

## HEMSWELL CLIFF FOOD ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER (LDO) 2017

This Order is adopted by West Lindsey District Council ("the Council") under the powers conferred on the Council as local planning authority by sections 61A-61D of and Schedule 4A to the Town and Country Planning Act 1990 (as amended) ("the Act") and pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015 and shall be known as the Hemswell Cliff Local Development Order 2017 (the "Order").

1. In this Order:
  - 1.1 definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply to interpretation of this Order and references in this Order to "Use Class" are accordingly a reference to the relevant Use Class set out in the Town and Country Planning (Use Classes) order 1987 (as amended); and
  - 1.2 terms defined in Schedule 3 have the meaning given to them there.
2. Subject to article 3 below, planning permission is hereby granted for the development within the Hemswell Cliff LDO Site set out in all Parts of Schedule 1 subject in each case to the restrictions and conditions set out in the relevant Part of Schedule 1.
3. The grant of permission under any Part of Schedule 1 is subject to the General Conditions set out in Schedule 2.
4. Where a material operation has been initiated in respect of any development permitted by this Order at the time this Order expires, is revoked or is revised that said development may be lawfully completed.
5. This Order comes into force on the date on which it is made as indicated below and, subject to the Council's power to revoke this Order under s.61A(6) of the Act, will remain in force for a period of 10 years from that date, expiring on the tenth anniversary thereof.

Adopted by the Council on [ 6 June ] 2017

By Order of the Council the Common Seal  
was affixed hereunto in the presence of:

[Redacted Signature]  
Authorised Signatory  
Chief Operating Officer

[Redacted Signature]  
Vice Chairman



30/17

## **SCHEDULE 1: PERMITTED DEVELOPMENT**

### **PART 1 – COMMERCIAL DEVELOPMENT**

#### **Permitted Development**

Outline planning permission is granted for:

1. the erection of a Buildings and associated use of land within Use Class B1;
2. the erection of a Buildings and associated use of land within Use Class B2; and/or
3. the erection of a Buildings and associated use of land within Use Class B8

only where those use fall within, or are immediately related to, the Agri-Food Sector.

#### **Development not permitted**

Development is not permitted by Part 1 if that development would result in the total amount of floorspace within Use Classes B1, B2 and/or B8 within the Hemswell Cliff LDO Site exceeding 70,000 square metres GIA.

Development is not permitted by Part 1 if that development would result in the total amount of floorspace within Use Class B1a (unless ancillary to floorspace in Use Classes B1b/B1c/B2/B8) within the Hemswell Cliff LDO Site exceeding 5,000 square metres GIA.

Development is not permitted by Part 1 if that development would result in the construction of buildings or structures greater than 18m in height above finished ground level.

#### **Conditions**

- 1A Development permitted by Part 2 must conform to the constraints and guidance of the Parameters Plan (ref. Aecom Figure 6).

### **PART 2 – ASSOCIATED INFRASTRUCTURE**

#### **Permitted Development**

Outline planning permission is granted for:

1. the construction, extension or alternation of roads, pavements, walkways, street lighting and street furniture;
2. the construction of areas and facilities for vehicle parking, bicycle parking and servicing;
3. hard and soft landscaping, including the erection of fences, gates, walls, securing barriers and security gatehouses;
4. the construction of foul and surface water drainage infrastructure, including pumps, tanks, conduits, swales, pipes, drains, ditches, channels and ponds; and/or

5. the construction, extension or alternation of utilities infrastructure, including telecommunications, gas, electricity, water (including any substations or pumping stations).

#### **Development not permitted**

Development is not permitted by Part 2 if it is not primarily to serve the development permitted by Part 1.

#### **Conditions**

- 2A Development permitted by Part 2 must conform to the constraints and guidance of the Parameters Plan (ref. Aecom Figure 6).

### **PART 3 – SITE PREPARATION WORKS**

#### **Permitted Development**

Full planning permission is granted for:

1. any operations or engineering necessary for the remediation of land and its preparation for development within the Hemswell Cliff LDO Site, including excavation and the construction, extension, demolition or alteration of remediation compounds for the stockpiling, sorting and treatment of excavated materials.

