



Appeal Decision

Inquiry Held on 26-29 March and 2 April 2019

Site visits made on 25 March and 1 April 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2019

Appeal Ref: APP/F2415/W/18/3206289

Magna Park, Lutterworth, Leicestershire, LE17 4XT.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Gwyn Stubbings of IDI Gazeley Ltd against the decision of Harborough District Council (the LPA).
 - The application Ref.15/01531/OUT, dated 29 September 2015, was refused by notice dated 17 January 2018.
 - The development proposed is a hybrid planning application for: 1) outline planning permission for the erection of up to each of (GIA) 427,200 sq m storage and distribution (B8) with ancillary offices (B1), 3,700 sq m for a Logistics Institute of Technology (D1), 9,000 sq m small business space (B1), 300 sq m estate office, conference facility and exhibition centre (D1), and including the demolition of existing buildings, the creation of a Country Park, other open space and landscaping works, formation of access road from Magna Park, creation of roundabout and partial realignment of Mere Lane, upgrading of A5 to dual carriageway and creation of roundabouts, creation of SuDS facilities and associated infrastructure; and 2) detailed planning application for the creation of a 134 space HGV parking facility, gatehouse and HGV Driver Training Centre, vehicle wash and fuelling facilities, and a rail freight shuttle terminal, landscaping works and creation of SUDS facilities. Planning permission is sought in 1) for the siting, extent and use of the defined parcels, the maximum quanta and height of buildings, the restriction on the siting of yards, demolitions and means of access; in 2) for the use, layout and appearance of the site and the means of access.
-

Decision

1. The appeal is allowed and: outline planning permission is granted for the demolition of Lodge, Emmanuel and Bittesby Cottages and erection of up to 419,800 sq m storage and distribution (B8) with ancillary offices (B1a), up to 3,700 sq m for a Logistics Institute of Technology (D1) with associated playing field, up to 9,325 sq m small business space (B1a, B1b), change of use of Bittesby House and barns to estate office (B1a) and exhibition centre (D1), the creation of a country park, other open space and landscaping works on land to the north of Mere Lane, formation of access road from Magna Park, creation of roundabouts, partial realignment of Mere Lane, upgrading of A5 to dual carriageway, creation of roundabout access on A5, creation of SuDS facilities and associated infrastructure and landscaping works (siting, extent and use of the defined parcels, the maximum quanta and height of buildings, the restriction on the siting of yards, demolitions and means of access to be considered only) and; detailed planning permission is granted for the creation of a 134 space HGV parking facility, associated gatehouse and HGV driver training centre, vehicle wash and fuelling facilities, and a rail freight shuttle terminal, with associated hardstanding, landscaping works and SuDS facilities

at Magna Park, Lutterworth, Leicestershire, LE17 4XT. The permission is granted in accordance with the terms of the application Ref.15/01531/OUT, dated 29 September 2015 and subject to the conditions in the Schedule below.

Preliminary Matters

2. Prior to the LPA's determination of the application the description of the proposed development was changed and various amended plans were submitted. The LPA and the appellant have agreed that the amended description of the development¹ that is before me is:

Hybrid Planning Application comprising: 1) Outline application for the demolition of Lodge, Emmanuel and Bittesby Cottages and erection of up to 419,800 sq m storage and distribution (B8) with ancillary offices (B1a), up to 3,700 sq m for a Logistics Institute of Technology (D1) with associated playing field, up to 9,325 sq m small business space (B1a, B1b), change of use of Bittesby House and barns to estate office (B1a) and exhibition centre (D1), the creation of a country park, other open space and landscaping works on land to the north of Mere Lane, formation of access road from Magna Park, creation of roundabouts, partial realignment of Mere Lane, upgrading of A5 to dual carriageway, creation of roundabout access on A5, creation of SuDS facilities and associated infrastructure and landscaping works (siting, extent and use of the defined parcels, the maximum quanta and height of buildings, the restriction on the siting of yards, demolitions and means of access to be considered only); and 2) Detailed application for the creation of a 134 space HGV parking facility, associated gatehouse and HGV driver training centre, vehicle wash and fuelling facilities, and a rail freight shuttle terminal, with associated hardstanding, landscaping works and SuDS facilities.

3. At the opening of the Inquiry, the LPA informed me that it had no objections to the detailed element of the proposals (6.7 ha identified as Zone 2 on the submitted Masterplan) and its concerns were limited to the landscape and visual impact of the development parcels, identified as K and L on the submitted Masterplan, in Zone 1 of the appeal site².
4. The LPA has granted planning permission (the First Permission) for the erection of a 100,844 sq m storage and distribution centre (B8) on 54.97 ha of land within Zone 1 (ref.15/00919/FUL). That building is now substantially complete. Both main parties agree that the development proposed in respect of Zone 2 is capable of being severed from the remainder of the proposals. In this regard, the LPA has also granted planning permission (the Second Permission) for a similar development on this part of the site (ref. 12/00851/FUL) and this permission remains extant. It was also agreed that these permissions form part of the baseline for assessing the impacts of the appeal scheme.
5. The LPA's reason for refusal describes the proposed landscape impact as "severe". However, following the above noted change to the baseline, the LPA's decision to approved revisions to policy BE2 of the emerging Harborough Local Plan 2011-2031 (eLP) and the preparation of its landscape evidence for the appeal, this highest level of landscape impact was not pursued by the LPA

¹ Having regard to the Wheatcroft principles, I concur with the appellant and the LPA that the interests of no party is likely to be prejudiced by the amended description.

² In total, Zone 1 comprises approximately 230.64 ha.

- in its evidence to the Inquiry. Instead, the LPA argued that the significant effects of the proposals (Zone 1) would not be properly minimised.
6. The LPA and the appellant agree that the proposed development would result in less than substantial harm to the significance of Bittesby deserted medieval village Scheduled Monument (DMV/SM) and that this harm would be outweighed by the public benefits of the proposal. The main parties also agree that the proposals would have an adverse effect upon the character and appearance of the area and would conflict with the provisions of the development plan as a whole. It is also agreed that the development plan policies that are most important to determining the appeal are out-of-date.
 7. Both main parties informed me that the provisions of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 were engaged. Other than the DMV/SM, the appellant and the LPA agree that the development would not harm the significance of any other designated heritage asset.
 8. The appellant has submitted an agreement³ under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). This includes obligations relating to: the Logistics Institute of Technology (LIT); the Magna Park Innovation Centre (MPIC); Bittesby Country Park and Meadow (BCMP); Bittesby Local Heritage Centre (BLHC); the re-use of Bittesby House; the HGV park, driver training centre and rail freight shuttle and terminal; construction jobs and a business employment strategy; an HGV routeing plan agreement; a Magna Park Delivery Body; a carbon neutrality innovation plan; the transfer of land; a travel plan; bus service and bus stop infrastructure contribution; a travel pack; bus passes; construction traffic and HGV routeing plan; LCC Traffic Regulation Order (TRO) contribution and; a landscape phasing plan.
 9. The application was accompanied by an Environmental Statement (ES) submitted under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. There have been various Addendums/replacement chapters to take account of the amended proposals/plans that were submitted during the application process and to changes in the baseline. In November 2018, the Planning Inspectorate informed the appellant that, pursuant to Regulation 22 and in order to comply with Schedule 4 of the Regulations, further information was required⁴. The appellant submitted this information in January 2019 and, at the same time, undertook a process of public notification. I have had regard to the ES and the various Addendums/replacement chapters and associated errata.
 10. At the Inquiry an application for an award of costs was made by the appellant against the LPA. This is the subject of a separate decision.
 11. The Inquiry was closed in writing on 11 April 2019.

Main Issue

12. The main is whether the less than substantial harm to the significance of the DMV/SM and any harm to the significance of other designated heritage assets⁵ would be outweighed by the public benefits of the proposals and if so, whether

³ Signed by the appellant, the landowners, the LPA and Leicestershire County Council (LCC).

⁴ This comprised an Updated Summary of Significant Effects and a Revised Non-Technical Summary.

⁵ With particular regard to the moat, fishponds and shifted village earthworks Scheduled Monument (MF/SM) at Ullesthorpe, the Grade I listed Church of St Peter, the Grade II* listed Church of St. Leonard and the Grade II listed Ullesthorpe Mill.

this harm and any other adverse impacts, with particular regard to the effects upon the significance of non designated heritage assets⁶, as well as the adverse effects upon the character and appearance of the area, would significantly and demonstrably outweigh the benefits.

