



Panattoni Park Borehamwood

Local Development Order

February 2024



Panattoni Park, Unit 1 & 6 York Crescent Borehamwood Hertfordshire : Local Development Order

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1. Introduction

Purpose

- 1.1 In accordance with Article 38 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the following Local Development Order (LDO) outlines the reasons for the introduction of an LDO at Panattoni Park Borehamwood (PPB), Unit 1 York Crescent Borehamwood Hertfordshire WD6 1DN and Unit 6 York Way Borehamwood Hertfordshire WD6 1DJ and sets out the measures to be covered by that Order.
- 1.2 The purpose of this LDO is to remove the need for planning applications to be made for certain types of development at the PPB site, in the area highlighted on the enclosed plan (Appendix 1).
- 1.3 PPB is a purpose built distribution depot; part of this Site is being leased by Sky Studios Limited (SSL) for additional storage and other facilities to support the operation of Sky Studios Elstree South. PPB was approved by HBC in July 2019 (ref. 19/0401/OUT) and site comprises 4 warehouses, associated parking and office space. The part of PPB which is occupied and used by UK Power Networks is excluded from the LDO altogether.
- 1.4 It is recognised that operational needs/ requirements of film and television productions vary on an almost daily basis and between different productions and production companies. The aim of the LDO is to support the screen sector by allowing future changes to take place on the site without having to apply for formal planning permissions every time new productions and production companies use the site. This will enable an adaptable and dynamic environment for the film and television industry to be provided, reinforcing Hertsmere's legacy in the sector

LDO Objectives

- 1.5 The LDO aims to facilitate and encourage the usability of PPB in order to allow for greater utilisation of the site for supporting film making and production operations.
- 1.6 This will be achieved through the addition of what are known as 'permitted development rights' on the site and remove the need for planning applications to be made for certain types of development. The LDO will not apply to development undertaken for purposes unrelated to film and television production, as defined in this Order, including any such activities undertaken by occupiers of premises at PPB which are sub-let by SSL.
- 1.7 The LDO will not restrict or remove any permitted development rights associated with the PPB site. As such all permitted development rights will be retained and can be exercised in conjunction with the LDO.

Legislative Framework

- 1.8 The legislative procedures that must be followed in order to bring forward and adopt a LDO are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended, and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.9 To come in to effect a LDO must be adopted by resolution of the LPA. The Secretary of State must be notified of the adoption.
- 1.10 A LDO cannot grant planning permission for development that affects a listed building.

Environmental Impact Assessment (EIA)

- 1.11 A LDO cannot permit development which is termed ‘Schedule 1’ development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as updated). The development permitted by this LDO on this site has been screened in respect of Schedule 2 development under the same regulations, and concluded that EIA is not required for the development authorised under the provisions of this Order.

Habitat Regulations

- 1.12 A LDO cannot permit development which is likely to have a significant effect on a European Site or a European Offshore marine site (either alone or in combination with other plans and projects) and which is not directly connected with or necessary for the management of the site (under Regulation 78 of the Conservation of Habitats and Species regulations 2017, amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018). The development permitted by this LDO on this site has been screened in respect of the regulations concluding that there would be no likely significant effects.

Interaction with other legislation and regulations

- 1.13 The LDO only relates to planning consent; it does not remove the need to obtain other statutory consents and permits from the Council, Environment Agency or other organisations. SSL and other organisations using the site should satisfy themselves that all legislative requirements and consents have been fulfilled, complied with, and / or obtained before proceeding with development.
- 1.14 This includes compliance with relevant regulations around fire risk and safety. In this respect, it is SSL’s responsibility to ensure that any development allowed under this LDO adheres to the most up to date requirements of the Building Regulations 2010, including Approved Document B - Volume 2 and the specific requirements regarding vehicle access and vehicle access route specification. (as set out in Section B5).

Development and consultation process

- 1.15 Pursuant to Article 38 of the Development Management Procedure Order (DMPO) 2015, HBC as the Local Planning Authority prepared a draft LDO.
- 1.16 The draft LDO was subject to a statutory consultation for a period of 28 days. SSL undertook an informal consultation in March 2023, prior to the statutory consultation conducted by HBC.