#### **Development not permitted**

Development is not permitted by Part 3 if it is not primarily to enable the development permitted by Parts 1 or 2.

#### **Conditions**

- 3A Prior to the commencement of development permitted by Part 3, full details of the site preparation works including existing and proposed levels shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the details approved.
- 3B Prior to the commencement of development permitted by Part 3, full details of any temporary access, temporary treatment of the works area and boundary shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the details approved.

## **SCHEDULE 2: GENERAL CONDITIONS**

### **Timing / Reserved Matters**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this Order.

REASON: To conform to Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No phase/plot of development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, the means of access to the site and the landscaping of the site (hereinafter called "the reserved matters") for that phase/plot have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

REASON: The Order grants outline permission only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun either before the expiration of ten years from the date of this Order, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the sooner.

REASON: To conform to Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

### **Agri-Food Sector and Food Industry Processes**

4. Any phase/plot of development pursuant to Part 1 of the Order and proposed through the submission of reserved matters shall be accompanied by a statement to demonstrate that the nature of the development/use proposed falls within the agri-food sector as defined in Section 4 of the Statement of Reasons. Reserved matters applications shall only be determined where the proposed development/use is confirmed by the Local Planning Authority to be within the agri-food sector.

REASON: To ensure that development conforms and contributes to the objectives of the Food Enterprise Zone designation.

5. Any phase/plot of development pursuant to Part 1 of the Order and proposed through the submission of reserved matters shall be accompanied by a statement to describe the scale and nature of any food industry processes to be permitted. Where these processes fall within and exceed the threshold of Schedule 2 of the EIA regulations, the applicant shall seek the screening opinion of the local planning authority as to whether the proposed use requires environmental impact assessment.

REASON: In the interests of amenity and to ensure that the development conforms to the Environmental Impact Assessment (EIA) regulations.

## Design and Details

6. Development proposed through the submission of reserved matters shall conform to the approved Site Location Plans (ref. Aecom Figure 1 and Figure 2) and Parameters Plan (ref. Aecom Figure 6).

REASON: To ensure that the development takes place in accordance with the maximum development parameters assessed by the Environmental Impact Assessment (EIA).

7. Any phase/plot of development pursuant to Part 1 or Part 2 of the Order and proposed through the submission of reserved matters shall be accompanied by a phase/plot context plan to demonstrate that development is compatible with and does not compromise the ability to develop or service other land within the Hemswell Cliff LDO site.

REASON: In order to facilitate comprehensive development of the Hemswell Cliff LDO site.

8. Any phase/plot of development pursuant to Part 1 or Part 2 of the Order and proposed through the submission of reserved matters shall be accompanied by a Design and Access Statement and associated plans including the following details:

- a. Plot layout
- b. Existing site levels and proposed finished ground and floor levels
- c. Design of buildings and structures
- d. Landscaping/planting (in conformity to the Strategic Landscape Scheme)
- e. Boundary treatment
- f. Parking and circulation
- g. External storage including provision for oil/chemical storage
- h. External lighting
- i. Vehicle parking, circulation and manoeuvring
- j. Facilities for pedestrians and cyclists
- k. Servicing and loading arrangements
- l. Refuse storage and management

The details contained within the Design and Access Statement shall be approved by the local planning authority prior to commencement of that phase/plot of development, excluding site preparation works. Development shall be completed and maintained in accordance to the approved details.

REASON: In the interests of amenity and to ensure acceptable design, access and operation of development.

9. Prior to the occupation of any phase/plot of development pursuant to Part 1 of the Order and, a written scheme detailing how much and by what method renewable energy will be generated from within that phase/plot or the wider Hemswell Cliff LDO site, shall be submitted to and approved in writing by the Local Planning Authority. No individual building shall be occupied until that part of the agreed scheme, which relates to the building or its curtilage, has been implemented in full.

REASON: In order to achieve sustainable development and reduce CO2 emissions.

10. Prior to the commencement of any phase/plot of development pursuant to Part 1 or Part 2 of the Order and, full details of all external materials shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of visual amenity and ensure the proposals uses materials and components that have a low environmental impact.

