



Appeal Decision

Hearing held on 23 November 2022

Site visit made on 24 November 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/G2435/W/22/3292404

Land south of Junction 1 of the A50, Castle Donington, Leicestershire.

- 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 Richard Hickman of St Modwen Developments Ltd against the decision of North West Leicestershire District Council.
 - The application Ref 19/01496/OUT, dated 29 July 2019, was refused by notice dated 3 September 2021.
 - The development proposed is development of up to 92,500 sq m GIA of storage and distribution units (B8), industrial units (B2) and light industrial units (B1c); service yards and parking areas; new vehicular accesses off Trent Lane / Station Road and Ryecroft Road with associated earthworks, drainage and attenuation features and other associated works (outline, all matters reserved except for the principal means of vehicular access to the site).
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Decision

1. The appeal is allowed and planning permission is granted for development of up to 92,500 sq m GIA of storage and distribution units (B8), industrial units (B2) and light industrial units (B1c); service yards and parking areas; new vehicular accesses off Trent Lane / Station Road and Ryecroft Road with associated earthworks, drainage and attenuation features and other associated works (outline, all matters reserved except for the principal means of vehicular access to the site) at Land South of Junction 1 of the A50, Castle Donington, Leicestershire in accordance with the terms of the application, Ref 19/01496/OUT, dated 29 July 2019, subject to the conditions detailed in the attached schedule.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved except for the principal means of access. I have determined the appeal on this basis.
3. For the sake of brevity and clarity, I have taken the address of the appeal site from the appeal form.
4. A legal agreement was submitted at the hearing however, this was not signed. I allowed a period after the closing of the hearing for this legal agreement to be signed and executed. The final signed agreement was submitted with minimal changes to that discussed at the hearing.
5. The scheme is an outline proposal, nevertheless, illustrative details including photomontages and visualisations have been submitted and my assessment has been based on these.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the surrounding area and landscape; and whether the proposal integrates well with existing development and buildings.

Reasons

Character and appearance

7. The area surrounding the appeal site is characterised by a range of different features. Immediately to the north of the appeal site is the A50 highway which is mainly raised above the site, with the River Trent located beyond. Fields and open land mostly bound the site to the south, east and west which also includes features such as residential properties, roads, the railway line and Rycroft Fisheries. The settlements of Castle Donington, Hemington and Lockington are situated roughly south of the site with residential properties being a primary feature of these settlements. There are a number of commercial buildings visible in the area of various sizes including the Marks and Spencer and Aldi distribution buildings with the buildings on Willow Farm Business Park. To the south, beyond the settlements of Hemington and Lockington are commercial buildings with the East Midlands Airport south of those buildings.
8. The appeal site itself is fairly flat agricultural land interspersed with hedgerow and planting as well as having electricity pylons within the site. The site is located within a countryside location and the character of the immediate area can be described as rural with the wider landscape character being mixed given the various features described above that can be seen in the broader landscape context. It is this mix of rural fields and open land with built development including commercial buildings, that contribute to the landscape character that surrounds the appeal site.
9. A parameters plan and illustrative details have been provided which include approximate sizes of buildings that would be located on the site including maximum ridge heights of the buildings up to around 21 metres. The buildings indicated in the proposed details would be large when compared to nearby residential properties however they would be relatable to some of the commercial buildings visible in the surrounding area such as the Marks and Spencers, and Aldi buildings.
10. The proposed development would be visible within the surrounding area. A number of specific visual receptors have been brought to my attention including residential properties on Rycroft Road and in Hemington, Castle Donington and Lockington, public rights of way (PROW), footpaths on Daleacre Hill and various views from the surrounding road network. Views of the proposed development from a receptor would vary depending on a number of matters including proximity, elevation, orientation, screening features.
11. The A50 highway, given its raised elevation, would be a substantial barrier that would screen the proposal from views from the north. The existing landscaping and planting located along the embankments of the A50 and the roundabout and connecting roads of the A50 junction 1 would also provide substantial screening for users of the A50. Due to the proposed heights of the buildings, the proposed development would likely be visible from some receptors to the

