

# Appendix 1: Schedule of recommended conditions

Planning Committee 5 December 2018  
Application 2018/0818/EIA  
Gascoigne Rail Freight Interchange

2018/0818/EIA

Required Definitions for any DN:

**Area:** Means in the context of this permission Areas A, B, C or D (and where the context requires sub-Areas A1, A2, A3, A4 and B1, and B2) as defined as Areas on the Parameters Plan approved as part of this approval Dwg No 11921-127 Rev H.

**Rail related use:** Means in the context of this decision, future occupiers of buildings on the application site using the existing rail facilities on site and their main line connections

**Associated Class B1 use:** Means in the context of this decision Class B1 uses which although not using the existing rail facilities have been demonstrated by the applicant to have more than a non-material relationship with other rail related uses on this site in terms of mutual supply, maintenance or servicing/administration services.

**Gascoigne mine access road:** means the private unadopted access road from its junction with New Lennerton Lane to the existing gated access to Gascoigne Rail Freight Interchange owned by the applicants

**Parameters Plan:** Drawing No 11921-127 Rev J received by the local planning authority on 23 November 2018

## Whole site outline conditions

1. No development shall commence within a particular Area until details of the appearance, layout, and scale (hereinafter called "the reserved matters") for that Area have been submitted to and approved in writing by the local planning authority.

Reason: To ensure compliance with Section 92 (5) of the Town and Country Planning Act 1990 as amended.

2. Applications for the approval of the reserved matters shall be made to the local planning authority before the expiration of ten years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

3. The development in each of the Areas as defined shall be begun before the expiration of two years from the date of the final approval of the reserved matters for that respective Area or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

### **Strict conformity**

4. The development hereby permitted shall be carried out in accordance with the application dated 16 July 2018 and specifically in accordance with the associated approved plans referenced and that are not indicative:
  - Scale 1:5000 (A1) Location Plan Dwg No 11921-100 Rev C
  - Scale 1:5000 (A1) Green Infrastructure Parameter Plan Dwg No 26897 L12 B
  - Scale 1:5000 Indicative Surface Water Drainage Strategy Dwg No 881137 10-01 P4
  - Scale 1:5000 Proposed Parameter Plan Dwg No 11921-127 J
  - Design Guidance Document 11921 DGD01M 22/11/18
  - Amended Framework Landscape and Biodiversity Management Strategy Issue 5 October 2018
  - Flood Risk Assessment dated July 2018 881137-R1(04) including updated Sequential Test 26897/LJ

Reason: To ensure that future reserved matters applications are in accordance with this outline consent and that the development is undertaken in accordance with the approved details in the interests of the character and amenities of the area in order to comply with Plan Policies SP12, SP15, SP18, SP19, ENV1, ENV12.

5. The design and submission of all reserved matters and reserved details to be submitted to discharge conditions on this outline approval shall not exceed or depart from the maximum aggregated floorspace of 186,000 sq m, maximum building heights and finished floor levels and shall substantially accord with Chapter 3 of the Environmental Statement received by the local planning authority on the 16 July 2018 and follow the general and specific proposals contained in the Parameters Plan Dwg No 11921-127 Rev j and the Design Guidance Document (11921 DGD01M) received by the local planning authority on 23 November 2018.

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of the character and amenities of the area in order to comply with Plan Policies SP12, SP15, SP18, SP19, ENV1, ENV12, T1 and T2.

### **Floorspace**

6. No more than a total of 12½% or 23,250 sq m of the floorspace hereby approved shall be non-Rail Related Class B2 or B8 uses or Associated Class B1 floorspace and then only to be situated in Area A.

Reason: In order to define this permission and that the majority of the new floorspace is genuinely related to and serviced from the existing and retained rail infrastructure and so that any associated floor space not related to the rail network does not have any significant traffic generation implications and negate the otherwise sustainable credentials of this development in order to comply with Plan Policies ENV1, T1 and T2.

7. No non-Rail Related or Associated Class B1 floorspace may be commenced until evidence of the entering into of contracts for the development of no less than 50,000 sq m of rail related floorspace has been submitted to and approved by the local planning authority.

Reason: In order to define this permission and to ensure that significant new floorspace that is genuinely related to and serviced from the existing and retained rail infrastructure is committed before floor space not related to the rail network may come forward in order to protect the traffic generation implications and to not negate the otherwise sustainable credentials of this development in order to comply with Plan Policies ENV1, T1 and T2.

### **Access Conditions**

8. There shall be no commencement of highway works within each Area in relation to approved reserved matters for an individual building until the following drawings and details for that building(s) or Area have been submitted to and approved in writing by the local planning authority in relation to that building:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) lining and signing
- (f) all types of surfacing (including tactiles), kerbing and edging.

(2) Full highway construction details including:

- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths

- (b) cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - (c) kerb and edging construction details
- (3) Details of all proposed street lighting.

