

BABERGH DISTRICT COUNCIL

From: Corporate Manager – Open for Business	Report Number: S56
To: Planning Committee	Date of meeting: 7 September 2016

ORWELL FOOD ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER – JIMMY’S FARM, PANNINGTON HALL LANE, WHERSTEAD

1. Purpose of Report

- 1.1 To adopt the first Local Development Order in the Orwell Food Enterprise Zone, Wherstead.

2. Recommendation

- 2.1 That the Local Development Order (LDO) for Jimmy’s Farm, Wherstead be adopted for a period of 5 years from 3 October 2016 to 2 October 2021.

The Committee is able to resolve this matter.

3. Financial Implications

- 3.1 None initially - all costs relating to the production of the Local Development Order have been covered by a grant from DEFRA. There will be some loss of income from potential planning application fees relating to some specific development at Jimmy’s Farm, however the LDO is a critical part of the business support offered by the Food Enterprise Zones (FEZ), and is required to stimulate business growth in these areas.

4. Legal Implications

- 4.1 The Council has powers under section 61A(2) of the Town and Country Planning Act 1990 (“the Act”) to adopt LDOs. The Order and Statement of Reasons has been prepared in accordance with Schedule 4A of the Act and Article 38 of the Town and Country Planning (Development Management Procedure) Order 2015.
- 4.2 If adopted, the LDO will grant planning permission for the classes of development specified in the Order, subject to compliance with any conditions or limitations stated in the Order.
- 4.3 If adopted, the Council must send a copy of the LDO and Statement of Reasons plus any environmental statement to the Secretary of State as soon as reasonably practicable, and no later than 28 days, following adoption.

5. Risk Management

5.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
The LDO fails to support growth in the FEZ	2	2	Review of progress of LDO within 3 years of adoption
The applicant carries out development but fails to apply for prior notification under the LDO	3	1	Meeting with applicant and agent to explain process. Regular review of development on site
Failure to progress the LDO may impact on the DEFRA grant funding or zone development	2	2	Progress LDO to adoption

6. Consultations

6.1 Public consultation on the draft Local Development Order was carried out between 7th June to 5th August 2016.

7. Equality Analysis

7.1 There are no Equality and Diversity implications arising directly from the content of this report.

8. Shared Service / Partnership Implications

8.1 The Council is working closely with DEFRA, Suffolk County Council and New Anglia Local Enterprise Partnership to progress the work necessary to establish the Food Enterprise Zone.

9. Links to Joint Strategic Plan

9.1 Theme No 2 - Business Growth and Increased Productivity.

10. Key Information

10.1 The designation for two Food Enterprise Zones (FEZ's) in Suffolk was awarded by DEFRA in July 2015, one for Wherstead, the other in Stowmarket. Since then the Councils have been working on Local Development Orders (LDO's) to simplify commercial development in the Zones and stimulate growth in the local Food and Drink sector.

- 10.2 The Orwell Food Enterprise Zone covers most of the Parish of Wherstead and encompasses Jimmy's Farm and the Suffolk Food Hall. The LDO for Jimmy's Farm covers permission for some specific development such as the erection of small kiosks (for toilet facilities and refreshments) and the conversion of a Dutch barn into a children's indoor play area. A further LDO for the development of a brownfield site known as Stevins at the Suffolk Food Hall is under development, but as this is within the ANOB, additional work is necessary. This LDO will go out in a separate public consultation exercise.
- 10.3 3 written representations were received during the public consultation period and a summary of these representations and the Councils responses are contained in Appendix B.
- 10.4 The original draft LDO included an area for the erection of poly tunnels for the rearing of turkeys. The consultation identified a public footpath within this area and also extant planning permission for the extraction of minerals, so this proposal has now been withdrawn from the LDO.
- 10.5 A number of minor changes to some of the wording have also been made to the LDO, to clarify points or to update guidance. An additional map showing the boundary of the FEZ area has also been added.
- 10.6 As the changes are of a minor nature and do not affect the objectives, benefits or outcomes to be achieved by the LDO, nor do they add any additional development into the document, no further re-consultation is necessary.
- 10.7 If adopted, the LDO will run for a period of 5 years starting on 3 October 2016. The LDO may be revoked, revised or extended at any time at the Councils discretion. A review of the LDO will be carried out within 3 years of the date of adoption.
- 10.8 Once the Order is in place, individual plots can come forward with proposals for development. These will need to be agreed by Development Management that they meet the LDO criteria under 'prior notification' within 28 days. There will be no fee for these proposals, to encourage growth through simplifying the planning procedure. If the development is for proposals outside those specified in the LDO, then the normal planning process will apply.

11. Appendices

Title	Location
(a) Orwell Food Enterprise Zone, Jimmy's Farm, Wherstead, Draft Local Development Order	Attached
(b) Summary of representations and responses to the consultation	Attached

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Orwell Food Enterprise Zone

Jimmy's Farm, Wherstead

~~Draft~~ Local Development Order



September 2016

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Consultation Arrangements

Purpose

~~The purpose of this consultation is to gain views on the Jimmy's Farm Draft Local Development Order (LDO). Responses are sought on the contents of this document. Consultation is being undertaken in accordance with Section 38 (3) and (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, which specifies who must be consulted.~~

Consultation Period

~~The consultation runs for the statutory period of 28 days from xx June until xx July 2016.~~

Availability of Documents

~~The draft Local Development Order, Statement of Reasons and associated documents and the public notice are available in the following locations and consultation responses are invited by post or email as detailed below:~~

Electronically	Please visit http://www.babergh.gov.uk/business/economic-development/food-enterprise-zones/ where you can view and download the LDO documents. The documents are available to accessibility readers or can be made into a large print format via pdf
Council Offices	xxx service Babergh District Council Corks Lane Hadleigh Ipswich IP7 6SJ
By post	9am to 5pm Monday to Friday XXXXXXXXXXXXXXXXXXXX
By email	XXXXXXXXXXXXXXXXXXXX@baberghmidsuffolk.gov.uk

~~All responses will be recorded, reviewed and analysed and reported (in summary form) to the Planning Committee for consideration, together with any proposed changes to the LDO in accordance with normal council procedures. Consultation responses will be used to help inform the refinement of the LDO in its final form prior to its adoption for implementation.~~

I. Background & Context

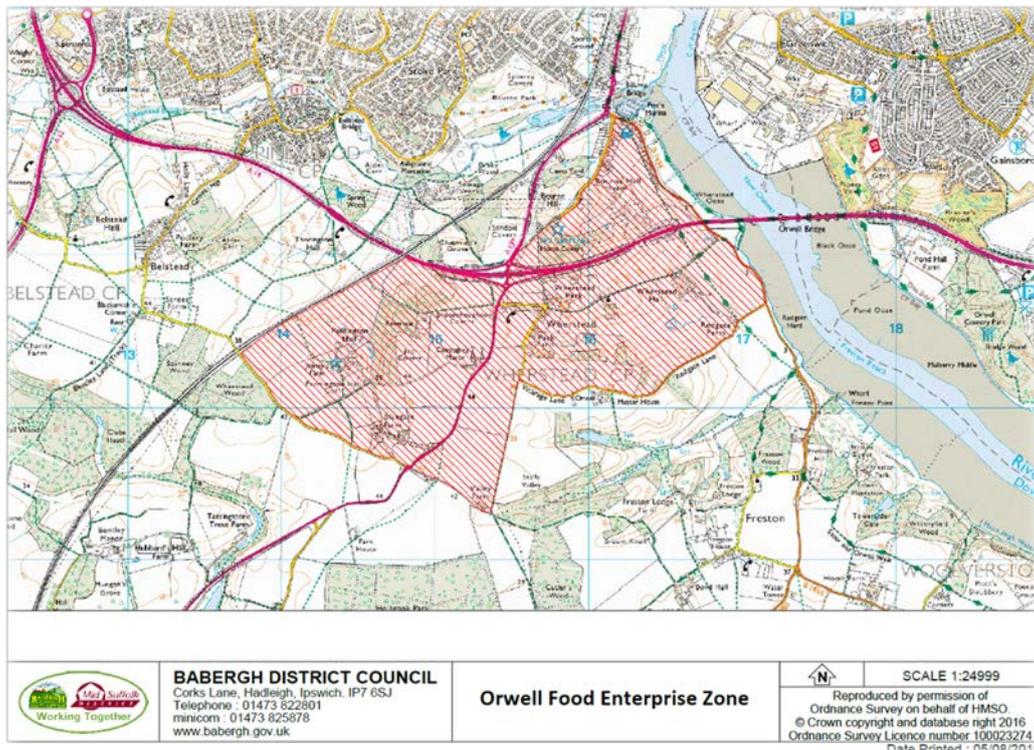
- I.1 Land and buildings at Pannington Hall in Wherstead are currently used for a mix of uses based around farming and food production, specialising in the farming of rare and minority breeds. Known as Jimmy's Farm, the business has evolved over recent years in order to provide a greater diversity of uses and therefore income to support the farm business objectives.
- I.2 In March 2015 the Orwell Food Enterprise Zone, centred on the village of Wherstead, was designated by the Department for Food, Environment and Rural Affairs (DEFRA). Such a designation allows local planning authorities the opportunity to consider whether a Local Development Order (LDO) is appropriate for sites in the Enterprise Zone area, thereby speed up the planning and development process for designated sites and provide more certainty for investors, developers and the local community.
- I.3 Jimmy's Farm, because of its connections with the "farm to fork" ethos, has been selected for the preparation of a ~~Local Development Order~~ (LDO) to enable specified further business expansion to take place without the need to secure planning permission, as long as the proposals comply with the conditions of the Order.
- I.4 Consultation on the Draft LDO commenced on 7 June 2016 and lasted for just over eight weeks, ending at 17.00 on Friday 5th August 2016. The following was undertaken in order to discharge the statutory consultation requirements:
- A notice of the consultation was placed in the East Anglian Daily Times on 7th June 2016 stating what was being consulted on, where the consultation documents could be viewed and how comments could be made.
 - Relevant and appropriate bodies were formally consulted including the County Council and the Parish Council;
 - All local residents and businesses were consulted using the same standards as if the LDO were a planning application;
 - A copy of the draft LDO and Statement of Reasons was made available for download on the Babergh District Council website; and
 - Copies of the consultation documentation was made available for inspection at Babergh District Council's offices in Hadleigh.
- I.5 As a result of the consultation, amendments were made to the draft LDO and this final version was adopted by Babergh District Council on 3rd October 2016.

