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## Appeal Decision

Inquiry held on 9-12 and 22 June 2026

Site visits made on 8, 10 and 12 June 2026

**by Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

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### Appeal Ref: 6002929

#### Land South of Junction 12, M40, Gaydon CV35 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr D Brightman and CEG Land Promotions Limited against the decision of Stratford-on-Avon District Council.
  - The application Ref is 23/01054/OUT.
  - The development proposed is a hybrid planning application comprising:
    - a) full application for the construction of commercial development comprising a site access from the B4100 together with a maintenance access off Pimple Lane, internal access roads and footpaths/cycleways; associated strategic landscape treatment (including new earth bunding); the creation of earthwork building platforms and construction of three commercial buildings (Units 4 (a-e), 5 and 6 (Flexible Use - either Class B2 (General Industrial), B8 (storage or distribution ) or E(g)(ii)- research and development & E(g)(iii) -industrial processes) including ancillary office accommodation, gatehouses, associated parking provision, retaining structures, landscaping and drainage infrastructure and all other associated ancillary works outside Zones B1 and B2 (as shown on the Site Layout Plan and Parameters Plan) and earthwork building platforms only in respect of Zones B1 and B2 (as shown on the Site Layout Plan and Parameters Plan); and
    - b) outline application (all other matters reserved relating to internal site access, landscaping, appearance, layout (with the exception of the earthwork building platforms) and scale) for the construction of commercial buildings (Flexible Use -either Class B2 (general industrial), B8 (storage or distribution) or E(g)(ii) - research and development & E(g)(iii) industrial processes) and all associated ancillary works within Zones B1 and B2 (as shown on the Site Layout Plan and Parameters Plan).
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### Decision

1. The appeal is allowed and planning permission is granted for a hybrid planning application comprising: a) full application for the construction of commercial development comprising a site access from the B4100 together with a maintenance access off Pimple Lane, internal access roads and footpaths/cycleways; associated strategic landscape treatment (including new earth bunding); the creation of earthwork building platforms and construction of three commercial buildings (Units 4 (a-e), 5 and 6 (Flexible Use - either Class B2 (General Industrial), B8 (storage or distribution ) or E(g)(ii)- research and development & E(g)(iii) -industrial processes) including ancillary office accommodation, gatehouses, associated parking provision, retaining structures, landscaping and drainage infrastructure and all other associated ancillary works outside Zones B1 and B2 (as shown on the Site Layout Plan and Parameters Plan) and earthwork building platforms only in respect of Zones B1 and B2 (as shown on the Site Layout Plan and Parameters Plan); and b) outline application (all other matters reserved relating to internal site access, landscaping, appearance, layout (with the exception of the earthwork building platforms) and scale) for the construction of commercial buildings (Flexible Use -

either Class B2 (general industrial), B8 (storage or distribution) or E(g)(ii) - research and development & E(g)(iii) industrial processes) and all associated ancillary works within Zones B1 and B2 (as shown on the Site Layout Plan and Parameters Plan) at Land South of Junction 12, M40, Gaydon, CV35 0HF in accordance with the terms of the application, Ref 23/01054/OUT, subject to the conditions in the attached schedule.

## **Preliminary Matters**

2. The proposed development falls within Part 10(a) (industrial estate development projects) of the table set out in Schedule 2 of the Environmental Impact Assessment (EIA) Regulations. Part 10(a) relates to 'industrial estate development projects' where sites are over 0.5 hectare in size. For such developments, EIA is required in situations where the development is likely to have significant effects on the environment by virtue of factors such as nature, size or location. In this case, the proposal would cover an area of approximately 29.5 hectares (ha) of undeveloped agricultural land. The appellant voluntarily determined to undertake an EIA. A formal request for a scoping opinion<sup>1</sup> was submitted on 14 September 2022, which the Council provided on 4 November 2022<sup>2</sup>.
3. An Environmental Statement (ES) accompanied the planning application<sup>3</sup>. An ES addendum<sup>4</sup> was also submitted, which considered amendments made to the scheme in May 2025.
4. Together the ES and ES Addendums report the likely significant effects of the proposal. I am satisfied that these documents meet the requirements of the EIA Regulations (as amended), and I have taken them into account in my consideration of the appeal.
5. A draft planning obligation<sup>5</sup> and CIL Compliance Statement<sup>6</sup> were submitted prior to the inquiry opening, discussed at the inquiry and a signed and executed planning obligation<sup>7</sup>, dated 26 June 2026, was submitted. This provides for financial contributions towards bus services, securing and monitoring of a Travel Plan, off-site highways works and monitoring contributions. Reason for refusal 2, relating to the lack of an obligation, was therefore not pursued by the Council at the inquiry. I have considered the appeal accordingly.
6. With agreement from both main parties, the accompanied site visit was carried out before the inquiry was opened. I also carried out additional unaccompanied visits to the site and surrounding area during the inquiry.

## **Main Issues**

7. The main issues are the effect of the proposal on the landscape character and appearance of the area; and whether any harm would be outweighed by other considerations, in particular the need for industrial and logistics employment land.

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<sup>1</sup> Core Document (CD) 5.89

<sup>2</sup> CD 5.90

<sup>3</sup> CD 5.53-5.136

<sup>4</sup> CD 6.69-6.115

<sup>5</sup> CD 8.1

<sup>6</sup> CD 8.2

<sup>7</sup> Inquiry Document (ID18)

## Reasons

### *Site and surroundings*

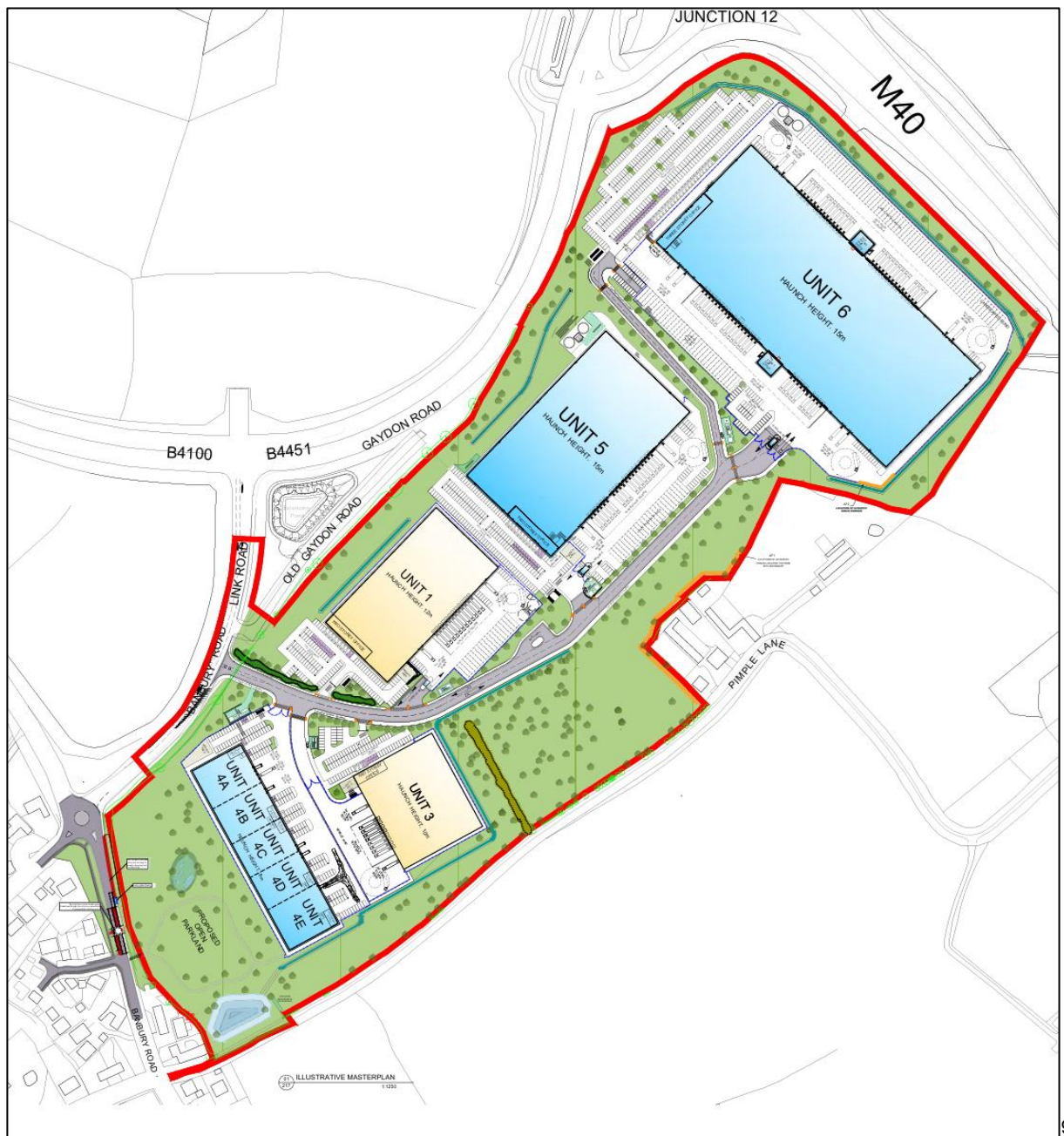
8. Located off Junction 12 of the M40 and to the north-east of Gaydon village, the site comprises approximately 29.5 ha of undeveloped agricultural land, split into 2 fields: one approximately two thirds of the site to the north-east, adjacent to the M40 motorway; and, the other adjacent to the B4100 Banbury Road and the settlement edge of Gaydon. Both parcels are broadly rectangular in plan form.
9. The site's topography is influenced by Thorn Hill, the summit of which is to the south, with the main site area situated across the convex north facing slopes of the hill. To the north/north-west of the site, the landform rises gradually to a localised high point close to the existing Jaguar Land Rover (JLR) complex.
10. The site is bounded by the highway infrastructure of the M40 (including Junction 12) and the B4451 to the north, Pimple Lane to the south and by the suburban edge of Gaydon to the west/south-west. The settlement edge is characterised by the residential fringe, petrol filling station and adjacent car garage. There are 2 existing vehicular access points to the site, off the B4100 and Pimple Lane.
11. Immediately to the south-east, on the other side of Pimple Lane, is an existing farm with associated farm buildings and houses along with farm land. To the north and north-west, off the B4100 is the principal design and engineering centre for JLR and the global headquarters for Aston Martin Lagonda (AML). Immediately to the north-west of the site, across the B4451, lies approximately 100 ha of land allocated for the expansion of JLR in the Stratford-on-Avon Core Strategy (2011-2031) (July 2016) (CS)<sup>8</sup> under 'Proposal GLH'. Beyond this, the allocation also provides for 3,000 dwellings, village centre and 4.5 ha of land for AML.