Reasons

Planning Policy

13. The development plan includes the Harborough District Core Strategy (CS), adopted in 2011. I concur with both main parties that the most important /relevant development plan policies to the determination of this appeal are: CS7(h) (Magna Park Strategic Distribution); CS11(d) (heritage assets) and; CS17 (countryside, rural centres and rural villages).
14. In January 2019, the LPA published its agreed Schedule of Main Modifications to the eLP. These include modifications to policy BE2 (strategic distribution). I agree with both main parties that this is the most relevant policy in the eLP to the determination of this appeal. Given the advanced stage⁷ of the eLP, policy BE2 carries considerable weight in the determination of this appeal.
15. The National Planning Policy Framework (the Framework) is an important material consideration that also carries considerable weight.
16. I concur with the assessment contained within the comprehensive officer's report of 10 January 2018, that given the demand for strategic warehousing land within Leicestershire⁸ and the provisions of the Framework, CS policy CS7 is now out-of-date. CS policy CS11 does not contain the 'public benefits' balance set out within paragraph 196 of the Framework and is also out-of-date.
17. I also agree with the officer's report that as the Framework does not promote the restrictive approach to employment development within the countryside that is advanced through CS policy CS17 this local policy is also out-of-date.
18. My findings above limit the weight to be given to any conflict with CS7, CS11 and CS17. In this regard, I note from the 'Statement of reason for grant of Planning Permission' in respect of the First Permission that the LPA found that policies CS7 and CS17 "*should not be considered up-to-date*" and the weight to be given to the conflict with them "*is therefore significantly reduced.*"
19. Whilst not planning policy, my attention has been drawn to the provisions of various landscape character assessments (LCA). These include the Harborough District Landscape Character Assessment 2007 (HLCA) and the 2006 Landscape Assessment of the Borough of Rugby (RLCA). These are the most relevant LCAs⁹ to the determination of this appeal and can be given moderate weight.

Public Benefits

20. The appellant and the LPA agree that the benefits (and 'harms') associated with the First Permission and the Second Permission should be discounted from an

⁶ Bittesby House and Bittesby Cottages.

⁷ The Inspector's Report on the Examination of the eLP was received after the Inquiry was closed. It does not propose any changes to the modifications to policy BE2 that were published in January 2019.

⁸ This is identified in various reports including the Leicester and Leicestershire Strategic Economic Plan 2014-2020, the Leicester and Leicestershire Strategic Distribution Sector Study and the Leicester and Leicestershire Housing and Economic Development Need Assessment 2017.

⁹ The HLCA is referenced in the CS and the eLP.

assessment of the appeal scheme. Document 16 below is the appellant's summary of the main net benefits.

21. Magna Park is a strategic warehousing and distribution park¹⁰ located within the 'Golden Triangle'¹¹. This nationally recognised distribution centre is occupied by blue chip multi-national companies who operate their national and regional distribution centres from the existing park. It is significant in economic terms at district¹² and sub-regional levels. At the Inquiry, the appellant's planning witness informed me that the proposal was of national importance for the range and scale of benefits that it would deliver. On behalf of the LPA, I was informed that the proposal was of more than regional economic importance.
22. The public benefits of the appeal scheme include allowing Magna Park to expand and meet the identified demand for additional, modern strategic warehousing. The creation of a larger logistics cluster would considerably enhance economic activity within the district and surrounding areas. The sharing of resources and infrastructure and the close location of competing logistics operators would produce innovation, reduce the sector's environmental effects and lower costs across the economy. In turn, this would help to secure good prices for customers and be of environmental benefit.
23. The proposed warehouses, new business premises, the LIT and the MPIC are expected to create 4,496 FTE workplace jobs and generate £276.9m GVA per annum. The proposed development would provide employment across a range of occupational and skills levels, including professional and managerial occupations, and would offer a source of replacement jobs for those lost elsewhere in manufacturing industries. In addition, the construction phase would support/create many other jobs, including training opportunities. During this stage there would be additional GVA.
24. The proposals would make a very considerable contribution to the local economy and would have a positive effect on the national economy. Section 6 of the Framework recognises the important role the planning system has in helping to build a strong, competitive economy and paragraph 82 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
25. The MPIC would provide flexible dedicated business premises for early-stage businesses, particularly those aiming to provide innovative and technology-based services to the logistics industry and its supply chain. The provision of 'easy-in, easy-out' terms for businesses occupying the proposed premises would fill a gap in the local property market, help support new businesses and allow them to establish and grow. Assisting the creation of new enterprises and growth in the logistics sector, as well as growth in local supply chains would strengthen the economy and, in so doing, provide a public benefit.

¹⁰ One of the largest dedicated logistics park in Europe that provides employment for approximately 9,000 people.

¹¹ An area of land bounded by the M1, M6 and M69 motorways and a logistically favourable location.

¹² The LPA and appellant agree that Magna Park is the single largest concentration of jobs, including office-based jobs, and inward investment in the district, is the single largest generator of Gross Value Added (GVA) and business rates in the district and its continued success is important to the district's prosperity.

26. The LIT would bring a research presence onto the park, linked to further education colleges and possibly Aston University¹³. The provision of 400 FTE student places with business outreach and applied research would complement and help drive demand for the MPIC. It would also develop skills, education, training and professional qualifications in the logistics industry in response to global challenges and opportunities. This bespoke facility would help address an urgent need for engineers and computing specialists with a strong knowledge of supply chain operations. It would also help reduce unemployment and raise average incomes. The LIT would strengthen the economy and be of public benefit.
27. The proposals would allow an existing business¹⁴ based at Bittesby and which specialises in designing and installing "*immersive, experiential experiences*"¹⁵, to move into purpose-built headquarters elsewhere on the appeal site. This would secure the retention of an important business/employer, which uses research and development laboratories and AI technology, and allow it to grow and remain at the top of the immersive technology sector.
28. This existing business which operates from the appeal site would work with the LIT to develop innovations in the logistics sector and create opportunities for the spin-out of new businesses. There is also the likelihood of further employment opportunities as this business expands. The proposed business headquarters would strengthen and support the economy, which in turn, would be of public benefit.
29. I concur with the assessment made by the LPA officers in their report to committee that the "*potential regional and national economic benefits should be afforded very considerable weight in favour of these public benefits of the development.*" Whilst the proposed development conflicts with the provisions of CS policy CS7(h), the eLP supports the need to extend Magna Park and the proposals accord with the economic objectives of the Framework.
30. The BLHC would secure the re-use of a non-designated heritage asset. It would also afford the public (including pupils in Key Stages 1 and 2 of the school curriculum) and those working at Magna Park an opportunity to enhance their awareness, appreciation and understanding of the various heritage assets within the appeal site and the surrounding area, including the DMV/SM and associations with Bittesby House.
31. Following the commencement of development, any archaeological finds, research and analysis arising from a written scheme of investigation could also be made available at the BLHC. There is also the potential for interpretation panels to be provided¹⁶ to further assist in understanding the significance of the various heritage assets, including historic links between them. There would be significant heritage/public benefits arising from the appeal scheme.
32. The proposed 28 ha of meadow land and 42 ha of country park would assist in protecting some buried archaeology within the site and in maintaining and enhancing the existing access connections to and from the DMV/SM and the MF/SM. This would provide additional heritage/public benefits. The country

¹³ The Director of Aston Logistics & Systems Institute has detailed the need for the LIT as part of the proposals.

¹⁴ Holovis, which is a world leader in "*experience design*" and an anchor partner in the LIT.

¹⁵ Events or occurrences which create a two-way interaction between the experience and the user with the use of multi-sensory capabilities designed to solve problems or enhance processes.

¹⁶ Depending on where these were located, they may require consent from Historic England.

park would also provide public access improvements across the site, including permissive paths and connections with the wider footpath network. The appeal scheme would provide significant recreational (public) benefits. The LPA accepts that there is a need for a meadow and country park.

33. The proposed development would result in very considerable landscape planting within the site. This would include a high level of structural planting containing new and reinforced woodland and hedgerows, including the 'gapping up' of some Important Hedgerows within the site. This, together with the cessation of soil fertiliser applied to croplands, new wildflower planting and the provision of bird boxes, bat boxes/bricks, log piles for invertebrates and planting arounds SuDS to encourage amphibians, would be likely to result in net increases in the site's biodiversity¹⁷. These ecological benefits would also be of public benefit and can be given moderate weight in the planning balance.
34. The proposed tree planting would secure some carbon sequestration and taking the land out of arable production would achieve some carbon dioxide and nitrogen dioxide reductions. The proposed carbon neutrality innovation plan, the use of renewable energy technology, achieving BREEAM 'very good buildings', travel plans and efficiency savings in vehicle movements would also assist in helping to reduce emissions. These are all measures that are to be welcomed but, overall, the proposal would result in an increase in emissions from industrial activity associated with the new development. I have not therefore treated this matter as a public benefit.
35. There is a severe regional shortage of HGV parking facilities and paragraph 107 of the Framework recognises the importance of providing sufficient lorry parking. The proposed HGV park (in Zone 2) would help to address this shortage and would offer LPG, CNG and electric fuelling facilities for use by all occupiers of Magna Park. The Second Permission however, includes parking for a similar number of HGVs and whilst I understand that would only be available to a single occupier¹⁸, it would be likely to reduce the pressure for parking in lay-bys. The appeal scheme would result in some very modest net benefits for HGV parking. I shall afford this limited weight in the planning balance.
36. The proposed driver training centre would assist in supporting the training and recruitment of HGV drivers and the shortage of such drivers. This would benefit the logistics industry and the economy. The proposed rail freight shuttle and terminal would support the take-up of rail freight for some of Magna Park's logistics firms and, on behalf of the appellant, it is estimated that this would save approximately 200,000 miles of year of diesel emissions between Magna Park and the Daventry International Rail Freight Terminal (DIRFT). Further, if, as intended, the rail freight shuttle enabled some loads to be moved by rail instead of road to/from ports, there could be significant savings on HGV miles and a reduction in motorway congestion.
37. I note the representations made on behalf of those acting for the developers of DIRFT III. However, having regard to the Government's freight policy agenda / National Networks National Policy Statement and the provisions of the Framework aimed at encouraging sustainable transport, there is greater force in the appellant's response that the proposals accord with the broad thrust of the Government's transport objectives and, in so doing, would result in public

¹⁷ The proposals would result in the loss of some habitats, including bat roosts, but would be adequately mitigated.