2. Site Description

- 2.1 This Farm site is located on land around Pannington Hall to the west of the A137 at Wherstead and adjacent to Ipswich to London main line railway. The business farms an area of approximately 60 hectares of which 48 hectares are grass and paddocks. The remainder is woodland that provides an important setting for the farm and buildings. Pannington Hall, although not part of the business, is a Listed Building that is currently on the Babergh District Council “Buildings at Risk” register. An original timber framed barn on the site has been converted to a farm shop and restaurant and additional buildings within the vicinity of the Hall and restaurant have either been converted or erected to provide further retail floorspace, storage, offices, a classroom and toilets. Elsewhere on the farm there are additional buildings used for refreshment kiosks, a butterfly house and a polytunnel used in association with the breeding of turkeys
- 2.2 The Farm is accessed along an unclassified road leading north-west from the A137. The Farm operates a one-way system with the exit via a track to the west and onto the C class road leading from the A137 to Belstead.
- 2.3 Generally, the Farm is sheltered from views into the site by the topography of the land and the extensive Hill Farm Covert woodland on the eastern edge of the site.

3. Food Enterprise Zones

- 3.1 Food Enterprise Zones (FEZ) are a government initiative run by the Department for Food, Environment and Rural Affairs (DEFRA). The aim is to:
 - a) enhance rural development through the growth of food businesses in a particular location, be it producers, processors, retailers and/or manufacturers;
 - b) encourage greater collaboration between food and farming businesses, and even encourage links to research and education institutions, in order to develop the domestic food and farming sector;
 - c) allow local decision making and identities, particularly for planning and development; and
 - d) attract inward investment
- 3.2 An initial round of Food Enterprise Zones were designated in February 2015 immediately followed by an invitation by DEFRA for submissions for a second tranche of designations. Babergh District Council, supported by the New Anglia Local Enterprise Partnership, submitted a proposal to create the Orwell FEZ in an area based around three existing businesses in Wherstead – The Suffolk Food Hall, Wherstead Park (the headquarters of the East of England Co-operative Society) and Jimmy’s Farm. [The area is illustrated on the map below.](#) The submission was successful and the FEZ was designated in March 2015.



3.2 As part of the Food Enterprise Zone programme, DEFRA has provided financial support to develop and implement LDOs for the FEZ area. The designation of a FEZ has no additional benefits attached, unlike the wider national programme of Enterprise Zones where support for Business Rates relief and potential enhanced Capital Allowances are available. The DEFRA engagement and the network of Food Enterprise Zones is looking to learn from the process of developing the potential for an LDO and will continue to monitor activity in the future to determine the wider business and economic benefits which may arise.

4. Local Development Orders

4.1 LDOs were introduced through the Planning and Compulsory Purchase Act 2004 with a purpose of allowing local planning authorities to extend permitted development rights for certain specified forms of development. In other words, subject to compliance with certain conditions, development could take place without going through the formal planning application process.

4.2 The National Planning Practice Guidance outlines the process governing the preparation and the implementation of Local Development Orders and can be viewed here: <http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/what-types-of-area-wide-local-planning-permission-are-there/>

4.3 The powers in the 2004 Act were amended by the commencement of section 188 of the Planning Act 2008 in June 2009 and more detailed legal provisions on LDOs are contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and articles 34 and 37 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended (the 'DMPO'). The DMPO came

into force in October 2010 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and instruments which have amended that Order.

- 4.4 The Regulations require that if a local planning authority proposes to make a LDO they must first prepare:
- (a) A draft of the Order; and
 - (b) A statement of their reasons for making the order.

The statement of reasons must contain:

- (i) A description of the development which the order would permit; and
 - (ii) A plan or statement identifying the land to which the order would relate.
- 4.5 An LDO has to be consulted on in the same way as if it were a planning application. Following the review of the results of the consultation, the LDO can be approved by the LDO. The Secretary of State has to be notified of its approval via the National Planning Casework Unit, as soon as practicable after adoption.
- 4.6 The LDO, once formally adopted by the local planning authority, therefore provides:
- Certainty for investors, developers, neighbours and occupiers because they know what types of development will be acceptable in planning terms;
 - Cost savings for businesses through reducing the need for statements and studies supporting planning applications and the time taken to get a decision on whether the development is acceptable; and
 - Businesses the ability to react quicker to change, thereby reducing costs by allowing businesses to remain competitive.

5. Purpose

5.1 This LDO comprises:

1. A Statement of Reasons for granting planning permission and conditions;
2. The Local Development Order setting out the terms of the planning permission granted, including a prior notification requirement, planning conditions and exceptions; and
3. Process and Procedures under the LDO which will be followed by Babergh District Council as the local planning authority and by applicants.

5.2 The LDO and the terms within it will be active for a period of 5 years following the day of its adoption and will expire following this period. It will therefore cease to apply on the day following the fifth anniversary of the adoption of this order.

5.3 Babergh District Council proposes to review progress with the LDO on the third anniversary of its adoption to be able to fully reflect on the continuing suitability of the order in light of any changes to planning policy. The review will be completed within 28 days of the third anniversary and at the end of the review the Council will determine whether to:

- a. Retain the LDO as it stands for the remaining 2 years of its life;
- b. Retain but revise some elements; or
- c. Revoke and Cancel the LDO.

5.4 Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. Development which has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5 year period; provided it still complies with the established conditions and criteria for development.

6. Statement of Reasons

6.1 This Local Development Order has been prepared to help streamline the planning process and enable specified development to take place within the sites identified in Appendix I without requiring planning consent as long as the conditions attached to the LDO are complied with. Where a development proposal does not conform to the Order or cannot satisfy the conditions attached to the Order, planning consent will need to be sought in the usual way.

Objectives

- 6.2 The Food Enterprise Zone seeks to bring more local produce to the market, particularly artisan foods, and to promote food-related tourism in the local area. This will be achieved through:
- Stimulating the creation of additional jobs in the wider food sector supporting the Food Enterprise Zone;
 - Supporting new entrants to the market through facilitating food related business start-ups and high growth enterprise;
 - Enabling existing food related businesses to consolidate and expand;
 - Introducing innovation and up-skilling opportunities at every step, especially through strengthening links with science and education via local Higher and Further Education establishments;
 - Highlighting the importance of the local food-related economy to the wider area;
 - Growing a network around this important sector;
 - Providing access to faster broadband;
 - Offering access to additional support and grants as available from Babergh District Council, New Anglia Local Enterprise Partnership and other partners; and
 - Attracting inward investment into the area and growing the size of the agri-food sector overall.

Justification for Creating an LDO

- 6.3 The District Council is committed to enabling opportunities for the delivery of both environmentally and economically sustainable growth. Priority I for Babergh in the Babergh and Mid Suffolk Joint Strategic Plan Refresh 2016-2020 is to: *“Shape, influence and provide the leadership to enable growth while protecting and enhancing our environment.”*
- 6.4 The production, processing and selling of locally sourced food is an important part of the local economy, recognised through the designation by the government of the area based around three existing businesses in Wherstead as the Orwell Food Enterprise Zone in 2015.
- 6.5 The New Anglia Strategic Economic Plan identifies agriculture, food & drink as one of the 4 largest underpinning sectors that are the largest employers in the New Anglia economy. The LEP (and partners) will continue to support these in order to improve their productivity and competitiveness. The Suffolk Growth Strategy seeks to build on Suffolk’s distinctive competitive economic and environmental advantages. It acknowledges that there is particular potential for growth in the specialist food and drink offer driven by national demand for high quality locally sourced food. The size of the food & drink and agriculture sectors in Babergh is significantly larger than the Suffolk average, highlighting its importance to the local economy.
- 6.6 The Strategy identifies 9 growth sectors, one of which is food drink and agriculture. With key outcomes to:
- strengthen skills;
 - attract inward investment and promote enterprise;
 - focus growth in principal economic growth locations; and
 - improve transport, digital communications and other infrastructure.

Benefits

- 6.7 The LDO will:
- Make bringing forward defined development easier for the landowners by outlining all of the development that is permitted, without the need for planning permission which will improve investor and occupier clarity, certainty and confidence;
 - Ensure, through the application of the conditions attached to the LDO provide appropriate protection of amenity for residents and the protection of the international habitats in the vicinity of the LDO site so that they do not suffer from adverse impact arising from inappropriate development; and
 - Allow economic development to occur in a timely manner in response to business opportunities for growth and expansion;

7. Planning Policy Context

National Planning Policy

- 7.1 The National Planning Policy Framework (NPPF), published in March 2012, sets out the government's economic, environmental and social planning policies. Local Authorities must take its contents into account when preparing Local Plans and also when making decisions on planning applications. Paragraph 215 the NPPF indicates that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".
- 7.2 The key principle of the NPPF is the presumption in favour of sustainable development, taking into account the economic, social and environmental benefits that development can bring. It states that the planning system should be used to play an active role in guiding development to sustainable solutions through building a strong and competitive economy, ensuring the vitality of town centres, supporting a prosperous rural economy, promoting sustainable transport and requiring good design.
- 7.3 Paragraph 19 states that "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system."
- 7.4 The NPPF also requires that investment in business should not be over-burdened by the combined requirements of planning policy expectations and that local planning authorities should consider using Local Development Orders to relax planning controls where impacts are acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise (Paragraph 199).

Babergh Planning Policy

- 7.5 Core Strategy: The Core Strategy was adopted in February 2014. Policy CS3 of the Core Strategy (2014) states that proposals for employment uses that will contribute to the local economy will be supported where they are appropriate in scale, character and nature to their locality. The policy also supports the re-use of existing land and premises and proposals that contribute to farm diversification.
- 7.6 Policy CS17 promotes sustainable and environmentally acceptable economic growth in the rural area through a number of measures including:
- farm diversification;
 - the re-use of redundant rural buildings;
 - sustainable tourism and leisure based businesses (including those offering a diverse range of visitor accommodation, activities or experiences);
 - rural 'business parks', and workshops, rural and community business 'hubs' that share facilities and other innovative rural enterprises, and innovative business practices such as co-operatives or micro-businesses based on shared facilities / services; and
 - where appropriate, farm shops and farmers' markets; and

- 7.7 Babergh Local Plan Alteration No.2: The Local Plan was adopted by the Council on 1st June 2006 and sets out the detailed policies and proposals for the control of development across the district. Subsequent to its adoption, some policies have been replaced by the Babergh Core Strategy. Work has recently commenced on the preparation of a joint local plan document that will replace the remaining policies in Alteration No.2. However, until the “Joint Local Plan Babergh and Mid Suffolk” is adopted, the saved policies of the Local Plan (2006) remain, where appropriate, material in the consideration of planning proposals.
- 7.8 Policy EM20 of the Local Plan seeks to safeguard the future of local business through providing a strong presumption in favour of permitting the expansion of an existing business.

8. Site constraints

- 8.1 A number of constraints that will need to be taken into account when preparing development proposals for the site. These constraints are identified below and conditions attached to the LDO ensure that there will be no detrimental impact arising from the development on these constraints.

