



Local Development Order (LDO 3)

Leeds District Heating Network

February 2022

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Leeds City Council

Leeds District Heating Network Local Development Order (LDO 3)

Town and Country Planning Act 1990 (as amended)

Statement of Reasons

Description of Development Permitted by this Local Development Order

The Local Development Order (“LDO”) grants planning permission for the development of a District Heating Network (DHN) comprising of pipes, cables and wires, heat exchange equipment, street furniture, informational signage and ancillary engineering works within defined areas of land in the City of Leeds and shown on the attached map (MAP LDO 3), subject to conditions.

Justification for creating this Local Development Order

The principal aim of the LDO is to encourage the uptake and implementation of a DHN in accordance with Leeds Core Strategy policy EN4 District Heating.

Leeds City Council (“Council”) is determined to promote and support the development of an ambitious, city-wide DHN. By distributing heat to multiple users through a underground pipe network, several thousand homes and businesses can be connected to remote sustainable heat sources. The Recycling and Energy Recovery Facility (RERF), less than two miles to the east of the city centre, creates an opportunity for the creation of large volumes of heat, close to the densely developed urban area.

The Energy Masterplan identifies a realistic strategic network that could be developed over the long-term to supply circa 120MW of connected load with circa 40MW of heat capacity from low carbon generation sources, articulating how a critical piece of infrastructure could help deliver the Council’s carbon reduction ambitions. In summary, the primary aims are:

- To reduce vulnerable residents’ fuel bills by circa 10% to tackle fuel poverty;
- To maximise CO2 emissions reduction opportunities associated with the Recycling and Energy Recovery Facility developed as part of the Waste PFI (the “RERF”) to contribute to our citywide target of 40% CO2 reductions between 2005 and 2020;
- To establish the first phase of a city-wide district heating network to stimulate additional investment in heat networks as a way to provide low carbon heat from the perimeter to the city centre.

Ramboll have identified a range of heat sources for this long-term project, including other Energy Recovery Facilities, data centres and industrial processes and hundreds of development sites and existing buildings that could connect to make use of the heat. In simple terms, 40MW of low carbon generation would provide enough heat for approximately 48,000 average homes; equivalent to all the houses in a city the size of Exeter.

The short-term priority for the Council is to build an initial network to supply heat from the RERF in order to generate confidence in heat networks and create an oversized spine heat network that can be developed over future phases.

In addition to the benefits implicit in the aims, the principal anticipated benefits are:

- Creation of construction and maintenance jobs;
- Greater retention of wealth within the local economy;
- Demonstration of the benefits of district heating with a view to persuading public and private sector partners to connect;
- Initiation of a strategic network to allow the Council to implement Core Strategy Policy EN4, requiring new developments to connect and providing an outlet for heat from proposed waste/energy activities in Aire Valley Leeds;
- Improved comfort levels in flats and more controllable heating;
- Further enhancement of the environmental performance of the RERF, and benefits of using the heat locally.

The Council regards the DHN as the key to unlocking long-term decarbonisation of heat in the city. DHN pipes can last up to 80 years, offering long term potential for future expansion to connect low carbon heat sources to dense city centre heat loads, principally by means of underground pipes.

Since the LDO's inception in 2016, the council has declared a climate emergency. The council is now committed to making Leeds carbon neutral by 2030, and tackling climate change is one of the 3 key pillars within the Best Council Plan. The measures identified to achieve carbon neutrality by 2030 include:

- reduce the council's carbon footprint
- reduce the level of greenhouse gas emissions from buildings in the city
- promote a less wasteful, low carbon economy
- reduce flooding and other risks from the impact of climate change
- build sustainable infrastructure
- to help residents reduce their own carbon footprints

The LDO will help realise these goals through the city centre and surrounding areas, in addition to preparing for evolving national regulation and zoning policies.

There are currently industry-led initiatives designed to improve consumer protections and technical standards such as the Heat Trust.

In 2020, the Government ran a consultation to seek views on policy options for development of a regulatory framework for heat networks. This framework, when introduced, will protect consumers, support market growth and help develop low carbon neat networks. It is anticipated that Ofgem will be appointed as an industry regulator in the next year.

The Government has recently concluded a consultation on its proposals to introduce heat network zoning from 2025. Zoning will identify areas where heat networks are the most appropriate and low-cost solution for decarbonisation of heating, and establish processes and legislation that will mandate connection of new and existing buildings within each zone.

The next stage is a pilot programme running from January to July 2022, of which Leeds is a participant.