### *Proposal*

12. The development would provide commercial development of 2 larger units (Units 5 and 6) and a terrace of smaller units (Unit 4 (4A to 4E)) through a full application. The outline application area covers the remainder of the site. The full element seeks permission for 61,751 square metres (sqm) in commercial floor space; earthworks; green infrastructure; sustainable urban drainage systems; vehicular access off Banbury Road (between Gaydon and the B4451); a publicly accessible area of open space area comprising around 2.34 ha and 855 car parking spaces. The outline element seeks permission for up to 18,090 sqm of employment floorspace within Zone B1 and B2, likely Units 3 and 5. Unit 2 was removed during the application process and the heights of Unit 6 reduced by 3 meters, along with increased landscape buffers.
13. The commercial floorspace would comprise industrial and logistics (I&L) uses, with 3 large units of strategic scale (over 9,300 sqm), one mid-box unit (between 2,800 sqm and 9,300 sqm), and 5 small units within a terrace (these are units below 2,800 sqm). Approximately 80% of the floorspace would be delivered in the large units, 9% of floorspace would be delivered in the mid-box unit, and approximately 11% of floorspace would be delivered in the smaller, terraced units.

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<sup>8</sup> CD 3.1



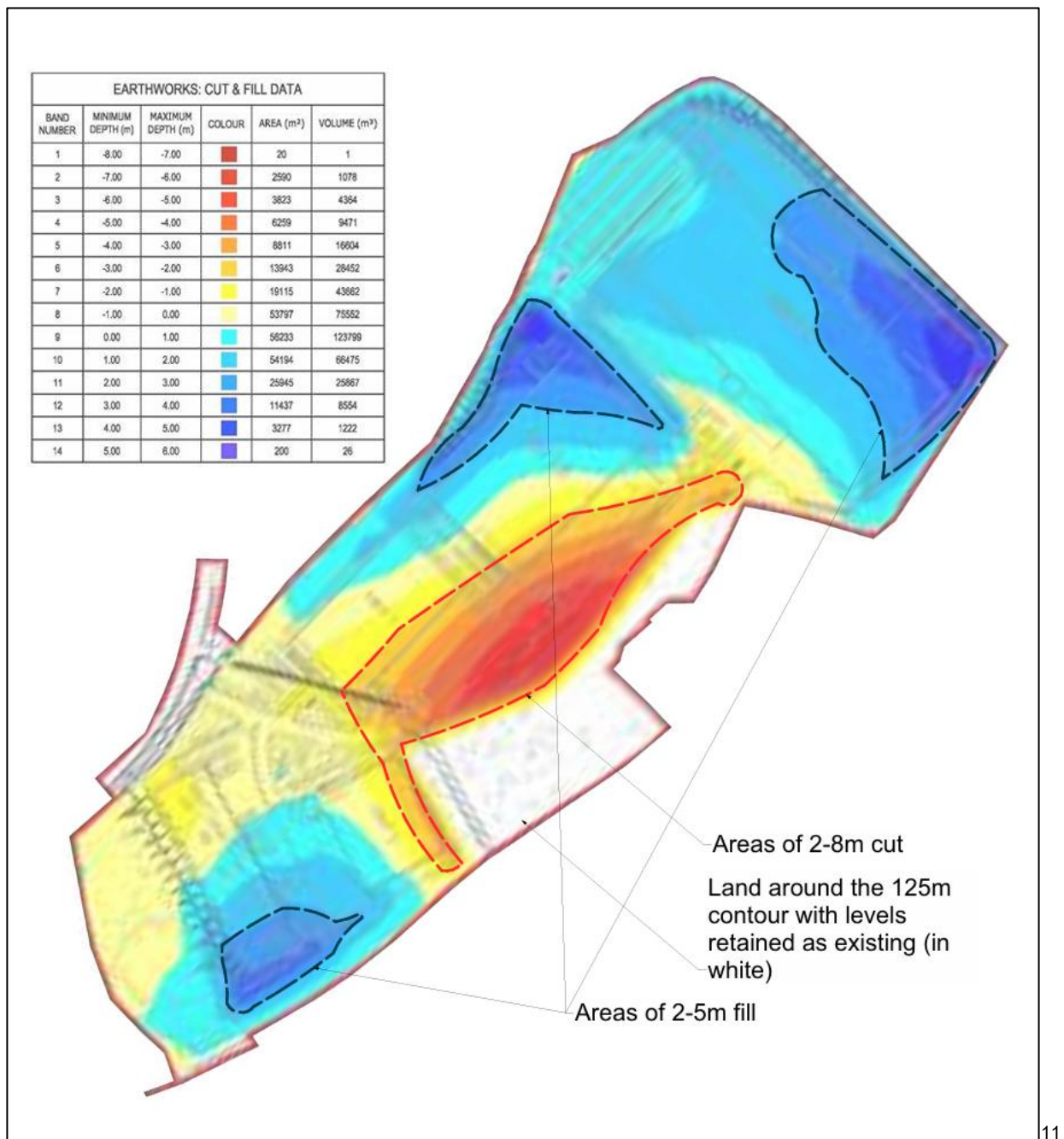
14. A comprehensive landscaping plan is included with the application along with the engineering operations required to create the level platforms in which the buildings will be placed. Given the sloping nature of the site, extensive 'cut and fill' will be necessary. These land re-grading works result in there being 3 development platforms, with the following building sizes:

| Building | FFL    | Length (m) | Width (m) | Height (to eaves) (m) | Height (to apex) (m) | Max Height (m AOD) |
|----------|--------|------------|-----------|-----------------------|----------------------|--------------------|
| 1        | 113.35 | 139.9      | 75.3      | 12.55                 | 14.5                 | 127.85             |
| 3        | 114.00 | 92.9       | 78.5      | 10.57                 | 12.75                | 126.75             |
| 4        | 114.00 | 178.2      | 48.6      | 8.9                   | 10.5                 | 124.50             |
| 5        | 113.35 | 175.3      | 101.9     | 15.6                  | 18.0                 | 131.35             |
| 6        | 109.80 | 281.8      | 118.7     | 15.6                  | 18.0                 | 127.80             |

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<sup>9</sup> CD 6.119

<sup>10</sup> CD 11.2 – Table 1



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15. Unit 6, the largest building would be located parallel to the M40, at the lowest land level. Units 1 and 5 would be on the next platform, with Unit 5 being the tallest in AOD terms across the site, with a maximum height of 131.35m AOD. These units would be located parallel to the B4451. Units 3 and 4 would be located to the south west of the spine access road, and comprise the smaller units, both in floorspace and height. Earthworks on the site would result in between 2-8m of cut and 2-5m of fill.
16. The most affected 'cut' area would be to the south of Units 1 and 5 and to the east of Unit 3, where the hillside would be re-graded, from a rolling slope to a 1:3 steep bank. This cut would occur to the south-east of the access road and round the back of Unit 3, rising to existing land levels at the rear of the dwellings on Pimple Lane. A large rectangular area of land on the highest part of the site, adjacent to the

<sup>11</sup> CD 11.2 – Inset 4

dwelling, and a strip running behind the dwelling, would remain the same level, and would be comprehensively landscaped with woodland and individual trees, along with retaining the hedgerow. The highest point of the site is at around 125-126m AOD.

17. The most prominent area of 'fill' would be to the most western end of Pimple Lane. This is because the hedgerow at this point is either non-existent or short. There would be around 4-5m of fill required to provide a level platform for Unit 4. The slope from Pimple Lane to Unit 4 would be around 1:8, much less severe than the cut required in the middle of the site, and the building would be around 40m from Pimple Lane.
18. A landscape bund is proposed to the west of Unit 4, along with an area of open public landscaped space, meaning that there would be around 110-120m between Unit 4 to the site edge on Banbury Road.

### *Landscape character*

19. The site is in the Feldon Vale Farmlands Landscape Character Type (LCT) and adjacent to the Feldon Parklands (~250m to the north) and the Feldon Lias Farmlands (~400m to the north west). As such, it comprises elements of all 3 LCTs. Together, these character types create a rural landscape comprising a mix of open arable farmland, wooded blocks, and settled village form, which interact to varying degrees across this local area. Topographically, the area is gently rolling, with localised higher ground at Thorn Hill to the south of the site. This elevated landform forms part of the wider Feldon Vale Farmlands character and contributes to local variations in visibility, openness, and landscape exposure. Gaydon forms a nucleated settlement, and woodland is a prominent feature, with Itchington Holt, an area of ancient woodland, to the north and Gaydon Covert to the south.
20. The area is also heavily influenced by major transport infrastructure, including the M40 motorway corridor. This introduces a strong linear, engineered feature that contrasts with the rural field patterns of the surrounding Feldon Vale Farmlands and contributes to a reduction in perceived tranquillity in its immediate vicinity. In addition, the JLR facility represents a significant area of large-scale built development within the wider context, along with the large solar farm which sits between Gaydon and JLR. This introduces a more industrial and contemporary built influence into the landscape, contrasting with the predominantly rural character of the site and surrounding LCTs.
21. It is agreed by the main parties that significant landscape and visual effects would be brought about by way of the proposal. In terms of impacts on landscape character, for Feldon Vale Farmlands, Feldon Parklands and the site itself, there would be an adverse impact. For the Feldon Vale Farmlands, it is agreed there would be a significant moderate-major adverse effect for construction, year 1 and at year 15. I also agree.
22. However, for the site and Feldon Parklands, the significance of the effect is not agreed. The main reason for the difference is that the Council's landscape witness considers the site to be of a higher sensitivity than the appellant, and the magnitude of change to be greater.