Listed Building

- 8.2 As noted above, Pannington Hall sits centrally on the site and is Listed Grade II. This timber framed farmhouse dates back to primarily the 16th and 17th Century and the Jimmy’s Farm business now operates around it but the Hall is in separate ownership. Pannington Hall is currently vacant and has been placed on the Buildings at Risk Register. Paragraph 132 of the NPPF requires that proposals affecting a listed building or its setting should afford great weight to the conservation of that building and its setting. In support of this, paragraph 013 of the National Planning Practice Guidance requires that a thorough assessment of the impact on the setting of a listed building needs to take into account the “degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.”
- 8.3 The development permitted in this LDO has had regard to the requirements of the NPPF in terms of the siting and design of proposals.

Access

- 8.4 As already noted, the access to Jimmy’s Farm is constrained both by the access road and the exit. The proposals in this LDO are unlikely to add significantly to day-to-day trips and will not generate the numbers experienced at special events organised at Jimmy’s Farm, such as the open air theatre and festivals.

Landscape

- 8.5 The site is not located within any designated landscapes, although it is within the Suffolk Coasts and Heaths Project Area. The land is of generally poor agricultural quality. However, of particular importance to the setting of the site is Hill Farm Covert, the woodland that forms the eastern boundary of the site. It is essential that this woodland is retained and

properly managed in order to ensure that that development at Jimmy's Farm continues to have a minimal landscape impact.

9. Permitted Development and Uses in the LDO Area

9.1 A number of proposals are allowed within this LDO, but constrained to designated parts of the overall site. The Plan accompanying this LDO at Appendix I identifies ~~four~~ three designated areas within which the following development will be permitted subject to the conditions of this LDO being met:

Area A: The erection of upto three buildings to accommodate either toilet blocks and / or refreshment kiosks (Use class: Sui Generis);

Area B: The erection of offices and storage buildings (Use Class B1); and

Area C: ~~The erection of a Polytunnel for the rearing of turkeys~~

~~**Area D:** The conversion of an agricultural building to a Children's Play Barn (Use Class D2).~~

Explanation

9.2 **Area A:** The area covered by this part of the LDO is currently used for Farm visitors to view animals, birds and insects and partake in play. These areas are up to 250 metres from the main buildings of the attraction and not conducive to the enjoyment of the area, for example, for family picnics. The LDO will allow up to a total of three wooden buildings to be constructed in the area to provide toilet blocks and/or refreshment kiosks ~~to be constructed in the area~~ within maximum size limits and subject to the use of specified materials to match those used elsewhere on the Farm.



Area A



Example building allowable in Area A subject to meeting conditions on dimensions

- 9.3 **Area B:** The area between the visitor's car park and the restaurant / farm shop is currently occupied by a range of temporary buildings and storage containers associated with the day to day operation of the Farm and visitor attractions. Further space will be required as the business expands and the LDO makes provision for the construction of upto 200 square metres office and storage buildings that will replace the existing temporary facilities with more sympathetically designed facilities.

The buildings should be constructed in brick and red pantile to match the adjoining butchery building to the east. The eaves and ridge height of permitted buildings should be no greater than the butchery building adjoining Area B to the east.

Conditions of the LDO require that the new buildings are used only in association with the operation of the Farm and attractions and not by separate businesses, for example for the office of a business not associated with the operation of Jimmy's Farm.



Area B

~~9.4 **Area C:** A polytunnel already exists on the Farm that is used for the rearing of turkeys. This LDO makes provision for a further polytunnel no larger than the existing to be placed within the field immediately to the west of the existing polytunnel. This would ensure that it does not have a detrimental impact on the setting of the listed building (Pannington Hall) as well as being screened from the long range views from the Belstead area of Ipswich and from the railway line.~~

9.45 **Area CD:** An open sided agricultural implement and storage barn exists at the western end of the main farm complex. The barn and uses within it are highly visible from the visitor's car park and exit road and detract from the appearance of the area. The LDO allows the barn to be converted to provide an indoor children's play barn providing an additional attraction for the site. The conditions of the LDO require that the materials used for the conversion match those used within the main complex of the Farm, with black timber boarding walls and dark green sheet metal roofing (as used on the roof of the Clarke's of Walsham retail unit to the east of the barn). Play uses shall be contained to within the building, the footprint of which is covered by the LDO.



Area CD

10. Conditions

1. LOCAL DEVELOPMENT ORDER TIME LIMIT

The LDO expires on DD Month YYYY (5 yrs after adoption). This means that all development which takes advantage of this LDO provision must have commenced by this date. Any developments commenced within the area after this date will require the submission of a formal planning application. Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. Development which has commenced under the provisions of the LDO can be completed following expiry of the LDO after the end of the 5 year period; provided it still complies with the established conditions and criteria for development set out within other conditions in this LDO.

Reason: In order that the implications of the LDO can be reviewed and that development meeting the conditions of this LDO can be completed.

2. LDO PROCEDURES

No development permitted by this LDO shall be commenced until:

1. Full details of the proposed development have been submitted to the Local Planning Authority by way of the completion of their LDO Confirmation of Compliance Application Form together with all other supporting documents as required by the LDO Checklist.
2. The Local Planning Authority has sent written acknowledgment to the applicant confirming:
 - a) the receipt of a valid LDO Confirmation of Compliance Application; and
 - b) the start and expiry date of the 28 day LDO Compliance Assessment Period.
3. Following the written acknowledgement described in 2, either:
 - a) The 28 day LDO Compliance Assessment Period has elapsed and the Local Planning Authority has neither certified that the proposal is compliant or noncompliant with the terms of the LDO; or
 - b) Within the 28 day LDO Compliance Assessment Period, the Local Planning Authority issues written confirmation of compliance expressly stating that the proposed development accords with the planning permission granted by the LDO, subject to compliance with other pre-commencement conditions.

For the purposes of calculating the 28 day LDO Compliance Assessment Period, any Bank Holiday and any day between and inclusive of Christmas Eve and New Year's Day each year shall not be taken into account.

The subsequent development should be carried out strictly in accordance with the LDO Confirmation of Compliance Application and in accordance with the time limits set out within Condition I above.

Reason: To ensure that the development is in conformity with the LDO and to ensure that LDO development can be monitored over the lifetime of the LDO.

Note: Developers, agents and landowners should refer to the LDO Confirmation of Compliance Protocol.

CONDITIONS SPECIFIC TO AREA A

A1. DEVELOPMENT APPROVED

The development hereby approved shall be used only for the sale of light refreshments and/or for toilets in association with the use of the site as a farm visitor attraction.

Reason: In order to retain control over the development, where the uses proposed are ancillary to the use of the land and where alternative uses may give rise to impacts above and beyond those proposed.

A2. DESIGN MATERIALS AND LAYOUT

The buildings permitted by the LDO shall be constructed of black painted/stained timber weatherboarding, ~~unless otherwise agreed in writing by the local planning authority.~~

Reason:

To secure an orderly and well designed development sympathetic to the character of the existing building(s) and the landscape, in the interests of visual amenity and the character and appearance of the area.

A3. BUILDING SIZE LIMIT

The buildings permitted shall have maximum dimensions of 5.0 metres by 3.0 metres and 3.0 metres high.

Reason: In order to limit the impact of the development on the rural nature of the site and the setting of the nearby listed building

A4. FOUL WATER DRAINAGE SCHEME

The hereby approved development shall not be brought into use until a foul water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be carried out and operated in accordance with the foul water strategy so approved ~~unless otherwise approved in writing by the Local Planning Authority.~~

Reason - To prevent environmental and amenity problems arising from flooding and to ensure appropriate provision is made for foul water resulting from the development.

A5. TREE PROTECTION

No development shall be commenced until any existing tree/s within, or on the boundary of a development site, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been approved, in writing, with the Local Planning Authority prior to the commencement of development. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree/s to be protected. Any tree/s dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with a tree or trees of appropriate size and species during the first planting season, ~~or in accordance with such other arrangement as may be approved, in writing, with the Local Planning Authority~~ up to first use or first occupation of the development, following the death of, or severe damage to the tree/s.

Reason - To enable existing landscaping to be protected and retained in the interests of visual amenity.

CONDITIONS SPECIFIC TO AREA B

B1 NEW FLOORSPACE

No more than 200 square metres of floorspace shall be constructed under this consent.

B2+ DESIGN, MATERIALS AND LAYOUT

Details of the design of the building and the facing and roofing materials to be used in the development shall be submitted to the Local Planning Authority for their approval in writing, including colour, finishes, signage and lighting. Thereafter the development shall be carried out in accordance with the approved details. The eaves and ridge height of permitted buildings shall be no greater than the butchery building adjoining Area B to the east.

Reason:

To secure an orderly and well designed development sympathetic to the character of the existing building(s) and the landscape, in the interests of visual amenity and the character and appearance of the area.

B3 FOUL WATER DRAINAGE SCHEME

The hereby approved development shall not be brought into use until a foul water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be carried out and operated in accordance with the foul water strategy so approved ~~unless otherwise approved in writing by the Local Planning Authority.~~

Reason - To prevent environmental and amenity problems arising from flooding and to ensure appropriate provision is made for foul water resulting from the development.

B43. SURFACE WATER DRAINAGE

~~No development shall commence above slab level until full details of surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is functionally available for use. The surface water drainage scheme shall be thereafter maintained as approved.~~

~~*Reason - To safeguard the ground water environment and minimise the risk of flooding.*~~

~~No development shall commence until details of a scheme for the disposal of surface water on the site has been submitted to and agreed in writing by the local planning authority.~~

~~*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.*~~

B54. No development shall commence until details of the implementation, maintenance and management of the scheme for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

B6. The development hereby permitted shall not be occupied until the flood risk asset register template has been submitted, in the required form, to and approved in writing by the local planning authority.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA 's statutory flood risk asset register

B7. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan."

B8. PERMITTED USES

The development permitted shall be used solely for office and/or storage purposes only in association with the operation of the Farm and on site attractions.

Reason: In order to retain control over the development, where the uses proposed are ancillary to the use of the land and where alternative uses may give rise to impacts above and beyond those proposed.

CONDITIONS SPECIFIC TO AREA C

~~C.1 Prior to the installation, erection or placement of the polytunnel on the land, precise details of the size of the polytunnel and its siting on the land shall be submitted to, and approved in writing by, the local planning authority. Only the approved polytunnel shall be installed/erected/placed on the land unless an alternative is subsequently agreed in writing by the local planning authority.~~

~~*Reason - In the interests of amenity and the character of the area, in accordance with saved policy CN01 of the Babergh Local Plan Alteration No.2 (2006).*~~

CONDITIONS SPECIFIC TO AREA ~~C~~D

~~DC.1~~ The conversion of the existing agricultural building shall be carried out so as to ensure a completed finish that is replicate of the materials used on the main barn complex on the site, being black painted/stained timber weatherboarding on a red brick plinth under a roof of dark green metal sheeting, ~~unless otherwise agreed in writing by the local planning authority.~~

Reason - In the interests of amenity and the character of the area, in accordance with saved policy CN01 of the Babergh Local Plan Alteration No.2 (2006).

