



Appeal Decision

Inquiry Held on 28 November 2023

Site visit made on 7 December 2023

by S R G Baird BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2024

Appeal Ref: APP/M2840/W/23/3325758

**Land at Kettering North, Weekley Wood Lane, Kettering,
Northamptonshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Buccleuch Properties (Kettering) Limited against North Northamptonshire Council.
 - The application Ref KET/2020/0121, is dated 13 February 2020.
 - The development proposed is for the erection of 5, B8 warehouse buildings and one B2 general industry building (40,215 m² in total), service yards, parking, drainage, landscaping, 2 substations and one pumping station.
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Preliminary Matters

1. Originally submitted to Kettering Borough Council¹, the description of the application was amended to, the erection of 5, B8 warehouse buildings and one B2 general industry building (33,167m²), service yards, parking, drainage, landscaping, 2 substations and one pumping station². The appeal has been determined on this basis.
2. Had the local planning authority (lpa) been able to determine the application, it would have been refused for 8 putative reasons for refusal (RfR) (Annex A). Following the agreement of a Highways Statement of Common Ground (HSoCG), the lpa did not pursue RfRs 5, 6 and 7.
3. A Case Management Conference was held on the 29 September 2023. Save Weekley Hall Woods (SWHW) joined the inquiry as a Rule 6 party. The inquiry sat for 8 days, and an evening session was held on 6 December.
4. A completed S106 Agreement accompanies the application and was received on 22 December 2023. The Agreement includes obligations relating to, travel planning, highway and public transport infrastructure works, access, phasing, a Phase 2 outline planning application, apprenticeships and the submission, implementation and monitoring of a Biodiversity Management Plan.
5. A revised National Planning Policy Framework (Framework) was published on 19 December 2023. Other than the renumbering of paragraphs, the Framework made no changes relevant to the determination of this appeal.

¹ The unitary authority of North Northamptonshire was created in 2021 by the merger of the Corby, East Northamptonshire, Kettering, and Wellingborough.

² Agreed Statement of Common Ground.

Decision

6. The appeal is dismissed and planning permission for the erection of 5, B8 warehouse buildings and one B2 general industry building (33,167m²), service yards, parking, drainage, landscaping, 2 substations and one pumping station is refused.

Main Issue

7. Whether the proposal would accord with the Joint Core Strategy, particularly Policy 36, when read as a whole and if not whether there are any material considerations that would justify the proposal.

Reasons

8. The development plan includes the North Northamptonshire Joint Core Strategy 2011 to 2031, adopted July 2016 (JCS). This development touches on several key themes that the JCS seeks to address. These are, building the economy, protecting and enhancing biodiversity and place making.
9. The JCS seeks to make the district more self-reliant with a diverse economy that delivers 31,100 jobs of which 8,100 would be in Kettering. A stronger economy is to be delivered through the identification and provision of high-quality employment sites and recognising opportunities provided by the priority sectors of renewable, green and high-performance technologies and logistics (Policies 22 & 23). In delivering employment growth, the supporting text³ to Policy 23 highlights, the importance of ensuring that the scale and mix of development is brought forward in line with, "...approved masterplans...". Policy 24 recognises the opportunities provided by the logistics⁴ sector notably, the creation of office-based jobs, pump priming the provision of infrastructure and as a catalyst for delivering units for small and medium sized enterprises.
10. The JCS notes that the district has a low biodiversity offer, with existing assets under pressure. Policy 4, seeks to preserve, restore and create Priority Habitats and other natural and semi-natural habitats within and next to development schemes. Consistent with Framework paragraph 186 (a)⁵, proposals will be refused where, negative impacts to an asset cannot be avoided, mitigated or, as a last resort, compensated. Where avoidance is not possible, the decision-maker will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm⁶. The weight accorded to an asset will reflect its status in the hierarchy of biodiversity designations. On place-making, a suite of JCS policies is relevant. Policy 3 - landscape setting, Policy 8 - place shaping, Policy 15 - connectivity and Policy 19 - delivery of Green Infrastructure.
11. The site lies to the north of Weekley Wood Lane and east of Kettering Business Park (KBP). The site forms the western edge of a 75ha area of land allocated as a strategic employment site⁷ (Policy 36). In addition to job creation, key objectives for this allocation are the creation of, a high-quality environment with high-quality landscaping to assimilate the development into

³ JCS paragraph 8.16.

