



Department for Communities and Local Government

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Our Ref: APP/U4610/V/13/2202736 &
APP/T3725/V/13/2202738
Your Ref: 10.903269.1.MT.IC

12 February 2015

Dear Madam

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 APPLICATIONS BY COVENTRY AND WARWICKSHIRE DEVELOPMENT PARTERSHIP LLP: COVENTRY AND WARWICKSHIRE GATEWAY APPLICATION REFs: (A) OUT/2012/1791 & (B) W/12/1143

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Terry G Phillimore MA MCD MRTPI, who held a public local inquiry on various dates between 8 April and 13 May 2014 into the identical planning applications made by your client to Coventry City Council (**Application A** - Ref. OUT/2012/1791 dated 12 September 2012) and Warwick District Council (**Application B** - application Ref. W/12/1143 dated 12 September 2012) for:

comprehensive redevelopment comprising: demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses, general industrial uses, storage and distribution, hotel accommodation, museum accommodation, model car club facility, small scale retail and catering establishments, car showroom accommodation, replacement airport buildings, new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of highways/junctions on the existing highway network, stopping up/diversion of footpaths, and associated parking, servicing and landscaping

on land within and to the north, west and south of Coventry Airport and land at the junctions of the A45 with the A46 at Festival and Tollbar Islands and the junctions of the A444 (Stivichall/Cheylesmore By-Pass) with the A4114 (London Road) and Leaf Lane.

2. On 29 July 2013, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's applications be referred to him instead of being dealt with by the local planning authorities - Coventry City Council and Warwick District Council (the Councils).

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be refused for both applications. For the reasons given below, the Secretary of State agrees with the Inspector. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to the IR.

Procedural matters

4. For the reasons in IR5, the Secretary of State agrees with the Inspector that no interest would be prejudiced by determining the applications on the basis of the revisions set out in IR3-4, and he has determined the applications in this way.
5. The Secretary of State notes that the S106 Agreement was fully executed on 5 December 2014. A completed copy was subsequently submitted to him.
6. The Secretary of State agrees with the Inspector that as the judgement in *Redhill Aerodrome Limited vs Secretary of State for Communities and Local Government, Tandridge District Council and Reigate and Banstead Borough Council [2014] EWHC 2476 (Admin)* has now been overturned by the Court of Appeal ([2014] EWCA Civ 612), the comments made by the main parties in response to the letter of 14 August 2014 are no longer material (IR9).
7. The Secretary of State has had regard to correspondence submitted too late to be considered by the Inspector, as set out in Annex A to this letter. He has carefully considered these representations but, as they do not raise new matters that would affect his decision, he has not considered it necessary to circulate them to all parties. Furthermore, the Secretary of State wrote to the main inquiry parties on 24 November 2014, inviting comment on: the Final Report of the Coventry & Warwickshire Strategic Employment Land Study; the then current position in relation to the submission of a fully executed S106 planning agreement; and any material change in circumstances, fact or policy, which may have arisen since the close of the inquiry. The responses received were circulated for further comment on 17 December 2014. A list of the representations received is set out in Annex B to this letter. The Secretary of State has carefully considered these but is satisfied that they do not raise any new material considerations sufficient to affect the decision in this case. Copies of the representations listed in Annexes A and B can be made available on written request to the address at the foot of the first page of this letter.
8. For the reasons set out in IR1069-1077, the Secretary of State agrees with the Inspector that the environmental information - comprising the original Environmental Statement and the supplements subsequently submitted, together with the information provided for the purposes of the inquiry and comments from statutory consultees - meets the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and is not defective such that it should prevent the granting of planning permission (IR1077).

Policy considerations

9. In determining these applications, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which

requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the saved policies of the Warwick District Local Plan 2007 (WDLP) and of the Coventry Development Plan 2001 (CDP), as they apply to the respective local planning authority areas. The Secretary of State considers that the development plan policies most relevant to this case are those set out at IR50-57 and 59-64.

