

Bristol City Council

Bristol Heat Network Local Development Order

In pursuance of the powers of the Town and Country Planning Act 1990 (as amended), Bristol City Council hereby gives notice that planning permission has been approved for the carrying out of the development described in Part IA and Part 1B below, subject to compliance with the conditions listed in Part III.

Part IA – Description of Development

This local development order ('the Order') grants permitted development rights for the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure comprising of pipes, cables, wires, ducting, valve chambers and heat exchange equipment, including ancillary above ground infrastructure such as informational signage, cabinets, buildings, structures and enclosures reasonably necessary for the purpose of the development permitted, together with any engineering operations and reinstatement works reasonably necessary for the purpose of the development permitted within the defined areas of land in the City of Bristol as shown on the attached Order map ('the Order Map'), subject to conditions.

Part IB – Permitted Development

Development comprising the installation (whether temporary or otherwise), inspection, maintenance, alteration, replacement, repair and removal of a heating transmission and distribution system and ancillary infrastructure including above ground infrastructure together with reasonably necessary engineering operations and reinstatement works over, on or under defined areas of land as shown on the Order Map.

Part II – Restrictions on Development

Development is not permitted by this Order where:

- a) any above ground cabinets, buildings, structures or enclosures would be greater than 1.4m in height above ground level or greater than 2.5 cubic metres in external volume; or
- b) any trench depth exceeds 4m and trench width exceeds 3m; or
- c) any pipework installed above ground is greater than 5 metres in length; or
- d) the installation constitutes EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; or
- e) any development is within 50m of a Site of Special Scientific Interest; or
- f) any development is on previously undeveloped land within 200m of a Site of Special Scientific Interest; or
- g) any development within 500m of the Severn Estuary Ramsar Site, Severn Estuary Special Area of Conservation or Severn Estuary Special Protection Area; or
- h) any above ground infrastructure would;

- i) affect a listed building; or
 - ii) be within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless agreed in writing with the Local Planning Authority pursuant to condition [6] to this Order; or
- i) the installation would be on a site designated as a Site of Special Scientific Interest, Ramsar Site, Site of Nature Conservation Interest, Special Area of Conservation, Special Protection Area, Regionally Important Geological Site or Local Nature Reserve pursuant to condition [5] to this Order; or
- j) within areas to which a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015) is in force, the development is of a type described in that Direction.
- k) any development would be on a site identified as a district park, local park, woodland or playing field.

Part III – Conditions

In these conditions:

‘the Order’ means the Bristol Heat Network local development order.

‘the Order Map’ means the map attached to this Order identifying the land subject to the Order and relevant planning and policy designations as may be updated from time to time;

‘the development’ means the development authorised by the Order as set out in Part IA and Part 1B;

‘the Local Planning Authority’ means Bristol City Council

‘Protected Sites’ include Sites of Special Scientific Interest, Ramsar Sites, Sites of Nature Conservation Interest, Special Areas of Conservation, Special Protection Areas, Regionally Important Geological Sites and Local Nature Reserves

‘Protected Species’ as defined in the Wildlife and Countryside Act 1981 (as amended), Conservation of Habitats and Species Regulations 2017 (as amended), Protection of Badgers Act 1992, Wild Mammals (Protection) Act 1996 and the Natural Environment and Rural Communities Act 2006.

The above development is permitted subject to the following conditions:

1. Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after twenty years from the date of its adoption.

Reason: To ensure that the development is commenced and completed within a reasonable period of time.

Informative: Development permitted by this Order may be completed if it has been commenced in accordance with the terms of this Order before the expiry, modification or withdrawal or extension.

2. Design

Prior to the commencement of development, the colour and materials of any above ground infrastructure shall be specified and agreed in writing with the Local Planning Authority.

Reason: To minimise the visual impact of new development within the defined area for the Order in line with Policy BSC21 of the Bristol Core Strategy.

