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## Appeal Decision

Inquiry held on 22-25 July, 5-8 August and 12-13 August 2025

Site visits made on 21 July, 25 July, 4 August and 8 August 2025

**by R Catchpole BSc (hons) PhD CEcol MCIEEM IHBC**

an Inspector appointed by the Secretary of State

**Decision date: 22<sup>nd</sup> October 2025**

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**Appeal Ref: APP/M2840/W/25/3362393**

**Land East of Halden's Parkway, Thrapston, Northamptonshire (Easting: 501623 Northing: 278262)**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to determine a planning application.
  - The appeal is made by Mr Benjamin Taylor (Equites Newlands (Thrapston East) Ltd and Mrs M Linell) against North Northamptonshire Council.
  - The application reference is NE/22/00151/FUL.
  - The development proposed is described as a hybrid planning application comprising storage and distribution (Use Class B8) space with ancillary offices; associated infrastructure including earthworks, parking, servicing; and landscaping including new public access links into the site (Outline); with full details of access, and the erection of a storage and distribution unit (Use Class B8) with ancillary offices, access, parking, servicing and landscaping, and, the demolition of all existing buildings and structures, and the re-alignment of an existing farm track (Full).
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### Decision

1. The appeal is allowed and planning permission is granted for a hybrid planning application comprising storage and distribution (Use Class B8) space with ancillary offices; associated infrastructure including earthworks, parking, servicing; and landscaping including new public access links into the site (Outline); with full details of access, and the erection of a storage and distribution unit (Use Class B8) with ancillary offices, access, parking, servicing and landscaping, and, the demolition of all existing buildings and structures, and the re-alignment of an existing farm track (Full) at Land East of Halden's Parkway, Thrapston, Northamptonshire (Easting: 501623 Northing: 278262) in accordance with the terms of the application, Ref: NE/22/00151/FUL, subject to the planning obligation and conditions set out in the schedule at the end of this decision.

### Application for Costs

2. An application for a full or partial award of costs was made by the appellant against North Northamptonshire Council. This application is the subject of a separate decision that will be issued after this decision.

### Preliminary Matters

3. The Inquiry sat on non-consecutive days between 22 July 2025 and 13 August 2025. Unaccompanied site visits were carried out on 21 July, 25 July, 4 August and 8 August 2025. The final three site visits were carried out according to an agreed itinerary which included a driving route and a series of viewpoints in the

wider countryside. An accompanied site visit was also carried out on the 25 July 2025 with representatives of the main parties and a Rule 6(6) party. The Inquiry also sat on the evening of the 5 August 2025 to facilitate interested party submissions.

4. This appeal is against the failure of the Council to issue a decision within the prescribed period. The putative reasons for refusal by the Council are set out in the minutes of the Planning Committee, dated 11 June 2025 and further refined in the Statement of Common Ground (SoCG) between the Council and the appellant. This is the basis upon which I have determined this appeal.
5. As the proposal potentially affects the setting of listed buildings, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. A full application was submitted for Plot 1 in the southwestern corner of the appeal site whilst an outline application, with all matters reserved apart from access, was submitted for the remaining plots. I have had regard to the relevant plans, including the parameters plan, which controls the extent of the outline development.
7. An Environmental Statement (ES) was submitted with the application in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (the EIA Regulations).
8. This was subsequently amended through the submission of further information comprising an ES Addendum and a Non-Technical Summary. These were submitted as part of further appeal submissions made by the appellant on the 26 June 2025. These documents were duly published in the online Core Document (CD) library<sup>1</sup>.
9. The addendum sought to address issues raised by the Planning Inspectorate in relation to the adequacy of the ES. This comprised the definition of significant effects, the provision of a non-technical summary and the extent of best and most versatile land (BMV) that would be affected by the proposal.
10. Opportunities to consider this evidence were present during the course of the Inquiry. Consequently, interested parties had an opportunity to comment and were not prejudiced by its introduction.
11. Given the above, I am satisfied that both the coverage and technical detail of the ES provided an adequate assessment of the environmental effects of the proposed development. Although the area of BMV was disputed, I have no substantiated, alternative technical evidence before me that would lead me to a different conclusion. I note that a previous survey suggested higher grade land was present but that this would only amount to an additional loss of 1.7 hectares (ha) of BMV which I do not consider to be significant in terms of the overall effect. I also find it sufficient to describe the impact of the reserved matters that are still to be approved.
12. Consequently, the ES, together with the other evidence that was submitted during the course of the Inquiry, meets the requirements of the EIA Regulations. A full

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<sup>1</sup> CD 1.3.30

account has been taken of all environmental information in my assessment of the proposal and this has informed my decision.

13. Three parties were given Rule 6(6) status which included Save Titchmarsh and Upper Nene Countryside and Habitats (STAUNCH), Harworth Estates and Investments Ltd (Harworth) and IM Properties Development Ltd (IM).

## **Main Issues**

14. The main issues are:

- the effect on the character and appearance of the surrounding area with regard to the open countryside;
- whether it would preserve the settings, as they relate to the special interest of the Grade I listed buildings known as the “Church of St Mary the Virgin” (Ref: 1265555), the “Church of All Saints” (Ref: 1191528) and the “Church of St Peter” (Ref: 1040308), the Grade II\* listed building known as the “Church of St Michael and All Angels (Ref: 1227141) and the significance of Titchmarsh Conservation Area;
- the effect on the significance of scheduled monuments known as “Titchmarsh Roman Town” (Ref: 1485751) and “Titchmarsh Castle Moated Site and Fishponds” (Ref: 1011038) as well as a non-designated heritage asset comprising Castle Manor Farm;
- whether there would be an adverse effect on the integrity of the Upper Nene Gravel Pits Special Protection Area and Ramsar site;
- whether it would preserve the special scientific interest of Titchmarsh Meadows Site of Special Scientific Interest;
- whether it would be in a sustainable location with regard to limiting the need to travel and ensuring a genuine choice of transport modes;
- the effect of the proposal on the safe and efficient operation of the highway network;
- whether there is an established employment and logistics need for the proposal; and
- whether the site is appropriate for development having regard to local and national planning policies that seek to manage the location of new development.

## **Reasons**

### **Site and Surroundings**

15. The appeal site (the Site) covers an area of around 75 ha. It includes a former sand and gravel quarry covering an area of approximately 15 ha. This area subsequently became a landfill waste site before being remediated. The Site is situated to the north of the A14, on the eastern side of Thrapston. It lies immediately to the east of Halden’s Parkway employment area. It is separated by a minor road (‘Islington’) which runs along the western site boundary. The A14 runs along the southern site boundary.

16. Castle Manor Farm is located within the site boundary, towards the southeastern corner. A second residential property, Rectory Farm Bungalow, is located on the southwestern edge of the site on Islington. Both would be demolished as part of the proposed development. A third residential property, Rectory Farm House, lies outside of the southern boundary, adjacent to the A14. This is subject to a legal agreement which would lead to its demolition in the event that planning permission is granted.
17. A number of Public Rights of Way (PRoW) are present in the wider landscape. These are generally situated to the north and east of the Site and include a number of routes that radiate from Titchmarsh, which lies to the north. Routes also extend across the landscape, to the west and the north of Titchmarsh, which connect it with the River Nene valley to the west of the Site. There are no PRoW within the site itself.

### Proposed Development

18. The application is in hybrid form with full planning permission sought for an initial phase of development of around 16 ha. This would result in a storage and distribution area, with ancillary offices and associated works. The proposed building on Plot 1 would have a gross internal area of around 49,704 m<sup>2</sup>. This would include a warehouse (Use Class B8) as well as ancillary office space (Use Class E). Full planning permission is also sought for the principal estate road and site access, as well as the ancillary areas associated with Plot 1.
19. The remaining plots are in outline with an indicative masterplan showing how they might be developed. The parameters plan identifies a single development zone within the Site. This is capable of accommodating a range of storage and distribution (Use Class B8) building types and sizes. Up to 6 further buildings are proposed, subject to reserved matters, as defined on the parameters plan. The area where these buildings and ancillary infrastructure would be located is defined by a future development plateau covering an area of around 34 ha. This means that around 50 ha of the site would be occupied by built infrastructure.
20. All buildings would be restricted to a maximum ridge height of 24 metres (m). This would be fixed, via the parameters plan, to a maximum height of 79.5 m Above Ordnance Datum (AOD), based on a finished floor level of 54.5 to 55.5 m AOD. This approach means the development plateau, upon which the proposed buildings would sit, would be below the ground level of Halden's Parkway. Whilst the maximum height of the proposed buildings may be taller than the neighbouring buildings in absolute terms, in relative terms, the proposed buildings would sit at a slightly lower level.
21. The proposed site access would be formed by a new roundabout from the junction of Huntingdon Road and Islington, in the south-western corner of the site. Traffic restrictions and site management measures have been proposed to prevent HGVs (Heavy Goods Vehicle) turning right and going north, along Islington.
22. The proposed parameters for the outline scheme also include a landscaped earthwork bund around a significant part of the site boundary. The proposed structure would vary in height and would typically be between 7 m and 10 m higher than the lowered ground levels within the Site.

23. The bunding would be subject to structural planting. This would include new woodland and other planting which would form part of the wider landscaping and proposed green infrastructure. In addition, the scheme includes a new potential 'greenway' link outside of the bund, with planting along its northern edge, running past the proposed sustainable drainage and on-site biodiversity gain area.
24. The proposal would also include: highway upgrade works at the A14 Junction 13 and two other junctions along the A605 to the west of the site; the provision of new drainage features as part of a site-wide Sustainable Drainage System (SUDS) strategy; a new pedestrian/ cycle path along the northern edge of the site extending from Islington to the west and linking to existing permissible routes to the east; improved cycle and pedestrian links from the Site to Thrapston; and the diversion of the existing access track to the retained farm buildings to the south of the site, adjacent to the A14.

#### Policy Context

25. For the purposes of Section 38(6) of the Town and Country Planning Act 1990, the development plan for the area comprises:
- North Northamptonshire Joint Core Strategy 2011 - 2031 (2016) (JCS)
  - East Northamptonshire Part 2 Local Plan (2023) (LP)
26. Specific policies of relevance in the JCS are as follows:
- Policy 1 (Sustainable Development) This policy states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework 2024 (the Framework). It goes on to state that sustainability, within the context of North Northamptonshire, means contributing to delivering the Plan Vision and Outcomes through compliance with the relevant policies of the development plan.
  - Policy 2 (Historic Environment) This policy seeks to ensure that development proposals conserve and, where possible, enhance the heritage significance and setting of heritage assets in a manner commensurate to their significance. It goes on to state that proposals should complement the surrounding historic environment through the form, scale, design and materials that are used as well as protect and, where possible, enhance key views and vistas of heritage assets, including the church spires along the Nene Valley and across North Northamptonshire.
  - Policy 3 (Landscape Character) This policy seeks to conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design and management. It also seeks to protect landscape setting and ensure that development proposals contribute to maintaining the individual and distinct character of landscapes as well as the separate identities of settlements by preventing coalescence. It stresses the need to provide appropriate landscape mitigation.
  - Policy 4 (Biodiversity and Geodiversity) This policy seeks to secure a net gain for biodiversity and protect key assets for wildlife and geology, in particular, the Upper Nene Valley Gravel Pits Special Protection Area and

Ramsar Site. It highlights the need for Habitats Regulations Assessment for all proposals likely to have an adverse impact on this site. More widely, it seeks to reverse the decline in biodiversity and restore ecological networks, at a landscape scale, in the Nene Valley Nature Improvement Area and stresses the need for protection and recovery of priority habitats and species linked to national and local targets through good design and developer contributions. It recommends that permission is refused for development proposals where significant harm to biodiversity and geodiversity assets cannot be avoided, mitigated or, as a last resort, compensated. The weight accorded to an asset will reflect its status in the hierarchy of biodiversity and geodiversity designations. Among other things, it states that development proposals need to take account of the Upper Nene Valley Gravel Pits Special Protection Area and Northamptonshire Biodiversity Supplementary Planning Documents.

- Policy 5 (Water Environment) This policy seeks to ensure that development contributes to reducing the risk of flooding and the protection and improvement of the quality of the water environment. Among other things, proposals should incorporate SUDS wherever practicable, to reduce flood risk, improve water quality and promote environmental benefits.
- Policy 8 (North Northamptonshire Place Shaping Principles) This policy seeks, among other things, to ensure high quality development is achieved by creating connected places, making safe and pleasant streets and spaces, ensuring spaces are adaptable and flexible, creating a distinctive local character and ensuring quality of life, health and safety of communities.
- Policy 10 (Provision of Infrastructure) This policy seeks to ensure the timely delivery of infrastructure, services and facilities necessary to meet the needs arising from specific development and to support the wider development of North Northamptonshire.
- Policy 11 (Network of Areas) This policy seeks to distribute development to strengthen the network of settlements in accordance with the roles in Table 1 and to support delivery of the place-shaping principles set out in Table 2. In particular, it states that Growth Towns will be the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development. Market Towns, such as Thrapston, will provide a strong service role for their local communities and surrounding rural areas with growth in homes and jobs to support regeneration and local services, at a scale appropriate to the character and infrastructure of the town.
- Policy 15 (Well Connected Towns) This policy seeks to strengthen connectivity within and around settlements by managing various aspects of development. This includes designing development to give priority to sustainable means of transport.
- Policy 16 (Connecting the Network of Settlements) This policy seeks to strengthen connections between the towns in the Northamptonshire Arc and improve links between the Market Towns and train stations. Among other things, it specifies particular road infrastructure that is required to facilitate development.



- Policy 22 (Delivering Economic Prosperity) This policy seeks to build a stronger more sustainable economy that will deliver a net increase of 31,100 jobs through a number of priority sectors, including logistics.
- Policy 23 (Distribution of New Jobs) This policy sets out the jobs expected to be created through the committed employment sites and sets a minimum target of 31,100 jobs in North Northamptonshire.
- Policy 24 (Logistics) This policy states that logistics proposals, including large scale strategic distribution, will be supported where they comply with the spatial strategy, facilitate the delivery of a mix of jobs and are of the highest viable standards of design and sustainability. It goes on to set out a number of criteria that must be met. Among other things, it requires proposals to have good access to a local labour supply and be accessible to the local workforce through public transport, walking and cycling. Proposals must also provide sufficient infrastructure to mitigate any highway impacts.

27. Specific policies of relevance in the LP are as follows:

- Policy EN1 (Spatial Development Strategy) This policy defines the settlement hierarchy in accordance with the spatial roles set out in the JCS (Table 1) along with local considerations for assessing development proposals. It supports major committed development in Thrapston and provides greater detail on how development should occur in other settlements.
- Policy EN2 (Development Principles) This policy defines the circumstances where development will be generally supported. Among other things, this includes where it would not harm a settlement's character, form, or the surrounding countryside, including the need to avoid compromising key views, heritage assets and their settings, respect the importance of open, greenspace areas within the built-up form of the settlement and seek to conserve special landscape designations.
- Policy EN5 (Local Green Infrastructure Corridors) This policy seeks to protect and enhance local green infrastructure corridors, as identified on the Policies Map and Figure 7 of the LP.
- Policy EN10 (Health and Wellbeing) This policy requires development proposals to demonstrate how the design will contribute positively to health and wellbeing by enabling and promoting healthy lifestyles and minimising any negative health and wellbeing impacts.
- Policy EN11 (Design of Buildings/Extensions) This policy requires development proposals to be well related and, where possible, enhance the surrounding environment. Among other things, it should integrate positively with the surrounding area.
- Policy EN12 (Designated Heritage Assets) This policy states that where proposals affect a designated heritage asset or its setting, great weight will be given to the asset's conservation.
- Policy EN13 (Non-Designated Heritage Assets) This policy requires such assets to be conserved in a manner consistent with their significance. The

assessment of proposals for new development that would impact on the demolition or total loss an asset should take into account its significance and the scale of harm or loss.

- Policy EN15 (Development of Commercial Space) This policy states that proposals for the development of new commercial employment space will be supported where these will deliver flexible managed workspace for small medium, and micro-businesses.

### Character and Appearance

28. The Site is beyond the settlement boundary and situated in the open countryside. Notwithstanding the previously worked land, it has the appearance of rolling, arable farmland that typifies the open areas to the north and east. The field size is relatively large and reflective of modern farming practices.
29. It is partially defined and enclosed by existing hedgerows as well as by the surrounding roads. The southern site boundary includes a relatively continuous, mature belt of trees. A triangular, wooded copse also adjoins the northern site boundary. Open farmland lies beyond the site to the north and east as well as to the south, beyond the A14.
30. The A14 undermines what would otherwise be a tranquil location. The Site is also influenced by the built form of Halden's Parkway to the west, although this is partly mitigated by the mature perimeter planting that is present. The uncultivated, previously worked area has an unkempt, post-industrial visual quality resulting from the ruderal vegetation that has since developed but it nevertheless contributes to the overall openness of the Site.
31. The wider landform is shaped by the River Nene and its tributaries. The site lies beyond the higher eastern valley slopes of the River, within a rolling tributary valley. The land within the Site generally falls towards the east and northeast from the western boundary and Islington. Halden's Parkway development, to the west, occupies higher ground, as does Islington which follows a ridgeline to Titchmarsh. Higher ground is also situated to the east.
32. Titchmarsh and Polopit lay beyond a secondary ridge situated between the Site and the settlement area which occupies a position on the more open southern slopes of the Thorpe Brook tributary valley. It has a more open aspect to the north. I observed that views of the settlement are limited from within the Site, due to the rising ground and intervening vegetation, but that the playing fields and a number of buildings can nevertheless be seen from its northeastern reaches.
33. The Site is not situated within a landscape that is subject to any national, local or other statutory or non-statutory landscape designations. The main parties agree that it is not a 'valued landscape' in policy terms, nor has it been identified as such by STAUNCH. Whilst I recognise the value that is placed on it by the local community, it does not have any particular landscape qualities that elevate it above any other intensively managed, arable landscape which would make it demonstrably different.