### **HSE Safeguard Zone**

11. Prior to submission of any reserved matters application for development of land within the 'HSE consultation zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE, the applicant shall consult the Health & Safety Executive on the extent and details of any safeguarding zones which may influence the use, nature and location of development. Any development thereafter proposed shall conform to the advice of the HSE, which shall be submitted in writing with the reserved matters applications.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

12. Unless otherwise confirmed in writing by the Health & Safety Executive, no development of a 'vulnerable construction' as defined by The Explosives Regulations 2014 and determined by the Health & Safety Executive shall take place in the 'purple zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

13. Unless otherwise confirmed in writing by the Health & Safety Executive, no development or use of land, with the exception only of landscaping or infrastructure where people are not present, shall take place in the 'yellow zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

### **Highways and Access**

14. Prior to the commencement of development pursuant to Part 1 or Part 2 of the Order a scheme of works to improve the public highway and site access, comprising a Right Turn Lane and Footway (or as otherwise agreed) shall be submitted to and approved by the local planning authority.

REASON: In the interests of safety of the users of the public highway and the safety of the users of the site.

15. No development pursuant to Part 1 of the Order shall be occupied before the works to improve the public highway (by means of providing a ghost island right hand turn lane) have been certified complete by the local planning authority, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of safety of the users of the public highway and the safety of the users of the site.

16. No development pursuant to Part 1 of the Order shall be occupied before the works to improve the public highway (by means of providing a 2 metre wide footway along the Northern side of the A631 between the proposed site entrance and Gibson Road) have been

certified complete by the local planning authority, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of safety of the users of the public highway and the safety of the users of the site.

17. No phase/plot of development pursuant to Part 1 or Part 2.1 of the Order shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards of estate streets serving each phase/plot of the development that will be completed. Estate streets shall thereafter be constructed in accordance with the approved plan or any amendment to the plan which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure an acceptable standard and appearance of highways infrastructure in the interest of highway safety and amenity.

18. No phase/plot of development pursuant to Part 1 or Part 2.1 of the Order shall be commenced until full engineering, drainage, street lighting and constructional details of the estate streets necessary to serve that phase/plot of development have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

19. No phase/plot of development pursuant to Part 1 of the Order shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within that phase/plot of development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

REASON: To ensure an acceptable standard and appearance of highways infrastructure in the interest of highway safety and amenity.

20. No phase/plot of development pursuant to Part 1 of the Order shall be brought into use until the construction of an estate road sufficient to provide access to that phase/plot has been certified complete by the local planning authority.

REASON: To ensure the provision of adequate access and in the interests of highway safety.

### **Landscaping and Trees**

21. No development shall take place until a Strategic Landscaping Scheme (SLS) relating to the boundaries, frontages, common areas and infrastructure across the entire FEZ site has been submitted to and approved in writing by the Local Planning Authority. The SLS shall include details of:

- a. planting plans;
- b. written specifications (including cultivation and other operations associated with plant and grass establishment);

- c. schedules of plants, noting species, plant sizes and proposed numbers/ densities;
- d. a programme for the implementation of the landscaping works, including how the SLS shall be implemented on a strategic site wide and individual development plot by plot basis; and
- e. a scheme for the future maintenance of the landscaped areas.

The SLS shall be implemented as approved. Each phase/plot developed shall be landscaped and maintained in accordance to the SLS.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests through the implementation of an appropriate biodiversity and landscaping scheme.

22. Any trees dying or becoming diseased within five years of their being planted in accordance with Condition 21 above shall be replaced during the period of October to March in the year that immediately follows the developer being notified that they need replacing, by trees of a suitable size and species and to the satisfaction of the Local Planning Authority.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests through the implementation of an appropriate biodiversity and landscaping scheme.

23. The scheme of works to improve the public highway and site access submitted pursuant to condition 14 of the LDO for approval by the local planning authority shall include:
- a. A plan showing the location of, and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 75 mm (measured over the park at a point 1.5 metres above ground level), showing which trees are to be retained and which are to be removed;
  - b. Details of the species, size, and an assessment of the general state of health and stability of each retained tree;
  - c. Details of any proposed topping or lopping of any retained tree, or of any tree on the land adjacent to the site;
  - d. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
  - e. Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition 'retained tree' means an existing tree that is to be retained in accordance with the plan referred to in paragraph (a) above. The works approved pursuant to condition 14 shall be undertaken in accordance with the details approved in paragraphs (a)-(e) above.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests.