- north as well as views from the A50 however, these would likely be fleeting views that would not be an overbearing distraction within the landscape.
12. There are raised views of the appeal site from locations to the south including footpaths at Daleacre Hill and Hemington Hill as well as from residential areas in Castle Donington. The proposed development would be readily visible from certain views at these elevated points to the south, although it is recognised that features such as buildings and planting would screen views of the development along some of the footpaths. From these elevated positions to the south, the proposed development would be mostly read with the back drop of the A50 as well as other urban features such as the residential properties in the foreground and commercial buildings on Willow Farm Business Park with also larger buildings like the Marks and Spencers building also in some views. Agricultural fields and open land would remain visible around the site and in this context, the proposal would not be a visual intrusion that would compromise the landscape character of the area. The introduction of proposed landscaping features and planting would break up the development ensuring the scheme would not appear as a broad mass of built form.
 13. The majority of the residential properties in Hemington are at a similar level to the appeal site and with being located to the south would also have views of the proposal with the backdrop of the A50. Landscaping including a bund along the south boundary would provide a level of screening that would prevent some views of the development therefore the proposed buildings would not appear as overly dominant features in the landscape. The village of Lockington is a substantial distance from the appeal site and whilst there would be some views of the proposed development from this village, the proposal would not introduce prominent features that would have a detrimental effect on the landscape setting in this location.
 14. The development would be most prominent within immediate views of the site, in particular along Rycroft Road, Trent Road and Station Road, and the PROWs including L80, L81, L80/2, L78/4 and L79/1. As the proposal would introduce a range of new features such as buildings, new roads, a roundabout, hardstanding, bunds and landscaping, the appearance of the area when viewed from receptors at Rycroft Road and the PROWs would be significantly different to the existing situation. The parameters plan indicates that with landscape buffers and potential flood channels, the proposed buildings would not be located close to the boundaries of the site. This therefore offers a level of separation with immediate receptors which include Rycroft Fisheries and residential properties along Rycroft Road as well as the PROWs that run close to and within the site. Given the likely approximate size, massing, heights and positioning of the proposed buildings as well as the other associated features of the proposed scheme, the proposal would not introduce a development that would be overly dominating to a level that would be harmful, when viewed from receptors in the immediate surrounding area. The character of the appeal site and the immediate area would change however agricultural fields and open land would still be visible in the area and the proposal would not have a harmful effect on the immediate landscape character.
 15. The effects of the proposal on the character and appearance of the surrounding area and landscape would be more prominent during construction periods and the earlier years of the scheme as the proposed bunding and landscaping would not be immediately established. Nevertheless, even during these early

- stages of the development, given the mixed character of the area, I do not find that the proposal would be harmful to the surrounding landscape setting.
16. Concerns have been detailed over the proposed landscaping including the predicted growth rate and heights of planting and landscaping, the suitability of the proposed bunding and visibility during winter months. However, from the information submitted I am satisfied that landscaping features and planting can be adequately integrated within the scheme to ensure that the proposed development assimilates well into the area and not appear as a discordant form of development. I note that the proposal would also bring a change in character at night time given there would be street lighting as well as internal and external lighting around the proposed buildings. There is existing street lighting on the roads close to the site and lighting from the proposed buildings would not differ much from lighting from the existing built development in the area including the properties at Willow Farm Business Park. The proposal would therefore not have a detrimental effect on the surrounding area or landscape during night time hours.
 17. I have had regard to representations and evidence submitted in relation to the effects on the surrounding landscape. These include matters relating to various landscape studies and assessments, approved development in the area, photomontages and visualisations, increase in vehicle movements, separation between existing settlements and loss of open fields. I also note that the Council have described the site and immediately surrounding area as of low to medium landscape quality and value, and the site to be of medium to high sensitivity to development of the type proposed.
 18. The proposed development, due to the scale, massing, heights, use of appropriate materials and positioning of the built form along with integrated landscape features including planting, bunding and open space areas, would ensure that it would not appear as an overly intrusive scheme when viewed from either short or long range vantage points. The proposal would reflect the landscape character of the area which features a number of engineered structures such as the A50 highway, surrounding road network and built development in particular commercial properties visible within the area. Rural agricultural fields and open land would remain in the area close to the appeal site, and the proposed development would blend in with the existing landscape character of the surrounding area.
 19. Accordingly, the proposal would not have a harmful effect on the character and appearance of the surrounding area and landscape. The proposal accords with Policies S3 and Ec2 of the North West Leicestershire Local Plan (NWLLP) and the National Planning Policy Framework (the Framework) which seeks new employment sites to safeguard and enhance the appearance and character of the landscape and wider environment.
 20. There is currently a significant separation between the existing settlements of Castle Donington and Hemington. The proposal would not be located directly between these settlements being slightly north of the villages. Even from long range elevated distances, there would be sufficient open land around the development to ensure that there is a visual break between the proposal and the nearby settlements. The proposal would not undermine the physical and perceived separation and open undeveloped character between nearby settlements and therefore would not be contrary to Policy S3(ii) of the NWLLP.