34. At a local scale<sup>2</sup>, the Site lies within Landscape Character Area 12c 'Thrapston to Warmington'. This sits within the 'Limestone Valley Slopes' Landscape Character Type (LCT). Among other things, the key characteristics of this LCT include:
- gently undulating farmed slopes bordering the Nene and its principal tributaries;
  - expansive long distance views and wide panoramas across the valley to neighbouring landscapes;
  - very sparse woodland cover comprising small deciduous and occasionally coniferous shelterbelts limiting the sense of exposure locally; and
  - fields generally enclosed by hedgerows with intermittent mature hedgerow trees.
35. Turning to the effects of the proposal. The only technical evidence I have before me on this matter comprises the appellant's Landscape and Visual Impact Assessment (LVIA) which has been completed according to published guidance<sup>3</sup>. There is no dispute between any of the parties concerning how the methodology has been applied nor is there any expert evidence from any accredited landscape specialist to the contrary. There is also no dispute concerning the technical basis of the photomontages that have been produced.
36. The Council agrees the level of landscape and visual harm that would result but disputes whether or not moderate adverse effects would be significant. STAUNCH also dispute the level of adverse effects after 15 years as well as the extent of the visual receptors that were agreed with the Council. The appellant accepts that there would be adverse visual and landscape effects after 15 years but that this would be 'localised'.
37. In relation to significance, the appellant's landscape witness conceded that whether or not a moderate effect was significant could 'go either way' according to published guidance<sup>4</sup>. This is a matter of judgement and even when made, the guidance observes that judgements of significance are not necessarily judgements of acceptability. I note that the Council's consultees on this matter, Place Services, identified significant adverse visual and landscape impacts arising from the scale and massing of the proposed units and that this objection was maintained in a subsequent response<sup>5</sup>. This response took account of an environmental colour assessment and proposed changes to the elevational treatment of the buildings.
38. STAUNCH maintains that the effects would be significant and that there would be a higher level of impact after 15 years. In response to one of my questions, it clarified that this would be particularly in relation to Viewpoints 1, 9 and 8 as well as, to a lesser extent, from Viewpoints 4 and 6. It also identified a number of additional viewpoints in the wider landscape that were not evaluated in the initial assessment. The appellant's landscape witness confirmed that he had subsequently evaluated the additional viewpoints but that his conclusions remained unchanged. He conceded in cross examination that localised effects can be significant but not at year 15 in this particular instance.

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<sup>2</sup> Northamptonshire Current Landscape Character Assessment (CD 7.3)

<sup>3</sup> Guidelines on Landscape and Visual Impact Assessment, 3<sup>rd</sup> Edition (CD 7.5)

<sup>4</sup> Technical Guidance Note (LITGN-2024-01) 2024 (ID43)

<sup>5</sup> CD 9.1 and CD 10.4.1.8

39. It is important to appreciate that photomontages are not intended to be viewed in isolation. The nature of a photomontage and the way that this is perceived by the human eye is such that it is only a representation of the likely impact and nothing more than an aid to decision making. My own observations suggest that whilst the bunding and planting would reduce the impact from a number of viewpoints, substantive residual impacts after 15 years would nevertheless remain at Viewpoints 1, 9 and 8 as well as kinetic views along Islington given the proximity of the proposed development and the surrounding topography. This would include a fore shortening of long-distance views, a loss of hedgerows, a significant loss of openness, disruption of the gently undulating landform, an uncharacteristic increase in tree cover and the introduction of an alien landscape feature in the form of the bund. The appellant's landscape witness conceded that the slopes of the bund would be greater than the existing slopes and describes it as 'uncharacteristic' in his proof.
40. Although the structural planting, if successful, would disguise this uncharacteristic feature, it would lead to an increase in tree cover which would be contrary to the established character of the LCT. Even with this planting, there remains significant visual impacts from these viewpoints, particularly during the winter months, which I find to be significant. Furthermore, I note that the screening would be less effective when viewed from higher ground to the east where the extent of the development would be more readily appreciated. In particular, I note views of the Site from the upper reaches of the Roman road to the east of Titchmarsh, as well as a viewpoint near Chequer Hill Coppice. Whilst eastern views are within the context of the existing development at Halden's Parkway, the proposal would clearly lead to cumulative landscape harm in this context given the significant scale and massing of the proposed development.
41. STAUNCH has also pointed out that the entrance to the site, near Viewpoint 1, would be dominated by a heavily industrialised view and that there would be persistent views along the A14. Whilst an industrialised view would be inevitable on entering the Site, I note the proposed planting along the access road and the fact that it would be elevated from the main development plateau which means that a greater proportion of the buildings would be screened than would otherwise be the case on flatter ground. Consequently, the initial views would be filtered once the planting becomes established. In relation to the A14, the LVIA notes that the distribution buildings to the west of the Site are visible above the vegetation north of the road at Viewpoint 12. Whilst filtered, I observed that they nevertheless remain clearly visible during the summer months and that the proposal would add to this adverse effect.
42. Given the above, I find that the proposal would conflict with Policy 3a and 3d of the JCS that seeks to conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design and management and protect the landscape setting of settlements. I also find that it would conflict with Policy 11(b) in Table 1 because the scale of the development would be inappropriate to the character of Thrapston.

## Heritage

### *Protected Hedgerows*

43. A hedgerow is deemed to be important if it has been present at a location for 30 years or more and satisfies at least one of the criteria listed in Schedule 1, Part II of the Hedgerow Regulations 1997 (as amended)<sup>6</sup>. These criteria relate to either archaeology and history or wildlife and landscape. I shall only focus on the former at this point. For the avoidance of doubt, I identify hedgerows according to the classification in Figure 2 of a Phase 1 Habitat Survey Report<sup>7</sup>.
44. STAUNCH confirmed, in response to one of my questions, that the dispute over the extent of historic hedgerow that would be lost is founded on criterion 5a of the regulations. This states that an important hedgerow can be one “*recorded in a document held at the relevant date at a Record Office as an integral part of a field system pre-dating the Inclosure Acts*”<sup>8</sup>. This is taken as being prior to 1845, which is the earliest of the Acts, although the appellant points out that there is evidence of prior enclosure around Thrapston, as apparent from an earlier map dating from 1781<sup>9</sup>.
45. STAUNCH maintains that there are three hedgerows that meet criteria 5a which would be lost, H13 (H8), H15 (H6) and H18 (H7). It acknowledges that it cannot unequivocally establish the presence of the last two prior to 1945 from documentary evidence. In response to one of my questions, it conceded that 5a did not apply to these hedgerows because they are not recorded in a relevant document held at a Record Office.
46. Although the third hedgerow H13 (H8) is shown on an 1817 OS map, the appellant notes that this is offset from its current location<sup>10</sup>. Given that mapping from this period was subject to a greater degree of cartographic interpretation and variation, in comparison to modern maps, I accept that this hedge was most likely present in 1871. Despite local enclosure being earlier, the legislation is unequivocal concerning the threshold date and the hedgerow consequently satisfies the necessary criterion.
47. Given the above, I find that around 365 m of important historic hedgerow would be lost in addition to the acknowledged loss of 780 m which qualifies under criterion 1 of the regulations.

### *Designated Heritage Assets*

48. The parties agree that less than substantial harm would be caused to the significance of most of the designated heritage assets that I have identified through changes to their setting and that this would be at the ‘lower end’ of less than substantial with the exception of the Church of St Mary the Virgin in Titchmarsh. In response to one of my questions, STAUNCH confirmed that this would be at the ‘higher end’ because the tower would be intervisible with the proposed development. It points out that views of the tower from in and around the Site would be obstructed, including views from the south of the A14. Its heritage

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<sup>6</sup> CD 8.5

<sup>7</sup> Appendix 7.1 of the ES, CD 1.3.8.1

<sup>8</sup> As set out in the Short Titles Act of 1896

<sup>9</sup> ID41

<sup>10</sup> ID55

statement acknowledges that there would be no intervisibility with the proposed development at ground level<sup>11</sup>.

49. The church dates from the mid-12<sup>th</sup> century with later additions and was subject to extensive restoration in the late 19<sup>th</sup> century. It is constructed from regular coursed and squared coursed lias, limestone and cobble with lead-slate and stone-slate roof. It has an aisled nave and chancel with a west tower. The tower dates from the 15<sup>th</sup> century and is in four stages. It has a richly decorated plinth with a quatrefoil frieze surmounted with a double quatrefoil frieze. The predominant architectural style is Early English with later alterations, most markedly in the Perpendicular style. The special interest of the church is not only related to its architectural detailing and historical layering but also its function as an ecclesiastical landmark insofar as this appeal is concerned.
50. The predominant way in which this asset is experienced is associated within the immediate context of the churchyard and the surrounding, historic built environment. I note a more open area with limited views to the west but find the church to be mostly encapsulated by the village which impedes any views of the Site at ground level. Whilst views from the tower are possible, these were not designed to be viewing platforms for parishioners or the general public. Their significance lies in their function as a landmark, an expression of devotion and as a means of housing bells to call the faithful to worship. I do not find the suggestion that its setting would be dominated by the proposal to be credible given the separation distances and intervening landform. However, I do find that a number of views from the south of the Site would be impeded and result in less than substantial harm, at the lower end of the spectrum, as accepted by the appellant.
51. Titchmarsh Castle Moated Site and Fishponds lies on the south-eastern edge of Titchmarsh. It comprises the remains of the moated site of Titchmarsh Castle, a fishpond and the earthworks of the associated water management system. The moat island is almost completely surrounded by a substantial ditch 3m to 4m deep and up to 15m wide. There is an entrance causeway across the ditch in the north-west corner of the moat and in the north-east corner the ditches have been partly infilled. As the list description notes, moated sites served as prestigious aristocratic and seigneurial residences with the provision of a moat intended as a status symbol rather than a practical military defence and are important for the understanding of the distribution of wealth and status in the countryside. The significance of this asset lies in the evidential value of the below ground archaeological remains as well as its prominent, high-status location in the village.
52. There is only limited intervisibility with this asset given the topography and established vegetation and this is only one of a range of factors that are relevant to the significance of this asset. I observed that there were no views of the site from the public domain across the scheduled area but accept that there would be limited views from private land within that area. Whilst there would be changes to its agrarian context from this perspective, this would not alter the evidential value of the asset nor its spatial relationship with the settlement. Concerns have also been raised in relation to this asset regarding the effect of de-watering of the Site. I note the technical response letter, which concludes that any dewatering would not impact on the hydrological regime around this asset<sup>12</sup>. As a consequence, Historic

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<sup>11</sup> CD 10.4.6

<sup>12</sup> CD 1.3.36

England (HE) found that it addressed earlier concerns<sup>13</sup>. In the absence of any technical evidence to the contrary, I find that neither the de-watering nor changes to its setting would adversely affect the significance of this asset.

53. Titchmarsh Roman Town comprises the remains of a mid-1st century AD to early-5th century AD nucleated Roman settlement of around 12 ha at the junction of a Roman road from Leicester to Godmanchester and a Roman road from Water Newton. It is close to a Roman crossing of the River Nene and is one of a series of Roman settlements along the river. It has been scheduled for a number of reasons. It is an example of a Roman settlement and only one of a 130 minor towns, four of which are located along the River Nene. The site is well documented through archaeological investigation and aerial photography and has a group value in relation to the other Roman settlements and the river crossing. Around 12 ha of the town survives with deeply stratified archaeological deposits that are likely to retain significant information.
54. It survives as below-ground remains across fields to the east and west of the A605 which bisects the site and includes a roundabout that would be subject to highway improvement works. The asset lies around 790 m to the north-west of the Site. The remains have been identified through archaeological excavations and the aerial photography of cropmarks. Additional remains, including an inhumation cemetery of around 50 burials is thought to mark the western extent of the town. No upstanding earthworks survive within the arable farmland that currently covers the majority of the site. The significance of this asset lies in the evidential value of its well-preserved, below ground remains.
55. The setting of this asset is strongly influenced by the presence of the A605. There is limited intervisibility between the Site and the scheduled area as a result of the topography and presence of intervening trees and hedges. The setting is also influenced by Halden's Parkway which is visible on the skyline from the scheduled area. Bearing in mind the separation distances and the already partly urbanised nature of the scheduled area, I do not find that the changes that would arise from the proposed development would materially affect its significance through changes to its setting.
56. Turning to direct impacts from the proposed highway improvements, STAUNCH maintains that proposed roadworks are likely to harm the important features that survive at depth in proximity to the roundabout. The appellant maintains that any such impacts would be negligible because of previous removals and recording associated with the footprint of the A605 and the fact that the proposed works would not extend beyond this zone. STAUNCH maintains that HE has not withdrawn its objection to the scheme in relation to this matter and my attention was drawn to its more recent letters<sup>14</sup>. I note that the one dated 7 December 2023 is the final one that substantively addresses this issue.
57. HE notes that deeply buried remains have potential to survive, despite some disturbance associated with previous roadworks and service runs. It states that the scope for detrimental impacts upon surviving buried archaeological remains to be minimised through design or avoided through limiting the existing areas of

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<sup>13</sup> CD 10.4.6.1

<sup>14</sup> CD 10.4.6.1



disturbance. It also states that there was an insufficient level of detail to be certain that impacts would be avoided in the ES Addendum<sup>15</sup>.

58. The appellant points out that HE advised that an application for scheduled monument consent should be made following any planning permission, in order for the highway construction works to take place. This work could be subject to an archaeology condition and detailed through a written scheme of investigation to be agreed between the applicant, the Council's archaeological advisors and HE.
59. Consequently, any potential impact would be mitigated through the grant of consent and archaeological monitoring and reporting thus ensuring that any archaeological remains associated with the scheduled monument are preserved. The appellant notes that similar works have been approved south-east of Orton Longueville<sup>16</sup>. As there is a clear mechanism to control the harm that would be caused, I am satisfied that the significance of this asset would therefore be maintained.
60. STAUNCH highlights the fact that the Zone of Theoretical Visibility<sup>17</sup> covers a wide area and that the proposal would be visible from additional heritage assets. In particular, listed buildings in Clopton and 'numerous parishes' as well as a Grade II listed building known as "Denford Lodge" (Ref: 1040319). However, no detail concerning precisely how the significance of any of these assets would be affected through changes to their setting is before me beyond that the proposed development might be seen in the remote distance. Consequently, I do not find any credible impact given the separation distances involved.
61. Given the above, I find that whilst the proposal would fail to preserve the special interest of the listed buildings and the significance of the CA, as it relates to their setting, I do not find any harm to the significance of the scheduled monuments either through changes to their setting or through any direct impact.
62. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within its setting and that any such harm should have a clear and convincing justification.
63. Given the separation distances and topography of the Site, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. I agree with the appellant that this harm would be at the lower end of less than substantial in all instances on the basis of the evidence that has been submitted as well as my own observations. Whilst such harms can have a significant cumulative effect that tips the balance into substantial harm, I do not find this to be the case in this instance.
64. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In order to do this in a comprehensive manner, the wider planning benefits that coincide with the

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<sup>15</sup> CD 1.3.33

<sup>16</sup> CD 9.35

<sup>17</sup> Figure 8.35, CD 1.3.9.2



public benefits need to be set out. Consequently, the final heritage balance will be made after I have finished addressing the main issues.

65. Given the harm that would be caused to the designated heritage assets and historic hedgerows, I find that the proposal would be contrary to Policy 2 of the JCS and Policy EN12 of the LP and fail to satisfy the requirements of the Act and the Framework.

#### *Non-Designated Heritage Assets*

66. A small site office in the farmyard of Castle Manor Farm is recognised as having two walls built of local limestone. There is the potential that these walls survived from previous farm buildings on site or were constructed reusing stone from the demolished farm buildings when the farmyard was modernised. Additionally, further assets in the form of buried archaeological remains associated with the farm's development may be underneath the modern farm buildings. The appellant views the likely survival of any remains to be low due to the modern construction undertaken at the farm in the 20<sup>th</sup> century.
67. I note that the Council's Conservation Officer agreed that building recording would be appropriate mitigation for its loss and that further mitigation relating to the potential archaeological remains would be secured via a condition for a written scheme of investigation for the whole site. Consequently, I am satisfied that preservation through recording would be appropriate given the limited and equivocal significance of these assets.

#### *Ecology*

68. In its fourth putative reason for refusal, the Council highlighted concerns regarding the effectiveness of mitigation measures relating to adverse effects on the integrity of the Upper Nene Gravel Pits Special Protection Area (SPA) and Ramsar site. It was also not satisfied that the proposed mitigation would overcome adverse impacts on protected species. It chose not to defend this reason at the Inquiry. STAUNCH raises additional concerns regarding the baseline surveys, protected hedgerows, Biodiversity Net Gain (BNG), Titchmarsh Meadow Site of Special Scientific Interest (SSSI) and skylark mitigation.

#### *Baseline Surveys*

69. STAUNCH has significant concerns relating to the adequacy and competence of the surveys that have been carried out as well as their age. As I address the protected species surveys in subsequent sections, I will just focus on the winter bird surveys of the Functionally Linked Land (FLL) and the age of the baseline at this particular point.
70. The winter bird surveys were undertaken over two separate winter periods in 2020/21 and 2021/2022, as is apparent from the results in the appendices of the ES addendum<sup>20</sup>. These were undertaken between November and March in both instances with the survey methodology being broadly based on British Trust for Ornithology territory mapping approach and carried out by an experienced, ornithological surveyor.

71. STAUNCH points out that the local guidelines for assessing FLL state that surveys should include adjacent fields and take place between September to March<sup>18</sup>. This is because golden plover overwintering in Northamptonshire typically arrive mid-September and return to their breeding grounds at the end of April. It also points out that trial trenching affected the results due to disturbance and that the area of assessment changed. The appellant's witness conceded that this affected the site for one month during the survey period.
72. Although clearly not conforming to local guidelines, STAUNCH notes that it nevertheless recorded that qualifying species were above the 1% threshold. However, the inadequacy of the survey meant that an erroneous conclusion concerning likely significant effects infected the shadow Habitats Regulations Assessment (HRA) that could only be addressed through the use of casual records. Be that as it may, this failure does not alter the fact that the proposal now needs to be subject to a HRA and that further data is available to assist my decision making. The point about the inadequacy of the winter bird surveys goes nowhere as a consequence.
73. Turning to the age of the surveys, STAUNCH points out that they are now four years old and that this contrary to best practice which states that after three years ecological reports are unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated<sup>19</sup>. The initial ecological surveys, associated with the ES, were completed in 2021 and comprise a series of survey reports on bats, great crested newts, reptiles, breeding birds and wintering birds<sup>20</sup>. A further wintering bird survey was undertaken in the winter of 2021/2022 and submitted as an ES addendum<sup>21</sup>.
74. The appellant highlights the fact that the scope of subsequent updates was agreed with Place Services at a site meeting on the July 2023. This included a walkover survey on 28 July 2023 and further bat surveys that were completed on 1st and 7th August 2023<sup>22</sup>. Dormouse surveys were completed between August and October 2023<sup>23</sup>. Additional surveys were also conducted during February and June 2025, as well as a further walkover survey in June 2025<sup>24</sup>.
75. Given the above, I find the assertion that all of the surveys are out of date to be unfounded. Whilst not repeated, they have nevertheless been updated in accordance with the wishes of the Council. In the final assessment of the Site, which occurred this year, the appellant notes that additional surveys were not considered to be proportionate to the potential for impacts likely to occur and that the potential for significant impacts remained as assessed in the ES<sup>25</sup>. I note that the management of the Site has also remained unchanged since the publication of the ES, adding further weight to the conclusion that the underlying baseline has not significantly changed despite a small number of additional species having been identified by STAUNCH.