⁴ Use Class B8.

⁵ Formerly paragraph 180 (a) in the September 2023 version of the Framework.

⁶ Paragraph 3.36.

⁷ Kettering North.

the countryside, a connected network of green infrastructure that enhances biodiversity assets, recreational opportunities and links to the surrounding area, improving walking, cycling and equestrian connections within and to the existing urban area.

12. Policy 36 says that the site will provide for a minimum of 40ha of B1 Business, B2 General Industry and small scale B8 Storage and Distribution development together with some 3ha of D2 Leisure related uses. A comprehensive masterplan, to be agreed with the lpa should make provision for the above and include proposals for several elements. These are, (a) vehicular access, (b) mitigation of traffic impacts, (c) delivery of an integrated transport network and routes linking the allocation to KBP, the countryside and areas south of Weekley Wood Lane, (d) mitigating the impact on the setting of heritage assets, (e) provide a network of high quality landscaping and green infrastructure that integrates the development into the wider countryside and retains and enhances, where possible, the historic landscape and the ecological and recreational value of the site, (f) protects Local Wildlife Sites (LWS) from additional recreational pressure and potential drainage/runoff, (g) the extension of the KBP circular walk, (h) the delivery of required infrastructure, and (i) the implementation of the masterplan linked to the delivery of infrastructure.

Landscape and Visual Impact

13. The site carries no landscape designations and for the purposes of Framework paragraph 180 (a)⁸, it is agreed that the site does not form part of a valued landscape. Within the red line, the area for built development comprises a grassland/scrub area enclosed by woodland on the eastern and northern boundaries, and by woodland, a large warehouse and a permitted, but yet unconstructed, extension for IM Kelly on the western and southern sides. That part of the site running down to Weekley Wood Lane would remain largely open. From Weekley Wood Lane there is a Public Right of Way (PRoW) than runs north to and through the woodland and strikes off to the north-east. Running from the PRoW along the edge of and through the woodland on the eastern site boundary is a permissive path that turns west and south through Cherry Hall Plantation and links to a path that runs along the western margin of KBP. This path runs through woodland to the south of KBP and grassland that forms the southern boundary of the site to join the PRoW at Weekley Wood Lane. This is the circular walk referred to in Policy 36 (g). Although there is no public access to the site, there are several well used informal paths across the site and along the western edge of Weekley Hall Woods.
14. The proposed B2 unit, the 5, B8 units and associated hardstand areas would completely fill the northern grassland area, which, given the enclosure by the woodland and existing units, would result in a dense compact development. The trees on the edge of the woodland vary in height between some 11 and 14m with taller trees, up to some 20m high behind. The units on the eastern edge of the development would vary in height from some 13.7 to 14.7m with the units on the western edge varying between some 15.9 to 16.7m high. The development would dominate the northern part of the site and woodland, fundamentally and permanently changing the landscape character of this part of the site, resulting in a major adverse and significant effect. However, the

⁸ Formerly paragraph 174 in the September 2023 version of the Framework.

adverse landscape character effect would be highly localised and given the dense woodland there would be no material effect on the landscape character of the area outside the red line area.

15. The units, with their largely blank elevations, would turn their backs on the woodland. Whilst the form, scale and finish of the buildings, relate to their function, their visual impact would be exacerbated by their regular and dense layout. Combined, these 2 elements do not meet the aspiration of Policy 36. Here, the supporting text⁹ on built form enjoins that the woodland setting should provide inspiration for the development of contemporary, innovative buildings, capitalising on the views of the landscape from within the buildings providing an opportunity to create an excellent place. Moreover, apart from the area to the south of Plot 1, where a footpath from Weekley Hall Avenue would be landscaped, the dense compact nature of the layout significantly reduces the amount of landscaping that could be provided. What is proposed, falls significantly short of the guidance in the supporting text at paragraph 10.66, which seeks high quality strategic landscaping enhancing the character of the development and ensuring that it is integrated into the surrounding countryside.
16. The informal and well used track along the western edge of Weekley Hall Woods is shown to be retained. The largely blank rear elevations of Plots 4, 5 and 6 and the car parking/manoeuvring areas, where planting would be limited, would adjoin the track. Given, their scale and proximity, these units would unacceptably dominate views from and the amenity of the track. The woodland between the proposed development and the permissive path to the east narrows as it runs to the north-west. As walkers progress along the path, views of the tall, blank elevations of Plots 6 to 4 progressively increase. The woodland area between Plot 3 and the path is narrow and thin. Currently, there are pleasant views across the Meadow to the south-west terminated, at a distance, by the existing warehouse. At some 16m high, 72m wide and 103m long, the unit on Plot 3 would entirely truncate and unacceptably dominate views from and the amenity of the path.
17. Drawing the above together, the proposal would result in moderate landscape harm and significant visual harm.

