

# **Land north-east of Junction 10 of the M42 motorway, North Warwickshire – Statement of Common Ground - APP/R3705/W/24/3336295**

**This statement addresses the following areas of common ground**

## **Summary**

This Statement of Common Ground ('SoCG') has been agreed between Hodgetts Estates (herein referred to as 'the Appellant') and North Warwickshire Borough Council (herein referred to as 'LPA' or 'NWBC').

This SoCG has been prepared in respect of an appeal against NWBC's non-determination of an outline planning application pertaining to land north-east of junction 10 of the M42 motorway, North Warwickshire ('the site')

It is prepared in order to identify agreed areas as well as to facilitate the narrowing of issues in dispute and to streamline the preparation of evidence.

Matters which are agreed and have not been agreed are set out in section H of this statement. These matters will be considered further between the parties in order to see if further areas of agreement can be reached.

It is anticipated that separate, topic-specific SoCG's on highways and strategic gap / landscape matters may be prepared in advance of the inquiry. As the appeal is against non-determination, the Appellant may seek to add further disciplines to the collection of SoCGs. This SoCG focuses on planning matters and should be treated as the overarching SoCG.

There are references in this document relating to Core Documents which are listed in an Appendix A. They are referred to as CD's in this Statement.

This SoCG has been prepared jointly and agreed by:

Signed: David Hodgetts (via Email)

Date: 26/03/2024

**WSP (on behalf of Hodgetts Estates)**

Signed: Andrew Collinson (Electronic)

Date: 26/03/2024

**North Warwickshire Borough Council**

## **A. Appeal reference - APP/R3705/W/24/3336295**

1. Local Authorities Reference – PAP/2021/0663

## **B. Site Address**

2. This is as described above - Land north-east of Junction 10 of the M42 motorway, North Warwickshire.

## **C. Agreed description of development**

3. The description of development as included in the submitted planning application is: *'Outline planning permission for development of land within Use Class B2 (general industry), Use Class B8 (storage and distribution) and Use Class E(g)(iii) (light industrial), and ancillary infrastructure and associated works, development of overnight lorry parking facility and ancillary infrastructure and associated works. Details of access submitted for approval in full, all other matters reserved'*
4. This application is in outline, with the exception of the means of access – proposed from Watling Street (A5). All other matters, including, siting, layout, appearance and landscaping are reserved for future consideration.
5. As denoted on the Red and Blue Line Plan (**CD-A3**), the appeal site comprises a red line boundary area extending to approximately 32.36ha (the development site) and a blue line boundary area extending to approximately 41.66ha (other land under the control of the appellant, parts of which are proposed for off-site mitigation and connectivity enhancements). The red and blue land is owned entirely by the appellant.
6. The access to the development site would be in the form of a new signalised access directly onto the A5.
7. While layout is a reserved matter, illustrative details have been submitted to show how the site could be developed.
8. Pre-application -The Statement of Community Engagement (**CD-A11**) and Chapter 4 of the Appellant's Planning Statement (**CD-B5**) describe the consultation activities undertaken prior to submission of the application.
9. A request for an EIA Scoping Opinion was submitted to NWBC on 20 November 2020. A copy of the submission can be found at **CD-A9.1**. NWBC provided their Scoping Opinion by way of an initial letter dated 23 December 2020 (**CD-C3**) and a further letter dated 12 February 2021 (**CD-C4**).
10. The planning application was submitted on the 2 December 2021 and it was allocated application reference: PAP/2021/0663 (**CD-C1**). This resulted in a statutory determination deadline of the application of 24 March 2022 (16 weeks).
11. Several extensions of time for determination of the application were agreed with the LPA, up to the last agreed extended deadline of 31 August 2023 (**CD-C5**). The extensions of time were agreed over a significant period of time in order to enable discussions between NWBC, statutory consultees and the appellant so as to progress outstanding technical planning considerations. NWBC requested a further agreement to extend until 31<sup>st</sup> January 2024 (**CD-C6**). However, for reasons set out

in the appellant's Statement of Case (**CD-D5**), this was not agreed and the applicant lodged an appeal against non-determination.

12. List of plans and documents - The documents which the Appellant seeks planning permission for are as follows:
  - Red and Blue Line Plan (Drawing Ref: 4263-CA-00-00-DR-A-00066 Rev P4) (**CD-A3**);
  - Parameters Plan (Drawing Ref: 4263-CA-00-00-DR-A-00075 Rev P19) (**CD-B37**); and
  - Proposed Site Access Drawings (within the submitted Transport Statement Addendum) (**CD-B39**).
  
13. Additional information was submitted to help inform the decision, including:
  - The Design Guide (Ref: 4263-CA-00-XX-RP-A-06004 Rev PL6) (**CD-B35**) which provides an overarching design framework that future reserved matters could adhere to.
  
14. The illustrative plans referred to below, which were submitted with the application to show the possible form in which a multi-unit scheme could come forward at the site and to assist with the consideration of the proposals are as follows:
  
15. Indicative Masterplan INST+ Specification (Drawing Ref: 4263-CA-00-00-DR-A-00090 SK5) (**CD-B28**)
  - Indicative Elevations based on Indicative Masterplan INST+ Specification (**CD-B29**):
    - a. Proposed South Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05008 Rev SK3;
    - b. Proposed Middle Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05009 Rev SK3;
    - c. Proposed North Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05010 Rev SK3;
    - d. Proposed Smaller Unit Proposed Elevations – Plan ref: 4263-CA-00-00-DR-A-05011 Rev SK2.
  - Sections A, B, C and D based on Indicative Masterplan INST+ Specification – Plan refs: 403.11077.00001.LAJ-54 Rev D and 403.11077.00001.LAJ-55 Rev D (**CD-B30**);
  - Type 3 Photomontages (based on Indicative Proposed Masterplan INST+ Specification) – ref: 403.11077.00001.LAJ-56-LAJ-70 Rev E (**CD-B31**);
  - Proposed Indicative Masterplan (Drawing Ref: 4263-CA-00-00-DR-A-00095 Rev P1) (**CD-B41**);
  - Proposed Hub Office (Drawing Ref: 4263-CA-00-00-DR-A-00080 Rev P4) (**CD-B42**).
  
16. The Design and Access Statement (**CD-B34**) and the aforementioned Design Guide (**CD-B35**) incorporate examples of possible alternative layouts for the site, as well as examples of alternative building designs. Layout, scale, appearance and landscaping are reserved matters but the illustrative and indicative plans provide examples of how the scheme could legitimately be brought forward.

#### **D. List of any new plans**

17. During the course of the determination period, the Appellant submitted additional information to NWBC, as summarised in the schedule at **Appendix A**.
18. The scheme comprises EIA development. The original submitted Environmental Statement is being updated in respect of the transport/highways, noise and ecology sections. This will be provided by the appellant.
19. During the application process a number of consultation responses were received. A summary of these is attached at **Appendix B** of this SoCG. Generally, there are only outstanding objections in respect of highways, and issues raised in respect of landscape matters.

#### **E. The Appeal Site and its surroundings**

20. The site is just under 33 hectares of agricultural land, including an area of just over c.0.5 hectares of hardstanding, in the north-east quadrant of Junction 10 of the M42, bounded by the motorway to the west and the A5 to the south. There is agricultural land to the east and the village of Birchmoor is to the north, separated from the site by a series of paddocks.
21. There is a mature tree belt to the west and south-west along the route of the M42, and a mature hedgerow along the A5 boundary together with some thickets of self-set younger trees and shrubs.
22. The site is transected north/south by the line of an oil pipeline, towards its eastern boundary. A high pressure gas main runs parallel to the eastern site boundary. Additionally, there are two low voltage electricity lines that cross the site in an east west/ and a north/south axis respectively.
23. A public bridleway – the AE45 – crosses the site and a further public footpath – the AE46 – borders the north-eastern boundary of the site. They are also used for agricultural access to the land.
24. The site currently has an access onto the A5 frontage – being a 16 metre wide dropped kerb with an 8 metre access width entrance. A secondary point of access lies further to the east, again from the A5, opposite the Core 42 employment site and via an existing farm track – which is also, in part, the AE46.
25. There is a hardstanding area in the south of the site which was installed by contractors appointed by National Highways at the time, as a compound associated with the maintenance of the A5 and M42 during the past years.

#### **F. Relevant planning history.**

26. Aside from the application to which this appeal relates, the site has no relevant planning history given its longstanding use as farmland and informal hardstanding.

#### **G. List of the most important development plan policies for determining the application**

27. This section identifies the planning policy context, both nationally and locally. A fuller description is contained in the planning application documents, and in the respective Statements of Case submitted by both the appellant and the LPA.

28. The Statutory Development Plan comprises the North Warwickshire Local Plan 2021, adopted September 2021 and the Dordon Neighbourhood Plan adopted in December 2023.