Integration with existing development

21. The appeal site is bound to the north, east and west by roads and the A50 with also Rycroft Road running through part of the site. The Willow Farm Business Park is adjacent to the south west corner of the site with residential properties on Rycroft Road and buildings associated with the fisheries also adjoining the appeal site.
22. The proposal would provide substantial open space area to the west of the site which would be intended to be public space. A new roundabout and estate road would be created connecting Rycroft Road and Station Road. New cycle and pedestrian routes would be included with the scheme whilst also incorporating existing PROWs, and it is intended for bus stops to be located within the site allowing for bus services to run through the new development.
23. The built form of the proposed development would be physically detached from the surrounding settlements ensuring there would be no coalescence between villages. Whilst the proposed built form would not directly adjoin other built development, the site is well located adjacent to the A50 and surrounding roads and there would be good connectivity between the site and surrounding settlements in relation to public transport, cycling and walking.
24. Due to the location of the development surrounded by an established road network, as well as proposed connectivity including new roads, public transport provision and cycle and pedestrian facilities with the wider surrounding area, I am satisfied that the proposed development would be well integrated with existing development in the locality.
25. The proposal would therefore accord with Policy S3(iv) of the NWLLP which seeks built development in the countryside to be well integrated with existing development.

Other Matters

26. I have had regard to representations made in relation to the proposed scheme including comments from Ward Councillors, Castle Donington Parish Council and Lockington cum Hemington Parish Council as well as local residents. Matters raised include details relating to employment need, air and water quality, highway safety and traffic, living conditions of neighbouring residents, other development in the area, end users of the development, other appeal decisions, flooding and drainage, loss of agricultural land, pollution, biodiversity and ecology, devaluation of properties and lack of services. I have given careful consideration to these matters, some of which the Council have not raised any objections on, and some would be capable of being addressed by planning condition or during reserved matters application, but they do not lead me to a different overall conclusion on the main issues.
27. My attention has been drawn to the Hemington Conservation Area (HCA) and whether the proposal would preserve or enhance the character or appearance of this heritage asset. The Hemington Conservation Area Appraisal and Study describes the special character of the HCA as largely derived from the informal grouping of farmhouses, outbuildings and farmworker's houses along Main Street and the historical inter-relationship of the Nunnery, the Hall and Hemington Chapel. I have no reason to disagree with this character assessment of HCA. The boundary of the HCA is not drawn tight around the

built form of Hemington and does include areas of green space, particularly to the west of the settlement. Given the location, proximity and elevation of the proposed development in relation to the HCA, the proposal would not be highly visible from views within the HCA. From distance views, in particular elevated views from the south of Hemington, the proposed development would be visible in the background when looking over the HCA. Nevertheless, given the separation between the development and the HCA as well as other features in the wider landscape, the proposed scheme would not have a harmful effect on the HCA. Accordingly, I find that the proposal would preserve the character and appearance of the HCA.