Biodiversity

18. The JCS allocation and the site include part of the Weekley Hall Woods and Quarry LWS, and all the Cherry Hall Plantation LWS. Both were designated before the adoption of the JCS. These 2 LWSs, designated for their woodland habitats, border the Weekley Woods Grassland LWS (the Meadow) on 3 sides. At the time of the JCS adoption, part of the land was identified as a potential LWS. The Meadow is designated for its Grassland/Lowland Meadow habitats. LWSs are non-statutory sites with substantive nature conservation value listed by the relevant Wildlife Trust along with the local authority and other local wildlife conservation groups. The JCS indicates¹⁰ that LWSs are important parts of the ecological network, containing a large proportion of the area's natural resource and contribute to the connectivity and resilience of the ecological network and the landscape.

⁹ Paragraph 10.70.

¹⁰ Paragraph 3.34.

19. Apart from the provision of a pedestrian link through the southern tip of the Cherry Hall Plantation (0.05ha), this LWS and the Weekley Hall Woods and Quarry LWS, would be untouched by the proposed development. However, the Weekley Woods Grassland LWS would be completely lost. Lowland Meadow has undergone significant decline and is a habitat of very high distinctiveness. Lowland Meadow is listed as a Priority Habitat of principal importance to the purpose of conserving biodiversity, by the Natural Environment and Rural Communities Act 2006 (NERC 2006) and the UK Biodiversity Action Plan (UK BAP). Locally, the Northamptonshire BAP highlights that little of the Lowland Meadow habitat remains in Northamptonshire, with much of it located in small fragments dangerously reducing species' population sizes and making it impossible for individuals to move between habitat patches.
20. Natural England (NE), the government's statutory advisor for the natural environment, has "No Objection" to the proposal. However, NE's consultation confined its consideration to the effect on designated sites¹¹, indicating that it expects the decision maker to consider local sites, local landscape character and local or national biodiversity Priority Habitats and species. I consider NE's position on this proposal to be neutral. That said, the NERC 2006 requires the decision maker to have regard to the purpose of conserving biodiversity.
21. The LWS designations focus on the botanical importance of each site. However, it is clear from public records¹², the appellant's surveys, the submissions of SWHW and interested persons that the Meadow also supports a wide variety of fauna. Several species identified are included on the UK Biodiversity Red and Amber Lists of species of conservation concern. I appreciate that inclusion on these lists does not indicate that, for the most part, the species are rare or subject to an immediate threat of extinction. However, the wealth of evidence both recorded and anecdotal confirms that the local community places a high value on the biodiversity value of the woodland and the Meadow. Notwithstanding their lack of statutory designation, I consider, on the evidence before me, that the value of these LWSs, particularly the Meadow, is significant.
22. Whilst Framework paragraph 185 (b)¹³ and Policy 4 indicate that Biodiversity Net Gain (BNG) should be sought, neither specifies a threshold to be achieved. Whilst the direction of travel is that from early 2024 all new permissions are required to deliver at least a 10% BNG¹⁴, that requirement does not apply to this application. The appellant acknowledges, albeit that this is a function of the allocation and avoiding the woodland, that some 9.94ha of Lowland Meadow would be lost to the development. That loss would be mitigated by compensation habitat largely delivered through the creation off-site of some 17.43ha (some 75% more) of new Lowland Meadow. The overall net BNG from the proposed works would be +13.31% in habitat units and +1274.21% in hedgerow units. I acknowledge the concerns raised by SWHW regarding the efficacy of the proposed off-site mitigation. However, there nothing before me to suggest that the proposed mitigation would not be deliverable or enforceable.

¹¹ River Ise and Meadows Site of Special Scientific Interest.

¹² Northamptonshire Biodiversity Records Centre.