II. Notes to Conditions:

1. Ground Conditions

Babergh District Council Environmental Protection Department shall be contacted in the event of unexpected ground conditions being encountered during construction.

2. Safe Development

Babergh District Council Environmental Protection Department request that the developer is made aware that the responsibility for the safe development of the site lies with them.

3. ~~Sustainable Surface Water~~ Drainage Systems ~~(SuDS)~~ informative

3.1 Infiltration ~~sustainable surface water~~ drainage systems ~~(SuDS)~~ such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.

- 3.2 Infiltration ~~SuDS~~ surface water drainage systems have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
- 3.3 Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
- 3.4 The maximum acceptable depth for infiltration surface water drainage systems ~~SuDS~~ is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration surface water drainage systems ~~SuDS~~ and peak seasonal groundwater levels.
- 3.5 Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
- 3.6 ~~SuDS~~ Surface water drainage systems should be constructed in line with good practice and guidance documents which include the Appendices A and C of the Suffolk Flood Risk Management Strategy and the Non-Statutory Technical Standards for Sustainable Drainage Systems (Defra, March 2015), SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011).
- 3.7 Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
- 3.8 Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003.

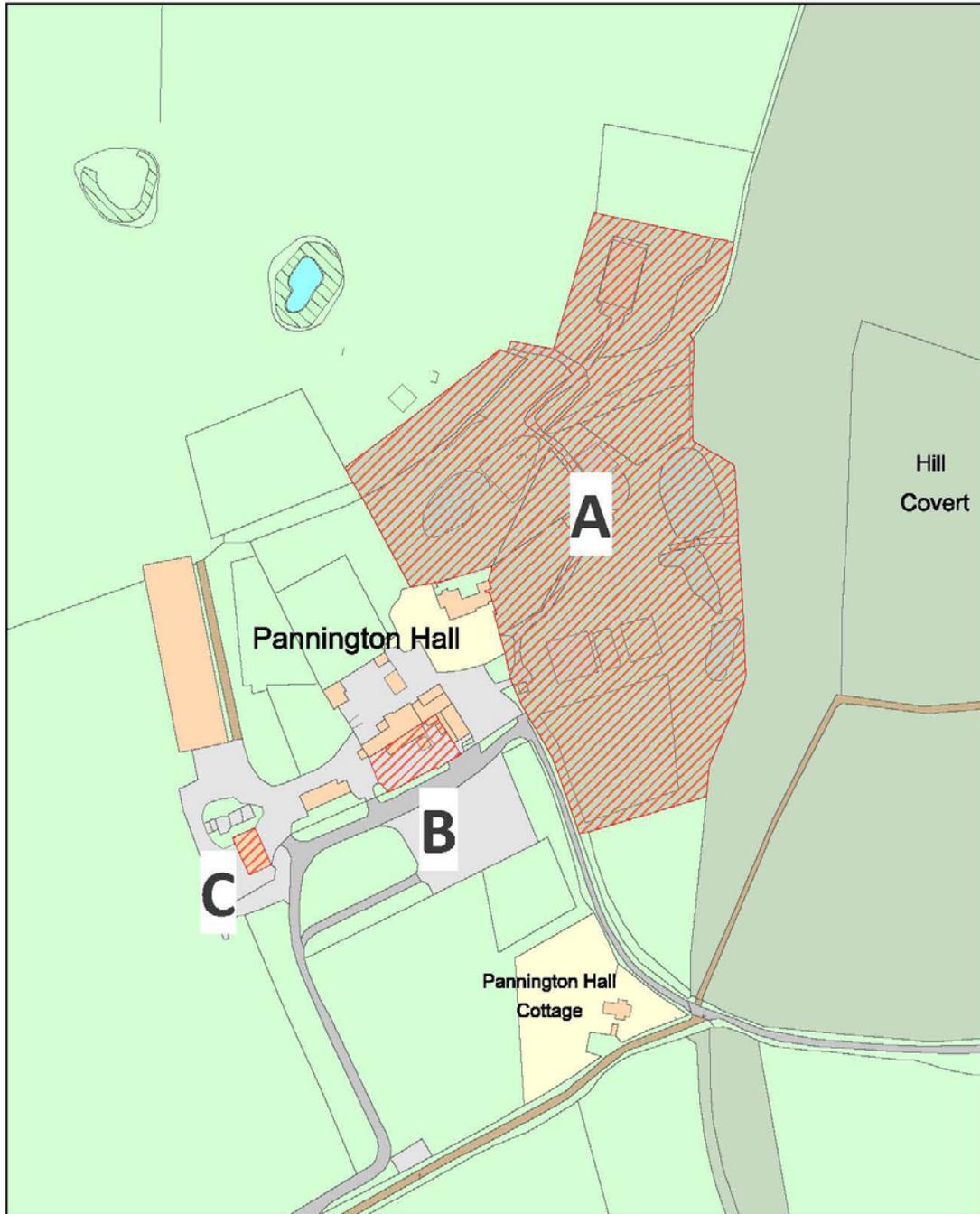
~~For further information on our requirements with regard to SuDS see the Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) document Position Statements G1 and G9 – G13 available at: <https://www.gov.uk/government/publications/groundwater-protection-principles-and-practice-gp3>~~

12. Process and Procedures

- 12.1 Developers are required to submit a limited amount of information in order that the local planning authority can determine whether the terms of Jimmy's Farm LDO are met such that planning permission is granted for the proposal under its provisions.
- 12.2 A period of 28 working days from receipt of this information is considered a realistic timescale within which the local planning authority should be able to assess compliance and respond without causing undue delay to applicants. Should the local planning authority respond positively or fail to respond within this 28 day period then planning permission is granted for the proposal by this LDO.
- 12.3 Exceptionally the need for an extension of time for a specified period beyond the 28 days may be necessary where particularly complex proposals are advanced and where further consultation is necessary.
- 12.4 In such instances Babergh District Council will contact the developer to agree an extension of time in which to consider whether, for example, additional information should be submitted to satisfy the requirements of a statutory consultee
- 12.5 Proposed development which falls outside the scope of the LDO will require the submission of a planning application or other appropriate application. For the avoidance of doubt, an LDO does not exclude applicants from applying for planning permission for developments that are not permitted by the Order. Neither does an LDO supersede the requirements for development to comply with all other relevant legislation, for example, Building Regulations, Environmental Health, Hazardous Substances Consent and licences or permits from other bodies such as the Environment Agency.

13. Appendix

LDO Areas



Jimmy's Farm
Local Development Order development areas



BABERGH DISTRICT COUNCIL
Corks Lane, Hadleigh, Ipswich. IP7 6SJ
Telephone : 01473 822801
Minicom : 01473 825878
www.babergh.gov.uk



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Date Printed : 05/08/2016

Orwell Food Enterprise Zone

Jimmy's Farm, Wherstead

Draft Local Development Order

Consultation Summary Report

August 2016



Prepared for Babergh District Council by:
Places4People Planning Consultancy
Places4people@outlook.com

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Introduction

In July 2016 Babergh District Council consulted on a draft Local Development Order (LDO) for land at Jimmy's Farm, Wherstead which lies within the designated Orwell Food Enterprise Zone. This report provides detail about the consultation, identifying how the consultation was undertaken, detail of the responses received during the consultation period and the Council's response to the comments received.

Legislative Requirements

The procedures for consulting on a draft Local Development Order are contained within the Town and Country Planning (General Development Management Procedure) Order 2015 (as amended).

Article 38(3) states that a local planning authority shall consult such of the listed persons whose interests they consider would be affected by the order if made. The listed persons include LPAs, county councils, locally operating bodies, voluntary groups, and utility companies.

Article 38(4) states that the local planning authority LPA shall consult any person with whom they would have been required to consult on an application for planning permission for the development to be proposed by the order.

Articles 38(5) and 38(6) state that in carrying out the consultation, the LPA shall:

1. specify a consultation period of not less than 28 days;
2. take account of all representations received by them during the specified period;
3. make a copy of the draft order and statement of reasons available for inspection:
 - at their office during normal working hours; and
 - at such other places within their area as they consider appropriate;
4. publish on their website:
 - the draft order and statement of reasons;
 - a statement that those documents are available for inspection and the places and times they can be inspected; and
 - the date by which representations on the draft order must be received, which shall not be less than 28 days after the date of first publication on the website;
5. give notice by local advertisement of:
 - the draft order and statement of reasons;
 - the availability of those documents for inspection, and the places and times they can be inspected;
 - the date by which representations on the draft order must be received, which shall not be less than 28 days from the date on which the notice was first published.

The Consultation

Consultation on the Draft LDO commenced on 7 June 2016 and lasted for just over eight weeks, ending at 17.00 on Friday 5th August 2016. The following was undertaken in order to discharge the statutory consultation requirements:

- A notice of the consultation was placed in the East Anglian Daily Times on 7th June 2016 stating what was being consulted on, where the consultation documents could be viewed and how comments could be made.
- Relevant and appropriate bodies were formally consulted including the County Council and the Parish Council;
- All local residents and businesses were consulted using the same standards as if the LDO were a planning application;
- A copy of the draft LDO and Statement of Reasons was made available for download on the Babergh District Council website; and
- Copies of the consultation documentation was made available for inspection at Babergh District Council's offices in Hadleigh.

Consultation Comments and Council's Response

A total of three responses were received by the close of the consultation period. The remainder of this report provides a summary of the comments received, the Council's response to the comments and any changes to the draft LDO proposed as a result of the comments.

Appendix A contains copies of the full responses.

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	<p>Approved mineral extraction would be worked in 5 distinct extraction phases, with land adjacent to Jimmy's farm being mainly within extraction phase 4. Cannot confirm specific timings of each phase.</p> <p>Brett Group have no objection to the proposed LDO and are in discussions with land owner to ensure that the LDO and the other activities at the site will not impede or interfere with consented mineral extraction activity.</p>	<p>that the advanced planting has been positioned between the polytunnel and the site permitted for sand and gravel extraction.</p> <p>Noted. However, due to the constrained nature of the residual part of Area C that is not subject to the extent Minerals extraction consent, as well the existence of Public Footpath 34 through the area, it is proposed not to proceed with Area C in the final LDO.</p>	
Suffolk County Council	<p>Suffolk County Council ("SCC") understands that the Orwell Food Enterprise Zone will contain two LDOs. Recommends that a plan of the entire Orwell Food Enterprise Zone is made available in the LDO.</p> <p>For the reasons set out below, SCC objects to the draft LDO in its current form.</p>	<p>Agreed</p> <p>Noted. Responses to objections set out below.</p>	Amend LDO to include plan of Orwell Food Enterprise Zone.
	<p>Paragraphs 9.1: Permitted Development and Uses in the LDO Area</p> <p>To aid clarity could the use classes be</p>	<p>Paragraph 9.1 will be amended to include Use</p>	

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	defined for development to be permitted by reference to the use classes order? For example Area A: use class Sui Generis, Area B: use class B1, and Area D: use class D2.	Classes as requested.	
	<p>Paragraph 8.2, 8.3, 9.2 and Appendix Site Constraints, Listed Building and Area A and LDO Areas</p> <p>Red line for Area A currently abuts to the exterior wall of Pannington Hall (Grade II listed building) on one side. Draft LDO is likely, or has the potential, to impact on the Grade II listed Pannington Hall. As an LDO cannot be made so as to grant planning permission for development affecting a listed building, SCC considers it necessary to draw Area A further away from the setting of the listed building.</p> <p>Area A includes an area of woodland. It is unclear why it is necessary to include the area of woodland in Area A. If the area of woodland is to be included, is there a need for a condition to protect the landscape?</p>	<p>Disagree. It is already possible to place agricultural buildings within the close proximity of Pannington Hall that would be allowed under permitted development rights and not require consent. The buildings allowed under the LDO in this area are of a design and form that would be in keeping with existing buildings on the site and would not harm the setting of the listed building.</p> <p>Hill Covert is to the east of Area A and only a small number of trees are included in Area A. Condition A5 protects existing trees in the area.</p>	<p>No change</p> <p>No change</p>
	<p>Paragraph 9.2 Area A</p> <p>Cross referencing with condition A3 is it necessary to include maximum heights in A3 condition on size limits?</p>	Agree.	Amend Condition A3 to include maximum height of buildings to be 3.0 metres.

