East Devon District Council

LOCAL DEVELOPMENT ORDER

Power Park Exeter

Date of Adoption:

Local Development Order
Power Park Exeter

~~*[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.*~~*[To be added after Adoption]*

1) Definitions

The LDO area

The area identified as 'LDO Area' on 'LDO Plan 1' (Appendix A), also currently known as Power Park Exeter.

Local Planning Authority (LPA)

East Devon District Council, or its successor in title, is the Local Planning Authority for the LDO area.

Development parameters

The limitations to development as set out in Tables 1 & 2 and in the Planning Parameters Design Code document.

Design Code (DC)

Refers to Power Park Exeter, Planning Parameters Design Code

Duration

Is the period specified for the operation of the LDO.

Gross External Area (GEA)

GEA is defined as the total covered floor area inside a building envelope, including the external walls of a building as measured in accordance with the Royal Institution of Chartered Surveyors' Code of Measuring Practice, Sixth Edition published in May 2015.

EEDEZ

Means the Exeter and East Devon Enterprise Zone.

CIL

Means Community Infrastructure Levy

2) LDO area

Development is only permitted by this Order within the LDO area as defined on Plan 1 (Appendix A).

For the purposes of this Order the developable areas of the site are identified in Appendix A, Plan 2.

3) LDO Description

The Local Development Order (LDO) grants planning permission for the development of land for employment generating uses and ancillary facilities within the defined LDO area, subject to the development parameters, permitted uses, limitations and conditions set out in the Order.

The LDO grants permitted change of use subject to the development parameters, permitted uses, conditions and duration set out in the Order.

4) Evidence Base

The LDO is supported by a range of documents, technical studies and assessments including:

- Design Code Document prepared by PHP Architects
- Ecology assessments prepared by Paragon
- Contamination report prepared by Paragon
- Flood Risk Assessment prepared by Paragon
- Drainage and SUDS Strategy prepared by Waldeck
- Transport assessment prepared by NTP
- Heritage & archaeology statement prepared by Wessex Archaeology
- Landscape and Visual Appraisal prepared by IDP
- Green Infrastructure strategy prepared by IDP
- Lighting assessment/strategy prepared by CPW
- Noise & Air quality assessment prepared by Hilson Moran
- Sustainability statement prepared by CPW
- Framework Travel Plan & Parking Strategy prepared by NTP

The LPA reserves the right to make non-material amendments to the Design Code and its associated documents.

5) Development parameters (Table1)

	Parameter	Limitations	Reason for Parameter
1	Total Floor Area (GEA)	Limited to 26,000 sqm across the whole LDO site	To control the overall quantum of floorspace.
2	Maximum height of all buildings & structures	All development shall be lower than Exeter Airport's Obstacle Limitation Surface line and Instrument Flight Procedure and no higher than 52.0m AOD	To ensure aerodrome safeguarding and mitigate visual impact.
3	Developable areas	Development restricted to areas as defined on Plan 2 (Appendix A)	To protect areas of landscaping and SUDS

6) Permitted Uses (Table 2)

Permitted use	Limitations/exclusions	Notes
B2 General industry	Excluding; incineration purposes, chemical treatment or landfill or any operation processing or storage or activity involving hazardous or inert waste. Maximum of 10,400 sqm GEA	The excluded uses would need to be assessed through the process of a planning application, having particular regard to the proximity of the Airport and any environmental impacts.
B8 Storage & distribution	Maximum of 18,200 sqm GEA	
E (b) Food & drink mostly consumed on the premises	Maximum of 100 sqm GEA	
E (d) Indoor sports & recreation	Maximum of 160 sqm GEA	
E (g) i) Office	Maximum of 2,600 sqm GEA	Ancillary offices are permitted and do not form part of the total quantum of Class E (g) i) office use for this limitation.
E (g) ii) Research & development	Maximum of 2,600 sqm GEA	
E (g) iii) Any industrial process	Maximum of 2,600 sqm GEA	
F1 (a) Learning and non-residential institutions for the provision of education	Maximum of 500 sqm GEA	

Change of use of floorspace within the LDO site is permitted if it is in accordance with the development parameters and permitted land uses of this Order.

7) Conditions

Development permitted by this Order is subject to all of the conditions set out in Appendix B.

Where conditions require the approval of further details by the LPA approval of said details will be by way of the standard process and requisite discharge of condition fee, payable to the LPA.