### *Protected Hedgerows*

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<sup>18</sup> CD 7.18

<sup>19</sup> CD 10.4.4.17

<sup>20</sup> CD 1.3.8.2, 1.3.8.3, 1.3.8.4, 1.3.8.5 and 1.3.8.6

<sup>21</sup> CD 1.3.17

<sup>22</sup> CD 1.3.31

<sup>23</sup> CD 1.3.32

<sup>24</sup> Paragraphs 5.2-5.5, CD 10.1.4

<sup>25</sup> Appendix B, CD 10.1.4.1

76. As already stated, a hedgerow is deemed to be important if it has been present at a location for 30 years or more and satisfies at least one of the criteria listed in Schedule 1, Part II of the Hedgerow Regulations 1997 (as amended). These criteria relate to either archaeology and history or wildlife and landscape. I shall only focus on the latter. For the avoidance of doubt, I identify hedgerows according to the classification in Figure 2 of a Phase 1 Habitat Survey Report<sup>26</sup>.
77. STAUNCH maintains that criteria 6(a) and 7(1)(d) of the regulations apply. Criterion 6(a) identifies a hedgerow as being important if contains species listed or categorised as mentioned in sub-paragraph (3). This includes birds that are protected by special penalties that are listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It also includes birds categorised as a declining breeder (category 3) in “Red Data Birds in Britain” Batten LA, Bibby CJ, Clement P, Elliott GD and Porter RF (Eds.). Criterion 7(1)(d) identifies a hedgerow as being important on the basis of at least 5 woody species being present and associated with it at least 4 of the features specified in sub-paragraph (4). The number and type of woody species that are present is ascertained in accordance with sub-paragraph (3). This requires the enumeration of 30 m lengths with numerical adjustment according to the overall length of the individual hedgerow that is being considered.
78. In relation to criterion 6(3)(a), I accept that one such species is present and note that it had successfully bred at the time of the Inquiry in a tree associated with one of the hedgerows that would be removed. However, this species is highly mobile in its choice of nest site from one year to the next, because of the biennial, or even annual, nature of many of the nests it utilises. This is evident from the fact that it has not persistently nested in one location on the Site. As such, it cannot be used to reliably indicate the presence of an important hedgerow due to its transitory usage which varies between years.
79. In relation to 6(3)(b), STAUNCH views the Joint Nature Conservation Committee (JNCC) Red Data Books as having been superseded by *Birds of Conservation Concern 5 (2021)* and notes the presence of red-listed linnet, yellowhammer and house sparrow, which were identified as probable and possible breeders in the appellant’s own breeding bird surveys. It maintains that this would make H18 an important hedgerow under this criterion. However, I find the assertion unfounded as there is nothing in the introductory paragraph of this publication to show that this is the case, as suggested in response to one of my questions. Whilst it is a recognised conservation designation which clearly identifies a decline of these species, I do not have any evidence before me that it has formally replaced the JNCC Red Data Books. Even if this were the case, the legislation points to a particular, albeit out of date, publication and has not been amended. Strictly, under the terms of this legislation, H18 cannot therefore be identified as an important hedgerow under criterion 6(3)(b). That said, the loss of breeding habitat for these declining species would clearly be an adverse effect requiring mitigation.
80. In relation to criterion 7(1)(d), the witness for STAUNCH confirmed that no assessment had been carried out in accordance with 7(3) and that its assertions were opinion based. In contrast, I note that the hedgerows were surveyed individually by the appellant using the Hedgerow Evaluation and Grading System (HEGS) and that they were also assessed against the wildlife and landscape

<sup>26</sup> Appendix 7.1 of the ES, CD 1.3.8.1

criteria of the regulations<sup>27</sup>. These results demonstrate that none of the hedgerows qualify in relation to this criterion although I note the fact that the survey failed to identify the presence of elm, wild privet and Midland hawthorn. Whilst this may have undermined the assessment to a certain degree, I have no alternative assessment before me to the contrary, just opinion-based evidence.

81. Overall, I do not find that there is reliable evidence to conclude that any specific hedgerow consistently qualifies as an important hedgerow against the wildlife and landscape criteria even though, with the exception of H3 and H10, the hedgerows qualify as Habitats of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006 (as amended)(the NERC Act).
82. STAUNCH observes that the HEGS shows that a number of hedgerows are classified as High and it opines that this indicates the presence of 'Very High Distinctiveness Hedgerows' according to unspecified BNG calculation guidance. However, this is again, opinion-based evidence lacking any substantiated basis given the fact that it is unsupported by any systematic field survey. Moreover, I note that 12 out of 24 hedgerows were either low or moderate and that the remaining hedgerows were moderately high to high. None of the hedgerows were of the highest ecological quality according to this classification nor is there any evidence before me which specifically translates the attained gradings into particular BNG categories.

#### *Protected Species*

83. STAUNCH highlights some concerns in relation to bats and dormice. In relation to bats, this relates to the evaluation of potential bat roosts in trees and at Manor Farm, the suitability of the commuting and foraging habitat and the effect of the proposal on Barbastelle bats. In relation to dormice, this relates to the placement of nest tubes.
84. The Bat Conservation Trust guidelines (BCT Guidelines) state that tree surveys for potential roosting features should be preferably carried out during winter months when the leaves are not on the trees<sup>28</sup>. It goes on to recognise that some surveys are nevertheless carried out in the summer months. The appellant's ecology witness stated, in response to one of my questions, that the limited height and generally open canopies of the affected trees were such that the leaves did not significantly obscure views. Having observed some of these trees during my site visit, I concur. I also note that the trees that were identified as having significant potential for a bat roost were subject to ariel inspection and that any features potentially supporting roosts were subject to closer inspection. This included the use of an endoscope, mirror and torch to determine physical presence as well as observations to determine the presence of droppings, urine staining and mammalian oil staining. In my experience, it can also be possible to see these last two indicators from ground level. As such, I do not find the assessment of potential roosting features lacking just because the survey was carried out during summer months. Nor do I find it out of date given the time it takes for potential roosting features to form in trees.
85. Turning to Manor Farm, the appellant acknowledges that it was not possible to enter its curtilage or conduct an internal survey. However, the open nature of the

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<sup>27</sup> CD 1.3.8.1

<sup>28</sup> CD 10.4.4.11, page 46

site and habitats within it enabled the surveyors to view potential commuting routes to/from the building which confirmed that bats were not roosting within the buildings. This comprised a dusk emergence survey undertaken 15 minutes before sunset until 90 minutes after and a dawn re-entry survey undertaken 90 minutes before sunrise and 15 minutes after. Visual observations were supported with full-spectrum, sonogram recordings<sup>29</sup>. In response to one of my questions, the appellant's ecology witness indicated that the buildings would not be suitable for winter roosting due to the need for constant temperatures while bats are hibernating. As such, I find the assessment to be robust. Although Manor Farm was re-surveyed in 2023, STAUNCH maintain that this did not include the barn on the basis that the building was not specifically identified<sup>30</sup>. However, the range of bat detectors is such that individuals leaving and entering that building would have been recorded and therefore observed.

86. Turning to the suitability of the Site, the BCT Guidelines state that an indicator of high suitability is "*continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats*" with hedgerows being identified as one of the supporting landscape features. When this is the case, then up to two surveys per month are recommended between April and October. The appellant has not undertaken these surveys on the basis that a lack of connectivity means that only a low suitability is present.
87. I note that the all the hedgerows on a north-south axis that would be removed are either gappy or go nowhere in terms of connectance to wider landscape features suitable for bat commuting and foraging. Although there is an east-west connection from the triangular woodland, this only connects to the exposed, roadside hedgerow along Islington as opposed to the hedgerow to the east of the woodland which connects to Polopit Brook which is a more suitable commuting and foraging route given its topography and presence of riparian vegetation. Overall, I do not find the Site to be well connected and therefore find the survey effort to be appropriate and proportionate.
88. Turning to the effect of the proposal on Barbastelle bats. STAUNCH stresses the importance of this species and its conservation status. It states that no mitigation has been proposed that would prevent significant impacts on either this species or the other species that have been recorded on the Site. The appellant points out that the bat assemblage is not considered to be significant or exceptional and of no more than local value, even with the presence of the Annex II Barbastelle bats<sup>31</sup>.
89. Although STAUNCH draw comparisons with bat surveys undertaken at Eversden and Wimpole Woods, over a greater number of days at a similar time of year, local climatic conditions would have varied which may have affected the recorded activity. I also have no indication of whether the sampling intensity was the same in terms of the number of static detectors nor whether the same detectors were in fact used. As such, I cannot be sure that it was the same in all respects and that any valid comparisons can be drawn from which the value of the appeal site can be inferred.
90. In terms of bat mitigation, the appellant points out that the proposals would include the creation of potential foraging habitat within the Site that would lead to an overall

<sup>29</sup> CD 1.3.8.2

<sup>30</sup> CD 1.3.31

<sup>31</sup> CD 10.1.4



improvement. This would include the provision of additional habitats such as woodland, scrub, ponds and species-rich grasslands that would increase the availability of invertebrate prey and be of greater value than the intensively managed agricultural habitats that currently predominate. The appellant highlights the fact that the landscape bund would be planted with woodland and scrub grading into flower rich grassland that would be of particular benefit in terms of providing an optimal foraging resource. I also note that this area would provide a substantially more robust connection on an east-west axis in comparison to the existing hedgerow. Whilst there would clearly be short term disruption to foraging and commuting routes, there would be an overall improvement in the longer term. I therefore find the assertion that no suitable mitigation is present to be unfounded and do not find the proposed mitigation lacking.

91. Turning to the adequacy of the dormouse survey, the guidance states that at least 50 tubes should be used to sample a site, spaced at about 20 m intervals<sup>32</sup>. The survey report indicates that 102 tubes were installed in July 2023 with inspection surveys being completed on 29 August, 20 September and the 17 October. It observes that suitable dormouse habitat was limited within the Site but acknowledges that hedges and localised scrub, mature trees and woodland edge were present which could provide commuting and nesting opportunities. The Council's consultee, Place Services, observed that the placement was at 20 m where suitable habitat was present<sup>33</sup>. Consequently, the 100 m spacing occurred where habitat was less suitable for this species.
92. In this respect, I note that the guidance identifies the best hedges has having a high diversity of woody species, no gaps, continuity of food resources throughout the year and that regular cutting 'drastically reduces' the availability of flowers and fruits that may be borne on new wood. The regular cutting means that the presence of a viable population is unlikely even in more suitable sections on the Site. I also note that there are no records of this species having previously occurred on the Site and I have no information before me concerning the location of the nearest population. Under the circumstances I find the survey effort to be proportionate despite not strictly following the recommended guidance.

*BNG*

93. STAUNCH maintain that the calculation of a 22% net gain is flawed and that this is due to the omission and misclassification of some of the baseline habitats. No alternative assessment was submitted to the Inquiry. In response to one of my questions, STAUNCH stated that there would be no net gain. As the proposal was submitted prior to the requirement for mandatory net gain, the calculations are illustrative rather than definitive in this instance, even though I asked for them to be updated. As such, the key question to be resolved is not the precise quanta of net gain and whether the calculation is correct but rather, whether there would be an overall net gain.
94. The appellant points out that the proposed mitigation would comprise native tree and shrub planting which would include provision for semi-mature trees and new hedgerows, as well as wildflower grasslands and aquatic habitat associated with the SUDS area. The proposals would incorporate a significant area of woodland,

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<sup>32</sup> CD 10.4.4.7

<sup>33</sup> CD 10.1.4, paragraph 5.38

woodland edge and scrub planting that can grade into areas of grassland. The inclusion of small embayment's or glades on the periphery, along with the variation in aspect and gradient provided by the bund, would further serve to increase topographic variation increasing the availability of differing microclimates and available niches for wildlife.

95. A dedicated 'biodiversity area' would also be present that could provide a mosaic of habitats, including areas of open grassland, wetland and scrub. The appellant points out that Place Services has suggested that this area could focus on the provision of open grassland habitat to benefit wildlife including skylark, small heath butterfly and over-wintering birds<sup>34</sup>. The landscape concept plan shows the indicative layout of these measures which would be subject to more detailed design and approval at the appropriate stage<sup>35</sup>. Added to this would be the biodiversity benefits associated with the FLL mitigation which would cover an area of 44 ha immediately to the north of the Site.
96. These benefits are balanced against the loss of all internal hedgerows and the partial loss of some sections of boundary hedgerow to facilitate access, a loss of suitable skylark nesting habitat, the loss of FLL for golden plover and lapwing as well as the loss of open, early successional habitat associated with the remediated land. Although the new habitat creation and management of the land immediately to the north of the site for golden plover and lapwing, in large part, would mitigate the losses that would occur, I nevertheless find that there would be an overall net gain bearing in mind the extent and nature of the measures that have been proposed and the fact that the majority of the Site is currently intensively managed, arable land.

#### *Titchmarsh Meadows SSSI*

97. STAUNCH highlight concerns relating to potential adverse effects on this site that might arise from groundwater and surface water pollution as well as changes to water level through the de-watering process that would occur on the Site.
98. The SSSI lies around 1 km to the north-east of the Site and is considered to be hydrologically linked via a drain. It is a small, poorly drained field lying alongside a stream and incorporating a medieval fishpond. Much of the site comprises base rich marsh communities of high botanical interest with calcareous clay and loam pasture on the drier areas. The notified interest is associated with these plant communities and their constituent species.
99. In terms of groundwater connectivity, my attention was drawn to a de-watering assessment which evaluated potential impacts on Titchmarsh Castle Moated Site and Fishponds scheduled monument which is near the SSSI. This indicates that the groundwater in the underlying geological formation generally flows west to east and slightly south, south-east. As such, the groundwater at Titchmarsh is controlled by recharge from higher ground to west, rather than the Site<sup>36</sup>.
100. Turning to surface water flows, the appellant notes that the overall volume of discharge is anticipated to remain the same post-development with the rates likely to be more constant with less extremes. It maintains that this would not

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<sup>34</sup> CD 10.1.4, paragraph 6.41

<sup>35</sup> CD 1.2.8

<sup>36</sup> CD 1.3.36

significantly impact Titchmarsh Meadows SSSI due to the small changes in the rate of discharge together with the distance from the site which would moderate the significance of any such changes. It is also considered that a reduction in water quality of surface run-off is unlikely due to the implementation of appropriate measures within the SUDS proposals<sup>37</sup>.

101. I note that construction phase impacts arising from changes to the volume and quality of water that might be discharged into the drain are capable of being controlled by appropriate conditions and that specific wording to control the impact of diesel spillage during the operational phase has also been suggested. As such, I find that the proposal would not harm the special scientific interest of this site.

#### *Habitat Regulations Assessment*

102. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) requires me to undertake an appropriate assessment of the implications of the plan or project for the SPA in view of its conservation objectives. Whilst the Ramsar site does not have formal conservation objectives, this is not the case for the overlapping SPA. The qualifying bird species of the SPA have a high degree of commonality and therefore its objectives are also relevant to securing the favourable conservation status of the Ramsar bird assemblage.
103. Paragraph 194 of the Framework states that Ramsar sites should be given the same protection as Habitats Sites (European sites), which include SPAs. Government guidance states that any proposals with potential to affect a Ramsar site, either alone or in combination with other plans or projects, require a HRA<sup>38</sup>. The provisions of this assessment are set out in Regulation 63-64 of the Regulations.

#### Screening

104. The Site is within a defined consultation zone of a European site and a Ramsar site:
- The Upper Nene Gravel Pits SPA is located approximately 1.2 km to the north west of the appeal site at its nearest point. It is a discontinuous area of disused gravel pits which extends approximately 35 km and covers an area of approximately 1,358 ha. It is underpinned by two SSSIs comprising Aldwinkle Marsh and Upper Nene Gravel Pits. The qualifying features for the SPA are bittern, golden plover and gadwall. Additionally, it also has an internationally important assemblage of birds which includes lapwing. The extensive open waters and associated habitats collectively form one of the most important inland localities in England for waterbirds in the non-breeding period and regularly supports peak numbers of waterbirds in excess of 20,000 individuals, including significant populations of bittern, golden plover and gadwall.
  - The Upper Nene Gravel Pits Ramsar overlaps with the SPA and is underpinned by the same SSSIs. The criterion features for which it qualifies

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<sup>37</sup> CD 1.3.8, paragraph 7.8.3

<sup>38</sup> Habitats Regulations Assessments: Protecting a European Site, Department for Environment, Food & Rural Affairs, 6 December 2023.

are 5 and 6 because it regularly supports more than 20,000 waterbirds in the non-breeding season as well as 1% of the European mute swan and gadwall population. The range of habitats and varied topography of the lagoons provide valuable resting and feeding conditions for wintering waterbirds, especially ducks and waders including golden plover and lapwing. Noteworthy fauna includes golden plover which accounted for 2.3% of the national population at the time the site was first designated.

105. The conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate and to ensure that it contributes to achieving the favourable conservation status of its qualifying features by, among other things, maintaining or restoring the extent and distribution of the habitats of the qualifying features and the population of each of the qualifying features.
106. The Site Improvement Plan identifies planning permissions as a general threat to the SPA and recommends the development of an SPD for the site. This identifies a number of more specific threats which include poorly located or designed development with potential to lead to the loss of supporting habitat and changes in water quality that could render the habitat unsuitable for waterbirds<sup>39</sup>. As there were no other credible threats, the likely impacts of these effects are screened as follows:
- Upper Nene Gravel Pits SPA – There is a likely impact pathway given the loss of FLL but not from changes in water quality due to the fact that foul water disposal would be within a different hydrological catchment served by the Raunds Water Recycling Centre, located approximately 4 miles to the south of the Site. Therefore, the only credible impact relates to the FLL.
  - Upper Nene Gravel Pits Ramsar Site – There is a likely impact pathway given the loss of FLL but not from changes in water quality due to the fact that foul water disposal would be within a different hydrological catchment served by the Raunds Water Recycling Centre, located approximately 4 miles to the south of the Site. Therefore, the only credible impact relates to the FLL.
107. FLL is supporting habitat beyond the boundary of a European site that is connected to the life and reproduction of a population for which a site has been designated or classified. Land that is used on a regular basis by significant numbers of individuals will be important to the continuing survival, reproduction and viability of the species population associated with the designated site.
108. The screening suggests that likely significant effects would be present in relation to the SPA and Ramsar site and I conclude that the loss of FLL is a credible impact pathway with the potential to have a likely significant effect alone. As such, there is no-need to consider in-combination effects at this stage.