10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework); the associated Planning Guidance; the Community Infrastructure Levy (CIL) Regulations; the Strategic Economic Plan (SEP) (2014) of the Coventry and Warwickshire Local Enterprise Partnership; the Coventry & Warwickshire Strategic Employment Land Study (2014); the Warwick DC Supplementary Planning Guidance/Documents relating to Open Space (June 2009), Sustainable Buildings (December 2008), Vehicle Parking Standards and the Warwickshire Landscape Guidelines; and the Coventry CC Supplementary Planning Guidance/Documents entitled 'Delivering a more sustainable city' and 'Green Space Strategy for Coventry'.
11. In determining these applications, the Secretary of State has also had regard to the Emerging Draft Warwick District Local Plan - to which he gives limited weight, given the stage it has reached in its process towards adoption (see paragraphs 14 and 15 below); and to the Emerging Draft Coventry Local Plan - to which he gives very little weight as it has not yet been subject to public consultation.

Main issues

12. The Secretary of State agrees with the Inspector that the main issues are those set out in IR845 but, having regard to paragraph 9 above, he considers it appropriate to set the other considerations in the context of the development plan.

Development Plan

13. The Secretary State agrees with the Inspector (IR1011) that the proposal is in conflict with those Development Plan policies which seek to restrict commercial and industrial development in the Green Belt; and that, while the employment policies of the plans are not up-to-date, and there are many other policy areas where no conflict has been found, this fundamental conflict means that the proposal is not in overall accordance with the relevant development plans. The Secretary of State has therefore gone on to consider whether there are any material considerations which might justify such a decision.

Emerging Development Plan

14. The Secretary of State notes that in the most recent version of the emerging Warwick District Local Plan the application site (as it falls within that District) is proposed for predominantly B1, B2 and B8 uses with a requirement for a Masterplan or Development Brief to ensure that it is developed in a comprehensive manner, with land at the appeal site proposed to be removed from the Green Belt (IR1013). He agrees with the Inspector that this clearly

indicates Warwick DC's current view on the site, as reflected in the case made for the Councils, including on the weight to be given to the SEP and with respect to the Green Belt (IR1014). The Secretary of State has had due regard to these considerations in his determination of the case, and notes that the Councils suggest that some weight may be accorded to the emerging policy. However, for the reasons in IR1014, he agrees with the Inspector that it can be anticipated that the policy will be subject to substantial objection, and that this limits the weight that can be accorded to it, despite the stage reached in preparation of the Plan and the economic policies of the Framework.

15. Having had regard to the applicant's case that the applications are not premature and that a decision on the proposal should be made now rather than in the context of the Plan's Examination (IR1015), the Secretary of State agrees with the Inspector that, for the reasons in IR1016, a grant of permission now would result in significant prejudice to the emerging Plan (IR1017). In coming to that conclusion, he has had regard to the fact that no date has yet been fixed for the Local Plan examination.

Impact on the Green Belt

16. For the reasons set out in IR846-870, the Secretary of State agrees with the Inspector that, in addition to harm to the Green Belt by definition as a result of the inappropriate development, the proposal would also give rise to Green Belt harm by reason of a large-scale loss of openness and clear conflict with 3 of the 5 Green Belt purposes (IR889). For the reasons in IR871-888, he also agrees with the Inspector that, in terms of the objective in the Framework of enhancing the beneficial use of the Green Belt, moderate Green Belt benefits would arise from new opportunities for access and recreation; and that there would also be some gains to biodiversity, and from remediation, but that there would be a moderate adverse effect on landscapes and visual amenity (IR889).
17. The Secretary of State agrees with the Inspector that the proposal fails to be assessed on the particular circumstances relating to it (IR890). He also agrees that the development would have an overall substantial adverse effect on the Green Belt; that a major contributory factor to this is the geographical extent of Green Belt land that would be affected; and that the proposal amounts to a very large swathe of built development in the Green Belt, including a projection well to the south of Coventry Airport. He also agrees (IR891) that the harm to the Green Belt in this case, and the conflict with the development plan in that respect, should be accorded very serious weight. He has then gone on to consider whether there are any very special circumstances which would overcome the harm to the Green Belt as identified by the Inspector.

Effect on heritage assets in the vicinity

18. For the reasons in IR892-895, the Secretary of State agrees with the Inspector that the overall degree of harm to the significance of Lunt Fort would be slight and certainly less than substantial; and that the concerns of English Heritage appear to be addressed in the final version of the proposal (IR895). For the reasons in IR896-899, he agrees with the Inspector that no material harm has been established with respect to the effect on Conservation Areas, the settings of which would be preserved (IR1096). He also agrees that there is no

evidence to suggest that there would be a material impact on any other designated or undesignated heritage assets (IR899).