Conditions

28. The conditions imposed are those that were agreed by the appellant and the Council at the hearing. In the interests of precision and clarity I have undertaken some editing and rationalisation where necessary.
29. Conditions relating to timeliness, the submission of reserved matters, the parameters plan and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of highway and pedestrian safety conditions are imposed in relation to lighting, construction management plan, access strategy plan, existing accesses, highway features and signage. In the interests of encouraging sustainable construction and modes of travel, conditions are imposed relating to energy and carbon strategy, construction environmental management plan and framework travel plan. To prevent undue risk to the local environment it is necessary to attach conditions relating to the Environmental Statement, lighting, drainage and flood water, contamination, bird hazard management plan, archaeology, construction environmental management plan, external storage, habitat and species surveys, biodiversity net gain assessment, piling and foundation details. To safeguard the living conditions of neighbouring occupiers and future users of the development, conditions are necessary in relation to ground levels, lighting, noise mitigation, construction management plan and CCTV. In the interests of the character and appearance of the surrounding area conditions are necessary with regards to a design code, landscaping, arboricultural surveys and assessments, lighting and external storage.
30. A completed legal agreement has been submitted which details obligations for securing a bus service or services to serve bus stops on the site; provision of travel packs for employees, bus passes for employees and contribution towards framework travel plan monitoring fee.

It is necessary that I consider these obligations against the three tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. New employment site clearly brings demand in terms of transportation, particularly for employees and with regards to sustainable travel. Given the scale, design and location of the development and comments from specialist officers, there would be a need for the transport matters detailed above. The obligations would adhere to development plan policy, and I am satisfied that the proposed contributions would be necessary to make the development acceptable in planning terms. Furthermore, on the evidence before me, they would be directly related, and fairly and reasonably related in scale and kind, to the development proposed. The obligations therefore meet

the relevant tests, and I am satisfied that the proposal adequately contributes to transport matters relating to the development.

Conclusion

31. For the reasons given above I conclude that the appeal should be allowed subject to the appropriate conditions and the relevant terms of the submitted legal agreement.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

P. Tucker	Counsel
R. Barnes	Planning Consultant
T. Jackson	Landscape Consultant
J. Jonson	Landscape Consultant
R. Hickman	Appellant – St Modwen Developments
R. Richardson	St Modwen Developments
J. Smith	Heritage Consultant
M. Harrison	Highways Consultant
R. Davies	Employment Land Consultant
M. Stibbs	Planning Consultant
A. Caldwell	Flood Consultant
A. Evans	Flood Consultant

FOR THE LOCAL PLANNING AUTHORITY:

A. Mellor	North West Leicestershire Council
J. Etchells	Landscape Consultant
C. Elston	North West Leicestershire Council
I. Nelson	North West Leicestershire Council

INTERESTED PERSONS:

A. Brown	Landscape Consultant
J. McLelland	Lockington cum Hemington Parish Council
M. Spence	Photomontage Consultant
Cllr Hay	Castle Donington Park Ward
Cllr Saffell	Castle Donington Castle Ward
Cllr Canny	Castle Donington Central Ward
M. McIntyre	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Appeal decision ref: APP/G2435/W/20/3246990
2. Hemington Conservation Area boundary plan
3. Hemington Conservation Area Appraisal and Study

