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## Appeal Decision

Inquiry held on 18, 19, 20, 25, 26 and 28 February 2025 and 20 March 2025

Site visits made on 17, 21 and 27 February 2025

by **Malcolm Rivett BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th April 2025

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**Appeal Ref: APP/W2845/W/24/3354423**

### **Land North of the Bell Plantation, Watling Street, Towcester, NN12 8EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by DHL Real Estate Solutions against the decision of West Northamptonshire Council.
- The application Ref is WNS/2021/1819/EIA.
- The development proposed is Hybrid planning application seeking both full and outline planning permission for: Part A: Full planning permission for a new roundabout access from the A5; internal spine road; creation of development plots with associated earthworks and plateauing; delivery of plateaus and access for Towcester Town Football Club (TTFC); site-wide structural landscaping and infrastructure; and a single warehouse (Use Class B8) and ancillary office, with associated access, hardstanding, landscaping, parking and supporting infrastructure; and Part B: Outline planning permission with all matters reserved for the development of TTFC and employment floorspace falling within Use Classes B2 and B8, with ancillary office space on the development plots; as established through Part A of this application.

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### **Decision**

The appeal is allowed and planning permission is granted for Hybrid planning application seeking both full and outline planning permission for: Part A: Full planning permission for a new roundabout access from the A5; internal spine road; creation of development plots with associated earthworks and plateauing; delivery of plateaus and access for Towcester Town Football Club (TTFC); site-wide structural landscaping and infrastructure; and a single warehouse (Use Class B8) and ancillary office, with associated access, hardstanding, landscaping, parking and supporting infrastructure; and Part B: Outline planning permission with all matters reserved for the development of TTFC and employment floorspace falling within Use Classes B2 and B8, with ancillary office space on the development plots; as established through Part A of this application, at Land North of the Bell Plantation, Watling Street, Towcester, NN12 8EU in accordance with the terms of the application, Ref WNS/2021/1819/EIA, and the plans submitted with it, subject to the conditions in the attached Schedule of Conditions.

### **Main Issues**

1. The main issues of the appeal are:
  - whether the proposal accords with the development plan in terms of the nature of the employment development proposed;
  - the effect of the proposal on the operation of the highway network; and

- the proposal's landscape and visual impacts and its effect on the setting of Towcester.

## Reasons

### *The nature of the employment development proposed*

2. The proposal involves a mix of Classes B8 and B2 employment development on land which forms the greater part of site AL1, allocated for 35ha of mixed employment generating development in the *South Northamptonshire Local Plan (Part 2)*. In terms of the nature of the employment development on the site, policy AL1 of the Part 2 Plan states that “*a variety of employment types will be sought to reflect the need for diversity and resilience in the local economy as expressed in the council's economic growth strategy*” and the land uses should be “*an independently assessed, market-evidenced proportion of B1 (now E(g)(iii)), B2 and B8*” uses.
3. It is common ground that, in terms of floorplate, 96.5% of the appeal scheme would be for B8 use and 3.5% for B2/B8 use. Taken together with the current planning application for the remainder of the AL1 site allocation (recently refused permission but the subject of an ongoing appeal), potentially up to 89.2% of floor area across the whole site allocation could be in B8 use; however, across the site allocation as a whole there would be a 75%-25% split between floorplate in units over 100,000 sq ft and that in units less than 100,000 sq ft.
4. *The South Northamptonshire Economic Growth Strategy (2016-2019)* does not refer to a required, desirable or even potential proportional split between different types of new employment development. However, the strategy does identify logistics as one of three key employment sectors in South Northamptonshire, along with food and drink and high performance technology. It also identifies the aim to “*build on our locational advantage to grow the Logistics sector while protecting what is special about the District by enabling growth in appropriate locations around the M1*”. “*Around the M1*” is not defined, but the appeal site is around only 6 miles from the motorway (and linked to it by the A43 “*Trunk*” road) and is closer to the M1 than most parts of the former South Northamptonshire District area.
5. Whilst this strategy has not yet been updated, a *December 2024 Evidence Base Report* has been published to inform a future West Northamptonshire Economic Growth Strategy. It sets out six objectives, two of which are “*Build on strengths in well-established sectors whilst seizing opportunities in others*” and “*Ensure that the benefits of economic growth are felt by all members of the community*”. As with the 2016-2019 document it does not identify a required, desirable or even potential proportional split between different types of new employment development. However, it does state on page 72, “*The employment base in West Northamptonshire is notably diverse with no single sector representing more than 15% of total employment. This diversity contributes to a resilient job market, providing stability and opportunities across various industries.*” Page 73 identifies that transport and storage accounts for 10% of employment in the district, a smaller proportion than for both wholesale/retail and human health/social work. Page 76 identifies Future Logistics as one of four future sector strengths.
6. In line with the site allocation policy, the appeal scheme is supported by an independently assessed *Market Analysis (September 2021)*, which has not been substantively challenged. At 8.1.6, it concludes “*Since the majority of demand [in*

*the East Midlands] has been for B8 premises larger than 100,000 sq ft, about 80% of the floorspace on the Site should be orientated towards accommodating demand for this element of the market. The remainder of the site should be orientated towards meeting the needs of the B2/B8/E(g)(iii) light industrial sector and smaller requirements principally up to 10,000 sq ft.”*

7. I recognise that the *West Northamptonshire Joint Core Strategy (Dec 2014)*, allocated sites for strategic warehousing provision and does not specifically provide for large scale B8 employment development at Towcester. I also appreciate that its supporting text (paragraph 5.70) states “*delivering new space to cater for the warehouse sector on a trend based trajectory would not be desirable nor sustainable in the long term in order to achieve a balanced economy*”. However, this plan was adopted more than 10 years ago and, as detailed above, the much more recent Part 2 Plan identifies the appeal site for employment development (policy AL1), including B8 use, and sets out specific policy requirements for determining the mix of employment development which do not preclude consideration of a trend based trajectory. The Part 2 Plan was found sound on this basis and, as stated in paragraph 191 of the examining Inspector’s report, was deemed to be consistent with the Core Strategy. The Part 2 Plan is also more recent than the 2016-2019 Economic Growth Strategy.
8. Reference has been made to paragraph 13.1.4 of the supporting text for policy AL1, the first sentence of which I consider does not, on its own, make sense. I believe this to be a typographical error and the intended meaning becomes clear when the first two sentences are read as one as follows: “*This Part 2 Plan allocates additional employment land and by facilitating more local employment growth it aims to attract new investment and provide more jobs to match the skills of local people, thereby balancing the ratio of in and out commuting.*” On this basis I interpret “local employment growth” (and “local demand” in paragraph 13.1.5) as meaning job opportunities (and the demand for them) in South Northamptonshire which would reduce the need for residents to travel outside of this area for work and not necessarily meaning jobs in firms created by local residents or just servicing the local area.
9. The aim to match jobs to the skills of local people is clearly expressed and I recognise that the South Northamptonshire area has amongst the highest proportion of professionals and managers in the country. However, whilst the Labour Market Statistics in Annex A of Mr Wood’s Proof of Evidence accordingly identify 54.4% of people in socio-economic classifications 1,2 and 3, they also identify 29.5% in classifications 6-9. It is therefore clear that, in seeking to match jobs to the skills of local people, regard needs to be had to the significant proportion of people who are not professionals or managers. Moreover, one of the six objectives set out in the 2024 Evidence Base Report is to “*Ensure that the benefits of economic growth are felt by all members of the community* “. The appeal proposal would be likely to provide jobs for local people who are not professionals or managers, but not solely so: Save Towcester Now refers to the ONS’s Annual Population Survey 2018 which identifies that 12.8% of jobs in the logistics sector are for managers, directors, senior officials and professional occupations. The appeal scheme would therefore be likely to offer employment opportunities for a wide range of people in the local area.
10. There is no evidence either way on whether the proportion of those commuting out of the South Northamptonshire area for work varies by socio-economic

classification. Therefore it is reasonable to assume that, in providing additional employment opportunities in Towcester, the appeal scheme will assist in reducing the level of out commuting from the area.