23. Both parties appear to use the Landscape Sensitivity Assessment for Villages<sup>12</sup> (LSAV) as baseline for assessing the sensitivity of the site. This splits the site into parcel G01 for the most part of the site, G05 for the higher, undeveloped, part of the site<sup>13</sup>. Parcel G01 is identified as having a medium-high sensitivity to generic commercial development (office, industrial or commercial), whilst parcel G05 has a high sensitivity.
24. The appellant lowers the sensitivity due to the recent significant transport infrastructure constructed since the study was prepared, along with the allocation of Parcel G02, which was also identified as having a medium-high sensitivity and other development, such as the solar farm. The Council elevates the sensitivity and magnitude of change because they consider the scale of the scheme is much greater than what the LSAV imagined as commercial development<sup>14</sup>. Whilst I understand that the scale of the buildings would be larger than what is considered in the LSAV, the scheme before me is for commercial development, and the scale of the scheme would not necessitate elevating the sensitivity of the site, especially considering the allocation for Proposal GLH, which also features a rolling topography. Additionally, with the nearby recently constructed solar farm and the changes to the road infrastructure, I consider the site is of medium sensitivity.
25. In terms of magnitude of change, the proposal would include landscaping that is reflective of the key characteristics of the LCTs combined, including restoration and new hedgerows, with individual trees, including Oaks, along with woodland planting to create small coverts. Whilst the landscaping would not mitigate the effects, it would ameliorate the proposal somewhat in terms of landscaping effects. However, the sloping topography of the site would be largely removed and the setting of Gaydon as a nucleated settlement would be compromised. Therefore, the magnitude of change would remain medium to high at year 15 for the site, and the overall significance of effect at year 15 would be moderate-major adverse. For the Feldon Parklands, the residual effect would be moderate-minor adverse.
26. Overall, despite nuances between the landscape witnesses, the landscape impacts on the site in its local landscape context would be significant and adverse.

### *Visual effects*

27. There are numerous disputed viewpoints between the main parties. It is not necessary to examine each one, given it is accepted that there would be significant visual effects from the proposal overall. However, I will focus on those that were discussed in detail at the inquiry.
28. Viewpoint 7<sup>15</sup> looks north from Pimple Lane close to Gaydon. There are open fields, with Pimple Lane in the foreground, before rising to the Poplars at the top of the lane. It is used as a recreational route and I agree with the Council's assessment of sensitivity. Units 3 and 4 would be placed on the same platform, which involve cut and fill works, and Unit 4 would be tall and prominent in the view from Pimple Lane when travelling from the garage towards the top of the lane. This is due to the scale of fill, and the height of the building platform. However, it would be located around 40m away from the road, is the lowest height building, at around 10.5m to the apex, and a hedgerow is proposed along this boundary, along with

<sup>12</sup> CD 4.7

<sup>13</sup> CD 4.7 – page 24 or CD 11.9 page 8, which shows the building footprints overlaid and other developments / allocations.

<sup>14</sup> CD 4.7 – Paragraph 2.8

<sup>15</sup> CD 8.3

other landscaping works in between. However, the magnitude of change would remain high, changing what is the view of an open, rural sloping field to that occupied by either a very tall hedge, enclosing the road and any view, or hedge and tall, elevated building in view. The significance therefore at year 15 would be a major adverse effect.

29. Viewpoint 8A<sup>16</sup> looks north-east from the access at Victor Close. The existing view is an open agricultural field, rising on the right side of the view to the Poplars and dwellings. The hedgerow to the south of Pimple Lane is clearly seen. The foreground shows an established tall hedgerow to the left, forming the boundary of the site, with scrub in the centre. The view at year 1 would comprise landscaping works and the formation of the open space, yet Unit 4 would be prominent, taking up most of the view. The open field is gone, and the rolling topography only clear in the field south of Pimple Lane. However, at year 15, the landscaping would have established, such that Unit 4 would be barely perceptible and the open space in the foreground would have matured considerably, creating a type of open parkland. Therefore, the magnitude of change would be medium, and the effect would be moderate adverse.
30. Viewpoint 13B<sup>17</sup> looks from Centenary Way to the east. This would be a transient view as a walker moves along the footpath. The motorway is in the cut at this point, and is perceptible from its noise and moving HGVs, but is not a dominant part of the view. What can be seen is an open field in the foreground, with trees beyond, which form the embankment to the M40. The top of the Poplars on Pimple Lane are also visible. At year 15, Unit 6 would be visible above the landscaping for most of its length, which is over 280m long, and it would appear to be in line with the Poplars, although this would vary along Centenary Way. This would be a large scale change, and it would take up a fair amount of the view if looking east. However, the footpath is north – south and as such, it would not dominate the view to such an extent that the magnitude of change would remain high at year 15, but it would remain medium, and I consider this effect to be major-moderate adverse.
31. Viewpoint 6<sup>18</sup>, looking north-west from Pimple Lane, takes in the existing field, defined in the near distance by adjacent property and in the middle distance by continuous hedgerow. The landform falls away from the viewpoint affording views across a shallow, localised valley. The B4451 is visible towards the base of the valley, formed of dual carriageway with frequent lighting columns leading to the overbridge of Junction 12. Landform continues to rise in the background, with the more extensive woodland of Itchington Holt forming a wooded horizon across a large proportion of the view. Whilst the immediate foreground would remain unaffected by development, the middle ground would be changed tremendously owing to the extent of cut and fill, and the resulting height of the buildings, especially Unit 5 from this position. Even considering the native woodland planting on the upper part of the slope, views of the buildings would remain. The size and scale of the change would be extensive and the magnitude of change would remain high, such that there would be a major adverse effect.
32. Viewpoint 10<sup>19</sup> takes in the site from the north. Whilst the road infrastructure is prominent, and JLR is on one side of the road, with the future Proposal GLH

<sup>16</sup> CD 8.3

<sup>17</sup> CD 8.3

<sup>18</sup> CD 6.86

<sup>19</sup> CD 6.86

allocation to the other, the site is undeveloped, open and gradually sloping up towards Pimple Lane, with the Poplars again a focus point. The change in this view would be one of the most extensive, and whilst it is unlikely to be a popular route for walkers, the magnitude of change would remain high, even at year 15 and with the Proposal GLH allocation developed. The residual effect would not reduce to moderate adverse, and would remain a significant adverse effect.

33. The distance and panorama of view, along with the prominence of JLR, the solar farm and the Proposal GLH allocation result in there being a moderate adverse effect on long range views from Burton Dassett Hills (viewpoints 1a, 1b and 2)<sup>20</sup>. Viewpoint 4B<sup>21</sup> is taken from a field access gate and is not representative of the view when travelling along this lane. However, there would be parts of the lane where the site would be very prominent in the view, and others where there would be very limited visibility, such that the effect with landscaping mitigation, would be moderate adverse at year 15.
34. Overall, having seen the site from various viewpoints, and over 3 visits, both close up and at a long range, the proposal would generally cause a significant, adverse and large scale change to the area, and to those who experience the site, whether that be those walking or cycling in the area, living in the village or travelling by car around the site.

### *Conclusion*

35. In this scheme, mitigation efforts have resulted in a reduction in the scheme. Unit 6 was reduced in height and Unit 2 was removed. Unit 4 was repositioned, and being the smallest unit both in height and footprint, is proposed to be located closest to the village. This also would include a significant off set of around 110-120m, providing public open space, tree planting and woodland. This would create a parkland character, appropriate to the Feldon Parklands LCT when viewing the site from Banbury Road. However, from the Gaydon end of Pimple Lane, the buildings would be very apparent given the finished floor level and the scale of fill at this point. The hedge may, if grown to several metres high, somewhat screen the development. Yet, to grow a hedgerow this tall would take time and good management. The largest units 1, 5 and 6 would be located near the M40 and B4451, away from the village and close to the strategic road network. The higher ground adjacent to Pimple Lane would be maintained, and this would screen the lower part of the development from the south and retain this positive topographical feature.
36. However, the scale of earthworks necessary to achieve the platforms would be insensitive to the topography of the site, completely and permanently changing the existing rolling topographic character, cutting into the sloping hillside. The prominence of Unit 5 from the B4100 when travelling south from JLR, and its considerable projection above the ground level at the highest point on Pimple Lane, would be harmful. Unit 1 and 6 would surround it, and would both be the same height<sup>22</sup> in AOD terms, and only 3m lower than Unit 5. This collective mass, resulting from the scale, footprint and height of the buildings, would be markedly harmful. I accept that the comprehensive landscaping would ameliorate the effect

<sup>20</sup> CD 6.86

<sup>21</sup> CD 6.86

<sup>22</sup> Based on the assumptions of maximum building heights for Unit 1

over time, and cladding colours could help to blend the buildings into the landscape. However, the effect would be adverse.

37. Consequently, the proposal would have an unacceptable impact on the landscape character and appearance of the area. It would create a permanent change to the area, and for the most part, and certainly in its earlier years, this would be very harmful. Therefore, the proposal would conflict with Policies CS.5 and CS.9 of the CS. Together, these seek to ensure that landscape character and quality is maintained and development is sensitive to the landscape character. There would also be conflict with Parts B, I, M and N of the Stratford-on-Avon Development Requirements Supplementary Planning Document, which sets out design guidance.
38. Green Infrastructure would be provided on site and as the site is privately owned with no public access, in my mind, the provision would be improved. There is no conflict with Policy CS.7 of the CS, which seeks to protect or improve the Green Infrastructure network.

## Other Matters

### *Need for industrial and logistics employment land*

39. On the other side of the fence for this assessment, so to speak, is the scale of need for this proposal, and its assessment in this respect under Policy CS.22 of the CS, and relevant to this, Policies AS.10 and CS.1.
40. Policy CS.22 seeks to support and foster the growth and competitiveness of Stratford's economy, provide more jobs and improve the vitality of the local business environment, by promoting development in sustainable locations that provides for a wide range of business and commercial activity. The last paragraph of the policy sets out that *"Requirements for business investment in the District that are not specifically catered for elsewhere in this policy will be considered thoroughly and will be supported where the economic and social benefits of an individual proposal outweigh any specific harm likely to be caused."*
41. Policy AS.1 applies for development in the countryside, however, it reverts to Policy CS.22 in the penultimate paragraph, which states that *"All other types of development or activity in the countryside, **unless covered by a specific policy in the Core Strategy**, will need to be fully justified, offer significant benefits to the local area and not be contrary to the overall development strategy for the District."* The development is covered by Policy CS.22. Policy CS.1 refers to sustainable development and would be satisfied if the planning balance concluded the proposal was sustainable development.
42. Thus, the development plan essentially requires a planning balance to be considered, weighing up the benefits and the harms. The Statement of Common Ground on Employment Need<sup>23</sup> sets out various matters of agreement. The Council and appellant agree that there is a **substantial and immediate need** for the proposal. The site is directly adjacent to Junction 12 of the M40 and would be in a commercially attractive, prime location, with high accessibility to end customers and suppliers.
43. On the Council's own evidence, there is a residual need for 75-125 ha of strategic employment land within South Warwickshire. This requirement is in addition to the

<sup>23</sup> CD 10.4

existing 100ha of supply at Proposal GLH, resulting in a gross strategic sites requirement of 175-225ha for the 2021-45 period. This provision is to be focused within a defined opportunity area, identified as Area 8: A46/M40 Warwick<sup>24</sup>, within which the site is located. There is also a residual need of 135 ha of local industrial land in South Warwickshire over the period 2021–2041<sup>25</sup>, rising to 227 ha in the period 2021-2050<sup>26</sup>.

