

# APPENDIX 2

Amended LDO

DRAFT



East Devon District Council

# LOCAL DEVELOPMENT ORDER

District Heating Networks

DRAFT

Date of Adoption:

## Local Development Order - District Heating Networks

*In pursuance of the powers of the Town & Country Planning Act 1990 (as amended), East Devon District Council hereby gives notice that planning permission has been approved for the carrying out of the development referred to below, subject to compliance with the conditions listed.*

### 1) Description

This Local Development Order (LDO) grants Permitted Development rights for District Heating transmission and distribution networks for development such as the installation of pipes, cables and wires, heat exchange equipment, street furniture, and ancillary engineering works within defined areas of land in East Devon as shown on the attached Map 1, subject to the limitations and conditions set out in the LDO.

The permitted development rights granted by this LDO are in addition to permitted development rights granted nationally.

### 2) Permitted development

Development comprising the installation, alteration or replacement of District Heating transmission and distribution networks and ancillary works over, on or under land.

### 3) Development not permitted

Development is not permitted by this Order where:

- a) any above ground cabinets, buildings, structures or enclosures would be greater than 1 metre in height above ground level; or
- b) any above ground cabinets, buildings, structures or enclosures would be greater than 2.5 cubic metres in external volume; or
- c) any pipework installed above ground and outside any enclosure is greater than 2 metres in length; or
- d) the installation would be on a Listed Building or a Locally Listed Structure or within the curtilage thereof; or
- e) the installation would be on a site or building designated as a Scheduled Ancient Monument: or

- f) any above-ground development would be within 50 metres of the curtilage of a Listed Building, Locally Listed Structure or Scheduled Ancient Monument; or
- g) the installation would be within 8 metres of a main river as designated on the Environment Agency's Main River map; or
- h) any above-ground development would be sited within Flood zones 2 or 3; or
- i) the installation constitutes EIA development as defined by Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 or as subsequently defined; or
- j) the installation comprises development that is restricted by a condition of a planning consent implemented on the land; or
- k) the installation would be outside the area identified on the LDO map.

#### **4) Conditions**

The above development is permitted subject to all of the following conditions:-

- a) The installation should be, so far as practicable, sited and designed to minimise its effect on the appearance of the area;
- b) There shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the LPA;
- c) Areas of trees or landscaping affected by the installation shall be reinstated to their condition prior to commencement of the works or to a specification agreed in writing by the LPA;
- d) Any above ground apparatus or enclosures shall be removed as soon as reasonably practicable after they are no longer required for the purpose of the network and the land restored to its condition before the development took place.
- e) Within 10 working days of completion of any works data shall be provided to the local planning authority providing the date of completion and a map showing the geographical position of the completed works.
- f) No works will be undertaken within the areas of archaeological sensitivity, as identified in Maps 2 & 3, without prior consultation with the Devon County Historic Environment Team, as archaeological advisors to the Local Planning Authority, to agree the scope and implementation of any archaeological mitigation that may be required by the proposed works. The programme of

archaeological work will be undertaken in accordance with a written scheme of investigation which will need to be submitted to and approved in writing by the Local Planning Authority prior to works commencing.

- g) No development approved by this Local Development Order within the active or historic landfill, or within 5 metres of the active or historic landfill at 'Hill Barton' shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

## 5) Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after 15 years of the date of its adoption.

## 6) Other Statutory Requirements

Whilst the LDO grants planning permission for certain types of development as described in this Order, it does not grant consent 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.

Failure to comply with 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/landowner to be in accordance with all relevant legislation.

## 7) Written Approval

Any application for written approval pursuant to conditions (b), (c) and (f) shall be made in writing to the local planning authority and must be accompanied by;

- i) a written description of the proposed development; and
- ii) a plan indicating the location of the site in relation to neighbouring properties; and
- iii) a plan or plans and any relevant documents showing the existing condition of site and full details of the proposed works; and
- iv) the developers contact details; and
- v) the appropriate fee.