11. Paragraph 13.1.5 also states that the new employment sites in South Northamptonshire are intended to “*meet the demand for small and medium sized units*”. It does not state that the sites should only meet the demand for small/medium units. “Meeting the demand for...” does not mean the same as “Only provide for...”. Moreover, in relation to site AL1, the independently assessed market evidence demonstrates that the demand for smaller sized units (ie those up to 10,000 sq ft) is only 20% of the overall footplate at the site. Furthermore, bearing in mind that it differs from paragraph 13.1.5 in not referring to “units”, I interpret the reference in paragraph 1.7 of the *West Northamptonshire Employment Sites Supplementary Planning Document* to “*small scale employment opportunities*” as meaning the small, as opposed to strategic, scale of the allocations themselves (ie less than 40ha).
12. I understand that the nearby site allocation AL3 (for which outline permission has been granted) also includes a majority of B8 use. However, I have no evidence to indicate that that was not also supported by independently assessed, market evidence, as required by policy AL3.
13. Overall, in providing predominantly (75%) 100,000 sq ft+ B8 employment development, the appeal proposal, when considered together with that for the remainder of the AL1 site allocation, would broadly accord with the independently assessed, market-evidenced proportion of uses, which identifies the need for 80% of the site to be in such use. Neither the 2016-2019 Economic Strategy nor the 2024 Evidence Base Report identify a required/preferred proportional split of new employment types, but both documents identify logistics as a key growth sector. Moreover, the Evidence Base Report notes that the area has a notably diverse employment base and, even then, it is notable that logistics currently provides for a significantly smaller proportion of jobs in the area than both wholesale/retail and human health/social work. On this basis I conclude that the variety of employment types which are proposed to be provided across the AL1 site allocation would accord with the current and emerging economic strategy and would appropriately support diversity and resilience in the local economy.
14. I conclude therefore that the nature of the employment development proposed accords with the development plan, and in particular the requirements of policy AL1 of the Part 2 Plan that it be supported by independently-assessed market evidence and that it provides a variety of employment types reflecting the need for diversity and resilience in the local economy.

#### *Effects on the operation of the highway network*

15. There are numerous disagreements concerning the reliability of the modelled traffic volumes on the strategic road network for the 2025 assumed opening year of the appeal scheme. However, as was confirmed in answer to my questions at the Inquiry, and with the provisos I address below, there is agreement between the main parties that the modelled traffic flows, journey times, delays and queues are realistic for 2031, which I envisage is unlikely to be much beyond the realistic date of completion of the development. Consequently, I consider that my reaching a

- view on the disputed 2025 figures would be a fruitless exercise in connection with determining this appeal.
16. I appreciate that even the 2031 modelling work does not consider the Stony Stratford roundabout. Whilst I understand the importance of this junction to residents of the Towcester area who work in Milton Keynes or drive to Milton Keynes to catch a fast train to London, it is around 8 miles from the appeal site and I have seen no persuasive evidence that it would be significantly affected by traffic generated by the appeal proposal. Furthermore, whilst Save Towcester Now point out that if the appeal proposal were to deliver more B1/B2 development and less B8 than is anticipated and has been modelled, traffic volumes would be likely to be significantly greater and therefore more likely to cause harm. However, firstly, the market evidence, as detailed above, suggests that there is unlikely to be the demand for significantly more B1/B2 development than is currently anticipated. Secondly, it appears to me to be contradictory to simultaneously object to the proposal (on a site allocated for B1/B2/B8 employment development) on the basis that it provides too much B8 development and that, if it were to provide more B1/B2 development, it would be more unacceptable in highway terms.
  17. In the light of the above, the forecasts for 2031 convincingly demonstrate that the highway mitigation proposed as part of the scheme (improvements to the A5/A43 Tove Roundabout) would provide more than sufficient capacity to satisfactorily accommodate the traffic likely to result from the proposal itself, even taking account of background traffic growth to 2031 and the traffic likely to be generated by already consented developments in the area.
  18. This is demonstrated in Tables 4.1 – 4.7 of Ms Baker’s Rebuttal Proof of Evidence (Doc 111.04), represented by the comparison between “2031 Do Minimum” and the “2031 Do Something” scenarios. Tables 4.4 – 4.7 in particular show that, whilst at certain times on specific routes, there would be very small increases in journey times, there would also be small reductions in journey times at other times/on other routes. Overall, across the 8 routes and during the 4 time periods assessed, the appeal scheme and its highway improvement work, would result in an average reduction in journey times of around 4%. On this basis the scheme accords with policy INF1 of the Core Strategy which states that “*where development generates a need for new infrastructure developers will need to demonstrate that provision will be made to meet the necessary requirements arising from that development within an appropriate timescale.*”
  19. However, notwithstanding compliance with the development plan in terms of its effect on the operation of the highway network, the Council and Save Towcester Now object to the appeal scheme, primarily having regard to paragraph 116 of the *December 2024 National Planning Policy Framework (NPPF)* which states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.*”
  20. Table 4.5 demonstrates that, in the scenario that assumes that, in addition to the appeal scheme and its highways mitigation, all the other currently unconsented AL1-AL4 employment allocation schemes were to proceed without any further highways mitigation, journey times between 0815 and 0915 on “Route 1” would increase from 443 seconds to 780 seconds (comparison of the “2031 Do Minimum”

and “2031 Do Something Cumulative” scenarios). I conclude that, in principle, the increase in this particular journey time from 7 minutes, 23 seconds to 13 minutes would represent a severe residual cumulative impact on the road network.

21. However, it is important to consider the context of this impact; that is, because the highway improvement mitigation proposed as part of the appeal scheme would more than offset the scheme’s own traffic impact, even under the “Do Something Cumulative” scenario in which a severe highways impact would be likely to result from other development approved without mitigation, the modelled highway network would perform better with the appeal scheme in place than without it. Consequently, in this particular context, it would be perverse to block the appeal scheme. This conclusion does not ignore, or consider to be irrelevant, the cumulative impacts of development or disbar an LPA from refusing proposals which themselves contribute to cumulative adverse impacts. Instead it simply recognises that the appeal scheme would not itself add to the adverse cumulative highway impacts and, indeed, would in a small way reduce them.
22. Furthermore, the “Do Something” scenario does, in fact, already take account of significant elements of cumulative impact – ie background traffic growth to 2031 and the traffic likely to be generated by already consented new development. The only cumulative impact not accounted for in this scenario is that of traffic which would be generated by the yet to be permitted other AL employment site allocations. If other developments on these allocated sites is only approved on the basis (with mitigation if necessary) that they are each shown to not contribute towards severe cumulative adverse impacts - as is the case with the appeal scheme - then no such impacts will ultimately arise. This does not mean that refusal of development is only legitimate if the traffic associated with that development alone gives rise to severe adverse impacts and I agree with the Council that “*it is poor planning to develop in a way that makes traffic severely worse*”. However, that would not be the case with the approval of the appeal scheme: in any scenario its mitigation measures would make the highways situation better than it would otherwise have been.
23. Moreover, the appeal scheme is not comparable with the cited Bovis Homes appeal, in which the Inspector concluded that its proposed sustainable transport measures would be unlikely to significantly mitigate the adverse highway impacts of the proposal. On this basis, and unlike the scheme I am considering, that proposal would have been likely to exacerbate cumulative adverse highway impacts of development.
24. I accept that permitting development on the basis of it, itself, not contributing towards cumulative residual impacts could prevent or make difficult the implementation of a cumulative mitigation scheme. Consequently, this is an approach to permitting development which might not be appropriate in every situation. However, for whatever reason, in this case there is currently no identified cumulative mitigation scheme for the A5/A43 in this location, nor is there any indication that one is likely to be forthcoming in the near future. Moreover, whilst I accept there is only limited evidence on the matter, based on the written and verbal evidence, there appears to be a reasonable prospect that the roundabout improvement works proposed as part of the appeal scheme would not prevent further mitigation works being implemented in the future if necessary in connection with other development.

25. It is also argued that the appeal scheme has not been developed in accordance with the vision-led transport planning approach advocated in the NPPF, in particular to encourage modal shift away from private car use. It is the case that the scheme has a target of 7.8% sustainable transport use when the supporting text (paragraph 6.13) of the Core Strategy advocates a target of 20% for new development. However, this supporting text relates to policy C1 which focuses on what the Council and transport providers will do to achieve modal shift and, other than in relation to broadband, does not set any requirements for new development .
26. Nonetheless, the scheme includes a range of measures to encourage walking, cycling and use of buses to access the development and these can be secured by conditions and the submitted s106 agreement. In response to my question at the Inquiry the Council was unable to identify any additional measures it believed the development should incorporate or provide in order to maximise use of non-car modes. Furthermore, whilst it is the case that the appellant had initially questioned the contribution sought in respect of a cycle path south of Tove Roundabout, by the close of the Inquiry, the appellant was not challenging the necessity of this contribution.
27. I accept that the shared path to/from the development along the A5 would have limitations (in particular a narrow stretch) and that crossing of the A43 on foot or cycle (although to be improved as part of the scheme) is never likely to be a particularly attractive part of the journey to/from the site. However, these are virtually inevitable implications of the allocated site's location and, overall, the pedestrian/cycle route between the site (and indeed the existing commercial development at Bell Plantation) and the town to the south of the A43 would be significantly improved. The route and hours of operation of the bus service provided for by the s106 agreement are to be determined by the Council. However, the scheme would provide £500,000 to support the bus service and £100,000 for a bus ticket fund. To my mind these would be likely to significantly improve public transport access to the site and I understand they are consistent with what the Council considers are necessary, if the appeal were to be allowed.
28. Overall, I do not consider there to be evidence of a failure of the appeal scheme to comply with the vision-led transport planning approach.
29. I note the detailed concerns which have been raised about the robustness of the road safety assessments of the Tove Roundabout and A5 shared path improvement schemes and the safety implications of detailed design changes shown on various iterations of the drawings for these works. However, proposed conditions 5 and 6 require implementation of works in "general accordance" with the relevant plans. As works on the highway these will require the agreement of National Highways, who is responsible for the safety of its highway network. I envisage it likely that any adjustments to the schemes as shown on the plans which it may consider necessary to ensure safety would be achievable whilst maintaining schemes in general accordance with the relevant plans.
30. In view of the evidence that, having regard to the mitigation proposed, the appeal scheme would marginally improve, rather than worsen, existing congestion at Tove Roundabout, I believe it very unlikely that the scheme, once operational, would materially exacerbate current problems of "rat-running" along minor roads or delayed school buses.

