



Sky Studios Elstree Local Development Order February 2024



Sky Studios Elstree South, Land East of Rowley Lane: 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 Sky Studios Elstree (SSE), Borehamwood 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 SSE site, in the area highlighted on the enclosed plan (Appendix 1).
- 1.3 SSE is a large film and TV studio, developed by Sky Studios Limited (SSL) approved by Hertsmere Borough Council (HBC) in September 2020 (ref. 20/0315/FULEI). The Studio site comprises 12 flexible sound stages, production offices, production support/workshop space and screening rooms, together with car parking, ancillary facilities and associated works.
- 1.4 It is recognised that operational needs/requirements of film productions vary on an almost daily basis and between different productions and production companies. The aim of the Local Development Order 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 SSE in order to allow for greater utilisation of the site for 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.
- 1.7 The LDO will not restrict or remove any existing permitted development rights associated with the SSE 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 An 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 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. The main planning permission for SSE was itself subject to a full EIA.

Habitat Regulations

- 1.12 An LDO cannot permit development which is determined to have any adverse effects 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 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, particularly 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 has 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 zones

- 2.1 The site boundary has been highlighted in Appendix 1 and the extent of the LDO is defined through numbered Zones on this plan.
- 2.2 It should be noted that the LDO does not cover the whole site with certain areas, including all existing buildings and perimeter landscaping, excluded from it.
- 2.3 The LDO has been broken down into 3 zones with different rights and conditions placed upon them in order to manage and address the potential impacts that the allowed activities and structures may have:
 - a. Zone 1 (as referenced on Appendix 1) will encompass most of the LDO area;
 - b. Zone 2 (as referenced on Appendix 1) will include the central landscaped plaza, excluding the planting area;
 - c. Zone 3 (as referenced on Appendix 1) will include the eastern planting area located in the central plaza (Zone 2);
 - d. Zone 4 (as referenced on Appendix 1) will include the north-western part of the central plaza;

Lifetime of the LDO

- 2.4 The LDO is not time limited and will grant permission for the specified development. However, the LDO can be reviewed or revoked at any time.

Supported activities

- 2.5 The LDO is specifically designed to support the use of the site as a film and television studio. Therefore, within the defined zones on the site, development permitted through the LDO for any purpose other than to support and facilitate filming and television production, as specified below and in each specific LDO zone, will not be considered covered by the LDO:
 - A. Pre-production activities;
 - 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.

2.6 It should be noted that although as a whole the LDO supports all of the above activities, the specific activities allowed on each LDO zone may be different from each other, depending on their constraints, as detailed in later sections.

Buildings and structures permitted under the LDO

2.7 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 buildings and structures 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 (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 and noise insulation systems;
 - d. Installation of outdoor TV/ projection screens;
 - e. Installation of fencing/ hoarding, or temporary screen/barriers, which could also include opaque structures to block views into part of the site for production privacy;
 - f. The construction and erection of temporary film sets;
 - g. Erection of canopies and covered walkways; and
 - h. Erection of awning.

Overall conditions across the whole LDO area

2.8 The below conditions are applied to the entirety of the LDO area regardless of the zone within which development is located.

Noise

2.9 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).

2.10 If any planned or intended plant/ equipment does not meet the criteria set out in paragraph 2.9, 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

2.11 External lighting will be allowed as part of the LDO, including for safety and security purposes, together with required supporting structures.

2.12 Independent lighting columns will not exceed 10m in height.

2.13 Further lighting for external sets/production must be down lit.

- 2.14 Lighting shall not exceed 50 Lux in combination with any existing and installed external lighting.
- 2.15 Additional lighting in combination with any external lighting must not result in light spillage of over 1 Lux at the waterways to the north and south of the site and at the SUDs ponds to the east of the site.
- 2.16 Additional lighting in combination with any external lighting should follow best practice guidance provided by the Bat Conservation Trust and Institute of Lighting Professionals (Guidance Note 08/10: Bats and artificial lighting in the UK (BCT & ILP, 2018).
- 2.17 Further restrictions on lighting for each LDO zone are detailed in each section.

Access

- 2.18 All vehicular and pedestrian accesses to SSES off Rowley Lane shall be kept clear at all times maintaining the width of access as approved under the Minor Amendment planning consent (22/0808/MA).
- 2.19 Where a structure 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.

Flood risk

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

Duration of structures and use

- 2.21 No structures are permitted to be constructed, installed or located within 8m from any waterway located on or around the site.
- 2.22 The land on which any development permitted by the LDO has been carried out must, as soon as reasonably practicable after the end of the filming period, 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.

Informatives

- If the proposed works are located within 6m of a UK Power Networks substation, then UK Power Networks are notifiable under the Party Wall etc. Act 1996. SSL should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. SSL would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered

office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.

- 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.