The development of each individual plot shall thereafter only be carried out in full compliance with the approved drawings and details.

Reason: In accordance with policies ENV1, T1 and T2 of the Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

9. No building shall first be brought into use until the carriageway and any footway/footpath from which it gains access and including the pedestrian facilities along the Gascoigne mine access road to the access junction for that building has been constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

Reason: In accordance with Policies ENV1, T1 and T2 of the Local Plan and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

10. Prior to the first occupation of any floorspace the B1222/New Lennerton Lane junction (TA junction 8) shall be improved with a new, east bound right turn ghost lane and visibility improvements generally in accordance with preliminary Dwg ref: 18032-GA-04-Rev B.

Reason: In order to ensure that the impacts of the development on the network are mitigated in accordance with the Transport Assessment and in order to comply with Plan Policies SP12, T1 and T2.

11. Prior to the occupation of 15,000 sq m of B2 or equivalent B2/B8 mix (as defined in the Transport Assessment) the B1222/Aviation Rd/Fenton Lane roundabout (TA junction 5) shall be improved with widening on the western approach to the roundabout and roundabout widening and pedestrian refuge generally in accordance with preliminary Dwg ref: 18032.GA.06.

Reason: In order to ensure that the impacts of the development on the network are mitigated in accordance with the Transport Assessment and in order to comply with Plan Policies SP12, T1 and T2.

12. Prior to the first occupation of the floorspace that cumulatively from the development will generate 212 two way pcu trips or more (in the am peak as defined in the TA) routing through the B1222/A162 roundabout (TA junction 4) that junction shall be improved to have a dedicated south bound lane off the roundabout and on

the eastern approach generally in accordance with preliminary Dwg ref: 18032.GA.05.

Reason: In order to ensure that the impacts of the development on the network are mitigated in accordance with the Transport Assessment and in order to comply with Plan Policies SP12, T1 and T2.

13. The timescale and methodology for the monitoring of traffic flows routing through TA junction 4 required by Condition 12 shall be defined by the submission of monitoring reports which shall include trip distribution and trip generation figures submitted and updated at the submission of each of the reserved matters applications following the first occupation of the first 5,000 sq m of Class B2 floorspace. The reporting criteria for which shall have previously been agreed by the local planning authority in consultation with the Highway Authority.

Reason: To define the methodology for two way pcu trip monitoring through TA junction 4 in accordance with the Transport Assessment and in order to comply with Plan Policies SP12, T1 and T2.

14. There shall be no vehicular or construction access to the site other than from the existing Gascoigne mine access road via New Lennerton Lane.

Reason: In order to ensure that the impacts of the development on the network are mitigated in order to comply with Plan Policies ENV1, T1 and T2.

15. No development shall commence within a particular Area until a Construction & Environmental Management Plan for that area to include:

- hours of construction working
- on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the highway
- on-site materials storage area capable of accommodating all materials required for the operation of the site
- details of measures for the mitigation and monitoring of effects upon identified species in the Ecological Management Plan and their protection during development
- details of any temporary or construction lighting
- Soil Management Plan
- Wheel washing facilities, and
- Construction vehicle lorry routing control
- explanation of its relationship to any previously approved Construction and Environmental Management Plans for the site

has been submitted to and approved by the local planning authority. The approved plan shall be implemented throughout the construction phase of that part of the site to which the plan relates.

Reason: This is a pre-commencement condition which is necessary in order to address construction management issues before works commence and in the interests of protecting the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1, T1 and T2.

### **Landscaping Conditions**

16. Details of the timing for the commencement of the construction/implementation of the perimeter screen bunding, planting and acoustic fencing to the northern and western site boundaries of Area A as part of the Proposed Landscape Framework indicated on the Parameters Plan and Design Guidance Document shall be submitted for approval by the local planning authority prior to the material commencement of the first reserved matters approval in Area A. The implementation shall thereafter proceed in accordance with the approved details.

Reason: In accordance with the details of the application and to ensure the early/strategic commencement of landscaping in order to protect the amenities of the area and nearby residential properties and in the interests of the character and amenities of the area in order to comply with Plan Policies SP18, SP19 and ENV1.

17. A Landscape Management Plan, including long term design objectives, public accessibility, management responsibilities, implementation and maintenance schedules for all Proposed Landscape Framework Areas within the application site shown on the Parameters Plan and taking account of the Ecological Mitigation Compensation and Management Plan shall be submitted to and approved by the local planning authority prior to the first occupation of the first part of an Area of the development. The Landscape Management plan shall be implemented in accordance with the approved timescales.

Reason: In accordance with the details of the application and to ensure the retention and management of all landscaping and planted areas in order to protect the amenities of the area and nearby residential properties and in the interests of the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1 and ENV12.