29. The parties agree that the development plan policies listed below are considered to be the most relevant in the determination of this appeal:

#### North Warwickshire Local Plan

- Policy LP1 – Sustainable Development
- Policy LP2 – Settlement Hierarchy
- Policy LP4 – Strategic Gap
- Policy LP5 – Amount of Development
- Policy LP6 – Additional Employment Land
- Policy LP11 – Economic Regeneration
- Policy LP12 – Employment Areas
- Policy LP14 – Landscape
- Policy LP15 – Historic Environment
- Policy LP16 – Natural Environment
- Policy LP17 – Green Infrastructure
- Policy LP21 – Services and Facilities
- Policy LP22 – Open Spaces and Recreational Provision
- Policy LP23 – Transport Assessments
- Policy LP26 – Strategic Road Improvements A5
- Policy LP27 – Walking and Cycling
- Policy LP29 – Development Considerations
- Policy LP30 – Built Form
- Policy LP33 – Water and Flood Risk Management
- Policy LP34 – Parking
- Policy LP35 – Renewable Energy and Energy Efficiency
- Policy LP36 – Information and Communication Technologies
- Policy LP39 – Employment Allocations

#### Dordon Neighbourhood Plan

- Policy DNP1 – Sustainable Development
- Policy DNP2 – Protecting the Natural Environment and Enhancing Biodiversity
- Policy DNP4 – Protecting the Landscape Character
- Policy DNP5 – Creating a Local Green Network
- Policy DNP6 – Protecting and Enhancing Heritage Assets
- Policy DNP7 – Reducing the Risk of Flooding
- Policy DNP8 – Achieving High-Quality Design

Policy DNP10 – Renewable Energy, Energy Efficiency and Low Carbon Technologies

Policy DNP11 – Protecting and Enhancing Community Facilities

Policy DNP12 – Supporting the Local Economy

Policy DNP14 – Development Contributions

30. Other relevant documents and material considerations are listed below. There is a fuller list and summaries included in the Appellant's and LPA's Statements of Case.

**a) National**

The National Planning Policy Framework 2023 – (the "NPPF")

The National Planning Practice Guidance – (the NPPG")

**b) Local Policies**

Air Quality and Planning - SPD 2019

Design for Lighting Schemes - SPG 2003

Draft Dordon Design Guidance and Code 2021

Local Development Scheme

Annual Monitoring Report 2022-2023

**c) Landscape and Strategic Gap**

North Warwickshire Landscape Character Assessment of 2010

Assessment of the Value of the Meaningful Gap and Potential Green Belt Alterations. LUC (2018)

Guidelines for Landscape and Visual Impact Assessment, third edition (2013)

Assessing Landscape Value Outside of National Designations (TGN 02/21, Landscape Institute 2021)

Landscape Institute TNG 06/19 Visual Representation of Development Proposals (2019)

Strategic Gap and Green Wedge Policies in Structure Plans: Main Report (ODPM, 2001)

**d) Employment**

West Midlands Strategic Employment Sites Study (Phase One) – 2015 (WMSESS 2015)

Coventry & Warwickshire Sub-Regional Employment Market Signals Study, BBP Regeneration (on behalf of Coventry & Warwickshire LEP) – July 2019

Build Back Better: Our Plan for Growth, UK Government – March 2021

West Midlands Strategic Employment Sites Study (Phase Two) – May 2021 (WMSESS 2021)

Coventry and Warwickshire Housing & Economic Development Needs Assessment (HEDNA)  
– November 2022

West Midlands Plan for Growth, West Midlands Combined Authority – December 2022

Spatial Investment & Delivery Plan Revised Draft, West Midlands Combined Authority –  
February 2019

Draft Employment Development Plan Document – Scope, Issues and Options 2024

### **e) Design**

The National Design Guide 2021

The National Model Design Code 2021

### **f) Highways**

Design Manual for Roads and Bridges DMRB

Department for Transport - Building Sustainable Transport into New Developments (2008)

Department of Transport Circular 1/2022

Chartered Institution of Highways and Transportation Planning for Walking (2015)

Warwickshire Local Transport Plan 3 (2011-2026).

The National Survey of Lorry Parking – DfT 2017

West Midlands Rail Investment Strategy 2018-2047, West Midlands Rail Executive –  
December 2018

Warwickshire Rail Strategy 2019-2034, Warwickshire County Council – July 2019

Great British Railways: The Williams-Shapps Plan for Rail, Department for Transport – May  
2021

Future of Freight: A Long Term Plan, Department for Transport – November 2021

Decarbonising Transport: A Better, Greener Britain, Department for Transport – July 2021

Bus Services Improvement Plan, Warwickshire County Council – October 2021

Planning Reforms for Lorry Parking', Written Ministerial Statement from The Rt Hon Grant  
Shapps – November 2021

The National Survey of Lorry Parking Part One - DfT 2022

Strategic Transport Plan: Greener, Fairer, Stronger, Midlands Connect – March 2022

Future of Freight: A Long Term Plan, Department for Transport – June 2022

The National Survey of Lorry Parking Part Two - DfT 2022

Draft Local Cycling and Walking Infrastructure Plan, Warwickshire County Council – June 2022

Freight Route Map, Midlands Connect – August 2022

Road Freight Supply Chain: Government Response to the Committee's First Report, UK Government - September 2022

West Midlands Draft Consultation Rail Investment Strategy 2022-2050 – October 2022

Strategic Road Network and the Delivery of Sustainable Development, Department for Transport – December 2022

Local Transport Plan 4, Warwickshire County Council – July 2023

## **H. Areas of agreement and disagreement**

### **It is agreed that:**

31. The site is:

- a) within the Strategic Gap defined by Local Plan Policy LP4.
- b) not allocated in the Development Plan for employment or HGV parking use; and
- c) not designated in the Development Plan as Green Belt.

32. Local Plan policy LP6 was adopted as a result of the Examination Planning Inspector's consideration of the need to include a strategic employment policy in the Local Plan in order to allow for strategic employment needs.

33. The distribution and logistics sector represents an important economic sector in the local and regional economy, and North Warwickshire has seen significant investment and development by occupiers in this sector. The Local Plan recognises the Borough's strategic national location.

34. That the site is located within the 'Golden Triangle' for logistics.

35. The site is located within "Area A" as defined within the WMSESS 2015, referred to in the policy wording for Policy LP6. The site is also located within "Area 2" as defined within the WMSESS 2021.

36. There is a strategic rail freight interchange (SRFI) on the opposite side of the A5 at Birch Coppice Business Park, namely Birmingham Intermodal Freight Terminal.



37. The consequences of the shortage of appropriate parking are recognised in the Borough and include adverse social and environmental impacts, as well as economic impacts, including those relating to road safety and local amenity. These issues have been reported and discussed over many years in the Borough.
38. There is a recognised shortage of HGV parking and overnight facilities as established through the DfT National Survey of Lorry Parking 2017. The site is within one of the national HGV shortage 'hot spot' areas (from Hams Hall to Birch Coppice) identified in that Survey.
39. Birch Coppice Business Park and Birmingham Intermodal Freight Terminal, to the immediate south east of the appeal site, are nationally significant and a significant generator (origin and destination) of HGV traffic and of demand for HGV parking and overnight facilities.
40. Local Plan Policy LP34 reflects the Council's recognition of a need and demand for additional lorry parking facilities and gives weight to proposals which protect or provide parking but does not allocate any land for that purpose.
41. **Strategic Gap** - A topic specific Statement of Common Ground may be prepared in respect of this issue.
42. **Landscape** - A topic specific Statement of Common Ground may be prepared in respect of this issue.
43. **Highways** - A topic specific Statement of Common Ground is proposed in respect of this issue.
44. **Other technical matters** - The parties agree that the technical and environmental planning matters identified below and relevant to the proposals are considered to be acceptable (Appendix B). This is because of the evidence received by the formal responses from statutory consultees to the application raising no objections and / or confirming the proposal to be acceptable subject to the imposition of planning conditions. The conditions will form part of the schedule of conditions to be agreed with NWBC in advance of the inquiry.
45. **Other benefits** - It is agreed that the application does set out the proposals' benefits which include, inter alia, job creation (283FTE in the construction phase and up to 2082 throughout the region once operational); GVA values of £19.9 million through construction and up to £122 million annually once operational), social benefits of the ancillary Hub Office, fitness trail, community orchard. The proposed footways, cycleways and pavements throughout the site and other land under the control of the Appellant, would deliver enhanced connectivity as well as environmental, social and health benefits. There will be environmental benefits through it being a net zero development together with the creation of +15.5 hectares of open space and bio-diversity net gains.

46. **Rail Connectivity** – it is agreed that Policy LP12 states that the rail freight terminal at Birch Coppice Business Park is of strategic significance.