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	<p>Clarify what is meant by up to three toilet blocks and/or refreshment kiosks. Could be interpreted as meaning THREE toilets and THREE kiosks totalling SIX buildings in total, or THREE buildings in total with some of the buildings including a combined toilet and refreshment kiosk. Understood latter is accepted approach but confirmation within text will help remove uncertainty.</p>	<p>Acknowledge that the number of buildings allowed in Area A could be misinterpreted. The LDO only allows a total of three buildings for use as refreshment kiosks and/or toilets.</p>	<p>Amend LDO to clarify that a maximum of three buildings is allowed for use as refreshment kiosks and / or toilets.</p>
	<p>Paragraph 9.3 Area B</p> <p>Draft LDO does not place restriction on the maximum floorspace for the buildings to be permitted on Area B. Recommends LDO includes a maximum floorspace based on the existing temporary facilities.</p> <p>Would be helpful to include condition on building height as referred to in the text in paragraph 9.3.</p>	<p>Acknowledge that a maximum floorspace permitted by the LDO should be stipulated, however do not agree that it should be the same as the existing temporary facilities as this would not enable the expansion of storage / office use required by the business to be realised.</p> <p>Agree. Height will be restricted so that the walls shall be no higher than the eaves height of the butchery building to the east and roof height no more than the total height of the same building.</p>	<p>Amend paragraph 9.3 to state that the maximum floorspace that can be constructed in Area B under the LDO shall be 200 square metres. Add additional condition to LDO.</p> <p>Amend paragraph 9.3 to include statement that height of buildings will be restricted so that the walls shall be no higher than the eaves height of the butchery building to the east and roof height no more than the total height of the same building. Add additional conditions to LDO.</p>
	<p>Paragraph 9.4, Appendix and whole LDO Area C</p>		

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	<p>Whole of Area C falls within the red line and blue line boundaries of the Pannington Hall Estate Quarry (Plan attached).</p> <p>Pannington Hall Estate Quarry has planning permission for extraction of sand and gravel followed by restoration to agriculture granted 28 June 2007. Pannington Hall Estate Quarry is listed as a primary aggregates site in SCC's Suffolk Local Aggregates Assessment (December 2014).</p> <p>The blue line area provides the environmental stand-off for the quarry and is the area on which landscaping required in respect of the quarry has already been planted (indicated on Plan attached).</p> <p>SCC expects to receive application to extend time period of extraction and restoration.</p> <p>Granting permitted development rights for polytunnels for rearing turkeys on Area C "within the field immediately to the west of the existing polytunnel" would conflict with extant planning permission for the quarry, a primary aggregate site in Suffolk. Whilst the draft LDO, if adopted, would not supersede the extant planning permission, SCC objects to those parts of the draft LDO relating to Area C due its impact on the extant planning</p>	<p>It is acknowledged that positioning a polytunnel in the falls within the red line and blue line boundaries of the Pannington Hall Estate Quarry. In particular, it is noted that the landscaping required by the planning consent for the quarry will limit the ability of the minerals extraction consent to be implemented. A polytunnel does already exist in the "blue line" area, but a further polytunnel in this area will be difficult to achieve under an area LDO given the complex issues.</p> <p>Noted. Brett's have responded to the LDO consultation to this effect.</p> <p>Noted. See above.</p>	<p>The draft LDO will be amended to remove Area C and the proposals relating to the provision of a polytunnel for the rearing of turkeys.</p>

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	<p>permission and quarry in order to safeguard this consented mineral site.</p>		
	<p>Paragraph 9.4, Appendix and whole LDO Area C</p> <p>Land which forms part of Area C in the draft LDO is outside the ownership of Jimmy's Farm. Unclear if owner of Area C has been consulted in respect of the draft LDO.</p>	<p>Brett's have responded to the LDO consultation to this effect.</p>	<p>Because of the conflict with the minerals extraction planning consent noted above, the draft LDO will be amended to remove Area C and the proposals relating to the provision of a polytunnel for the rearing of turkeys.</p>
	<p>Paragraph 9.4, Appendix and whole LDO Area C</p> <p>Wherstead Public Footpath 34 (Footpath 34) runs diagonally across Area C as proposed in the draft LDO, as shown on the enclosed map.</p> <p>No development can take place on Area C to the extent that it would restrict or interrupt the use of (whether temporarily or permanently), or otherwise impact on the right of the public to use, Footpath 34. Proposed polytunnel on Area would impact on Footpath 34.</p> <p>Network Rail are currently consulting on</p>	<p>Noted.</p> <p>A polytunnel could be constructed on Area C as consulted on without necessarily restricting the right of the public to use Footpath 34 on route as illustrated on the map attached to the consultation response.</p> <p>Noted. Any proposed diversion would need</p>	<p>Because of the conflict with the minerals extraction planning consent noted above, the draft LDO will be amended to remove Area C and the proposals relating to the provision of a polytunnel for the rearing of turkeys.</p>

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	<p>proposals in relation to the level crossing at Pannington Hall (Broomhaughton) over which Footpath 34 crosses, and one of the options being considered is the potential diversion of Footpath 34. Network Rail's proposals are still at an early stage and no final option has yet been proposed. Resultant changes that may be made would not be implemented until, at the earliest, 2019.</p> <p>Due to the draft LDO proposing to permit development on the public right of way (which is highway) which crosses diagonally over Area C, SCC objects to the LDO to the extent that it relates to Area C.</p>	<p>to have regard to development that is in place at the time. Development cannot be refused on the basis of a footpath diversion that might be required at a later date.</p> <p>Noted. See above.</p>	
	<p>Paragraph 9.5, Appendix and whole LDO Area D</p> <p>The open sided agricultural implement and storage barn (Area D) at the western end of the main farm complex abuts the blue line area under the extant planning permission. Due to this building's close proximity to future quarry operations permitted by the extant planning permission, SCC does not consider it appropriate for the use of this agricultural building to be changed and for it to be permitted to be used as a children's play barn.</p>	<p>Disagree. The building is capable of conversion using appropriate construction methods that would mean that the uses, particularly as they would be internal, would not be impacted by the minerals extraction operations.</p>	<p>No change.</p>

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	<p>It is for the District Council to satisfy itself that the statutory consultation requirements have been complied with in respect of this LDO.</p> <p>Further, as the draft LDO will affect a public right of way, it is also for the District Council to satisfy itself that it has complied with and carried out any additional procedural and consultation requirements for the draft LDO in this regard.</p>	<p>Consultation on the Draft LDO has been carried out in accordance with the Town and Country Planning (General Development Management Procedure) Order 2015 (as amended) and as set out in Section 2 of this Consultation Report.</p> <p>The LDO is being amended to remove Area C and therefore development will not affect a public right of way.</p>	<p>No change</p>
	<p>Whole Document: General Comments</p> <p>SCC understands that LDOs are intended to be for specified types of development. Specified uses in the draft LDO are very specific. It is for the District Council to determine whether the uses are in the spirit of an LDO.</p> <p>Some planning conditions appear to have tailpieces which seek to allow the local planning authority flexibility over the future compliance with and regulation of the terms of the condition. It is understood that the tailpiece in condition A2 is to allow the local planning authority to relax the condition and</p>	<p>The uses set out in the LDO are, as SCC states, for specified types of development. They are therefore clearly in the spirit of an LDO.</p> <p>The District Council agrees with the views of SCC.</p>	<p>No change</p> <p>The conditions in the LDO have been amended to remove the tailpieces to conditions</p>

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	<p>to allow a degree of flexibility without the need for a formal planning application to amend the development, or a full application for planning permission where the proposed development does not fall within the conditions specified in the LDO. SCC recommends that a tailpiece that allows flexibility for design materials and layout is not suitable. An LDO is consulted on to allow public and stakeholders to understand and comment on what the appearance will be of the future development. If developer then allowed to agree a change to the design materials or the type of development with the local planning authority, it does bring the purpose of the LDO and its conditions into question. The courts have held certain tailpieces to be unlawful, because they made uncertain what had been granted by the permission and would potentially allow development to take place which is very different in scale and impact from that which is permitted and it would be created wholly outside of any statutory process.</p> <p>Considered that public is entitled to know from public documents the development for which permission has been permitted and if changes are to be considered to the permission granted that they have the</p>		

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	opportunity to further comment on them.		
	SCC recommends that plan of entire Orwell Food Enterprise Zone is made available in the draft LDO.	Noted	The final LDO includes a plan as requested.
T R Scott	<p>Traffic arrangements; private cars, coaches etc. visiting the site and commercial heavy goods vehicles for the servicing of the business currently access the site via Pannington Hall Lane which is a single track, bi-directional lane. Lane presently struggling to cope with amount and size of modern transport required to service the early morning through to late night 7 day a week activities using the site.</p> <p>Changing the use of this land and increasing the storage areas etc. will increase the number of commercial vehicle journeys pro rata.</p> <p>During specific events it has been found necessary to divert access from Pannington Hall Lane to the better suited and wider Belstead Road, which is also currently used for the majority of visiting vehicles exiting the site.</p> <p>If granting this proposal the expansion of the current opening on the Belstead Road to</p>	<p>Suffolk County Council, as the local highways authority, has been consulted and not have not objected to the draft LDO in terms of highways issues. Proposals in Area A are catering for existing visitors and will therefore not give rise to a significant increase of vehicles. Proposals in Area B will result in the replacement of existing temporary structures and do not, as proposed to be amended, result in a significant increase of floorspace. The proposed polytunnel in Area C is being deleted from the final LDO. The conversion of the barn in Area D will result in a use that is incidental to the existing attraction and is therefore unlikely to result in a significant increase in vehicle movement</p>	No change

Respondent	Summary of Comment	District Council response	Proposed changes to LDO
	<p>allow for not only the exiting of the site but also the entering is a must.</p> <p>Diligence should be taken to prevent the whole project from choking itself and destroying the natural amenities which are the main driving force of the project at its outset.</p>		

APPENDIX A

Consultation Responses

FAO: Dawn Easter
Council Offices,
Babergh District Council,
Corks Lane,
Hadleigh
Ipswich
IP7 6SJ

Thursday 4th August 2016

Our Ref: CSH/P29/JFLDO

Dear Ms Easter

Orwell FEZ Jimmy's Farm Draft LDO

I write, further to your recent discussion with our Planning Consultant Stephen Daw, in regard to the Babergh District Council Draft Local Development Order (LDO), relating to land at Jimmy's Farm, Pannington Hall Lane, Wherstead, Suffolk, IP9 2AR. I understand that consultation relating to this LDO is now due to close on the 5th August 2016.