2. Local Development Order

Site boundary and LDO zone

- 2.1 The site boundary and LDO zone have been highlighted in Appendix 1. The extent of the LDO includes areas adjacent to individual buildings, but it does not include existing buildings, parking areas to the east and west of the site adjacent to the York Crescent access point and beyond the LDO zone, and the buildings and land presently used by UK Power Network.

Lifetime of the LDO

- 2.2 The LDO will be applicable for a period up to 01 July 2037 from the date of issuing. The LDO can be reviewed or revoked at any time.

Supported activities

- 2.3 The LDO is specifically designed to support the additional use of the site to support film and television production. Therefore, within the defined zone on the site, development permitted through the LDO for any purpose other than to support and facilitate filming and television production, as specified below, will not be considered covered by the LDO:
- A. Core pre-production activities (pre-production activities excluding auditioning, rehearsing and performing);
 - B. Film production management activities;
 - C. Design, building, decorating, storage/housing and striking of sets;
 - D. Design, construction, storage and installation of props;
 - E. Design, construction, storage and installation of special effects;
 - F. Design, making, storage and fitting of costumes;
 - G. Design and application of hair and make-up;
 - H. Storage and installation of production lighting;
 - I. Storage of filming equipment including cameras and sound recording devices;
 - J. Technical operations;
 - K. General film maintenance operations;

- L. Provision of catering and associated facilities for cast and crew;
- M. Provision of welfare and holding facilities for cast and crew;
- N. Transportation of filming equipment to and from set;
- O. Post-production activities; and
- P. Transportation of cast and crew to and from set.

Buildings and structures permitted under the LDO

2.4 To support the above activities, the list below sets out potential development covered by the LDO at the Site:

- a. Addition of new lighting and security fixtures (including temporary CCTV), where required to maintain a safe and secure operating environment;
- b. The installation of new temporary structures and buildings which will result in an increase in built floor space on the site. The additional structures/ buildings may adjoin existing buildings; but they must not comprise a permanent extension to an existing building within the LDO area (e.g. sound stages, multi-storey car park or production support buildings). The installation of new, stand-alone structures includes:
 - i. storage containers,
 - ii. marquees,
 - iii. hard sided marquees,
 - iv. modular cabins/offices,
 - v. spray booths,
 - vi. security cabins,
 - vii. trailers
 - viii. catering trucks, and
 - ix. toilet facilities.
- c. Installation of generators, extraction, heating/cooling, ventilation, flues and noise insulation systems;
- d. Installation of fencing/hoarding, or temporary screens/barriers, which could include opaque structures to block views into part of the site for production privacy;
- e. The construction and erection of temporary film sets; and

- f. Erection of canopies and covered walkways.

Conditions

- 2.5 For the avoidance of doubt, the following pre-production and production activities are not permitted through this LDO: auditioning, rehearsing, performing and filming.
- 2.6 The below conditions are applied to the entirety of the LDO area.

Noise

- 2.7 Noise from plant and equipment to be erected within the area covered by the Local Development Order shall be 10dB (LAeq) below the background noise level (LA90) at the nearest residential receptors (5dB below the background noise level if evidence is provided which shows that no tonality is present).
- 2.8 Background noise levels (as referenced above) are as taken from the noise survey (ref: NOTE-1014700-5A-NS-20230329-Panattoni LDO updated survey_Rev0.docx) Appendix 2. Environmental sound surveys were carried out between 16th February and 2nd March 2023 to determine any changes to the acoustic climate at the site.
- 2.9 If any planned or intended plant/ equipment does not meet the criteria set out in condition 2.7, it must be accompanied by appropriate mitigation measures to ensure the above noise levels are complied with upon installation and operation. This may include noise dampening measures or noise insulation.