#### Appropriate Assessment

109. Although initial desk-based assessment and field surveys suggested that the Site was not functionally linked, additional records were submitted to the Northamptonshire Biological Records Centre (BRC) which led Natural England (NE) to conclude that the Site is functionally linked to the SPA and that an adverse

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<sup>39</sup> ID22

effect on integrity could not be ruled out<sup>40</sup>. These records show varying numbers, of up to 200 golden plovers, using the Site between 2021 and 2025<sup>41</sup>. The distribution of the records shows that the central and northwestern parts of the Site were favoured and that more than 1% of the estimated population were regularly present. Given the unsuitable nature of the previously worked area and distribution of these records, approximately 60 ha of FLL would be lost.

110. Bearing this in mind and given the conservation objectives and supplementary advice for the site, I cannot rule out, beyond all reasonable scientific doubt, that the proposal would not lead to an adverse effect on the integrity of the SPA and Ramsar site either alone or in-combination with other plans or projects.

### Mitigation

111. I now turn to whether the adverse effects could be mitigated to ensure that any such effects are reduced to an acceptable level and whether the mitigation measures have been secured with the necessary degree of certainty. The mitigation land would cover an area of approximately 44 ha and would be situated immediately north of the Site. It comprises intensively managed arable land with narrow field margins and an approximate field size of between 11 ha and 23 ha.
112. The proposed mitigation would maintain cereal production with specified break crops which would include oats, beans, linseed, sugar beet with overwintering stubble and herbal leys. It would require the incorporation of green manure and organic matter as well as other measures, such as manure spreading, to increase soil organic matter for the benefit of soil invertebrates. Invertebrate abundance would be further enhanced through the creation of beetle banks. Together, these measures would significantly increase the availability of food for the waders in comparison to the current intensive farming methods. Consideration of 'no-till' or 'minimum till' agricultural practices would occur, subject to practicability. The planting of oil-seed rape and any other unspecified non-cereal crops would be avoided, as would over-wintered, cereal stubbles. Disturbance from dogs using footpaths to the south and north of the mitigation area would be controlled by suitable fencing. Annual reporting and monitoring would support adaptive management practices for a period of 80 years.
113. This mitigation was shaped following engagement with NE through its Discretionary Advice Service, where the necessary criteria were set out, which led NE to conclude that it was satisfied that the proposed mitigation would be adequate for golden plover and lapwing which, at that time, covered a smaller area of 22 ha<sup>42</sup>. The Council also concluded that this provided the necessary degree of certainty to rule out an adverse effect on integrity alone in its HRA<sup>43</sup>. The suggestion by STAUNCH that it did not consider the mitigation scheme properly is unsubstantiated and I see no reason why the NE advice should not carry significant weight, as established by the Courts<sup>44</sup>. Furthermore, I have consulted NE over the final version of the scheme and its views remain unchanged. Nevertheless, STAUNCH still questions the suitability of the mitigation land and takes issue with

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<sup>40</sup> CD 10.4.4.14, email dated 21 May 2024

<sup>41</sup> CD 10.4.4.12

<sup>42</sup> CD 9.7

<sup>43</sup> Paragraph 4.1.15, CD 9.31

<sup>44</sup> *Smyth v Secretary of State for Communities and Local Government* [2015] EWCA Civ 174



the lack of existing records, field size, topography, pylons and construction disturbance.

114. Firstly, the lack of records does not mean that golden plover and lapwing have not used this land, merely that they have not been observed. STAUNCHs witness acknowledged, in response to one of my questions, that the casual BRC data that it relied upon had not been subject to any correction for recorder effort and did not comprise any nocturnal observations. I find it reasonable to assume that there would have been a greater focus on the Site and a concomitant recording bias, in comparison with any adjacent land, over the extended period between the application first being made and the appeal. I also note that 15 golden plover were observed on the western part of the mitigation area in 2025, as shown in its own evidence<sup>45</sup>. Even if this record turns out to be in the Site, as suggested by STAUNCH in closing, I see no prerequisite requirement for mitigation areas to already be in use by this species in the advice of NE. Indeed, it would not constitute mitigation if such land were already functionally linked unless the mitigation was seeking to increase the carrying capacity of land that was linked already which was not the case.
115. Turning to the size of the two smaller fields, I note that they are both in accordance with NE guidance because they are not under 10 ha in size. Whilst close to this threshold, NE clearly found this was not an issue when it approved the previous mitigation scheme and the defined, evidence-based threshold is clearly passed in this instance. Furthermore, I observe from STAUNCHs own evidence that more than 200 golden plover were observed on two separate occasions in an adjacent field, of a similar size, immediately to the east<sup>46</sup>.
116. I did not find the topography of the mitigation area to be significantly different to the areas where golden plover have been recorded on the site. Whilst it is suggested that they prefer more level ground this was not substantiated through any peer-reviewed evidence or the use of habitat suitability modelling, as the witness confirmed in response to one of my questions.
117. It was also suggested that a pylon and overhead wires, as well as the proposed bund vegetation, would lead to predator perches that would affect the suitability of the mitigation area. The appellant's ecology witness confirmed that the two main avian predators in this situation were likely to be peregrine falcon and sparrowhawk. Whilst these species have very different hunting styles, neither are likely to take individuals from the ground once a flock has settled. There is consequently only a limited window of opportunity where individuals might be taken and therefore disturbed through avian predation.
118. I also note that there are numerous records of golden plover stretching across the FLL towards the SPA that are either underneath or near the power lines and pylons, as well as the fact that the transmission system runs across the SPA itself. I acknowledge that NE has made a tentative point about powerlines as being a 'problematic feature' in relation to the IM development<sup>47</sup>. However, this was in combination with a range of other factors and is also not supported by what has actually been observed in terms of the distribution of this species.

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<sup>45</sup> CD 10.4.4.13

<sup>46</sup> CD 10.4.4.12

<sup>47</sup> ID60

119. Turning to the potential for disturbance during the construction phase, I accept that this could occur and habituation to this disturbance would not necessarily occur. However, this would be a temporary effect and both golden plover and lapwing are highly mobile species which are able to rely upon an extensive area of FLL in this particular instance<sup>48</sup>.
120. In terms of disturbance during the operational phase, the bund would reflect acoustic disturbance which would also be controlled by condition. Moreover, the buildings and associated yards would be well away from the majority of the mitigation land and this would be hundreds of metres in most instances. A lighting strategy is also subject to a condition that must minimise spillage and have particular regard for roosting and foraging areas within the FLL mitigation area. Bearing in mind the height of the buildings, the topography of the FLL and separation distances, I also do not find that there would be any significant overshadowing of the FLL, even during the winter months.
121. None of the above, nor any other points that STAUNCH raises, gives me cogent reasons to depart from the advice of NE and it is also my professional judgement that the proposed mitigation would clearly improve the food sources for golden plover and lapwing and reduce potential disturbance from dog walkers. There is also an ongoing feedback mechanism whereby management can be adapted to meet changing circumstances on the basis of the observed numbers which requires ongoing reporting to the LPA. This is secured via a section 106 planning obligation (s106) which gives me sufficient certainty that the measures would be effective as it binds future landowners as a land charge which can be enforced against.
122. STAUNCH has made much of a previous Inspector's decision at Wood Lodge Farm and maintains that I must take the same approach in this case<sup>49</sup>. However, it is not the same in all respects given that the presence of FLL was disputed, there was no mitigation strategy secured via a s106 and only a Grampian condition for land which was managed for equestrian use, in small parcels and crossed by a PRoW. The current proposal has been assessed according to its individual merits and a significantly different factual matrix. I therefore give this decision little weight.
123. STAUNCH also maintains that imperative reasons of overriding public interest apply in this instance and that the Council's HRA was flawed for not considering in-combination effects. However, these assertions are predicated on the assumption that the mitigation would not be effective which is contrary to my own findings and the views of NE. Furthermore, where an adverse effect alone is mitigated, there can be no in-combination effects with other plans or projects and there is consequently no need to consider imperative reasons or alternative solutions.
124. Given the above, I am satisfied that the mitigation measures are appropriately secured and are sufficient to rule out adverse effects on the integrity of the SPA and Ramsar site beyond all reasonable scientific doubt. There would be no residual effects arising from the scheme that would be capable of adding to any in-combination effects from other schemes. The effect alone would be mitigated. This would maintain the integrity of Ramsar site and SPA. I am also satisfied that the notified features of the component SSSIs would be preserved given my

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<sup>48</sup> CD 1.3.34

<sup>49</sup> ID1, APP/M2840/W/24/3354297

obligations under s28G(2) of the Wildlife and Countryside Act 1981 (as amended). The proposed development would not consequently conflict with Policy 4 of the JCS.

### Locational Sustainability

125. Policy 24c of the JCS states that logistics proposals should have good access to a local labour supply and be accessible to the local workforce through public transport, walking and cycling. Policy 23b of the JCS supports employment growth which is in Sustainable Urban Extensions (SUE) or strategic sites in order to balance housing and jobs growth and encourage more sustainable patterns of development which is also the principal aim of Policy 11 of the JCS and Policy EN1 of the LP. Paragraph 110 of the Framework requires significant development to be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 118 also requires a travel plan for all proposals that generate a significant amount of vehicle movement. The Council and STAUNCH do not consider that the proposals would comply with this limb given the absence of a significant local workforce and the limited accessibility of the site by means other than private car.

### *Labour Supply*

126. STAUNCH points out that Thrapston has a low number of people who are unemployed and that this stood at around 117 according to the 2021 census. It also points out that Thrapston cannot provide a labour pool for this scale of development and I agree. Instead, the appellant relies upon that fact that a significant proportion of the population is within a 25-minute drive. More specifically, it notes the undisputed fact that around 393,473 of the working-age population are within this drive time and that this is the average home-to-work travel time for the local authority area<sup>50</sup>. It also points out that this labour supply would increase with the construction of new homes at a number of committed SUE.

127. The Council draws my attention to an alternative approach to defining the labour market which considers access by sustainable means alongside labour supply and levels of unemployment<sup>51</sup>. It maintains that the score is 'middling' at best and that this is influenced by market preferences for the A14 corridor in the context of existing stock and commitments. Nevertheless, this study ranks Thrapston fourth out of eleven locations in terms of its growth location recommendation and notes that it has potential for secondary logistics growth if development proposals can demonstrate contributions to mitigate and improve road network issues<sup>52</sup>.

128. The Council points out that Thrapston is a Market Town rather than a Growth Town and that the latter generally have ready access to labour markets, a range of skilled workers and existing unemployed workers. The Council views such towns as better locations to co-locate housing and employment growth because this represents the most sustainable approach to development which prevents urban sprawl and reduces commuting times.

129. The appellant points out that there is poor self-containment within the County with a rate of just 49%, which means that 51% of residents travel outside of the local

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<sup>50</sup> Paragraph 6.3.3, CD 10.1.2

<sup>51</sup> North Northamptonshire Strategic Logistics Study 2024, CD 7.13,

<sup>52</sup> Table 7.1, CD 7.13

authority area for work purposes<sup>53</sup>. A further study also suggests that 54% of Thrapston residents commute for 30 minutes<sup>54</sup>. The appellant suggests that the proposal would improve self-containment rates and reduce commuting times whilst also noting that the Growth Towns would be within the 25-minute drive time.

130. Although both the 25-minute and 30-minute catchments stretch beyond North Northamptonshire, evidence suggests that a significant number of 'competitor workers' i.e. workers with similar jobs, would have a shorter commuting time to the proposed development from within the District<sup>55</sup>. The 2022 study goes on to note that there were 40,000 homes in the housing pipeline within 30 minutes and that this would potentially provide an additional 8,100 workers for the transportation and storage sector. Although this relies on out-commuting from other areas, as highlighted in the Council's closing, there would be clear scope to reduce commuting times given the SUEs that are planned as well as the composition of the local labour force.
131. Whilst I accept that there would be a larger pool of local employees for development in and around Growth Towns, I do not consider a 25-minute car journey to be an excessive commuting time or represent a poor level of accessibility to the wider labour market. This is against a backdrop of poor self-containment within the County, as the appellant points out.
132. As such, there would be some potential re-balancing of the wider labour market and a reduction in the length of journeys that are undertaken. This could consequently limit the need to travel and lead to more sustainable patterns of commuting overall.
133. Whilst I recognise this benefit, the labour supply cannot be considered local in policy terms given that conformity with this policy requires development to accord with the spatial strategy which means that it should draw on local labour markets associated with Growth Towns rather than a wider population within a fixed travel time. It would also not focus employment growth in areas where new housing is planned, as directed by the spatial strategy. As such it would fail to balance the provision of new housing alongside jobs.
134. Given the above, the proposal would conflict with Policies 11, 23b and 24c of the JCS and Policy EN1 of the LP but not paragraph 110 of the Framework because of the potential for the proposal to reduce out-commuting which would consequently limit the need to travel.

### *Alternative Transport Modes*

135. The Council acknowledges that there would be improvements to a footway and cycleways in the vicinity of the Site, as listed in the relevant report<sup>56</sup>. Whilst it accepts that these proposals would help ensure access to the development for non-car users, it maintains that they do not address the fundamental issue that the location of the site is remote from sources of labour<sup>57</sup>. STAUNCH has concerns relating to the effectiveness of the Travel Plan as well as the safety of pedestrians and cyclists. This would be in relation to the lack of connecting walkways in the

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<sup>53</sup> Paragraph 2.5.3, CD 10.1.2

<sup>54</sup> CD 1.1.16

<sup>55</sup> CD 1.1.16

<sup>56</sup> CD 1.3.28

<sup>57</sup> Paragraph 5.68, CD 10.2.1

road service area, a lack of a signalised pedestrian crossing on the A605, south of the Huntingdon Road roundabout, and the fact that the proposed cycle lane would require cyclists to dismount in order to cross the A605. It also suggests that the bus service would not be sustainable if 5% of employees switch to public transport which it equates to around 125 people, according to STAUNCH.

136. The evidence suggests that the scheme would be walkable and cyclable from Thrapston and would be connected to a larger workforce in Kettering, Wellingborough and Raunds by a bus service for 10 years with every new worker being able to avail themselves of free use of that service for 6 months, as secured through the s106. I agree that the use of a bus service is not to be judged solely on whether the trip would be quicker in a car. This is because other factors will influence choices such as convictions about sustainable transport and the affordability of a car for commuting purposes as opposed to the use of a bus.
137. Turning to the Travel Plan, STAUNCH estimates staff of around 2,500 and questions the anticipated levels of homeworking (~125 staff), use of the bus service (~125 staff) and the numbers likely to walk or cycle (~250 staff)<sup>58</sup>. I note that this is higher than the estimated figure of 1,800 jobs in the appellant's planning evidence<sup>59</sup>. I see no reason why a proportion of the office-based jobs would not have a homeworking element given that this has become an established employment practice. The original comments regarding the bus service were made prior to the s106 provision which would have regard to the shift patterns. The characterisation of this service as not being sustainable because of just having 125 passengers is overly simplistic<sup>60</sup>. This is because other passengers would clearly use the service and contribute to its viability. I also note that the potential for the early cancellation of this service is also no longer part of the s106. The service is consequently secured for 10 years with significant initial incentivisation which has a clear potential to establish the necessary patterns of behaviour.
138. Doubts about the proportion of individuals likely to either cycle or walk relate to the attractiveness of these options and associated road safety concerns. I accept that the levels of traffic on the local road network, as well as the frequency of HGVs, are such that cycling is only likely to be undertaken by experienced cyclists. I note the concerns in relation to the need to cross the A605. However, the general arrangement plan shows the retention of the lane splitters at the existing crossing points which would continue to provide adequate refugia for pedestrians and cyclists travelling between the Site and Thrapston<sup>61</sup>. I also observed that there are good sightlines from these crossing points along the Huntingdon Road and the A605. Furthermore, the size of the roundabout is such that there are also clear views of traffic leaving the roundabout from the lane splitters.
139. In terms of road safety, I note the summary of personal injury collisions for this junction shows that there have been no collisions involving non-motorised users over a five-year period and that the collisions involving motor vehicles have only classified as slight<sup>62</sup>. Although an unspecified incident with a cyclist in August 2023 has been highlighted by STAUNCH, I have no evidence of persistent issues

<sup>58</sup> CD 10.4.2.14

<sup>59</sup> CD 10.1.1, paragraph 5.16

<sup>60</sup> Paragraph 69, CD 10.4.2

<sup>61</sup> LWL/701/021 Rev D5, CD 1.3.4.1

<sup>62</sup> Table 2.1, CD 1.3.28



concerning the safety of non-motorised users at this junction<sup>63</sup>. Neither do I have evidence that a lack of connecting walkways in the road service area poses a risk to pedestrians who clearly access this area on a regular basis given the desire line that is present along the grass verge.

140. Given the above, I find that proposed development would be accessible to the, albeit limited, local workforce through public transport, walking and cycling and that there would be a genuine choice of transport modes.