By means of a brief introduction; Brett Group has interest in the land west of the current Jimmy's Farm complex, for the purposes of an approved mineral extraction site (quarry). Planning application County Ref: B/05/0713/CMA was approved by Suffolk County Council on 28th June 2007 for the extraction of sand and gravel followed by restoration to agriculture at the lower level at land off the A137, Pannington Hall Estate, Wherstead. A subsequent s73 planning application, approved on 19th April 2010, made some minor changes to the approved layout and access (County Ref: B/09/0803). I attach drawing 'Figure H' showing the current approved extraction boundary and can confirm Initial works to implement the planning permission have taken place. Brett Group are currently in the process of preparing a further s73 planning application to vary, inter alia, condition 3 of the 2010 approval to allow an extension of time by which the mineral extraction can be completed. If approved, this consent will allow extraction until 30 April 2030 with restoration until 31 October 2030.

As you will see from the attached sketch, upon which we have overlaid the approved limit of the mineral extraction onto the LDO Areas map, there is an overlap between the approved mineral extraction boundary and Area C poly-tunnels. As shown in Figure H, the approved mineral extraction would be worked in 5 distinct extraction phases, with land adjacent to Jimmy's farm being mainly within extraction phase 4 although at this stage I cannot confirm specific timings of each phase.

I can confirm that Brett Group have no objection to the proposed LDO and are in discussions with land owner to ensure that the LDO and the other activities at the site will not impede or interfere with our consented mineral extraction activity.

Should you wish to discuss the content of this letter, or the development proposals, in more detail please do not hesitate to contact me.

Yours sincerely,


Chris Hemmingsley
Area Planning Manager
Group Planning & Development
Direct Line: 01227 829061
Mobile: 07484088794
e-mail: chris.hemmingsley@brett.co.uk

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Fax 01227 829039
www.brett.co.uk



davies planning
Pannington Hall Estate
 Proposed variation of conditions 2, 4, 8 and 29 of
 planning permission E050719CMA

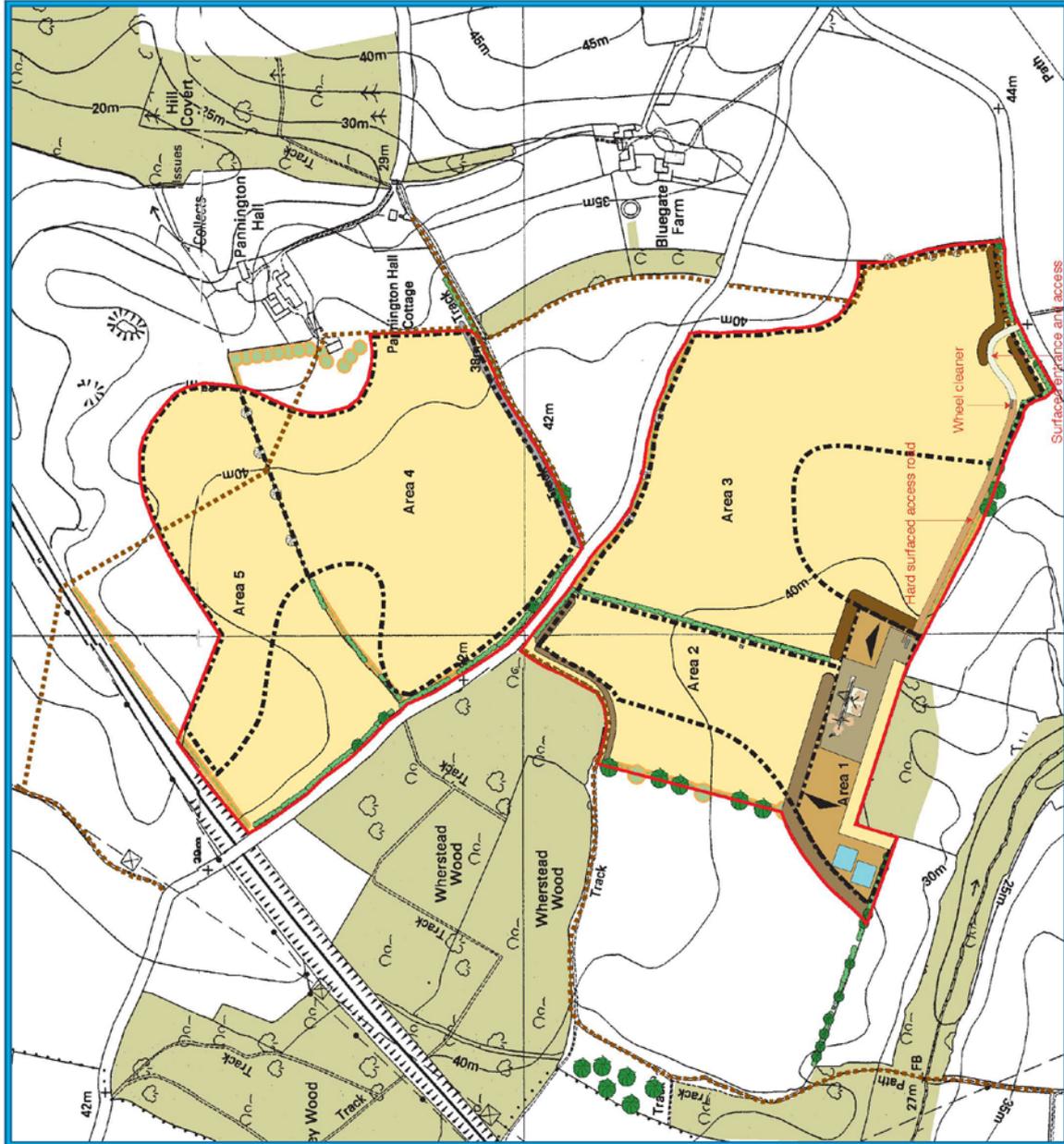
Figure H

Mineral extraction from Area 1

Scale 1 : 5,000

July 2009

- Key**
- Application site
 - Working areas
 - Undisturbed land
 - Land stripped of soils (and mineral stockpiles)
 - Plant site
 - Land excavated and awaiting restoration
 - Restored land
 - Topsoil mounds
 - Subsoil mounds
 - Existing trees, hedgerow and scrub
 - Advance tree and hedgerow planting
 - Public footpath
 - Woodland
 - Direction of working





Not to scale

LIMIT OF EXTRACTION

Mid Suffolk District Council
Council Offices
High Street
Needham Market
Ipswich
Suffolk
IP6 8DL

Our ref: 47230/EB
Date: 5 August 2016
Enquiries to: Emma Bethell
Tel: 01473 264504
Email: emma.bethell@suffolk.gov.uk

For the attention of Dawn Easter

Dear Dawn,

CONSULTATION RESPONSE OF SUFFOLK COUNTY COUNCIL - ORWELL FOOD ENTERPRISE ZONE – JIMMY’S FARM, WHERSTEAD

DRAFT LOCAL DEVELOPMENT ORDER: TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AND TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

I refer to the above draft Local Development Order in respect of the Orwell Food Enterprise Zone, Jimmy’s Farm, Wherstead (“the draft LDO”) which is the subject of a public consultation.

Suffolk County Council (“SCC”) understands that the Orwell Food Enterprise Zone will contain two LDOs. The LDO at the Suffolk Food Hall is expected to be for small scale food processing and the LDO at Jimmy’s Farm is discussed below. To help with this situation SCC recommends that a plan of the entire Orwell Food Enterprise Zone is made available in the draft LDO.

I set out below Suffolk County Council’s (“SCC”) response to the public consultation on the draft LDO. Whilst some of the points covered do not affect SCC’s services, general comments are provided to aid the readability and clarity of the draft LDO.

For the reasons set out below, SCC objects to the draft LDO in its current form.

**Draft LDO, paragraphs 9.1
Permitted Development and Uses in the LDO Area**

To aid clarity could the use classes be defined for development to be permitted by reference to the use classes order? For example Area A: use class Sui Generis, Area B: use class B1, and Area D: use class D2.



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**Draft LDO, paragraph 8.2, 8.3, 9.2 and Appendix
Site Constraints, Listed Building and Area A and LDO Areas**

The red line for Area A currently abuts to the exterior wall of Pannington Hall (Grade II listed building) on one side. As currently drafted, the draft LDO is likely, or has the potential, to impact on the Grade II listed Pannington Hall. In light of Article 38(12) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, which states that an LDO cannot be made so as to grant planning permission for development affecting a listed building, SCC considers it necessary to draw Area A further away from the setting of the listed building.

In addition, Area A includes an area of woodland. It is unclear why it is necessary to include the area of woodland in Area A. If the area of woodland is to be included, is there a need for a condition to protect the landscape?

**Draft LDO, paragraph 9.2
Area A**

Paragraph 9.2 states "The LDO will allow up to three toilet blocks and/or refreshment kiosks to be constructed in the area within maximum size limits and subject to the use of specified materials to match those used elsewhere on the farm".

Cross referencing with condition A3 is it necessary to include maximum heights in A3 condition on size limits? It is also necessary to clarify what is meant by up to three toilet blocks and/or refreshment kiosks. That could be interpreted as meaning THREE toilets and THREE kiosks totalling SIX buildings in total, or THREE buildings in total with some of the buildings including a combined toilet and refreshment kiosk. Through discussions with District Council colleagues it is understood the latter is the accepted approach but confirmation within the text will help remove any uncertainty.

**Draft LDO, paragraph 9.3
Area B**

At present the draft LDO does not place any restriction on the maximum floorspace for the buildings to be permitted on Area B. SCC recommends that the draft LDO includes a maximum floorspace based on the existing temporary facilities.

Further, it would be helpful to include a condition on building height as referred to in the text in paragraph 9.3?

**Draft LDO, paragraph 9.4, Appendix and whole LDO
Area C**

The whole of Area C identified within the draft LDO falls within the red line and blue line boundaries of the Pannington Hall Estate Quarry.