Effect on biodiversity

19. For the reasons in IR902-910, the Secretary of State agrees with the Inspector that that the proposed mitigation and compensation would adequately deal with the harmful effects of the development, other than on veteran trees, but that this does not negate the need for the development to be justified on the basis that the harm it would cause to biodiversity cannot be avoided (IR911).

Sustainable transport

20. For the reasons in IR912-916, the Secretary of State agrees with the Inspector that the site is strategically well positioned in transport terms; and with his conclusion (IR917) that the proposed measures could be reasonably relied upon to significantly improve public transport accessibility. However, he also agrees with the Inspector that car journeys would be substantially increased, and that it is not certain that the 65% single driver share or the 10% walking and cycling targets would be achieved (IR917). Nevertheless, he agrees with the Inspector that, overall, the location of the site could be made sustainable to the required level in terms of accessibility by modes other than the car (IR917).

Highways impact

21. For the reasons in IR918-923, the Secretary of State agrees with the Inspector that the residual cumulative impacts of the proposed development in highways terms would not be severe (IR923); and that generally the proposal would comply with policies in the WDLP and the CDP that seek satisfactory access and accessibility, safety, and movement infrastructure provision (IR923). However, for the reasons in IR924, he agrees with the Inspector that there would be some conflict with WDLP Policy RAP10 in relation to the effect on Bubbenhall Road, to be taken into the overall balance (IR924).

Public transport benefits

22. The Secretary of State agrees with the Inspector that the proposed improved public transport connections from the site to the centre of Coventry would also benefit other employment sites in the vicinity, including Whitley Business Park/Jaguar, providing a significant wider transport gain from the proposal (IR925). However, for the reasons in IR927-928, he also agrees that the wider potential beneficial effect on the highway network carries only limited weight.

Effect on flood risk and drainage

23. The Secretary of State notes (IR941) that part of the embankment structure for the new bridge across the River Sowe would be in Flood Zone 3 (high probability of flooding); and he agrees that whether or not this is acceptable depends on the acceptability of the scheme as a whole. However, he also notes that the additional flood compensation storage provided would deliver a net benefit in drainage terms (IR942); and that there is no objection from the Environment Agency or Severn Trent.

Economic case for the proposal

24. The Secretary of State acknowledges the need to support economic growth through the planning system (IR951) and, having carefully considered the Inspector's observations and discussion at IR952-1009, agrees with him that the support of the Coventry & Warwickshire Local Enterprise Partnership (the LEP) is a significant material consideration (IR1003), as is the LEP's aim to rebalance the area's economy and emphasise advanced manufacturing and engineering at its central location (IR1004).
25. However, overall, while he agrees with the Inspector's conclusion at IR1009 that, although a strong case has been made for the type of accommodation which would be provided in Zone A and that both this and the Zone B component would be well suited to the economy of the LEP area, bringing important economic benefits, he agrees that, on the basis of the evidence available to the Inspector and in subsequent correspondence, a compelling case has not been made out. The Secretary of State agrees with the Inspector that the scale of development proposed has not been fully justified in terms of the quantitative provision needed to meet forecast future employment land requirements. He considers that the Employment Land Study addresses some of the shortcomings in the supporting evidence identified by the Inspector, but fails to provide evidence that the need for the proposal is such that a decision on the Green Belt at this location should be taken now.

Other matters

26. For the reasons in IR929-932, the Secretary of State agrees with the Inspector that the development would deal satisfactorily with **site contamination** (IR933); and he agrees with the Inspector that, in terms of **noise**, the development would not have a significant adverse effect on amenity (IR936). On **air quality**, he agrees with the Inspector that there is no evidence to support contentions that the applicant's analysis of the effect of the development is inadequate or would have an unacceptable impact (IR940); and, for the reasons in IR947-950, he also agrees that no material harm has been established with respect to **public safety** in connection with the operation of Coventry Airport (IR1096). Overall, the Secretary of State agrees with the Inspector at IR1018-1023 that, subject to the caveats set out therein, it can be concluded that the proposal would be reasonably consistent with sustainable development objectives.