3. Trees and Hedgerows

There shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure adequate protection of existing trees and hedgerows in line with Policy BCS9 of the Bristol Core Strategy.

4. Tree and Hedgerow Maintenance

If within a period of ten years from the date of the planting of any tree, hedge or shrub or any replacement associated with development permitted by this Order (within the area shown on the attached Order Map) it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or diseased, another tree, hedge or shrub of the same species and size as that originally planted shall be planted in the same location no later than the first available planting season, unless the Local Planning Authority agrees in writing that a different species, size and / or location may be substituted.

Reason: To ensure maintenance of a healthy landscape scheme, in accordance with Policy BCS9 of the Bristol Core Strategy.

5. Biodiversity, Protected Species and Protected Sites

Where the installation is likely to cause an adverse impact (as identified in consultation with an appropriately experienced ecologist) on (a) any green space(s) outside of the highway boundary (as shown on the Order Map) and (b) any protected species and/or (c) any protected sites, relevant surveys and proposals for mitigation and habitat reinstatement shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of that part of development. The development shall be carried out in accordance with approved details.

Reason: To avoid impacts on protected species and sites and ensure no net loss of biodiversity and ensure works are carried out to avoid adverse harm to protected species in accordance with paragraph 174 of the National Planning Policy Framework and Policy BCS9 of the Bristol Core Strategy.

Informative: This condition is to be read alongside Part I restriction (i). Protected sites include Sites of Special Scientific Interest, Ramsar Sites, Sites of Nature Conservation Interest, Special Areas of Conservation, Special Protection Areas and Local Nature Reserves. Relevant surveys may include a Phase 1 Habitat Survey or a Preliminary Ecological Appraisal although these are not exhaustive and other surveys may be required.

6. Development within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or curtilage of a Listed Building

No above ground development shall be carried out within the boundary of a Scheduled Monument, Registered Historic Park and Garden, Conservation Area or the curtilage of a Listed Building unless the location, design and materials of any above ground development or structures has previously been agreed in writing by the Local Planning Authority.

Reason: To minimise visual impact of new development against heritage assets in accordance with Policy BCS22 of the Bristol Core Strategy and to ensure development does not affect a listed building in accordance with Regulation 38(12)(a) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7. Archaeology

No works shall take place 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. The development shall be carried out in accordance with the approved details.

Reason: To ensure that archaeological remains and features are recorded prior to their disruption and to ensure new development safeguards or enhances heritage assets and the character and setting of areas of acknowledged importance such as archaeological remains in accordance with Policy BCS22 of the Bristol Core Strategy.

8. Completion of a Programme of Archaeological Works

Within ninety days of the completion of each phase of development, the provision must be made to the Local Planning Authority for the analysis, publication and dissemination of results and archive deposition of the site investigation and post investigation assessment that has been completed in accordance with the programme set out in the Written Scheme of Investigation pursuant to condition [7].

Reason: To ensure that archaeological remains and features are recorded and published prior to their destruction.

9. Contaminated Land

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, and a verification report submitted for approval.

Reason: To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To ensure development is sited and designed in a way as to avoid adversely impacting upon creating exposure to contaminated land in accordance with Policy BCS23 of the Bristol Core Strategy. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

10. Importation of Soils

Before each phase of development, any soil or soil-forming materials brought to site for use in soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use before any such materials are imported onto the site or used.

The methodology for such testing shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by a risk assessment) and testing shall then be carried out by a suitably qualified professional in accordance with such methodology.

Verification of compliance with the requirements of this condition [10] shall be submitted to and approved in writing by the Local Planning Authority prior to these materials being imported onto the site.

Reason: To ensure that contamination soils are not imported to the site and that the development shall be suitable for use with respect to land contamination.

11. Construction Environmental Management Plan

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and been approved in writing by the Local Planning Authority (in consultation with the relevant highway authority where appropriate). The plan should include, but is not limited to, the adoption and use of the best practicable means to reduce and mitigate the effects of traffic, noise, vibration, dust and light pollution.