¹⁸ The Second Permission was required by the Stobart Group who serve several businesses based at Magna Park.

benefits from reduced emissions and motorway congestion. This carries some limited weight in the planning balance.

38. The proposed development would provide a new 'northern' roundabout into the appeal site from the A5(T). This would enhance the efficiency of bus operations serving Magna Park by reducing the need for bus operators to use a single in-out access loop through Magna Park. The ensuing reduction in journey times and likely cost savings would make the service more attractive for operators and bus users. This in turn could encourage more employees to travel by more sustainable modes of transport and achieve a modest public benefit in terms of reduced car travel and emissions. As the improvements / betterment to the Gibbet Hill A426/A5 junction could be delivered by the db Symmetry development at Glebe Farm (ref. 15/00865/OUT), this public benefit carries very limited weight in the planning balance.
39. The above noted social, economic and environmental benefits carry very considerable weight in the overall planning balance.

Bittesby DMV/SM

40. This designated heritage asset lies within the appeal site. Its significance is derived primarily from its earthworks and below ground remains of a medieval settlement. These are of national archaeological importance. Over time, there have been changes to the setting of this monument. These include disturbance from the A5(T) corridor, the former Midland Counties Railway line alongside and the First Permission. These have all adversely affected the significance (historic interest) of this heritage asset. Nevertheless, as noted by Historic England (HE), this monument retains an overall agrarian landscape setting. This assists in the understanding and appreciation of this asset and contributes to its heritage interest/significance.
41. The agrarian landscape setting includes part of the appeal site shown as parcel D on the illustrative masterplan. This has been identified by HE as key area of archaeological and historic landscape setting. It also includes an early Roman ladder settlement (with some Iron Age elements)¹⁹ on rising ground to the east of the DMV/SM. In addition, the north-south axis through the monument and along Claybrook Stream to Ullesthorpe and beyond is important to the significance (historic interest) of this monument, as is Bittesby House (the successor to the medieval village as the agrarian focus of the township) with its tree-lined avenue and remnants of ridge and furrow cultivation.
42. In an attempt to limit the impact of the proposed development upon the significance of the DMV/SM, much discussion has taken place between those acting on behalf of the appellant, HE and LCC's archaeologist. This included pre-application discussions, as well as discussions whilst the application was being considered by the LPA. There would be no direct impact upon this monument and, as a result of the discussions, parcel D would be kept free from development. The appellant has offered to remove this part of the site from arable production (to avoid damaging important below ground archaeology) and to use it as meadow land as part of a new country park. This element of the proposals would enhance the setting of the DMV/SM.

¹⁹ A non-designated heritage asset outside the limits of the DMV/SM but within its setting. Having considered these finds and geophysical surveys HE chose not to extend the Scheduling of the Monument. Other important archaeology (also non designated heritage assets) including an Iron Age settlement, exists elsewhere within the appeal site.

43. In this regard, eLP policy BE2(3)(c) requires the provision of green space/community park as a means of protecting the setting of the DMV/SM. The proposals also retain much of the open north-south axis through and beyond the monument. Furthermore, the application was amended to retain Bittesby House and part of its landscape approach. The retained embankment alongside the disused railway line would provide a buffer/screen to much of the proposed development when viewed from this monument.
44. However, notwithstanding the outcome of the discussions with HE and LCC, development proposed elsewhere on the appeal site would be apparent and would introduce additional modern development into views to and from parts of the DMV/SM. These additional urbanizing elements would further erode its historic agrarian landscape setting and adversely affect the significance of this monument.
45. In the context of the Framework, this would amount to less than substantial harm. If there was a sliding scale within this category of harm the impact would be at about a mid-point. This weighs heavily against granting planning permission. In recommending the application for approval, the LPA's officers advised that the scheme seeks to minimise the effects on the DMV/SM and that there was no realistic prospect of further reducing the harm.

Other Designated Heritage Assets

46. The appellant and the LPA agree that the proposed development would not affect the significance of any other designated heritage assets. However, following my site visits, it is clear to me that the proposals would affect the wider settings of a number of other designated heritage assets.
47. Having considered all of the heritage-based evidence, including the representations made by some interested parties, I am of the opinion that the proposed development, by virtue of distance and intervening topography, buildings and vegetation would preserve the special architectural and historic interest of the Ullesthorpe or Claybrooke Parva Conservation Areas. However, it would not preserve the setting of several other designated heritage assets.

MF/SM at Ullesthorpe

48. This monument is located approximately 600m north of the appeal site. Its significance is derived primarily from its earthworks and below ground archaeological, as well as its historic interest as part of a wider medieval settlement. As noted within the appellant's Archaeological Desk-Based Assessment, there are also historic connections with the DMV/SM.
49. The setting of the MF/SM has changed over time. This includes some sizeable 20th century farm buildings at Manor Farm and a 67m high wind turbine. Nevertheless, this monument retains an overall agrarian landscape setting. This assists in an understanding and appreciation of this designated heritage asset and makes a positive contribution to its significance (historic interest). As I also noted during my visits, there is a wide panorama from the MF/SM and local topography screens much of the appeal site from this monument.
50. Notwithstanding the proposed landscape planting and the use of any graded cladding on the exterior of the new buildings, the upper limits of some of the proposed warehouses (parcels K and I) would be visible from parts of this

monument. It would take many years for the landscape planting to establish and the proposals would be seen in filtered views during the winter months.

51. This new modern development would detract from part of the historic agrarian landscape setting of this monument and to a limited extent would erode its significance (historic interest). As noted above, the proposed country park would maintain the open axis to the DMV/SM and there is the potential to make provision through the BLHC and/or other interpretation facilities to enhance public appreciation and understanding of this monument.
52. In the context of the Framework, the proposal would result in less than substantial harm to the significance of the MF/SM. If there was a sliding scale within this category of harm the impact would be at the lower end. Nevertheless, this harm weighs heavily against granting permission.

Church of St. Peter at Claybrooke Parva

53. This Grade I listed parish church dates from the 12th century and is located approximately 1.2km to the north of the appeal site. It occupies a prominent position on the crest of a hill and its stone tower is visible in long views, including those to the south. The appeal site forms part of the surroundings in which this heritage asset is experienced.
54. The significance of this listed building is derived primarily from its architectural qualities, including its 14th century chancel in curvilinear Decorated style, 17th century tower and windows, and its special historic qualities, including much of its early building fabric and associations with former notable residents of the parish. As noted within the ES, the prominence of this church within the landscape is deliberate.
55. The wider rural surrounds, which include parts of the appeal site, form part of the historic landscape setting of this listed building. As I noted whilst walking the public rights of way across the site, the tower can be appreciated as a 'beacon for worship' within the countryside and as a symbol of the former influence of the church upon the local population. The church tower can also be seen in the vista from a part of the churchyard of St. Leonard's. Whilst none of these may have been designed views, they contribute to an appreciation and understanding of a building which is of exceptional interest.
56. The proposed development would not impact upon the immediate setting of the Grade I listed church, but the buildings that are proposed on parcels J and K would, by virtue of their likely size and height, intrude into and block some views of the church tower when seen from parts of the appeal site and from the churchyard of St. Leonard's. This would erode the historic landscape setting of the Church of St. Peter and diminish the ability to appreciate the role and influence of the church within this part of the countryside. It would detract from the significance (historic interest) of this Grade I listed building.
57. I disagree with the assessment made by the appellant's heritage witness that the proposal would have a negligible (neutral) effect upon the significance of this heritage asset. This appears to be based on the proposed planting, once mature, and upper level cladding treatments on the proposed buildings. However, this mitigation would not adequately address the loss of views and the adverse effect upon the significance of this listed building.

58. I also noted during my site visits, that the views of the church tower from within the appeal site and from St. Leonard's churchyard are a few of the many distant views of the Church of St. Peter across the landscape. The development would therefore have only a very limited adverse effect upon the ability to appreciate the significance of this church tower. In the context of the Framework, this would amount to less than substantial harm. If there was a sliding scale within this category of harm the proposal would be at the lower end. Nevertheless, this does not amount to a less than substantial planning objection in the overall balance and weighs heavily against an approval.

Church of St. Leonard at Willey

59. This Grade II* listed building dates from the late 14th/15th century and is located approximately 440m to the south west of the appeal site on the opposite side of the A5(T). Its significance is derived primarily from its architectural qualities, including its nave, stone tower, chancel and porch, and its special historic qualities, including much of its early building fabric and associations with former notable residents of the parish. Although much less prominent in the landscape than the Church of St. Peter, the tower of this Grade II* listed church can be seen in some views across the appeal site from the north and in the vicinity of the Church of St. Peter. The appeal site forms part of the wider setting of the Church of St. Leonard.
60. The appeal site forms part of the historic landscape setting of this church with glimpsed views of its tower. The site affords an appreciation of the role and previous influence of the church in this part of the countryside and makes a small contribution to the significance (historic interest) of a building which is of more than special interest.
61. The proposed development would not impact upon the immediate setting of this church, but the buildings that are proposed on parcels J and K would, by virtue of their likely size and height, obstruct views of the church tower from across the appeal site. This would erode the historic landscape setting of the Church of St. Leonard and to a limited extent diminish the ability to appreciate the role and influence of the church within this part of the countryside. It would detract from the historic interest of this Grade II* listed building.
62. In the context of the Framework, the proposal would amount to less than substantial harm to the significance of this designated heritage asset. If there was a sliding scale within this category of harm the proposal would be at the lower end. Nevertheless, this weighs heavily against granting permission.