**Issues not agreed:**

47. **Strategic Gap** - Whilst it is agreed that the site is in the Strategic Gap, it is not agreed what the level of impact will be on the objectives of maintaining the separate identities of Tamworth and Polesworth with Dordon, as set out in the requirements in Development Plan. A topic specific Statement of Common Ground may be prepared in respect of this issue.
48. **Landscape** - The level of impact in respect of the character of the landscape has not been agreed. A topic specific Statement of Common Ground may be prepared in respect of this issue.
49. **Visual impact** - It is also not agreed what the level of impact will be in respect of the visual appearance of the area and its impact on the immediate setting and wider surroundings. A topic specific Statement of Common Ground may be prepared in respect of this issue.
50. **Highways** - At the present time, it is not agreed whether or not the proposal would have a detrimental impact on the strategic and local highway network. It has also not been agreed whether or not the proposal would have an unacceptable impact on highway safety or a severe impact on the road network. A topic specific Statement of Common Ground is proposed in respect of this issue.

**51. Additional Employment Land and Lorry Parking**

- a) That the proposal accords with Local policy LP6 in respect of additional employment land.
- b) What weight should be attached to the provision of lorry parking in respect of Local Plan Policy LP34 on lorry parking provision and facilities.
- c) The weight to be attached to the emerging NWBC Employment DPD and call for sites.

**52. Rail Connectivity**

- a) That the site is 'rail served' by virtue of its location in relation to Birch Coppice Business Park / Birmingham Intermodal Freight Terminal.

53. **Final planning balance** - On the relative weights to be attributed in the final planning balance to the identified harms and benefits of the proposal.

**I. List of possible conditions and the reasons for them.**

54. A draft set of planning conditions is included at Appendix C under discussion between the Appellant and the LPA. The Appellant and the LPA reserves the right to agree amendments to this draft set of planning conditions, there is general agreement, however one of the highway related conditions has not been concluded as yet and will be subject to further discussions through the topic specific Statement of Common Ground on the matter.

**J. A statement of compliance with statutory and policy requirements for the conditions and Section 106.**

55. A draft statement of compliance was set out in the LPA Board report (para 10.62 and 10.65) this has yet to be agreed.

**K. Draft heads of terms of any Section 106 obligations,**

56. The Heads of Terms of Section 106 Agreement were set out in the respective Statement of Case submitted by both the Appellant and the LPA. These are anticipated to include the following:

- a financial contribution towards securing improvements to local bus services to support the forecast demand arising from the development;
- measures to secure on and off-site landscaping and green infrastructure together with its maintenance;
- potential off-site highway improvements; and
- measures to promote manufacturing skills and training for the local population to access employment opportunities on the appeal site.



Appendix A - SoCG

CD-B	SUBMISSIONS MADE DURING APPLICATION DETERMINATION PERIOD	
Core Document Ref	Document Title	Document Reference (Submission Date)
B1	Environmental Statement Vol 2 - Main Statement	RPT.EIA.VOLII.JW.2 (08.12.21)
B2	Flood Risk Assessment and Drainage Strategy	20073-BGL-XX-XX-RP-D-00001 (16.12.21)
B3	Community Fund Information Sheet	N/A (25.01.22)
B4	Revised EIA documents:  ES Vol 3 - Appendix 10.1 – LIVA Appraisal Plans ES Vol 3 - Appendix 10.2 – LVIA Methodology and Tables ES Vol 4 – Figure 3.1 - Parameters Plan	LAJ-1 (15.02.22) ES Vol 3 Appendix 10.2 (15.02.22) 4263-CA-00-00-DR-A-00075-P16 (15.02.22)
B5	J10 M42 Planning Statement	RPT.007.JW.1 (15.02.22)
B6	Amended Parameters Plan submitted 16.02.22	4263-CA-00-00-DR-A-00075-P16 (16.02.22)
B7	Landscape Visual Impact Appraisal Amendments	LAJ-1 (16.02.22) LAJ-2A (16.02.22) LAJ-2B (16.02.22) LAJ-3 (16.02.22) LAJ-4 (16.02.22)
B8	LVIA Methodology submitted 16.02.22	N/A (16.02.22)
B9	Design and Access Statement  PL4 - Part 1 (p.1-65)	63-CA-00-XX-RP-A-06005_Design and Access Statement PL4 (19.04.22)
B10	Design and Access Statement  PL4 - Part 2 (p.66-144)	4263-CA-00-XX-RP-A-06005_Design and Access Statement PL4 (19.04.22)
B11	Design Guide: PL5 - Part 1 (p.1-55) PL5 - Part 2 (p.56-106)	4263-CA-00-XX-RP-A-06004_Design Guide PL5 (19.04.22) N/A (19.04.22)
B12	Archaeological Evaluation Report – Complete:  Part 1 (p.1-83) Part 2 (p.84-106) Part 3 (p.107-133)	N/A (19.04.22)
B13	Birmingham Live Article March 2022 - Addendum to Appendix 12 of HGV Parking Need Assessment	N/A (19.04.22)
B14	Photos of Existing Laybys on A5	N/A (19.04.22)
B15	Illustrative Landscape Sections	N/A (27.05.22)
B16	Proposed Connectivity Plan - Route Type and Surface	4263-CA-00-00-DR-A-00803-P3 (01.09.22)
B17	Existing Connectivity Plans:  Route Surface  Route Type	4263-CA-00-00-DR-A-00802-P3 (01.09.22) 4263-CA-00-00-DR-A-00801-P3 (01.09.22)
B18	Community Integration Route Plan:  Birchmoor to Dordon v3 Freasley to Polesworth v2	N/A (01.09.22) N/A (01.09.22)

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B19	Commuter Point Plan:  Dordon to Relay Park v5 Polesworth to St Modwen Park v4 Site Allocation H4 to Centurion Park v3 Site Allocation H5 to Birch Coppice v4 Stonydelph to Core 42 v3	N/A (01.09.22) N/A (01.09.22) N/A (01.09.22) N/A (01.09.22) N/A (01.09.22)
B20	Statement of Community Engagement Addendum (inc. Appendices)	N/A (01.09.22)
B21	The Future of Freight Plan - Planning Note	N/A (01.09.22)
B22	Indicative Proposed Fitness Trail	4263-CA-00-00-DR-A-00084-P6 (01.09.22)
B23	Walking Routes Plan	220810_403.11077.00001_Walking Routes_EW.dwg (01.09.22)
B24	Planning Statement Addendum (Transport):  Part 1 (p.1-156) Part 2 (p.157-189)	RPT.008.2.JW.70075293 (06.02.23)
B25	Revised Transport Assessment:  Part 1 (p. 1-381) Full Report to Appendix B Part 2 (p. 382-557) Appendix C - E Part 3 (p.558 - 665) Appendix F - J Part 4 (p.666-673) Appendix K - L Part 5 (p.674-705) Appendix M-N	784-B033920 (06.02.23)
B26	Revised Framework Travel Plan:  Part 1 (p. 1-25) Full Report Part 2 (p. 26-37) Appendices	784-B033920 (06.02.23) N/A (06.02.23)
B27	Rail Terminal Connectivity Statement - Technical Addendum	222047r_railaddendum_verfinal (27.04.23)
B28	Indicative Masterplan INST+ Specification	4263-CA-00-00-DR-A-00090-SK5 (25.07.23)
B29	Proposed Elevations:  Proposed Middle Unit Elevations  Proposed North Unit Elevations  Proposed Smaller Unit Elevations  Proposed South Unit Elevations	4263-CA-00-00-DR-A-05009-SK3 (25.07.23) 4263-CA-00-00-DR-A-05010-SK3 (25.07.23) 4263-CA-00-00-DR-A-05011-SK2 (25.07.23) 4263-CA-00-00-DR-A-05008-SK3 (25.07.23)
B30	Landscape and Visual Impact Assessment Drawings:  REV D Section A Drawing REV D Sections B+C+D Drawings	LAJ-54 (25.07.23) LAJ-55 (25.07.23)
B31	Landscape and Visual Appraisal Drawings:  Wirelines DB REV E Type 3 Photomontages Viewpoint Photography	LAJ53-56 (25.07.23) LAJ56-70 (25.07.23) LAJ5-48 HD (25.07.23)
B32	Precedent Images of Development submitted 25.07.23:  Image 1 Image 2 Image 3 Image 4 Image 5	N/A (25.07.23)
B33	SLR Response to Review of Additional Information prepared by LUC	403.11077.00001 (25.07.23)
B34	Full Resolution Version of Design and Access Statement	4263-CA-OO-XX-RP-A-