### **Surface water drainage**

24. Each plot/phase of development shall be designed so as to preserve a continuous corridor as indicated as 'infrastructure zone' on the Parameters Plan (ref. Aecom Figure 6) to allow installation of pipes or swales to form a site-wide drainage system. Development shall not be approved which prevents the installation of a site-wide drainage system including any attenuation pond at the broad location indicated on the Parameters Plan.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.



25. No plot/phase of development shall commence, nor any discharge of surface water from that plot/phase take place, until a Surface Water Management Scheme for that development plot/phase has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development; and shall include:
- a. the incorporation of sustainable drainage systems (SuDS) to attenuate flows and pollutants from the site and maximise on-plot infiltration (where appropriate);
  - b. details of an infiltration test to ascertain the feasibility of drainage by on-plot infiltration methods (if proposed) undertaken in accordance with Infiltration Drainage - Manual of Good Practice (CIRIA Report);
  - c. details of a contamination assessment undertaken by a suitably qualified specialist demonstrating that there is no unacceptable risk of mobilisation of contamination resulting from infiltration;
  - d. details of the method of attenuating surface water run-off from the site to greenfield run-off rate;
  - e. details of sufficient attenuation and long-term storage to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus 30% to account for climate change (or any increased requirement of applicable policy at the time of submission), and surcharging of the drainage system can be stored on the site without risk to people or property;
  - f. calculations demonstrating that sufficient space will be provided on site for any necessary surface water storage and attenuation;
  - g. details of any balancing works and off-site works;
  - h. details of any proposed culverts or bridges for watercourses/land drains, justifying that they are necessary and ensuring that they do not constrict flow or otherwise reduce the carrying capacity of any watercourse/land drain;
  - i. the location and design of any surface water outfall;
  - j. details of how the drainage scheme will be constructed and operate, prior to any hard standing or buildings being constructed on that development plot;
  - k. all site surface water drainage will be designed to Sewers for Adoption standard in order to meet current best practice design standards; and
  - l. details of how the surface water system will be maintained and managed after completion.

The Surface Water Management Scheme shall subsequently be fully implemented in accordance with the approved details before the first occupation of the relevant development plot to which it relates. Thereafter, the drainage system shall be managed and maintained in conformity to the approved Scheme.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

26. Should the results of an infiltration test or contamination assessment undertaken in preparation of a Surface Water Management Scheme indicate that an infiltration system will not function adequately in adverse conditions or without unacceptable risk, then the Scheme shall include details of an alternative means of drainage appropriate to the plot and in conformity to the principles of sustainable drainage.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

27. No infiltration of surface water drainage into the ground or discharge from the site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that infiltration systems are only constructed in areas where it has been demonstrated that there are no unacceptable risks of mobilisation of contamination and to ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

28. Prior to being discharged into any watercourse, surface water sewer or soakaway system as approved, all surface water drainage from parking areas and hardstandings shall be passed through a trapped gully and an oil interceptor. Each drainage run shall also be provided with a cut-off valve prior to any discharge point. The gully and interceptor shall be designed, constructed and maintained to have a capacity compatible with the site being drained. Clean roof water shall not pass through the gully or interceptor.

REASON: To reduce the risk of pollution and sediment being washed out to any watercourse, surface water sewer or soakaway system and to prevent the potential pollution of clean surface water run-off.

29. Prior to the occupation of each plot/phase of development, a maintenance schedule for the drainage infrastructure within that plot/phase, including a named contact responsible for maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage infrastructure shall be maintained in accordance with approved maintenance schedule.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere and to prevent pollution of the water environment.

30. Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges from individual units can be inspected/ sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also be denoted. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.

REASON: To ensure that foul and surface water systems may be managed and maintained.

31. Prior to the commencement of any plot/phase of development pursuant to Part 1 of the Order, details of appropriate measures that will be incorporated to maximise water efficiency and recycling shall be submitted to and approved in writing by the Local Planning Authority. Where approved the efficiency/recycling measures shall be incorporated strictly in accordance with the details so approved, installed and operational prior to the first occupation of the premises to which they form part and shall be maintained as such thereafter.