44. The appellant's evidence is very similar to that of the Council's, albeit slightly lower. Yet this is over a 20 year period, does not include a buffer or currently available buildings in the supply, such that it would be a more conservative estimate. Nonetheless, both estimates of need substantially exceed the 30 ha scale of the site.
45. To meet the need, the Council looks to the emerging local plan to allocate sufficient sites. However, the plan is at an early stage. No allocations are before me, and those that are likely to be in the Regulation 19 plan, such as Red House, require significant road infrastructure, not least a new motorway junction. The likelihood of delivery at Red House in the short or medium term is unlikely, even if it were allocated. Wellesbourne Airfield is not as well located as this site and requires consolidation and enhancement of airfield facilities, including building a new runway, such that it is also unlikely to deliver in the short to medium term, or meet a strategic need given its location. Wedgnock Park Farm is unlikely to be taken forwards as an allocation in the Regulation 19 plan.
46. The potential future allocations nearby at JLR and AML would be restricted to those users. Furthermore, even with the relaxation of the policy restriction for the Proposal GLH allocation, the policy in the Regulation 18<sup>27</sup> plan, as drafted, appears to restrict uses to strategic manufacturing (B2) and small scale logistics, meaning it would not meet a strategic logistics need.
47. The planning application at the GLH allocation<sup>28</sup> is for 11.7 ha for 37,821 sqm of employment floorspace to provide 6 employment units across 4 buildings. The scheme thus includes 1 big box B8 unit (100,000 sq.ft) and 5 mid box units. This application is currently undetermined and can be given no real weight. Even so, regardless of the Council's evidence relating to there being no 'in principle' objection, the application would be contrary to the Proposal GLH policy. Additionally, even if permission is granted, and this sends a signal to the wider market that the GLH allocation is being treated differently by the development management process; the residual need identified takes account of the 100ha from the GLH allocation, and therefore, there would still be 75-125 ha of unmet strategic need.
48. Furthermore, even if proposals on the GLH allocation were to come forward, because of the potential 'relaxed' policy position, this would not meet the immediate need. Moreover, the views of JLR would become a principal consideration, given that the land is reserved for their commercial expansion. Whilst around 10% of the GLH allocation being developed for open market occupation may be acceptable to JLR, developing the other 90% may have significant implications, without the certainty of replacement allocations.

<sup>24</sup> CD 4.15

<sup>25</sup> CD 4.17

<sup>26</sup> CD 4.25

<sup>27</sup> CD 4.2

<sup>28</sup> CD 11.6 Paragraph 8.12

49. Therefore, there are no other sites that would cater for the need identified, even considering the existing supply. I do not see how the emerging plan will remedy the immediate and substantial need, nor for at least 5-10 years. This means the area will have a shortage of I&L land for a considerable period, stifling economic growth. I also do not consider that the decreases in the height of the buildings through amendments to the scheme would make the site less attractive to potential occupiers. Indeed, AML have indicated their commitment to occupying, Unit 6<sup>29</sup>, which was reduced in height by 3 metres.
50. Considering the scale of need for the proposal, the prime location of this site, and the importance of the I&L sector means that there are serious and legitimate benefits to be gained. Additionally, the appellant details<sup>30</sup> that whilst the development is focused on delivering large strategic I&L units, including a single extra-large unit at 34,962 sqm (Building 6), the site would also accommodate a complementary range of smaller and mid-box units, so that it can serve a wide spectrum of occupiers, from major PLCs and national operators to regional businesses and locally based firms seeking modern, high-quality space. This would help to meet the local need shortage. Additionally, AML's occupation of Unit 6 demonstrates a clear market need, and may help to encourage swift occupation of the other units.
51. It is also agreed that the proposal would result in the following economic benefits:
  - Around 106 temporary construction jobs on site (job years) across the minimum 4 year period (2 years for the full element and 2 years for the outline)
  - Circa £27 million construction economic output (GVA);
  - Approximately 1,786 direct FTE jobs created onsite;
  - £610million – total approximate operational economic output (GVA).
52. The job creation and GVA operational economic output is substantial, and will positively contribute towards the local and national economy. The I&L industry is one of the UK's most critical economic sectors, underpinning both the functioning of the national economy and the day-to-day lives of its population.

#### *Other benefits*

53. It is agreed that the buildings would be deliver a BREEAM 'Very Good' rating, exceeding the Council's requirements of "Good"; and this would contribute towards carbon reduction. Additionally, there would be biodiversity net gain in respect of habitat units, hedgerow units and river units; and given the application was submitted prior to the statutory requirement, this would be a benefit.
54. There is publicly accessible open space to be provided between Gaydon and Building 4, and this would be a benefit to the local community. Additional to this are the off site highway works along Banbury Road and public transport improvements, which would arise from the scheme, promoting walking, cycling and wheeling.

#### *Heritage*

55. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be had to the desirability of preserving the setting of listed buildings. This means that considerable weight and importance

<sup>29</sup> CD 11.3 Appendix D

<sup>30</sup> CD 11.3: 1.3.7

must be given to any harm caused to designated assets in the planning balance. This includes any harm to the setting of a listed building.

56. The Heritage Statement of Common Ground<sup>31</sup> sets out agreed matters between the parties, including the significance of the designated assets and the impact of the proposal on these assets. The 3 affected designated heritage assets are the Gaydon Inn, Banbury Road (Grade II), St Giles Church, Church Road (Grade II) and Beacon Tower (Grade II).
57. Gaydon Inn - The significance of Gaydon Inn derives principally from its historic and architectural value as an early 19th century construction. This is supported by the intactness of its remaining original fabric and its late Georgian style features. The significance of this asset also partially derives from the contribution of its rural setting which provides a rural historic context for the building. It is noted, however, that this setting has been truncated through the introduction of modern development immediately to the north of the building, lessening the importance of the contribution made by the asset's setting to its overall significance, which principally resides in its inherent historic and architectural interest.
58. The proposal would result in less than substantial harm, at the lower end of the range, arising from a perceptible change in landscape character across land which makes a limited contribution to the overall significance of the former public house, which is best understood and appreciated in its more immediate vicinity.
59. St Giles Church - The significance of the church derives principally from its historic, architectural and artistic value as a mid-19th century church. This is supported by the intactness of its original fabric, and features as a church built in a Gothic Revival, Decorated style. The historic planform of the church remains legible and the relative height of the church's tower and spire imbues this asset with landmark status within the settlement of Gaydon and its rural surroundings. The significance of this asset also partially derives from the contribution of its setting within the settlement of Gaydon which provides an historic context and evidence of settlement patterns around the church as a place of worship. The rural surroundings of Gaydon evidence the rural historic context of the church but make a lesser contribution to the church's overall significance, which principally resides in its inherent historic and architectural interest and the understanding and appreciation of this within its settlement context.
60. The proposal would cause less than substantial harm, at the lower end of the range. This is due to the change of landscape character within the wider rural surroundings of the settlement of Gaydon which make a limited contribution to the overall significance of the church, which is best understood and appreciated within its settlement context.
61. Beacon Tower - The significance of the beacon tower stems principally from its original date of construction as a probable tower mill in the 15th century. The position of the beacon tower at a high elevation within the wider landscape gives this asset landmark status within its rural surroundings. The significance of this asset is also partially derived from the contribution of its setting within the wider rural landscape from within which the beacon tower is experienced as a landmark. It is noted, however, that the significance of the beacon tower is best understood

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<sup>31</sup> CD 10.5

and appreciated within its more immediate surroundings, where its inherent historic and architectural interest is legible.

62. The proposal would cause less than substantial harm, at the very lower end of the range, arising from a change of landscape character within the wider rural landscape at a sufficient distance from the beacon tower, the overall significance of which is not fully legible from within the site.
63. Conclusion - The Framework makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I shall carry out the heritage balance later in the decision.

### *Ecology*

64. There would be a loss of hedgerows and habitat arising from the proposal, and there would be implications for wildlife species and local biodiversity. However, the Preliminary Ecological Appraisal and Ecological Appraisal<sup>32</sup> and ES Volume 1 Chapter 10<sup>33</sup> and ES Volume 1 Addendum Chapter 10<sup>34</sup> confirms that all necessary survey work has been carried out, and that the scheme would include a comprehensive package of habitat creation and enhancement measures, including new woodland, grassland, hedgerows, and wetland features associated with the sustainable drainage (SuDS) network, as well as areas of publicly accessible open space. There were no protected species found on site, and the proposal would deliver a biodiversity net gain in habitat units, with higher percentage gains proposed for both hedgerow and river units. There are also no outstanding objections from the Council or its consultees, subject to there being suitable conditions imposed relating to construction management, habitat management and monitoring and external lighting.

### *Flood risk and drainage*

65. Residents are concerned over the increase in surface water run-off / additional pressure on drainage systems created by the extent of hardstanding and built development. Gaydon flooded badly in the past and I heard from local residents about the damaging effects of this. The Drainage Strategy Report and Flood Risk Assessment<sup>35</sup> sets out how surface water will be managed through SuDS. This would be secured by conditions, with run-off rates restricted to existing greenfield rates, thereby ensuring that there is no increase in flood risk either on or off the site. Areas of existing surface water risk within the site would be managed through the drainage design and site layout. Foul drainage can be accommodated within the existing network, and this would also be the subject of a condition. There are no unresolved flood risk, drainage or utilities issues before me, and no objection from the Lead Local Flood Authority<sup>36</sup>.

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<sup>32</sup> CD 5.104; CD 5.105

<sup>33</sup> CD 5.63

<sup>34</sup> CD 6.76

<sup>35</sup> CD 6.102 and CD 6.103

<sup>36</sup> CD. 7.108

## *Highways*

66. Numerous concerns have been raised regarding additional HGV and commercial vehicle movements that would be generated by the proposal. This is particularly in relation to pressure on Junction 12 of the M40, the B4100 and surrounding local roads, with concerns around congestion, highway capacity, conflict with local traffic, and overall road safety. Whilst I understand these legitimate concerns, there are no outstanding objections from statutory consultees, and it is common ground between the main parties that there would be no harmful effect on highway safety or unacceptable increases in traffic. The Transport Assessment<sup>37</sup> and Transport Assessment Addendum<sup>38</sup> provide sufficient evidence on this matter. The planning obligation would provide for a range of active travel improvements such as improved bus services and cycle access. Furthermore, conditions would secure these off-site high way works and improvements.