Schedule of Conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission or, in the case of phased development (as defined pursuant to Condition 7 below), application for approval of the reserved matters within the first phase shall be submitted to the Local Planning Authority before the expiration of one year from the date of this permission. In the case of phased development, all subsequent reserved matters applications shall be submitted to the Local Planning Authority before expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved or, in the case of phased development (as defined pursuant to Condition 7 below), development within the relevant phase shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved within that phase.
2. Save for the details of vehicular access into the site from Trent Lane / Station Road and Rycroft Road, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced (or, in the case of phased development (as defined pursuant to Condition 7 below) before any development is commenced within the relevant phase), and the development shall be carried out as approved.
3. The reserved matters application(s) shall include details of existing and finished ground levels and the floor levels of the units in relation to an existing datum point off the site and which shall include section drawings demonstrating the relationship of the development with its surroundings and in particular the residential properties on Rycroft Road. The development shall then be carried out in strict accordance with the approved details.
4. The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Site location plan (16115-SGP-ZZ-XX-DR-A-P001 Revision H), received by the Local Authority on the 19th August 2019; Development Parameters Plan Plan (16115-SGP-ZZ-XX-DR-A-P002 Revision ZI), received by the Local Authority on the 17th June 2021; and 2 - Access Strategy Plan (16115-SGP-XX-ZZ-DR-A-P005 Revision C), received by the Local Authority on the 19th August 2019.
5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order), the units hereby permitted shall be used solely for purposes falling within Class B1c, B2 or B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose.
6. No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as relevant details of all means of mitigation measures as set out in the Environmental Statement, and including timetables for their provision, have been submitted

to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved details and timetables unless in accordance with such alternative details which have been submitted to and approved by the Local Planning Authority.

7. Notwithstanding Conditions 1 and 2 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, landscaping, building height / scale, as well as details of any proposed phasing of development. The masterplan shall accord with the principles of the approved Development Parameters Plan. All subsequent reserved matters applications shall be in accordance with either (i) the approved masterplan or (ii) any amended masterplan first submitted to and approved by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed details (or any alternatives subsequently submitted to and approved by the Local Planning Authority).
8. Notwithstanding Conditions 1 and 2 above, the first reserved matters application shall include for approval a Design Code for the entirety of the site. The development shall thereafter be carried out in accordance with the agreed details, or in accordance with any amendment to the Design Code subsequently submitted to and approved by the Local Planning Authority.
9. Notwithstanding the submitted details, nor Conditions 4 and 6 above, the first reserved matters application shall include details of a landscaping buffer to the southern section of the application site within Zone B on the approved Development Parameters Plan.
10. All reserved matters applications shall be accompanied by a detailed arboricultural survey and arboricultural impact assessment (including assessment of trees and hedgerows) for approval in respect of the relevant section(s) of the site to which the reserved matters application relates, including tree protection measures. The development shall not proceed other than in accordance with the approved details.
11. No external lighting shall be installed on site (and including during the construction phase) unless in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Those submitted details shall be based on and include a lighting assessment, which shall include measures to prevent upward light spill to meet airport safeguarding requirements. The development shall be carried out in accordance with the approved details.
12. Within Zone D as illustrated on the approved Development Parameters Plan, and notwithstanding the submitted details, nor Conditions 6 and 11 above, no works shall be carried out nor shall the development be occupied at any time other than in accordance with an assessment of the potential risk to motorists using the A50 in respect of lighting first submitted to and agreed in writing by the Local Planning Authority. The assessment shall include details of any temporary and task lighting, lighting from within the development site, and any light glint and glare emitting from vehicles using the development's internal roads, together with details of any mitigation and a timetable for its implementation. It shall also include measures to prevent

upward light spill to meet airport safeguarding requirements. The development shall be carried out in accordance with the approved details.

13.No development shall commence within Zone D on the approved Development Parameters Plan until such time as full details of the boundary treatment adjacent to the A50 has been submitted to and agreed in writing by the Local Planning Authority. This shall include (but not be limited to):

- Details of the interaction with the strategic road network's boundary / earthworks;
- Assessment of visual impact on users of the A50 arising from the physical characteristics of any buildings / structures erected as part of the development within Zone D;
- Details of any mitigation measures within Zone D; and
- A timetable for implementation.

No works shall be carried out nor shall the development be occupied at any time within Zone D other than in accordance with the agreed details and timetable.