31. In the light of the above I conclude that, taking account of the mitigation proposed, the appeal scheme is unlikely to result in any material adverse effects on the operation of the highway network and, in terms of delays/congestion at the Tove Roundabout would be likely to make any residual cumulative impacts less severe than they would otherwise be, in all reasonable future scenarios. On this basis I find no conflict with paragraphs 115 or 116 of the NPPF.

*Landscape, visual and setting of Towcester impacts*

32. In relation to landscape and visual impacts policy AL1(6a) requires development to be supported by a detailed heritage impact assessment, in order to inform the height, layout and extent of the development and to include consideration of impacts on designated and non-designated heritage assets and, specifically, Easton Neston Registered Park and Garden. Policy AL1(6b) requires a detailed landscape assessment of the whole site to deliver a high quality landscaped setting within and around the boundary of the proposal. I concur with the general consensus view that any limited impacts of the development on heritage assets would not justify refusal of permission for the scheme and, whilst concerns have been raised that the landscaping would not be sufficient to mitigate the visual impact of the proposed buildings, the Council has not specifically stated that the appeal proposal conflicts with policy AL1(6b).
33. The supporting text for this policy (paragraphs 13.2.2 and 13.2.3) makes reference to the suitability of the site for small and medium sized business units/commercial buildings, and I imagine that this is what, at the time of writing this text, the Council envisaged the market would be most likely to deliver on the site. However, these paragraphs do not state that large buildings would be inappropriate. Further on in the supporting text (paragraph 13.2.9) the height of buildings on site AL1 is referenced, but only in relation to impacts on heritage assets and, specifically, Easton Neston Registered Park and Garden. And, as mentioned above, part 6a of policy AL1 sets requirements in respect of this. To my mind this demonstrates that the size and height of buildings on the appeal site was firmly in the minds of the Council in preparing the plan and of the Inspector who examined it for soundness. Requirements to control the height of buildings on the site, to protect heritage assets, were included in the policy. Had there been specific concern about the impact of the height of the buildings on the general landscape and views from the east, north and west of the site, I am sure specific requirements in respect of this would also have been included in the plan.
34. Policy AL1 also references policy SS2 of the Part 2 Plan, which sets out a wide range of general development and design principles, and it is part (b) of this policy with which the Council cites conflict. This requires development to use a design led approach to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area in terms of type, scale, massing, siting, form, design, material and details. Conflict is also cited with policy S10(i) of the Core Strategy which requires development to protect, conserve and enhance the natural and built environment. In my view it is necessary to apply these policies having regard to the fact that the appeal proposal is on a greenfield site, beyond the edge of the existing built-up area, but is allocated for employment development in the Part 2 Plan. This inevitably restricts the extent to which any development on the site could protect, conserve or enhance the natural environment or be compatible/integrate with its surroundings.

35. Having regard to this policy context the fundamental argument advanced against the scheme is that, bearing in mind their proposed ground levels, height and massing, and the inevitable limitations of landscaping mitigation, the scheme's warehouse buildings would cause unacceptable adverse impacts on the surrounding landscape character and views.
36. Conflict is also cited with the *South Northamptonshire Employment Site Allocations Development Brief Supplementary Planning Document (SPD)*, adopted in October 2022. Page 28 of the SPD defines large units as those in excess of 8,000 sq m (approximately 86,000 sq ft) and states "*The presumption will be for the accommodation, across the employment sites of a mix of small, medium and in exceptional circumstances, large sized units*". There is broad consensus, with which I concur, that in the absence of there being such a test set out in development plan policy, this statement cannot be treated as setting a formal exceptional circumstances test with which large sized units would have to comply.
37. Paragraph 6.25 of the SPD concerns building height, scale and massing specifically in respect of the AL1 site allocation. It states:
- "Small and medium sized building [sic] will be acceptable where there is no significant visual impact, likely rising to approximately 16m in height (from existing ground levels), and being effectively screened from sensitive views by either existing or proposed tree planting. Large buildings, which have a greater impact ie are visible above tree cover/from longer distances or affect the character of the area in which they sit, will need to provide robust mitigation such as delivering the highest design quality and a thorough programme of landscape measures."*
38. It is common ground that the appeal proposal includes large buildings which would be visible above existing and proposed tree cover and from longer distances and would, to some degree at least, affect the character of the area. However, the SPD does not identify such development as inherently unacceptable. Consequently, in my judgement, the compliance of the appeal proposal with the SPD, Part 2 Plan policy SS2(1b) and Core Strategy policy S10(i), is dependent upon the extent to which its visibility from the surrounding landscape and viewpoints is compatible and integrates with its surroundings, bearing in mind its use of a site allocated in the development plan for employment development.
39. In addition to significant disagreement in written evidence about the level of impact from individual viewpoints and on specific landscape character areas, there is also disagreement about the viewpoints and character areas which should be appropriately taken into account in assessing the application. However, at my request, the three main parties produced and agreed a table (Doc 115.08) of 36 viewpoints and 21 landscape character areas and provided their respective conclusions on the likely effect of the development (at year 15) for each viewpoint/area. I have visited, and assessed the likely effect of the appeal scheme on, all these viewpoints and the character areas. My visits took place on clear days in late Winter when foliage cover is likely to have been at its most limited. In reaching my conclusions on the likely impact of the appeal scheme I have also taken account of all the written and verbal evidence in this regard, including Mr Askew's comments, which were commissioned by the Council to assist in its consideration of the planning application.

40. Notwithstanding that the agreed list includes several viewpoints around 6 miles from the appeal site and disaggregates some of the Character Areas as advocated by the Council, the Council has maintained its criticism of the appellant's submitted Landscape and Visual Impact Assessment on the basis that, because the radius of assessment from the appeal site, was less than it considers it should have been, there could be other locations some distance from the site at which harm might be caused by the proposal which have not yet been identified. However, having assessed the likely impact at those more distant locations which are included on the agreed list and noted the topography of the wider area, I envisage it very unlikely that there are other, yet to be identified, locations where visibility of the appeal proposal would cause significant harm. Moreover, the Council's more general criticism of the appellant's Landscape and Visual Impact Assessment as adopting a narrow scope and light touch approach and underplaying the harms, would be of potential concern if I did not also have the benefit of a large amount of written evidence detailing contrary views and judgements in respect of the scheme's landscape and visual impacts.
41. In this context I consider the arguments as to whether or not the appellant adopted an adequately "design led" approach to the proposal, relate essentially to a matter of process rather than outcome and are, thus, not of significant importance to my determination of the appeal. Policy SS2(1b) requires the adoption of a design led approach to demonstrate "*compatibility and integration with its surroundings*". The extent to which the appeal scheme would be compatible and integrate with its surroundings is therefore ultimately the basis on which I have assessed its acceptability in visual and landscape terms.
42. The parties agree that a neutral, negligible or minor adverse effect would result from the appeal scheme at around a third of the viewpoints and in more than half of the landscape character areas on the agreed list. I concur with these assessments.
43. I consider that the most significant adverse effects of the scheme would be on the area to the immediate north and east of the appeal site, where it is likely that the height and massing of the warehouses would be clearly seen above the matured landscaping at relatively close proximity, jarring with the views across an otherwise attractive rural landscape. Moreover, the effect would be considerably more significant than that of lower height development on the site which would be likely to be capable of complete screening by landscaping from these locations. On this basis I conclude that a major adverse visual effect would be caused for users of footpath SB1 and people walking along Donkey Lane and Caldecote Lane.
44. A moderate adverse effect would be likely to be caused for those in vehicles on Donkey Lane and Caldecote Lane, bearing in mind that most people in vehicles would be unable to see over the hedges and the views would be glimpsed. A moderate adverse effect would also be caused at viewpoint VR1A (Residents at southern edge of Caldecote) and to Landscape Character Areas 6D (Caldecote Setting), 6E (East of Greens Norton) and 8 (Caldecote Village). The presence of the appeal scheme would be appreciated in these character areas, but I conclude it would not dominate them to the extent of causing a major adverse effect.
45. A moderate adverse effect would be likely at viewpoints VR14 and VR16 to the west of the appeal site where, although the development would be likely to be visible above the landscaping, its greater distance would mean that the impact would be less than for the viewpoints to the north and east of the site which I've