REASON: To ensure sustainable use of water.

#### **Foul water drainage**

32. Prior to the commencement of development pursuant to Part 1 or Part 2 of the Order, a Development Phasing and Waste Water Drainage Strategy prepared in conjunction with Anglian Water and in consultation with the Environment Agency shall be submitted to and approved by the Local Planning Authority. The Strategy shall identify:

- a. the quantum of development which may take place prior to the upgrade of existing mains waste water drainage infrastructure which serves the site;

- b. the subsequent upgrades to the mains waste water drainage infrastructure required to serve the FEZ development and the quantum of development which may be accommodated by each upgrade; and
- c. the mechanism by which forthcoming upgrades will be triggered and the programme for delivery of these.

No plot/phase of development shall be brought into use prior to the completion of the upgrade to the mains waste water drainage infrastructure required to serve that plot/phase in accordance with the Strategy. The Strategy may be amended as appropriate by agreement with the Local Planning Authority and Anglian Water in consultation with the Environment Agency.

REASON: To ensure that a satisfactory means of foul drainage disposal is provided.

33. Prior to the commencement of development any plot/phase of development under Part 1 of the LDO, full details of the foul drainage system, including that to serve vehicle washdown areas, within that plot/phase shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that a satisfactory means of foul drainage disposal is provided.

34. Drainage of foul or contaminated water shall take place only through the approved foul drainage system. There shall be no discharge of foul or contaminated drainage, including detergents, from the site into groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

#### **Ground Conditions and Soils**

35. No plot/phase of development pursuant to Part 1, Part 2 or Part 3 of the Order shall take place until a land contamination assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) for that plot/phase of works. The measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:
- a. An appropriate specialist will be commissioned and an assessment carried out to quantify the risk of encountering unexploded ordnance (UXO) and/or ordnance containing chemical agents. Thereafter, if the risks of encountering UXO and/or ordnance containing chemical agents remain, construction contractors will be required to prepare an ordnance risk mitigation strategy, to reduce risks to an acceptable level, in consultation with the Local Planning Authority. The approved ordnance mitigation strategy, including any Emergency Response Plan, shall be implemented as approved.
  - b. Assessment for UXO shall be undertaken in conformity to C681 Unexploded Ordnance (UXO) - A Guide for the Construction Industry (CIRIA 2009). Any works in relation to UXO shall be undertaken by suitably qualified and experienced experts.
  - c. Investigation for contamination resulting from chemical weapons shall be undertaken with reference to the Environment Agency technical guidance document *Land Contamination: Technical Guidance on Special Sites: Chemical Weapons Sites; R&D Technical Report P5-042/TR/02*. Any works in relation to contamination resulting from chemical weapons shall be undertaken by suitably qualified and experienced experts.

- d. A site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- e. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- f. Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- g. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration.

36. Prior to the commencement of any phase/plot of development pursuant to Part 1, Part 2 or Part 3 of the Order, including any construction or other work that involves disturbance to soils a Soil Resource Plan (SRP) for that phase/plot/works shall be submitted to and approved in writing by the Local Planning Authority. The Soil Resource Plan shall include the following:
- a. maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ;
  - b. methods for stripping, stockpiling, re-spreading and ameliorating the soils;
  - c. location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B);
  - d. schedules of volumes for each material;
  - e. expected after-use for each soil; whether topsoil to be retained for landscape areas, or used on adjacent agricultural land within the farmers' control to thicken the topsoils and improve quality;
  - f. identification of person responsible for supervising soil management; and
  - g. reference to Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
- Development shall thereafter proceed only in accordance with the approved scheme.

REASON: To ensure the sustainable use of displaced soils.

### **Archaeology and Heritage**

37. Prior to the commencement of any phase/plot of development pursuant to Part 1, Part 2 or Part 3 of the Order, a scheme of archaeological investigation for that phase/plot, supported

by the results shall be submitted to and approved in writing by the Local Planning Authority. Each scheme shall be carried out as approved. Each scheme shall provide for:

- a. a programme of archaeological investigation, including access to that site by archaeological contractors to be nominated by the developer and approved in writing by the Local Planning Authority;
- b. the identification and evaluation of the extent, character and significance of archaeological remains on that site;
- c. an assessment of the impact of the proposed development on the remains;
- d. proposals for the preservation in situ of the remains or where the Local Planning Authority agree that this is not possible, for the investigation, recording and recovery of remains and the publishing of findings; and
- e. notification to the Local Planning Authority of the commencement of archaeological investigations.

