

Report of the Director of Planning and Regeneration Service

**ITEM NO.**    **SUBJECT**

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Ref: RB2018/0810

Proposed Local Development Order – Land at Gullivers Theme  
Park, Mansfield Road, Wales

Adopt Local Development Order subject to recommended  
amendments

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY  
BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE  
**02 AUGUST 2018**

<b>Reference Number</b>	<b>RB2018/0810</b>
<b>Proposal and Location</b>	Proposed Local Development Order – Land at Gullivers Theme Park, Mansfield Road, Wales
<b>Recommendation</b>	Adopt Local Development Order subject to recommended amendments

**Background:**

Paragraph 51 of the NPPF (July 2018) states: “Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.” This is taken together with the National Planning Practice Guidance which echoes the above.

In summary, Local Development Orders (LDOs) are made by local planning authorities and 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 for certain limited types of development defined in the LDO. They create certainty and save time and money for those involved in the planning process and help economic, social and environmental benefits to an area which derive from planning permissions to be delivered more quickly.

The Growth and Infrastructure Act 2013 modified the Planning Acts to simplify the Local Development Order process by removing the requirement for the local planning authority to submit the order to the Secretary of State before adoption for consideration of whether to intervene. This was instead replaced by a requirement to notify the Secretary of State as soon as practicable *after* adoption.

It is recommended that an LDO, which has undergone considerable iterative improvement and full public consultation, is adopted for the Gullivers Valley Rotherham resort.

**The Gulliver’s Valley Rotherham LDO Site:**

Core Strategy Policy CS11 ‘Tourism and the Visitor Economy’ states that: “The Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.” The development of the Gulliver’s Theme Park on the site has been granted under planning permissions RB2016/1454 and RB2016/1455.

The overall site covers an area of approximately 100 hectares and permission has been granted for up to 20,000 sq.m floor area of new development. The purpose of this LDO is to allow minor changes during the construction phase, as well as minor on-going developments on the site once the development has been built out, that would normally require planning permission (or supplement provisions relating to developments might otherwise be permitted development in the General Permitted Development Order, but the provisions of which are subject to change by Government from time-to-time).

It is considered that the developments that would be permitted, subject to conditions as set out in the LDO, would not adversely impact on the wider environment or community, but would allow flexibility and reduce both delay and cost during the programme of works to build out the approved theme park/leisure complex. In other words, based on current policies the expectation is that should a planning application be forthcoming for such developments, permission would be granted for them.

It was therefore proposed to produce and consult on an LDO which would allow:-

- The erection of fences (up to 3m in height)
- Erection of lighting
- Construction of internal roadways and paths
- Buildings (total floorspace restricted and height restricted)
- Huts and kiosks
- Plant and machinery – to include rides (height restricted)

A copy of the draft LDO is attached at Appendix 1.

The LDO would also vary dependant on the stage of construction on the site, allowing for different developments during the construction phase as to that once the leisure complex has been brought into use.

The developments permitted under the LDO comply with national policy in the NPPF and the Council's adopted policies in relation to the site and the Green Belt. It is considered that the allowances are proportionate and reasonable in the given context and are therefore acceptable as a matter of principle.

A 'Draft Order' and a 'Statement of Reasons for making the Order' have been produced. The proposed LDO covers the application site areas approved under the above permissions and sets out different LDO development limits in different parts of the overall site, specifically excluding any development on the most sensitive parts. It would apply to the site for as long as it is used for the approved uses and can be revised and/or revoked at any time by the Local Planning Authority.

## **Environmental Statement**

An Environmental Statement was submitted with both the original planning applications. Addenda to the original Environmental Statement were

commissioned and provided to assess the potential environmental impacts of developments that would be permitted under the proposed LDO. It has been determined that no significant environmental effects (and none above and beyond or cumulatively taken with those identified in the original Environmental Statement) are expected. The proposed LDO contains relevant conditions and limitations to ensure that any proposed development authorised by the LDO would not have any unusually complex or potentially hazardous environmental effects sufficient to trigger the need for any additional Environmental Assessment. There are other regulatory controls in relation to former mine workings and protected species in any case.

The proposed LDO has been considered against the relevant tests set out under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and the Local Planning Authority has formally adopted a screening opinion that no further Environmental Information over and above that which has already been provided is required.

### **Publicity**

Following a 28 day publicity period in the press, by letter and the erection of site notices around the site no public representations have been received.

### **Consultation**

Statutory and non-statutory consultation also took place and the following comments were received:

RMBC (Drainage) - No objection in principle to the proposed order, but it is noted that it would permit buildings to be extended. This could create additional runoff which would be a problem if it had not been allowed for in the construction of the main development phase. There are currently discharge of conditions applications unresolved which relate to drainage design. If these are discharged satisfactorily, including a 10% allowance for future increase in impermeable area, there would be no objection to the order.