The LPA shall aim to determine applications for the approval of details reserved by conditions within 28 days. If necessary, the LPA will give the applicant notice in writing that further information is required along with a request for an extension of time to consider the additional information.

8) Expiry

Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after 10 years of the date of its adoption.

9) Other Statutory Requirements

Whilst the LDO grants planning permission for certain types of development as described in this Order. It relates to the provisions of the Town and Country Planning Act 1990 and associated legislation only. 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.

Developers should note that statute covering the responsibility of Airports for safeguarding is set out in the Air Navigation Order 2016, as amended, and the regulations are set out in the Civil Aviation Publication number 738, issued by the Civil Aviation Authority. Exeter & Devon Airport Ltd is designated the Safeguarding Authority through its airport operating licence and must be consulted in the application of the Regulations and other safeguarding activity. Regard should also be had to the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002.

Development carried out under the LDO will be CIL liable where relevant according to the CIL regulations at the time of construction. To ensure accurate monitoring of CIL liable development the *Community Infrastructure Levy (CIL) – Form 1: CIL Additional Information* shall be submitted as part of any application for compliance.

It should be noted that the LDO does not prevent development taking place which is not expressly permitted through the Order. Proposals for such development would be subject to the normal planning application process and may proceed if planning permission is granted.

10) Application for Compliance

Prior to the commencement of construction of any buildings permitted by this LDO, the Local Planning Authority must be notified of the proposed development via an Application for Compliance.

An Application for Compliance form (Appendix C) must be accompanied by;

i) a plan indicating the location of the development within the site;

ii) details of the scale, layout and appearance of the development (to include floor plans and elevations);

iii) written demonstration of compliance with the LDO Planning Parameters Design Code; and

iv) the requisite fee (in accordance with Condition 3).

On receipt of an application for compliance, the Local Planning Authority will confirm in writing within 28 working days (the notification period) that:

a) The proposed development is permitted by the LDO and therefore can proceed without the requirement for a planning application, or

b) That the proposed development is not in accordance with the LDO and therefore a planning application is required; or

c) Further information is required to determine whether the proposed development is permitted by the LDO, including reasons why there is any uncertainty and a revised compliance period of 21 days from submission. Development is not permitted until the LPA have provided written confirmation of Compliance with the LDO.

Failure of the Local Planning Authority to respond in writing within this period will be deemed as confirmation that the proposal is permitted.