- identified above as likely to experience a major adverse effect. In fundamentally altering the character of the open countryside, appeal site itself the scheme would have a major adverse impact. It would also substantially alter the views along, and from close by, the A5 (Viewpoints VR6, VR11, VR12, VR12A/G and 18/C), from being largely rural ones to urban ones, in doing so having a moderate adverse effect.
46. I conclude that the effect of the development on the remaining viewpoints and character areas on the agreed list would not be significant and would, at most, be minor adverse. In most instances this is because of the distance between the development and these viewpoints and areas; whilst on very careful scrutiny the top of the warehouse buildings would be likely to be seen above the trees, it would in no way be dominant in these views or be a significant part of the character within these areas.
47. In terms of the setting of Towcester, when approaching from the north along the A5, I consider that the town is currently “reached” on the immediate approach to the Tove Roundabout at which point built development can be seen in close proximity. The visible development includes a petrol filling station, a car sales showroom and the rear of modern houses. This area is very different in character from the historic core of the town, which is “reached” a quarter of a mile or so south of the roundabout. I envisage that the appeal scheme would be likely to move the point at which Towcester is “reached” further north to the proposed new roundabout at the entrance to the development. However, bearing in mind the extent of landscaping proposed in this location, I consider this would present a more attractive gateway to the town than currently exists at the Tove Roundabout. Whilst the scheme would expand the size of the town, which to some degree might adversely affect its overall character, this is an inevitable consequence of allocating the site for development in the Part 2 Plan.
48. Overall, in terms of the setting of Towcester and the viewpoints and character areas for which I identify there would be no significant adverse effect, I conclude there would be no conflict with policies SS2(1b) of the Part 2 Plan or S10(i) of the Core Strategy or the SPD.
49. In respect of the major and moderate adverse effects I identify as being likely on the site itself and in the views from/near the A5, I have had regard to the fact that such impacts would be likely with almost any form of development of the site, it being one which is allocated for employment use. Moreover, the supporting text of policy AL1 (paragraph 13.2.3) notes the site’s location on/close to the A5 and A43 and states “*Development in this area provides an opportunity for high visibility economic investment*”, which the policy itself specifically identifies as suitable for B2 and B8 uses. It is clear that in allocating the site for development there was a recognition that B2 and B8 development would potentially be seen from, and close by, the A5, to the extent that this was considered to be an “opportunity”. Furthermore, there is nothing in policy which requires or suggests that the B2 or B8 development should be designed so as to look like a form of development which it is not. I am satisfied that as seen from and near the A5 the proposal provides for a high quality landscape setting, as required by policy AL1. On this basis I conclude there would also be no conflict with policies SS2(1b) or S10(i) or the SPD.
50. However, the major and moderate adverse effects I have identified for users of footpath SB1, along Donkey Lane and Caldecote Lane, at viewpoints VR1A, VR14

and VR16 and in Landscape Character Areas 6D, 6E and 8 would arise from the visibility of the large warehouse buildings above the existing and proposed landscaping, which would not integrate with these rural surroundings. Moreover, I envisage that this harm would not be an inevitable consequence of development of the site allocation for employment development, because lower height buildings would be unlikely to be seen from these locations/areas. On this basis, and bearing in mind the restricted number of locations at which significant adverse harm would be caused, I conclude the appeal scheme overall would have some limited conflict with the SPD and policies SS2(1b) and S10(i) as detailed above and paragraph 135 (a-c) of the NPPF.

51. However, policy SS2(2) indicates that proposals which contravene any of the policy's criteria will be refused unless outweighed by other material considerations. I therefore consider in the *Overall Planning Balance* section below whether such other material considerations exist in this case.

#### *Other Matters*

52. The scheme would be likely to have significant effects on the residents of Bairstow's Lodge and Brickyard Farm, both of which are very close to the appeal site. However, effects of this magnitude would be likely with almost any development in accordance with site allocation policy AL1. Moreover, it seems to me unlikely that the nearby presence of the proposed football club ground (also a specific requirement of policy AL1) would significantly undermine the operation of the kennels business at Brickyard Farm.
53. I have had careful regard to the concerns raised about air quality, noise, flood risk, biodiversity/ecology and light pollution. Each of these issues have been assessed in detail, and in accordance with national guidance, in the Environmental Statement Full Report (Doc 11.02) and a number of its supporting documents. Having regard to this evidence, and bearing in mind the effect of proposed conditions, I consider it unlikely that the scheme would result in unacceptable effects in relation to these matters.
54. I have also had regard to the overall level of local objection to the scheme - more than 1,000 written representations and the heartfelt objections of those who spoke at the Inquiry. However, I consider that this, in itself, would not justify refusal of permission.
55. The scheme would deliver a site allocation for employment development and provide for a football ground for Towcester Town Football Club set out in the Part 2 Plan which, in a plan-led planning system, I consider would, in itself, be a significant benefit. Whilst I note the suggestions that there are better locations for the football club, it is a clear requirement of the Part 2 Plan that it should be part of any development of site allocation AL1. Moreover, the scheme would be likely to create in excess of 1,000 jobs and as a logistics facility would help support economic growth more widely across the region and country. These are also substantial benefits of the scheme, having particular regard to the emphasis given to the importance of the logistics sector to economic growth in paragraphs 85 and 87 of the NPPF. The improvement works to Tove Roundabout, to be delivered as part of the scheme, would be likely to marginally reduce congestion/delays in all likely scenarios, to which I attach moderate weight.

### Overall Planning Balance

56. The principle of the acceptability of employment development on the appeal site is determined by its allocation for this type of development in policy AL1 of the adopted Part 2 Plan. I have concluded that, in terms of the nature of the employment development proposed, the scheme accords with the development plan and that it would not adversely affect the operation of the highway network, including having regard to the cumulative impacts of other potential development. Moreover, in relation to overall noise impacts, air quality, light pollution, ecology and flood risk significant harm is unlikely to occur. Nor am I persuaded that the overall level of local objection should carry significant weight against the proposal.
57. However, I have concluded that the scheme would be likely to cause some relatively localised, visual and landscape harm, over and above that which would be likely to inevitably arise from the development of the site for employment purposes. Bearing in mind the localised impact, I have concluded that this would result in some limited conflict with the Employment SPD, policies SS2(1b) of the Part 2 Plan and S10(i) of the Core Strategy and paragraph 135 (a-c) of the NPPF.
58. I consider that significant benefit would arise from delivering development of a key site allocation in the Part 2 Local Plan. In particular, this would create in excess of 1,000 jobs for local people (including for the significant proportion of the population who are not managers or professionals), and thereby assist in reducing the need for out-commuting from the area. It would also provide land ready for the creation of a Towcester Town Football Club home ground, which the Part 2 Plan identifies to be “a very important local community facility”. Furthermore, and significantly, the scheme would strongly support paragraphs 85 and 87(b) of the NPPF, as recently updated, which state:
- “85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.....”* and
- “87. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for: b) storage and distribution operations at a variety of scales and suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation;”*
59. Overall, and having regard to all other matters raised, I conclude that the significant benefits of the scheme would outweigh the relatively limited harm likely to be caused. Policy SS2(2) indicates that proposals which contravene any of the policy’s other criteria will be refused unless outweighed by other material considerations. I consider therefore that the scheme’s benefits are material considerations which would outweigh the limited conflict with policy SS2(1b), meaning that the scheme accords with policy SS2 as a whole. On this basis, and in the context in which I have interpreted policy S10(i) of the Core Strategy and the SPD in connection with a proposal on a site allocation (as detailed in paragraph 38 above), I conclude there is also no conflict with this policy or the SPD. Similarly I conclude that the scheme’s support of paragraphs 85 and 87 of the NPPF, outweigh its limited conflict with its paragraph 135 (a-c). Consequently, I conclude that the scheme accords with the

development plan and the NPPF when read as a whole and should therefore be permitted.