18. There shall be no tree removal and no development shall commence in a particular Area until details of all trees to be removed and details of trees to be retained and measures for their protection in that area in accordance with a BS 5837 Survey have been submitted to and approved by the local planning authority. The works shall thereafter proceed in accordance with the approved details

Reason: In order to ensure for the preservation and planting of trees in accordance with s.197 of the Act and in the interests of the amenities and biodiversity of the area to comply with Plan Policies SP19, ENV1 and ENV12.

19. No development shall take place in a particular Area until full details of both hard and soft landscaping works outside of the strategic planting in the Proposed Landscape Framework for that particular Area have been submitted to and approved by the local planning authority.

Reason: Non-strategic landscaping particular to specific Areas or buildings is to be the subject of future submissions and considerations in order to ensure for the landscaping and planting of areas not covered by buildings and in order to protect the amenities of the area and nearby residential properties and in the interests of the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1 and ENV12.

20. All of the approved landscaping/planting works for each Area shall be carried out in accordance with the approved details within the first available planting season following the first occupation of the building hereby approved.

Reason: To ensure for the preservation and planting of trees in accordance with s.197 of the Act and in accordance with the details of the application and in the interests of the amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1 and ENV12.

21. If within a period of three years from the first occupation of a particular building any tree or shrub that formed part of that building's planting scheme is removed, uprooted or destroyed or dies, another tree or shrub of the same species and size as that originally planted shall be planted at the same place within three months of that failure.

Reason: To ensure for the preservation and planting of trees in accordance with s.197 of the Act and in accordance with the details of the application and in the interests of the amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1 and ENV12.

### **Flood Risk and Drainage**

22. No development shall take place on an individual plot until a surface water drainage scheme for that Area, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- i. A maximum surface water discharge rate equating to 1.4l/s/ha for the developed site
- ii. Sufficient attenuation storage for up to and including a 1 in 100 year storm, with an allowance for climate change
- iii. Details of how the design and timing for implementation of the central Flood Alleviation Zone/ Open Space has been coordinated with individual Areas taking account of the Scale 1:5000 Indicative Surface Water Drainage Strategy Dwg No 881137 10-01 P4
- iv. Details of how the scheme shall be maintained and managed after completion.

Reason: This is a pre-commencement condition for each phase since it is necessary to have this information before substantial works commence to prevent the increased risk of flooding, both on and off site in order to comply with Plan Policies SP15 and ENV1.

23. No development shall commence until a scheme for the accommodation of additional flows impacting upon the watercourse network have been submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 40% allowance for climate change effects of creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason: This is a pre-commencement condition in order to protect the water environment and since it is necessary to have this information before substantial works commence to prevent the increased risk of flooding both on and off site in order to comply with Plan Policies SP15 and ENV1.

24. Surface water run-off from hardstandings (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil, petrol and grit interceptor /separator of a design that has been submitted to and approved by the Local Planning Authority and installed prior to any discharge to an existing or prospectively adoptable sewer. The approved details shall thereafter be retained at all times.

Reason: To ensure the protection of the water environment in accordance with Plan Policy ENV2.

### **Ecology/ Biodiversity strategy/Protected species**

25. Prior to the commencement of any development an Ecological Mitigation Compensation and Management Plan shall be submitted to and approved by the local planning authority. The Plan shall include detailed measures for the protection, mitigation, compensation and enhancement required to support protected species and habitats and to ensure a net gain in biodiversity. The plan shall also include a timescale for implementation, phasing, monitoring and long term management by a



suitably competent body. The Plan shall thereafter be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition in order to ensure mitigation in accordance with the Extended Phase 1 Ecological Assessment and paragraph 175 of the NPPF and Plan Policy ENV1.

26. Prior to the installation of any external and non-aviation lighting or lighting columns in an Area details of a Site External Lighting Strategy for that Area and to address mitigation of impacts upon protected species following the approved Design Guidance Document shall have been submitted to and approved by the local planning authority. All lighting units shall be installed and retained in accordance with the approved Strategy

Reason: In order that the local planning authority may be satisfied on the nature and location of any external lighting, prior to its installation in the interests of the character and amenities of the area in order to comply with mitigation in accordance with the Extended Phase 1 Ecological Assessment and paragraph 174 of the NPPF and Plan Policy ENV1.

### **Contamination**

27. Prior to the commencement of development in each Area, a remediation strategy to deal with the risks associated with contamination of that Area shall be submitted to and approved by the Local Planning Authority. No development shall take place in that Area other than in accordance with the approved remediation strategy.

Reason: This is a pre-commencement condition for each phase since it is necessary to have this information before substantial works commence in order to take account of the potential contamination of the site in order to comply with local plan Policy ENV1.

28. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution and to prevent deterioration of the water quality of controlled waters, in line with paragraph 109 of the National Planning Policy Framework and Plan Policy ENV2.