#### Logistics Need

141. There is no dispute that there is an unmet need for logistics which the proposed development would partly address. I have detailed expert evidence before me from three different witnesses suggesting the current need is somewhere between 400-600 ha. None of this evidence is challenged by the Council and its own evidence base suggests an unmet need of at least 107 ha<sup>64</sup>. In closing, the Council suggests that the range of values and different methodologies is such that there can be little confidence in the veracity any single approach or associated level of need.
142. STAUNCH accepts that there is an unmet need but maintains that there is a sufficient supply within the current plan period and that the suitability of sites is best considered through the examination of the emerging local plan. Despite the fact that the local plan is at an early stage, it claims that the scale of the proposed development is such that prematurity would result. It only questions the needs assessment of the appellant and the associated 'suppressed demand' methodology.
143. It also maintains that there are alternative, 'less sensitive' sites along the A14 corridor and that there is an existing supply of 323–337 ha of Class B8 land in North Northamptonshire, according to Savills' own assessment<sup>65</sup>. In particular, it notes that this shows a pipeline of 7 units in the 30,000 m<sup>2</sup> - 40,000 m<sup>2</sup> range, which equates to a 3.5-year supply and 2 units in the 40,000 m<sup>2</sup> – 50,000 m<sup>2</sup> range, which equates to a 2-year supply. It also draws my attention to the opinions of Avison Young which identifies a 6-year supply<sup>66</sup>, as well as the fact that the recent review of the East Northamptonshire Local Plan Part 2 concluded that there was no need for any additional B8 sites to be allocated<sup>67</sup>.
144. The emerging plan is at an early stage and the Council agrees that it can only be afforded very limited weight. It notes that the latest Local Development Scheme was agreed in March 2025 and that a draft plan will most likely be published for consultation at the beginning of 2026, with adoption not expected until the end of 2027<sup>68</sup>. Paragraph 50 of the Framework sets out the limited circumstances in which prematurity can apply and this clearly establishes that a plan must be at an advanced stage. Paragraph 51 goes on to state that prematurity will seldom be justified where a draft plan has not been submitted for examination. As such, I find prematurity to be unarguable at the present time. I also find that deferring decisions so that potential sites can be considered through the local plan

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<sup>63</sup> CD 10.4.2.14

<sup>64</sup> North Northamptonshire Strategic Logistics Study 2024, CD 7.14

<sup>65</sup> Table 5.6, CD 1.1.14

<sup>66</sup> CD 10.4.5.3

<sup>67</sup> CD 9.10

<sup>68</sup> Paragraph 4.29, CD 10.2.1

examination process to be unsatisfactory given the unacceptable delays in decision-making that this would cause.

145. Turning to the local plan examination, I note the conclusion that no further B8 land is required in paragraph 176 of the local plan examination report<sup>69</sup>. However, this conclusion is based on the exceedance of the jobs growth target rather than any explicit consideration of logistics sector requirements or associated market signals. Whilst allocated B8 land is present in the plan area, this is clearly not suitable.
146. The Rule 6(6) parties supporting the development agree that 2.5 ha and above are the minimum size that can accommodate larger 'strategic' sized warehouses of over 9,000 m<sup>2</sup>. They note that this metric is widely accepted across the industry as an appropriate threshold for distinguishing between 'non-strategic' and 'strategic' need. This forms the basis of the assessment of the current supply by the appellant's need witness which considers available buildings (both new and second hand), land of 2.5 ha or more and a pipeline supply of 2.5 ha or more.
147. The building supply schedule of the appellant's need witness gives a total of 114,931 m<sup>2</sup> for buildings, 582,508 m<sup>2</sup> for sites with permission and 395,900 m<sup>2</sup> of allocations<sup>70</sup>. Translated into land area, this comes to a total of 322 ha which is used in the calculation of logistics need. This is more or less equivalent to the supply figure identified by STAUNCH and the appellant consequently takes this into account in reaching its unmet need figure. I note that the Avison Young evidence is not supported by any technical analysis of supply and demand or any detailed consideration of market signals. As such, this opinion-based evidence carries little weight.
148. The Inquiry established that the A14 is a priority route for strategic logistics and this is also emphasised in a number of Council documents<sup>71</sup>. It was built specifically to link the port of Felixstowe to the national motorway network at the junction with the M1 and M6 and provide access to the Midlands and the North. It is essential for the movement of imported and exported goods across the country with Felixstowe accounting for 5.3% of all freight moved through UK ports in 2023<sup>72</sup>. It also provides access to other key freight infrastructure, including the intermodal rail freight terminals at Felixstowe, Ely and Daventry. These connections allow logistics occupiers located along the A14 corridor to integrate rail freight into their supply chains, enabling the efficient movement of goods across the UK by rail.
149. The A14 consequently plays a critical role in enabling the efficient distribution of goods entering and exiting the UK, connecting them to key distribution centres, manufacturing hubs and retail destinations. As such, it is of national importance and ready access to it directly contributes to growth-supporting infrastructure and the networks that support freight and logistics that the Government has identified as a particular priority<sup>73</sup>.
150. The appellant maintains that logistics markets along the A14 corridor are supply-constrained, particularly in relation to strategic units over 9,300 m<sup>2</sup>. This is based on a bespoke Property Market Area comprising a 2.5 km buffer zone on either side

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<sup>69</sup> CD 9.10

<sup>70</sup> Table 8.2, CD 10.1.2.1

<sup>71</sup> Paragraph 5.2.9, CD 10.2.1

<sup>72</sup> Paragraph 5.1.1, CD 10.2.1

<sup>73</sup> CD 7.15

of the A14 between Felixstowe and Rugby which broadly aligns with the 5-minute drive time used in the North Northamptonshire Strategic Logistics Study (2024)<sup>74</sup>. This analysis shows that there are only 2 available buildings within this corridor, namely Unit 1, Crossfire Kettering (9,396 m<sup>2</sup>) and Thrapston 151 Unit 1A, Halden's Parkway (14,035 m<sup>2</sup>) as well as a planning permission for a building at Rothwell North SUE (10,080 m<sup>2</sup>). It concludes that only 33,511 m<sup>2</sup> (3%) is located in proximity to the A14 out of a total supply of around 1,213,099 m<sup>2</sup><sup>75</sup>.

151. The requirements of the prospective occupant of Plot 1, DHL, are not met at these locations because it requires a single, cross-docked, high-bay logistics facility of around 49,703 m<sup>2</sup> with a minimum height of 21 m at the eaves. Although there are a number of sites in Corby, which is just outside the 5-minute drive time, DHL does not find them suitable because they are either below minimum floor/height requirements and/or don't meet locational requirements<sup>76</sup>. It also notes that Westworks is not a suitable alternative, despite being owned by DHL, because it is intended to meet different operational requirements. It maintains that the Site is required because it would enable HGV drivers to make two journeys to Felixstowe and back within an 8-hour shift which would optimise efficiency. Located over nine miles from the A14, DHL maintains that Corby introduces unacceptable inefficiencies in HGV routing and journey times.
152. STAUNCH view the DHL requirements as unique and a contrived attempt to secure permission for a much larger site in the open countryside. It points out that there are no binding contractual obligations and that Symmetry Park in Kettering would serve its needs. However, I note that Symmetry Park is now fully occupied<sup>77</sup> and that there is an established need for more logistics development along the A14 corridor capable of meeting modern warehousing requirements.
153. In general terms the shortfall has been calculated by establishing the need for logistics whilst accounting for completions and supply. According to the appellant, a baseline demand of 948 ha minus a supply of 322 ha leaves an unmet need of 626 ha with a lower estimate of 735 ha leaving an unmet need of 413 ha. The lower estimate is based on an observed 'softening' in net absorption rates across the SEMLEP<sup>78</sup> area during 2023 and 2024 due to macro-economic challenges<sup>79</sup>. Harworth derives an unmet need of 419 ha net developable area whilst IM derives an unmet need of 442 ha. The Council accepted, during the course of the Inquiry, that these assessments are more robust than earlier Iceni work because they are up-to-date and represent the 'best evidence' in relation to current logistics need.
154. Turning to other assessments, the Housing and Employment Needs Assessment (2023) (HENA)<sup>80</sup> identifies an unmet need of at least 140 ha of land for strategic warehousing, in addition to an identified pipeline supply of 277 ha (as of April 2021)<sup>81</sup>. The appellant notes that this value is lower than the average of all four scenarios considered in a 2022 study of warehousing and logistics in the southeast Midlands<sup>82</sup>. This identifies an unmet need of 164 ha which is lower than the 239 ha

<sup>74</sup> CD 7.14

<sup>75</sup> Table 8.5, CD.10.1.2.1

<sup>76</sup> Appendix 3, CD 10.1.1.1

<sup>77</sup> Appendix B, CD 10.1.2.1

<sup>78</sup> South East Midlands Local Economic Partnership

<sup>79</sup> Paragraph 6.1.4, CD 10.1.2

<sup>80</sup> CD 7.12

<sup>81</sup> Paragraph 12.20, CD 7.12

<sup>82</sup> Warehousing and Logistics in the South East Midlands (WLSEM), CD.7.11

that would have been identified had the recommended 'Market Signals – High Scenario' been used in the HENA. The appellant points out that if the more up-to-date supply estimate of 322 ha is compared with the lower demand estimate of the HENA, then there is a shortfall of 205 ha<sup>83</sup>.

155. The North Northamptonshire Strategic Logistics Study (2024)<sup>84</sup> identifies an unmet need of 107 ha. Unlike other studies, it does not provide future demand estimates for employment land. Rather, it provides an analysis of potential locations for future strategic logistics development (above 9,000 m<sup>2</sup>) based on an evaluation of A-road junctions and settlement type. The criteria do not account for market signals, as required by the Framework, and Growth Towns are scored as a positive factor which reflects the policy preference for growth at these locations. The assessment is therefore oriented towards supporting the policy considerations of the JCS, rather than assessing locations from a purely evidential standpoint.
156. I note that the 'supressed demand' methodology of the appellant has been applied in a number of instances and not just by Savills<sup>85</sup>. STAUNCH make much of the examining inspectors' conclusions in relation to the Warrington Local Plan examination<sup>86</sup> even though the Council concluded that the criticism was due to specific circumstances that did not undermine the methodology as a whole<sup>87</sup>. The criticism was founded on an assumption that the demand was overestimated because it included relocations to and from second hand space. As the appellant's need witness points out, the net absorption approach factors in reoccupation of existing space to ensure an accurate evaluation of net demand<sup>88</sup>.
157. Specifically, if there are more move ins over a period, demand is positive indicating more floorspace and land is needed, especially when this coincides with low availability. Conversely, if move outs exceed move ins over a period, demand is effectively negative meaning there is not a need for more floorspace and land, especially if availability is also high. If vacancy is not considered, this can lead to overestimation because the contribution of the building to demand remains positive irrespective of whether it is occupied or not. Consequently, vacancy needs to be taken into account because it represents negative absorption, which is a key market signal.
158. STAUNCH also rely on evidence given by Mr Pestel at a planning inquiry in West Berkshire<sup>89</sup>. The appellant points out that there was no criticism of the 'suppressed demand' methodology in the decision letter and that the point consequently goes nowhere<sup>90</sup>. Although the officer report was critical<sup>91</sup>, no such criticisms were presented as part of the Council's case at the Inquiry and it accepted that the methodology was robust. Consequently, this carries little weight.
159. Whilst I do not find the approach to be flawed, I find the lower need estimate to be preferable due to continuing macro-economic challenges and the fact that it is broadly comparable to the undisputed methodologies that have been applied by

<sup>83</sup> Paragraph 6.1.20, CD 10.1.2

<sup>84</sup> CD 7.14

<sup>85</sup> Paragraph 3.5.2, CD 10.1.2

<sup>86</sup> CD 10.4.5.6

<sup>87</sup> Paragraph 3.6.3, CD 10.1.2

<sup>88</sup> Paragraph 1.7.5 – 1.7.7, CD 12.1

<sup>89</sup> CD 10.4.5.7 and ID19

<sup>90</sup> ID62

<sup>91</sup> CD 1.4.1,

Harworth and IM. Even if these were to be rejected, more dated evidence still identifies significant shortfalls which are greater than the area of the proposed development. As such, I find that there is a significant unmet logistics need along the A14 corridor that the proposed development would help to meet.

## Highways and Transport

160. The Council, contrary to officer recommendation, applied a putative reason for refusal to traffic impacts but chose not the defend that reason at the Inquiry and set out its position in the relevant SoCG<sup>92</sup>.
161. The proposal is supported by technical evidence comprising an ES transport chapter, a transport assessment and a transport assessment addenda<sup>93</sup>. Further evidence on transport matters has also been submitted to the Inquiry by an accredited expert on behalf of the appellant in order to support the round table discussion<sup>94</sup>. There is no objection on highways grounds from the Joint Highways Authorities (JHA) which agreed all of the key technical parameters used in the modelling. They also agree with the findings of the transport assessment process and consider that the proposed measures would fully mitigate the transport impacts of the proposed development<sup>95</sup>.
162. I have no alternative transport assessment before me to suggest otherwise nor any technical evidence to the contrary from a suitably qualified and accredited transport witness. The courts have established that the views of relevant statutory consultees, including highway authorities, should be accorded great or considerable weight and that a decision-maker should only depart from their views where there are cogent and compelling reasons to do so<sup>96</sup>.
163. STAUNCH raise a number of issues, as set out in its position statement, relating to the Northamptonshire Strategic Transport Model (NSTM), trip rates, longer semi-trailers, journey time validation, junction capacity, mitigation proposals and the Travel Plan<sup>97</sup>. As I have already dealt with this last topic, I only consider the preceding issues. Interested parties also highlighted existing highway issues in relation to congestion and road safety. I have also had regard to an IM response to the STAUNCH position statement, which has been agreed with the appellant<sup>98</sup>.
164. The NSTM is a strategic transport model used by the Council which was built and validated in accordance with the nationally recognised parameters for transport modelling<sup>99</sup> using traffic survey data collected in September 2021. A further traffic data collection exercise occurred in October 2022. This demonstrated, to the satisfaction of the JHA, that the earlier 2021 traffic data used was not impacted by abnormal traffic flow fluctuations at the end of the pandemic emergency response. The Council reiterated their approval by email on 28th February 2024<sup>100</sup>. Whilst STAUNCH points out that only two survey points were used in this revalidation, this would have been apparent to the JHA. Furthermore, the appellant's transport

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<sup>92</sup> Appendix 4, CD 6.1

<sup>93</sup> CD 1.3.4, 1.3.4.1, 1.3.26 and 1.3.29

<sup>94</sup> CD 10.1.3

<sup>95</sup> Appendix 4, CD 6.1

<sup>96</sup> *Shadwell Estates v Breckland DC and Pigeon (Thetford) Ltd* [2013] EWHC 12 (Admin) and *Visao Ltd v Secretary of State for Housing, Communities and Local Government and Chiltern DC* [2019] EWHC 276

<sup>97</sup> CD 10.4.2

<sup>98</sup> ID18

<sup>99</sup> CD 8.15

<sup>100</sup> CD 9.21



witness confirmed that the TRICS database shows that 2021 was not abnormal. The assumption that it was abnormal is not supported by any direct measurement. Consequently, this point is unsubstantiated.

165. Turning to the trip rate, peak hour trip generation for the proposed development was agreed with the Council and based on a review of a range of vehicle trip generation surveys of large-scale, pre-pandemic B8 units. The SoCG notes that the adopted non-local vehicle trip rate at Pineham Park had the highest rate with virtually no non-car usage being observed. In order to provide a local comparator with a similar land use, a vehicle trip generation survey of Halden's Parkway was undertaken. The observed rate was significantly lower than the Pineham Park rates. The JHA agreed that the peak hour analysis should apply the average between the locally observed Halden's Parkway rates and those obtained from Pineham Park.
166. STAUNCH suggest that this has led to an underestimate of road traffic impact because the value derived from Pineham Park is not directly comparable because it has a 30:70 B2/B8 use class split. It notes that B8 TRICS data included in an IM scoping document show a substantially higher trip rate than the one that was subsequently adopted which is more appropriate given the B8 nature of the current scheme.
167. However, I note that Halden's Parkway is more comparable than Pineham Park or other sites on the TRICS database in terms of use class and building size as well as being immediately adjacent and reflective of local travel characteristics. In response to one of my questions, the appellant points out that this includes a similar DHL operation as well as a Primark distribution centre. As such, it reflects trip rates of a site with similar land-uses.
168. The averaging of these trip rates with the higher Pineham Park rates is, if anything, conservative and I do not consequently find the adopted approach to be an underestimate. Furthermore, I find the observation that there were 'lost vehicles' to be unfounded because the turning count data was used to inform the agreed trip rates and not the Automatic Number Plate Recognition (ANPR) survey which was only used to inform the development traffic distribution and not the trip rates<sup>101</sup>.
169. Turning to the issue of longer semi-trailers, the appellant suggests that this is essentially a swept path issue. In response to one of my questions, the appellant's transport witness indicated that this had been specifically considered by the Council's road safety team and that no issues were identified due to more recent changes in king pin and tractor configurations. Moreover, I note that in order to avoid changes to existing infrastructure these units are required to pass the turning circle test applied to the existing 13.6 m trailers<sup>102</sup>. As a result, I find the concerns to be unfounded.
170. In terms of journey time validation, the key concern relates to Route 2, Section 2, SB and the results of the model validation report for the Paramics model<sup>103</sup>. In response to my question on this matter, the appellant's transport witness observed that only a 260 m section was out of tolerance and that it was common to get high percentages along short sections of road. The witness also noted that the flows

<sup>101</sup> Paragraph 3.2.10, ID18

<sup>102</sup> Paragraph 3.2.16, ID18

<sup>103</sup> CD 9.39

were generally well correlated and that some failures are typically to be expected and don't invalidate the model. This is reflected in the final conclusion of the report which states that *"the calibration and validation results of the model closely correlate with the observed data and AECOM believe the supporting evidence also provides a reasonable reflection of traffic conditions"*.

171. Furthermore, the Council's validation of the model, according to Department for Transport (DfT) guidelines, is as follows: *"Validation of the model was carried out by comparing observed and modelled journey times and routes selected covered all the major roads within the network. During auditing, it was advised to validate the A14 junction off-slips and the exit links as well. All routes assessed validated within TAG requirements"*<sup>104</sup>. Given the above, I find this concern is also unfounded, as well as wider points about the model.
172. Turning to junction capacity, the appellant's transport witness notes that the junction capacity assessments show that the local road network will either work within capacity during the network peak hours or see only a minor deterioration. Although the witness pointed out that mitigation would remedy the situation, it was conceded that there would be a longer period over which congestion would occur around peak hours. STAUNCH observe high ratio of flow to capacity values which indicates that some junctions are already operating either close to the maximum capacity of 0.85 or exceeding this value. Whilst there are clearly capacity issues that could be exacerbated by the proposed development, the key question is whether the increased traffic flows can be mitigated. Although the putative RfR on transport matters sought to suggest that the appellant needs to address existing congestion, it is only responsible for its own impact.
173. Turning to the mitigation proposals, the JHA concluded that the highway impact from the proposed development would be mitigated by the following improvements prior to first occupation: A14 Junction 13, as shown on drawing reference LWL/701/031 Rev D8<sup>105</sup>; A605/Huntingdon Road Roundabout, as shown on drawing reference LWL/701/021 Rev D7<sup>106</sup>; and A605/Oundle Road Roundabout, as shown on drawing reference STN/HGN/SW/DR/C/0102 REV P02<sup>107</sup>. The requirement to undertake these works is secured through Grampian conditions.
174. Specifically in relation to the A14 junction, I note that traffic signals would enable control of traffic exiting the A14 and reduce the chance of queuing on the A14 occurring. This would also create gaps in traffic on the circulatory carriageway of the junction thereby enabling southbound traffic to enter the roundabout from the A605. The other measures would comprise widened entry and exits at the A14 junction as well as the A605/Huntingdon Road and A605/Oundle Road junctions which would encourage the freer flow of traffic, as would the changes in geometry. I note STAUNCHs scepticism concerning the effectiveness of the proposed changes, however, the views of the JHA are to be preferred on this matter and are to be given greater weight as a result of its expertise.
175. Turning to road safety, I note the updated road safety audit that has been produced<sup>108</sup>. Personal road injury collision data was acquired from North

<sup>104</sup> Appendix O, CD 9.39

<sup>105</sup> CD 1.2.59

<sup>106</sup> CD 1.2.54

<sup>107</sup> CD 1.2.65

<sup>108</sup> Appendix 4, CD 1.3.29

Northamptonshire Council for the most recent five-year period available, 1 February 2020 to 31 January 2025. This data provided the location of each collision within the study area, as well as details on the nature of the collision, such as the collision severity, vehicle types, road conditions, and casualties. The study area considers the links and junctions within the local area and includes all of the junctions that would be subject to the mitigation works.