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		06005_Design and Access Statement PL4 (25.07.23)
B35	Revised Design Guide PL6 Part 1 (p.1-78) Part 2 (p.79-125)	4263-CA-00-XX-RP-A-06004_DESIGN GUIDE PL6 (25.07.23)
B36	Planning Statement Addendum (DNP)	RPT.008.1.JW (01.12.23)
B37	Amended Parameters Plan	4263-CA-00-00-DR-A-00075-P18 (01.12.23)
B38	Amended Proposed Connectivity Plan	4263-CA-00-00-DR-A-00803-P6 (01.12.23)
B39	Transport Assessment Addendum: Part 1 (p.1 – 64) Part 2 (p.65-76) Part 3 (p.77-183) Part 4 (p.184-319) Part 5 (p.320-379) Part 6 (p.380-387)	784-B033920 (07.02.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23)
B40	Photos of Existing Laybys on A5 - Addendum	N/A (21.12.23)
B41	Proposed Indicative Masterplan	4263-CA-00-00-DR-A-00095 P1 (21.12.23)
B42	Proposed Hub Office	4263-CA-00-00-DR-A-00080 P4 (21.12.23)
B43	Indicative Proposed Fitness Trail	4263-CA-00-00-DR-A-00084 P7 (21.12.23)
B44	Zero Emission Goods Vehicles Statement	220053r_zero_emissions_goods_vehicles_statement_ver5 (21.12.23)
B45	Employment, Skills and Training Statement	RPT.015.JW (22.12.23)
B46	Coventry and Warwickshire Chamber of Commerce – Letter of Support dated 07.10.22	N/A
B47	JLL – Letter of Support Land NE Junction 10 M42 dated 18.11.22	N/A
B48	Logistics UK Letter of Support dated 12.11.22	N/A
B49	Maritime Transport – Letter of Support dated 29.09.22	N/A
B50	NaVCIS – Letter of Support dated 10.06.22	N/A
B51	Rail Freight Group – Letter of Support dated 02.11.22	N/A
B52	Road Haulage Association – Letter of Support dated 22.11.21	N/A
B53	Tamworth Borough Council – Letter of Support dated 07.01.22	N/A
B54	Warwickshire Police – Support dated 10.05.22	N/A
B55	TRANSYT 2023 Validation Report and Correspondence:  TRANSYT 2023 Baseline Validation Report Final NH Validation Review and Attachment dated 21.09.23 TRANSYT 2023 Baseline Model – TT Response dated 09.10.23 NH Validation Comments and Attachments dated 26.10.23 TT TRANSYT Comments and Attachments dated 30.10.23 NH TRANSYT Validation Comments dated 27.11.23 TT Email on TRANSYT Validation and Attachments dated 30.11.23	  N/A (21.08.23) N/A (21.09.23) N/A (09.10.23) N/A (26.10.23) N/A (30.10.23) N/A (27.11.23) N/A (30.11.23)
B56	Road Safety Risk Assessment (GG104) Parameters Note Part 1 (p.1-20) Part 2 (p.21-85)	784-B033920 Land North East of M42 Jn10 (01.11.23)

# **DRAFT SCHEDULE OF CORE DOCUMENTS**

**TOWN & COUNTRY PLANNING ACT 1990**

**APPEAL ON BEHALF OF:**

**HODGETTS ESTATES**

**IN RESPECT OF:**

**LAND NORTH-EAST OF JUNCTION 10  
M42, NORTH WARWICKSHIRE**

**PLANNING INSPECTORATE APPEAL REF:**

**TBC**

**LOCAL PLANNING AUTHORITY APPLICATION REF: PAP/2021/0663**



CD-A	Appellant's Application Submission (Ref: PAP/2021/0663)	
Core Document Ref	Document Title	Document Reference (All Submitted 02/12/21)
A1	Application Cover Letter	let.005.DH.JB
A2	Application Form	N/A
A3	Red and Blue Line (Site Location) Plan	4263-CA-00-00-DR-A-00066-P4
A4	EIA Site Location Plan	4263-CA-00-00-DR-A-00074-P5
A5	Parameters Plan	4263-CA-00-00-DR-A-00075-P11
A6	Planning Statement	RPT.007.JW.1
A7	Environmental Statement Volume 1: Non-Technical Summary	RPT.ES.VOL1.NTS.1
A8	Environmental Statement Volume 2: Main Statement	RPT.EIA.VOLII.JW.2
A9	<b>Environmental Statement Volume 3: Technical Appendices</b>	
A9.1	Chapter 1 (Introduction) Appendices: - Appendix 1.1 - EIA Scoping Report - Appendix 1.2 – Scoping Opinion - Appendix 1.3 – Scoping Responses	Rpt.005.2 N/A N/A
A9.2	Chapter 6 (Transport, Traffic and Highways) Appendices: - Appendix 6.1 – Transport Assessment Volumes 1-5 - Appendix 6.2 – Framework Travel Plan - Appendix 6.3 – Traffic Link Flows Summaries	F19123 Rev C (Nov 2021) F19123 Rev B (Nov 2021) Sheets 6a – 6c
A9.3	Chapter 7 (Noise) Appendices: - Appendices 7.1 – 7.7 combined	N/A
A9.4	Chapter 8 (Air Quality) Appendices: - Appendix 8.1-8.5 Combined	N/A
A9.5	Chapter 9 (Land and Soil) Appendices: - Appendix 9.1 Agricultural Land Classification Plan - Appendix 9.1 Agricultural Land Classification and Circumstances	KCC2967 ALC Plan 03-21 KCC2967 ALC&C Jan 21
A9.6	Chapter 10 (Landscape and Visual Impact) Appendices: - Appendix 10.1 – LVIA Appraisal Plans - Appendix 10.2 – LVIA Methodology and Tables - Appendix 10.3 -Photomontages	LAJ_1-4 N/A LAJ_5-48
A9.7	Chapter 11 (Nature Conservation and Biodiversity) Appendices: - Appendix 11.1 – Ecological Baseline Report - Appendix 11.2 – Biodiversity Impact Assessment (v4) - Appendix 11.3 – Wintering Bird Surveys	2971EBRvf/RM/CL 1005971BIAvf4 5971WBSvfAJ/CL
A9.8	Chapter 12 (Flooding and Drainage) Appendices: - Appendix 12.1 – Flood Risk Assessment and Drainage Strategy	20073-BGL-XX-XX-RP-D-00001
A9.9	Chapter 13 (Socio-economics) Appendices: - Appendix 13.1 – Socio-economic baseline	N/A
A9.10	Chapter 14 (Cultural Heritage and Archaeology) Appendices: - Appendix 14.1 – HEDBA - Appendix 14.2a – Geophysical Survey Report – v3 - Appendix 14.2b – WSI for Geophysical Survey - Appendix 14.3 – WSI for Trial Trenching	N/A N/A N/A N/A
A10	<b>Environmental Statement Volume 4: Figures and Illustrations</b>	
A10.1	Chapter 1 (Introduction) Figures: - Figure 1.1 - EIA Location Plan	4263-CA-00-00-DR-A-00074-P5
A10.2	Chapter 3 (Description of Development) Figures: - Figure 3.1 - Parameters Plan	4263-CA-00-00-DR-A-00075-P11

A10.3	Chapter 7 (Noise) Figures: <ul style="list-style-type: none"> <li>- Figure 7.1 – Noise Measurement Locations and Sensitive Receptors</li> <li>- Figure 7.2 – Noise Contours – Ambient Goods Operation</li> <li>- Figure 7.3 – Noise Contours – Partial Chilled Goods Operation</li> </ul>	N/A N/A N/A
A10.4	Chapter 8 (Air Quality) Figures: <ul style="list-style-type: none"> <li>- Figure 8.1 – Site Location Plan</li> <li>- Figure 8.2 – Monitoring Location Plan</li> <li>- Figure 8.3 – Modelled Ecological Receptors</li> <li>- Figure 8.4 – Modelled Human Receptors</li> </ul>	N/A N/A N/A N/A
A10.5	Chapter 14 (Cultural Heritage and Archaeology) Figures: <ul style="list-style-type: none"> <li>- Figures 14.1 – 14.3 combined</li> </ul>	N/A
A11	Statement of Community Engagement	RPT.005.SCE.1
A12	Employment Land Statement	N/A
A13	Employment Land Needs Assessment	N/A
A14	Rail Terminal Connectivity Statement	220053r_rail_final
A15	HGV Parking Facility Need Assessment	220053r_draftver6final
A16	Phase 1 Desk Study and Preliminary Risk Assessment Report	70530-1
A17	Phase 2 Ground Investigation Report	70530-2 Rev 2
A18	Connectivity Strategy	MJP/10369