Conditions for development in Zone 1 (Refer to Appendix 1)

2.24 Development that satisfies all of the criteria set out in this section is permitted in the LDO Zone 1.

Activities in Zone 1

2.25 Only the following activities are permitted within the LDO Zone 1: all activities listed under paragraph 2.5.

Structures in Zone 1

2.26 Only the following structures are permitted within the LDO Zone 1: all structures listed under paragraph 2.7.

Height

2.27 The height of any structure, works, plant or machinery provided under the LDO Zone 1 shall not exceed 15 metres above ground level, or 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 (that are located on the / within the red line boundary).

Lighting in zone 1

2.28 In accordance with the approved lighting strategy for the site, any additional lighting 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

Generators

2.29 Generators will be allowed adjacent to buildings in Zone 1 for a period of 5 years from the date on which this LDO is adopted, to supplement grid power when productions are occupying sound stages and during filming. After the initial period of 5 year, the use of generators will be reviewed.

2.30 Each generator shall not exceed a capacity of 1250kVa. Cumulative capacity of the generators shall not exceed a capacity of 2 MW.

2.31 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 2.30, 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.

2.32 The submission of 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.

- 2.33 No more than 10 generators will be allowed on site at any one time. An Environmental Permit will 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.

Emergency access area

- 2.34 A pedestrian footpath with a minimum width of 1.5m shall be maintained along the access routes at all times in order to allow the safe flow of pedestrians within the site.

Conditions for development in Zone 2 (Refer to Appendix 1)

- 2.35 Development that satisfies all of the criteria set out in this section is permitted in the LDO Zone 2.

Activities in Zone 2

- 2.36 Only the following activities are permitted within the LDO Zone 2:
- ▼ Provision of catering and associated facilities for cast and crew;
 - ▼ Provision of welfare and holding facilities for cast and crew;
 - ▼ Storage and installation of production lighting;
 - ▼ Storage of filming equipment including cameras and sound recording devices;
 - ▼ Technical operations;
 - ▼ General film maintenance operations;
 - ▼ Transportation of filming equipment to and from set;
 - ▼ Post- production activities; and
 - ▼ Transportation of cast and crew from set.

Structures in Zone 2

- 2.37 To protect the functions and appearance of the central landscape area, only suitable structures listed under paragraph 2.7 are permitted within the LDO Zone 2. These are:
- ▼ addition of new lighting and security fixtures (including temporary CCTV);

- ▼ marquees;
- ▼ hard sided marquees;
- ▼ trailers;
- ▼ catering trucks;
- ▼ toilet facilities;
- ▼ outdoor TV/ projection screens;
- ▼ the erection of temporary film sets;
- ▼ erection of canopies and covered walkways.

Height

2.38 The height of any structure, works, plant or machinery provided in LDO Zone 2 shall not exceed 5 metres in height.

Lighting in Zone 2

2.39 In accordance with the approved lighting strategy for the site, any additional lighting must be in line with the following external lighting criteria:

Purpose / Type	Light Level
Zone 2: Central Plaza	5 lux maximum

Conditions for development in Zone 3 (Refer to Appendix 1)

2.40 Development that satisfies all of the criteria set out in this section is permitted in the LDO Zone 3.

Activities in Zone 3

2.41 The following activities are permitted within the LDO Zone 3:

- ▼ Provision of catering and associated facilities for cast and crew;
- ▼ Provision of welfare and holding facilities for cast and crew;
- ▼ Storage and installation of production lighting;
- ▼ Storage of filming equipment including cameras and sound recording devices;

- ▼ Technical operations;
- ▼ General film maintenance operations;
- ▼ Transportation of filming equipment to and from set;
- ▼ Post- production activities; and
- ▼ Transportation of cast and crew from set.

Structures in Zone 3

- 2.42 Only the structures listed under paragraph 2.7.d (the installation of outdoor TV/ projection screen), catering trucks and canopies are permitted within the LDO Zone 3.
- 2.43 Any destruction or loss of planting within the central landscaped plaza due to activities associated within this zone shall be replaced on a like for like basis at the first planting period of the year.

Height

- 2.44 The height of any structure, works, plant or machinery installed in the LDO Zone 3 shall not exceed 5 metres in height above ground level.

Lighting in zone 3

- 2.45 In accordance with the approved lighting strategy for the site, any additional lighting in Zone 3 shall not exceed 5 Lux.

Conditions for development in Zone 4 (Refer to Appendix 1)

- 2.40 Development that satisfies all of the criteria set out in this section is permitted in the LDO Zone 4.

Activities in Zone 4

- 2.41 The following activities are permitted within the LDO Zone 4:
- ▼ Provision of catering and associated facilities for cast and crew;
 - ▼ Provision of welfare and holding facilities for cast and crew;

Structures in Zone 4

- 2.42 Only the structures listed under paragraph 2.7.h (Erection of) awning, are permitted within the LDO Zone 4.
- 2.43 No destruction or loss of planting within the central landscaped plaza due to activities associated within this zone shall occur as part of the associated use.

Height

- 2.44 The height of any structure installed within LDO Zone 4 shall not exceed 3.5 metres in height above ground level.

Lighting in zone 4

- 2.45 In accordance with the approved lighting strategy for the site, any additional lighting in Zone 4 shall not exceed 5 Lux.