Lighting

- 2.10 External lighting will be allowed as part of the LDO, for safety and security purposes. Lighting can be either mounted on the outside of structures permitted under this LDO or on a standalone structure.
- 2.11 Independent lighting columns will not exceed 10m in height.
- 2.12 Lighting shall not exceed 50 Lux in combination with any existing and installed external lighting.
- 2.13 Any additional lighting (that is not part of the approved lighting scheme for planning application 19/1737/REM) must be in line with the following criteria:

Purpose / Type	Light Level
Zone 1: Thoroughfares	10 lux maximum
Zone 1: Loading/ Unloading	50 lux maximum

Access

- 2.14 Access to and from PPB off York Crescent and York Way shall be kept clear at all times. Where a structure is erected under the LDO comprises a building to be occupied on a regular basis by people working or visiting the site, provision for disabled access shall be maintained into that building.
- 2.15 Vehicular routes within the site should be kept clear for emergency and servicing vehicles.

Flood risk

- 2.16 Any structure constructed or located on permeable ground or above any drains shall be shall be raised above ground level in order to allow free flow of water under the structure into the ground.

Generators

- 2.17 Generators will be allowed adjacent to buildings for a period of up to 5 years from the date on which this LDO is adopted, to supplement grid power. After the initial 5 year period, the use of generators will be reviewed.
- 2.18 Each generator shall not exceed a capacity of 1250kVa. Cumulative capacity of the generators shall not exceed a capacity of 2 MW.
- 2.19 In the event that SSL cannot demonstrate, to the satisfaction of the Local Authority, that it would limit generator use to a maximum level of a NOx emission rate being less than 5mg/sec as set out in paragraph 2.18, then before any generators permitted through this LDO are installed, a detailed assessment shall be completed in conjunction with a dispersion model, for example ADMS 6, which assesses their cumulative operational impact on the Local Area. In such an event, no generators shall be used until after an Air Quality Assessment report, together with a statement of method and extent in order to mitigate/minimise the effects of air pollution, have been submitted to and approved in writing by the Local Planning Authority.
- 2.20 The submission of any required assessments for both Sky Studios Elstree South and Panattoni Park should be made at the same time. Assessing each LDO site in isolation may not provide sufficient assessment of the impact of nitrogen dioxide, which may lead to a nitrogen dioxide creep/increase within the local area.
- 2.21 No more than 8 generators will be allowed on site at any one time. It should be noted that an Environmental Permit would otherwise be required under The Environmental Permitting (England and Wales) Regulations 2016 (as amended), in the event the net rated thermal input of their Generators and or any other centralised combustion process(s) achieves 20 MW or greater.

Duration of structure and use

- 2.22 The land on which any development permitted by the LDO must, if it is no longer required for that purpose, be reinstated to its condition before that development was carried out.

Monitoring

- 2.23 Details of development undertaken through the provisions set out in this LDO shall be set out in an annual LDO report to be submitted to the Council by SSL in accordance with paragraphs 3.3 and 3.4

Height

- 2.24 The height of any structure, works, plant or machinery provided under the LDO Zone 1 shall not exceed:
- a. 10 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the site, or 5 metres for the installation of fencing or hoarding or other screening (red line boundary);
 - b. 15 metres on the remaining area

Informatives

- A problem can also occur when footings of buildings are too close to substation structures. Vibration from the transformer can be transmitted through the ground and into the walls of adjacent buildings. The following advice is provided:
 - The distance between buildings and substations should be greater than seven metres or as far as is practically possible.
 - Care should be taken to ensure that footings of new buildings are kept separated from substation structures.
 - Buildings should be designed so that rooms of high occupancy do not overlook or have windows opening out over the substation.
 - If noise attenuation methods are found to be necessary, UK Power Networks may seek to recover costs from SSL.
 - UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.
 - The development may have a detrimental impact on UK Power Networks' rights of access to and from the substation. If in doubt advice should be sought from UK Power Network via its Operational Property and Consents, Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.
 - No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.
 - There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from UK Power Networks, Plan Provision Department, Fore Hamlet, Ipswich, IP3 8AA.
 - All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.
- Should any diversion works be necessary as a result of the development then enquiries should be made to the Customer Connections department at UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