CD-B	SUBMISSIONS MADE DURING APPLICATION DETERMINATION PERIOD	
Core Document Ref	Document Title	Document Reference (Submission Date)
B1	Environmental Statement Vol 2 - Main Statement	RPT.EIA.VOLII.JW.2 (08.12.21)
B2	Flood Risk Assessment and Drainage Strategy	20073-BGL-XX-XX-RP-D-00001 (16.12.21)
B3	Community Fund Information Sheet	N/A (25.01.22)
B4	Revised EIA documents:  ES Vol 3 - Appendix 10.1 – LIVA Appraisal Plans ES Vol 3 - Appendix 10.2 – LVIA Methodology and Tables ES Vol 4 – Figure 3.1 - Parameters Plan	LAJ-1 (15.02.22) ES Vol 3 Appendix 10.2 (15.02.22) 4263-CA-00-00-DR-A-00075-P16 (15.02.22)
B5	J10 M42 Planning Statement	RPT.007.JW.1 (15.02.22)
B6	Amended Parameters Plan submitted 16.02.22	4263-CA-00-00-DR-A-00075-P16 (16.02.22)
B7	Landscape Visual Impact Appraisal Amendments	LAJ-1 (16.02.22) LAJ-2A (16.02.22) LAJ-2B (16.02.22) LAJ-3 (16.02.22) LAJ-4 (16.02.22)
B8	LVIA Methodology submitted 16.02.22	N/A (16.02.22)
B9	Design and Access Statement  PL4 - Part 1 (p.1-65)	4263-CA-00-XX-RP-A-06005_Design and Access Statement PL4 (19.04.22)
B10	Design and Access Statement  PL4 - Part 2 (p.66-144)	4263-CA-00-XX-RP-A-06005_Design and Access Statement PL4 (19.04.22)
B11	Design Guide: PL5 - Part 1 (p.1-55) PL5 - Part 2 (p.56-106)	4263-CA-00-XX-RP-A-06004_Design Guide PL5 (19.04.22) N/A (19.04.22)

B12	Archaeological Evaluation Report – Complete: Part 1 (p.1-83) Part 2 (p.84-106) Part 3 (p.107-133)	N/A (19.04.22)
B13	Birmingham Live Article March 2022 - Addendum to Appendix 12 of HGV Parking Need Assessment	N/A (19.04.22)
B14	Photos of Existing Laybys on A5	N/A (19.04.22)
B15	Illustrative Landscape Sections	N/A (27.05.22)
B16	Proposed Connectivity Plan - Route Type and Surface	4263-CA-00-00-DR-A-00803-P3 (01.09.22)
B17	Existing Connectivity Plans:  Route Surface  Route Type	4263-CA-00-00-DR-A-00802-P3 (01.09.22) 4263-CA-00-00-DR-A-00801-P3 (01.09.22)
B18	Community Integration Route Plan:  Birchmoor to Dordon v3 Freasley to Polesworth v2	N/A (01.09.22) N/A (01.09.22)
B19	Commuter Point Plan:  Dordon to Relay Park v5 Polesworth to St Modwen Park v4 Site Allocation H4 to Centurion Park v3 Site Allocation H5 to Birch Coppice v4 Stonydelph to Core 42 v3	N/A (01.09.22) N/A (01.09.22) N/A (01.09.22) N/A (01.09.22) N/A (01.09.22)
B20	Statement of Community Engagement Addendum (inc. Appendices)	N/A (01.09.22)
B21	The Future of Freight Plan - Planning Note	N/A (01.09.22)
B22	Indicative Proposed Fitness Trail	4263-CA-00-00-DR-A-00084-P6 (01.09.22)
B23	Walking Routes Plan	220810_403.11077.00001_Walking Routes_EW.dwg (01.09.22)
B24	Planning Statement Addendum (Transport):  Part 1 (p.1-156) Part 2 (p.157-189)	RPT.008.2.JW.70075293 (06.02.23)
B25	Revised Transport Assessment:  Part 1 (p. 1-381) Full Report to Appendix B Part 2 (p. 382-557) Appendix C - E Part 3 (p.558 - 665) Appendix F - J Part 4 (p.666-673) Appendix K - L Part 5 (p.674-705) Appendix M-N	784-B033920 (06.02.23)
B26	Revised Framework Travel Plan:  Part 1 (p. 1-25) Full Report Part 2 (p. 26-37) Appendices	784-B033920 (06.02.23) N/A (06.02.23)
B27	Rail Terminal Connectivity Statement - Technical Addendum	222047r_railaddendum_verfinal (27.04.23)
B28	Indicative Masterplan INST+ Specification	4263-CA-00-00-DR-A-00090-SK5 (25.07.23)
B29	Proposed Elevations:  Proposed Middle Unit Elevations  Proposed North Unit Elevations  Proposed Smaller Unit Elevations  Proposed South Unit Elevations	4263-CA-00-00-DR-A-05009-SK3 (25.07.23) 4263-CA-00-00-DR-A-05010-SK3 (25.07.23) 4263-CA-00-00-DR-A-05011-SK2 (25.07.23) 4263-CA-00-00-DR-A-05008-SK3

		(25.07.23)
B30	Landscape and Visual Impact Assessment Drawings:  REV D Section A Drawing REV D Sections B+C+D Drawings	LAJ-54 (25.07.23) LAJ-55 (25.07.23)
B31	Landscape and Visual Appraisal Drawings:  Wirelines DB REV E Type 3 Photomontages Viewpoint Photography	LAJ53-56 (25.07.23) LAI56-70 (25.07.23) LAI5-48 HD (25.07.23)
B32	Precedent Images of Development submitted 25.07.23:  Image 1 Image 2 Image 3 Image 4 Image 5	N/A (25.07.23)
B33	SLR Response to Review of Additional Information prepared by LUC	403.11077.00001 (25.07.23)
B34	Full Resolution Version of Design and Access Statement	4263-CA-00-XX-RP-A-06005_Design and Access Statement PL4 (25.07.23)
B35	Revised Design Guide PL6  Part 1 (p.1-78) Part 2 (p.79-125)	4263-CA-00-XX-RP-A-06004_DESIGN GUIDE PL6 (25.07.23)
B36	Planning Statement Addendum (DNP)	RPT.008.1.JW (01.12.23)
B37	Amended Parameters Plan	4263-CA-00-00-DR-A-00075-P18 (01.12.23)
B38	Amended Proposed Connectivity Plan	4263-CA-00-00-DR-A-00803-P6 (01.12.23)
B39	Transport Assessment Addendum:  Part 1 (p.1 – 64) Part 2 (p.65-76) Part 3 (p.77-183) Part 4 (p.184-319) Part 5 (p.320-379) Part 6 (p.380-387)	784-B033920 (07.02.23)  N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23) N/A (07.12.23)
B40	Photos of Existing Laybys on A5 - Addendum	N/A (21.12.23)
B41	Proposed Indicative Masterplan	4263-CA-00-00-DR-A-00095 P1 (21.12.23)
B42	Proposed Hub Office	4263-CA-00-00-DR-A-00080 P4 (21.12.23)
B43	Indicative Proposed Fitness Trail	4263-CA-00-00-DR-A-00084 P7 (21.12.23)
B44	Zero Emission Goods Vehicles Statement	220053r_zero_emissions_goods_vehicles_statement_ver5 (21.12.23)
B45	Employment, Skills and Training Statement	RPT.015.JW (22.12.23)
B46	Coventry and Warwickshire Chamber of Commerce – Letter of Support dated 07.10.22	N/A
B47	JLL – Letter of Support Land NE Junction 10 M42 dated 18.11.22	N/A
B48	Logistics UK Letter of Support dated 12.11.22	N/A
B49	Maritime Transport – Letter of Support dated 29.09.22	N/A
B50	NaVCIS – Letter of Support dated 10.06.22	N/A
B51	Rail Freight Group – Letter of Support dated 02.11.22	N/A
B52	Road Haulage Association – Letter of Support dated 22.11.21	N/A
B53	Tamworth Borough Council – Letter of Support dated 07.01.22	N/A
B54	Warwickshire Police – Support dated 10.05.22	N/A

B55	<p>TRANSYT 2023 Validation Report and Correspondence:</p> <p>TRANSYT 2023 Baseline Validation Report Final  NH Validation Review and Attachment dated 21.09.23  TRANSYT 2023 Baseline Model – TT Response dated 09.10.23  NH Validation Comments and Attachments dated 26.10.23  TT TRANSYT Comments and Attachments dated 30.10.23  NH TRANSYT Validation Comments dated 27.11.23  TT Email on TRANSYT Validation and Attachments dated 30.11.23</p>	<p>N/A (21.08.23)  N/A (21.09.23)  N/A (09.10.23)  N/A (26.10.23)  N/A (30.10.23)  N/A (27.11.23)  N/A (30.11.23)</p>
B56	<p>Road Safety Risk Assessment (GG104) Parameters Note</p> <p>Part 1 (p.1-20)  Part 2 (p.21-85)</p>	<p>784-B033920 Land North East of M42 Jn10 (01.11.23)</p>