¹³ Formerly paragraph 180 (a) in the September 2023 version of the Framework

¹⁴ Environment Act 2021.

23. Whilst the nature conservation value of the woodlands would not be materially affected, and the proposal would provide significant BNG, the overall value of the site to the local and wider community in nature conservation and recreational terms would be materially diminished by the complete loss of the Meadow.

Masterplan

24. My conclusions on the above bring me back to, a critical part of Policy 36. This is, that a comprehensive masterplan is to be agreed with the lpa. Whilst the application includes a Design Development Brief (DDB), containing an Illustrative Masterplan, it has not been agreed by the lpa. Given the sensitivity of the allocation in landscape, heritage and ecological terms, here, an agreed masterplan is essential. However, as the parties acknowledge, it is beyond my remit to agree the masterplan contained in the DDB. That is a process for the lpa to undertake in a manner that it deems appropriate.
25. The specific ecological, landscape and visual issues thrown up by this application are not, in my view, an inevitable consequence of the JCS allocation. Rather, it is through the development of an agreed masterplan that the potential conflicts between developing the site for employment uses and the issues around landscape, ecology, heritage and connectivity can be resolved. This would then allow, as the DDB says, for a phased development that would, respond to market demand, respond to up-to-date design and regulatory standards, ensure development is carried out in a controlled manner, ensure that development is considered holistically, define the Business Park's identity in a controlled manner, and prevent arbitrary development over the site.
26. Given the biodiversity value and local importance of the site, the agreement of a masterplan would clearly address how the requirements of the mitigation hierarchy set out in Policy 4 and Framework paragraph 186 (a), and the delivery of the employment allocation in a holistic way. Framework paragraph 186 (a) says, "...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused." Whilst the amended layout avoids significant harm to the Weekley Woods and Quarry LWS, the complete loss of the botanical value of the Meadow and the impact on the fauna that use it amounts, in my view, to the "significant harm" referred to in paragraph 186 (a).
27. The DDB was prepared before the designation of the Meadow as a LWS and recognition as a NERC and UK BAP Priority Habitat. Whilst it is not an irreplaceable habitat, it is one that has undergone very significant decline both locally and nationally. It is accepted that, because of the JCS allocation, the appeal site would accommodate some form of development and I recognise that the LWS is not a statutory designation. Moreover, the appellant has shown through the BNG proposals how the loss would be compensated for. However, whilst the DDB is a comprehensive document it fails, in my view, to show how the significant harm to the biodiversity of this part of the site could not be avoided through the location of the units on an alternative location within the allocated site.

28. Policy 36 (h) and (i) refer to the masterplan delivering infrastructure made necessary by the development and for the implementation of the masterplan linked to the delivery of infrastructure. One of the objectives of the allocation is connecting the strategic employment area to the land to the south and beyond and this is reflected in the second part of Policy 36 (c). Whilst the development is capable of being accessed on foot from the estate to the south and beyond by existing footways along the A43 and the proposed path to the rear of the Salvation Army building, the wider aim of Policy 36 (c) is to formalise and improve the safety of the link between the PRoW on the allocation site and the PRoW into the estate. Although this is shown on one of the visualisations in the DDB, it is not reflected in the Illustrative Masterplan nor is there, as far as I can see, a mechanism for its delivery.
29. Drawing this together, the absence of an agreed masterplan represents a fundamental conflict with Policy 36.

Highways and Transportation.

30. Compliance with Policy 36 (a), (b) and the first part of (c) are the subject of the HSoCG, reflected in the S106 Agreement and the conditions. Vehicular access would be via Weekley Wood Avenue. The S106 Agreement provides for a financial contribution to mitigate identified highway impacts with contributions to works at the A43/Weekley Woods Avenue junction and the A43/Rockingham Road junction.
31. The submitted layout and conditions provide for a direct pedestrian link from Weekley Wood Avenue, the continuation of the shared pedestrian/cycle route into the development and a crossing on Weekley Wood Avenue. The conditions provide for the submission of a Travel Plan and the S106 Agreement provides for a contribution towards the improvement of the bus stops, Travel Cards for employees and monitoring of the Travel Plan. I have noted the concerns raised by SWHW regarding the highways and transportation impacts of the development, particularly the efficacy of the Travel Plan. However, given the agreed condition, the lpa could ensure that a robust and realistic plan could be put in place and monitor its implementation.
32. Drawing the above together, the highways and transportation elements of this proposal are consistent with the objectives for this allocation.