The LDO will offer certainty for those persons or businesses seeking to create or connect to the DHN by eliminating the requirement to obtain planning permission. Furthermore, it ensures the planning system further facilitates delivery of the aspirations of the Council and wider community to deliver green energy facilities within the area, whilst retaining important safeguards over the appearance of installations. Planning permission is still required for large structures and development affecting listed buildings and development within the curtilage of listed buildings which are excluded from the scope of the LDO. These measures will ensure that the LDO does not have a detrimental impact on the most valuable heritage assets.

Heritage assets within a conservation area will be protected by an additional restriction on the cubic volume and signage size of above ground structures. A more relaxed limit will apply in those areas not designated as a conservation area.

The LDO areas shown on MAP LDO 3 principally concern those areas of the public adopted highway, Council controlled land and other large Leeds' institutions of the hospitals and universities, which heat density mapping has identified to be the most suitable and likely location for creation or extension of a DHN.

Statement of Policies that this Local Development Order will implement

The LDO is consistent with and will help deliver a number of national and local planning policies and guidance.

The National Planning Policy Framework (NPPF) advises that local planning authorities should consider using Local Development Orders to set the planning framework for 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, such as boosting enterprise and promoting low carbon technologies to reduce the impacts and mitigate the effects of climate change. In particular, the framework states that local planning authorities should actively support energy efficiency improvements and have a positive strategy to promote renewables.

Section 182 of the Planning Act 2008 puts a legal duty on local authorities to include policies on climate change mitigation and adaptation in Development Plan Documents. Section 14 of the National Planning Policy Framework (NPPF) details how the planning system should meet the challenge of climate change, flooding and coastal change. Paragraph 153 requires the planning system to help to:

Shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 154 states that new development should be planned for in ways that:

- a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care*

should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.*

Paragraph 155 states that to help increase the use and supply of renewable and low carbon energy and heat, plans should:

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

Paragraph 156 requires:

Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.

The LDO accords and assists with implementation of local plan policies as follows:

¹ In assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure (read with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure, including that on aviation impacts). Where plans identify areas as suitable for renewable and low-carbon energy development, they should make clear what criteria have determined their selection, including for what size of development the areas are considered suitable. Achieving sustainable development

Leeds Core Strategy

POLICY EN1: CLIMATE CHANGE – CARBON DIOXIDE REDUCTION

All developments of 10 dwellings or more, or over 1,000 square metres of floorspace, (including conversion) where feasible), will be required to:

- (i) Reduce total predicted carbon dioxide emissions to achieve 20% less than the Building Regulations Target Emission Rate until 2016 when all development should be zero carbon, and
- (ii) Provide a minimum of 10% of the predicted energy needs of the development from low carbon energy.

Carbon dioxide reductions achieved through criteria (ii) will contribute to meeting criteria (i).

Criteria (ii) will be calculated against the emissions rate predicted by criteria (i) so reducing overall energy demand by taking a fabric first approach will reduce the amount of renewable capacity required.

If it can be demonstrated that decentralised renewable or low carbon energy generation is not practical on or near the proposed development, it may be acceptable to provide a contribution equivalent to the cost of providing the 10%, which the council will use towards an off-site low carbon scheme. The opportunity to aggregate contributions to deliver larger scale low carbon projects would be implemented independent of the development. Wherever possible, the low carbon projects would be linked with local projects that would bring local benefits.

The general approach of pooling off-site contributions through planning obligations was replaced by the council's adoption of CIL in November 2014 (effective from April 2015). District heating appears on the CIL 123 list.

Applicants will be required to submit an Energy Assessment with their application based on expected end user requirements to demonstrate compliance with this Policy. Where end user requirements change significantly, an updated EA should be submitted prior to construction.

POLICY EN2: SUSTAINABLE DESIGN AND CONSTRUCTION

Non-residential developments of 1,000 or more square metres (including conversion) where feasible are required to meet the BREEAM standard of 'excellent'.

POLICY EN3: LOW CARBON ENERGY

The Council supports appropriate opportunities to improve energy efficiency and increase the large scale (above 0.5 MW) commercial renewable energy capacity, as a basis to reduce greenhouse gas emissions. This includes wind energy, hydro power, biomass treatment, solar energy, landfill gas, and energy from waste.

Protection of internationally designated nature conservation sites will be a key consideration, including relevant Policies contained as part of the Natural Resources and Waste Local Plan. Proposals for biomass power generation are required to supply an assessment of the potential biomass resource available (including location) and the transport implications of using that resource. Any development that may lead to an adverse effect on the integrity of a European site will not be supported.