### **Conditions and Obligations**

60. In the light of the relevant written and verbal evidence the conditions listed in the attached Schedule are necessary for the following reasons:

- Condition 1: to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- Condition 2: to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).
- Condition 3: for the avoidance of doubt.
- Condition 4: to protect habitats and/or species of importance to nature conservation from significant harm.
- Condition 5: to ensure safe and suitable access to the development.
- Condition 6: to mitigate any severe or unacceptable impact from the development on the A5 / A43 Tove Roundabout junction.
- Condition 7: to ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the character and appearance of the area and to assist the integration of the development into the existing landscape.
- Condition 8: to protect habitats of importance to biodiversity conservation from any loss or damage.
- Condition 9: to ensure that the development does not cause harm to any protected species or their habitats.
- Condition 10: to protect habitats of importance to biodiversity conservation from any loss or damage.
- Condition 11: to ensure that the development does not cause harm to any protected species or their habitats.
- Condition 12: in order to ensure that adverse impacts on great crested newts are adequately mitigated.
- Condition 13: in order to adequately compensate for any negative impacts to great crested newts.
- Condition 14: to minimise the risk of flooding both on and off site.
- Condition 15: to minimise the risk of flooding both on and off site.
- Condition 16: to ensure the environment is protected during construction.

- Condition 17: to ensure that the development does not cause harm to any protected species or their habitats.
- Condition 18: to ensure that the A5 and A43 continue to serve their purpose as part of a national system of routes for through traffic.
- Condition 19: to ensure safe and suitable access to/from the development for pedestrians and cyclists and to ensure that damage to, or loss of, existing vegetation within the highway boundary is avoided/minimised, in the interests of the character and appearance of the area.
- Condition 20: to ensure that adequate public transport infrastructure is provided.
- Condition 21: to prevent environmental and amenity problems arising from flooding.
- Condition 22: to ensure that any contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.
- Condition 23: in the interests of crime prevention.
- Condition 24: in order to safeguard the character and appearance of the area and the living conditions of the occupants of neighbouring properties.
- Condition 25: to ensure adequate pedestrian access to the site. [I agree with the Council and appellant that it is unnecessary to subject occupation of the Zone 1 building to this condition, given the likely timescale for the implementation of development on site allocation AL3.]
- Condition 26: to ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire and to protect the safe working environment for all users and visitors.
- Condition 27: to ensure the development complies with the development parameters and the submitted Transport Assessment.
- Condition 28: in the interest of safeguarding living conditions of neighbouring residents and reducing pollution.
- Condition 29: to ensure that a satisfactory landscape scheme is provided in the interest of well planned development and the character and appearance of the area.
- Condition 30: to reduce the risk of flooding both on and off site.
- Condition 31: to reduce the risk of flooding both on and off site.
- Condition 32: to ensure the trim trail equipment installed is of a high quality and provides a varied and meaningful experience for users.
- Condition 33: to ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of the character and appearance of the area. [I consider that it is not necessary

for Zone 5 to be the subject of this condition as this is controlled by the planning obligation.]

- Condition 34: to reduce the risk of flooding both on and off site.
- Condition 35: to reduce the risk of flooding both on and off site.
- Condition 36: to maximise opportunities for sustainable transport modes.
- Condition 37: for the avoidance of doubt and to safeguard the character and appearance of the area.
- Condition 38: for the avoidance of doubt and to ensure that the development is carried out only as approved.
- Condition 39: to ensure that the appearance of the development is appropriate to the locality.
- Condition 40: to ensure the environment is protected during construction work.
- Condition 41: to protect the occupiers of nearby properties from unacceptable noise and disturbance outside normal working hours.
- Condition 42: to ensure that the results of the archaeological investigations are properly analysed and published.
- Condition 43: to prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory means of surface water attenuation and discharge from the site.
- Condition 44: to ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.
- Condition 45: to safeguard the character and appearance of the area and to ensure adequate parking and manoeuvring space within the site.
- Condition 46: to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development.
- Condition 47: to ensure the creation of a satisfactory environment free from intrusive levels of noise.
- Condition 48: to minimise noise pollution. [I have used wording similar to that proposed by Save Towcester Now, rather than the Council, because the latter's assumes only one operator of the site and would potentially require beepers to be unnecessarily fitted to vehicles entering the site, such as cars.]
- Condition 49: to protect habitats of importance to biodiversity conservation from any loss or damage.

61. There is no need for a condition concerning hazardous substances as this is a matter controlled by other legislation.
62. The executed s106 agreement between the appellant and the Council provides for:
- Transfer of the freehold of the land to be used for Towcester Town Football Club to the Council, together with the provision of utilities and access;
  - Each occupier of the site to submit, for approval, to the Council a Travel Plan;
  - A contribution of £500,000 for the provision of a bus service to the site;
  - A contribution of £100,000 to a bus ticket fund;
  - A fee of £5,000 to fund monitoring of the Travel Plans;
  - The submission to, and approval by the Council of, employment skills and training Employment Plans;
  - Delivery of off-site biodiversity net gain;
  - A fee of £9,000 to fund monitoring of the biodiversity net gain;
  - A contribution of £250,000 towards the creation of a shared footway/cycleway on the A5 south of Tove Roundabout, should this not be provided in connection with other development in the area; and
  - A fee of £5,000 to fund monitoring of the agreement as a whole.
63. Having regard to the *CIL Compliance Statement* (Doc 90.16) and the other relevant written and verbal evidence I am satisfied that each of these obligations is necessary for the scheme to be acceptable in planning terms, is directly related to the development and is fair and reasonable in scale and kind.
64. The appellant has also executed a separate unilateral undertaking which would provide for the payment to the Council of a £250,000 “Cumulative Infrastructure Contribution” if the £250,000 contribution for the creation of a shared footway/cycleway (provided for in the s106 agreement, as detailed above) is not required.
65. Notwithstanding its objections to the appeal scheme on the basis of cited cumulative highway impacts and the lack of a vision-led approach to its development, in response to my questions at the Inquiry the Council was unable to identify any infrastructure, not already provided as part of the scheme itself or through the s106 agreement, that it believes would be necessary to the acceptability of the scheme. Moreover, given that I have found that the scheme would not give rise to unacceptable impacts on infrastructure, I conclude that the Cumulative Infrastructure Contribution is not necessary to the acceptability of the scheme. The unilateral undertaking has therefore not carried material weight in my decision on the appeal.

## **Conclusion**

66. For the above reasons I conclude that the appeal should be allowed subject to the conditions set out in the attached Schedule of Conditions.

*Malcolm Rivett*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development for which full planning permission is hereby permitted (as defined by Drawing No. TOW-pHp-00-00-DR-A-4487-010 Rev P12 - EXCLUDING Zones 2, 3, 4 and 5) shall be begun no later than three years from the date of this permission.
2. Application for approval of all the reserved matters for those parts of the development for which outline planning permission is hereby granted (as defined by Drawing No. TOW-pHp00-00-DR-A-4487-010 Rev P12 - Zones 2, 3, 4 and 5 ONLY) shall be made to the Local Planning Authority no later than three years from the date of this permission and the development shall be begun either no later than five years from the date of this permission or no later than two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:

### *General Plans*

- Drawing No. TOW-pHp-00-00-DR-A 4487-001 rev P03 (Site Location Plan)
- Drawing No. TOW-pHp-00-00-DR-A-4487-009 rev P11 (Parameter Plan - FFLs and Heights)
- Drawing No. TOW-pHp-00-00-DR-A-4487-010 rev P12 (Parameters Plan – Development Zones)
- Drawing No. TOW-pHp-00-00-DR-A-4487-025 rev P18 (Hybrid Plan) Quod | Land North of Bell Plantation | SoCG Addendum 2 | 27 February 2025
- Drawing No. TOW-pHp-01-01-DR-A-4487-031 rev P07 (Pedestrian and Cycle Routes)
- Drawing No. 25643-MBL-HGN-XX-DR-CH-0100 rev P15 (Proposed S278 Highway Works – General Arrangement)
- Drawing No. JN2138-Dwg-0013 rev D (Proposed Highway Mitigation Scheme – Tove Roundabout) Full Planning Permission – Plot 1
- Drawing No. TOW-pHp-01-00-DR-A-4487-100 rev P19 (Detailed Site Plan – plot 1)
- Drawing No. TOW-pHp-01-00-DR-A-4487-200 rev P9 (Warehouse Floor Plan – ground floor)
- Drawing No. TOW-pHp-01-01-DR-A-4487-201 rev P8 (Warehouse Floor Plan – first floor)
- Drawing No. TOW-pHp-01-01-DR-A-4487-202 rev P06 (Warehouse Floor Plan – second floor)
- Drawing No. TOW-pHp-01-01-DR-A-4487-203 rev P1 (Warehouse Roof Plan)
- Drawing No. TOW-pHp-01-01-DR-A-4487-210 rev P8 (Office Floor Plans – first and second floors)