Other Matters

33. Given there is no definition within Policy 36 what, "...small scale B8 (storage and distribution) development..." means and the supporting text¹⁵ to Policy 24 - Logistics contains only a definition of Strategic Distribution Units as those more than 9,300m², there was discussion at the inquiry as to whether the B8 units, were small scale development. In the absence of guidance from the development plan and the significant disagreement between what the appellant and the lpa, any conclusion I could come to on what constitutes small would be arbitrary. Given, there is unmet demand for the type and size of the B2 and B8 units proposed, and my conclusion that the absence of an agreed masterplan is a fundamental conflict with Policy 36, I consider it is unnecessary to reach a conclusion, on whether the B8 development would be small scale for the purposes of Policy 36. Rather, it is a function of the

¹⁵ Paragraph 8.20.

masterplan to determine what level of B8 use, either in terms of unit size or proportion of the overall development, would represent "...small scale development..." by balancing the effects on biodiversity, landscape and heritage assets against the economic and employment objectives of the JCS for this site.

Planning Balance and Conclusions

34. Given the agreement that the units are of a type and size that would meet unmet demand, and consistent with Framework paragraph 85, I attach significant weight to their provision as an economic benefit. Similarly, the BNG proposed attracts significant weight. Notwithstanding these conclusions and my conclusion on highway and transportation matters and having regard to the purpose of conserving biodiversity, I consider the harms to biodiversity, the landscape and visual harm and, the fundamental conflict with Policy 36 are not outweighed by the benefits of the scheme.
35. In coming to my conclusion, I am acutely aware that, the end of the JCS plan period is not far off, achieving the job creation target set by Policies 22 and 23 appears to have stalled and the appellant sought pre-application advice prior to submitting the application in early 2020. However, I conclude that the proposal conflicts with the development plan when read as a whole and there are no material considerations that would outweigh that conflict.
36. For the above reasons and having taken all other matters into consideration, the appeal is dismissed and planning permission is refused.

George Baird

Inspector

Annex A

Putative Reasons for Refusal

- (1) The Proposals do not comprise small scale B8 contrary to Joint Core Strategy Policy 36.
- (2) Contrary to the allocation, the Proposals: (i) comprise essentially a B8 logistics park; (ii) as an extension of the Kettering Business Park (iii) rather than a properly master planned and appropriately located first phase of the Allocation.
- (3) The form, scale, mass, density, coverage and layout of the Proposals fails to deliver a high-quality environment assimilated into the countryside contrary to the requirements of Joint Core Strategy Policy 36 and thereby harming the landscape and failing to deliver the quality of environment required contrary to Joint Core Strategy Policies 3, 8, 19 and 36.
- (4) The quantum of B8 is inconsistent with the Classes E(g)/B2 focus of the Allocation, with meeting the needs for which the Site was allocated and with the spatial and economic strategy all of which require the delivery here of a high density of high-quality jobs in a high-quality E(g)/B2 focussed business park in a parkland setting.
- (5) The Proposals will have a severe impact on the local highway network unless mitigated. Contrary to Joint Core Strategy Policy 36 (b), no mitigation scheme has been proposed.
- (6) The Proposals fail to provide excellent public transport links contrary to Joint Core Strategy Policy 36 (c).
- (7) By virtue of the failure to provide improved bus infrastructure on the A43 in the form of bus shelters and the failure to provide properly delineated crossing points on Weekley Wood Avenue, the Proposals fail to provide appropriate facilities for access from the A43 contrary to Joint Core Strategy Policy 36 (c).
- (8) By virtue of the location of the Site at the far end of the Allocation and the failure to provide appropriately phased infrastructure, the Proposals do not provide an integrated transport network that is focussed on walking and cycling by provision of convenient, permeable and safe routes across Weekley Wood Lane to north Kettering contrary to Joint Core Strategy Policy 36 (c) and (i).

APPEARANCES

FOR THE APPLICANT

Zack Simons and Isabella Buono of Counsel instructed by Town Legal LLP.

They called:

Simon B James MRTPI, MIEMA.
Managing Director, DLP Consulting Group Limited.