14.No development approved shall commence until such time as a Scheme to mitigate flood risk has first been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be consistent with the submitted flood risk assessment (Hydroland, Revision 12, October 2020) and from that include:

- A detailed plan showing the layout of the flood mitigation scheme and confirmation of the computer model detailing the operation of the scheme, with an accompanying model report;
- Detailed design information relating to the flood storage area, Zone F on the approved parameters plans, including the expected drain down times following flood events. Confirmation of the drainage model shall be provided for this flood storage area;
- A maintenance and management plan for the flood mitigation scheme, including a defined asset owner. The plan shall include all storage areas, channels, banks and structures including any changes to the banks of Donington Brook;
- Detailed drawing of any weirs, culverts, bridges or structures within the Donington Brook or any changes to the banks of the Donington Brook; and
- Detailed drawings of any weirs, culverts, bridges or structures within the new flood relief 4 channel, part of the flood mitigation scheme. The Scheme shall have regard to the landscape and ecology requirements of the areas it addresses.

The Scheme shall be fully implemented in accordance with a phasing programme which shall first have been submitted to and approved in writing by the Local Planning Authority. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

15.The development shall be carried out in accordance with the submitted flood risk assessment (Hydroland, Revision 12, October 2020) and Drainage

Strategy (PJA, Version C, October 2020) including the following mitigation measures:

- Finished floor levels set to achieve the minimum levels set out in Table 12 of the submitted flood risk assessment;
- Compensatory storage providing a minimum of 33,206 cubic metres and be operational prior to land raising elsewhere on site; and
- An 8 metre easement shall be provided from the top of bank for the Donington Brook and the proposed flood storage channel.

The development shall not be brought into use until such time as the mitigation measures have been fully implemented or in accordance with any approved alternative and subsequently in accordance with the scheme's timing / phasing arrangements first submitted to and agreed in writing by the Local Planning Authority. Once implemented, the measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

16.No part of the development shall be brought into use until such time as a scheme of foul drainage for that part together with a timetable for the scheme's implementation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be fully implemented and subsequently maintained in accordance with the agreed details and timing / phasing arrangements.

17.Notwithstanding the submitted details, nor Conditions 6 and 15 above, no part of the development shall be brought into use until such time as a detailed scheme of surface water drainage (incorporating Sustainable Drainage Systems (SuDS)) for that part has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- systems to clean the water;
- details of the finish of all headwalls and safety barriers / fencing;
- details of ongoing maintenance and management; and
- a timetable for its implementation.

The scheme shall specify any drainage systems for the infiltration of surface water which must be supported by an assessment of their risk to controlled waters. The scheme shall thereafter be fully implemented and subsequently maintained in accordance with the agreed details, phasing and timetable.

18.Notwithstanding the submitted details, nor Conditions 6, 15 and 17 above, no development shall take place at any time other than in accordance with a scheme for the management of surface water on site during construction of the development first submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to treat and remove suspended solids from surface water run-off during construction works.

19.No phase of development hereby permitted shall be occupied until such time as a scheme to install oil and petrol separators for that phase has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and subsequently maintained.

20. Notwithstanding the submitted details, nor Condition 6 above, no development shall take place at any time other than in accordance with a remediation strategy to deal with the risks associated with contamination of the site (or of the relevant phase of the site as defined under Condition 7 above) first submitted to and agreed in writing by the Local Planning Authority. The strategy / strategies shall include the following components:

- (a) A preliminary risk assessment identifying:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- (c) The results of the site investigation and the detailed risk assessment referred to in (b) 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.
- (d) 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 (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be carried out and thereafter maintained in accordance with the agreed strategy or in accordance with any updated strategy first submitted to and approved by the Local Planning Authority.

21. No part of the development (or no part of any relevant phase of the development as defined under Condition 7 above) shall be brought into use until such time as a verification report for the site (or relevant phase, as applicable) demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and agreed in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

22. If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with all approved details.

23. Notwithstanding the submitted details, nor Condition 6 above, no part of the development shall be brought into use until such time as precise details of

all noise mitigation measures for that part (including any proposed acoustic barriers), together with a timetable for their implementation have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable and thereafter be so maintained.