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 buildings and 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

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

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

Original Planning Consent: Ref: 20/0315/FULEI - Development of film/production studios (Use Class B1b) and ancillary floorspace, new access arrangements, car parking, landscaping, infrastructure and associated works.

Minor Amendment Planning Consent (Access): Ref: 22/0808/MA - Application for non-material amendments to the drawings listed in Condition 2 of planning permission 20/0315/FULEI to allow for changes to the design.

Pre-production activities: the process of planning and designing for the proposed production. Examples include: script review, casting, rehearsal etc.

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

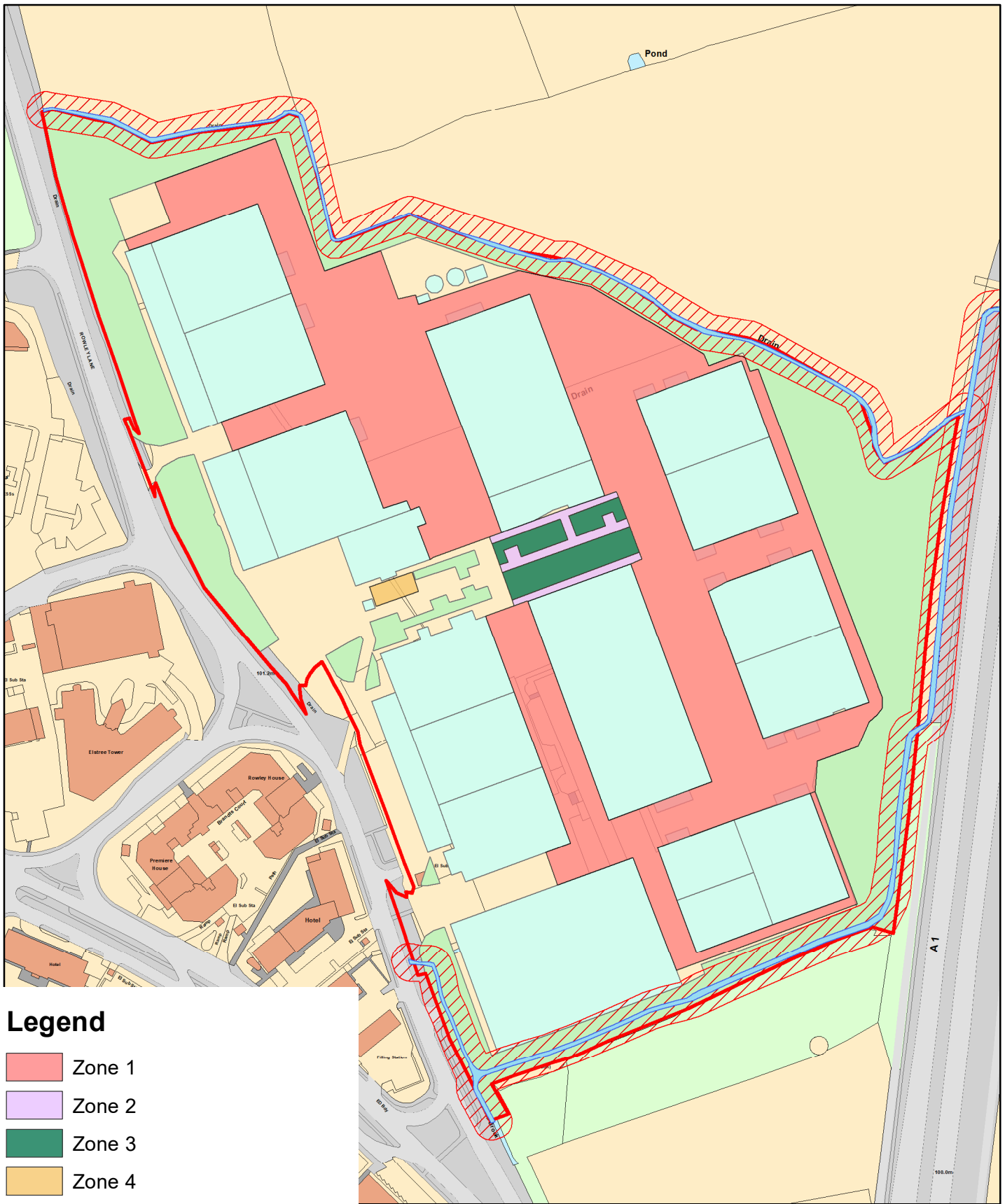
Post-production activities: the activities that take place to complete a production once filming has finished, which could include reviewing and editing content that has been produced on site.

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.

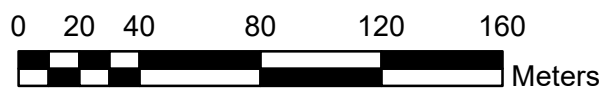
Temporary film sets: structures which comprise a set for use in production, including backdrops and buildings.

Appendix 1: Sky Studios Elstree LDO Zone Map



Legend

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Watercourse
- Watercourse 8m Buffer
- Site Boundary
- Sky Studios Elstree Buildings



1:2,500