## *Living conditions*

67. I heard from many residents that they had concerns that the proposal would materially harm their living conditions through increased noise, disturbance, lighting and air pollution, including the potential for 24-hour operations. Again, these are legitimate concerns.
68. However, based on the evidence before me, the lighting, noise and air quality assessments submitted as part of the Environmental Statement and subsequent Addendums<sup>39</sup> confirm that, subject to agreed mitigation measures, the proposal would not result in any unacceptable effects on the living conditions of nearby residents. These include acoustic fencing, control of fixed plant and operational noise, and a Construction Environmental Management Plan. There are also no concerns raised by the Council in this regard. Several of these mitigation measures would also be controlled by conditions.

## **Planning obligation**

69. The planning obligation provides for the following:
- Pedestrian/Cycle Infrastructure – Active Travel Contribution of £350,000
  - Public Transport (Bus) Services contribution of £1,030,275 and Bus Service Voucher
  - Monitoring Fee
70. A CIL Compliance Statement<sup>40</sup> sets out comprehensive justification for the obligations, and none are disputed by the main parties.
71. The pedestrian / cycle link contribution has been requested by Warwickshire County Council (WCC) to ensure that pedestrian and cycle facilities can be provided between the proposed commercial development and the wider area. The contribution has also been considered necessary by Active Travel England. This link would improve legibility within the site and in the local area, creating a safe and attractive environment for walking, wheeling and cycling. Two identified potential

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<sup>37</sup> CD 5.99

<sup>38</sup> CD 6.100

<sup>39</sup> CD 5.64; CD 5.65; CD 5.83; CD 5.129; CD 6.77; CD 6.78; CD 6.94

<sup>40</sup> CD 8.2

schemes<sup>41</sup> have been put forward by WCC which would directly serve the development:

- Kn01 – Southam Road/Kinton Road /(Kineton-Chadshunt-Gaydon) – Path/cycle track through open space
- L22 – Leamington – Lighthorne Heath and Gaydon - potential new or upgraded cycle route.

72. The development could potentially generate a significant number of car based journeys to and from the site. The Bus Service Contribution would allow the existing bus service/s in the area to be extended to serve the site and provide an alternative mode of travel. This would be supplemented by a bus service voucher for the employees of each commercial unit. Each voucher would allow free bus travel for a minimum continuous period of 6 months. The voucher would be available to employees for a period of 12 months commencing on the date when that commercial unit is first occupied.

73. Based on the evidence before me, all of the obligations would be necessary to make the development acceptable; directly related to the development; and fairly and reasonably related in scale and kind to the development. This would be compliant with the tests in the Framework and the CIL Regulations.

### Planning Balance

74. The less than substantial harms arising to the setting of the heritage assets are all at the low or very low end of the range. This is an agreed position between the parties, and I also agree. The public benefits arising from the proposal would far outweigh the harm to the significance of the designated heritage assets. However, a harm remains and this is of limited weight.

75. The harmful effects of the proposal on the character and appearance of the area would be truly very great. There would be conflict with the development plan policies which seek to ensure landscape character and quality is maintained and development is sensitive to the landscape character. This is of substantial weight against the proposal.

76. There would be a loss of agricultural land, which although not best and most versatile, would be harmful, and is of very limited weight.

77. In terms of benefits, the proposal would contribute to meeting the substantial and immediate need for I&L land within South Warwickshire, in a sustainable, prime and recognised employment location. There is no current remedy to address this shortfall, aside from reliance on the draft local plan, which had not reached Regulation 19 stage at the close of the inquiry. Furthermore, any supply that is allocated is unlikely to deliver in the short to medium term. The Framework specifically supports this industry, recognising that decisions should address the specific locational requirements of different sectors, making provision for storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation.

<sup>41</sup> CD 8.2 Appendix 5a-5c

78. The scale of need, and the lack of a solution via a plan led system in the short to medium term, and the specific national policy support means this benefit is of very substantial weight.
79. The proposal would also provide considerable employment opportunities, including indirect and supply chain employment, through both construction and operational phases. It is agreed that there would be in the region of 1,786 on-site jobs, 1,679 jobs at a local level and 2,679 jobs at a regional level created, along with around 106 FTE jobs per annum over an anticipated 4 year build period on site, and support for 357 net additional jobs at a local level. This is of substantial weight.
80. Additionally, the provision of space for AML, a strategically important business to the local economy would be of moderate weight. Delivery of biodiversity net gain (which is not mandatory in this case) at a level materially higher than that which could be required by the development plan is also of moderate weight.
81. There would be a commitment to a minimum of BREEAM 'Very Good', which exceeds the requirements of the development plan. This is of limited weight. The provision of new public open space that exceeds policy requirements, and would also be to the benefit of the wider local population is of limited weight. Off-site highways improvements and public transport improvements would also be a benefit to the wider population and this is of limited weight.
82. Overall, whilst there would be substantial harm to the character and appearance of the area, it must be said that developments of this type are enormous, generally on greenfield sites, and close to the strategic road network. They will always be prominent, create large scale change to the landscape character, and have a significant visual impact. There is an unavoidable, axiomatic impact, and developments of this scale cannot normally nestle into a landscape, given the large platforms that are necessary to accommodate the buildings.
83. Therefore, although this is a matter which weighs heavily against the proposal, the scale and immediacy of need, along with the location adjacent to the M40, coupled with all the other benefits means that, on balance, the economic and social benefits would outweigh the harms, such that there would be compliance with Policies CS.22, CS.1 and, by default Policy AS.10, of the CS. These policies seek to support development that provides for a wide range of business and commercial activity in sustainable locations to support and foster the growth and competitiveness of the District's economy, provide more jobs and improve the vitality of the local business environment. This compliance with Policies CS.22, CS.1 and AS.10 would outweigh the conflict with Policies CS.5 and CS.9 of the CS and result in overall compliance with the development plan.
84. Much was made of the out of date nature of the policies most important for determining the appeal. However, as I have found the proposal to be compliant with the development plan, it is unnecessary to examine this any further.

## **Conditions**

85. All pre-commencement conditions are fundamentally necessary to be agreed prior to the commencement of development and the appellant has agreed to their implementation, given the agreement between the main parties in relation to the conditions; save for those discussed below.

86. Conditions 1-3 deal with the statutory time limits and matters to be submitted with the reserved matters. The plans relating to the full and outline elements are listed for certainty [conditions 4 and 5]. Height and floorspace limits for Zones B1 and B2 are necessary to ensure the outline scheme that comes forward is in line with the rest of the scheme [condition 6].
87. A Phasing Plan is necessary given the scale and commercial nature of the proposal, meaning that other conditions can be discharged in line with the Phasing Plan [condition 7]. A construction management plan would be necessary to manage the impact of construction on living conditions and the highway network [condition 8]. Conditions for site investigations, remediation and verification are required to ensure that the site is safe and free of contamination [conditions 9 and 18]. A programme for importation of soil would be necessary to control any imported contamination [condition 10]. Protection measures for all retained trees and hedges would be necessary to ensure that they are safeguarded [condition 11]. Surface water and foul/effluent water drainage schemes would be necessary to ensure that the site is suitably drained [conditions 12 and 13]. Despite the appellant's request to phase the drainage, I agree with the Council that the systems will need to be agreed and implemented for each phase to subsequently 'plug' into it, for it to work comprehensively.
88. A scheme for the internal road layout would be necessary for the safety and convenience of all highway users [condition 14]. A written scheme of investigation for archaeological remains would be necessary to protect any heritage assets on site [condition 15]. An ecological construction management plan would be necessary to manage the effect of construction on habitats [condition 16]. A construction employment skills plan would be necessary to ensure that the local economy benefits from the construction, to ensure compliance with the development plan [condition 17].
89. Finished floor levels and earthworks are controlled by condition to ensure the development is laid out as shown on plan [condition 19]. Materials for all external surfaces, detail of the sprinkler tanks and pumphouses, a hard landscaping scheme and a hard and soft landscaping management plan are necessary to ensure a satisfactory external appearance [conditions 20, 21, 28 and 29]. A detailed lighting strategy is necessary for highway safety, neighbouring living conditions and biodiversity reasons [condition 22]. Details of any fixed plant including air ventilation, cooling, heating, extraction, or odour control systems would be necessary to protect neighbouring living conditions and ensure a satisfactory appearance [condition 23].
90. A total noise level restriction would be necessary to protect the living conditions of nearby residents [condition 24]. Furthermore, a noise management plan would be necessary to control intermittent or more random noise sources, such as forklift trucks or refrigerated trailers, to protect neighbouring living conditions [condition 25]. A condition requiring the acoustic fence to be erected, retained and maintained in good working order is necessary to protect neighbouring living conditions [condition 26]. However, it would be unnecessary to require a separate maintenance scheme as the condition requires it to be maintained.
91. A timetable and phasing plan for the delivery of the soft landscaping works is necessary to ensure timely delivery of these aspects of the scheme [condition 27]. Verification for the installation of the surface water drainage system and surface

- water maintenance plans are necessary to ensure that the drainage system operates as designed to mitigate any flood risk [conditions 30 and 31].
92. A restriction on mezzanine floor use would be necessary to control any unknown increases in commercial floorspace [condition 32]. Implementation of pedestrian and cycling improvements would be necessary to provide safe connectivity and active walking and cycling provision [condition 33]. Construction of the site access and restriction of access onto Pimple Lane is necessary in the interests of highway safety, convenience of highway users and the free flow of traffic [condition 34]. Implementation of cycle storage would be necessary to provide suitable facilities [condition 35]. Electric vehicle charging points are required to be installed to provide suitable facilities to charge electric vehicles on site [condition 36].
93. To encourage public transport, a travel plan for each unit is necessary [condition 38] and to ensure there is suitable infrastructure on site, details of the bus infrastructure is necessary [condition 37]. A Habitat Management and Monitoring Plan is necessary to ensure biodiversity net gain and the protection of wildlife and supporting habitat [condition 39]. Refuse and recycling storage is necessary to ensure appropriate and essential infrastructure is provided for commercial waste and recycling management and to ensure a satisfactory external appearance [condition 40].
94. Policy CS.26 of the CS requires developments to be connected to high speed broadband, and a condition to require this to be implemented is necessary to ensure compliance with the development plan [condition 41]. Evidence of energy performance would be necessary to ensure that the scheme fulfils its intentions to be BREEAM very good or excellent [condition 42]. A condition to ensure sustainability measures are implemented in the development is necessary as this is part of the details in the Climate Change Checklist and the Design and Access Statement [condition 43]. Adequate water supplies and fire hydrants are necessary for firefighting purposes [condition 44].
95. Permitted development rights removal for changes of use is necessary to regulate and control the development of land, as although the uses applied for are appropriate and acceptable in this location, changes under permitted development would not meet the same need identified [condition 45]. Permitted development rights for removal for extensions or alterations is necessary to control and regulate future changes at the site in the interests of the character and appearance of the area [condition 46].
96. It is necessary to control the outdoor storage of materials or other items to ensure a satisfactory external appearance. The height of all outdoor storage should not exceed 5 metres. Whilst the appellants considered that a height of 8 metres would be more appropriate, this could create some visual harm depending on where the storage is located and the height of boundary treatments [condition 47]. Replacement landscaping is necessary to ensure satisfactory long term landscaping [condition 48]. Construction of the internal roads to accommodate HGVs is necessary given its intended purpose [condition 49].
97. All conditions suggested by the Council that referred to items to be submitted with the reserved matters application/s have not been imposed. This is because they are not necessary to make the development acceptable.