Pannington Hall Estate Quarry has the benefit of extant planning permission (reference B/05/0713/CCA) for the extraction of sand and gravel followed by restoration to agriculture

granted by Suffolk County Council, as Minerals Planning Authority, dated 28 June 2007. A copy of this extant planning permission can be found on SCC's website.¹

Pannington Hall Estate Quarry is listed as a primary aggregates site in Suffolk in SCC's Suffolk Local Aggregates Assessment dated December 2014, a copy of which can be also be found on SCC's website.²

Part of Area C falls within the red line boundary of the extant planning permission, as shown on the attached Plan No. 1 (Pannington Hall Estate, Plan No.1).

The remaining part of Area C falls within the blue line area, also shown on the attached Plan No. 1 (Pannington Hall Estate, Plan No.1) which provides the environmental stand-off for the quarry and is the area on which landscaping required in respect of the quarry has already been planted (in the location shown on the attached Plan No.3 (Pannington Hall Estate, Plan No. 3)).

In addition, SCC, as Minerals Planning Authority, expects to receive a section 73 application to extent the time period of extraction and restoration under the extant planning permission following the issuing of a screening and scoping opinion in 2015.

The proposal to grant permitted development rights for polytunnels for rearing turkeys on Area C "within the field immediately to the west of the existing polytunnel" would therefore be in conflict with the extant planning permission for the quarry, a primary aggregate site in Suffolk. Whilst the draft LDO, if adopted, would not supersede the extant planning permission, SCC objects to those parts of the draft LDO relating to Area C due its impact on the extant planning permission and quarry in order to safeguard this consented mineral site.

**Draft LDO, paragraph 9.4, Appendix and whole LDO
Area C**

It is noted that the land which forms part of Area C in the draft LDO is outside the ownership of Jimmy's Farm. It is unclear to SCC if the owner of Area C has been consulted by the District Council in respect of the draft LDO.

**Draft LDO, paragraph 9.4, Appendix and whole LDO
Area C**

Wherstead Public Footpath 34 (Footpath 34) runs diagonally across Area C as proposed in the draft LDO, as shown on the enclosed map.

No development can take place on Area C to the extent that it would restrict or interrupt the use of (whether temporarily or permanently), or otherwise impact on the right of the public to use, Footpath 34. The proposed permitted development of polytunnels for the rearing of turkeys on Area C "within the field immediately to the west of the existing

¹ <https://www.suffolk.gov.uk/planning-and-environment/planning-applications/comment-on-or-view-a-planning-application/>

² <https://www.suffolk.gov.uk/assets/suffolk.gov.uk/Environment%20and%20Transport/Planning%20and%20Building/Planning%20Applications/Suffolk%20LAA%20December%202014.pdf>

polytunnel” of a maximum size equivalent to the existing polytunnel would impact on Footpath 34.

Whilst Network Rail are currently consulting on proposals in relation to the level crossing at Pannington Hall (Broomhaughton) over which Footpath 34 crosses, and one of the options being considered is the potential diversion of Footpath 34 from its current alignment to a new alignment, Network Rail’s proposals are still at an early stage and no final option has yet been proposed. Further, any changes that may be made to Footpath 34 or its alignment as a result of Network Rail’s consultation would not be implemented until, at the earliest, 2019. SCC understands that the District Council have been consulted by Network Rail on their proposals and are aware of the timescales and current position regarding Network Rail’s consultation.

Due to the draft LDO proposing to permit development on the public right of way (which is highway) which crosses diagonally over Area C, SCC objects to the LDO to the extent that it relates to Area C.

**Draft LDO, paragraph 9.5, Appendix and whole LDO
Area D**

The open sided agricultural implement and storage barn (Area D) at the western end of the main farm complex abuts the blue line area under the extant planning permission. Due to this building’s close proximity to future quarry operations permitted by the extant planning permission, SCC does not consider it appropriate for the use of this agricultural building to be changed and for it to be permitted to be used as a children’s play barn.

**Draft LDO, Section 10 and 11
Conditions Specific to Area B, B3 and Notes to Condition, 3 Sustainable Drainage
Systems (SuDS) Informative**

The surface water drainage condition at B3 is unacceptable. A surface water drainage strategy is required to be submitted and approved before development commences in order to ensure that the approved surface water drainage measures are incorporated into the development, to ensure that surface water is adequately dealt with during construction and to ensure that the risk of flooding from the development is minimised.

It is recommended that the current condition B3 is deleted and replaced with the following conditions regarding surface water drainage:

“B3. No development shall commence until details of a scheme for the disposal of surface water on the site has been submitted to and agreed in writing by the local planning authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

B4. No development shall commence until details of the implementation, maintenance and management of the scheme for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The

scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

- B5. The development hereby permitted shall not be occupied until the flood risk asset register template has been submitted, in the required form, to and approved in writing by the local planning authority.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register

- B5. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

Reason: To ensure the development does not cause increased pollution of the watercourse in line with the River Basin Management Plan."

The Sustainable Drainage Systems (SuDS) informative, at paragraph 11(3), should be amended to reflect the change in terminology to surface water drainage, to refer to the new and updated guidance documents on surface water and sustainable drainage systems and to include additional informatives. Proposed amendments are set out below (wording struck through are to be deleted, wording in red is to be added):

3. ~~Surface Water Drainage~~ Sustainable Drainage Systems (SuDS) informative

- 3.1 Infiltration ~~surface water drainage~~ ~~sustainable drainage systems (SuDS)~~ such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
- 3.2 Infiltration ~~surface water drainage systems~~ SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
- 3.3 Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hardstanding, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.
- 3.4 The maximum acceptable depth for infiltration ~~surface water drainage systems~~ SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between

the base of infiltration ~~surface water drainage systems~~ SuDS and peak seasonal groundwater levels.

- 3.5 Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
- 3.6 ~~Surface water drainage systems~~ SuDS should be constructed in line with good practice and guidance documents which include ~~Appendices A and C of the Suffolk Flood Risk Management Strategy and the Non-Statutory Technical Standards for Sustainable Drainage Systems (Defra, March 2015), the SuDS Manual (CIRIA C697, 2007), the Susdrain website (http://www.susdrain.org/) and draft National Standards for SuDS (Defra, 2014).~~
- 3.7 ~~Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.~~
- 3.8 ~~Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003.~~

~~For further information on our requirements with regard to SuDS see the Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) document Position Statements G1 and G9 – G13 available at: <https://www.gov.uk/government/publications/groundwaterprotection-principles-and-practice-gp3>~~

Draft LDO, whole LDO Consultation requirements

In accordance with Article 38(3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ("the 2015 Order") the District Council is required to consult with those persons listed within Article 38(3).

In addition, in accordance with Article 38(4) of the 2015 Order the District Council, as Local Planning Authority, must also consult with any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the draft LDO.

The manner in which the consultation is to be carried out is specified in Article 38 of 2015 Order. It is for the District Council to satisfy itself that the statutory consultation requirements have been complied with in respect of this LDO.

Further, as the draft LDO will affect a public right of way, it is also for the District Council to satisfy itself that it has complied with and carried out any additional procedural and consultation requirements for the draft LDO in this regard.

Draft LDO, Whole Document: General Comments

SCC understands that LDOs are intended to be for specified types of development. The specified uses in the draft LDO are very specific. It is for the District Council to determine whether the uses are in the spirit of an LDO.

Some of the proposed planning conditions appear to have tailpieces at the end of the condition which seek to allow the local planning authority flexibility over the future compliance with and regulation of the terms of the condition. It is understood that the tailpiece in condition A2 is to allow the local planning authority to relax the condition and to allow a degree of flexibility without the need for a formal planning application to amend the development, or a full application for planning permission where the proposed development does not fall within the conditions specified in the LDO. However, in this case of permitted development, SCC recommends that a tailpiece that allows flexibility for design materials and layout is not suitable. One of the reasons an LDO is consulted on is to allow the public and stakeholders to understand and comment on what the appearance will be of the future development. If the developer is then allowed to agree a change to the design materials or the type of development with the local planning authority, it does bring the purpose of the LDO and its conditions into question. The courts have held certain tailpieces to be unlawful, because they made uncertain what had been granted by the permission and would potentially allow development to take place which is very different in scale and impact from that which is permitted and it would be created wholly outside of any statutory process. Accordingly, it is considered that the public is entitled to know from public documents the development for which permission has been permitted and if changes are to be considered to the permission granted that they have the opportunity to further comment on them.

SCC recommends that a plan of the entire Orwell Food Enterprise Zone is made available in the draft LDO. We understand that it was the intention to include such a plan but mapping had not been possible prior to the draft LDO consultation being launched.

I hope these comments are helpful. SCC would welcome the opportunity to discuss its consultation response further and to assist with finding a solution to the points raised.

Yours sincerely,



Emma Bethell
Principal Planning and Environment Solicitor

Enc. Pannington Hall Estate, Plan No. 1
Pannington Hall Estate, Plan No. 3
Footpath 34 (part) Wherstead Plan

davies planning
Pannington Hall Estate
Proposed minerals development

Plan No 1

Location of the application

Site Series 1 : 10,000 and 1 : 50,000

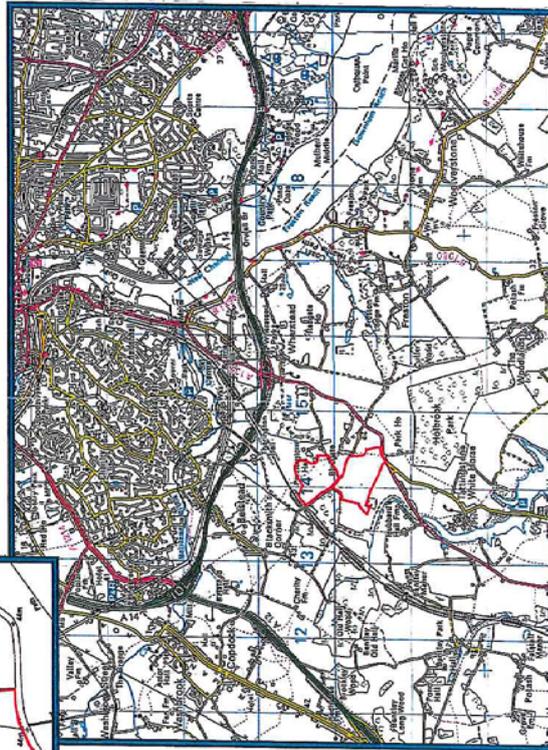
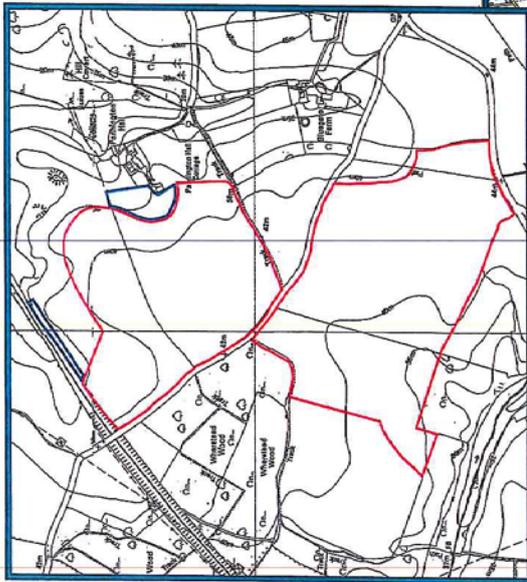
July 2015