Ullesthorpe Mill

63. This Grade II listed building dates from 1800 and is located approximately 900m to the north east of the appeal site. As noted within the ES, this building by reason of its height – a function of its industrial purpose – is a landmark feature and commands a wide visual setting. Its significance is derived primarily from its architectural qualities, which include its tall, round red brick tower and pepper pot cap, as well as its historic interest, which includes its internal machinery and past associations with the working rural landscape and previous importance to the local economy.
64. As I saw during my site visits, there are views of this windmill from across parts of the appeal site. There are also views of the appeal site from inside this

listed building. These views afford an appreciation of the former role of this windmill within this part of the countryside and a reminder of the link between locally grown grain and industrial grinding. In this regard, the evidence of an interested party indicates that in the past some of the fields within the appeal site were used to grow wheat for use in this windmill. The appeal site contributes to the significance (historic interest) of this listed building.

65. The proposed development would not impact upon the immediate setting of the windmill, but the buildings that are proposed on parts of the site would intrude into and block some views of this listed building. The development would also be visible from the windmill. Whilst seeing the new buildings would not in itself be harmful, the likely size and scale of the proposed units would erode the historic landscape setting of the windmill and diminish its prominence within the landscape and the ability to appreciate its role and associations with local agriculture. The proposal would detract from the significance (historic interest) of this designated heritage asset.
66. However, many other views of the windmill would be unaffected and it would still be possible to understand and appreciate its special interest. The proposal would result in less than substantial harm to the significance of this listed building. If there was a sliding scale within this category of harm the proposal would be at the lower end. Nevertheless, this also weighs heavily against granting permission.

Less than Substantial Harm v Public Benefits

67. The less than substantial harm that I have identified to the above noted designated heritage assets carries considerable weight in the planning balance. There would also be conflict with CS policy CS11(d). However, as previously noted, this development plan policy is out-of-date. This reduces the weight to be given to the conflict with this local planning policy. When the harm to these assets is weighed with the public benefits of the proposals, which include protecting some other parts of the setting of the DMV/SM and providing facilities that would assist in appreciating and understanding the significance of this monument, the balance tips in favour of granting planning permission.
68. I have noted above that a similar conclusion was reached by the LPA in respect of the DMV/SM when considering the appeal scheme and the First Permission. It is also inevitable that in delivering the quantum of strategic warehousing provided for in eLP policy BE2 there would be some harm to the significance of the above noted designated heritage assets.

Non Designated Heritage Assets

Bittesby House

69. This red brick building lies within the appeal site. It originated as a farmhouse and until recently was used as offices. It dates from at least the 18th century and was substantially extended and altered in the 19th century²⁰. As already noted, it is the final point in succession from the DMV/SM and together with its tree-lined avenue, which includes the remnants of ridge and furrow cultivation, adds to the significance (historic interest) of this neighbouring monument.

²⁰ In August 2016 HE rejected an application to list Bittesby House.

70. The setting of this non designated heritage asset has changed over time. This includes the First Permission, which is now a prominent new element when seen from the tree-lined avenue. The proposed development would further disrupt the tree-lined approach to Bittesby House and result in more modern development within its historic landscape setting. It would detract from the significance (historic interest) of Bittesby House. This carries some limited weight against an approval in the planning balance. However, as noted above, the proposals include re-using this building as a local heritage centre to provide, amongst other things, interpretive material and exhibitions.

Bittesby Cottages

71. This pair of red brick cottages lie to the north east of Bittesby House and immediately alongside and below the very large new building that has been built on parcel G (the First Permission). They have historical associations with Bittesby House, potentially having housed farm workers employed by the occupants of the house. The proposed demolition of these cottages would result in the loss of this non designated heritage asset and some limited harm to the significance of Bittesby House. This carries some very limited weight in the planning balance. It is intended to provide a record of these buildings and to place the material in public archives as part of the proposals.

Important Hedgerows

72. The proposals include the removal of four hedgerows²¹ that have been assessed as 'Important' under the Hedgerow Regulations 1997. These do not comprise heritage assets and do not carry any enhanced weight or special status. Nevertheless, their loss would increase the heritage harm. On the other side of the planning balance, other 'Important' hedgerows within the site would be restored and enhanced as part of the proposed landscaping works. Overall, the impact upon 'Important' hedgerows growing within the site does not lend weight to the arguments for withholding permission.

Character and Appearance

73. Given the Second Permission, the extent of the LPA's objections (limited to Zone 1) and the absence of cogent evidence to demonstrate that the development proposed in Zone 2 would result in any significant adverse effects, I shall focus on the impact of the development proposed in Zone 1.

74. Zone 1 lies to the north and west of Magna Park and forms part of the Upper Soar Landscape Character Area (USLCA), as defined within the HLCA. To the south and on the opposite side of the A5(T) the countryside forms part of the High Cross Plateau Landscape Character Area, as defined within the RLCA.

75. The USLCA is a large area that stretches beyond Harborough District. Only the easternmost edge lies within the District. The key landscape characteristics identified in the HLCA include: large wide river basin with high ridges; lack of woodland; predominantly pasture; visible influences from outside character areas and; urban influence apparent in particular around Broughton Astley.

76. As also noted within the HLCA, the high ridge profile of the USLCA provides generally open outward views across the rest of the Upper Soar area to the

²¹ Nos. 3, 4, 8 and 9 in the appellant's Important Hedgerow Assessment 2019. These are 'important' as they relate to the pre-Inclosure Act field system.

west with more enclosed local views found within the lowland areas. Mature densely planted boundaries which part screen Magna Park²² from the surrounding boundaries represent the most dominant vegetation in the area. The HLCA identifies the USLCA as having a medium capacity to accommodate change, but where the rural character remains undisturbed the capacity is low.

77. I note from the RLCA that the High Cross Plateau is a sparsely populated area that is characterised by wide rolling ridges and valleys. This comprises two landscape types and the area nearest the appeal site forms part of the Open Plateau landscape type. This is described as a remote, large-scale, open rolling plateau dissected by broad valleys characterised, for the most part, by wide views and a strong impression of "emptiness" and space. The overall landscape sensitivity is identified as moderate.
78. The appeal site does not form part of a designated landscape. The main parties also agree that it does not form part of a valued landscape to which paragraph 170(a) of the Framework applies. The site is subject to urban influences, such as the A5(T) and Magna Park, which abut the south eastern and south western boundaries of Zone 1. The wind turbine near Manor Farm is also a prominent feature of the local landscape.
79. Nevertheless, as I noted during my visits, this is not an unattractive area of open countryside and from sections of the various public rights of way that bisect the appeal site there are pleasing views across this undulating rural landscape. These include views of Ullesthorpe and the listed windmill, as well as the Churches of St. Peter and St. Leonard²³. A pleasant/interesting circular walk (not a published route) can also be undertaken from Ullesthorpe or Claybrooke Parva that takes in the MF/SM and the DMV/SM.
80. As I also noted during my visits, most sections of these rights of way are popular with high sensitivity receptors who are out relaxing/enjoying the amenity of the countryside. There are also pleasant views towards the appeal site from some sections of public rights of way on the southern side of the A5(T). From many sections of the public rights of way in and around the appeal site the new building on parcel G (The First Permission) and/or traffic moving along the A5(T) and/or the wind turbine are apparent.
81. The First Permission which, as already noted, forms part of the baseline, has markedly changed the character and appearance²⁴ of this part of the appeal site. It is also prominent in views from some sections of the rights of way that cross the appeal site and surrounding countryside. However well sited, designed and landscaped, the provision of 319,000 sq m of additional strategic storage and distribution space in the rest of Zone 1 (slightly less than provided for in eLP policy BE2) would significantly change the character and appearance of the remainder of the appeal site²⁵.
82. It inevitably follows from eLP policy BE2 that this change would be at odds with the key landscape characteristics of the local area. The nature and scale of the development to be provided under this allocation would also detract from the quality of views and the experience of the countryside in and around the site.

²² Magna Park forms part of the adjoining Lutterworth Lowland Landscape Character Area.

²³ A few glimpsed views can be seen of this church tower.

²⁴ This very large and tall new building is prominent within the local landscape.

²⁵ The LPA's landscape witness informed me that an eLP policy BE2 compliant scheme would have significant adverse impacts for a minimum of 20 years and until mitigation/landscaping had established.