## **Conclusion**

98. For the reasons set out above, the appeal is allowed.

*Katie McDonald*

INSPECTOR

**APPERANCES**

|                                          |                                               |                                                                                                  |
|------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>For the Local Planning Authority:</b> |                                               |                                                                                                  |
| Hugh Richards, Counsel                   |                                               | Instructed by Stratford on Avon District Council                                                 |
| He called                                |                                               |                                                                                                  |
|                                          | Nick Ireland<br>BA(Hons) MTPI MRTPI MIED      | Director, Icen Projects Limited (Economics Team)                                                 |
|                                          | Sam Green<br>BSc (Hons) MA                    | Planning Policy Officer, Stratford on Avon District Council                                      |
|                                          | Anne Priscott<br>BA (Hons) CMLI               | Principal, Anne Priscott Associates Limited                                                      |
|                                          | Neil Hempstead<br>BA (Hons) MPhil MRTPI       | Senior Planning Officer, Stratford-on-Avon District Council                                      |
|                                          | Dave Pilcher                                  | Development Management Engineer, Planning & Environment, Warwickshire County Council             |
| <b>For the appellants:</b>               |                                               |                                                                                                  |
| Rupert Warren, KC                        |                                               | Instructed by Nexus Planning Limited                                                             |
| He called                                |                                               |                                                                                                  |
|                                          | Mark Powney<br>BUrbanEnvPlan MBA MRTPI        | Director, Savills (Economics Team)                                                               |
|                                          | Andrew Williams<br>BA (Hons) DipLA DipUD CMLI | Director, Define                                                                                 |
|                                          | Adam Ross<br>BA (Hons) DipTP MRTPI            | Director, Nexus Planning                                                                         |
| <b>Interested parties:</b>               |                                               |                                                                                                  |
| Councillor C Mills                       |                                               | Ward Member for Gaydon, Kineton & Upper Lighthorne, also spoke on behalf of Mr and Mrs McCaughan |
| Adrian Claxton                           |                                               | Chair of Gaydon Parish Council                                                                   |
| Tony Hughes                              |                                               | Local resident                                                                                   |
| Heather Moon                             |                                               | Local resident                                                                                   |
| Jeff Coope                               |                                               | Local resident                                                                                   |
| Martin Winter                            |                                               | Local resident                                                                                   |
| Andy Thomas                              |                                               | Local resident                                                                                   |
| Thomas Edmonds                           |                                               | Local resident                                                                                   |

**INQUIRY DOCUMENTS**

|      |                                                                    |
|------|--------------------------------------------------------------------|
| ID1  | Appellant opening submissions and appearances                      |
| ID2  | Council opening submissions and appearances                        |
| ID3  | Cllr Mills oral submission                                         |
| ID4  | Cllr Mills photographs                                             |
| ID5  | Cllr Claxton oral submissions                                      |
| ID6  | Tony Hughes oral submission                                        |
| ID7  | Wendy and Jonathon McCaughan oral submissions, read by Cllr Mills  |
| ID8  | Wendy and Jonathon McCaughan photographs                           |
| ID9  | Heather Moon oral submissions                                      |
| ID10 | Jeff Coope oral submissions                                        |
| ID11 | Martin Winter oral submissions                                     |
| ID12 | Andy Thomas oral submissions                                       |
| ID13 | Plan for off site highway works – 425.001424.00001_PD02 Revision D |
| ID14 | Letter from Thomas Edmonds                                         |
| ID15 | Updated suggested conditions                                       |
| ID16 | Council closing submissions                                        |
| ID17 | Appellant closing submissions                                      |
| ID18 | Finalised planning obligation                                      |

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted in full must be commenced not later than the expiration of 3 years from the date of this permission.
- 2) Application(s) for the approval of the reserved matters (as defined in condition 3) by conditions of this permission shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The development hereby permitted in outline shall be begun not later than whichever is the latest of the following dates:
  - a) The expiration of 3 years from the date of this permission; or
  - b) The expiration of 2 years from the final approval of the reserved matters; or,
  - c) In the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) Details of the internal access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") of:
  - a) Zone B1 (as shown on plan 31605 PL 212T titled Site Layout Plan and Parameters Plan) shall be submitted to and approved in writing by the Local Planning Authority before any development of Zone B1 commences; and
  - b) Zone B2 (as shown on plan 31605 PL 212T titled Site Layout Plan and Parameters Plan) shall be submitted to and approved in writing by the Local Planning Authority before any development of Zone B2 commences.The development of Zones B1 and B2 shall thereafter be undertaken in accordance with the approved details.
- 4) The development hereby permitted in full shall be carried out in accordance with the following plans and drawings:
  - Site Location Plan – 31605-PL-210B
  - Site Layout Plan & Parameters Plan – 31605-PL-212T
  - Unit 4 Site Layout Plan – 31605-PL-213H
  - Unit 5 Site Layout Plan – 31605-PL-214F
  - Unit 6 Site Layout Plan – 31605-PL-215G
  - External Finishes and Fencing Plan – 31605-PL-216G
  - Unit 4 Floor Plans – 31605-PL-221D
  - Unit 5 Ground Floor Plan – 31605-PL-222E
  - Unit 6 Ground Floor Plan – 31605-PL-223D
  - Unit 4 Office Floor Plans – 31605-PL-225A
  - Unit 5 Office Floor Plans – 31605-PL-226B
  - Unit 6 Office Floor Plans – 31605-PL-227B
  - Unit 6 Typical Hub Office Floor Plans – 31605-PL-228A
  - Roof Plans – 31605-PL-229D
  - Unit 4 Elevations & Sections – 31605-PL-230E
  - Unit 5 Elevations & Sections – 31605-PL-231D
  - Unit 6 Elevations and Sections – 31605-PL-232E
  - Unit 5 Gatehouse – 31605-PL-237B
  - Unit 6 Gatehouse – 31605-PL-238B
  - Site Sections – 31605-PL-246E
  - Plant Compound Enclosure – 31605-PL-249 REV A
  - Plant Compound Enclosure – 31605-PL-250 (showing acoustic fence)
  - Detailed Planting Plan (Sheet 1 of 8) – P22-1191\_EN\_0016\_F\_0001

- Detailed Planting Plan (Sheet 2 of 8) – P22-1191\_EN\_0016\_F\_0002
- Detailed Planting Plan (Sheet 3 of 8) – P22-1191\_EN\_0016\_F\_0003
- Detailed Planting Plan (Sheet 4 of 8) – P22-1191\_EN\_0016\_F\_0004
- Detailed Planting Plan (Sheet 5 of 8) – P22-1191\_EN\_0016\_F\_0005
- Detailed Planting Plan (Sheet 6 of 8) – P22-1191\_EN\_0016\_F\_0006
- Detailed Planting Plan (Sheet 7 of 8) – P22-1191\_EN\_0016\_F\_0007
- Detailed Planting Plan (Sheet 8 of 8) – P22-1191\_EN\_0016\_F\_0008
- Earthworks Plan – RAM-HGT-XX-DR-CX-00001 Rev P04
- Topographical Survey (Sheet 1 of 2) – RAM-XX-00-DR-SV-00001 Rev I01
- Topographical Survey (Sheet 2 of 2) – RAM-XX-00-DR-SV-00002 Rev I01
- Proposed Pedestrian Route – 425.001424.00001\_PD02 Rev D
- Visibility Assessment – SK01 Rev D
- Proposed Site Access Arrangement – 226530\_PD01 Rev H
- Swept Path Analysis 16.5m Articulated Vehicle Units 1–3 and 4A–4E – AT\_A01 Rev E
- Swept Path Analysis 16.5m Articulated Vehicle Units 5 and 6 – AT\_A02 Rev E
- Swept Path Analysis Single Deck Bus Stop Manoeuvres – 226530\_AT\_A03 Rev D
- Swept Path Analysis 16.5m Articulated Vehicle Proposed Junction Manoeuvres – 226530\_AT\_A04 Rev D
- Swept Path Analysis Standard Design Vehicle – 226530\_AT\_A05 Rev D
- Swept Path Analysis Standard Design Vehicle Parking Bays – 226530\_AT\_A06 Rev C
- Sprinkler and Pumphouse & Tanks Drawing no. BARD2-ATE-BR-ZZ-DR-Y-002-P02

unless otherwise required by conditions attached to this permission

- 5) The development hereby permitted to which the outline element of this permission relates shall be carried out in accordance with the following plans and drawings:
  - Site Location Plan – 31605-PL-210B
  - Site Layout Plan & Parameters Plan – 31605-PL-212T
- 6) Zones B1 and B2 (as shown on plan 31605 PL 212T titled Site Layout Plan and Parameters Plan), shall not exceed a height of 14.5 metres when measured from the finished floor level and the maximum proposed combined floorspace (GIA) of any proposed units shall be no more than 18,090m<sup>2</sup> in total.
- 7) No development shall commence until a Phasing Plan for the proposed development has been submitted to and approved in writing by the local planning authority. The Phasing Plan shall define the extent and boundaries of each phase of development and identify the sequencing of each phase. The development shall be carried out in accordance with the approved Phasing Plan.
- 8) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to throughout the construction period. The Plan shall provide for:
  - a) the parking of vehicles of site operatives and visitors

