A Local Development Order: The Nexus 25 LDO and EIA

Peter Brett Associates LLP (PBA) was appointed by Taunton Deane Borough Council (TDBC) to undertake the Environmental Impact Assessment (EIA) for TDBC’s proposed adoption of a Local Development Order (LDO) for a strategic employment site located adjacent to Junction 25 of the M5 motorway at Taunton in Somerset, known as Nexus 25.

An LDO is intended to give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application to a local planning authority. They create certainty and save time and money for those involved in the planning process.

PBA also prepared the LDO document and Council’s Statement of Reasons which, along with the ES, was made available for public and statutory consultation in July 2017. It was adopted by TDBC in December 2017.

The EIA informed the Parameter Plan, which identified six development plots and undeveloped land for landscape, drainage attenuation and recreation: the ‘Green/Blue Infrastructure Framework’. For each development plot, the developable area, proposed use, maximum floorspace and proposed building height was identified. The EIA assessed this Parameter Plan.

This article examines two specific elements of the EIA process for the LDO relating to:
- Consistency of approach; and
- Addressing ‘cross-plot’ issues.

Consistency of approach

The EIA, agreed through scoping, was completed by PBA’s team of technical specialists. Whilst the team are all ‘competent experts’, experience in delivering an EIA specifically for an LDO varied. Therefore, it was essential to ensure consistency of approach in relation to assessment methodology, development scenarios and the language and terminology to employ. In particular, given the LDO lifetime is 15 years and that plots will be built out in a phased approach, as opposed to one construction phase, it was necessary to ensure consistency of approach when assessing construction and operational effects. This was achieved through a detailed EIA briefing pack, close contact maintained by the EIA Coordinator with the EIA team during preparation of the ES and, finally, a thorough review of all ES chapters. Whilst this approach is taken by PBA for all ES preparation, the emphasis was on ensuring the ES was appropriate specifically for an LDO.

Addressing cross-plot issues

Environmental issues are never limited to delineated areas such as development plots on a masterplan. At Nexus 25, a desk-based archaeological assessment and trial trenching (the latter carried out on the proposed upgrade of J25 of the M5 which includes some land within the Nexus 25 site), identified some areas of potential archaeological interest. Of course, these do not neatly fall within the individual Nexus 25 development plots.
These plots are likely to be sold and developed at different times over the 15 year lifetime and therefore the archaeology planning conditions were worded to ensure suitable evaluation/excavation/analysis/reporting/archive deposition is carried out at the appropriate time and will consider wider archaeological aspects if necessary. This required thorough consultation with the County archaeologist.

A key element was the LDO’s accompanying planning conditions. Again, given the lifetime of the LDO, it was imperative that the conditions were carefully worded to ensure that they remain appropriate and afford suitable protection for TDBC throughout the lifetime of the LDO. Considerations made when preparing the planning conditions included, where feasible, flexibility to changing policy and technical improvements and the fact that developments will come forward in the LDO as a response to market demand and commercial requirements.

Other ‘cross plot’ issues include flood risk, ecology and biodiversity, landscaping, transport and services. To ensure suitable protection from the outset, the LDO contains several planning conditions which cover the whole development site including:

- Drainage Strategy;
- Landscape and Ecological Management Plan;
- A Construction Environmental Management Plan;
- Transport Assessment and Site-Wide Framework Travel Plan; and
- Installation of multiple telecoms ducting and chambers across the entire site.

Conclusion

This article presents two specific elements of the EIA process for the LDO relating to consistency of approach and addressing ‘cross-plot’ issues. It was concluded that to ensure the smooth delivery of the Nexus 25 LDO ES, detailed EIA briefing and close management, comprehensive consideration of planning conditions and a full but reasonable suite of pre-commencement planning conditions covering the whole site to reduce the risk of ‘cross plot’/‘cross-site’ issues were all required.

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