83. In all likelihood, for many years afterwards, the magnitude of landscape and visual change that would arise from any scheme to come forward under eLP policy BE2 would be major and adverse on the site and up to a distance of about 1km²⁶. Due to topography, beyond about 1km from the appeal site, the magnitude of change would, in all probability, be moderate and adverse until landscape mitigation had established. eLP policy BE2 includes a requirement to minimise the impact on the character of the immediate and wider landscape.
84. The appellant and its multi-disciplinary team of consultants have spent many years and gone to considerable effort to carefully assess this area of the countryside and to seek the views of various consultees, including HE. Following this, a landscape-led design for the type, range and scale of development now provided for in eLP policy BE2 was submitted to the LPA. This is reflected in the appellant's landscape masterplan and parameters plan.
85. The application which is now the subject of this appeal has been subject to a rigorous EIA process and was accompanied by a comprehensive ES²⁷. Amongst other things, this includes a detailed landscape and visual impact assessment which also considered cumulative landscape and visual effects. In addition, detailed illustrative material has been submitted in support of the proposals, including wireline drawings and photomontages that have been prepared to industry best practice.
86. The appeal scheme would introduce additional large scale built development with new roads, service yards and a change in levels, involving 'cut-and-fill' and the construction of some earth banks/bunding²⁸, across a sizeable part of the remainder of the site. Together with the loss of countryside, including some hedgerows and other natural components, new external lighting and the increase in activity that would be generated within the site, the proposals would have a major adverse effect upon the landscape character of this part of the USLCA²⁹ for many years.
87. As now accepted by the LPA, this would not amount to a "severe" landscape impact. Moreover, the harm to the character of the landscape would diminish over time to a medium adverse effect as the proposed green infrastructure³⁰, including structural planting, matured and made a positive contribution to the landscape. The proposals would also secure the maintenance and management of the remaining natural components of the appeal site.
88. The proposed development would not have any direct effects upon the physical attributes of the High Cross Plateau Landscape Character Area and would be read as notable extension to Magna Park. Nevertheless, the new storage and distribution buildings would erode the remote, open qualities of this part of this neighbouring landscape character area and its sense of "emptiness" and space. I concur with the appellant's assessment that the development would have a moderate adverse effect upon the character of this landscape. This would reduce to a minor adverse effect as the proposed planting, including the landscape planting along the A5(T), matures.

²⁶ This would be likely to extend to a distance of about 2km during the construction phase, not least due to the tall cranes and the machinery and plant that would be brought onto the site whilst development took place.

²⁷ This divided the USLCA into two sub-types. A low lying clay vale farmland with gentle ridges landscape type, where most of the proposed buildings would be located and a Soar tributary flat floodplains and terrace landscape type.

²⁸ Some of these would be in excess of 8m high.

²⁹ Up to about 1km.

³⁰ This includes the open space provision. In total, the green infrastructure would comprise about 48% of the site.

89. The ES and the appellant's landscape evidence have also assessed the effect of the proposed development from numerous locations, including public rights of way through the site, and the likely impact upon visual receptors. The various wirelines and photomontages are very helpful in illustrating the likely effects from some of these locations.
90. From some locations the proposed development would be seen against the backdrop of the existing Magna Park and the proposed landscape planting would reduce the level of visual impact. However, from many other locations the height and likely mass of the proposed storage and distribution buildings, the scale of the earthworks and the new roads and service yards would intrude into existing open rural views and have a major adverse effect upon the appearance of the area when seen by other high sensitivity receptors.
91. Some sections of public rights of way through the site, such as footpaths W86, W89 and W92, would have to be diverted around the proposed new buildings. In future, instead of walking through largely unspoilt open countryside with views across the landscape, users of these rights of way would pass close to the edges of very large warehouse and storage buildings. This would considerably detract from the enjoyment/amenity of these rights of way.
92. In time, the proposed landscape planting, including the 'gapping up' of hedgerows, would enhance the appearance of parts of the site and help mitigate the impact of some aspects of the development. The new country park and the meadow land would also make a positive contribution to the appearance of the site and the permissive paths would increase the scope for enjoying the proposed green space with links to existing rights of way.
93. From the public right of way that traverses the sloping land that runs through proposed development parcel D (W88), pleasing views looking down into the DMV/SM, as well as across the wider landscape to the Church of St. Peter and Ullesthorpe, including the windmill, would be retained. The open views towards the High Cross Plateau would also be retained.
94. The proposed development would also be seen from public rights of way beyond the boundaries of the appeal site. In some viewpoints the new buildings would break the skyline and even after the landscape planting had matured, they would remain prominent on the horizon. Within a distance of about 1km, the height and likely mass of the proposed buildings would be readily apparent and detract from the appearance of the countryside.
95. I concur with both main parties that there would be no harmful cumulative landscape or visual impacts arising from the proposed development.
96. The adverse landscape and visual impacts of the proposed development that I have identified above conflict with the provisions of CS policy CS17 and weigh against granting planning permission. However, eLP policy BE2 is expected to have significant adverse landscape and visual effects. The appellant has given thoughtful consideration to avoid building on the more sensitive parts of the site (parcels C & D) which contribute to the significance of the DMV/SM, provide an open link towards the MF/SM and include existing watercourses. A comprehensive scheme of landscape planting is also proposed to minimise the impact of such large-scale development on the character of the immediate and wider landscape. I therefore attach only limited weight to these adverse impacts in the overall planning balance.

97. As noted above, the LPA's evidence on landscape and visual impact is limited to development parcels K and L on the submitted Masterplan. It has argued that the development could be delivered in "*a more landscape-sympathetic manner*" by: removing development from parcel L; reducing the size of the building units within parcel K; more sensitively working with the grain of the site's landform; re-positioning a unit(s) to the west of the building now on parcel G; pulling back development from the A5(T) in parcel K; and re-distributing the "*weight*" of the development so that a greater percentage of development is located closer to the existing Magna Park (within the eastern edge of parcel D).
98. In considering the LPA's concerns I am mindful that eLP policy BE2 does not: preclude development from the area identified as parcel L on the submitted masterplan; include any requirement to limit the size of buildings on the area to which parcel K relates or; require buildings to be set back from the A5(T). If these were such important considerations it is reasonable to have expected reference to have been made to them within eLP policy BE2 and/or for them to have been drawn to the appellant's attention at a much earlier stage³¹. Furthermore, as the sensitivity of receptors using the A5(T) is much lower than those using public footpaths, bridleways and minor roads, and parcels A3 and E would provide a break in development alongside the A5(T), any further set-back of the proposed buildings would achieve little, if anything.
99. What is clear from eLP policy BE2 is that heritage assets and their settings should be protected and where possible enhanced, including the DMV/SM. In this regard, HE had made it known to the LPA in its consultation response that parcel D was a "*key area*" of archaeological and historic landscape setting to this monument. It is therefore surprising that the LPA now considers it appropriate to argue that some of the proposed development should be re-distributed within parcel D. This would be likely to increase the harm to the significance of this monument³². I note that the LPA has not sought further advice from either HE or LCC's archaeologist over its "*more landscape-sympathetic*" solution. Shifting more of the development towards Magna Park could also pose a risk to the open link to the MF/SM, as well as watercourses.
100. I note from the officer's very detailed report to committee that having considered, amongst many things, the various site options and the findings of the landscape architect who assessed³³ the application on behalf of the LPA, no suggestion was made that a more "*landscape-sympathetic*" scheme could be devised. The LPA has not produced any drawings, sketches or other illustrative material to substantiate its argument that a more sympathetic scheme could be formulated. It is also very far from certain that reducing the size of some of the proposed buildings, as suggested by the LPA, would diminish the landscape impact to any meaningful extent³⁴ or meet the need for strategic storage and distribution space within the 'Golden Triangle'.
101. The proposed development would have an adverse effect upon the character and appearance of the area. However, as required by eLP policy BE2, the

³¹ The first mention of this and the decision to no longer consider the impacts severe was in the proof of evidence.

³² The LPA's alternative would further detract from the experience of the DMV/SM. Its planning witness informed me that if this alternative would be likely to result in more harm to heritage assets the appeal should be allowed.

³³ The conclusions to the report dated October 2017 from The Landscape Partnership include the following comment: "*...in landscape and visual terms the scheme as proposed is not considered to be unacceptable.*"

³⁴ Reducing building sizes is likely to result in more space being required for roads, lighting and service yards. Furthermore, whilst reducing development on parcels K and L could diminish the impact on the users of W86 and W89 it would increase the impact on the users of W88.

proposals have been informed by a landscape and visual impact assessment to minimise the impact upon the character of the immediate and wider landscape.

Other Matters

102. There was considerable local opposition to the proposals at application stage. This included objections from Lutterworth Town Council, a number of parish councils/meetings and the group known as Magna Park is Big Enough. However, since that time, the LPA has published its agreed Schedule of Main Modifications to the eLP, including those relating to policy BE2.
103. Many of the concerns raised by the local community relate to the principle of extending Magna Park. As noted above, the eLP supports the principle of developing the appeal site with the type and quantum of development proposed in the appeal before me. In refusing permission, the LPA did not identify any other concerns other than landscape and visual impact.
104. I note the highway concerns expressed by some members of the local community. However, the ES was informed by a Transport Assessment and, as noted above, the section 106 agreement includes a package of measures intended to minimise the impact of traffic on the local highway network and to encourage employees to travel by more sustainable modes of transport. Traffic surveys undertaken on behalf of the appellant also reveal that there is no evidence of excessive 'rat-running' through villages such as Ullesthorpe, Bitteswell and Ashby Parva.
105. The proposals were carefully considered by LCC and Warwickshire County Council as highway authorities, as well as Highways England. Whilst the proposed development would increase traffic volumes on the local highway network there is no cogent evidence to demonstrate that it would be likely to compromise highway safety interests or result in any severe residual cumulative impacts on the road network.
106. The proposed development, including the construction phase, would have an adverse impact upon the living conditions of some neighbouring residents, including the occupiers of Bittesby Stables. Noise and disturbance would occur through an increase in activity within and around the site.
107. However, the construction phase would be for a temporary period (albeit, about nine years) and a Construction Environmental Management Plan (that would be required by way of a planning condition attached to an approval) would avoid any serious adverse impact upon neighbouring residents. A separate planning condition would also control external lighting.
108. The new buildings would sit very much taller in the landscape than neighbouring dwellings and would change the outlook for those living alongside. However, these would be set back from the nearest dwellings and the extent of separation, together with the proposed landscape planting³⁵, including advanced planting, and the use of graded panels on the exterior of the proposed buildings would ensure that the new buildings were not overbearing or oppressive when seen from neighbouring properties.
109. The ES also assesses the increase in traffic emissions associated with the proposed development (including the construction phase). Amongst other

³⁵ On behalf of the appellant, I was informed that this would include necessary landscaped earth banks.

things, this reveals that the annual mean PM₁₀ and PM_{2.5} particulate matter would be below all objectives at all receptors and the magnitude of change would be imperceptible.