176. Three collisions were personal injury collisions involving pedestrians/cyclists whilst the remainder only involved vehicles with no further incidents involving either pedestrians or cyclists. The three collisions, whilst regrettable, do not suggest any significant existing road safety issue. The observed collisions on links and at junctions were compared with what would be expected for the road configuration and traffic volume in accordance with the DfT's COBALT software guidance.
177. This analysis identifies that at each of the links and junctions considered within the study area, the number of observed collisions is generally lower than anticipated. This confirms that there are no significant existing highway safety issues at the junctions and links that were considered. As such, there is no reason why the increased vehicle flows from the proposed development would disproportionately increase the number of personal injury collisions on those parts of the road network in the vicinity of the Site.
178. I understand the genuine concerns of a significant number of local residents in relation to this matter and note the representations that have been made by interested parties. There is no doubt in my mind concerning the existing levels of congestion and I acknowledge the fears that further congestion would lead to a deterioration of road safety. However, bearing in mind the proposed mitigation measures as well as the results of the road safety audit, I have no technical evidence before me to suggest that there would be a significant road safety impact. My decision can only be made on the basis of a technical appraisal rather than generalised concerns which are understandably and most commonly associated with such proposals.
179. STAUNCH highlights concerns over the use of Islington by HGVs and suggests that the only way to control movement would be through an ANPR camera given the difficulties associated with enforcing a Traffic Regulation Order (TRO) in a rural location. The Council Highways Authority has indicated that it would not be willing to maintain an ANPR system at that location. It was suggested that the appellant should take on this cost. However, the TRO would be a statutory obligation which the Council has a duty to enforce. I note that they are routinely used to control HGV movements arising from new development and I find it proportionate in this instance. I also note that a contribution towards the implementation and monitoring of the TRO is secured via the s106 and that an operational management plan, with details of HGV routing, would be conditioned which would add a further layer of control.
180. Having carefully considered all of the highway concerns raised by STAUNCH and interested parties, I find that there is insufficient substantiated evidence to suggest that the proposal would lead to an unacceptable impact on highway safety or that the residual, cumulative impacts on the road network, following mitigation, would be severe despite changes to the period over which congestion would occur. There are no cogent or compelling reasons to depart from the findings of the JHA on this matter. Given the above and considering all other matters raised, I find that the

proposal would not conflict with Policies 8, 15 and 16 of the JCS or paragraph 116 of the Framework.

## **Other Matters**

### **Flood Risk and Drainage**

181. The site is located entirely within Flood Zone 1, i.e. land with less than 1 in 1,000-year annual probability of river or sea flooding (<0.1% Annual Exceedance Probability). Interested parties have, however, highlighted regular flooding in Polopit, the Leys and London End during the winter, particularly at the convergence of a number of small watercourses in the Leys area of Polopit.
182. I note that surface water runoff within the Site would be intercepted by a series of gullies and drainage pipes and conveyed to two proposed surface water attenuation ponds located adjacent to its northern boundary. Pollutants arising from oil and diesel spillage would also be intercepted and stored in a separate tank. The two attenuation ponds would be designed to accommodate runoff from rainfall events up to and including the 1 in 100-year event plus a 40% allowance for climate change.
183. Surface water run-off would be discharged to the local watercourse, which runs along the north-eastern site boundary from the attenuation ponds, at the equivalent greenfield run-off rate for rainfall events up to and including the 1 in 100-year return period. The levels within the development would be designed so that any exceedance would be intercepted by the road network within the Site which would be used to convey any excess overland flows towards the attenuation ponds.
184. The submitted Flood Risk Assessment is underpinned by catchment modelling which shows a betterment to existing downstream flood risk<sup>109</sup>. Across all modelled events, it shows that the effect of the development generally leads to a betterment in downstream flood risk compared to the baseline scenario. Although the Polopit area is not explicitly included within the modelling, it is expected that if there is betterment across all modelled events seen in downstream areas of the model, this would also be experienced within Polopit in terms of the connected watercourse and direct discharge from the Site.
185. I note that the flood risk and drainage issues associated with the proposed development has been assessed by the statutory consultees which includes the Lead Local Flood Authority and the Environment Agency. There are no outstanding objections from officers or technical consultees and the necessary mitigation would be secured by suitable conditions which would ensure the ongoing management of the attenuation areas as well as the implementation of a drainage strategy. As with the transport effects, only additional flood risk and drainage effects need to be mitigated rather than discharges from other watercourses that may be contributing to flooding in Polopit.

### **BMV**

186. The planning application was accompanied by an agricultural land quality survey which was not part of the ES. This necessitated the submission of an ES addendum which reflected its findings<sup>110</sup>. The survey concluded that the land is a

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<sup>109</sup> CD 1.3.10.1

<sup>110</sup> CD 1.1.9 and CD 1.3.30

mixture of shallow and brashy soils over limestone and deeper poorly drained clayey soils. The quality of the land is limited principally by wetness and workability together with droughtiness and occasionally topsoil stoniness, which restrict the land to a mix of Grade 3a and 3b. A previous survey of the southern half of the Site, conducted in 1989, showed that it largely comprised Grade 3a soils with two small areas of Grade 2 soil. The current survey shows there would be a permanent loss of 17.2 ha of Grade 3a land.

187. STAUNCH dispute this assessment and maintain that if just the data from the previous survey is considered, there would be a loss of 5 ha of Grade 2 land and 13.9 ha of Grade 3a. It goes on to suggest that the use of 'hand texturing' was not sufficiently robust and that laboratory analysis should have been carried out bearing in mind the higher grades of land that were identified by the previous survey. STAUNCH highlights the fact that guidance suggests that laboratory analysis is necessary where the distinction between adjacent textural groups results in a change in the ALC grade<sup>111</sup>. It also suggests that the presence of calcareous soils should have raised the soil grade which could amount to a loss of as much as 32 ha of BMV.

188. I accept that the survey did not follow the necessary guidelines and that a more accurate evaluation would have been derived from a laboratory analysis. However, the only alternative quantification I have before me from the previous survey suggests that, at most, only an additional 1.7 ha of BMV might be lost which I do not consider to be significant given its magnitude and the fact that it would remain below the statutory consultation threshold. The assertion that it could be as much as 32 ha is unsubstantiated by any empirical evidence and is based only on opinion. Nevertheless, a loss would occur and this needs to be weighed in the planning balance.

## Human Rights

189. An interested party drew my attention to the potential for the proposal to affect the rights of children. Article 3(1) of the United Nations Convention on the Rights of the Child (UNCRC) provides that 'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration'.

190. Although such rights have not been incorporated into UK law, the Courts have indicated that the scope of planning decisions and the nature of the right to respect for family and private life are such that planning decision-making will often engage Article 8 of the Human Rights Act 1998 (as amended) which should be viewed through the lens of Article 3 of the UNCRC<sup>112</sup>. In those circumstances, relevant Article 8 rights are a material consideration that must be taken into account.

191. The mechanism through which the interests of the child would be adversely affected were not detailed but there was a generalised concern that the proposal would have an effect and that this had not been considered by the Council. As the proposed development would not be in close proximity to any residential areas and is associated with private land any such impacts would be indirect and primarily related to increased vehicle movement. As I have already concluded, there would

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<sup>111</sup> CD 10.4.4.5

<sup>112</sup> Stevens v SCLG & Guildford BC [2013] EWHC 792 (Admin)



be no disproportionate effect on road safety and HGV movements along Islington into the village of Titchmarsh would be controlled by a TRO. I have no evidence before me to suggest that there would be any significant, adverse air quality impacts nor any other indirect effect capable of interfering with Article 8 or the rights of a child. Moreover, no detailed argument has been put concerning specific effects on particular properties or individuals.

192. Given the above, I am satisfied that were I to allow this appeal that this would not unacceptably interfere with the rights of the child in relation to the right to a private and family life and home.

#### Planning and Heritage Balance

193. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise<sup>113</sup>.

194. The appellant maintains that the balance in favour of sustainable development applies because the basket of policies most important for determining the appeal are “out of date”. In this respect, Policies 11, 23 and 24 of the JCS are specifically identified but not Policy 2 or 3 of the JCS because these were viewed as not being fundamental to the determination of this case by the appellant’s planning witness. However, I disagree on the basis of the landscape and heritage harm that I have found and consequently consider these to also be part of the basket, as well as Policy EN12 of the LP. Harworth also identify Policy 22 but I do not find this to be determinative and therefore do not include it in the basket. Similarly STAUNCH highlight Policy EN1 of the LP. As it is silent in relation to anything other than committed major development in Thrapston I also do not find it fundamental to my determination.

195. The Courts have established that the proposition that the basket is out of date must be tested<sup>114</sup>. Firstly, by identifying the most important policies and asking if each one is out of date and secondly, by then stepping back and asking if the basket as a whole is out of date. It may be that certain policies may be so determinative that this causes the whole basket to be out of date. The appellant takes this view in relation to Policy 24. The Courts have also established that this is a matter of planning judgement<sup>115</sup>.

196. Policy 24 of the JCS states that logistics proposals, including large scale strategic distribution, will be supported insofar as they comply with the spatial strategy. Policy 11 sets out the spatial strategy and seeks to distribute development to strengthen the network of settlements in accordance with the roles in Table 1 and to support delivery of the place-shaping principles set out in Table 2. In particular, it states that Growth Towns will be the focus for infrastructure investment and higher order facilities to support major employment, housing, retail and leisure development. Consequently, the location of new logistics development in Policy 24 is constrained by Policy 11.

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<sup>113</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)

<sup>114</sup> Paul Newman Homes v SSHCLG [2021] EWCA Civ 15, approving Wavendon Properties Ltd v SSHCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)

<sup>115</sup> CD 10.8

197. As Thrapston is defined as a Market Town, any growth in homes and jobs is only intended to support regeneration and local services at a scale appropriate to the character and infrastructure of the town. There is no dispute that the proposed development would conflict with these policies, but the appellant takes issue with Policy 24 because it has been overtaken by events on the ground which the Courts have identified as an important consideration<sup>116</sup>. This has given rise to a logistics need along the A14 corridor rather than in Growth Towns, such as Corby or Wellingborough, where such development is specifically directed. I find this to be the case due to the significant unmet need that has been identified and the clear market signals which favour the A14 corridor, as set out in this decision.
198. The appellant also points out that this policy has been overtaken by events, namely through changes to the Framework. In this respect, I find this policy to be inconsistent with the Framework which strongly supports market-facing logistics policies and decisions. In particular, the need to identify suitable locations for freight and logistics, address the specific locational requirements of different sectors and make provision for storage and distribution operations in suitably accessible locations that allow for the efficient and reliable handling of goods<sup>117</sup>.
199. The inconsistency emerges because Policy 24 resists logistics development unless it complies with a spatial strategy based on the settlement hierarchy. Although STAUNCH seeks to establish that there have been no substantive changes to the Framework, the version against which the JCS was examined and adopted only has a single reference to market signals and lacks any detail concerning the specific requirements of the freight and logistics sector. The substance of paragraphs 86 and 87 are simply not reflected and I find this policy out of date as a result.
200. Policy 11 of the JCS sets out the spatial strategy and states that development will be distributed to strengthen the network of settlements in accordance with the spatial role allocated to it within the plan. There is a tension between the key themes of the JCS to deliver sustainable development within the settlement hierarchy and the objective to deliver economic prosperity through a more positive and flexible approach.
201. The effect has been to limit the supply of strategic logistics sites needed to meet market demand by restricting it to just four Growth Towns. As with Policy 24, it does not reflect the specific requirements of the freight and logistics sector. This is against a backdrop of significant unmet need of at least 107 ha, according to the Council's own data, let alone the higher estimates that this Inquiry has derived. I therefore find this policy to be out of date as well..
202. Policy 23 of the JCS seeks to stimulate job growth and to ensure that enough land is identified to ensure balanced economic growth and identifies a number of strategic employment sites and SUEs where this should occur. The commentary on this policy confirms that the list of sites is not exhaustive and proposals that deliver jobs growth and economic prosperity will be positively considered, subject to compliance with the plan. This is within the context of the spatial strategy which constrains the delivery of major employment, outside the identified areas, to Growth

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<sup>116</sup> CD 10.8, *Peel Investments v Secretary of State for Housing, Communities & Local Government* [2020] EWCA Civ 1175

<sup>117</sup> Paragraphs 86(c) and 87

Towns. Indirectly, this constrains logistics growth and fails to reflect paragraphs 86 and 87 of the Framework. As such, I find this policy to be out of date.

203. Turning to the other policies in the basket, namely Policies 2 and 3 of the JCS and Policies EN1 and EN12 of the LP, I find these to be consistent with the Framework and this is not disputed by any of the parties. However, stepping back and considering the basket as a whole, I give Policies 11, 23 and 24 greater weight as a result of the bearing they have on the determinative matters of this case and the putative reasons for refusal. Consequently, the basket is dominated by the constraints of the spatial strategy in relation to logistics development and its inconsistency with the Framework. As such, I find the whole basket to be out of date.
204. Both STAUNCH and the Council suggest that there is no trigger in the Framework for any presumption in favour of logistics development. This is because there is no explicit B8 requirement comparable to the requirement for a 5-year Housing Land Supply for residential development that is highlighted in Footnote 8 of paragraph 11(d). However, the footnote highlights what should be done in relation to applications involving the provision of housing and 'includes' this as an example rather than stating that this is the only circumstance in which less weight to policy conflicts may apply. Consequently, the Framework applies this balance where the planning facts require that judgement to be made and it applies to logistics just as much as any other type of development.
205. Paragraph 11(d)(i) of the Framework indicates that where the most important policies are out of date that permission should be granted unless policies in the Framework, that protect assets of particular importance, provide a strong reason for refusing development. Footnote 7 indicates that this applies to designated heritage assets as well as SPA and Ramsar sites. Whilst I have found that there would be no adverse effect on the latter, I have found harm to the former.
206. In terms of the public benefit balance of the harm that would be caused to the designated heritage assets, I am left in no doubt that there are very significant public benefits, specifically in relation to the economic and social benefits of the scheme. This comes at a cost in terms of the failure to preserve the setting of a number of listed buildings and the Titchmarsh Conservation Area. Despite this cost, it seems to me that there is a clear and convincing justification for that harm to be accepted which was at the lower end of less than substantial. Consequently, there is no strong reason to refuse the proposed development in relation to paragraph 11(d)(i).
207. Turning to paragraph 11(d)(ii), this indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appellant has identified a number of benefits that are not of the same material weight in this balance. I shall consider these and group them accordingly.
208. The first group relates to benefits that are either to be expected from any development of the site, simply serve the development itself in terms of mitigation or are a requirement of policy. As such, they are either an inevitable consequence of development or of limited wider benefit and only attract limited weight:

- The delivery of net zero buildings with renewable energy generation would reduce carbon emissions during the operational phase but this is counterbalanced by the construction phase that would lead to significant embodied carbon in buildings with a limited lifespan as well as vehicle emissions. The exceedance of the BREEAM policy requirement is also no more than the market expects in a modern building.
- New green infrastructure including SUDS, structural planting and the provision of new cycling and walking connections are no more than is expected to mitigate the environmental impacts of the scheme and ensure a policy compliant choice of alternative transport modes.

209. The next group is one to which moderate weight can be attached because wider benefits would accrue beyond what would normally be expected:

- Although the appellant contends that BNG of greater than 10% would be achieved, the calculations have been disputed. I nevertheless find that there would be an increase in biodiversity in the longer term in comparison to the intensively managed arable land that currently predominates. This is because new landscaping would include the planting of 10 ha of trees and 1.5 km of new hedgerows as well the creation of a diverse range of new habitats and the more extensive management of 44 ha of adjacent land.
- The drainage scheme would lead to a reduction of the off-site flood risk in Polopit which would be a betterment that would go beyond just mitigating the impacts of the proposal.
- Whilst an investment of around £5 m to improve the highway network is no more than is expected to mitigate the highway impacts of the proposal, there would be additional transport benefits in terms of the additional bus service that would serve the wider community as well as a potential reduction in out-commuting and the encouragement of more sustainable patterns of car use.

210. The final group to which significant weight can be attached comprise benefits that would make a substantial contribution to the local area:

- Meeting the unmet needs of the distribution and logistics sector which would support substantial economic growth and productivity. This would include a significant capital investment of around £120 m in the local economy through the development process as well as the generation of around £111 m gross value added (GVA) per annum. Annual business rates of around £4 m would also be payable to support local services and investment by the local authority.
- Significant new employment opportunities, including indirect and supply chain employment, through both construction and operational phases. This would include around 2,727 full time equivalent (FTE) (gross) new jobs across a range of skills profiles and salary bands which would equate to around 1,800 net additional jobs during the operational phase. There would also be around 142 FTE direct local construction jobs per annum as well as additional indirect and induced construction employment.

- The provision of training and skills initiatives, including links to further education providers.