- Drawing No. TOW-pHp-01-01-DR-A-4487-300 rev P8 (Warehouse Building Elevations)
- Drawing No. TOW-pHp-01-01-DR-A-4487-400 rev P8 (Warehouse Sections)
- Drawing No. TOW-pHp-01-01-DR-A-4487-211 rev P6 (Transport Office Plans – ground and first floors)
- Drawing No. TOW-pHp-01-01-DR-A-4487-212 rev P03 (Gatehouse Plans and Elevations)
- Drawing No. TOW-pHp-01-01-DR-A-4487-310 rev P01 (Ancillary buildings and Equipment)
- Drawing No. TOW-pHp-01-01-DR-A-4487-030 rev P05 (Fence Plan) Full Planning Permission – landscaping and site-wide earthworks
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2050 rev P2 (Green Infrastructure Parameters Plan)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2050 rev P3 (Landscape Masterplan)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2000 rev P3 (Reference Plan)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2001 rev P3 (General Arrangement 1)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2002 rev P3 (General Arrangement 2)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2003 rev P3 (General Arrangement 3)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2004 rev P3 (General Arrangement 4)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2005 rev P3 (General Arrangement 5)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2006 rev P3 (General Arrangement 6)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2007 rev P3 (General Arrangement 7)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2008 rev P3 (General Arrangement 8)
- Drawing No. BDC-ETL-XX-XX-SH-L-2015 rev P1 (Plant Schedule)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2009 rev P2 (Softscape Plan 1)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2010 rev P2 (Softscape Plan 2)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2011 rev P2 (Softscape Plan 3) Quod | Land North of Bell Plantation | SoCG Addendum 2 | 27 February 2025
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2012 rev P2 (Softscape Plan 4)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2013 rev P2 (Softscape Plan 5)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-2014 rev P2 (Softscape Plan 6)
- Drawing No. 21100-BGL-XX-XX-DR-S-00207 rev P01 (Existing Versus Proposed Site Wide Levels #1)
- Drawing No. 21100-BGL-XX-XX-DR-S-00208 rev P02 (Existing Versus Proposed Site Wide Levels #2)
- Drawing No. TOW-pHp-01-01-DR-A-4487-032 rev P04 (Retaining Measures)
- Drawing No. 21100-BGL-XX-XX-DR-S-00209 rev P02 (Site Wide Sections)
- Drawing No. 21100-BGL-XX-XX-SK-S-00200 rev P01 (TTFC Pitches Proposed Levels)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-3000 rev P3 (Northern Buffer Sections)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-3001 rev P3 (Western Buffer/Bairstow Lodge Section)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-3002 rev P3 (Eastern Buffer/PRoW Section)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-3003 rev P3 (Eastern Buffer/Suds Section)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-3004 rev P3 (Sports Pitches Section 1)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-3005 rev P3 (Sports Pitches Section 2)

- Drawing No. BDC-ETL-ZZ-XX-DR-L-3006 rev P3 (Southern Buffer/ Zone 2 Section)
- Drawing No. BDC-ETL-ZZ-XX-DR-L-9006 rev P3 (Retaining Wall Sections)
- Drawing No. MN211156-CIVIL-200 rev 1 (Package Substation Layout)
- Drawing No. MN211156-CIVIL-201 rev 1 (HV Substation Layout)

*Details*

- Environmental Statement Vol. 1 (produced by Quod, dated October 2021)
  - Environmental Statement Vol. 2 (produced by EDLA Landscape Architects, dated February 2024)
  - Environmental Statement Vol. 3 (Appendices)
  - Environmental Statement Addendum (produced by Quod, dated September 2022)
  - Construction Environmental Management Plan (CEMP) Phase 1 rev H (dated July 2024)
  - Flood Risk and Drainage Strategy (produced by Burrows Graham, Ref: 20099-BGLXX-XX-RP-D-00001, version 4, dated 7th October 2021)
  - Arboricultural Method Statement (produced by Delta-Simons, Ref:20-1879.02, issue 2, dated June 2024)
  - Tree Protection Plans (Figures 2a rev 1, 2b rev 1 and 2c rev 1 – all dated 21st Jun 2024, contained within the approved Arboricultural Method Statement)
  - Design Code (produced by pHp Architects, rev P03, dated 22nd August 2022)
  - Landscape and Ecological Management Plan (produced by Delta-Simons, Ref: 20- 1879.06, issue 2, dated 13th October 2021)
  - External Lighting Report rev 2 (produced by MBA Consulting Engineers, rev 2, dated 14th September 2021)
4. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation and enhancements set out in Biodiversity Chapter 11 of the Environmental Statement and supporting appendices by Delta Simons dated October 2021, unless otherwise agreed in writing by the Local Planning Authority.
  5. Prior to the commencement of construction of any building hereby permitted, the scheme of works to create the highways access for vehicular traffic, including street lighting, in general accordance with Mayer Brown drawing ref: 25643-MBL-HGN-XX-DR-CH-0100 Rev P15, titled A5 Site Access Roundabout – Section 278 Works: General Arrangement, shall be completed and open to traffic.
  6. Prior to first occupation of the development hereby permitted, the scheme of works to improve the highways access in general accordance with drawing ref: JN2138-Dwg-0013D, titled Proposed Tove Roundabout Improvement Scheme – Site AL1 DHL, shall be completed and open to traffic.
  7. No development shall take place until the existing tree(s) to be retained have been protected in accordance with the approved Tree Protection Plans (Figures 2a rev 1, 2b rev 1 and 2c rev 1, all dated 21st June 2024) and Arboricultural Method Statement (produced by Delta Simons, issue 2, Ref: 20-1879.02, dated

June 2024) unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment, machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

8. A Habitat Management and Monitoring Plan (HMMP) for the retained, enhanced and created habitats, including the on and off-site biodiversity net gain provision, shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development (including demolition, ground works, vegetation clearance). The content of the HMMP shall include the following:
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Detailed design for off-site BNG provision.
  - d) Aims and objectives of management.
  - e) Appropriate management options for achieving aims and objectives.
  - f) Prescriptions for management actions including initial aftercare and long-term.
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period) demonstrating that works are aligned with the proposed phasing of development.
  - h) Details of the body or organization responsible for implementation of the plan.
  - i) Ongoing monitoring and remedial measures including for years 1, 2, 3, 5 and then for every 5 year monitoring cycle of Biodiversity Net Gain provision with results fed back to the LPA Ecologist.

The HMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details for the retained, enhanced and created habitats, including the biodiversity net gain provision. Thereafter, the HMMP shall be carried out in accordance with the approved details.

9. Prior to the commencement of each reserved matters phase of the development, an updated ecology survey report including badgers shall be undertaken to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

10. Prior to the commencement of each phase of the development (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include measures included in paragraph 11.5.3 of Chapter 11 of the Environmental Statement dated October 2021, which as a minimum will include:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of 'Biodiversity Protection Zones';
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs;
  - i) An invasive non-native species protocol for the containment, control and removal of Snowberry and Himalayan Balsam; and
  - j) Sensitive Lighting Plan for Bat.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

11. Any work to trees with known bat roosting potential shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2019 authorising the specified activity/development to go ahead; or
  - b) Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
  - c) A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.
12. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR151, or a 'Further Licence') and with the proposals detailed on plan "Land North of Bell Plantation, Towcester: Impact plan for great crested newt District Licensing (Version 3)", dated 13th January 2025.
13. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR151, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the Local Planning Authority and that authority

has provided authorisation for the development to proceed under the district new licence.