### **Noise**

29. Noise emitted from development in Areas A and B shall:

- a. not exceed the existing background level by more than +5dB(A) at any premises used for residential purposes when assessed and / or measured in accordance with BS 4142:2014.
- b. Not exceed 60dB  $L_{A\text{Max}}$  at any premises used for residential purposes between 23:00 and 07:00.

Reason: In order to protect residential receptors adjacent to the site in the interests of the residential amenities of the area and the local environment in order to accord with Plan Policy ENV1.

30. The Reserved Matters to be submitted for each phase of the site pursuant to Conditions 1 and 2 shall include a Noise Impact Assessment in line with relevant guidance in force at the time\* and noise monitoring methodology and criteria that have previously been submitted to and agreed in advance by the local planning authority. The designed mitigation shall ensure that the cumulative impact of the site shall not exceed the operating noise criteria stated in Condition 30. All works which form part of the approved scheme for each phase shall be completed before any part of that phase is first occupied and shall thereafter be retained and maintained as such.

Reason: In order to protect residential receptors adjacent to the site such that the need for mitigation can be designed for each building/phase as the site develops taking account of the previously approved phase and mitigation in the interests of the residential amenities of the area and the local environment in order to accord with local plan Policy ENV1

31. Freight or container handling within Areas C and D between the southern sidings and the Container Port will be undertaken in accordance with a Framework Noise Management Plan (FNMP) that has been submitted to and approved by the local planning authority prior to the first operation of the RFI associated with this development. The FNMP is expected to contain details of:
  - The identity of the sources of particularly impulsive noise (the types of machines / mobile plant proposed to be used)
  - Proposals for the management of activities related to freight or container handling and the times of operation
  - Procedures for management of container movement within the site including the minimisation of noise from container loading and unloading, plant and equipment, operational procedures and controls on the number and type of noise sources
  - Provision of training linked to minimising noise from freight handling activities
  - Complaints handling process
  - Active noise management
  - Measures for a methodology to update the FNMP with changes in circumstances on site or triggered by the complaints procedure

Reason: In accordance with the Draft FNMP submitted with the application and in order to protect residential receptors adjacent to the site from freight handling noise in the interests of the residential amenities of the area and the local environment in order to accord with local plan Policy ENV1.

32. The cumulative noise rating level of noise emitted from the fixed buildings services plant associated with proposed units within areas A, B, C, D at the site shall be equal to or below existing background noise level at any premises used for residential purposes when assessed and / or measured in accordance with BS 4142:2014.

Reason: In order to protect residential receptors adjacent to the site in the interests of the residential amenities of the area and the local environment in order to accord with local plan Policy ENV1.

### **Skills/ Educations/ employment apprenticeships plan**

33. No development shall commence until a Plan detailing arrangements to promote local employment and skills development opportunities related to the development has been submitted to the local planning authority. The plan must include proposals for working with the Local Enterprise Partnership and explain how the Local Enterprise Partnership has been consulted on the submitted plan. The employment and skills plan must be implemented and maintained for the duration of the construction and use of the development.

Reason: In order that the local need to retain jobs within the Selby District and support economic development is a part of this development and in order to recognise the national and local increased emphasis on increasing the use of rail freight and that the development can contribute towards that local skills shortage in accordance with.. .

### **Others**

34. No public art or public interpretation boards shall be installed until details of their design, appearance and location have been submitted to and approved by the local planning authority.

Reason: In order that if there are proposals for interpretation of former mining/ colliery and local aviation heriatge this can be realised in accordance with the details of the application and so that the local planning authority retains control in the interests of the character and amenities of the area in order to comply with Plan Policy ENV1.

35. Details of the necessary CAA/ aviation lighting on any building shall be submitted to and approved by the local planning authority prior to its installation.

Reason: In order that the local planning authority, in consultation with the CAA may be satisfied on the nature and location of any external lighting, prior to its installation in the interests of the character and amenities of the area in order to comply with Plan Policy ENV1.

36. The new southern trackside amenity building shall not be commenced until details of its scale, appearance, layout and location have been submitted to and approved by the local planning authority.

Reason: In order that the local planning authority might retain control of the location and appearance of any new buildings on the site and to ensure compliance with Section 92 of the Town and Country Planning Act 1990 as amended.

Informative 1: for Conditions 10, 11 & 12

For the avoidance of doubt the works in the highways to realise these improvements will need to be addressed through an agreement under s.278 of the Highways Act.

Informative 2: The existing Public Right of Way which crosses the access to the site must be protected and kept clear of any obstruction at all times until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Informative 3: In respect of Condition 29\*the relevant guidance is likely to be BS4142:2014 *Methods for rating and assessing industrial and commercial sound*, or any updating or revision thereof.

v.7 23/11/18