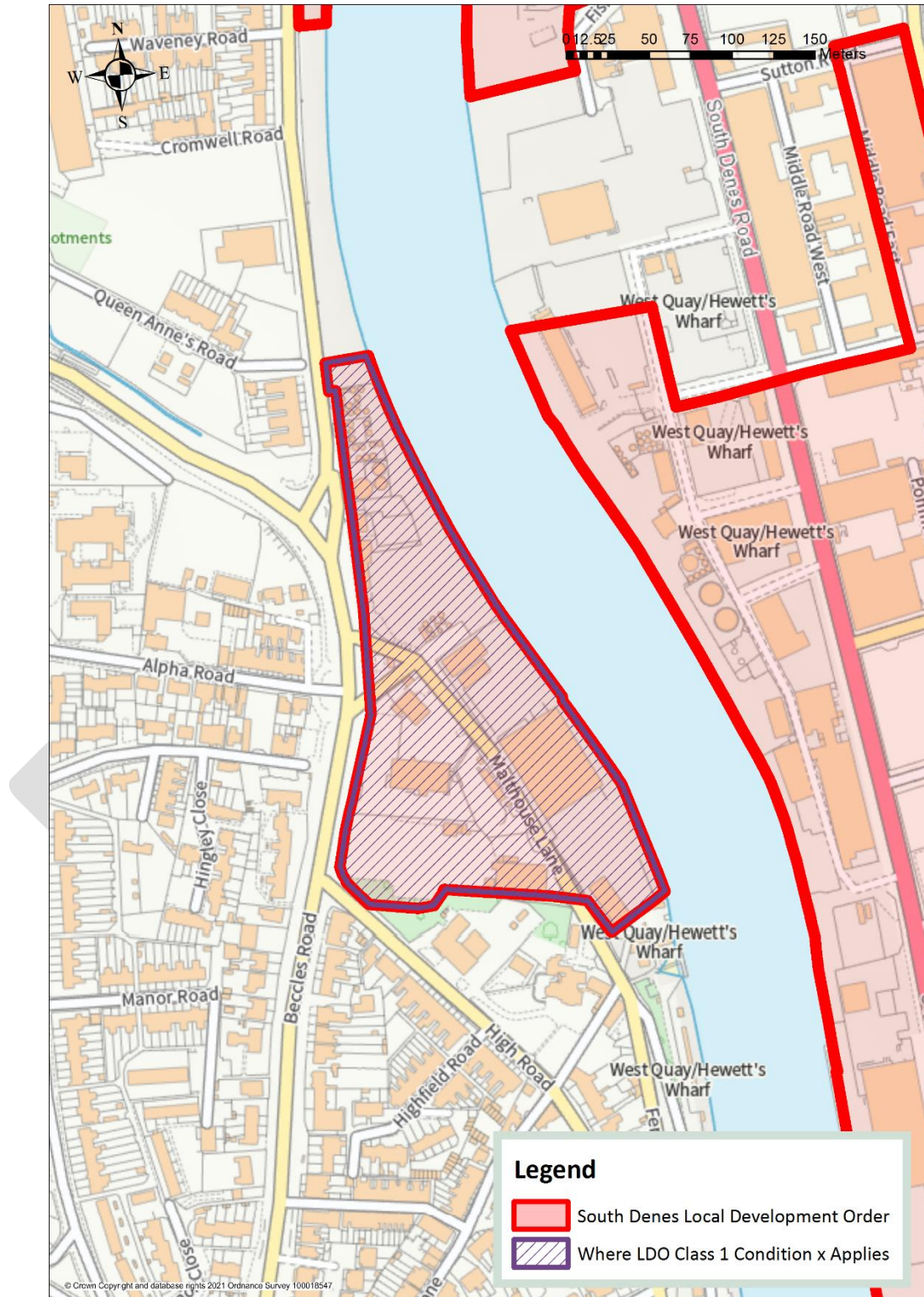
Alternatively you can choose to use a combination of the above strategies providing protection up to the level identified by the Flood Risk Map. In some instances it might be necessary to consider additional flood risk management approaches. For example, if you are proposing the use of temporary buildings within the flood risk area, it will be important to ensure that these are anchored to prevent floatation, collapse or lateral movement resulting from hydrostatic loads. You might also consider it appropriate to construct a flood defence to protect your property

The applicant should demonstrate the safety of the development with regard to hydrostatic and hydrodynamic pressures exerted during a flood event and provide calculations prepared by a structural engineer.

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Appendix 3: Plans relevant to conditions of Class 1

Area where LDO Class 1 Condition x Applies



Area where LDO Class 1 Condition xiii Applies