Tim J Goodwin BSc (Hons), MSc, MEnvSc.
Managing Director, Ecology Solutions.

Roland G Bolton BSc (Hons), MRTPI.
Senior Director, Strategic Planning Research Unit, DLP Consulting Group Limited.

Gilbert Harvey BSc (Hons) MRICS.
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Clare Brockhurst BSc (Hons), Dip LA, FLI.
Director, Leyton Place Limited.

Barrie Sheppard MA (Hons), MSc, MCIHT.
Director, Transport Planning and Highway Solutions Limited.

FOR THE LOCAL PLANNING AUTHORITY

David Forsdick KC and Georgina Fenton of Counsel instructed by North Northamptonshire Council.

They called:

Sean Bennett BSc (Hons), MA, MRTPI.
Principal Planning Consultant, Berrys.

Greg Ward MIED.
Principal Regeneration Officer, North Northamptonshire Council.

Felicity Webber Dip LA CMLI.
Landscape Officer, North Northamptonshire Council.

Highways Round Table Session

Shivang Patel MEng (Hons).
Development Liaison Engineer, North Northamptonshire Council.

Martin Draper BEng (Hons).
Senior Development Liaison Engineer, North Northamptonshire Council.

For Save Weekley Hall Wood

Paul Stinchcombe KC instructed by Harrison Grant Ring, Solicitors.

He called:

James Dell
Councillor, North Northamptonshire Council and Town Councillor.

Katharine Banham MA (Cantab), MSc, ACIEEM.
Conservation Officer (Northamptonshire), The Wildlife Trust for Bedfordshire,
Cambridgeshire, and Northamptonshire.

Adam Riley.
Local resident.

Alison Holland.
Founder and Owner, Brightwayz.

Frances O'Dowd.
Local resident.

Christopher Shaw.
Local resident.

Martin Crook BA (Hons), MRTPI.
Director, MSC Planning Associates Limited.

INTERESTED PERSONS

Ms Sellick	Mr Hollobone MP	Dr Heath
Mr Geary	Mr Tod	Ms McGinn
Mr Gemmell	Mr Burden	Ms Nutter
Mr Padwick	Ms Bazaud	
Ms Siddington	Ms Speed	
Ms Norman	Cllr Lee	
Mr Meagher	Dr Shackleton	
Dylan Lews-Creser	Mr Eppey	
Mr Maye CPRE	Mr Mayer	
Ms Clements	Ms Thorley	
Mr Shepherd	Ms Robertson	
Mr D'Agostino	Mr Farrow	
Ms Curry	Mr Toms	
Mr Dixon	Mr Esler	
Ms Parry	Ms Robinson	
Ms Bryan	Ms Walsh	
Cllr Fedorowycz	Mr Pandya	
Ms Coles	Mr Jones	
Ms Stiles	Ms Smith	
Mr Hanson	Mr Lane	
Mr Myton	Dr Stevenson	
Ms Setchfield	Mr Haynes	

DOCUMENTS SUBMITTED DURING THE INQUIRY

- Doc 1 - Tree heights surround the site.
- Doc 2 - Heights of surrounding buildings.
- Doc 3 - Unit sizes and Occupiers, North Kettering Business Park.
- Doc 4 - Location of Local Wildlife Sites.
- Doc 5 - Dimensions of units on the proposed development.
- Doc 6 - Site layout as originally submitted.
- Doc 7 - Joint Core Strategy Matter 5 - Employment Sites, Statement by The Boughton Estate/Buccleuch Property.
- Doc 8 - Industrial & Logistics Market 2014, Lambert Smith Hampton.
- Doc 9 - Statement by CPRE Northamptonshire.
- Doc 10 - Statement by Mr Hollobone MP.
- Doc 11 - Statement by Ms McGinn.
- Doc 12 - Statement by Ms Anstey.
- Doc 13 - Statement by Mr Tod.
- Doc 14 - Statement by D Palamarchuk.
- Doc 15 - Statement by D Tolkacheva.
- Doc 14 - Statement by Ms Wrighting.
- Doc 15 - Bundle of statements made during the evening session.
- Doc 16 - CIL Compliance Schedule.
- Doc 17 - List of suggested conditions.
- Doc 18 - Appellant's agreement to suggested pre-commencement conditions.

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

- Doc 19 - Certified copy of completed S106 Agreement dated 21 December 2023.