110. The predicted impacts on annual mean nitrogen dioxide concentrations (based on a worst-case assumption) reveal that there would be moderate adverse effect at one receptor and slight adverse effects at four other receptors. However, the predicted cumulative effects are well below objectives and would not have any significant effect on air quality. Furthermore, schemes for HGV routeing³⁶ and air quality management (which would monitor air quality and implement remedial actions) would provide adequate mitigation. The proposals were considered by the LPA's environmental health officers and permission was not withheld on air quality grounds.

Section 106 Agreement

111. The obligations in respect of the LIT, including the requirement to construct and complete this part of the proposals, and the MPIC would be necessary to ensure the delivery of important economic benefits.
112. The obligations relating to the proposed country park and meadow and the landscape phasing scheme would be necessary to secure environmental mitigation and recreational benefits in a timely manner and to safeguard the setting of the DMV/SM.
113. The obligations in respect of the BLHC and the re-use of Bittesby House would be necessary to safeguard non-designated heritage assets and to secure important public benefits associated with appreciating and understanding the significance of the DMV/SM and other local heritage assets, including the MF/SM.
114. The obligation relating to the HGV parking, driver training centre and rail freight shuttle and terminal would be necessary to secure benefits aimed at addressing the acute shortage of HGV parking, the need for more HGV drivers and to encourage greater rail freight links.
115. The requirements for a Construction Jobs and Business Employment Strategy to be submitted to the LPA and followed through, as well as the Magna Park Delivery Body proposals and the transfer of land to Holovis would all be necessary to ensure the development provides other economic benefits that have been put forward in support of the proposed development.
116. The obligations relating to an HGV routeing plan agreement, construction traffic and HGV routeing plan, the TRO contributions and the Air Quality Management scheme would be necessary to limit the disturbance to neighbouring communities, avoid harming air quality within the LAQMA and to mitigate the impacts of traffic on the local road network.
117. Obligations relating to a travel plan, the bus service and bus stop infrastructure contribution, a travel pack and bus passes would be necessary to encourage travel by more sustainable modes of transport.
118. The obligation requiring the submission of a Carbon Neutrality Innovation Plan would be necessary to help address the effects of climate change.

³⁶ Existing arrangements prohibit HGVs from driving through the Lutterworth Air Quality Management Area (LAQMA).

119. The above noted obligations would also be directly related to the proposed development and fairly and reasonably related in scale³⁷ and kind. They accord with the provisions of paragraph 56 of the Framework and the Community Infrastructure Levy Regulations 2010 (as amended). I have therefore taken them into account in determining the appeal.

Planning Conditions

120. Given the nature of this hybrid application and the expected 'build-out' period, I agree with the main parties that it would be necessary to vary the 'standard' conditions relating to the reserved matters to include a phasing programme and to require the application for the approval of the reserved matters to be made no later than the expiration of 9 years from the date of the decision.
121. For the avoidance of doubt and to ensure the development proceeds in an orderly and timely manner, conditions would be necessary: specifying the approved plans; requiring the reserved matters to be undertaken in accordance with the approved parameters plan and; the submission/approval of a phasing plan. It would be unnecessary to refer to the separate S106 Agreement.
122. To limit the impacts of the construction phase upon local residents, the highway network, wildlife, watercourses, trees and hedgerows, a condition would be necessary requiring the works to be undertaken in accordance with an approved Construction Environmental Management Plan.
123. In the interests of public health, conditions would be necessary to deal with any land contamination. Conditions would also be necessary to ensure adequate drainage and to avoid contaminating any watercourses or groundwater. In respect of the development in Zone 2, a condition would be necessary requiring details of the proposed fuel storage tanks in order to safeguard the appearance of the area and to limit the risk of any pollution.
124. To minimise the landscape and visual impact of the proposals and to mitigate the impact upon nature conservation interests, a condition would be necessary requiring the proposed development to be undertaken in accordance with a Landscape and Biodiversity Management Plan. A separate condition requiring an updated/supplementary protected species survey would be required to minimise the impact upon wildlife.
125. A condition requiring details to be submitted of those trees and hedgerows (including the Important Hedgerows specified in the appellant's 'Important Hedgerow Assessment' 2019) that it is intended to be retained, as well as provision for any replacement planting would be necessary to minimise the impact of the development on the local and historic environment.
126. Conditions would be necessary to secure adequate refuse/recycling facilities within the site, as well as adequate foul and surface water drainage.
127. To safeguard archaeological interests a condition would be necessary requiring the development (including the construction phase) to proceed in accordance with a written scheme of investigation. A condition requiring

³⁷ Whilst there is some lack of clarity over how the bus stop infrastructure contribution and the TRO contribution have been calculated, they appear reasonable given the scale/range of the intended infrastructure works and the likely scale and extent of work that would be required to review, implement and mitigate traffic impacts.

interpretation panels, to assist in understanding and appreciating the significance of the DMV/SM and other heritage assets in and around the site, would be necessary to secure public benefits to help offset the less than substantial harm that I have identified above to these heritage assets.

128. To minimise the impact upon the character and appearance of the area conditions would be necessary requiring details of: the proposed extraction and ventilation units on the exterior of the new buildings; external lighting; existing and proposed ground levels, including finished floor levels and; details of landscape bunding/earth banks that would be necessary to limit the impact upon the living conditions of neighbouring residents. A condition restricting the height at which any containers are stored outside in Zone 2 would also be necessary to safeguard the character and appearance of the area.
129. In the interests of highway safety, conditions would be necessary requiring the access into the sites to be provided from the outset and controlling the location of any gatehouses. To ensure the efficient operation of the A5(T), a condition would be necessary (Zone 1) requiring the proposed improvement works to this trunk road to be undertaken before the final 35,000 sq m of development was provided. To encourage travel by more sustainable modes of transport conditions would be necessary requiring the submission of a Travel Plan for the LIT and the provision of secure cycle parking facilities.
130. To help reduce carbon emissions and tackle climate change, conditions would be necessary requiring the new buildings to be constructed to BREEAM 'very good' rating and to make provision for on-site renewable energy generation. The latter could also help reduce the pressure for solar farms on other agricultural land within the wider surroundings.
131. I have modified some of the suggested/agreed planning conditions to ensure they would comply with the provisions of paragraph 55 of the Framework.

Overall Planning Balance / Conclusion

132. When all of the above are weighed together, I find that the less than substantial harm to the significance of the DMV/SM and the harm that I have identified to the significance of other designated heritage assets would be outweighed by the public benefits of the proposals. Furthermore, this harm and the other adverse impacts that I have found, including the effects upon: the significance of some non designated heritage assets; the character and appearance of the area; the living conditions of some neighbouring residents, and the loss of some Important Hedgerows, would not significantly and demonstrably outweigh the benefits.
133. The proposals conflict with the provisions of the development plan when considered as a whole. However, the most important/relevant policies of the CS are out-of-date and other material considerations, including the public benefits of the development, eLP policy BE2 and the Framework, indicate that the appeal should not be determined in accordance with the development plan.
134. Given all of the above, I conclude that the appeal should succeed.