As a minimum, the CEMP must include individual phasing elements including;

- (i) Extent of each phase on a scale plan
- (ii) Confirmation that no phase will exceed 1 hectare at any one time, when considered individually or combined with other phases
- (iii) Timescale for each phase
- (iv) Inclusion of any above ground infrastructure for each phase
- (v) A programme for the anticipated start and completion dates for each phase
- (vi) Any known or anticipated highway closures or restrictions including any known or anticipated highway closures or restrictions that may impact on the strategic road network and its junctions related to each phase
- (vii) Proposed route required for a specified phase
- (viii) Construction hours
- (ix) A scheme to manage construction activities and the storage of any chemicals including -
 - securing any required de-watering of the site
 - securing the protection of licenced and un-licenced sources of water
 - securing the maintenance of any identified spring-fed flows
 - securing the protection of groundwater dependent terrestrial ecosystems

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Informative: National Joint Utilities Group (NJUG) Guidelines should be adhered to when undertaking works permitted by this Order. Relevant undertakers and asset owners must be contacted for departing from the NJUG Guidelines.

12. High Risk Coal Mining Areas

Within the defined Development High Risk Area prescribed by The Coal Authority, prior to works commencing on that phase of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) a risk assessment highlighting the risk to the development, neighbouring occupiers, public safety, highway users and contractors from the coal mining legacy features present within the defined Development High Risk Area; and
- b) details of any mitigation measures necessary to allow development to proceed.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of public safety.

13. Post Construction

Within sixty working days of completion of any works, details shall be provided to the Local Planning Authority providing the date of completion and a map showing the geographical position of the completed works. This detail shall include:

- (i) The location and route of the network;
- (ii) The depth of the network;
- (iii) The location of any above ground infrastructure; and
- (iv) The location of any chambers

Reason: In the interests of the safe operation of the adopted highway and to allow the Local Planning Authority to monitor the take up and implementation of the development permitted by this Order.

14. Reinstatement

Prior to the expiry of ninety working days from the date of completion of the installation, maintenance or replacement works, the site shall be reinstated to the condition which existed prior to such works taking place unless an extension of time or variation in approach is granted in writing by the local planning authority.

Reason: To ensure that all land over the Bristol Heat Network is reinstated promptly and to an appropriate standard.

Part IV – Other Statutory Requirements

Whilst the Order grants planning permission for certain types of development as described in Part IA and Part 1B, it does not grant any other consents that may be required under other legislation.

It will remain the responsibility of the developers to comply with all relevant legislation. Failure to comply with all relevant statutory requirements could result in development being unlawful or enforcement action being taken by Bristol City Council or other appropriate persons or bodies.

This legislation includes, but is not limited to, the following (as may be amended or re-enacted from time to time):

- The Ancient Monuments and Archaeological Areas Act 1979;
- The Highways Act 1980;
- Wildlife and Countryside Act 1981;
- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Planning (Hazardous Substances) Act 1990;
- The Planning (Hazardous Substances) Regulations 1992;
- New Roads and Street Works Act 1991;
- The Hedgerow Regulations 1997;

- The Town and Country Planning (Tree Preservation) (England) Regulations 2012;
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- The Building Regulations 2010;
- The Environmental Permitting (England and Wales) Regulations 2016;
- Conservation of Habitats and Species Regulations 2017;
- The Environment Act 2021; and
- Rules and Guidance issued by the Health and Safety Executive.

Part V – Procedure for Written Approval

The applicant must serve written notice to the Local Planning Authority to initiate the written approval procedures.

Applications for the Local Planning Authority's written approval pursuant to conditions 2, 3 and 4 to this Order shall be made using the forms provided in Appendix A to this Order.

A fee is payable to the Local Planning Authority in connection with any applications for written approval from the Local Planning Authority pursuant to this Order. Refer to Appendix A for further detail.