RMBC (Public Rights of Way) - They are in direct contact with the developers and are working with them to improve and encourage use of the routes – no concerns raised.

RMBC (Landscape Design) - Raise no objections, they are of the opinion that the nature of the development permitted by the LDO will result in no greater adverse landscape or visual impacts than the original permission already granted.

RMBC (Ecologist) - No objections.

RMBC (Transportation and Highway Design) - No objection as it is considered that the development allowed by the LDO would not have a material impact on the local highway network (i.e. it would not result in a cumulative severe residual impact).

Highways England – The safeguarding of Highways England position secured through conditions on the original planning application would not be bypassed by the LDO. It appears that the trip making potential for the development relates to the overall attraction (the theme park) rather than the specific building components within the attraction. The analysis that was ultimately accepted following the significant dialogue during the planning application process for the development followed this path in that the trip making potential was founded on the whole development through reference back to similar such theme parks. It appears that any potential increases in the level of built development (as restricted by the LDO) would not cause the overall trip making potential, specifically at the Strategic Road Network, to materially change from that predicted at planning application stage.

Environment Agency – No objections/comments

Historic England - Were content with the planning applications and the potential impact on the historic environment and do not have any additional comments to make in respect of the draft Local Development Order.

Network Rail - With reference to the protection of the railway, Network Rail would have an issue with any lighting placed in close proximity to the operational railway boundary. This has potential to cause train driver distraction and also confusion in relation to existing signals along the railway line and can therefore impact on operational railway safety. They would have concerns in relation to any lighting positioned within 5 metres of the railway boundary and it appears from the draft document that this may be permitted. Have requested that LDO is amended to prevent such lighting next to the operational railway in order to mitigate against this situation arising. This request has been agreed and the LDO amended accordingly.

The Coal Authority – Notes that the development is proposed to be phased over of 15 year period and that their outstanding concerns relating to the proposed repositioning of buildings are to be addressed as part of proposed subsequent Section 73 (variation of condition) planning applications. Provided that any future 'Permitted Development' is carried out with the same regard to foundation designs and the associated earthwork considerations as recommended by the relevant Phase 2 reports for the proposals (as per the supporting documentation to applications RB2016/1454 & RB2016/1455) then would have no objections or further comments to make.

SYMAS – Provided that future development is carried out with the same regard to foundation designs and the associated earthworks as recommended in the information submitted with the original planning applications there are no objections.

SY Fire and Rescue – Raise no new comments

**Response/resolution of consultee comments**

When taking into account the comments made by the consultees, whilst the majority of them raised no objections a few issues were raised which are addressed below –

Network Rail – their comments and request in relation to lighting close to operational railway is considered valid, and so the LDO has been amended to remove the permitted development for the provision of lighting within 5 metres of an operational railway for safety reasons (as set out in Schedule 1, Class B of the LDO).

The Coal Authority - their comments are related to two shafts that have been identified on the site through the process of the submission of discharge of condition applications. Due to the presence of the shafts Gulliver's will have to submit Section 73 planning applications to apply to re-site two of the buildings to move them further away from the shafts identified. Subject to that process they have no objections to the LDO, which would not have any implications in relation to the shafts.

SYMAS and the Coal Authority have raised the issue regarding the foundation design and earthworks for any permitted development which may be allowed by the LDO. In this respect it should be noted that any works permitted by the LDO would also be subject to the conditions on the original planning permissions which would control these matters, and subject to this they raise no objections to the LDO.

## **Conclusions**

The Council and the government are supportive of development which improves social, environmental and economic conditions. The statutory development plan, in particular Core Strategy Policy CS11 'Tourism and the Visitor Economy' supports further enhancement of tourism facilities.

The proposed LDO would allow the developer to carry out small scale additions, alterations and works within this very large site without the need to apply for planning permission each time and for relatively minor developments. The conditions and limitations restrict development allowed by the LDO such that the intent and substance of the conditions on the planning permissions remains unaffected. The LDO is clearly defined and there are provisions within the LDO which allow the Council to monitor when developments are undertaken under the terms of the LDO.

After taking all the comments into consideration, and amending the draft accordingly in relation to lighting to mitigate against impacts on operational railway safety, it is considered that the LDO is acceptable and in accordance with policies within the Development Plan and the provisions of the NPPF.

It is therefore recommended that the LDO is adopted as amended, and the Secretary of State is notified of its adoption as soon as practicable thereafter.