CD-C	RELEVANT LPA CORRESPONDENCE	
Core Document Ref	Document Title	Document Reference
C1	NWBC Validation Confirmation Letter	Dated 10/12/2021
C2	NWBC Receipt of request for EIA Scoping Opinion	Dated 23/11/2020
C3	NWBC EIA Scoping Opinion	Dated 23/12/2020
C4	NWBC Scoping Opinion (Supplementary Letter)	Dated 12/02/2021
C5	Agreement to Extension of Time to 31/08/23	Dated 05/07/2023
C6	NWBC Request for Extension of Time to 31/01/24	Dated 09/11/2023

CD-D	APPEAL SUBMISSION DOCUMENTS	
Core Document Ref	Document Title	Document Reference
D1	Notice of intention to appeal	Dated 07/12/23
D2	Letter requesting appeal is determined following public inquiry	Let.001.DH.PINS
D3	Appeal Form	N/A
D4	Appeal Covering Letter	Let.002.DH.PINS
D5	Appellant Statement of Case	Rpt.SoC.001.1
D6	First Draft Statement of Common Ground	Rpt.SoCG.001.1

## CONSULTATION RESPONSES

The Table below provides a summary of the organisations that NWBC have consulted with regards to this application, and a short summary of the nature of the responses received.

Numerous letters of support and objections were also submitted to NWBC during the course of the determination period, copies of which will be provided to PINS as part of the appeal process.

**Table Summary of organisations consulted by NWBC for app ref: PAP/2021/0663**

Consultee	Summary of Consultation Response
NWBC Environmental Health (Contamination, Noise and Air Quality)	No objection, subject to conditions
Land Use Consultants (LUC) commissioned and appointed by NWBC to review and comment from a Strategic Gap and landscape and visual impact perspective	Issues raised with submission materials and LVIA
National Highways	Holding objection, further information requested
Warwickshire County Council Highways	Objection, further information requested
Warwickshire County Council _ Passenger Transport Team	Request for monies to subsidise bus provision for 5 years
Staffordshire County Council Highways	Further information requested
Warwickshire County Council Public Rights of Way Team	No objection, subject to advisory notes
Environment Agency	No objection
Lead Local Flood Authority (Warwickshire County Council)	No objection, subject to conditions
Severn Trent Water	No objection, subject to informatives
Warwickshire Police	No objection / supportive of the proposals
Warwickshire County Council Ecology	No objection, subject to condition

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Natural England	No comments, up to LPA to consider whether there are significant impacts and provides standing advice
Warwickshire County Council Archaeology	No objection, subject to conditions
Ramblers Association	No objection, supportive of active travel proposals
Coal Authority	No objection, subject to informative
Cadent Gas	No objection
HS2 Ltd	No objection
Dordon Parish Council	Objection
Polesworth, with Warton and Birchmoor Parish Council	Objection
Tamworth Borough Council	No objection / supportive of the proposals
Coventry City Council	No objection
Nuneaton & Bedworth Borough Council	No objection
Lichfield District Council	No objection
Rugby Borough Council	No objection
North West Leicestershire District Council	No objection
Birmingham City Council	No response received
Hinckley & Bosworth Borough Council	No response received
Solihull Metropolitan Borough Council	No response received
DEFRA	No response received
Fire & Rescue	No objection subject to conditions

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National Pipelines	Do not wish to make comments on the application
Warwickshire Wildlife Trust	No response received
Western Power	No response received
Active Travel England	No comment – Standing Advice provided.

**Summary of statutory consultation responses to app ref: PAP/2021/0663**

Technical / Environmental Matter	Relevant Local Plan and DNP Policies	Statutory Consultee	Consultation Response
Amenity (Noise, Air Quality, Light)	LP29 DNP8	NWBC Environmental Health	No objection, subject to conditions
Amenity (Crime impact and safety)	LP29; LP34 DNP8	Warwickshire Police	No objection – supportive of design measures and overnight lorry parking
Ground Conditions	LP29	NWBC Environmental Health  Coal Authority  Environment Agency	No objection, subject to conditions  No objection, /informatives  No objection
Biodiversity and Ecology	LP16; LP17; LP29 DNP2	Warwickshire County Council Ecology  Natural England	No objection, subject to condition  No objection
Flood Risk and Drainage	LP29; LP33 DNP7	Warwickshire County Council (LLFA)  Severn Trent Water	No objection, subject to conditions  No objection, subject to informatives
Heritage and Archaeology	LP15; LP29 DNP6	Warwickshire County Council Archaeology	No objection, subject to conditions



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Public Rights of Way and Active Travel	LP23; LP27; LP29 DNP5	Warwickshire County Council PRow Team  Ramblers Association  Active Travel England  Cycling UK	No objection, subject to informative  No objection, supportive of active travel proposals  Confirmed the application was outside of its remit  Supportive of active travel proposals
Public Transport Infrastructure	LP23; LP29 DNP14	Stagecoach  WCC Transport Operations	Supportive of public transport strategy and proposed bus service extension requiring subsidised bus services  Supportive of public transport strategy
Critical Infrastructure	N/A	Cadent Gas  HS2  British Pipeline Agency	No objection  No objection  No objection

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### Draft conditions requested should the appeal be allowed

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the under-mentioned matters hereby reserved before any development is commenced:-
  - a. Appearance
  - b. Landscaping
  - c. Layout
  - d. Scale

#### REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. Applications for the approval of the reserved matters must be made to the Local Planning Authority not later than the expiration of a period of three years commencing with the date of this permission.

#### REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

#### REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. Insofar as it relates to the access, the development hereby permitted shall be carried out in accordance with the following approved plans proposed layout for A5 and new site access [*plan references to be inserted*].

REASON: To define the outline permission granted (without prejudice condition from NWBC and the Appellant)

5. No development within any phase shall take place until the detailed design of the proposed pedestrian and cycleway improvements within the site boundary and other land under the control of the applicant (as shown on the Red and Blue Line Plan number 4263 CA DR A 00066 – P4) have first been submitted to and approved in writing by the local planning authority. The detailed design will be in broad accordance with the routes shown on the Proposed Connectivity Plan number 4263 CA DR A 00803 P6.

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### REASON

In the interest of highway safety and providing pedestrian, cycle and wheeling access for all users (without prejudice condition from NWBC and the Appellant).

6. The development hereby approved shall provide no more than 100,000 square metres of floorspace (GIA) for a use within Use Class E(g)(iii), B2 or B8 of the Town and Country Planning (Use Classes) Order (as amended). This floorspace shall be provided within the areas illustrated for employment use on the Parameters Plan number 4263 CA DR A 00075 - P18 submitted with the outline application.

### REASON

To define the outline permission granted.

7. No more than 10,000 square metres of floorspace (gross) within the development hereby approved shall be used for a use or uses falling within Use Class E (g) (iii) or Use Class B2 of the Town and Country Planning (Use Classes) Order (as amended).

### REASON

To define the outline permission granted.

8. Any reserved matters shall be designed within the parameters contained in Parameters Plan number 4263 CA DR A 00075 - P18 and in accordance with The Design Guide 4263-CA-00-XX-RP-A-06004 Rev PL6 submitted with the outline application.

### REASON

To define the outline permission granted.

### **Pre-Commencement Conditions**

9. If the development hereby permitted is to be constructed in more than one phase, the details of the proposed phases of construction shall be submitted to the local planning in writing before or at the time of the first submission of an application for the approval of reserved matters.

### REASON

To define and facilitate the phased development of the site.

### **Construction Environmental Management Plan (Biodiversity):**

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP): Biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

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- a) Updated surveys for protected species including bats, badger and reptiles and appropriate mitigation plans
  - b) Risk assessment of potentially damaging construction activities.
  - c) Identification of “biodiversity protection zones”.
  - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - e) The location and timing of sensitive works to avoid harm to biodiversity features.
  - f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - g) Responsible persons and lines of communication.
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - i) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

*NOTE See BS 42020:2013, Clause 10, for a comprehensive list of issues and activities that may be considered and included within a CEMP.*

### **REASON:**

To ensure appropriate measures are taken in relation to protected species.

### **Construction Management Plan**

11. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by the local planning authority for the relevant phase. The Plan shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) the routing for vehicles accessing the site associated with the construction of the development and signage to identify the route;
- iii) the manoeuvring of vehicles within the site;
- iv) loading and unloading of plant and materials used in constructing the development, including top soil;
- v) the location of site compounds;
- vi) storage of plant and materials;
- vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- viii) wheel washing facilities;
- ix) measures to control the emission of dust and dirt during construction;
- x) measures to control and mitigate disturbance from noise;
- xi) a scheme for recycling/disposing of waste resulting from construction works;
- xii) any on-site lighting as required during construction;
- xiii) measures to protect existing trees and hedgerows proposed for retention;
- xiv) delivery, demolition and construction working hours; and

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xv) means by which the terms will be monitored, details of a contact person and the procedure for reporting and resolving complaints.