- b) loading and unloading of plant and materials, including the times of such loading and unloading
  - c) storage of plant and materials used in constructing the development or stockpiling during development
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - e) wheel washing facilities including location
  - f) measures to control the emission of dust and dirt during construction
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - h) the hours of demolition and/or construction
  - i) details of any piling together with details of how any associated noise and vibration will be monitored and controlled
  - j) the location and noise levels of any site electricity generators or industrial equipment and hours of use of such equipment
  - k) means of access and routing plan for construction traffic
  - l) management of surface water run-off
  - m) contact telephone number(s) and email address(es) of the site manager(s) to be displayed on the site
  - n) details of external lighting required during construction
  - o) measures to prevent degradation of the public highway by construction vehicles.
- 9) No development shall commence until a site environmental investigation report based on the conclusions (Section 7) of the Phase 1 Environmental Site Assessment (Project No 1620013270- Environmental) dated August 2022 has been submitted to and approved in writing by the local planning authority. The report shall detail all investigative works and sampling undertaken on site, together with results of analysis and risk assessment to any receptors. Where unacceptable risk is identified by the site environmental investigation report, a proposed remediation strategy (including a quality assurance scheme) shall be submitted to and approved in writing by the local planning authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- 10) If material is to be imported to the site, no development shall commence until a programme for the importation of any soil and material has been submitted to and approved in writing by the local planning authority. The programme shall include the volume, source, nature, method and phasing of material delivery onto the site. The development shall be carried out in accordance with the approved programme.
- 11) No site clearance, preparatory work or development shall commence until a scheme for the protection of the retained trees and hedges (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5, 6.1 and 6.2 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and hedges shall be carried out as approved. The approved scheme shall be kept in place until all parts of the

development have been completed and all equipment, machinery and surplus materials have been removed from the site.

- 12) No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with the details contained in submitted Surface Water Drainage Strategy (Doc Ref. 1620013270-RAM-00-XX-RP-CX-00001 Version 4.0 Submitted August 2025), has been submitted to and approved in writing by the local planning authority.

The submitted scheme shall include the following details:

- a) Plans and supporting evidence to demonstrate that the proposed development can be carried out without increasing flood risk on site or elsewhere.
- b) Detailed drawings and cross sections of proposed mitigation works;
- c) Supporting modelling/calculations that represent the final design and demonstrate the efficacy of the proposed scheme. Such calculations should include accurate representation of local existing structures that will impact capacity within the scheme.
- d) Consideration for existing overland flow rates and routes with evidence of how the proposed site elevations will manage the residual flood risk
- e) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site (in line with the stated 3.8l/s/ha), and the measures taken to prevent pollution of the receiving groundwater and/or surface waters
- f) Proposed SuDS features; specific details such as attenuation features and outfall structures; and demonstrate the performance of the system through network level calculations and exceedance management; and
- g) Include a timetable for its implementation.

The development shall be carried out in accordance with the approved details.

- 13) No development shall commence until a scheme of foul drainage and effluent disposal has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first use or occupation of the buildings.
- 14) No development within a phase (as identified on the approved Phasing Plan) shall commence until a scheme for the internal estate road layout, including footways, cycleways, verges, footpaths, crossing points (for cyclists and pedestrians) and means of accessing individual Units in respect of that phase has been submitted to and approved in writing by the local planning authority. These details shall include large scale plans and sections showing the layout and vertical alignment. No Unit shall be occupied until the estate roads, including footways and cycleways serving it, have been laid out and substantially constructed in accordance with the approved details.
- 15) No development shall commence until the applicant, or their agents or successors in title, has secured and implemented a programme of archaeological work in accordance with a written scheme of investigation and timetable which shall first have been submitted to and approved in writing by the local planning authority.
- 16) No site clearance, preparatory work or development shall commence until an Ecological Construction Management Plan (ECMP) has been submitted to and

approved in writing by the local planning authority. The ECMP shall include details of the measures to be taken to ensure construction works do not adversely affect retained habitats, and all mitigation measures for protected species. The development shall be carried out in accordance with the approved ECMP.

- 17) No part of the development shall commence until a construction employment and skills plan has been submitted to and approved by the Local Planning Authority. The plan shall include the following details:
- a) proposals for recruiting and training local people during the construction of the development;
  - b) any proposed apprenticeships, work experience and school leaver programmes; and
  - c) proposals to engage local small and medium sized enterprises and social enterprises in the supply chain during the construction of the development.
- The approved plan shall be fully implemented and adhered to during the construction of the development.
- 18) Prior to occupation of any phase of the development (as identified on the approved Phasing Plan):
- a) all remediation work approved under the remediation strategy in respect of that phase shall be completed; and
  - b) a completion report in respect of that phase shall be submitted to and approved in writing by the local planning authority. The completion report shall include details of the remediation works and quality assurance certificates to verify that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the phase has reached the required clean-up criteria shall be included together with the necessary waste transfer documentation detailing the waste materials that have been removed from the phase.

If during the works, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and an appropriate remediation scheme and timescales shall be submitted to and approved in writing by the local planning authority.

- 19) The finished floor levels and associated earthworks, including earthwork platforms, of Units 6, 5 and 4 (Units A-E) and associated earthworks, including earthwork platforms for Zones B1 and B2, shall be undertaken in accordance with the details shown on the following plans:
- Plan 31605- PL-212T titled Site Layouts Plan and Parameter Plan
  - Plan RAM-HGN-XX-DR-CX-02001 Rev P04 titled Proposed levels and Contours Sheets 1 of 2
  - Plan RAM-HGN-XX-DR-CX-02002 Rev P03 titled Proposed levels and Contours Sheets 2 of 2
  - Plan RAM-HGN-XX-DR-CX-30001 Rev P04 titled Cross Sections Sheet 1/3
  - Plan RAM-HGN-XX-DR-CX-30002 Rev P04 titled Cross Sections Sheet 2/3
  - Plan RAM-HGN-XX-DR-CX-30003 Rev P04 titled Cross Sections Sheet 3/3
- The finished floor levels of each unit and associated earthworks shall be completed out in accordance with the approved details prior to the first use of that unit.

- 20) No works above slab level for each Unit hereby permitted in full shall take place until a schedule of materials and finishes (including samples and trade descriptions/brochure details where appropriate) to be used in the construction of all external surfaces for that unit have been submitted to and approved in writing by the local planning authority. Such a schedule shall include:
- a) The type, size, colour and profile of all external materials, including roofing and windows materials, to be fixed to the Units/buildings.
- The development shall be constructed in accordance with the approved details.
- 21) Prior to the erection of the Sprinkler Tanks and Pumphouse associated with units 6 and 5 as detailed on Site Layout Plan and Parameters Plan 31605-PL-212T and Drawing showing Sprinkler Pumphouse & Tanks BARD2-AFE-BR-ZZ-DR-Y-002-P02, details of these proposed works shall be submitted to and approved in writing by the local planning authority and thereafter shall be erected in accordance with the approved details prior to the associated unit coming into first use. Such details shall include the siting, design, appearance, materials of construction and colour finish of such equipment.
- 22) Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the units/buildings), details shall be submitted to and approved in writing by the local planning authority. These details shall comprise specifications of the equipment and any supporting structures, together with the position, size, height, type, luminance/light intensity, direction and cowl and the hours at which such lighting is to be operated.
- All external lighting shall be erected, installed and operated in accordance with the approved details.
- 23) Prior to occupation of any unit/building hereby permitted, details of any fixed building services plant to serve that unit/building shall be submitted to and approved in writing by the local planning authority. Such details shall include the siting, design, appearance, materials of construction and (colour) finish of such plant, together with any noise control measures, filtration of grease and odour control measures and manufacturers maintenance recommendations. The fixed building services plant shall be installed in accordance with the approved details prior to occupation of the unit it serves.
- 24) The total level of noise emitted from operational sources and all fixed building services plant on the site shall not exceed the following rating levels:
- 41dBLAr,Tr when measured at Measurement Position LT1 (B4100 Road, Southwestern side of the site as shown on the Noise Survey Measurement Location Plan on page 2 of the Ramboll Noise Survey at Appendix 12.1 of Environmental Statement Volume 2: Chapter 12 Noise) between 07:00 hours -23:00 hours and between 23:00-07:00 hours
  - 53 dBLAr,Tr when measured at Measurement Position LT2 (Eastern side of the Site as shown on the Noise Survey Measurement Location Plan on page 2 of the Ramboll Noise Survey at Appendix 12.1 of Environmental Statement Volume 2: Chapter 12 Noise) between 07:00 and 23:00
  - 49dBLAr,Tr when measured at Measurement Position LT2 (Eastern side of the Site as shown on the Noise Survey Measurement Location Plan on page 2 of the Ramboll Noise Survey at Appendix 12.1 of Environmental Statement Volume 2: Chapter 12 Noise) between 23:00 and 07:00

The rating levels are free-field values. All measurements shall be made in accordance with the methodology of BS4142:2014+A1:2019; Methods for rating and assessing industrial and commercial sound unless subsequent amendments to the standard and monitoring are agreed in writing with the Local Planning Authority.