14. Prior to commencement of development within Zone 1 and of the proposed roundabouts and spine road, a detailed design of the proposed surface water drainage scheme for the site, based on sustainable drainage principles that sufficiently mitigates the risk of flooding, shall be submitted to, and agreed in writing by, the Local Planning Authority. This should include an assessment of the hydrological context of the development that accommodates, within the proposed drainage network, surface water runoff during extreme events in a 25% climate change scenario and with a sensitivity check for a 40% climate change scenario. This design shall thereafter be implemented in accordance with the approved details before the development is occupied. The scheme shall include:
- i) Hydraulic calculations compliant with government standards. Above ground flooding poses a risk to users safely accessing and egressing both the buildings and the site. Given the nature of the development, an adequate way to manage this risk may be in the form of increasing underground attenuation. Should such a change impact the design of development, updated design drawings will be required. The volume of water from the road attenuation should also be provided.
  - ii) Details (i.e., designs, diameters, invert and cover levels, gradients, dimensions, etc) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets, pollution prevention measures and attenuation structures.
  - iii) Information to demonstrate that the detailed design associated with any proposed assets mitigates any risks associated with a high groundwater table (e.g., appropriate lining and/or anchoring of assets).
  - iv) Provision of written agreements with asset owners downstream whereby permission is granted to discharge the proposed surface water flows to their assets, particularly entities such as National Highways.
  - v) The final outfall location of each surface water drainage network serving the development. If the land between the development site and proposed watercourse falls outside of the development ownership, details or permission to discharge / cross third-party land.
  - vi) Clarification of where the final discharge location is for the southern ditch.
  - vii) If alterations must be made to the drainage system of the spine road or roundabout during the development of the remaining Zones (Zones 2-5), information on these changes.
15. Prior to commencement of development above slab level within Zones 2-5, a detailed design of the proposed surface water drainage scheme for the respective Zone, based on sustainable drainage principles that sufficiently mitigates the risk of flooding, should be submitted to, and agreed in writing by, the Local Planning Authority. This should include an assessment of the hydrological context of the development that accommodates, within the proposed drainage network, surface water runoff during extreme events in a 25% climate change scenario and with a sensitivity check for a 40% climate change scenario. This design shall thereafter be implemented in accordance

with the approved details before the respective Zone is occupied. The scheme shall include:

- i) Details (i.e., designs, diameters, invert and cover levels, gradients, dimensions, etc) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets, pollution control measures and attenuation structures.
- ii) Cross sections of the control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydro-brakes and other flow control devices.
- iii) Hydraulic model calculations and outputs for Zones 2-5. The calculations should demonstrate outfall discharge rates equivalent to the greenfield runoff values and compliance with Local Standards and Guidance for Surface Water Drainage in Northamptonshire.
- iv) Sufficient information to demonstrate that the detailed design associated with any proposed assets mitigates any risks associated with a high groundwater table (e.g. appropriate lining and/or anchoring of assets).
- v) The final outfall/discharge location of each surface water drainage network serving the development.

16. No development shall take place of any phase or sub phase for which reserved matters approval is required until a Construction Environmental Management Plan (CEMP) for that phase or sub-phase has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The parking of vehicles of site operatives and visitors;
- b) The routing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities, including type of operation (automated, water recycling etc), road sweeping and other measures to prevent mud migrating onto the highway;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Measures to minimise and monitor nuisance to nearby dwellings from overnight noise from generators or other plant, or light spill from security lighting; and
- j) Measures to manage the uncontrolled flow of surface water run off during the construction phase.

The approved CEMP shall be adhered to throughout the construction period for the development.

17. Prior to the construction above slab level of any phase or sub-phase for which reserved matter approval is required, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats 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; and

b) 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. No external lighting shall be installed within the ecology mitigation and biodiversity enhancement areas. 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. No other external lighting be installed without prior written consent from the Local Planning Authority.

18. No development hereby permitted shall be occupied until the Relief Road that links the A5 and A43, known as the Towcester Relief Road, is constructed in full and open to general traffic.
19. Notwithstanding the details shown on Drawing No. 25643-MBL-HGN-XX-DR-CH-0100 rev P15, prior to the commencement of any footway/cycleway improvements within the A5 highway boundary, further details of the proposed footway/cycleway improvements or alterations shall be submitted to and approved in writing by the Local Planning Authority. The improvements shall
- (i) Include the provision of continuous street lighting (for pedestrians and cyclists) between the site and the Tove Roundabout;
  - (ii) Include provisions (ie amendments) where necessary to protect and retain the existing vegetation along the site's A5 frontage, including from encroachment and/or altered ground levels which may undermine the stability, life expectancy and, therefore, long term visual screening benefits of this vegetation, and;
  - (iii) Not reduce the usable width of the foot/cycleway below 2.0 metres.

The works shall thereafter be undertaken in accordance with the details approved and completed prior to the first occupation of any building within the site.

20. No construction work on the internal spine road shall commence until further details of the proposed location and design of the bus stop/s (including shelter/s) to meet Local Highway Authority design standards have been submitted to, and approved in writing by, the Local Planning Authority. The bus stop/s shall thereafter be provided in accordance with the approved details prior to the first occupation of any building hereby approved.
21. Prior to the construction of any building above slab level within Zones 1-4, a scheme for onsite foul water drainage works for the respective phase or sub-phase, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase (Zone) must have been carried out in complete accordance with the approved scheme.

22. The development shall be carried out in accordance with the measures set out in the Preliminary Risk Assessment and Geo-Environmental Assessment dated Feb 2021. Any topsoil imported onto the site or reused within the site shall be tested both prior to and once placed in any landscaping areas or on the football land, to confirm its suitability (i.e. to confirm appropriate levels of copper, cadmium, zinc and nickel and/or other contaminants). A verification report for each phase or sub-phase, demonstrating suitability of the topsoil, shall be submitted to and approved in writing by the Local Planning Authority prior to any planting/seeding being undertaken.
23. All reserved matters applications for the construction of buildings shall be submitted with a detailed scheme for crime prevention which will include both electronic and physical measures to demonstrate compliance with section 10 of the Council's Supplementary Planning Guidance document "Planning Out Crime in Northamptonshire". The development approved under the reserved matters consent shall thereafter be implemented fully in accordance with the approved scheme prior to its first occupation and all measures shall be maintained in full working condition.
24. No building shall be constructed above slab level until details of all external lighting for that respective Zone (to car parks, service yards, etc.), including the design, position, orientation and any screening of the lighting, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all lighting shall be installed, as approved, prior to the occupation of any building in the respective Zone and thereafter shall be operated in accordance with the approved scheme at all times. Details of streetlighting of the internal spine roads shall also be submitted to, and approved in writing by the Local Planning Authority, prior to its installation.
25. Prior to commencement of above ground works to any building, details of the proposed pedestrian/cycle links to AL1 (Bell Plantation) and AL3 sites shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: 1. Levels and alignment of a footpath at least 1.8 metre wide with a metalled surface linking the proposed pedestrian and/or cycle routes within the site with the eastern boundary of the site, where it adjoins policy allocation AL3, as defined in the adopted South Northamptonshire Part 2 Local Plan, and 2. Levels and alignment of a 3m wide shared footway/cycleway with a metalled surface linking the proposed footway/cycleway running along the south side of Zone 2 with the southern boundary of the site, where it adjoins the remainder of policy allocation AL1, as defined in the adopted South Northamptonshire Part 2 Local Plan. The links shall thereafter be constructed in accordance with the approved details prior to the first occupation of any building subject to reserved matters approval and shall thereafter provide unfettered pedestrian/cycle access to the adjoining land in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
26. No building shall be constructed above slab level in Zones 2-4 until a scheme and timetable for installation detailing the provision of fire hydrants, sprinkler systems and their associated infrastructure for the respective Zone has been submitted to and approved in writing by the Local Planning Authority. The

approved scheme for each respective Zone shall thereafter be provided in accordance with the approved scheme and timetable.

27. All reserved matters applications shall include full details of any proposed mezzanine floors where they are proposed to be included within any of the units that form part of the reserved matters submission.
28. Prior to the occupation of any building, a noise assessment for that phase or sub-phase, which outlines the likely impact (from activity as well as the operation of any plant or equipment) on any noise sensitive property (including any cumulative impact), and the measures necessary to ensure that the noise does not affect the local amenity of residents, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be determined in accordance with the Environmental Statement (up to +5dB above background levels) by measurement or prediction in accordance with the guidance and methodology set out in BS4142: 2014. Thereafter, the premises shall be constructed, operated and maintained in accordance with the approved scheme.
29. Prior to development within Zones 2-5 progressing above slab level, a scheme for landscaping the respective phase or sub-phase shall be provided to and approved in writing by the Local Planning Authority which shall include:-
  - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc).
  - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation.
  - c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

The approved scheme shall be implemented by the end of the first planting season following occupation of the respective phase or sub-phase. Within the first 15 years post implementation, any planting which dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to that which was originally planted, unless the Local Planning Authority gives written consent for any variation.

30. Prior to the first occupation of development within Zone 1 a detailed scheme for maintenance and ownership of the proposed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall be carried out in full thereafter in accordance with approved details. The details required include:
  - a) Information of which organisation or public body will be the maintaining body of the proposed assets with evidence that the organisation/body has agreed to such adoption.
  - b) A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas should be identified and shown on the

plans, to ensure there is sufficient space to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.