3. Monitoring, review, modification and revocation

Monitoring and enforcement

- 3.1 The Council will monitor the implementation of the LDO once it is adopted to ensure that development remains compliant with the conditions and requirements set out within the LDO.
- 3.2 Development proposals which do not comply with the provisions of this LDO and which are not otherwise permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any subsequent amendments) will require the submission of a planning application. Failure to adhere to this requirement will result in unauthorised development being investigated and may result in enforcement action being taken.
- 3.3 SSL will submit an annual LDO report to the Council, within 30 days of the anniversary of the date of the adoption of the LDO. The annual LDO report shall contain details of
 - The location, type and principal use of buildings and structures specifically permitted through the LDO which are in situ at the end of the 12 month period; (a full record of structures over the duration of each 12 months is not required although details should be provided if available); and a thermal schedule shall be maintained whenever any generators are operated on site.
 - The record for each generator shall include the installation and removal dates, fuel type, type of appliance used including the make & model and whether it is a gas turbine or compression ignition engine and the net rated thermal input of each generator in Megawatts (MW), and the total capacity (kVa), as used over the previous 6 months during the first year of the LDO coming into effect and as used over previous 12 months thereafter.
- 3.4 The annual LDO report is not expressly required to include details of those buildings and structures erected within the LDO area during any 12 month period which are otherwise permitted under national permitted development rights, including temporary structures in situ for no more than 28 days.
- 3.5 HBC reserves the right to undertake annual site visits with 10 working days notice to SSL.

Review

- 3.6 The LDO shall be kept under review to enable HBC to consider whether it remains expedient for the proper planning of the area having regard to the adopted Local Plan and other material planning considerations. This shall include a review of the use of generators on the site after the first five years of the LDO in the interests of reducing carbon emissions from the site.

Modification and revocation

- 3.7 This LDO may be modified or revoked at any point during its period with notice, should the Council decide that the LDO conditions have not been adhered to; or the use of the LDO causes material harm to any environmentally sensitive receptors nearby or undermines the ability to achieve net-zero emissions from new development; or other detrimental effects which justify such action. Ahead of any intention to modify or revoke, a warning notice would be issued to SSL 3 months prior, identifying the reasons for the proposed modification or revocation. SSE's Director of Operations will be its principal contact regarding the LDO and prior engagement will be undertaken with the Director of Operations ahead of any notice being issued.
- 3.8 The LDO would cease to have affect 3 months from the date the notice is served (by local advertisement) or following the completion of any works currently underway as part of the LDO, whichever is latest.
- 3.9 Any development constructed under the LDO, if revoked, must be removed if planning permission is not obtained within 3 months of the date of the revocation notice.

4. Glossary

Background Noise Levels: The noise levels as measured in the Appendix 2 noise report survey. These noise levels can be reviewed and updated by Environmental Health at their discretion.

Core pre-production activities: the process of planning and designing for the proposed production which for the purposes of the LDO for PPB, specifically excludes auditioning, rehearsing and performing.

Film Production management activities: the co-ordination, organisation and administration of filming during the production phase.

Privacy screens/barriers: temporary solid barriers or panels erected for the purposes of reducing views into the site for production privacy and security.

LDO area: the parts of the site located within the defined zones and any other locations specifically identified on the plan in Appendix 1.

LDO period: the intended duration of the Local Development Order, namely a 15 year period. The LDO may be reviewed or revoked at any time.

Original Planning Consent: Ref 19/0401/OUT - Demolition of existing buildings and erection of new employment units for flexible use within Use Classes B1 (c) (light industry), B2 (general industrial) and B8 (storage and distribution), including ancillary offices and open air storage, plus alterations to and creation of new accesses from the highway; provision of car parking, service yards and external plant; means of enclosure, acoustic screens, landscaping and lighting. Outline application with all matters reserved.