Each scheme shall then be carried out as approved.

REASON: to secure the identification, investigation and/ or protection of archaeological remains.

38. Prior to the first occupation of development pursuant to Part 1 of the Order, a report shall be produced and submitted to the Local Planning Authority which will document the history and development of the former airfield at Hemswell Cliff. The format of the report will be agreed with the archaeology officer for Lincolnshire County Council.

REASON: to ensure the implementation of an appropriate level of archaeological recording and reporting.

#### **Sustainable Travel**

39. Prior to the occupation of each phase/plot of development pursuant to Part 1 of the Order, a Travel Plan for that development plot, that is in accordance with the principles set out in Hemswell Cliff LDO Framework Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authorities. The development of each plot shall thereafter take place in accordance with the agreed Travel Plan for that plot, which shall be implemented in full.

REASON: In order to maximise the sustainability of the development.

40. Prior to the occupation of each phase/plot of development pursuant to Part 1 of the Order, a feasibility study shall be undertaken to consider the following:
- a. the likely year on year passenger demand for a shuttle bus linking the LDO site with Gainsborough and other centres where significant numbers of employees at the Hemswell Cliff FEZ may originate;
  - b. the likely routing and frequency of the shuttle bus route;
  - c. an estimate of yearly operating costs for the shuttle bus operation;
  - d. a funding mechanism where all occupiers of the Hemswell Cliff FEZ contribute as and when they come forward;
  - e. a recommendation on the feasibility of the shuttle bus service.

The feasibility study report shall be submitted to and approved by the local planning authority. Should the report conclude that a shuttle bus service is feasible, then the potential arrangement and commissioning of a service shall be discussed further between the local planning authority and occupier businesses.

REASON: In order to maximise the sustainability of the development

### **Nature Conservation and Biodiversity**

41. No works involving the loss of any hedgerow, tree or shrub shall take place between March and August (inclusive) in any year unless approved in writing by the local planning authority.

REASON: In the interest of nature conservation.

42. Prior to the commencement of any phase/plot of development pursuant to Part 1, Part 2 or Part 3 of the Order, an Ecological Management and Enhancement Plan (EMEP) for the whole Hemswell Cliff FEZ site shall be submitted to and approved in writing by the Local Planning Authority. The EMEP shall be based on the biodiversity enhancement measures set-out in Chapter 10 - Terrestrial Ecology and Nature Conservation of the ES. The submitted details shall include how the EMEP will be implemented on a strategic (site wide) and individual development (plot by plot) basis to demonstrate a coherent approach to biodiversity enhancement and management across the site. The EMEP shall be implemented as approved.

REASON: In the interest of nature conservation and to enhance biodiversity interests.

43. No development that removes or disturbs any features within the Entry Level and Higher Level Stewardship Scheme at Hall Farm (Harpwell) as shown on the Parameters Plan (ref. Aecom Figure 6) shall take place until a satisfactory scheme to replace those features has been submitted to and agreed in writing by the local planning authority.

REASON: In the interest of nature conservation.

### **Noise**

44. Prior to the commencement of any phase/plot of development pursuant to Part 1 of the Order, a scheme of noise assessment, supported by the results, shall be submitted to and approved in writing by the Local Planning Authority. Each scheme shall be carried out as approved. The noise assessment shall:
- a. Make reference to updated baseline noise surveys to confirm that the existing noise climate does not exceed the existing background noise level stated in Table 7.17 of the Environmental Statement (ES);
  - b. Demonstrate how the impact avoidance and mitigation measures referred to in Sections 7.4 and 7.6 of the Noise Chapter (Chapter 7) of the ES have been considered and taken into account;
  - c. Include details of how the operational noise limits at local noise sensitive receptors shall be achieved, ensuring that following the addition of any acoustic feature corrections to the sound sources under assessment, the combined BS 4142 rating level from all sources within all development zones at the Hemswell Cliff FEZ site are equal to or lower than those in Table 7.17.
  - d. In the event that monitoring required under (a) shows that the existing noise climate has changed significantly, the proposed operational noise limits set out in Table 7.17 shall be discussed and any revised noise limits agreed with the Local Planning Authority.