Neil Pope

Inspector

	conditions
Document 8	Mr Stringer's Statement
Document 9	A3 versions of Table R1 and plans in Mr Nagle's rebuttal
Document 10	Dr Tebby's photographs
Document 11	Plan showing properties at White House Farm
Document 12	Mr Mortimer's Note
Document 13	Erratum to the ES Replacement Chapter 13
Document 14	Draft S106 Agreement
Document 15	Erratum Ms Galley's proof of evidence
Document 16	Summary of Benefits
Document 17	Note in respect of 'rat-running'
Document 18	Dr Tebby's suggested planning conditions
Document 19	Draft S106 Planning Obligation
Document 20	Suggested planning conditions
Document 21	Layout plans showing possible archaeological fills
Document 22	Costs application
Document 23	Response to the costs application
Document 24	The LPA's Closing Submissions
Document 25	The appellant's Closing Submissions
Document 26	Amended list of suggested planning conditions
Document 27	Completed S106 Agreement
Document 28	S106 compliance statement

(Documents 26-28 were submitted whilst the Inquiry was adjourned)

SCHEDULE OF PLANNING CONDITIONS *(Condition 1 relates to all of the site [land identified as Zones 1 and 2], condition numbers 2-27 [inclusive] are limited to Zone 1 and condition nos. 28-48 [inclusive] are limited to Zone 2.)*

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this decision, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Applications for approval of details of the access within the site, layout, scale (within the scope of the hereby approved Parameters plan), appearance, landscaping, (hereinafter called "the reserved matters") for each of the Phases (as identified in the Phasing Programme approved under condition 4 below) shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any development in that particular Phase begins, and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the LPA no later than the expiration of 9 years from the date of this decision.
3. The reserved matters submitted under Condition 2 above shall be in strictly in accordance with the principles and parameters described and illustrated in the Design and Access Statement and the following Parameter Plans: i) 3657-34

- Rev 19 - Parameters Plan and; ii) 3657-36 Rev 07 - Parameters Plan (Building Heights). Thereafter, the development shall be implemented in accordance with the approved details and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to or concurrently with the submission of the first of the reserved matters application(s), a Site Wide Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). This Plan shall include the sequence of providing the following elements: a) development parcels; b) major distributor roads/routes within the site, including timing of provision and opening of access points into the site; c) site wide foul surface water features and SUDS; d) site wide electricity networks; e) environmental mitigation measures; f) provision of the lorry park and facilities. No development shall commence apart from enabling works agreed in writing by the LPA until such time as the Site Wide Phasing Plan has been approved in writing by the LPA. The development shall be carried out in accordance with the approved phasing contained within the Site Wide Phasing Plan.
5. The development hereby permitted in Zone 1 shall be carried out in accordance with the following approved drawings:
- i) 3657-30 Rev 04 – Red Line Boundary Plan;
 - ii) 3657-31 Rev 02 – Site Location Plan;
 - iii) 3657-32 Rev 05 – Blue Line Boundary Plan;
 - iv) 3657-33 Rev 13 – Illustrative Masterplan (Zone 1);
 - v) 3657-34 Rev 19 – Parameters Plan (Zone 1);
 - vi) 3657-36 Rev 07 – Parameters Plan Building Heights (Zone 1);
 - vii) 3657-37 Rev 04 – Demolition Plan (Zone 1);
 - viii) MPL410-AL-A01-CT-0-001Rev07;
 - ix) MPL410-AL-A01-GE-2-001Rev01;
 - x) MPL410-AL-A01-GE-2-002Rev01;
 - xi) MPL410-AL-A01-GE-2-003Rev01;
 - xii) MPL410-AL-A01-GE-2-004Rev00;
 - xiii) MPL410-AL-A01-MP-0-001-Rev3;
 - xiv) 074680-CA0-GF-DR-S-001-P07;
 - xv) 074680-CA0-GF-DR-S-002-P07
 - xvi) 074680-CA0-GF-DR-S-010-P00;
 - xvii) 074680-CA0-GF-DR-S-011-P00;
 - xviii) 074680-CA0-GF-DR-S-012-P00;
 - xix) 074680-CA0-GF-DR-S-013-P00;
 - xx) 074680-CA0-GF-DR-S-014-P00;
 - xxi) 074680-CA0-GF-DR-S-015-P00;
 - xxii) C161222 1008 P3 - Access Arrangements (Zone 1 – South);
 - xxiii) 47066811/A008/SK13: Proposed Access Arrangements (Zone 1 – North).
- Thereafter, the development shall be implemented in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
6. No development shall take place, including any site works, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The CEMP shall provide for, and include details of the timing of the provision of:
- the parking of vehicles for site operatives and visitors;

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- measures for the lighting of compounds and works during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction work;
- hours of operation, including the hours of construction and the hours for the loading/unloading of materials;
- the means of access and routing of demolition and construction traffic;
- location of contractors compound;
- management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction;
- the storage of fuel and chemicals;
- temporary highway works;
- measures to protect the trees and hedges to be retained within the site during the construction works (having regard to British Standard 5837 (2012) 'Trees in relation to design, demolition and construction – recommendations') including the periods before and after materials, machinery and equipment are brought onto site;
- measures to protect the wildlife habitats and wildlife corridors during the duration of the construction works;
- the provision of temporary drainage measures;
- the storage of fuel and chemicals;
- details of any piling operation to be undertaken;
- details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes;
- details of the management of surface water on site during construction of the development.

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

7. No development of any phase as approved as part of Condition 2 above, shall commence on site until a Risk Based Land Contamination Assessment (RBLCA) of that phase has been submitted to and approved in writing by the Local Planning Authority (LPA), in order to ensure that the land is fit for use as the development proposes. The RBLCA shall take into account the following:
- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The development shall be undertaken in accordance with the approved RBLCA and should any unacceptable risks be identified in the RBLCA, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the LPA. The Remedial Scheme and Verification Plan shall take into

account the following:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004 and;
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it shall be reported in writing to the LPA within 10 working days. Prior to the recommencement of development on that part of the site, a RBLCA for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) shall be submitted to and approved in writing by the LPA. Thereafter, the development shall be implemented in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the LPA.

8. Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan (as part of Condition 7 above) for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
 - contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - demonstrate the effectiveness of the approved Remedial Scheme; and
 - include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.
9. No development shall commence in each phase unless there has been submitted to and approved in writing by the Local Planning Authority a Landscape and Biodiversity Management Plan (LBMP) for that phase which shall include the timescales for mitigation requirements, the specification, the timing of the completion of and the arrangements for the management and maintenance of:
 - i) all areas of informal and formal open space to be included within the development, including the ecological protection along footpaths through the site;
 - ii) Sustainable Urban Drainage Systems, watercourses and other water bodies (details should include procedures that must be implemented in the event of pollution incidents within the development site);
 - iii) Green Infrastructure linkages including pedestrian and cycle links, public rights of way and bridleways;

- iv) areas of habitat creation in and around the Country Park and on the site boundaries which should be planted with locally native species. These details shall be in accordance with the principles established by the approved Illustrative Masterplan and shall include screening along noise sensitive boundaries, the installation of bird boxes, bat boxes/bricks, log piles and 'bug hotels'. The LBMP shall thereafter be complied with at all times.
10. Prior to the commencement of above ground works in development parcels E-F and H-L (as identified on the approved masterplan) and in accordance with the approved phasing plan, details of the provision to be made for the storage of refuse and materials to be recycled in the respective development parcels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and the storage and recycling facilities shall be retained thereafter.
 11. Prior to the commencement of above ground works in development parcels E-F and H-L (as identified on the approved masterplan) and in accordance with the approved phasing plan, details of the provision to be made for secure cycle parking facilities in the respective development parcels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and the cycle parking facilities shall be retained thereafter.
 12. No building in the approved phasing programme shall progress above slab level until details showing ventilation and extraction equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
 13. No building in the approved phasing programme shall progress above slab level until a scheme for the external lighting of that phase (including details of permanent external lighting including layout plan, lighting type, luminaire type, intensity, mounting height, aiming angles and luminaire profiles) has been submitted to and approved in writing by the Local Planning Authority. The scheme, which shall ensure that site boundaries are not subject to excessive light spill, shall be implemented as approved.
 14. The layout and landscape details required in condition 2 above, shall include details of existing and proposed site levels, including finished floor levels of the buildings and the location, height and gradient/slope of all new earth banks/bunding, including earth banks/bunding around development parcel L to limit the impact upon the living conditions of the occupiers of neighbouring properties. The development shall be undertaken in accordance with the approved details.
 15. No development of any phase as approved as part of condition 2 above, shall commence until a foul drainage solution for that phase has been submitted to and approved in writing by the Local Planning Authority (LPA). No building shall be occupied until the works have been carried out in accordance with the approved solution, unless otherwise approved in writing by the LPA.
 16. The landscaping details required as part of condition 2 above shall include details of all trees and hedgerows to be retained, including hedgerows numbered 1, 2, 5, 6, 7, 10 and 11, as identified within Figures 3 and 4 in the

“Important Hedgerow” Assessment (CgMs, January 2019). Any trees or hedgerows that are cut down, uprooted, removed or destroyed within 5 years of the commencement of the respective phases of the development shall be replaced during the next planting season with trees and hedgerows of the same size and species and in the same position.

17. Prior to the commencement of each phase of development, a specification for supplementary ecological surveys (including birds, bats, newts and reptiles) on the development site to be carried out by a suitably qualified independent ecologist shall be submitted to and approved in writing by the Local Planning Authority (LPA). The specification shall include the methodology and timetable for the surveys and a timetable for submitting a report to the LPA detailing the results of the surveys. The report shall also identify any additional changes to approved mitigation measures and a timetable for their implementation. The specification and mitigation measures shall be implemented as approved.
18. No demolition/development shall take place/commence on each phase of development until a programme of archaeological work for that phase has been detailed in a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. The WSI shall be informed by additional targeted trial trenching and palaeo-environmental analysis. The WSI shall include an assessment of significance and research questions and:
 - the programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
 - the programme for post-investigation assessment;
 - the provision to be made for analysis of the site investigation and recording;
 - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation; and
 - nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

The development shall be undertaken in accordance with the WSI.