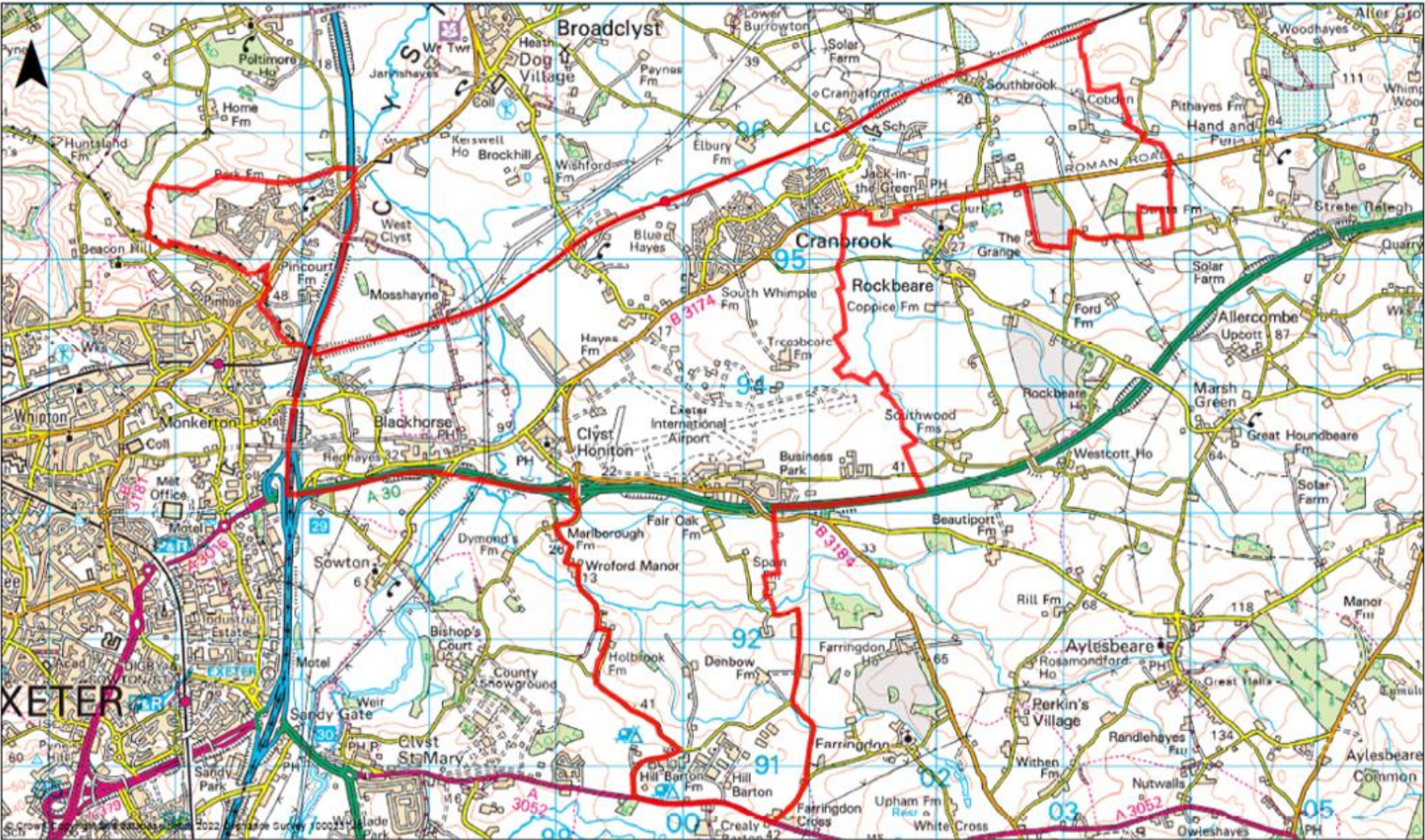
Where written approval is required the development must not begin before written approval is issued by the Local Planning Authority.

The development must be carried out in complete accordance with the details approved.