Part VI – Timeframes for Local Planning Authority Approval

Where the Local Planning Authority's written approval is required pursuant to conditions 2, 3 and 4 to this Order the development must not begin or continue (as applicable) before the occurrence of one of the following –

- (a) the receipt by the applicant from the Local Planning Authority of a written notice giving its approval of details submitted under this Order; or
- (b) the expiry of [28] days following the date on which the application for written approval was received by the Local Planning Authority without the Local Planning Authority notifying the applicant as to whether approval is given or refused.

Part VII – Monitoring and Review

The Order Map shall be kept under review and updated periodically by the Local Planning Authority to ensure it reflects the up to date planning and policy designations from time to time.

This Order shall be reviewed by the Local Planning Authority at five year intervals from the date on which it is made to ensure the objectives of the Order are being achieved and that it remains expedient for the proper planning of the area having regard to the development plan and other material planning considerations.

APPENDIX A

This Appendix provides a guide to submitting details to and obtaining the Local Planning Authority's written approval of details submitted, pursuant to the conditions to the Bristol Heat Network Local Development Order. It also provides a guide to serving written notices on the Local Planning Authority, where required by the conditions to the Order.

WRITTEN APPROVALS

The conditions to the Order provide for requests for written approval from the Local Planning Authority, as follows: -

A. Circumstantial written approvals

Condition 2 Design

Prior written approval from the Local Planning Authority to agree the colour and materials of any above ground infrastructure.

Condition 3 Trees and Hedgerows

Prior written approval from the Local Planning Authority to lop, top, reduce roots or remove trees or hedgerows.

Condition 4 Trees and Hedgerow Maintenance

Prior written approval from the Local Planning Authority for alternative planting specification for replacement trees, hedges or shrubs.

In respect of each type of request for written approval identified above, the following form is to be completed and emailed to development.management@bristol.gov.uk

The words in square brackets and italics can be deleted and are for guidance only.

<u>Written Approvals Under BHN LDO</u>	
Applicant details	
Name	
Address	
Postcode	
Telephone	
Email	
Agent details	
Name	
Address	
Postcode	
Telephone	
Email	
Description of development	
Description of development including ancillary construction and engineering works	<i>[This description should be comprehensive]</i>
Description of site condition before development and supporting evidence (plans, photos or equivalent)	<i>[This will allow the Local Planning Authority to monitor compliance with reinstatement conditions]</i>

Description of location of works in relation to neighbouring properties	<i>[This will allow the Local Planning Authority to identify and monitor the development]</i>
Plan	
Site location plan	<i>[To a scale of 1:1250 or 1:2500]</i>
Details of condition(s) requiring Local Planning Authority's written approval	
Condition number	<i>[2, 3, 4]</i>
List of documents submitted	<i>[For condition 2 this includes details with regards to the colour of any above ground infrastructure]</i> <i>[For condition 3 this includes details of proposed tree works]</i> <i>[For condition 4 this includes alternative planting specification for replacement trees]</i>
Declaration of compliance	
Declaration	I/we hereby give notice of the intention to carry out the development described above pursuant to the Bristol Heat Network Local Development Order. I/we confirm that the development will be carried out in accordance with the details included in this form and the submitted documents and plans, and in accordance with the conditions of the Order. I/we understand that any variation from details submitted pursuant to the Order must be notified to the Local Planning Authority in writing and may require re-assessment for compliance with the terms of the Order.
Name	
Signature	
Date	

As set out in [Part VI] of the Order, the Local Planning Authority has [28] days from receipt, to approve or refuse requests for written approval made pursuant to conditions to the Order. In the event Local Planning Authority fails to approve or refuse a request for written approval within this timeframe, the development may proceed without such written approval.

Publication of details submitted and requests for written approval

All requests for written approval to the Local Planning Authority pursuant to the Order will be published by the Local Planning Authority on its planning applications website.