19. Other than the formation of the access arrangements, including the connection to the A5, as shown in 47066811/A008/SK12 Rev C (or as amended by Road Safety Audit or Detailed Design), no other part of the development hereby permitted (excluding that which has been approved under 15/00919/FUL) shall commence on Zone 1 until such time as the access arrangements, including the connection to the A5, as shown on URS Drawing No 47066811/A008/SK12 Rev C (or as amended by Road Safety Audit or Detailed Design) have been implemented in full.
20. No part of the Logistics Institute of Technology (LIT) development hereby permitted shall be first occupied until a Travel Plan for the LIT, which sets out actions and measures with quantifiable outputs and outcome targets, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

21. Any new gatehouse(s) shall be situated a minimum of 60m (travel distance) from the public highway. No gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 60 metres of the highway boundary, nor shall any be erected within a distance of 60 metres of the highway boundary unless hung to open away from the highway.
22. Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with any contamination of groundwater shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):
 - i) a preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site;
 - ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - iii) the results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The strategy shall be implemented as approved. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.
23. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
24. Prior to the occupation of the final 35,000 sq m of the development hereby permitted, improvement works to the A5 as detailed in URS Drawing No. 47066811/A008/SK13 (or as amended by Road Safety Audit or Detailed Design) shall be complete and open to traffic. The approved scheme shall take into account the requirements of the Design Manual for Roads and Bridges, including those relating to road safety and non- motorised user audits.
25. No development in Zone 1 shall take place until such time as a Framework surface water drainage scheme has been submitted to, and approved in

writing by, the Local Planning Authority (LPA). The Framework scheme shall include: the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The Framework scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the Framework scheme or within any other period as may be agreed, in writing, by the LPA. Full details for the drainage proposal shall be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this shall be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

26. Prior to the commencement of development, a BREEAM pre-assessment, or equivalent assessment, shall be submitted to and approved in writing by the Local Planning Authority (LPA) to demonstrate how at least BREEAM 'Very Good' standard will be met. The development shall take place in accordance with the approved assessment. Prior to the occupation of any building, a post construction review shall be carried out by a licensed assessor and submitted to the LPA for approval.
27. No development above ground level shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA):
 - i) a report explaining how CO₂ emissions from the development will be reduced by providing at least 15% of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building, whereby the carbon savings that result from proposed measures shall be above and beyond what is required to comply with Part L of Building Regulations;
 - ii) details of interpretation panels, including their location, to assist in the understanding and appreciation of the Scheduled Monument within the site and other heritage assets in and around the site.

The development shall be undertaken in accordance with the approved report and details.

28. The development hereby permitted in Zone 2 shall be carried out in accordance with the following approved drawings:
 - i) 3657-90 Rev 01 – Gatehouse and Training Centre Plans (Zone 2);
 - ii) 3657-91 Rev 05 – Proposed Site Layout (Zone 2);
 - iii) 3657-92 Rev 01 – Gatehouse and Training Centre sections (Zone 2);
 - iv) 3657-93 Rev 03 – Fuel Island (Zone 2);
 - v) 3657-94 Rev 02 – Vehicle Wash (Zone 2);
 - vi) 3657-96 Rev 01 – Gatehouse and Training Centre elevations (Zone 2);
 - vii) 3657-110 Rev 03 – Proposed Fencing Plan (Zone 2);
 - viii) 3657-111 Rev 03 – External Works Finishes (Zone 2).Thereafter, the development shall be implemented in accordance with the approved details and retained as such thereafter, unless otherwise agreed

in writing by the Local Planning Authority.

29. No development shall take place, including any site works, until a Construction Environmental Management Plan (CEMP) for Zone 2 has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and shall provide for, and include details of the timing of the provision of:

- the parking of vehicles for site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- measures for the lighting of compounds and works during construction;
- a scheme for recycling/disposing of waste resulting from construction work;
- hours of operation, including the hours of construction and the hours for the loading/unloading of materials;
- the means of access and routing of demolition and construction traffic;
- location of contractors compound;
- management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction;
- the storage of fuel and chemicals;
- temporary highway works;
- having regard to British Standard 5837 (2012) 'Trees in relation to design, demolition and construction – recommendations' measures to protect the trees and hedges to be retained within the site during the construction works, including the periods before and after materials, machinery and equipment are brought onto site;
- measures to protect the wildlife habitats and wildlife corridors during the construction stage;
- the provision of temporary drainage measures;
- the storage of fuel and chemicals;
- details of any piling operation to be undertaken;
- details of a Construction Communications Strategy which contains points of contact and details for residents to report HGVs utilising inappropriate routes;
- details in relation to the management of surface water on site during construction stage, demonstrating how surface water will be managed on site to prevent an increase in flood risk from initial site works through to completion, which shall include temporary attenuation, additional treatment, controls, maintenance, protection and details regarding the protection of any proposed infiltration areas.

The approved CEMP shall be adhered to throughout the construction stage.

30. No development shall commence until a Risk Based Land Contamination Assessment (RBLCA) has been submitted to and approved in writing by the Local Planning Authority (LPA), in order to ensure that the land is fit for use as the development proposes. The RBLCA shall take into account the following:

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The development shall be undertaken in accordance with the approved RBLCA and should any unacceptable risks be identified in the RBLCA, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the LPA. The Remedial Scheme and Verification Plan shall take into account the following:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004 and;
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it shall be reported in writing to the LPA within 10 working days. Prior to the recommencement of development on that part of the site, a RBLCA for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) shall be submitted to and approved in writing by the LPA. The development shall be undertaken in accordance with the approved details.

31. Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan (as part of Condition 7 above) for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- contain Test Certificates of imported material to show that it is suitable for its proposed use;
- demonstrate the effectiveness of the approved Remedial Scheme; and
- include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

32. No above ground works shall commence unless there has been submitted to and approved in writing by the Local Planning Authority a Landscape and Biodiversity Management Plan (LBMP). This shall include the timescales for mitigation requirements, the specification, the timing of the completion of and the arrangements for the management and maintenance of:

- i) all areas of informal and formal open space to be included within the development;
- ii) Sustainable Urban Drainage Systems, watercourses and other water bodies;
- iii) areas of habitat creation on the site boundaries which shall be planted with locally native species.

These details shall be in accordance with the Illustrative Masterplan (MLP410-AL-A01-MP-0-001Rev 03). The LBMP shall thereafter be complied with at all times.

- 33. Prior to the first operation of any part of Zone 2, details of the provision for the storage of refuse and materials for recycling shall be submitted to and approved by the Local Planning Authority (LPA). The details shall be implemented as approved and retained in perpetuity unless otherwise agreed in writing by the LPA.
- 34. Prior to the first operation of any part of Zone 2, details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- 35. Prior to the first operation of any part of Zone 2, details showing ventilation and extraction equipment for the individual buildings shall be submitted to and approved in writing by the Local Planning Authority (LPA). The details shall be implemented as approved and retained thereafter unless otherwise agreed in writing by the LPA.
- 36. Prior to the commencement of above ground works of any part of Zone 2, a scheme for the external lighting of that phase (including details of permanent external lighting including layout plan, lighting type, luminaire type, intensity, mounting height, aiming angles and luminaire profiles) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The details shall be implemented as approved and retained thereafter unless otherwise agreed in writing by the LPA.
- 37. Prior to the commencement of above ground works of any part of Zone 2, details of existing and proposed site levels, including finished floor levels of any buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 38. No development should commence until details of the proposed foul drainage arrangements and a timetable for undertaking these works have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be undertaken in accordance with the approved details and timetable.
- 39. No development shall commence in Zone 2 until details of a scheme of landscaping, including the retention of existing trees and hedgerows and a timetable for planting has been submitted to and approved in writing by the Local Planning Authority. Any trees/hedgerows shown to be retained shall be

replaced during the next planting season by trees/hedgerows of the same size and species and shall be planted/constructed in the same place if they are damaged, taken down, uprooted or destroyed within 5 years of the date of the commencement of development. Nothing shall be stored or placed in any area fenced in accordance with the protective measures required by condition 29 above, and the ground levels within these protected areas shall not be altered, or any excavation undertaken.

40. No development shall commence in Zone 2 until a specification for supplementary ecological surveys (including birds, bats, newts and reptiles) on this part of the site has been carried out by a suitably qualified independent ecologist and submitted to and approved in writing by the Local Planning Authority (LPA). The specification shall include the methodology and timetable for the checking surveys and submission of a report to the LPA detailing the results of the surveys. The report shall also identify any additional changes to approved mitigation measures required as a result of the surveys. The specification and mitigation measures shall be implemented as approved.
41. No part of the development hereby permitted shall be occupied on Zone 2 until such time as the access arrangements shown on Chetwoods Architect drawing number 3657-91 Rev 05 have been implemented in full.
42. The gatehouse shall be situated a minimum of 60m (travel distance) from the proposed vehicular access. No gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 60 metres of the highway boundary, nor shall any be erected within a distance of 60 metres of the highway boundary unless hung to open away from the highway.
43. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
44. No development in Zone 2 shall take place until such time as a Framework surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The Framework scheme shall include: the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The Framework scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the Framework scheme or within any other period as may be agreed, in writing, by the LPA. Full details for the drainage proposal shall be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this shall be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

45. No development shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas shall also be provided.
46. No development shall take place until such time as details, in relation to the long term maintenance of the sustainable surface water drainage system on the development, have been submitted to, and approved in writing by, the Local Planning Authority. Details of the SuDS Maintenance Plan shall include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and procedures that must be implemented in the event of pollution incidents within the development site.
47. Prior to the commencement of any above grounds works on Zone 2, full details of the above ground fuel storage tanks, compressor units and switch room shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
48. The external storage of containers in Zone 2 shall be limited in height to a maximum of two containers.