24. None of the units hereby permitted shall be erected above finished floor level until such time as a Bird Hazard Management Plan including a strategy for the ongoing monitoring of roof-nesting gulls within the development (including details of frequency and scope of inspections, notification of results to East Midlands Airport and details of any proposed mitigation measures (where required)) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in and thereafter occupied in accordance with the agreed Management Plan (or in accordance with any alternative Management Plan first submitted to and agreed in writing by the Local Planning Authority).
25. Notwithstanding the submitted details, nor Condition 6 above, no development shall take place until a staged programme of archaeological work has been undertaken. Each stage shall be completed in accordance with a written scheme of investigation (WSI), which shall have first been submitted to and agreed in writing by the Local Planning Authority. The WSI shall include the statement of significance and research objectives and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

No development shall take place on any part of the site the subject of the WSI at any time other than in accordance with the agreed WSI.

26. Notwithstanding the submitted details nor Condition 6 above, no development in respect of the erection of any buildings shall take place above finished floor level until such time as a detailed Energy and Carbon Strategy for the relevant building(s) and associated plot(s) has been submitted to and agreed in writing by the Local Planning Authority. The Strategy shall include an assessment identifying how the proposals incorporate the measures set out generally in the submitted Energy Efficiency & Sustainable Development Report (Issue 4, Synergy, December 2020, received by the Local Authority on the 30th November 2020). The Strategy shall demonstrate achievement of a rating of BREEAM "Excellent" for buildings. For any buildings of at least 100,000 sq ft the Strategy shall demonstrate operational net zero carbon for office space and an Energy Performance Certificate (EPC) A+ rating. The development shall thereafter be carried out and maintained in accordance with the agreed Strategy or in accordance with any amended energy and carbon Strategy first submitted to and approved by the Local Planning Authority.
27. Within three months of the completion or occupation of any unit (whichever is the sooner), hereby permitted, evidence will be provided, including

certification where appropriate, confirming that the measures in respect of the unit committed to within the Energy and Carbon Strategy, approved under Condition 26 have been implemented. Any unit hereby permitted shall not be occupied until such time as the evidence has been submitted to and approved in writing by the Local Planning Authority.

28. Notwithstanding the submitted details nor Condition 6 above, no construction work shall be carried out at any time other than in accordance with a Construction Environmental Management Plan in respect of the whole of the relevant phase (as defined pursuant to Condition 7 above) first submitted to and agreed in writing by the Local Planning Authority. The submitted Plan shall include a timetable for the implementation of its various measures, and details of:

- Hours of site deliveries;
- Hours of construction activity;
- Hours of operation of plant or machinery;
- Any temporary measures designed to protect residential amenity during works (which shall include, where necessary, a limitation on noise levels);
- Measures to protect air, surface water and groundwater quality during works;
- Any means of enclosure of the site during the construction period;
- Any measures designed to protect habitat and wildlife during works;
- Storage of plant and materials used in constructing the development;
- Location of any contractor compounds;
- Wheel cleansing facilities;
- Construction vehicle parking facilities; and
- Details of vehicle routes for traffic related to the construction phase.

29. No part of the development shall be occupied until such time as the vehicular accesses into the site from Trent Lane / Station Road and Rycroft Road have been implemented in accordance with full engineering and design details generally in accordance with Access Strategy Plan (16115-SGP-XX-ZZ-DR-A-P005 Revision C, received by the Local Authority on the 19th August 2019) which shall first have been submitted to and approved by the Local Planning Authority.

30. The new vehicular accesses, hereby permitted, shall not be used for a period of more than one month from being brought into use unless any existing vehicular access(es) on the highways adjacent to the site that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and approved in writing by the Local Planning Authority.

31. No part of the development, hereby permitted, shall be occupied until such time as the off-site highway works illustrated on drawing numbers: 16256-RLL-18-XX-DR-D-0021 Revision D (Station Road Footway/Cycleway Link Proposal), received by the Local Authority on the 2nd August 2019; 16256-RLL-18-XX-DR-D-0022 Revision C (A50 – J1/Rycroft Road Exit Kerblin Realignment), received by the Local Authority on the 2nd August 2019; and 16256-RLL-19-XX-DR-D-0027 (A50 – J1: Land South of Park Lane Improvements – Further Mitigation), received by the Local Authority on the

20th January 2020 have been implemented in accordance with further full details and phasing arrangements which shall first have been submitted to and approved in writing by the Local Planning Authority, or otherwise provided to the satisfaction of the Local Planning Authority.

32. Notwithstanding the submitted details nor Condition 6 above, no part of the development shall be occupied until such time as an amended Framework Travel Plan setting out actions and measures with quantifiable outputs and outcome targets for that part has been submitted to and agreed in writing by the Local Planning Authority.
33. Notwithstanding the submitted details nor Condition 6 above, no individual unit(s) shall be occupied at any time other than in accordance with a detailed Travel Plan for the relevant unit(s) (and based on the principles set out in the amended Framework Travel Plan approved pursuant to Condition 32 above or any subsequently agreed Framework Travel Plan) first submitted to and approved by the Local Planning Authority.
34. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), save for any structures erected pursuant to Condition 29 above, no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary unless in accordance with details first submitted to and approved by the Local Planning Authority.
35. No part of the development shall be occupied until such time as a scheme for the signing / waymarking of public rights of way within and adjacent to the site has been implemented in full in accordance with details first submitted and approved in writing by the Local Planning Authority.
36. Save for any storage agreed in writing by the Local Planning Authority pursuant to Condition 28 above, there shall be no storage of goods or materials outside of the proposed buildings at any time unless in accordance with a detailed scheme(s) for external storage (including details of the designated area(s), maximum height of storage above ground level and any associated screening) first submitted to and agreed in writing by the Local Planning Authority.
37. Notwithstanding the submitted details, nor Condition 6 above, no development shall commence on any phase of the site (as defined pursuant to Condition 7 above) at any time later than two years from the date of this permission unless, within a period of one year prior to commencement on the relevant phase, an updated survey of (and assessment of the impacts of the proposed development on) existing habitat and species within the relevant phase (and including details of necessary updated mitigation and enhancement measures, together with a timetable for their implementation and details of their long-term maintenance and management) has been submitted to and approved by the Local Planning Authority. The development shall be carried out and thereafter be maintained and managed in accordance with the agreed mitigation and enhancement measures and timetable.

- 38.No site clearance shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken by a qualified ecologist and that there are appropriate measures in place to protect nesting bird interest on the site.
- 39.Notwithstanding the submitted details, nor Condition 6 above, the first reserved matters application in respect of the development shall be accompanied by a detailed biodiversity netgain assessment and improvement / management plan, including full details of all measures proposed in respect of the enhancement of the biodiversity of the area, details of future maintenance and a timetable and phasing for the implementation of the relevant measures. The submitted details shall demonstrate that the development shall achieve biodiversity net gain of at least 15% as measured by DEFRA metric 3.1. The development shall thereafter be undertaken and maintained in accordance with the agreed measures and timetable.
- 40.Notwithstanding the submitted details, nor Condition 7 above, the first reserved matters application shall include a strategy for the provision of a range of unit sizes / floorspace on the site, together with indicative details of their distribution within it. All subsequent reserved matters applications shall be in accordance with either (i) the approved strategy or (ii) any amended strategy first submitted to and approved by the Local Planning Authority.
- 41.None of the units hereby permitted shall be occupied at any time other than in accordance with a detailed site-wide strategy for the installation, use, monitoring and maintenance of closed circuit television (CCTV) cameras within the development which shall first have been submitted to and approved by the Local Planning Authority. The strategy shall include details of:
- The area of CCTV coverage;
 - The extent of the CCTV coverage to be provided at each phase of the development (as defined pursuant to Condition 7 above);
 - Responsibilities for operation and maintenance; and
 - Procedures for the sharing of footage with statutory authorities.
- 42.Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall then be carried out in accordance with the approved details.
- 43.The offices within any unit, hereby permitted, shall only be used for purposes directly associated with and ancillary to the principal use of the relevant unit (within Use Classes B1(c) (business – for any industrial process), B2 (general industrial), or B8 (storage or distribution) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended)) to which it relates, and shall not be used or occupied separately from it.