Key

 Application site

 Other land under the control of the applicant

 Other land included in M.P. Site PM4

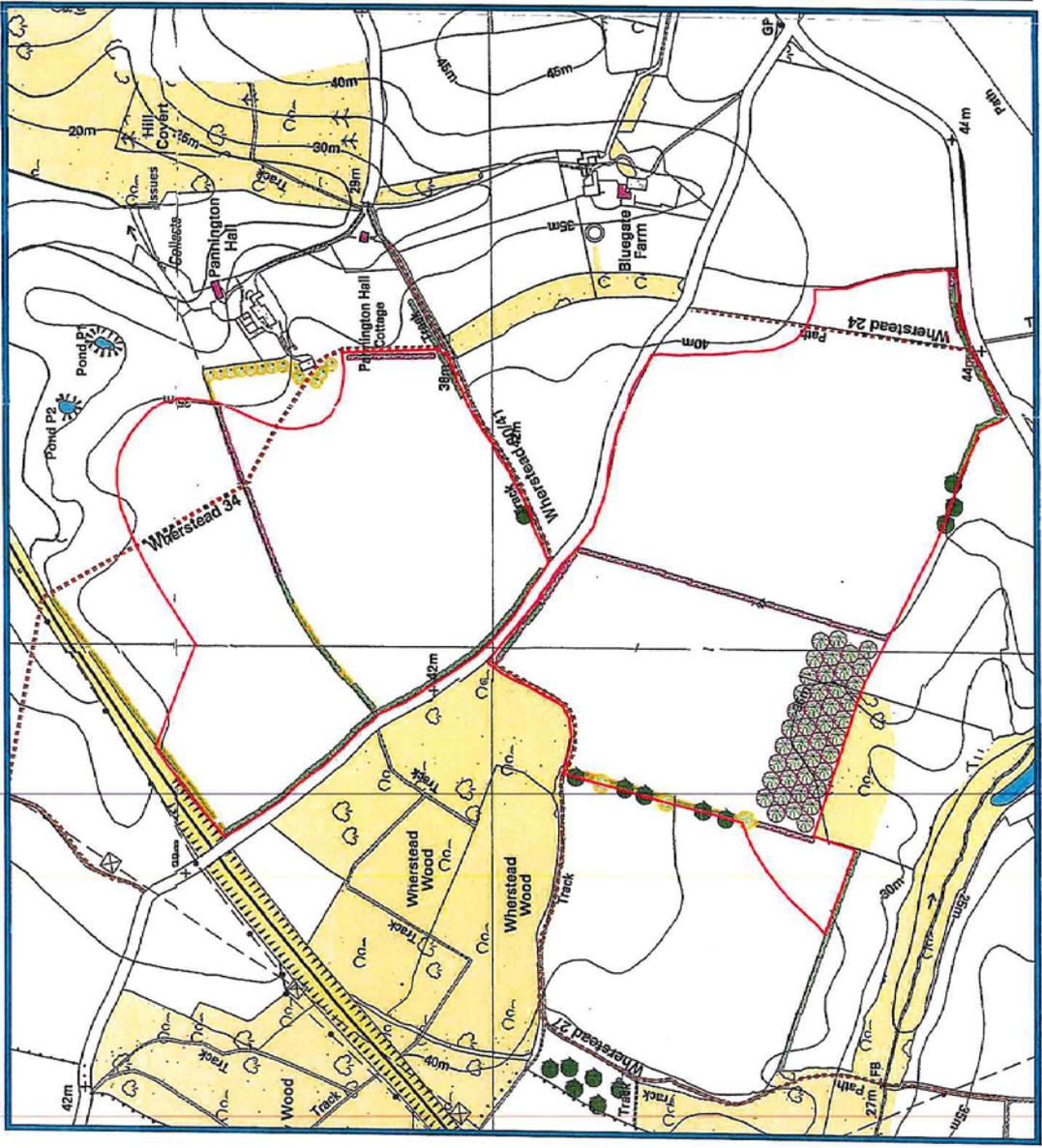


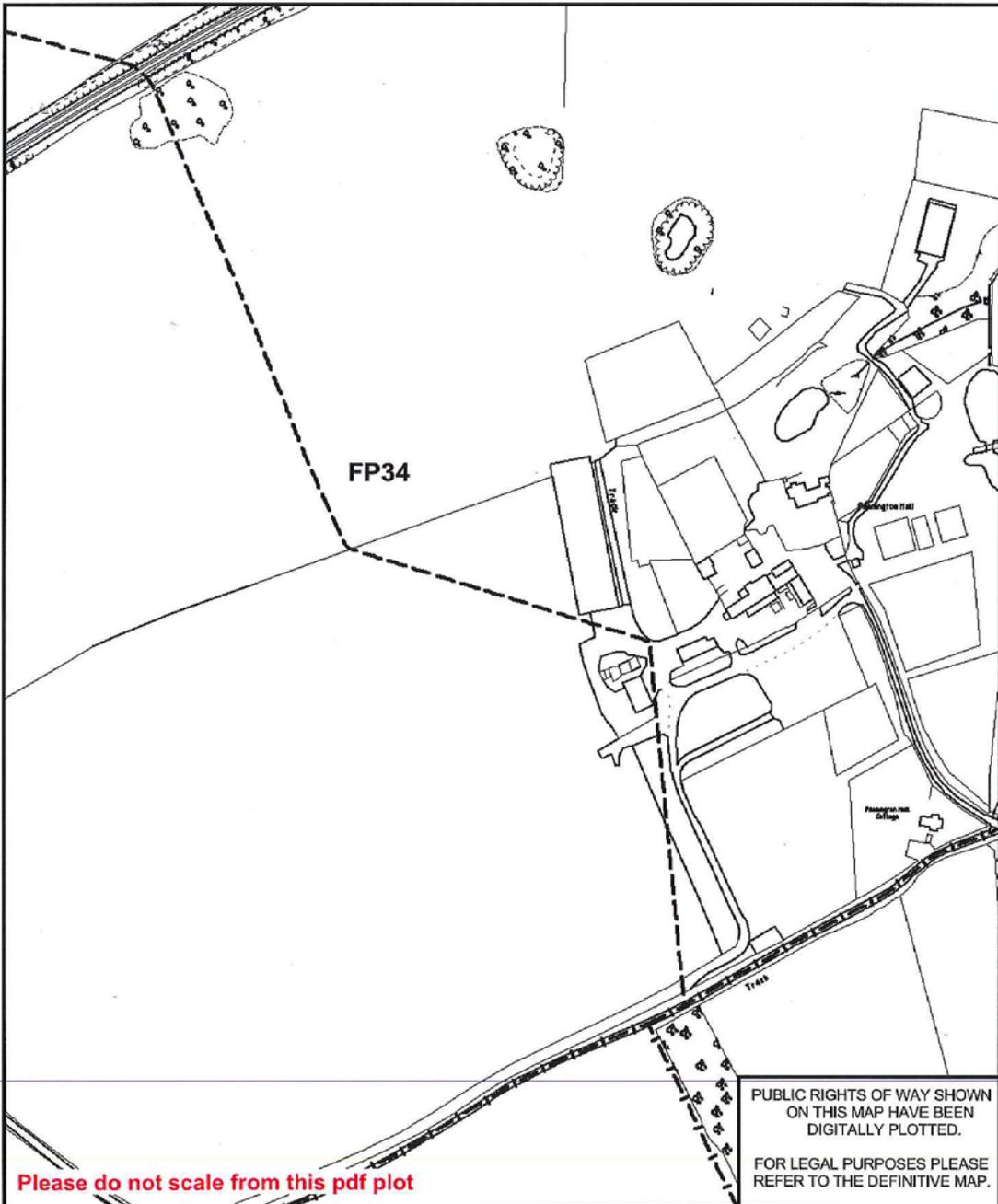
davies planning
Pannington Hall Estate
 Proposed minerals development

Plan No 3

Proposed restored landscape features
 Scale 1 : 5,000
 July 2015

- Key**
- Application site
 - Land available for *minerals* use
 - Woodland
 - Public highway
 - Railway line and boundaries
 - Pond and stream
 - Public footpath
 - Existing mature trees and hedgerows
 - Advice tree and hedgerow planting
 - Restoration tree and hedgerow planting
 - Nearest residential properties





Footpath 34 (part) Wherstead



Director of Resource Management
 Endeavour House, 8 Russell Road, Ipswich, Suffolk. IP1 2BX

- Public Footpath
- |-|- Bridleway
- v-v- Restricted Byway
- x-x- Byway
- Definitive Map Parish Boundary

Scale 1:3000



Ordnance Survey MasterMap

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Filed at: R:\...Def Map Team\Parishes\Wherstead\Searches

Constables Manor
Pannington Hall Lane
Wherstead
Suffolk
IP9 2AP

Dawn Easter
Economic Development Officer
Babergh District Council

10th July 2016

Dear Madam,

Proposal: New Local Development Order

Location: Orwell Food Enterprise Zone

In response to a letter received yesterday (09/07/2016) from yourselves regarding the above.....

The site of Jimmy's farm Wherstead currently shows an area of 60 hectares of which 48 are to grass and paddock, which leaves the remaining 12 hectares under various buildings.

Traffic arrangements; private cars, coaches etc. visiting the site and commercial heavy goods vehicles for the servicing of the business currently access the site via Pannington Hall Lane which is a single track, bi-directional lane. This lane is presently struggling to cope with the amount and size of modern transport required to service the early morning through to late night 7 day a week activities associated with the service industry currently using the site. By changing the use of this land and increasing the storage areas etc. this will increase the number of commercial vehicle journeys pro rata.

During specific events held at Jimmy's farm (Festivals, car meets etc.) it has been found necessary to divert access from Pannington Hall Lane to the better suited and wider Belstead Road, which is also currently used for the majority of visiting vehicles exiting the site. I ask if granting this proposal the Council stipulate the expansion of the current opening on the Belstead Road to allow for not only the exiting of the site but also the entering a must.

Whilst this proposal will possibly generate the desired increase in revenue I feel diligence should be taken to prevent the whole project from chocking itself and in the process destroying the natural amenities which are the main driving force of the project at its outset.

I look forward to hearing your reaction.

Yours sincerely,

A black rectangular redaction box covering the signature of T R Scott.

T R Scott