211. On the other side of the balance are a number of harms:

- The proposal would undermine a plan-led approach that seeks to direct logistics and major employment development to Growth Towns. The planning system should be genuinely plan-led with up-to-date plans that make sufficient provision for infrastructure which meets the locational requirements of particular sectors. Whilst the JCS seeks to secure sustainable development at specific locations, this does not take account of the needs of the freight and logistics sector and it is out of date in this respect but not others which seek to distribute other development in a sustainable manner. I therefore give this harm moderate weight.
- The proposal would lead to adverse effects on the character and appearance of the open countryside. However, this would be within a relatively localised context that has already been influenced by nearby development comprising Halden's Parkway and the A14. Around 15 ha of the site has also been influenced by previous mineral extraction and subsequent landfill. As such, I give this harm moderate weight.
- Less than substantial harm to the setting of a number of listed buildings and the Titchmarsh Conservation Area would be caused. Despite being at the lower end of less than substantial and with the harm being outweighed by the public benefits, I nevertheless give this harm great weight, in accordance with paragraph 212 of the Framework.
- The proposal would lead to a loss of BMV. This would be between 17.2 and 18.9 ha which would be below the 20 ha significance threshold for statutory consultation and also of limited extent in an area with an abundance of such land. As such, I give this harm limited weight.
- The loss of Castle Manor Farm non-designated heritage asset would occur but that harm would be limited bearing in mind the significance of that asset. As such, I give this harm limited weight.
- A loss of approximately 1,145 m of historic hedgerow would occur. This would only affect a small proportion of the total Parish boundary and a hedgerow that lacks any connection at one end. As such, I give this harm limited weight.

212. In the final balance, I regard the significant benefits of the proposed development sufficient to outweigh any degree of policy conflict with respect to a plan-led approach, landscape, heritage and BMV. On this basis, I conclude that planning permission is justified. It follows that the adverse impacts of granting the permission sought in this appeal would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

## Conditions

213. I have considered both the wording and grounds for the conditions agreed with the Council in accordance with the tests set out in paragraph 56 of the Framework.



Subject to the amendments that were considered in the round table discussion, I am satisfied that they meet the necessary requirements. Furthermore, all pre-commencement conditions have been accepted by the appellant in writing and are consequently compliant with the necessary legislation.

214. I have modified condition 23 because any permission relating to highway works would be associated with the land rather than the appellant and because it cannot compel anyone else, such as the Highways Authority, to do something. For the same reason, I have modified other conditions that have obliged the LPA to approve something in consultation with various bodies and organisations.
215. I have also modified condition 42 in order to ensure that the quality and importance of archaeological remains are fully assessed and to give greater clarity over the preservation of remains. I have considered whether highway works should be a pre-commencement condition. However, I do not find this reasonable as these are intended to mitigate impacts that would arise from the operational phase of the development rather than the construction phase. As such, I find that this should be completed prior to first use, as drafted.
216. I consulted over an additional condition relating to the FLL mitigation after the close of the Inquiry and have carefully considered the comments received. On further reflection, I find it would not be reasonable as climate variation and a host of other factors could affect migratory patterns which means that the numbers recorded waders would not be solely indicative of the success or otherwise of the proposed management practices. Consequently, this is best considered through the annual reporting and adaptive management, as secured through the s106.

### **Planning Obligation**

217. The completed s106 is dated 28 August 2025. It was subject to refinement during the course of the Inquiry and a completed version was submitted after it closed. It is an agreement between Equities Newlands (Thrapston East) Ltd, North Northamptonshire Council, Margaret Mary Linnel and Alun Camp.
218. The Council provided a justification for the contributions as well as the calculations for the amounts that have been sought<sup>118</sup>. It is satisfied that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
219. For the reasons set out and after careful consideration, I agree with the Council's assessment and that it therefore accords with paragraph 57 of the Framework.
220. The s106 sets out the following financial contributions:
- £2,193,672 bus service contribution with tapered payments over a 10-year period under Scenario A with 20% payable upon commencement, 20% upon first occupation, 10% on the second to fourth anniversaries and 5% on the fifth to tenth anniversary;
  - £2,500 monitoring fee payable upon commencement.
  - £6,000 TRO monitoring contribution payable upon first occupation.

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<sup>118</sup> CD 11.2

- £10,000 TRO implementation contribution within 30 days of the grant of planning permission.
- £6,000 Travel Plan monitoring fee payable upon first occupation.
- £500 FLL monitoring contribution paid annually for a period of 80 years.

221. More broadly, the s106 secures the following deliverables:

- Public transport travel card which entitles the bearer to free travel for a period of six months upon first occupation of each unit.
- Provision of approximately 44 ha of FLL mitigation immediately to the north of the Site with associated management and monitoring for a period of 80 years.
- An approved bus services strategy prior to first occupation and the submission of annual bus service review data for a period of 10 years.
- The demolition of Rectory Farm House prior to first occupation of the proposed development.

222. STAUNCH is of the opinion that the trigger point for the demolition of Rectory Farm House is inadequate because the owners are not party to the agreement and because of construction phase impacts. However, the owners of this property do not need to be party to it because the trigger applies to the development and construction phase impacts are controlled by suitable conditions.

### **Conclusion**

223. For the above reasons and having regard to all other matters raised, I conclude that subject to the attached schedule of conditions and the obligations in the s106, that this appeal should be allowed.

*R Catchpole*

INSPECTOR

## **ABBREVIATIONS**

ANPR – Automatic Number Plate Recognition

AOD – Above Ordnance Datum

BCT Guidelines – Bat Conservation Trust Guidelines

BMV – Best and Most Versatile

BNG – Biodiversity Net Gain

BRC – Biological Records Centre

CD – Core Document

DfT – Department for Transport

ES – Environmental Statement

FTE – Full Time Equivalent

Ha – Hectares

Harworth – Harworth Estates and Investments Ltd

HE – Historic England

HEGS – Hedgerow Evaluation and Grading System

HENA – Housing and Employment Needs Assessment (2023)

HGV – Heavy Goods Vehicle

HRA – Habitats Regulations Assessment

IM – IM Properties Developments Ltd

JCS – North Northamptonshire Joint Core Strategy 2011-2031 (2016)

JHA – Joint Highways Authorities

JNCC – Joint Nature Conservation Committee

LCT – Landscape Character Type

LP – East Northamptonshire Part 2 Local Plan (2023)

LVIA - Landscape and Visual Impact Assessment

M – Metres

NE – Natural England

NSTM – Northamptonshire Strategic Transport Model

PRoW – Public Rights of Way

S106 – Planning Obligation

SoCG – Statement of Common Ground

SPA – Special Protection Area

SSSI – Site of Special Scientific Interest

STAUNCH – Save Titchmarsh and Upper Nene Countryside Habitats

SUDS – Sustainable Drainage System

SUE – Sustainable Urban Extensions

The Act – Planning (Listed Buildings and Conservation Areas) Act 1990

The EIA Regulations - Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017

The Framework – National Planning Policy Framework 2024

The NERC Act – Natural Environment and Rural Communities Act 2006 (as amended)

The Regulations – Conservation of Habitats and Species Regulations 2017 (as amended)

The Site – The appeal site

TRO – Traffic Regulation Order

UNCRC – United Nations Convention on the Rights of the Child

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr Rupert Warren KC      Barrister instructed by Freeths LLP

He called:

Mr Jackson BA (Hons) Dip LA CMLI

Mr Powney BUrbanEnvPlan MBA MRTPI

Mr Hoy BSc (Hons) PGDip MCIEEM

Mr Harley BSocSc (Jnt Hons) MPhil MRTPI

Roundtables:

Mr Moan BA MCIfA

Mr Hopkins Beng (Hons) MSc CMILT MCIHT

Mr May LLB LARTPI

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Gary Grant      Barrister instructed by the solicitor for the Council

He called:

Mr Robinson-Hodges BSc (Hons) MA MRTPI

Roundtable:

Ms Roy

### **FOR THE STAUNCH RULE 6 PARTY:**

Mr Paul Stinchcomb KC      Barrister instructed by STAUNCH Campaign Ltd

He called:

Mr Shapland

Mr Bailey MRTPI (retired)

Mrs Fletcher BSc (Hons)

Roundtable:

Mr Scotland

### **FOR THE HARWORTH ESTATES INVESTMENTS LTD RULE 6 PARTY:**

Mr James Strachan KC



Mr Daniel Kozelko                      Barristers instructed by Walker Morris LLP

They called:

Mr Roberts BSc (Joint Hons) MPhil AssocMRTPI MIED

Mr Lewis-Roberts BA (Hons) MRTPI

FOR THE IM PROPERTIES DEVELOPMENT LTD RULE 6 PARTY:

Mr Paul Tucker KC                      Barrister instructed by Stantec UK Ltd

He called:

No witnesses

INTERESTED PARTIES:

|                  |                                             |
|------------------|---------------------------------------------|
| Cllr Brackenbury | Thrapston Ward                              |
| Cllr Hawkins     | Thrapston Town Council                      |
| Cllr Hakewill    | Rothwell and Mawsley Ward                   |
| Cllr Prestwich   | Titchmarsh Parish Council                   |
| Cllr Garner      | Thrapston Ward                              |
| Mr Mayes         | Council for the Protection of Rural England |
| Cllr Treffgarne  | Eight Local Parish Councils                 |
| Mr Barron MP     | Corby and East Northamptonshire             |
| Mr Purseglove    | Local Resident (written statement)          |
| Ms Cole          | Local Resident                              |
| Mr Jeffries      | Local Resident                              |
| Mr Franklin      | Local Resident                              |
| Mr Curtis        | Local Resident                              |
| Ms Coulson       | Local Resident                              |
| Ms Rolfe         | Local Resident                              |
| Ms Brackenbury   | Local Resident                              |
| Mr Ross          | Local Resident                              |
| Mr Smith         | Local Resident                              |
| Mr Faulder       | Local Resident                              |
| Mr Capp          | Local Resident                              |

|             |                         |
|-------------|-------------------------|
| Ms Stokes   | Local Resident          |
| Ms Snowdon  | Local Resident          |
| Ms Smith    | Local Resident          |
| Mr Wheeler  | Local Resident          |
| Mr Manning  | Local Resident          |
| Mr Ellis    | Local Resident          |
| Ms Corker   | Local Resident          |
| Mr Johnson  | Local Resident          |
| Mr Brown    | Local Resident          |
| Mr Jones    | Local Resident          |
| Ms Cheyney  | Local Resident          |
| Ms Woodward | Local Resident          |
| Ms Sparrow  | Local Resident          |
| Mr Brown    | Barnwell Parish Council |
| Mrs Davis   | Local Resident          |
| Ms Nicholls | Local Resident          |

## **DOCUMENTS**

ID1 – Appeal Decision (APP/M2840/W/24/3354297)

ID2 – Rebuttal Statement of Julia Fletcher (STAUNCH)

ID3 – Committee Minutes for IM Properties Development

ID4 – Opening Statement (Appellant)

ID5 – Opening Statement (Harworth)

ID6 – Opening Statement (IM)

ID7 – Opening Statement (STAUNCH)

ID8 – Opening Statement (Council)

ID9 – CPRE Statement Transcript

ID10 – Cllr Treffgarne Statement Transcript

ID11 – Historic Map (STAUNCH)

ID12 – Mr Barron MP Statement Transcript

ID13 – Cllr Prestwich Statement Transcript

ID14 – Cllr Hakewill Statement Transcript

ID15 – Revised Inquiry Timetable

ID16 – Mr Purseglove Statement Transcript

ID17 – Draft s106 Agreement and Mitigation Strategy

ID18 – Highway Position Statement Rebuttal (IM)

ID19 – Berkshire Appeal (APP/W0340/W/25/3360702)

ID20 – FLL Mitigation Strategy Rebuttal (STAUNCH)

ID21 – Biodiversity SPD for Nottinghamshire

ID22a – Upper Nene Valley Gravel Pits SPA SPD

ID22b – Natura 2000 Data Form – Upper Nene Valley Gravel Pits

ID22c – Aldwinckle Marsh SSSI Citation

ID22d – Titchmarsh Meadow SSSI Citation

ID22e – Ramsar Information Sheet – Upper Nene Valley Gravel Pits

ID23 – Cole Transcript

ID24 – Jeffries Transcript

ID25 – Franklin Transcript

ID26 – Coulson Transcript

ID27 – Rolfe Transcript  
ID28 – Ross Transcript  
ID29 – Smith Transcript  
ID30 – Faulder Transcript  
ID31 – Capp Transcript  
ID32 – Stokes Transcript  
ID33 – Snowden Transcript  
ID34 – Wood Transcript  
ID35 – Manning Transcript  
ID36 – Ellis Transcript  
ID37 – Jones Transcript  
ID38 – Cheyney Transcript  
ID39 – Woodward Transcript  
ID40 – Brown Transcript  
ID41 – Historic Hedgerow Statement (STAUNCH)  
ID42 – Footpath Map  
ID43 – GLIVIA3 Technical Guidance Note (LITGN-2024-01)  
ID44 – Pre-Action Protocol Letter (STAUNCH)  
ID45 – Second Draft Conditions  
ID46 – Second Draft s106 Agreement  
ID47 – Curtis Transcript  
ID48 – Johnson Transcript  
ID49 – Planning and Ecology Proof Errata (Appellant)  
ID50 – Upper Nene Valley Gravel Pits SPA Conservation Objectives  
ID51 – Upper Nene Valley Gravel Pits SPA Citation  
ID52 – IM Closing Statement  
ID53 – Pre-Action Protocol Letter Response (IM)  
ID54 – Final Draft Conditions and Map  
ID55 – Historic Hedgerow Statement Rebuttal and Maps (Appellant)  
ID56 – Conditions Comments (STAUNCH)  
ID57 – Third Draft s106 Agreement

ID58 – Council Closing Statement

ID59 – STAUNCH Closing Statement

ID60 – NE Advice 24 November 2024 (NE/22/00698/OUT)

ID61 – Harworth Closing Statement

ID62 – Appellant Closing Statement

## CONDITIONS

1. The development hereby permitted in full shall commence not later than the expiration of three years beginning with the date of this planning permission.

Reason: To comply with planning legislation according to the provisions of section 91 and 92 of the Town and Country Planning Act 1990, as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the Reserved Matters (access, appearance, landscaping, layout, and scale) for each plot of the development permitted shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced on that plot and thereafter the development shall be carried out as approved.

Reason: To comply with planning legislation according to Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development to which the outline element of this permission relates shall be commenced either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.

Reason: To comply with planning legislation [the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended)].

4. The development hereby permitted in full shall be carried out in full accordance with the following plans:
  - Site Plan: Drawing ref. HRT-pHp-01-XX-DR-A-4432-100 rev P4
  - Plot 1 Landscape Proposals Plan: Drawing ref. HRT-BCA-ELS-XX- DR-L-2227-21-01- S4 rev P7
  - Permissive Route Greenway: Drawing ref. HRT-pHp-01-XX-DR-A- 4432-060-P02
  - Unit 01 - GA Gatehouse Detail: Drawing ref. HRT-pHp- 01- ZZ-DR-A-4432-204 rev P2
  - Unit 01 – GA Hub Plans: Drawing ref. HRT-pHp- 01-ZZ-DR-A-4432- 203 rev P2
  - Unit 01 – Building Elevations: Drawing ref. HRT-pHp-01-XX-DR-A- 4432-300 rev P8
  - Site Sections: Drawing ref. HRT-pHp-01-XX-DR-A-4432-101 rev P03
  - Unit 01 - GA Roof Plan: Drawing ref. HRT-pHp-01-RF-DR-A-4432-202 rev P4
  - Unit 01 – GA Office Plans. Drawing ref. HRT-pHp-01-ZZ-DR-A-4432- 201 rev P4
  - Unit 01 – GA Plan Level 00 Drawing ref, HRT-pHp-01-00-DR-A-4432- 200 rev P4



Reason: To clarify the terms of the planning permission and to ensure that the landscaping details are appropriate in the interests of visual amenity and biodiversity interests, and to secure sustainable development.

5. The development to which the outline element of this permission relates shall be carried out in accordance with the following plan:
  - Parameters Plan: Drawing Ref. HRT-PHP-01-XX-DR-A-4432-014 Rev P36

Reason: To clarify the terms of the planning permission and to ensure that the landscaping details are appropriate in the interests of visual amenity and biodiversity interests, and to secure sustainable development.

6. Development shall be carried out in accordance with the approved Phasing Plan (Sheet 1: HRT-PHP-01-XX-DR-A-4432-050 P09 and Sheet 2: HRT-PHP-01-XX-DR-A-4432-051 P13) with updated Phasing Plans to be submitted to the local planning authority and agreed in writing as required over the course of the development.

Reason: To ensure that approved development is delivered in a co-ordinated manner and that all highways and other mitigations are delivered at the correct time.

7. Prior to the commencement of any plot containing a building within the development hereby approved in outline, and notwithstanding the submitted illustrative details, a revised schedule of the materials and finishes for the external walls and roof(s) for that plot shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development of that plot shall be carried out in accordance with the approved materials.

Reason: To ensure the satisfactory appearance of the completed development in relation to the surrounding area and visual amenity.

8. Reserved Matters applications for the plots approved in outline that contain a building shall include a plan showing full details of the finished floor levels in relation to existing and proposed site levels for that plot. This shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development of that plot should be carried out in accordance with the approved finished floor levels plan.

Reason: To ensure the satisfactory appearance of the completed development in relation to the surrounding area and visual amenity.

9. The structural landscaping earthworks, screening bund, and 'Greenway' link are to be provided in accordance with the Phasing Plan. The landscaping details for these areas shall be submitted to and approved in writing by the Local Planning Authority prior to being implemented, and the planting shall be implemented in the first planting and seeding season following the completion of the earthwork bunds. Any plant that dies, is diseased or damaged within 10 years of planting shall be replaced with a plant of similar size and species.

The landscaping detail must:

- Include details of the proposed hard and soft treatment of all landscaped areas (including earthworks);

- Include details of all proposed tree and shrub planting including their species, number, size and location and grass seeded / turfed areas;
- Include details of the existing trees and hedgerows to be retained and those to be felled and include existing and proposed soil levels at the base of each tree/hedgerow and minimum distance between base of the tree and the nearest edge of any excavation;
- Maximise the use of site won materials in the creation of the development plateau and landscape bunds, except where issues are identified by condition 27; and
- Maintain effective root protection areas according to British Standard 5837:2012.

Reason: To ensure the delivery of a high-quality landscape setting for the whole completed development in relation to the surrounding area, to enhance biodiversity and visual amenity, and to provide the necessary mitigation of the impacts of the development.