The approved Plan shall be adhered to throughout the construction period of the development.

### REASON:

In the interests of highway safety, in the interests of residential amenity and the protection trees and hedges.

## Archaeology

12. No development shall take place until:

An Archaeological Mitigation Strategy document (including a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the Local Planning Authority.

This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation. The development, and any archaeological fieldwork, post-excavation analysis, publication of results and archive deposition detailed in the approved documents, shall be undertaken in accordance with those documents.

### REASON:

To ensure the recording of items of archaeological interest and their preservation in situ where appropriate.

## Levels

13. No development within any phase shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s) which shall be in accordance with Parameters Plan number 4263 CA DR A 00075 - P18 submitted with the outline application, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

### REASON:

In the interest of the visual amenities of the area and the landscape.

## Lighting

14. No development within any phase shall take place until details of all external lighting relevant to that phase has been submitted to and approved in writing by the local planning authority. The lighting shall be installed, operated and maintained in accordance with the approved details prior to first occupation of the building relevant to that phase.

### REASON:

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In the interest of amenity.

### **Training**

15. No development shall take place until details of a Construction Training and Employment Management Plan (CT&EMP) relevant to that phase has been submitted to, and approved in writing by, the Local Planning Authority. The CT&EMP(s) will aim to promote training and employment opportunities for local people and include:

- Measures to ensure the owner and contractors work directly with local employment and training agencies;
- Targets for employing local labour;
- Targets for work experience opportunities;
- Measures to provide training opportunities in respect of any new jobs created; and
- Requirements to submit monitoring information on the plan at regular intervals to the Local Planning Authority.

The development shall be carried out in accordance with the agreed CT&EMP(s) and any amendments to the CT&EMP(s) shall be agreed in writing with the Local Planning Authority.

### **REASON:**

To define the permission and to enable positive employment opportunities throughout the Borough.

### **Landscape and ecological management plan**

16. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Authority prior to the commencement of the development.

The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implantation of the plan.
- h) Ongoing monitoring and remedial measures.

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The LEMP shall also include details of the legal and funding mechanism(s) by which long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

### REASON:

To ensure a net biodiversity gain in accordance with NPPF

### **Wider landscape management rather than just ecological focus**

17. No phase of the development hereby permitted shall be occupied until a Landscape and Open Space Management Plan for that phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped and open space areas, has been submitted to and approved in writing by the local planning authority. The Plan shall include details of the mechanisms to secure its implementation and shall be carried out as approved.

### REASON:

To ensure the long-term provision of managed landscape and open space around the development.

### **Protected species**

18. No development hereby permitted shall commence until a Protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

a) Breeding bird surveys of the site have been carried out by a suitably qualified ecologist and if appropriate a detailed mitigation and enhancement plan including a schedule of works and timings has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation and enhancement plan shall thereafter be implemented in full.

### REASON:

To ensure appropriate measures are taken in relation to protected species.

### **Surface Water Drainage**

19. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The scheme shall subsequently be implemented in accordance with the approved details

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before the development is completed. The scheme to be submitted shall:

1. Limit the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm to the QBar Greenfield runoff rate of 4.4l/s/ha for the site in line with the approved Flood Risk Assessment report (ref: 20073-BGLXX-XX-RP-D-00001, Version V2, dated 22nd October 2021) and supported by greenfield runoff rate calculations provided later (ref: Greenfield runoff rate estimation Calc).

2. The drainage scheme proposes to connect into a culverted watercourse crossing the site and a plan has been provided showing how this may be diverted. Further details will be required regarding this showing:

- a. Exact details of the existing culvert including location, size, depth etc
  - b. An assessment of the current catchment and capacity of the watercourse
- Outside of the planning system, Ordinary Watercourse Consent will be required for any works which affect the flow within a watercourse, including a culverted watercourse.

3. Provide drawings / plans illustrating the proposed sustainable surface water drainage scheme.

The Illustrative SuDS Strategy provided (ref: 20073-BGL-XX-XX-SK-C-00005 P2) agreed to date should:

a. Be treated as a minimum and further source control SuDS should be considered during the detailed design stages as part of a 'SuDS management train' approach to provide additional benefits and resilience within the design.

b. Consider how to disperse attenuation across the site in above-ground features to minimise the depth in the currently proposed southern attenuation feature

c. Demonstrate how the Dordon Design Guidance and Code (DDGC) criteria SU03 to SU06 committed to within High Quality Design Principle 1 (HQDP1) of the Design Guide are met through the surface water drainage scheme.

4. Provide detail drawings including cross sections and standard details, of proposed features such as, attenuation features, flow controls, and outfall structures. These should be feature specific demonstrating that such the surface water drainage system(s) are designed in accordance with 'The SuDS Manual', CIRIA Report C753.

5. Provide detailed, network level calculations demonstrating the performance of the proposed system. This should include:

a. Suitable representation of the proposed drainage scheme, details of design criteria used (incl. consideration of a surcharged outfall), and justification of such criteria where relevant.

b. Simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events



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- c. Results should demonstrate the performance of the drainage scheme including attenuation storage, flows in line with agreed discharge rates, potential flood volumes and network status. Results should be provided as a summary for each return period.
  - d. Evidence should be supported by a suitably labelled plan/schematic (including contributing areas) to allow suitable cross checking of calculations and the proposals.
6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
- a. Provide information regarding the existing surface water flood risk and the topography leading to such shown on the Flood Risk from Surface Water mapping.
  - b. Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - c. Consider property finished floor levels and thresholds in relation to exceedance flows. The LLFA recommend FFLs are set to a minimum of 150mm above surrounding ground levels.
  - d. Recognise that exceedance can occur during any storm event due to a number of factors therefore exceedance management should not rely on calculations demonstrating no flooding.

### REASON:

To prevent the increased risk of flooding; to improve and protect water quality; and to improve habitat and amenity;

### Noise

20. No phase of the development shall commence on any unit or use until a noise assessment that shall detail any mitigation measures to control noise emanating from that unit or use to residential properties shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be carried out and completed in full before the respective unit is brought into occupation and shall be retained thereafter. The noise assessment shall demonstrate the specific sound level from industrial/commercial sources within the development arising from the operation of individual units shall not exceed:

For Daytime:

i.R01 Birchmoor Village:	47dB LAeq,1hr
ii.R02 Dwellings on A5:	50dB LAeq,1hr
iii.R03 Dwellings off Birchmoor Road:	49dB LAeq,1hr

The specific sound level should be measured or predicted at a height of 1.5m above ground level at the boundary of any residential dwelling between 0700-2300 on any day

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For night time:

iv.R01 Birchmoor Village:	43dB LAeq,15min
v.R02 Dwellings on A5:	47dB LAeq,15min
vi.R03 Dwellings off Birchmoor Road:	39dB LAeq,15min

The specific sound level should be measured or predicted at a height of 4m above ground level at 1m from the façade containing a habitable room with an opening window of any residential dwelling between 2300-0700 on any day. Where the residential dwelling is a bungalow, all measurements heights for day and night time are 1.5m.

The location of dwellings referenced R01, R02 and R03 within the condition refers to those identified within the 'Land North-East of Junction 10 M42, North Warwickshire Environmental Statement Volume 2: Main Statement'. The measurements and/or predictions should demonstrate the noise limits outlined in i) and iii) are met within gardens of each affected noise sensitive receptors (marked R01 to R03) at 1.5m above the adjacent ground level as a "free field" level as defined by BS 7445: 2003 Description and measurement of environmental noise [Parts 1 to 3] for an area of not less than 75% of any dwelling garden. The measurements and/or predictions should demonstrate the noise limits outlined in iv) and vi) are met at 1m from the façade containing a habitable room with an opening window of the nearest affected noise sensitive receptors (marked R01 to R03) at 4m above the adjacent ground level as a "free field" level as defined by BS 7445: 2003 Description and measurement of environmental noise [Parts 1 to 3] for an area of not less than 75% of any dwelling garden. The adjustment from a measured 'façade' to 'free field' level will depend on the angle of incidence.

### REASON

To avoid significant adverse impacts on health and quality of life, to mitigate and minimise adverse impacts on health and quality of life and where possible contribute to the improvement of health and quality of life at noise sensitive receptors. [NPPF paragraph 191, Noise Policy Statement for England 2010 and PPG on noise].

### **Prior to development being brought into use**

#### **Highways** (without prejudice conditions from NWBC and the Appellant)

21. No phase of the development hereby permitted shall be occupied until the proposed signalised junction as shown on drawing number [*plan references to be inserted*] has been constructed in accordance with the specification of the Highway Authority.