POLICY EN4: DISTRICT HEATING

Where technically viable, appropriate for the development, and in areas with sufficient existing or potential heat density, developments of 1,000 sqm or more or 10 dwellings or more (including conversions where feasible) should propose heating systems according to the following hierarchy:

- (i) Connection to existing District heating networks,
- (ii) Construction of a site wide District heating network served by a new low carbon heat source,
- (iii) Collaboration with neighbouring development sites or existing heat loads/sources to develop a viable shared District heating network,
- (iv) In areas where District heating is currently not viable, but there is potential for future District heating networks, all development proposals will need to demonstrate how sites have been designed to allow for connection to a future District heating network.

Carbon savings and renewable energy generation achieved under this policy will contribute to EN1(i) and EN1(ii).

Natural Resources and Waste Local Plan

ENERGY 3: HEAT AND POWER ENERGY RECOVERY

Proposals for low carbon energy recovery methods, including Combined Heat and Power applications, and supporting infrastructure will be supported in principle. The proposals must demonstrate that:

- The facility has the potential to connect to an outlet for any energy produced;
- The development has addressed as a minimum the potential environmental impacts listed in WASTE 9; and

New proposals for Energy Recovery from Waste should demonstrate the potential to contribute towards CHP.

ENERGY 4: HEAT DISTRIBUTION INFRASTRUCTURE

The promotion of heat distribution infrastructure will be supported providing that the following are undertaken and are satisfactory:

- An assessment of environmental effects;
- An assessment of heat source(s) and heat use.

Legal advice

The LDO has been reviewed by the Council's legal department who confirm that it complies with the statutory requirements as set out in the Town and Country Planning Act 1990 (as amended) and Planning and Compulsory Purchase Act 2004 and requirements of current Government guidance.

Leeds City Council

Leeds District Heating Network Local Development Order

Town and Country Planning Act 1990 (as amended)

Part I - Area covered by the Local Development Order (LDO)

Within the Leeds Metropolitan District, planning permission is hereby granted for the installation of district heating apparatus as specified in Part II - Description of Development, within the areas shown on MAP LDO 3.

Part II - Description of Development

In pursuance of the powers under the above Act, Leeds City Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to the conditions listed under Part III:

Permitted Development

Development of a district heating network, including pipes, cables and wires, heat exchange equipment, street furniture, informational signage and ancillary engineeringworks, subject to conditions.

Development not permitted

Development is not permitted by this Order if it constitutes, consists of or comprises:

- above ground cabinets, buildings or structures of greater than 1.5 cubic metres in volume or greater than 1.4m in height,
- any sign of greater than 500 square centimetres in area;
- works within a designated conservation area where:
 - above ground cabinets, buildings or structures of greater than 1.0 cubic metres in volume or greater than 1m in height;
 - any sign of greater than 250 square centimetres in area.
- any thermal energy generating plant or equipment;
- EIA development as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
- any works within the curtilage of a Listed Building or Scheduled Ancient Monument, and their settings;
- any above-ground development on land within 50 meters to the curtilage of a Listed Building or Scheduled Ancient Monument;
- within areas to which a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 is in force, development of a type described in that Direction;
- any works within 15 metres of a designated Ancient Woodland.

Part III – Conditions

Preamble

In these conditions:

“**the council**” means Leeds City Council

“**the development**” means the works authorised by the Order;

“**the Local Planning Authority**” means Leeds City Council;

“**the Order**” means the Leeds District Heating Network Local Development Order.

Other Statutory Requirements

Whilst the LDO grants planning permission for certain types of development as described in Part I and Part II, it does not grant other consents that may be required under other legislation. It will remain the responsibility of the developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to. Although not an exhaustive list, particular attention is drawn to the following relevant legislation:

European

- Directive 92/43/EEC (Habitats);
- Directive 85/337/EEC (amended by Directive 97/11/EC) (Environmental Impact Assessment).

National

- The Highways Act 1980;
- New Roads and Street Works Act 1991
- Wildlife and Countryside Act 1981;
- Planning (Listed Buildings and Conservation Areas) Act 1990;
- Ancient Monuments and Archaeological Areas Act 1979;
- Hedgerow Regulations 1997;
- Town and Country Planning Act (Trees) Regulations 1999;
- Conservation of Habitats and Species Regulations 2010 (as amended);
- The Environmental Permitting (England and Wales) Regulations 2010;
- Health and Safety Executive;
- Building Regulations;
- The Town and Country Planning Act 2007 (Control of Adverts)(England);
- The Planning Act 1990 (Hazardous Substances);
- The Planning Regulations 1992 (Hazardous Substances).

Failure to comply with the relevant statutory requirements could result in any development being unlawful and may result in appropriate enforcement action being taken by the council and/or other agencies. It is the responsibility of the developer / development to be in accordance with all relevant legislation.

Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order will expire on 31st December 2025.

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

1. Reinstatement

Prior to the expiry of sixty days from date of completion of temporary works, the site of the temporary works shall be reinstated to the condition which existed prior to such works taking place.

Reason: To ensure that all land over the heating networks is reinstated promptly and to an appropriate standard.

2. Trees & Hedgerows

No development affecting trees or hedgerows shall commence until:

- (a) where any trees having a stem diameter of 100mm or greater are intended to be lopped, pruned or felled in connection with the carrying out of development in relation to that phase, a scheme identifying those trees and setting out how the works are to be carried out in conformity with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority;
- (b) where trees having a stem diameter of 100mm or greater are to be felled in relation to that phase, a scheme for their replacement has been submitted to and approved in writing by the Local Planning Authority, including provision for the replanting of any trees (ratio 3 for 1) which require replacement in consequence of accidental damage during the construction period; and
- (c) a scheme for the protection, during the period of construction, of all retained mature trees in the vicinity of the development in relation to that phase identifying their location and species and conforming with BS5837:2012, and a method statement including particulars relating to working methods, temporary protective fencing, location of hoardings and areas prohibited for use by contractors, has been submitted to and approved in writing by the Local Planning Authority.
- (d) any hedgerows to be removed have been assessed against the Hedgerow Regulations (1997) to assess their ecological and historical importance prior to removal. Where a hedgerow is identified as "Important" measures will need to be agreed with the LPA to avoid or minimise adverse impacts, in which case consideration should be given to tunnelling under the hedgerow. Any sections of hedgerow to be removed will need to be replanted with appropriate native shrubs and trees together with appropriate protection measures.

- (e) a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before (within 24 hours) any vegetation is removed between March and August inclusive, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the LPA within 3 days of works being carried out.

The developer shall subsequently comply with the schemes approved under the requirements of this condition.

Reason: To ensure adequate protection of existing trees and the replacement of trees to be lost.

3. Tree & Hedgerow Maintenance

If within a period of five years from the date of the planting of any tree, hedge or shrub that tree, hedge or shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, 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 policies GP5 and LD1 of the Leeds Unitary Development Plan Review 2006.

4. Biodiversity and Protected Species

a) Prior to commencement of development, a Preliminary Ecological Appraisal (carried out as per the Guidelines for PEA by CIEEM) will be carried out and submitted to the LPA. Where protected species may be affected, any relevant surveys should be carried out and submitted as part of the PEA. Any recommended mitigation to avoid adverse impacts on protected species or other sensitive ecological receptors (as identified in the PEA) shall be carried out in full.

b) Prior to approval for removal of any tree or built structure, a Bat Roosting Potential Survey will be carried out by an appropriately qualified bat consultant. Where bat roosting potential is identified, a bat survey as per the "Minimum Standards for Bat Surveys in West Yorkshire" <http://www.ecology.wyjs.org.uk/documents/ecology/Bat-Surveys-Approved.pdf> will be carried out and submitted to the LPA. Any recommended mitigation to avoid adverse impacts on bats shall be carried out in full.

Reason: to avoid impacts on protected species and ensure no net loss of biodiversity as per the NPPF para. 109 and to confirm presence or likely absence of a protected species (bats) and ensure works are carried out to avoid adverse harm to a protected species.

5 Importation of Soils

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. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology 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 risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) 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 contaminated soils are not imported to the site and that the development shall be suitable for use with respect to land contamination in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

6 Development within Designated Conservation Areas

Within designated conservation areas, above ground development must reflect the guidance set out in the relevant conservation area appraisal for that area. A new structure (excluding signs) shall be coloured black.

Reason: To minimise visual impact of new development within designated conservation areas.

7 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.

8 Unexpected Land Contamination

The Local Planning Authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

Reason: To enable the local planning authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be suitable for use in accordance with policies Land 1 of the Natural Resources and Waste Local Plan 2013 and GP5 of the Unitary Development Plan Review 2006.

9 Construction management details

Prior to works commencing on phase of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- (a) the proposed hours of works taking into account the proximity of potential sensitive receptors;
- (b) details of the methods to be employed for the prevention of mud, grit, dust and dirt being carried onto the public highway from the development; and
- (c) details of the methods to be employed to minimise the potential for the creation of dust from the development and
- (d) details of the means of protecting water and waste water infrastructure.

The works shall be carried out in accordance with the approved details. Reason: In the interests of public amenity, public health and highway safety.

Map LDO 3

The map of LDO 3 is provided at the following link:

[LCC - LDO3 \(arcgis.com\)](#)