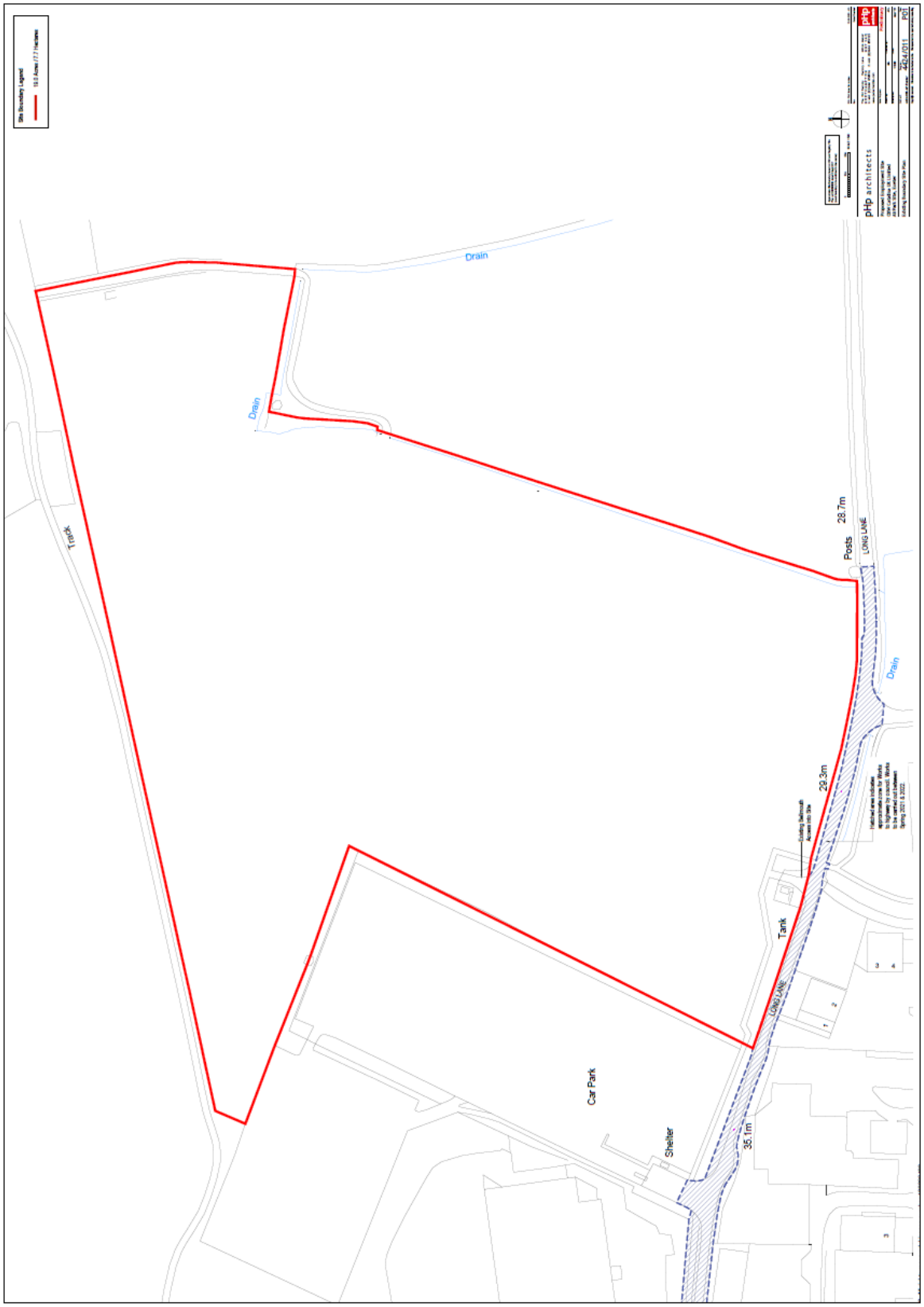
Development must not commence until the notification period has passed. For the purposes of calculating the 28 day compliance assessment period, only working days shall be taken into account. Any Bank Holiday and any day between Christmas Eve and New Year's Day (inclusive) shall not be taken into account. In respect to the above timescales day 1 starts on the day of receipt of the application. There is no right to appeal on the decision of the application for compliance.

The development should be carried out strictly in accordance with the approved LDO Application for Compliance.

DATE OF ADOPTION:

Appendix A

Plan 1 – LDO Power Park site area



Plan 2 – LDO Power Park Developable areas

Appendix B

Conditions

General

1) The LDO and the terms within it will be active for a period of 10 years following the day of its adoption and will expire following this period.

   Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, amended or expired. This is subject to the LPA's confirmation of compliances in accordance with the process set out in the LDO.

   Reason – In order that the regeneration benefits of the LDO can be secured.

2) Development and uses permitted by this Order shall be carried out and maintained in complete accordance with the LDO and the accompanying Planning Parameters Design Code, with the exception of minor variations submitted to and approved by the LPA.

   Reason – To ensure sustainable forms of development in line with the aspirations of the EEDEZ.

Compliance notice

3) Prior to construction commencing on any building within the site an application for compliance shall be submitted to and approved in writing by the Local Planning Authority for that building. The development shall be carried out in strict accordance with the information submitted and permitted.

   Reason – To ensure the development complies with the LDO.

Change of use

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking and/or re-enacting that Order with or without modification) and the Town and

Country Planning (Use Classes) Order 1987 (or any order modifying, revoking and/or re-enacting that Order with or without modification), the use of a building/buildings shall not be changed unless it falls within the uses permitted by this LDO.

Reason: To enable the Local Planning Authority to regulate and control the development of the site in accordance with the aims and aspirations of the EZ and the Power Park LDO.

CEMP

5) A Construction and Environment Management Plan (CEMP) must be submitted to and approved by the Local Planning Authority prior to any works commencing on site, and must be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

Specifically with regard to Construction Traffic the CEMP shall include at least the following matters:
(a) the timetable of the works;
(b) daily hours of construction;
(c) any road closure;
(d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
(e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
(f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
(g) hours during which no construction traffic will be present at the site;
(h) the means of enclosure of the site during construction works; and

(i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
(j) details of wheel washing facilities and obligations
(k) The proposed route of all construction traffic exceeding 7.5 tonnes.
(l) Details of the amount and location of construction worker parking.
(m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

With regard to site waste management the CEMP must incorporate a Site Waste Management Plan (SWMP). All development shall be undertaken in accordance with the approved SWMP. In the event of cart away of soil off the site the SWMP shall include a soil resources plan prepared in accordance with Construction Code of Practice for the Sustainable use of Soils on Construction Sites – DEFRA September 2009.