### REASON

In the interest of providing safe access for all users and safety on the public highway

22. No phase of the development hereby permitted shall be occupied until the roads serving that phase, including footways, private drives, means of accessing plots, car

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parking and manoeuvring areas have been laid out and substantially constructed in accordance with details first submitted to and approved in writing by the local planning authority. Areas for the parking and manoeuvring of vehicles shall be retained for their intended use at all times thereafter.

### REASON

In the interest of providing safe access for all users and safety on the public highway

Appellants - 23. No more than [*percentage to be inserted*]% of the total development floorspace (GIA) hereby permitted shall be occupied until the M42 Junction 10 roundabout improvements shown on [*plan references to be inserted*] have been constructed in accordance with the specification of the Highways Authority.

### REASON

To ensure accordance with policy and in the interest of highway safety and providing pedestrian, cycle and wheeling access for all users.

NWBC - 23. No phase of the development hereby permitted shall be occupied until the M42 roundabout improvements shown on [*plan reference to be inserted*] have been constructed in accordance with details first submitted to and approved in writing by the local planning authority.

### REASON

To ensure accordance with policy and in the interest of highway safety and providing pedestrian, cycle and wheeling access for all users.

24. No phase of the development hereby permitted shall be occupied until the pedestrian and cycleway improvements within the site boundary and other land under the control of the applicant (as shown on the Red and Blue Line Plan number 4263 CA DR A 00066 – P4) permitted by condition [*condition to be inserted*], are constructed in accordance with the approved details.

### REASON

In the interest of highway safety and providing pedestrian, cycle and wheeling access for all users.

25. None of the buildings hereby permitted shall be occupied until a Sustainable Travel Plan (STP) based on the Vision Based Travel Plan dated December 2023 and relevant to the occupier of that building has been submitted to and approved in writing by the local planning authority. The STP shall then be implemented as approved.

### REASON:

In the interests of the sustainable modes of travel, and to accord with policy LP23 of the North Warwickshire Local Plan and national guidance.

### **Fire Fighting**

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26. No phase of the development hereby permitted shall be occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes relevant to each phase have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority.

### REASON:

In the interests of Public Safety from fire and the protection of Emergency Fire Fighters.

### **Energy Efficiency and Air Quality**

27. No development above formation of slab for any particular phase shall take place until an Energy statement for that particular phase of the development which provides at least 10% of the development's energy through low carbon sources, has been submitted to, and approved in writing by, the Local Planning Authority. A total reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy shall be achieved, and a reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved in accordance with the relevant statement. The approved measures within the statement shall be carried out before the use or operation of the respective building(s) commences and shall thereafter be maintained in an operated within the development.

### REASON

In the interests of achieving sustainable development and meeting development plan policy requirement LP35 of the adopted North Warwickshire Local Plan and the Air Quality SPD.

28. Prior to occupation of each phase of development, the full BREEAM Post Construction Report (prepared by the registered BREEAM assessor) together with confirmation that this has been submitted to the Building Research Establishment (BRE) (or other approved registration body), including dates/receipt confirmation email from the BRE and Energy Performance Certificate 'A' Rating targeted for all buildings, for that phase of development shall be submitted to the Local Planning Authority and approved in writing

Within six months of first occupation the final post construction BREEAM certificate(s) indicating that a BREEAM Excellent rating of the following has been achieved and Energy Performance Certificate 'A' Rating targeted for all buildings shall be submitted to the Local Planning Authority and approved in writing.

### REASON

For avoidance of doubt and to define the permission. In the interests of achieving sustainable development and meeting development plan policy requirement LP35 of the adopted North Warwickshire Local Plan and the Air Quality SPD.

29. No development above slab level of any phase of development hereby approved shall commence until an 'Electric vehicle infrastructure strategy and implementation plan' associated with the relevant phase shall be submitted to, and approved in writing

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by, the Local Planning Authority. The scheme shall include details of the number, location and maintenance of the electric vehicle charging points and future ducting for that phase. The electric vehicle charging points shall be implemented in accordance with the approved details and timescales for implementation, with the agreed details maintained in a working manner thereafter. Parking or servicing areas not provided with charging points shall be installed in a manner to allow the future installation of electric charging points associated with that phase.

### REASON:

For avoidance of doubt and to define the permission. In the interests of achieving sustainable development and meeting development plan policy requirement LP35 of the adopted North Warwickshire Local Plan and the Air Quality SPD.

30 Notwithstanding the submitted information, a scheme to offset the air quality impacts from the development and which is based on the Damage Cost Calculation, shall be submitted to and approved in writing by the Local Planning Authority before any development above floor slab level. The approved air quality mitigation measures shall be provided before the development is first brought into use and thereafter retained.

REASON: In the interests of achieving sustainable development and meeting development plan policy requirement LP35 of the adopted North Warwickshire Local Plan and the Air Quality SPD.

### **Broadband**

31. No development above slab level shall commence until detail in respect of Broadband information and communications technologies has been submitted and approved in writing. No unit hereby approved shall be occupied until the approved details have been carried out in accordance with the approved details.

### REASON

In the interests of achieving sustainable development and meeting development plan policy requirement LP36 of the adopted North Warwickshire Local Plan.

### **SUDS Maintenance Plan**

32. No occupation and subsequent use of the development shall take place until a detailed, site specific maintenance plan is provided to the LPA in consultation with the LLFA. Such maintenance plan should:

- a. Provide the name of the party responsible, including contact name, address, email address and phone number;
- b. Include plans showing the locations of features requiring maintenance and how these should be accessed;
- c. Provide details on how surface water each relevant feature shall be maintained and managed for the life time of the development; and

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d. Be of a nature to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance

REASON:

To ensure the future maintenance of the sustainable drainage structures.

### **Noise**

33. Following the first use of any unit in any phase of the development hereby approved, no additional externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted, on an individual unit basis, unless full details thereof, including design, acoustic emissions data and any mitigation measures required to meet the noise rating levels detailed in Appendix 7.6 'Industrial / Commercial Noise Assessment' of the Environmental Statement, have first been submitted to, and approved in writing by, the Local Planning Authority.

REASON:

To avoid significant adverse impacts on health and quality of life, to mitigate and minimise adverse impacts on health and quality of life and where possible contribute to the improvement of health and quality of life at noise sensitive receptors. [NPPF paragraph 191, Noise Policy Statement for England 2010 and PPG on noise].

34. Prior to the first use of each unit in any phase of the development hereby approved, a Noise Management Plan (NMP) relevant to that unit shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures within the NMP shall be carried out and completed in full before the respective unit is brought into use and shall be retained thereafter.

REASON:

To avoid significant adverse impacts on health and quality of life, to mitigate and minimise adverse impacts on health and quality of life and where possible contribute to the improvement of health and quality of life at noise sensitive receptors. [NPPF paragraph 191, Noise Policy Statement for England 2010 and PPG on noise].

### **Landscaping provision**

35 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a programme first submitted to and approved in writing by the local planning authority. Any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise approved in writing by the local planning authority.

REASON:

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In the interest of the visual amenities of the area.

### **Contamination precautionary**

36 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.

REASON:

In the interests of the future uses of the site.

### **Notes**

- No site security fencing may be erected on or within 1m of public bridleway AE45 (unless closed by legal order).
- Prior to commencement of any works involving disturbance of the surface of public bridleway AE45 the developer must contact Warwickshire County Council's Rights of Way team as Highway Authority to obtain any necessary consents and make any necessary arrangements for the protection of the public bridleway and its users.
- Prior to the commencement of any works to resurface public bridleway AE45 the specifications for the new surface must be submitted to Warwickshire County Council's Rights of Way team for approval. All agreed resurfacing works on public rights of way must be completed to the satisfaction of the Highway Authority prior to the first occupation of any property at this site.
- The applicant must carry out remedial works to make good any damage or address any flooding on the surface of public bridleway AE45 caused by the development and any such works must be completed to the satisfaction of the Highway Authority prior to the first occupation of any property at this site.
- Any new vegetation must be planted at least two metres away from the edge of public bridleway AE45 to help ensure that mature growth will not encroach onto the public right of way.

Footpath details PROW - Confirmation will also be required regarding arrangements for the future maintenance of the number of proposed new routes to be offered as cycle ways serving the development, as the additional maintenance liability generated by the creation of these routes must not fall to the Rights of Way team. This might involve arrangements for the private maintenance of the network of new and improved routes or arrangements would need to be agreed with WCC's County Highways, such as an adoption agreement.

The diversion of a public footpath required to enable the development to proceed

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should be made under the provisions within Town and Country Planning Acts through the local planning authority, North Warwickshire Borough Council.