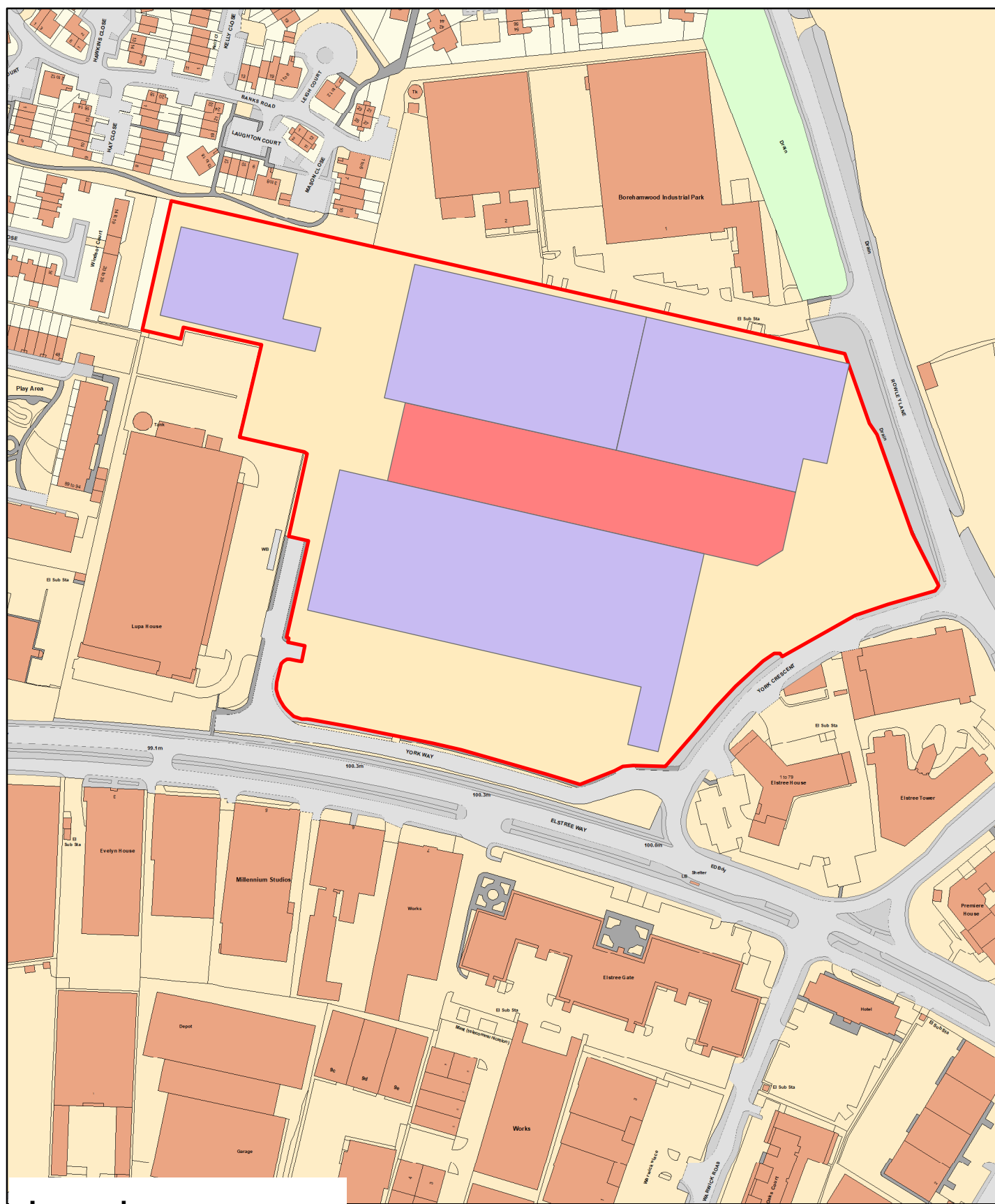
Post-production activities: the activities that take place to complete a production once filming has finished, which could include reviewing and editing content that has been produced on site.

Technical operations: the installation of props, lighting, cameras or sound equipment for the use of during film production. Examples include: lighting, camera, sound, IT.

Temporary buildings and structures: Buildings and structures as allowed under the LDO shall not be placed on site for more than 5 years in a continuous period.

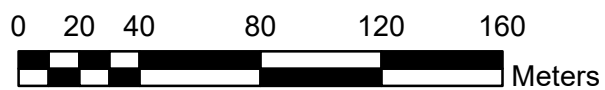
Temporary film sets: structures which comprise a set for use in production, including backdrops and buildings.

Appendix 1: Panattoni Park Borehamwood LDO Zone Map



Legend

-  Panattoni Park Buildings
 Panattoni Park LDO Zone
 Site Boundary



1:2,500