Reason: A pre-commencement condition is required to ensure that adequate facilities are available for construction and other traffic attracted to the site and to ensure adequate mitigation of impacts resulting from construction.

Drainage

6) The approved drainage scheme (under appendix D of the Design Code) shall be implemented in full in accordance with the specified timetable in the Design Code and retained, managed and maintained at all times thereafter and no development whether or not permitted by this Order or the GPDO 2015 (or any order amending, revoking and re-enacting those Orders) shall be carried out on the land as shown or in such a position as to prejudice the scheme as approved.

Reason - To manage surface water and foul sewage appropriately for the lifetime of the development.

Travel Plan

7) Prior to initial or subsequent occupation of any premises a Travel Plan in connection with the business/use taking place within the premises shall be submitted to and approved in writing by the LPA and thereafter the travel plan shall be adhered to in full. The Travel Plan shall accord with the requirements set out in the Planning Parameters Design Code.

Reason – In the interests of sustainability

Archaeology

8) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme of investigation, or such other details as may be subsequently agreed in writing by the Local Planning Authority. The development, or individual phase of this development, shall not be brought into its intended use until the post investigation assessment for the development, as whole or individual phase, has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason – To ensure that any heritage assets with archaeological interest are investigated and recorded before their destruction or concealment and to ensure that an appropriate record is made of archaeological evidence that may be affected by the development and to ensure information gathered becomes publicly accessible.

Aerodrome Safeguarding

9) The construction of any building shall not commence until an Aerodrome Safeguarding Assessment for that building has been submitted to and approved in writing by the Local Planning Authority in consultation with the operators of Exeter Airport. The Aerodrome Safeguarding Assessment must demonstrate that the building can be developed in an acceptable manner having regard to all of the following:

    a. Obstacle Limitation Surfaces (OLS Assessment, Cranage Assessment)
    b. Navigation Aids and Communications Equipment (Technical Assessment)
    c. Air Traffic Control (Line of Sight Assessment)
    d. Instrument Flight Planning (IFP Assessment)
    e. Reflective Surfaces (Glint and Glare Assessment)

f. Lighting Interference (Lighting Assessment)
g. Bird Strike and Wildlife Hazard (Wildlife Hazard Management Plan)

Reason – To ensure the development meets the safeguarding requirements of the aerodrome.

Appendix C

LDO Power Park Exeter- Application for Compliance

Applicant Details	
Name	
Address	
Contact number	
Email	
Agent Details	
Name	
Address	
Contact number	
Email	

Brief description of development		
Please indicated proposed employment	Full time	Part time
Date works are expected to commence		

Please tick to confirm attached documents/fee

Plan indicating the location of the development within the site	
Details of the scale, layout and appearance of the development (including elevations)	
Written demonstration of compliance with the LDO Design Guide	
The requisite fee	
Community Infrastructure Levy (CIL) – Form 1: CIL Additional Information	

Please indicate floor area to be provided by the proposal

Gross External Area (sqm)	
B2 General industry	
B8 Storage & distribution	
E (b) Food & drink mostly consumed on the premises	
E (d) Indoor sports & recreation	
E (g) i) Office	
E (g) ii) Research & development	
E (g) iii) Any industrial process	
F1 (a) Learning and non-residential institutions for the provision of education	
Total GEA of proposal	

Declaration;
I/We hereby apply for certification of compliance with the Local Development Order (Power Park Exeter) as described in this form and the accompanying plans/drawings and additional information in accordance with planning conditions attached to the LDO.

Name	
Signature	
Date	

Please submit all relevant documents to the Local Planning Authority.

Development Management
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Email: LDO@eastdevon.gov.uk

Contact: Frances Wadsley, Simplified Planning Project Manager
Tel: 01395 571670

CIL enquiries: cil@eastdevon.gov.uk
Community Infrastructure Levy (CIL) - East Devon