**DATE OF ADOPTION :**



Map 1 LDO Revised Boundary



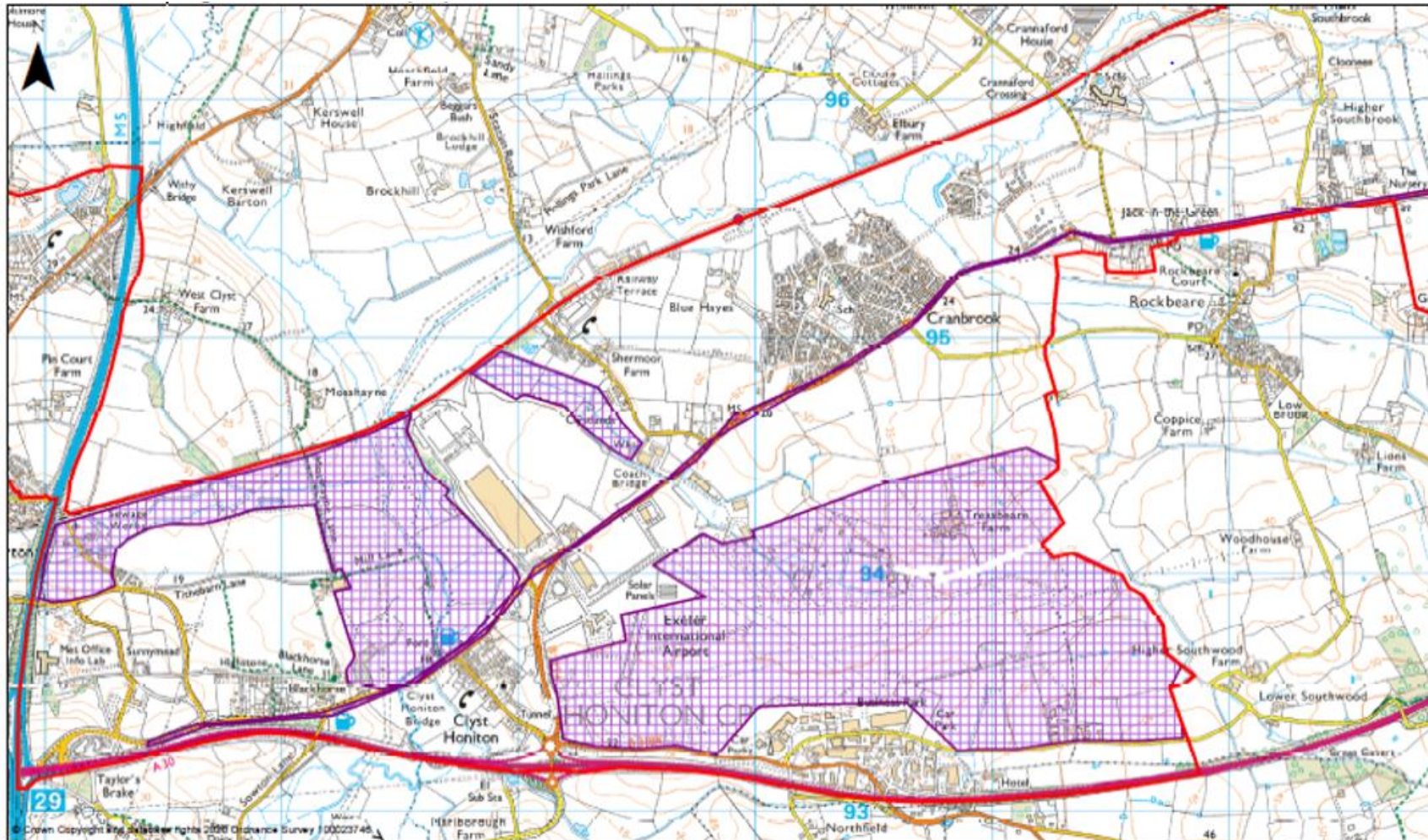
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Map 2 Archaeological constraints – purple hatching