REASON: In the interest of amenity.

## **Odour**

45. No wastes or feedstock materials that have the potential to give rise to odour beyond the site boundary shall be stored outside of the buildings, unless agreed in writing with the Local Planning Authority.

REASON: In the interest of amenity.

46. No development which has the potential to give rise to odour at nearby properties shall take place until an odour assessment and odour management plan for that development has been submitted to and approved in writing by the Local Planning Authority. The odour assessment and odour management plan shall consider any cumulative effect of odour resulting from the overall development at the FEZ site. The development shall thereafter be operated in accordance with the odour management plan.

REASON: In the interest of amenity.

47. The air ventilation and odour control systems to be employed as part of this development shall be implemented and carried out in accordance with the details and systems to be submitted and approved by the Local Planning Authority.

REASON: In the interest of amenity.

## **Environmental Protection**

48. Unless otherwise agreed in writing, prior to the occupation of any plot of development pursuant to Part 1 of the Order, a detailed Operational Environmental Management Plan (OEMP) for that individual development plot has been submitted to and approved in writing by the Local Planning Authority. The OEMP shall include information on the following:
- a. measures to deal with accidental pollution (groundwater, surface water and soils) and details of any necessary equipment (e.g. spillage kits) to be held on site;
  - b. a scheme to deal with potential risks associated with contamination;
  - c. measures to reduce and manage operational waste;
  - d. a scheme for artificial lighting, specifying measures to minimise the impact of light spill.

REASON: In order to protect the environment and safeguard amenity.

## **Construction**

49. No development shall take place on any phase/plot until a Construction Traffic Management Plan (CTMP) for that phase/plot has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authorities. Construction on that plot shall thereafter take place in accordance with the agreed CTMP for that plot, which shall be implemented in full.

REASON: To minimise impact on the local highway network

50. Unless otherwise agreed in writing, no phase/plot of development shall take place until a detailed Construction Environmental Management Plan (CEMP) for that phase/plot has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include information on the following:

- a. details of a telephone complaints line and the methodology to deal with any complaint;
- b. methods of communication with local residents in the event of abnormal working;

- c. hours of working (Monday- Friday 08:00-18:00 hours and Saturday 08.00 -13.00 and no working on Sunday or Bank Holidays unless otherwise agreed with the Local Planning Authority);
- d. measures to control the emissions of dust, noise and vibration (as set out in British Standard BS 5228-1 Parts 1 and 2:2009 – Code of Practice for noise and vibration control on construction and open sites and IAQM ‘Guidance on the assessment of dust from demolition and construction, 2014);
- e. measures to prevent pollution (surface water, groundwater and soils);
- f. a scheme for artificial lighting, specifying measures to minimise the impact of lighting;
- g. a scheme to deal with potential risks associated with contamination including unexploded ordnance; and
- h. measures to reduce and manage construction waste.

The development of each plot shall thereafter be constructed in accordance with the approved details.

REASON: To safeguard amenity and minimise pollution.

## **INFORMATIVES**

### **Gas Infrastructure**

Prior to the commencement of works within the vicinity of, or which may impact upon, any gas pipeline or associated equipment, the developer or undertaker shall contact and consult National Grid Plant Protection in accordance with its relevant procedures and protocols. See National Grid’s letter dated 18<sup>th</sup> April 2017 which forms Appendix 6 of the LDO Statement of Reasons.

### **Drainage and Discharge**

An application to discharge trade effluent must be made to Anglian Water and consent must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol/oil interceptors be fitted in all vehicle parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in the pollution of the local watercourse and may constitute an offence.

Anglian Water recommends the installation of properly maintained fat traps on all food preparation establishments. Failure to do so may result in properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and also constitute an offence under section 111 of the Water Industry Act 1991.

### **Land Contamination**

The Environment Agency recommends that developers should:

- follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.



- refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- refer to the contaminated land pages on GOV.UK for more information.

Desktop investigations have identified that there is the potential for chemical agents to be present as a result of the former military use of the site. Chemical weapons contaminated sites are potentially very hazardous and all work related to such sites (including detection, safe handling, analysis and assessment) should be undertaken only by suitably qualified and experienced experts. See Environment Agency technical guidance document *Land Contamination: Technical Guidance on Special Sites: Chemical Weapons Sites; R&D Technical Report P5-042/TR/02*<sup>1</sup>.

### **Highways / Estate Streets**

The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 17, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition 18 of the LDO.

The applicant is advised that to discharge condition 19 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

### **Alternative Planning Applications**

This LDO does not preclude the submission of full planning applications for development within the boundary of the Hemswell Cliff FEZ. Any such planning application shall be determined in accordance with the development plan and relevant material considerations which will include the objectives and status of the Food Enterprise Zone.

Any such application must be justified and its impact assessed in the context of the full FEZ development allowed by this LDO. Any such application must propose adequate mitigation of the impact of development over and above that of the development allowed and mitigated by the LDO.

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<sup>1</sup> <http://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/77-risk-assessment-info-ra/183-risk-assessment-preliminary-info-ra1>.

### SCHEDULE 3: INTERPRETATION

Terms used in this order have the following meanings:

Agri-Food Sector Uses	Uses specified in section 4.2, excluding those specified in section 4.4, of the Statement of Reasons.
Additional Guidance	Additional guidance relating to the physical form of development; design, appearance and materials; services and infrastructure; landscape planting; and phasing as set out in Appendix 5 of the Statement of Reasons.
Estate Road	A road sufficient to provide access to that phase/plot of development from an existing public highway.
Food Industry Processes	Processes specified in section 4.3, excluding those specified in section 4.4, of the Statement of Reasons.
Footway	A new pedestrian footpath to the north side of the A631 between the access to the Hemswell Cliff LDO site and Gibson Road.
General Conditions	The conditions identified in Schedule 2 of the Order.
GIA	'Gross Internal Area' as calculated in accordance with the RICS Code of Measuring Practice (sixth edition 2007).
Highways Agreement	An agreement with the Lincolnshire County Council pursuant to sections 38/278 of the Highways Act 1980.
Hemswell Cliff Food Enterprise Zone (FEZ)	The proposed development at the Hemswell Cliff LDO Site intended to facilitate growth in the Agri-Food Sector.
Hemswell Cliff LDO Site	The area shown edged red on the plan attached to this Order as Appendix 1 of the Statement of Reasons and being the Order area.
Parameters Plan	The plan (ref. Aecom Figure 6) attached to this Order as Appendix 2 of the Statement of Reasons.

Phase/Plot	Any defined area for a development, as submitted with a Reserved Matters application pursuant to the LDO, within the LDO site.
Reserved Matters	Details to be submitted for approval pursuant to General Condition 2 in relation to layout, scale, appearance, means of access and/hard and soft landscaping.
Right Turn Lane	A dedicated lane within the A631 to provide enhanced access to the Hemswell Cliff LDO Site at its primary access point as shown on the Parameters Plan.



**Legend**

- Red Line Boundary
- AD Plant (Not included within the Red Line)
- HSE Consultation Zone
- HSE Purple Zone
- HSE Yellow Zone
- Land within Higher Level Stewardship Agreement
- Primary access with Proposed Dedicated Right Turn Lane (operational phase)
- Secondary potential access (construction phase)
- Site Access
- Site Access - Indicative
- Infrastructure Zone
- 25m Development Buffer from A631 for Buildings
- Development Zones
- Landscape Buffer
- Zone for Drainage and Ecological Enhancement
- Potential Attenuation Pond

Client:  
  
 Project:  
**HEMSWELL CLIFF FEZ LDO**

Title:  
**PARAMETERS PLAN**

5th Floor,  
 2 City Walk,  
 LEEDS, LS11 9AR



Design:	SE	Drawn:	SE
CHK'd:	GH	App'd:	SE
Date:	19/12/2016	Scale at A3:	1:5,500
Drawing Number:	<b>FIGURE 6</b>		<b>A3</b>