- 25) Prior to occupation of each unit, a Noise Management Plan shall be submitted to and approved in writing by the local planning authority. This shall include details relating to the proposed operation of the Unit to reduce external noise levels including, but not restricted to:
- The extent of the use of forklift trucks and any other loading/unloading equipment outside the confines of each of the Units, reduction in noise breakout from the loading bays and details of the reversing alarms that are to be employed by vehicles using the unit and the associated service yard and parking areas.
- Should any units operate, or intend to operate, with refrigerated trailers, then a suitable mains power supply connection to power refrigerated trailers shall be installed and made available for use prior to any units hereby approved coming into first use. Not less than 50% of refrigerated trailers at any unit shall be operated through a suitable mains power supply connection at any one time. Thereafter the Unit shall be operated in full accordance with the approved Noise Management Plan
- Details regarding the implementation of the approved elements of the Noise Management Plan and when they were implemented shall be submitted to the local planning authority upon written request.
- 26) The acoustic fence shown on approved plan 31605-PL-212T titled Site Layout Plan and Parameters Plan and 31605-PL-250 titled Plant Compound Enclosure shall be erected prior to the first occupation of any of the Units, and thereafter permanently retained and maintained in good working order.
- 27) Prior to any works above ground level a timetable and phasing plan for the delivery of the soft landscaping works, detailed in:
- Detailed Planting Plan (Sheet 1 of 8) – P22-1191\_EN\_0016\_F\_0001
  - Detailed Planting Plan (Sheet 2 of 8) – P22-1191\_EN\_0016\_F\_0002
  - Detailed Planting Plan (Sheet 3 of 8) – P22-1191\_EN\_0016\_F\_0003
  - Detailed Planting Plan (Sheet 4 of 8) – P22-1191\_EN\_0016\_F\_0004
  - Detailed Planting Plan (Sheet 5 of 8) – P22-1191\_EN\_0016\_F\_0005
  - Detailed Planting Plan (Sheet 6 of 8) – P22-1191\_EN\_0016\_F\_0006
  - Detailed Planting Plan (Sheet 7 of 8) – P22-1191\_EN\_0016\_F\_0007
  - Detailed Planting Plan (Sheet 8 of 8) – P22-1191\_EN\_0016\_F\_0008
- shall be submitted to and approved in writing by the local planning authority. The works shall be fully implemented in accordance with the approved timetable and phasing plan and thereafter retained as approved.
- 28) Prior to any works above ground level for the full elements of the development, a hard landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) location, type and material of all hard surfaces, including specifications and details of manufacturer, type, design, colour and bonding pattern, as applicable;
  - b) levels of any paths

- c) the position, design, materials and means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedges and banks), where applicable;
- d) car parking layout and any other vehicular and pedestrian access and circulation areas;
- e) a timetable and phasing for its implementation.

The works shall be implemented in accordance with the approved timetable and phasing details and thereafter retained as approved.

- 29) Prior to the first occupation of any of the Units for the full elements of the development, a hard and soft Landscape Management and Maintenance Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall include:
- a) maintenance schedules including: (i) details of the nature and frequency of maintenance for all elements of the soft and hard landscaping; (ii) measures to repair or replace any equipment such as benches, paths or hardstandings that become damaged; (iii) measures, and to replace any trees, hedges, shrubs, flowers or turf which may die or become diseased; (iv) long term design objectives; and (v) the relevant British Standards to be achieved in respect of future standard of maintenance and repair to be achieved.
  - b) proposal for the future management responsibilities in respect of the hard and soft landscaping;
  - c) proposals for securing public access to confirmation that the Proposed Open Parkland to the south west of the site as shown on drawing number plan 31605-PL-212T titled Site Layout Plan and Parameters Plan; and
  - d) a programme for its implementation
- The management and maintenance shall thereafter be carried out in full accordance with the approved Plan for the duration of the development
- 30) Prior to the occupation of any unit/building within each phase (as identified on the approved Phasing Plan), a Verification Report for the installed surface water drainage system for each phase shall be submitted in writing to and approved in writing by the local planning authority. The Verification Report shall be prepared by a suitably qualified independent drainage engineer and shall include:
- a) Demonstration that any departure from the agreed design is in keeping with the approved principles.
  - b) Any As-Built Drawings and accompanying photos
  - c) Results of any performance testing undertaken as a part of the application process (if required / necessary)
  - d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
  - e) Confirmation that the system is free from defects, damage and foreign objects
- 31) Prior to the occupation of any unit/building within each phase (as identified on the approved Phasing Plan), a detailed, site specific surface water maintenance plan in respect of that phase shall be submitted to and approved in writing by the local planning authority. The maintenance plan should include:
- a) The name of the party responsible, including contact name, address, email address and phone number

- b) Plans showing the locations of features requiring maintenance and how these should be accessed.
  - c) Details on how each relevant feature shall be maintained and managed for the life time of the development.
- Thereafter, the development shall be maintained in accordance with the approved plan.
- 32) Any mezzanine floors erected at the development shall be used only for the accommodation of plant, machinery, building services, or maintenance access and for no other purpose.
- 33) No part of the development shall be occupied until the following pedestrian and cycle improvement works (as shown on plan 425.001424.00001\_PD02 Rev D and titled Proposed Pedestrian Route) have been completed and are available for use in accordance with a scheme previously submitted to and approved in writing by the local planning authority:
- a) an extension to the existing footpath to the north of the B4100 and new zebra crossing facilities; and
  - b) widening of the existing footpath leading from the B4100 to the north of the proposed crossing facilities to the south of the B4100/ Kineton Road roundabout.
- 34) Prior to the first occupation of any of the Units, the access to the site for vehicles off the B4100 shall be laid out and constructed within the public highway in general accordance with plan 226530\_PD01 Rev H titled Proposed Site Access Arrangement.
- Except for the maintenance access off Pimple Lane, which shall only be used by maintenance vehicles associated with the Proposed Open Parkland to the south west of the site and by no other vehicles, access for vehicles to the development shall not be made or maintained from any public highway other than the approved access off the B4100 (approved plan 31605-PL-212T titled Site Layout Plan and Parameters Plan).
- 35) Notwithstanding the details shown on plan 31605-PL-212T titled Site Layout Plan and Parameters Plan, prior to the first occupation of any of the Units hereby permitted in full, covered cycle parking, including for electric bikes, shall be laid out and provided in accordance with details previously submitted to and approved in writing by the local planning authority. The covered cycle parking shall be permanently maintained and retained for such purposes shall be kept permanently free from any other forms of obstruction.
- 36) Prior to the occupation of any Unit/building within each phase (as identified on the approved Phasing Plan):
- a) at least 10% of the visitor parking spaces within that phase shall be provided with an operational electric vehicle charging point (EVCP) rated at a minimum of 16 amps, and;
  - b) at least 10% of staff parking spaces within that phase shall be provided with an operational EVCP rated at a minimum of 32 amps;
- in accordance with details that previously submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, numbers, design, rating and appearance of the EVCPs. The charging points shall be retained and maintained in perpetuity in accordance with the approved details.

- 37) Prior to first occupation of any of the Units, details of the on-site Bus Infrastructure shall be provided and approved in writing by the local planning authority. No Units shall be occupied until the infrastructure has been laid out, constructed and is available for use in accordance with the approved details.
- 38) Prior to first occupation of each commercial unit hereby permitted, a travel plan for that unit shall be submitted to and approved in writing by the local planning authority. Each travel plan shall be in general accordance with the Framework Travel Plan (version 3) dated 12 February 2025 and shall include:
- a) details of a travel plan coordinator; and
  - b) measures that are designed to encourage access to the site by sustainable transport modes (as defined in Annex 2 to the NPPF (December 2024); and
  - c) proposals to submit to the local planning authority a monitoring report in order to demonstrate how the objectives of the travel plan are being achieved.

Each approved travel plan (including any amendments to it that are approved in writing by the local planning authority) shall be implemented at all times from first occupation of the commercial unit to which it relates.

Each commercial unit shall not be occupied otherwise than in accordance with the relevant approved travel plan (including any amendments to it that are approved in writing by the local planning authority).

A travel plan monitoring report shall be submitted to the local planning authority every 12 months from the date when the relevant travel plan first comes into effect for the first 5 years of occupation of the relevant commercial unit.

Thereafter the requirements of the relevant travel plan shall continue to be adhered to.

- 39) Prior to any works above slab level, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to and approved in writing by the local planning authority. It shall include the following:
- a) Description and evaluation of habitat features to be managed.
  - b) Aims and objectives of management.
  - c) Appropriate management options for achieving aims and objectives.
  - d) Preparation of a work schedule.
  - e) Details of the body or organisation responsible for implementation of the plan.
  - f) Ongoing monitoring and remedial measures.
  - g) Details of the body responsible for the long term implementation and delivery of the plan.
  - h) A programme for its implementation.

The HMMP shall be implemented in accordance with the approved details.

- 40) Prior to the occupation of any unit/ building within each phase (as identified on the approved Phasing Plan) a refuse and recycling storage area / facilities in respect of that phase shall have been provided in accordance with details previously submitted to and approved in writing by the local planning authority. Such details shall include the siting, area and screening of such storage area / facilities.
- The refuse and recycling storage area/facilities shall thereafter be retained in accordance with the approved details.

- 41) No unit/building shall be occupied until it has been provided with a connection to facilitate superfast Broadband connectivity.

- 42) Each Unit hereby permitted shall be constructed to achieve at least the BREEAM 'Very Good' standard or equivalent in accordance with the Energy and Sustainability Statement Land at Banbury Road, Gaydon ESL 24-0487. Within 12 months of each Unit hereby approved coming into first use Certification shall be submitted to the local planning authority to demonstrate that the Unit has been constructed to achieve at least the BREEAM 'Very Good' standard or equivalent.
- 43) Prior to the first occupation of any of the Units for the full elements of the development, the sustainability measures set out in the 'Climate Change Checklist' and Design and Access Statement shall be incorporated into the design of the development and/or site layout as relevant. Thereafter, the approved sustainability measures shall be retained and maintained in perpetuity.
- 44) Prior to the occupation of any Units/buildings within each phase (as identified on the approved Phasing Plan), a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes in respect of that phase at the site, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of any unit within the relevant phase and thereafter retained.
- 45) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order with or without modification), Units 4 (Units A-E), 5 and 6 and any Units hereby approved within Zones B1 and B2 as shown on approved plan 31605-PL-212T titled Site Layout Plan and Parameters Plan shall be used for Class B2 (General Industrial), Class B8 (storage or distribution) or Class E(g)(ii)- research and development and Class E(g)(iii) -industrial processes) and for no other purposes specified in The Town and Country Planning (Use Classes) Order 1987 (as amended) or any other provision(s) equivalent to that Class / those Classes in any Statutory Instrument revoking and/or re-enacting that Order with or without modification.
- 46) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no erection, construction or carrying out of any extensions or alterations to the Units hereby approved, under or in accordance with Part 7, [Class H (industrial and warehouse)] of Schedule 2 shall be undertaken.
- 47) No storage of raw materials, finished or unfinished products, parts, crates, packing materials, equipment or waste shall take place within the Proposed Landscaped Zone or car parking areas as shown on drawing no. 31605-PL-212T titled Site Layout Plan and Parameters Plan.  
External storage within all other parts of the development hereby permitted shall not exceed 5 metres in height, measured from the finished level of the adjoining yard surface.
- 48) Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule, if within a period of fifteen years from the date of the completion of the unit/building works OR completion of the landscaping scheme pursuant to conditions 24 and 26 of this decision notice

(whichever is later), any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

- 49) The construction of the internal roads and any service yard serving the development shall comprise a road base designed to withstand a 44-tonne load capacity.

**\*\*\*END OF CONDITIONS\*\*\***