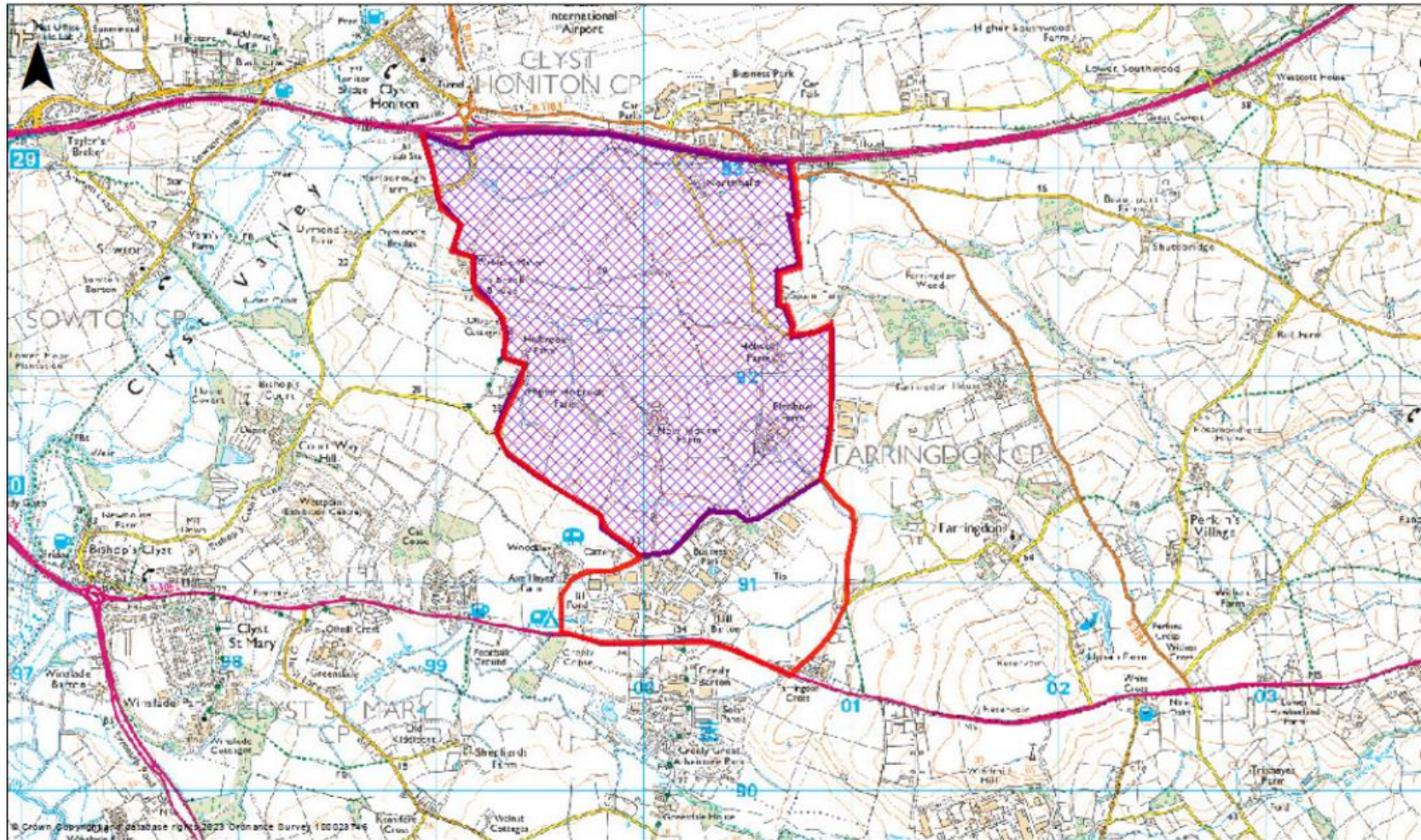
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Map 3 Archaeological constraints – purple hatching



Map Tile: SY0091NW Full Reference: SY00360 91770





Map 4 Landfill areas –blue hatching