31. Prior to the first occupation of development within Zones 2-5 a detailed scheme for maintenance and ownership of every element of the surface water drainage system proposed within each respective Zone shall be submitted to and approved in writing by the Local Planning Authority. The maintenance plan shall thereafter be carried out in full accordance with the approved details. The details required include:
- a) Information of which organisation or public body will be the maintaining body of the proposed assets where the area is multifunctional (e.g., open space areas containing SuDS) with evidence that the organisation/body has agreed to such adoption.
  - b) Confirmation of the future ownership and responsibility of the outfall pipe, as well as the ownership of each ditch.
  - c) A maintenance schedule setting out all assets that require maintenance, at what intervals and a description of the method to be implemented.
  - d) A site plan including access points, maintenance access easements and outfalls. Maintenance operational areas should be identified and shown on the plans, to ensure that there is sufficient space to gain access to the asset, maintain it with appropriate plant and then handle any arisings generated from the site.
32. Notwithstanding the approved plans, further details of the proposed trim trail equipment, including the type and location, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such equipment. Thereafter, the approved equipment shall be installed prior to the first occupation of any building within Zone 2, 3 or 4. The equipment shall thereafter be maintained in working/usable order.
33. The detailed landscaping approved as part of the full planning permission (excluding that within the football land (Zone 5)) shall be fully implemented and completed prior to the first occupation of Plot 1 (Zone 1), or the end of the first planting season thereafter. Thereafter, the landscaping shall be managed and maintained in perpetuity in accordance with the Landscape and Ecological Management Plan (produced by Delta-Simons, dated October 2021). Within the first 15 years post implementation, any planting which dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to that which was originally planted, unless the Local Planning Authority gives written consent for any variation.
34. Development for Zone 1 and the proposed roundabout and spine road shall not be occupied until a verification report, prepared by a qualified drainage engineer, has been submitted and approved in writing by the Local Planning Authority. The verification report for the approved and installed surface water drainage system shall include:
- a) Any as-built drawings and accompanying photos.
  - b) Results of any performance testing undertaken as a part of the application process (if required / necessary).

- c) Copies of any statutory approvals, such as Land Drainage Consent for Discharges etc.
  - d) CCTV Confirmation that the surface water drainage system is free from defects, damages, and foreign objects.
  - e) Confirmation that the adoption or maintenance agreement for all SuDS elements, as detailed within the drainage strategy, is in place.
35. Development for Zones 2-5 shall not be occupied until a verification report for the respective Zone, prepared by a qualified drainage engineer, has been submitted and approved in writing by the Local Planning Authority. The verification report for the approved and installed surface water drainage system shall include:
- a) Any as-built drawings and accompanying photos.
  - b) Results of any performance testing undertaken as a part of the application process (if required / necessary).
  - c) Copies of any statutory approvals, such as Land Drainage Consent for Discharges etc.
  - d) CCTV Confirmation that the surface water drainage system is free from defects, damages, and foreign objects.
  - e) Confirmation that the adoption or maintenance agreement for all SuDS elements, as detailed within the drainage strategy, is in place.
36. Reserved matters applications for development within Zones 2-4 shall provide that at least 10% of the parking spaces shall be fitted with electrical vehicle charging points. The car charging equipment shall thereafter be installed in accordance with the approved details prior to first occupation of each respective building and shall thereafter be available for use at all times and be maintained in full working order.
37. Development shall come forward in accordance with the approved parameters plan TOWpHp-00-00-DR-A-4487-009 rev P11. The finished floor levels (FFL) and maximum height of the buildings on site to the ridge (including any external plant) shall not exceed;
- a) Zone 1 – FFL 106.95m Above Ordnance Datum (AOD); building ridge height 18.5m or 125.45m AOD.
  - b) Zone 2 – FFL 109 AOD; building ridge height 21.5m or 130.5m AOD.
  - c) Zone 3 – FFL 109 AOD; building ridge height 21.5m or 130.5m AOD.
  - d) Zone 4 – FFL 110m AOD; building ridge height 15.5m or 125.5m AOD.
  - e) Zone 5 (football land) – No limit (any buildings subject to consideration at reserved matters stage).
38. The development shall come forward in accordance with the approved parameters plan TOW-pHp-00-00-DR-A-4487-010 rev P12 and the floor spaces for each use as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as that Order applied in England on 31 August 2024 and shall not exceed the following maximums:
- a) Gross internal floor area for the whole site (B2 or B8) - 115,709 sqm (including mezzanine floors).
  - b) Gross internal floor area for Zone 1 (B8) - 24,572 sqm.
  - c) Gross internal floor area for Zone 2 (B8) - 40,000 sqm.
  - d) Gross internal floor area for Zone 3 (B8) - 47,137 sqm.

- e) Gross internal floor area for Zone 4 (B2 or B8) - 4,000 sqm.
  - f) No buildings are permitted within Zone 5 (football land) as part of this consent.
39. All reserved matters applications shall generally conform with the principles set out in the Design Code (produced by pHp Architects, rev P03, dated August 2022) and shall include full details of the colours of materials used for the elevations and roofs. Any alternative Design Code for Zones 2-4 (to supersede the above) shall be submitted to and approved in writing by the Local Planning Authority prior to the approval of any reserved matters application(s) for the respective Zone(s) seeking to benefit from that alternative Design Code. Any alternative Design Code for Zones 2-4 must maintain a broadly consistent aesthetic with the approved Design Code (produced by pHp Architects, rev P03, dated August 2022).
40. All development for which full planning permission is hereby granted (i.e. access roundabout, spine roads, strategic landscaping and Plot/Zone 1) shall at all times be undertaken in accordance with the 'Construction Environmental Management Plan: Phase 1' (dated July 2024 Rev H).
41. With the exception of works within the A5 and A43 and to construct the new site access roundabout, no construction work including site clearance shall be carried out except between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.
42. Unless otherwise agreed in writing by the Local Planning Authority, within two years of the date of this permission, and further to the programme of archaeological investigation carried out on the site during 2022 and the provision of the Post-Excavation Assessment and Updated Project Design, the applicant shall arrange for (i) the full analysis and publication of the results (ii) the deposition of the site archive at a store to be approved in writing by the Local Planning Authority, (iii) production of an archive report, and submission to the Local Planning Authority of a publication report.
43. All reserved matters applications for the development plots shall make reference to the original approved Flood Risk Assessment and Drainage Strategy ref. no. 20099-BGL-XX-XXRP-D-00001 Rev 4 prepared by Burrows Graham and shall be accompanied by a certificate of compliance with the original approved scheme. In addition, an accompanying revised and updated Flood Risk Assessment with full drainage details shall be submitted with each future reserved matters application, indicating whether any further works are required. Development shall be implemented in accordance with the originally approved scheme or the updated scheme as approved in writing by the Local Planning Authority pursuant to that application.
44. If, during development, contamination not previously identified is found to be present at the site, development will cease within that area of the site, until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local

Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

45. Following the first occupation of each building on the site, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings (other than the areas shown as open storage/yard on plans approved through this application or subsequent reserved matters applications).
46. The development hereby permitted shall be constructed to at least a BREEAM 'Excellent' standard, or any future national equivalent standard that replaces it.
47. In the event that refrigerated trailers operate from the site, all HGV waiting and loading bays necessary to park the refrigerated trailers shall be provided with electrical hook up points to allow refrigerated trailers to operate without using their diesel engines when stationary. Any hook up points required by this condition shall be provided prior to first use of the site by refrigerated vehicles and thereafter be maintained in a serviceable condition for the lifetime of such vehicular activities taking place on the site.
48. Reversing beepers on any vehicle entering the site which is under the control of an operator located on the site shall only be broadband/white noise beepers.
49. Where an offence under Regulation 41 of "The Conservation of Habitats and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bat species and great crested newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

## **APPEARANCES**

### **For the Appellant**

Paul Tucker KC and Piers Riley-Smith, who called:

- Rory Brooke MRTPI, IED
- Richard Hammond CMLI, PIEMA
- Ewan Anderson MCIHT
- James Guthrie MRTPI, AssocRICS

### **For West Northamptonshire Council**

Saira Kabir Sheikh KC, who called:

- Paul Reynolds CMLI, UDGRP, FRSA
- Jennifer Baker
- Sandra Ford, MRTPI

### **For Save Towcester Now**

Daniel Stedman-Jones, who called:

- Adam Wood MRTPI, MRICS
- Jonathan Weekes MRTPI
- Mike Wood
- Anne Gray

### **Interested Parties**

- Sarah Bool MP
- Iris Illingworth, Pattishall Parish Council
- Mark Bishop
- Cllr Maggie Clubley, Towcester and Roade Ward Councillor
- Graham Forbes, Sponne School
- Dr Christine Walker
- Graham Meller
- James Dineen
- Mark Black
- Chris Bowmer
- Penny German
- Robert Gibbins
- Nicholas Lowe
- James Mullin
- Liz Crussell

## **INQUIRY DOCUMENTS**

All Inquiry Documents are available at [2. Core Document Library FINAL](#)