10. Reserved Matters applications for the plots approved in outline shall include landscaping schemes which must:

- Include details of the proposed hard and soft treatment of all landscaped areas (including earthworks);
- Include details of all proposed tree and shrub planting including their species, number, size and location and grass seeded / turfed areas; and
- Include proposed soil levels at the base of each tree/hedgerow and minimum distance between base of the tree and the nearest edge of any excavation.

Reason: To ensure the delivery of a high-quality landscape setting for the whole completed development in relation to the surrounding area, to enhance biodiversity and visual amenity, and to provide the necessary mitigation of the impacts of the development.

11. All planting, seeding or turfing in the approved landscaping details for each plot shall be carried out in accordance with BS4428: 1989, or the most up to date British Standard, in the first planting and seeding seasons following the occupation of any of the building(s) in that plot, or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within the period of five years from the completion of that phase die, are removed or become seriously damaged or diseased shall be replaced in the current / next planting season with others of similar size and species.

Reason: To ensure the satisfactory appearance of the completed development in relation to the surrounding area and visual amenity.

12. Prior to the occupation of any building, details of crime prevention measures (including CCTV) for that plot shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied or use commenced before the approved crime prevention measures are implemented for that plot and retained thereafter.

Reason: To design out crime and promote the well-being in the area and ensure that the development hereby approved is in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

13. Prior to the commencement of development of any buildings above slab level within a plot, the details of the boundary treatments for that plot (including details of fences, gates, bollards and turnstiles) shall be submitted to and approved in writing by the Local Planning Authority. This should include a copy of the supplier's technical instructions, showing the type of fence panels and posts being proposed, and the style and locking mechanisms for the gates and turnstiles. The approved details shall be implemented and retained thereafter.

Reason: To ensure that the site is satisfactorily secured in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

14. Excluding public highways work, no demolition or construction work (including deliveries to or from the site) shall take place on the site outside the hours of 0800 and 1800 Mondays to Fridays and 0800 and 1300 on Saturdays, and at no times on Sundays or Bank Holidays.

Outside of the above hours, site start-up and close-down activities will be permitted for a period of 30 minutes at the start and end of the working day, including deliveries, movement of staff and equipment, and washdown, but excluding operation of plant or machinery.

Reason: To ensure the protection of the local amenity throughout construction works.

15. Prior to the commencement of any phase of the development hereby permitted (excluding site clearance and archaeological works), a Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall have regard to the approved site-wide Construction Environmental Management Plan Framework (CEMPF) of December 2022 and contain the phase specific strategy for managing and mitigating environmental impacts arising from construction.

The relevant CEMP shall include commitments to satisfactorily manage identified construction impacts on the environment including traffic management, dust management, air quality, noise management, water and utility management, contamination, waste and soil management, and lighting during the construction programme.

The relevant CEMP should identify when, during the construction programme, works would be undertaken in close proximity (within 150 m) of Receptor R1, as identified in the Noise & Vibration ES Chapter. The LPA must be informed in writing of the number of days on which the threshold level for a significant adverse effect is likely to be exceeded.

The approved CEMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To limit the detrimental effect of site preparation, demolition and construction works on biodiversity and habitat interests, adjoining business occupiers, and residents of Thrapston and Titchmarsh, by reason of disturbance and nuisance.

16. Prior to the occupation of any building, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, and air conditioning) to be used in that building shall be submitted to and approved in writing by the Local Planning Authority. The development of that plot should be carried out in accordance with the approved details. The equipment shall be maintained in a condition so that it does not exceed existing background noise level (determined using the guidance of BS 4142 (BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound or any amendments or modifications) whenever it is operating as agreed with the Local Planning Authority. After installation of the approved plant no new plant or ventilation, refrigeration or air conditioning system shall be installed without the written consent of the Local Planning Authority.

Reason: To protect the residential amenity of the locality.

17. Prior to the use of any refrigerated trailers at the site, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority detailing any required mitigation measures. No refrigerated trailers shall operate until the approved mitigation has been installed. The approved measures shall be maintained for the duration of their use.

Reason: To protect the residential amenity of the locality.

18. With the exception of construction, fitting out, marketing and security, there shall be no operational use of Plot 1 until such time as the approved earthworks and landscaping works shown on the Parameters Plan and Phasing Plan are completed to the satisfaction of the Local Planning Authority.

Reason: To protect the residential amenity of the locality.

19. Reserved Matters applications for any plot containing a building shall include a detailed acoustic design report together with mitigation measures which shall be implemented in accordance with an agreed scheme submitted to and approved in writing by the Local Planning Authority. Details shall include but not be limited to the provision of acoustic modelling and details of noise mitigation measures. Noise mitigation measures specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.

Reason: To protect the residential amenity of the locality.

20. Details of all external lighting for any plot of the development (excluding public highways lighting) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire

type; mounting height; aiming angles, luminaire profiles and a lighting contour map). The means of illumination shall not be of a flashing or intermittent nature. The approved scheme shall be installed, retained, maintained and operated in accordance with the approved details.

The lighting strategy shall:

- identify those areas and features on site that are particularly sensitive for bats, lapwings and golden plover and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging.
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To protect the amenity of residents of Titchmarsh and Thrapston, the appearance of the area, the environment, wildlife and biodiversity interests, and local light sensitive development from light pollution and to ensure adequate safety and security on site.

21. The development shall not be occupied until the site access has been constructed in accordance with the following approved plan:

- Site Access General Arrangement: Drawing Ref. LWL/701/001 Rev D7

Reason: In the interests of highways safety.

22. The development shall not be occupied until the off-site highway improvements have been constructed in accordance with the following approved plans:

- General Arrangement - A14 Junction: Drawing Ref 13 LWL/701/031 Rev D8
- General Arrangement - A605 improvements: Drawing Ref. LWL/701/021 Rev D7

The implementation of the off-site highway improvements shall be carried out in accordance with the Phasing Plan to be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved off-site highway improvements and phasing plans.

Reason: In the interests of highways safety.

23. No floorspace shall be occupied (with the exception of occupation for the purposes of construction, fitting out, marketing and security) until the

highways improvements proposed at the A605/Oundle Rd roundabout are completed in general accordance with drawing STN/HGN/SW/DR/C/0102 REV P02.

Reason: In the interests of highways safety.

24. Prior to the commencement of any phase of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority, for the A14 and A45. The plan shall include as a minimum: construction phasing, construction routing plans, and permitted construction traffic arrival and departure times. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with the approved details.

Reason: To mitigate any severe or unacceptable impact from the development on the A14/A45 in accordance with paragraph 115 of the National Planning Policy Framework (September 2023) and paragraph 50 DfT Circular 01/2022.

25. No building shall be brought into the permitted use until the parking and servicing areas for commercial vehicles, cars, motorcycles, bicycles, and scooters (micro-mobility) and electric vehicle charging points within that plot have been surfaced, laid-out and delivered in accordance with the approved plans for that plot. Parking provision shall be in accordance with the standards as set out in the Northamptonshire Parking Standards, Sept 2016.

Reason: To ensure that the development provides satisfactory on-site parking, servicing, and electric vehicle charging facilities for employees and visitors.

26. Prior to occupation of any building, full engineering, construction, and drainage plans for the construction of a new bus stop as identified on the General Arrangement (Site Access) Drawing Ref. LWL/701/001 Rev D7 shall be submitted to and approved in writing by the Local Planning Authority. The plans submitted under this condition shall be accompanied by a Road Safety Audit (RSA1). The details approved under this condition shall then be implemented prior to the first occupation of the development and retained thereafter.

Reason: In the interests of enhancing sustainable modes of transport to serve the development in accordance with Policies 8 and 15 of the North Northamptonshire Joint Core Strategy.

27. A remedial options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme. This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)' (or any procedures revoking or replacing those procedures).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are prevented and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy 11 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.



28. Remediation of the site shall be carried out in accordance with the approved remedial option. No deviation shall be made from the approved scheme without the express written agreement of the Local Planning Authority which must be given two weeks written notification of the date of commencement of the remediation scheme works associated with the approved remedial option.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are prevented and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy 11 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

29. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are prevented and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Policy 11 of the NPPF and Policies 6 & 8 of the North Northamptonshire Joint Core Strategy.

30. If during development of a plot contamination not previously identified is found to be present at the site, then no further development shall be carried out within that plot until the developer has submitted a remediation strategy to the Local Planning Authority detailing how and when this unsuspected contamination shall be dealt with and written approval of that remediation strategy has been obtained from the Local Planning Authority. The remediation strategy shall be implemented as approved in accordance with the agreed timetable.

The Remediation Strategy will include measures to ensure that any contamination is appropriately remediated to not give rise to contamination events either within the Site or off the site, including the potential leaching or migration towards watercourse or groundwater sources.

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

31. Foul and surface water shall be drained on separate systems with any potentially contaminated surface water subject to condition 33(f).

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

32. Prior to construction above foundation slab, a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority. The foul drainage scheme shall be implemented as approved prior to first occupation.

Reason: To prevent environmental and amenity problems arising from flooding.

33. Prior to commencement of development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved phasing plan and maintained for the lifetime of the development. The scheme to be submitted shall:
- a) Demonstrate that the surface water drainage system(s) are designed in accordance with 'The SUDS Manual', CIRIA Report C753 through the submission of plans and cross sections of all SUDS features.
  - b) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to a peak maximum discharge rate of 3.98 l/s/ha for the site in accordance with the surface water drainage strategy.
  - c) Demonstrate detailed design (plans, network details and calculations) of the surface water drainage scheme including details of all attenuation and outfall arrangements.
  - d) Calculations should demonstrate the performance of the designed system for the critical storm duration for at least the 1 in 2 year, 1 in 30 year and 1 in 100 year plus climate change return periods. The calculations should be supported by a plan of the drainage network with all manholes and pipes labelled accordingly.
  - e) Provide plans and details showing the allowance for exceedance flow and overland flow routing. Water must not be directed toward properties nor flow onto third party land. Overland flow routing should look to reduce the impact of an exceedance event
  - f) Demonstrate that measures for the capture and control of liquid hydrocarbons (petrol, diesel and engine oil) are included within the drainage scheme which is informed by calculations identifying the drained catchment area and the type of control feature being used.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

34. Prior to first occupation, a Verification Report, by a suitably qualified drainage engineer, for the installed surface water drainage system that is based on the approved Flood Risk Assessment, document reference LTP-BWB-ZZ-XX-RP-YE-0002\_FRA P02 (BWB December 2021) and the approved Sustainable Drainage Statement Addendum, document reference TN004 (Stantec December 2022), has been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- Any departure from the agreed design is in keeping with the approved principles;
- Any 'As-Built Drawings' and accompanying photos;

- Results of any performance testing undertaken as a part of the application process (if required / necessary);
- Copies of any statutory approvals, such as land drainage consent for discharges etc.; and
- CCTV confirmation that the system is free from defects, damage and foreign objects.

Reason: To ensure the installed Surface Water Drainage System is satisfactory and in accordance with the approved reports for the development site.

35. No occupation or subsequent use of the development shall take place until a detailed, site-specific drainage maintenance plan is submitted to and approved in writing by the Local Planning Authority. This shall be implemented as approved and maintained for the lifetime of the development.

The maintenance plan should:

- Include plans showing the locations of features requiring maintenance and how these should be accessed; and
- Provide details on how surface water each relevant feature shall be maintained and managed for the lifetime of the development; and

Reason: To ensure the future maintenance of the sustainable drainage structures through the identification of a responsible party and to allow an operator, who has no prior knowledge of the scheme, to conduct the required routine maintenance.

36. Prior to the commencement of development, a finalised construction environmental management plan for biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the construction stage mitigation measures identified in the submitted Ecology (including Arboriculture) ES Chapter (Newlands Developments Ltd, December 2021) – prepared by FPCR Ltd.

The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of biodiversity protection zones;
- Identification of root protection areas according to according to British Standard 5837:2012;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including on root protection areas (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features and nesting birds;
- The times during construction when specialist ecologists need to be present on site to oversee work; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented through the construction period strictly in accordance with the approved details.

Reason: To conserve protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species). This would also allow the identification of responsible persons as well as the role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person.

37. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs or product descriptions to achieve stated objectives;
- Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- Details of farmland bird enhancement (e.g. skylark habitat creation); and
- Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be maintained and managed for the lifetime of the development.

Reason: To enhance protected and priority species and habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species) and enable the identification of responsible persons.

38. Prior to the commencement of development, a Skylark Compensation Strategy shall be submitted to and approved in writing by the Local Planning Authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of on-site or off-site compensation in nearby agricultural land, prior to commencement.

The content of the Skylark Compensation Strategy shall include the following:

- Purpose and conservation objectives for the proposed compensation measure e.g. skylark plots;
- Detailed methodology for the compensation measures;
- Locations of the compensation measures by appropriate maps and/or plans; and
- Persons responsible for implementing the compensation measure.

The Skylark Compensation Strategy shall be implemented in accordance with the approved details and all features shall be retained and managed for a minimum of 30 years.

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats and species).

39. The development shall create a vegetative bat corridor, and plant and enhance lengths of hedgerow in accordance with a bat mitigation plan to be submitted to and approved in writing by the Local Planning Authority. This shall include details of the persons responsible for implementing and managing the mitigation plan. Hedgerows identified on this plan shall be planted and enhanced in the first appropriate season after development commences. The bat corridor is to be planted in the first appropriate season after site levels have been established. Both bat corridor and hedgerow creation and enhancements are to be appropriately maintained for the lifetime of the development.

Reason: To ensure that bats and their habitats are satisfactorily protected throughout the construction period of the development and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

40. Prior to any works above slab level, a 30 Year Landscape and Ecological Management and Monitoring Plan (LEMMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved LEMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
- Description and evaluation of features to be managed;
  - Ecological trends and constraints on site that might influence management;
  - Aims and objectives of management sufficient to attain both target biodiversity values and BREEAM sustainability goals;
  - Appropriate management options for achieving aims and objectives;
  - Prescriptions for management actions;
  - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - Details of the body or organization responsible for implementation of the plan;
  - Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
  - Reporting and monitoring to the local planning authority on year 2, 5, 10, 20 and 30 following the implementation of habitat creation, with biodiversity reconciliation calculations at each stage.

Reason: To ensure the longevity of the landscaping scheme, to enhance biodiversity, to ensure that sustainability goals are met, and protect the visual amenity and character of the area.

41. All buildings delivered pursuant to this planning permission (whether approved in detail or as a subsequent Reserved Matters application) shall achieve a 'Excellent' rating under BREEAM 2018 Shell-and-Core Criteria' (or such equivalent standard that replaces this) as a minimum.

Prior to first occupation of each plot, an Interim BREEAM Progress Report with a target of achieving an 'Excellent' rating for that plot shall be submitted to and approved in writing by the Local Planning Authority. Following this, within 12 months of the first occupation of each plot, submission of evidence to BRE to support provision of a BREEAM Shell and Core post-construction certificate (or such equivalent standard that replaces this) issued by the BRE must be submitted to and approved in writing by the Local Planning Authority to demonstrate that a minimum 'Excellent' Rating has been achieved.

Reason: To ensure sustainable construction and reduce carbon emissions in line with Policy 9 of the North Northamptonshire Joint Core Strategy, and in accordance with government guidance contained within the National Planning Policy Framework.

42. No development shall take place within, or within 10 m of the identified areas of archaeological interest until a programme of archaeological work has been implemented in accordance with an approved Written Scheme of Investigation (WSI), updated from the previously agreed WSI (December 2022) to include the areas shown on Plan 'Areas of Archaeological Mitigation' HRT-PHP-01-XX-DR-A-4432-107-P01. Completion of each of the following will trigger the phased discharging of the condition:

- a) Fieldwork in accordance with the agreed WSI.
- b) Completion of a Post-Excavation Assessment report and approval by the Local Planning Authority of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.
- c) No development shall take place within or within 10m of the identified areas of archaeological interest until the Local Planning Authority has established the quality and historic importance of the remains, before determining the best way forward for the future protection of the remains to include:
  - retention in situ, recovering with material and protective fencing and information board, or
  - retrieval of all remains and removal to storage and or display
- d) Within two years of the completion of fieldwork, determination of the preferred way forward, completion of the analysis, preparation of site archive ready for deposition at a store (Northamptonshire ARC) approved by the Local Planning Authority, production of an archive report, and



submission of a publication report must be completed, unless otherwise agreed in advance with the Planning Authority.

Reason: To ensure that features of archaeological interest are properly assessed as to their importance, into the future by retention in situ or examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

43. Prior to the commencement of development of any buildings above slab level within a plot, a Local Employment Strategy relating to the construction phase has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include detail of the local labour and employment opportunities and initiatives and construction skills training associated with the development, which actively promotes jobs to the local workforce.

Reason: To ensure that features of archaeological interest are properly examined and recorded and the results made available, in accordance with NPPF Paragraph 205.

44. Prior to first occupation of the development an End User Employment and Skills Plan (ESP) shall be submitted to and approved in writing by the Local Planning Authority. The ESP shall include details of the skills and training opportunities associated with the end user phase of development to actively promote jobs to the local workforce. The development shall be implemented in accordance with the approved details.

Reason: To promote employment opportunities to local residents in accordance with Policy 22 of the JCS.

45. Within 3 months of first occupation of each unit hereby permitted (with the exception of occupation for the purposes of construction, fitting out, marketing and security), a detailed Travel Plan for each development plot (including details of the Travel Plan Co-ordinator and actions and measures, with quantifiable outputs and outcome targets), and in accordance with the approved Land East of Halden's Parkway Thrapston Travel Plan (prepared by Lawrence Walker Ltd, January 2022), shall be submitted to and approved in writing by the Local Planning Authority. Each unit shall thereafter be occupied in accordance with the approved Travel Plan or any amended detailed Travel Plan for that building first submitted to and agreed in writing by the local planning Authority.

Reason: to provide sustainable transport measures for visitors and staff and to ensure that the impact of the proposal on the free and safe flow of traffic on the highway is kept to a minimum.

46. Prior to occupation of any unit hereby permitted, an Operational Management Plan (OMP) shall be submitted to and agreed in writing by the Local Planning Authority. The OMP will include, but not limited to, the following:
- Details of HGV routing;
  - Measures to manage HGV movements during peak periods (Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800));
  - Details of staff shift changes which seek to minimise the effect during peak operational periods of the surrounding highway network;

- Signage Strategy; and
- Car Park Management Plan.

All agreed measures shall be implemented as approved and maintained for the lifetime of the development.

Reason: in the interest of highway safety, to ensure that the impact of the proposal on the identified routes is kept to a minimum and to ensure adequate off-street parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents.