

**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. Application for approval of the reserved matters must 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 11 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 11 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.

**REASON**

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

3. Insofar as it relates to the new site access from the A5, the development hereby permitted shall be carried out in general accordance with the approved plan of the proposed layout for A5 and new site access ref: B033920-TTE-00-ZZ-PL-H-0002 P07.

**REASON**

To ensure the safe and efficient operation of the Strategic Road Network.

4. No development within any phase shall take place until the detailed design of the proposed pedestrian and cycleway improvements, including surfacing, within the site boundary (as shown on the Red and Blue Line Plan number 4263 CA DR A 00066 –

**Commented [WJ1]:** Appellant's proposed new condition - linked to phasing condition later in schedule.

**Commented [JW2]:** Updated to align with Inspector's requested amendments / highways roundtable discussions.

**Commented [WJ3]:** Blue line element to be dealt with in S106.

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P4) have first been submitted to and approved in writing by the local planning authority.

REASON: To ensure the safe and efficient operation of the Strategic Road Network, the site is reasonably accessible by a choice of modes of transport, scheme benefits are realised and compliance with Equalities Act 2010.

5. 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.

6. No more than 10% of the total development floorspace or 10,000 square metres (gross), whichever is greater, 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.

### Reserved Matters

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

REASON

To define the outline permission granted.

### EV charging

8. Details of EV charging infrastructure, charging points and rapid charging points for all car, motorcycle, LGV and HGV parking spaces and HGV loading bays to be provided within the development **hereby permitted** shall be submitted as part of reserved matters planning applications associated with the site. The submitted details shall be in accordance with the Design Parameters set out at paragraph 3.6 of the submitted Zero-Emission Goods Vehicles Statement (ref. 220053r\_zero\_emission\_goods\_vehicles\_statement\_ver5), and **the development hereby permitted shall be** implemented in accordance with the approved details.

Commented [WJ4]: Appellant insertion.

Commented [WJ5]: INSP: Cond 8, line 3 – insert “hereby permitted” after “development”; Line 7, insert “the development hereby permitted shall be” before “implemented”.

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### REASON

To ensure the sustainable transport benefits of the scheme are provided and to accord to policy LP34 of the Local Plan and the Adopted Air Quality SPD.

### Hydrogen readiness

9. Details of the hydrogen ready design measures to be provided within the development hereby permitted shall be submitted as part of reserved matters planning applications associated with the site. The submitted details shall be in accordance with the Design Parameters set out at paragraph 3.8 of the submitted Zero-Emission Goods Vehicles Statement (ref. 220053r\_zero\_emission\_goods\_vehicles\_statement\_ver5) and the development hereby permitted shall be implemented in accordance with the agreed details.

**Commented [WJ6]:** INSP: Cond 9, line 2 – insert “hereby permitted” after “development”; Line 6, insert “the development hereby permitted shall be” before “implemented”.

### REASON

To ensure the sustainable transport benefits of the scheme are provided and to accord to the Adopted Air Quality SPD. To ensure that the development is resilient in future climate change scenarios.

### Hub Office (Appellant Version)

10. As part of the first reserved matters application, details of the ancillary Hub Office shall be submitted to the local planning authority. The details shall set out the areas to be given over to publicly accessible cycle parking, showers and changing facilities; meeting/presentation room(s) and computer suite for on site training and education provision associated with the site; as well as other office, management, maintenance, marketing and security functions, as required. The building shall be constructed in accordance with the agreed details and fitted to shell finish as part of the first main phase of development.

**Commented [AC7]:** This level of detail in the condition is not required as part of the condition

**Commented [DH8R7]:** If you agree, we could cross refer to the relevant sections of the Employment, Skills and Training Statement for simplicity? Otherwise, we are happy to leave as drafted.

**Commented [AC9R7]:** Suggested two different conditions.

**Commented [DH10R7]:** For information, the relevant sections of the Employment, Skills and Training Statement are 4.1.10 to 4.1.20.

### REASON

To define the permission and to facilitate positive training, education and sustainable transport outcomes for the local area.

### Hub Office (LPA Version)

10. As part of the first reserved matters application, details of the ancillary Hub Office shall be submitted to the local planning authority. The building shall be constructed in accordance with the agreed details and fitted to shell finish as part of the first main phase of development.

**Commented [DH11]:** The proposed education and training use and the areas to be given over to that use are not controlled under the proposed LPA version of this condition. Our intention is to deliver these benefits in full and would like them to be controlled therefore.

### REASON

To define the permission and to facilitate positive training, education and sustainable transport outcomes for the local area.

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### Pre-Commencement Conditions

#### Phasing

11. 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 authority in writing before or at the time of the first submission of an application for the approval of reserved matters.

**Commented [WJ12]:** INSP: Cond 11, line 3 – insert “authority” after “planning”.

#### REASON

To define and facilitate the phased development of the site.

#### Construction Environmental Management Plan (Biodiversity)

12. 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:

**Commented [WJ13]:** INSP: Cond 12, last 2 lines – remove tailpiece “unless otherwise agreed ..... authority”.

- 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

13. No development shall take place, including any works of demolition, until a Construction ~~Environmental~~ Management Plan has been submitted to, and approved

**Commented [WJ14]:** INSP: Cond 13 – line 2 – should “Environmental” be removed?

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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
- 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

**14.** No development shall take place until an Archaeological Mitigation Strategy document in accordance with the submitted Written Scheme of Investigation 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

**15.** 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)

**Commented [WJ15]:** INSP: Cond 15, line 4 – does the phrase “in relation to existing ground levels” add anything? Also, last word of condition should be “details” not “levels”.

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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~~details.

### REASON

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

### Lighting

**16.** 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

In the interest of amenity.

### Landscape and ecological management plan

**17.** 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~~implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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~~shall be implemented in accordance with the approved details.

**Commented [WJ16]:** INSP: Cond 17, (g) – “implementation”, not “implantation”; also, penultimate line, “shall” rather than “will”.

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### REASON

To ensure a net biodiversity gain in accordance with NPPF

### Wider landscape management rather than just ecological focus

18. 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 within that phase of development, 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.

**Commented [WJ17]:** INSP: Cond 18, line 4, suggest inserting "within that phase of development" after "areas".

### REASON

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

### Protected species

19. 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:

**Commented [WJ18]:** INSP: Cond 19 – is (a) needed, as this is the only item? Also, in line 4, "to be" rather than "have been"; and in line 6, insert a full-stop after "timings" and delete rest of that sentence.

a) Breeding bird surveys of the site ~~have been to be~~ 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

20. No development hereby permitted 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 before the development is completed. The scheme to be submitted shall:

**Commented [WJ19]:** INSP: Cond 20, line 1 - insert "hereby permitted" after "development"; line 3 delete "in consultation ... LLFA".  
Cond 20, Part 2 reads poorly. Suggest rewording the first sentence to something like "Provide a plan to show how connection will be made into a culverted watercourse crossing the site, and how this may be diverted". Also delete the wording "Outside of .... culverted watercourse".  
Cond 20, Part 4, line 3 – delete "the".  
Cond 20, Part 5, line 2 – "These" rather than "This".

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

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October 2021) and supported by greenfield runoff rate calculations provided later (ref: Greenfield runoff rate estimation Calc).

2. Provide a plan to show how connection will be made into a culverted watercourse crossing the site, and how this may be diverted.~~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-These~~ 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
- 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.



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6. Provide plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. Such overland flow routing should:
- Provide information regarding the existing surface water flood risk and the topography leading to such shown on the Flood Risk from Surface Water mapping.
  - Demonstrate how runoff will be directed through the development without exposing properties to flood risk.
  - 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.
  - 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

21. No phase of the development **hereby permitted** 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~~ **has been** 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

#### 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.

**Commented [WJ20]:** INSP: Cond 21, line 1 – insert “hereby permitted” after “development”; Line 3 – “has been” rather than “shall be”. Also, in the final paragraph, is it correct that “ii” and “v” are not referenced?

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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].

### Bus Stop

**22.** No development shall take place until detailed designs for the proposed onsite bus turning area and stop, including shelter, facilitation of real time information, raised kerbs and lighting have been submitted to and approved in writing by the local planning authority.

### REASON

To ensure the site is reasonably accessible by a choice of modes of transport.

### Employment Scheme – Construction Phase

**23.** Prior to commencement of development hereby permitted, an Employment Scheme – Construction Phase (ESCP) shall be submitted to and approved in writing by the local planning authority. The ESCP shall set out details of the programmes, commitments and measures to be implemented during construction of the development, in accordance with those listed at paragraph 3.1.1. and Table 3.1 of the submitted Employment, Skills and Training Statement (ref. RPT.015.JW). The approved details shall be implemented in full.

### REASON

To define the permission and to facilitate positive training and education outcomes for the local area.

**Commented [DH21]:** Timetable controlled by S106 provisions with WCC. No need for this to be pre-commencement as tendering for bus service will be timed to coincide with first occupation.

**Commented [WJ22]:** INSP: Cond 23, line 1 – insert "the" before "development" and "hereby permitted" after "development", also, should the last sentence say something like "The Employment Panel shall be set up in accordance with the approved details"?

**Commented [WJ23R22]:** I think this amendment in relation to the Employment Panel actually applies to condition 24.

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### Employment Panel

24. Prior to commencement of development, details of the Employment Panel shall be submitted to and approved in writing by the local planning authority. Details shall include the terms of reference for the panel, as well as its proposed membership (by organisation) and relevant points of contact. The Employment Panel shall be set up in accordance with the approved details. ~~The submitted details shall be implemented in full.~~

#### REASON

To ensure a consistent approach to recruitment of local people (wherever practicable) and collaboration on employment and upskilling opportunities across the development.

### Biodiversity Net Gain

25. No development within any phase shall take place until a Biodiversity Gain Plan has first been submitted to and approved in writing by the local planning authority. The Biodiversity Gain Plan shall ensure that the Biodiversity Net Gain figure achieved following the completion of the development as a result of habitat and hedgerow provision within the applicant's land shown in the Red and Blue Line Plan number 4263 CA DR A 00066 P4 is consistent with the post-development biodiversity value specified in [Aspect Ecology Biodiversity Impact Assessment ref: 1005971 BIA vf5, dated February 2023].

#### REASON

To ensure a post-development net biodiversity gain in accordance with the submitted details.

### Highways

26. No development hereby permitted shall take place until a Safety Risk Assessment in accordance with DMRB Standard GG104 and a Stage 1 Road Safety Audit in accordance with DMRB Standard GG119, have been submitted to and approved in writing by the local planning authority.

REASON: To ensure the safety and efficient operation of the Strategic Road Network.

### Prior to development being brought into use

#### Highways

27. No phase of the development hereby permitted shall be occupied until the proposed signalised junction ~~as shown on~~ has been constructed in general

Commented [JW24]: Updated to align with Inspector's requested amendments / highways roundtable discussions.

Commented [WJ25]: INSP: Cond 27 – to accord with Cond 3, should this be reworded along the lines of “..... until the proposed signalised junction has been constructed in general accordance with drawing number ..... Also, is it necessary to include the phrase “in full accordance with the specification of the highway authority”?

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~~accordance with~~ drawing number B033920-TTE-00-ZZ-PL-H-0002 P07 ~~has been constructed in full accordance with the specification of the Highway Authority.~~

### REASON

To ensure the safe and efficient operation of the Strategic Road Network.

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

### Appellant's Conditions

~~29.~~ No development ~~hereby permitted~~ shall take place until a Trigger Assessment, in accordance with Department for Transport Circular 01/2022, has been submitted and approved in writing by the local planning authority. The Trigger Assessment shall confirm the amount of total development floorspace (GIA), that can be occupied before the M42 Junction 10 roundabout improvements shown on either drawing ref: B033920-TTE-00-ZZ-PL-H-1001 P04 or B033920-TTE-00-ZZ-PL-H-1003 P05 have been constructed, completed and ~~is are~~ fully operational ~~in accordance with approved details and the specification of the Highways Authority.~~

### REASON

To ensure accordance with policy, to mitigate impact and ensure highway safety.

~~30.~~ The M42 Junction 10 roundabout improvements shown on either drawing ref: B033920-TTE-00-ZZ-PL-H-1001 P04 or B033920-TTE-00-ZZ-PL-H-1003 P05] shall be implemented in accordance with the approved Trigger Assessment. No additional floorspace shall be occupied above the thresholds agreed by the approval of the Trigger Assessment associated with the discharge of **Condition 29** until the M42 Junction 10 roundabout improvements ~~having have~~ been completed and are in full operation.

### REASON

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

### LPA Condition (instead of Appellant's Conditions 29 and 30):

**29.** No phase of the development hereby permitted shall be occupied until the M42 roundabout improvements shown on either drawing ref: B033920-

**Commented [WJ26]:** INSP: Cond 29, line 1 - insert "hereby permitted" after "development"; line 7 - "are" rather than "is". Also, are the words after "operational" necessary?

**Commented [WJ27]:** INSP: Cond 30, line 6 - "have" rather than "having".

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TTE-00-ZZ-PL-H-1001 P04 or B033920-TTE-00-ZZ-PL-H-1003 P05 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.

31. No phase of the development hereby permitted shall be occupied until the pedestrian and cycleway improvements, including surfacing, within the site boundary(as shown on the Red and Blue Line Plan number 4263 CA DR A 00066 – P4) permitted by condition 4, ~~are~~ have been constructed in accordance with the approved details.

**Commented [WJ28]:** INSP: Cond 31, line 4 – “have been” rather than “are”.

### REASON

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

**Commented [WJ29]:** Blue line element to go in S106

**Commented [WJ30R29]:** Inspector’s requested amendments

32. 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 (784-B033920 Rev 2) 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.

33. Prior to commencement of the development hereby permitted, detailed geotechnical drawings and supporting reports, in accordance with DMRB CD622, shall be submitted to and approved in writing by the Local Planning Authority. The subsequent improvement works shall be ~~and~~ implemented in accordance with the approved details.

**Commented [WJ31]:** INSP: Cond 33, line 1 - insert “hereby permitted” after “development”; line 2 – insert “to” before “and”. Also, would it read better if the 3rd line ended with a full-stop after “Authority”, with a final sentence saying something like “The subsequent improvement works shall be implemented ..... details”.

### REASON

To protect highway safety and mitigate any adverse impact from the development on the SRN in accordance with DfT Circular 01/2022.

34. Prior to the first occupation of the development hereby permitted the foot/cycleway improvements on Pennine Way between the A5/ Pennine Way roundabout and Pennymore Road shall be implemented in accordance with the

**Commented [WJ32]:** INSP: Cond 34, line 1 - insert “hereby permitted” after “development”; line 2 – insert “and” after “roundabout”; I then suggest the remainder of the condition be re-ordered to read something like “.....shall be implemented in accordance with the details shown on TT drawing 784.....” etc.

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~~details-and~~ shown on ~~TT~~ drawing ref: 784-B033920-TTE-00-ZZ-PL-H-0001-P05.  
~~shall be implemented in accordance with the details hereby approved.~~

### REASON

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

### Fire Fighting

**35.** 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

**36.** 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 and ~~in an~~ operated within the development.

**Commented [WJ33]:** INSP: Cond 36, penult line – should it be “and” rather than “an”?

### 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.

~~37. 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~~

**Commented [WJ34]:** INSP: Cond 37 – this is all one sentence and is unintelligible. It needs breaking down and re-wording, with unnecessary repetition removed.

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~~for all buildings shall be submitted to the Local Planning Authority and approved in writing.~~

Within six months of the occupation of each phase of development, a 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) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include BREEAM certificate(s) indicating that a BREEAM Excellent rating and Energy Performance Certificate 'A' Rating target for all buildings has been achieved.

### 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.

38. 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~~ has been submitted to, and approved in writing 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.

**Commented [WJ35]:** INSP: Cond 38, line 3 – “has been” rather than “shall be”.

### 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.

39. Notwithstanding the submitted information, a scheme to offset the air quality impacts from the development and which is based on the Damage Cost Calculation contained in the WSP Air Quality Damage Cost Technical Note ref: 70077657.001, (dated April 2024), 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.

**Commented [WJ36]:** INSP: Cond 39, line 2 - “Damage Cost Calculation” needs to be clarified.

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.

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### Broadband

~~40. No development above slab level shall commence until a scheme providing details of Broadband information and communications technologies has been submitted to and approved in writing by the local planning authority. No unit hereby approved shall be occupied until the scheme has been implemented as approved. 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.~~

**Commented [WJ37]:** INSP: Cond 40 – suggest it is re-worded along the lines of “No development above slab level shall commence until a scheme providing details of Broadband information and communications technologies has been submitted to and approved in writing by the local planning authority. No unit hereby approved shall be occupied until the scheme has been implemented as approved”.

### 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

~~41. No occupation and subsequent use of the development shall take place until a detailed, site specific sustainable drainage maintenance plan has been submitted to and approved in writing by the Local Planning Authority. is provided to the LPA in consultation with the LLFA. Such maintenance plan should:~~

**Commented [WJ38]:** INSP: Cond 41, line 2 – suggest something like “...site specific Sustainable Drainage maintenance plan has been submitted to and approved in writing by the local planning authority”. Remove reference to LLFA. Also, item “c” does not make sense. It needs to be checked and re-worded.

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

42. 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



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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].

43. 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

44. 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

In the interest of the visual amenities of the area.

### Contamination precautionary

45. Any contamination that is found during the course of construction of the ~~approved~~ development hereby permitted 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.

### Employment Scheme – Occupation Phase (Appellant Version)

**Commented [WJ39]:** INSP: Cond 45, line 2 – delete “approved” and insert “hereby permitted” after “development”;

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46. Prior to the first occupation of each unit in each phase of the development hereby approved, an Employment Scheme – Occupation Phase (ESOP) bespoke to each occupier of that phase of the development shall be submitted to and approved in writing by the local planning authority. The ESOP shall set out details of the programmes, commitments and measures to be implemented during occupation of the development, in accordance with those listed at paragraph 4.1.3. of the submitted Employment, Skills and Training Statement (ref. RPT.015.JW). The approved details shall be implemented in full.

**Commented [DH40]:** Suggested staged to coincide with phases to provide the opportunity for prospective end user(s) to input into each submission, therefore more bespoke submission. Otherwise, would need to be generic for all potential future occupiers of future phases/units.

### REASON

To define the permission and to facilitate positive training and education outcomes for the local area.

### Employment Scheme – Occupation Phase (LPA Version)

46. Prior to the first occupation of the development hereby approved, an Employment Scheme – Occupation Phase (ESOP) shall be submitted to and approved in writing by the local planning authority. The ESOP shall set out details of the programmes, commitments and measures to be implemented during occupation of the development, in accordance with those listed at paragraph 4.1.3. of the submitted Employment, Skills and Training Statement (ref. RPT.015.JW). The approved details shall be implemented in full.

### REASON

To define the permission and to facilitate positive training and education outcomes for the local area.

**Commented [AC41]:** It would be better if this was prior to first occupation of the development, by this time it would allow input for end user, that provide a better more bespoke submission

### Bus Stop

47. No phase of the development hereby permitted shall be occupied until the onsite bus turning area and stop and other details approved by condition 22 has been constructed.

### REASON

To ensure the site is reasonably accessible by a choice of modes of transport.

### Post-Occupation

#### Planting

48. The planting in the areas of proposed woodland, hedgerows, shrubs and grasses/wildflower in the on and off site areas of land under the control of the applicant, as outlined on the Red and Blue Line Plan number 4263 CA DR A 00066 P4, shall be in accordance with the details set out at paragraph 7.14.3 and Appendix 11.0 of the Design and Access Statement 4263-CA-00-XX-RP-A-06005 Rev PL4

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and Appendix 11.0 of the Design Guide 4263-CA-00-XX-RP-A-06004 Rev PL6 submitted with the outline application.

### REASON

To ensure that planting is appropriate to its landscape setting and to facilitate landscape enhancements.

### Small and medium enterprise (SME) units

49. No more than 50% or 50,000 square metres, which is greater of the total development floorspace (GIA) hereby permitted shall be occupied until details of the units for small and medium enterprises (SMEs) have been submitted as reserved matters to the local planning authority. No more than 75% of the total development floorspace (GIA) hereby permitted shall be occupied until the SME units have been constructed in accordance with the approved details. The SME units shall, in total, occupy a minimum of 5,000 square metres and no more than 10,000 square metres of floorspace (GIA). A minimum of 5no. SME units shall be provided on site. No individual SME unit shall exceed more than 2,000 square metres of floorspace (GIA).

### REASON

To ensure the scheme addresses the strategic need for employment development whilst delivering broader economic benefits, and for consistency with the submitted information and evidence base documents.

### Plot A1 Buildings

50. Within the area referred to as Plot A1 on Parameters Plan 4263-CA-00-00-DR-A-00075-P18 buildings erected shall have a minimum gross internal floorspace of 9,290.3 square metres (100,000 square feet), and if larger shall not be subdivided to units of less than 9,290.3 square metres (100,000 square feet). The only exception will be in the event that a smaller plot is left over incapable of accommodating a building of the minimum size.

### Reason:

To ensure the scheme addresses the strategic need for large scale employment development.

### 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

**Commented [AC42]:** Condition 12 does pick this up in detail. The proposed condition does allow for this phasing. Condition 7 also limits the amount of the "SME" element. So am unsure to the necessity of this proposed condition.

**Commented [AC43R42]:** This can if necessary be picked up in the round table discussion relating to conditions

**Commented [DH44R42]:** SMEs units could be in B8 use so condition 7 (use) does not limit amount of SME space. Condition 12 is potentially superfluous. A distinct condition is therefore required to ensure this scheme benefit (SME units) is delivered.

**Commented [WJ45]:** Appellant's draft condition.

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