Green Belt balance

27. As indicated in paragraphs 16 and 17 above and at IR1078-1096, the Secretary of State agrees with the Inspector (IR1098) that the proposal would give rise to substantial Green Belt harm, which should be accorded very serious weight given the importance attached to Green Belts, together with some other harm. In coming to this conclusion, the Secretary of State has given very careful consideration to the topics put forward by the appellant at IR1087-1095 as contributing to very special circumstances to assess whether or not they can be regarded as outweighing the harms identified, as well as the arguments put forward by the Inspector.

28. With regard to "*The employment case; the need for floorspace and for jobs*" (IR1087., the Secretary of State agrees that the need to support economic growth through the planning system is identified as carrying significant weight in the Framework and that it can be accorded such weight in this case. However, he also agrees that there is a shortcoming in terms of justification for the scale of the proposal, and takes the view that it has not been established that the need for the proposed development is such that a decision on the Green Belt at this location should be taken now rather than as part of a wider consideration of Green Belt boundaries through the Local Plan.
29. In considering "*The special suitability of the application site*" (IR1088), the Secretary of State agrees that the notion of poor Green Belt land is incompatible with the great importance the Framework attaches to Green Belts and their permanence, and its advice that, once established, Green Belt boundaries should be altered only in exceptional circumstances, through the preparation or review of the Local Plan. The Secretary of State therefore agrees with the Inspector that this consideration provides little additional weight in favour of the development.
30. The Secretary of State agrees that a limited degree of weight can be given to "*Land contamination*" (IR1089); and no positive weight to "*Landscape benefits*" (IR1090). He also agrees that "*Ecological and biodiversity benefits*" (IR1091) carries only limited positive weight; but that significant weight can be accorded to the improved public transport connections put forward with the scheme and limited positive weight to the traffic benefit (IR1092).
31. With regard to the appellant's claim of the "*Inevitability of Green Belt release, and [a lack of] alternative sites*" (IR1093), the Secretary of agrees that, although no suitable alternative sites were put to the Inspector, the merit and detail of any potential reviews of Green Belt boundaries are a matter for the development plan process. However, he also agrees that some additional weight can be accorded to the support for the proposal by the two local planning authorities in the light of the importance of their views and the duty for authorities to cooperate in planning matters (IR1094); and that a moderate degree of weight in favour of the proposal can be accorded to the proposed countryside park (IR1095). He also agrees that no material harm has been established with respect to the effect of the proposed development on Conservation Areas, noise, air quality, flooding (subject to the exception test being met through acceptance of very special circumstances) or public safety (IR1096).

Conclusion on Green Belt balance

32. The Secretary of State agrees with the Inspector that the Green Belt balancing exercise is a matter of judgment on which different views can legitimately be reached (IR1097). Having carefully considered the Inspector's analysis and comments at IR1098, the Secretary of State agrees that a strong case has been made in favour of the development; that it would deliver economic benefits and environmental gains, with some other supporting factors; and that it would be reasonably consistent with sustainable development objectives. However, he also agrees with the Inspector that it would give rise to substantial Green Belt harm, which should be accorded very serious weight given the

importance attached to Green Belts, together with some other harm. He has also had regard to the Inspector's conclusion that there is a shortcoming in evidence to support the scale of the proposal (IR1098). The Secretary of State considers that the Employment Land Study addresses some of these shortcomings, but fails to establish that the need for the proposed development is such that a decision on the future of the Green Belt at the application site should be taken now rather than as part of a wider consideration of Green Belt boundaries through the Local Plan process.

33. Overall, the Secretary of State agrees with the Inspector's conclusion (IR1099) that, taking all of the benefits of the proposed development into account, both on an individual basis and cumulatively, the harm to the Green Belt has not been clearly outweighed, and very special circumstances do not exist to justify allowing the inappropriate development.

Conditions and planning obligations

34. The Secretary of State has considered the annex of conditions attached to the IR and the Inspector's reasoning and conclusions on them in IR1024-1057 and 1068. He is satisfied that the proposed conditions are reasonable and necessary and meet the tests of paragraph 206 of the Framework. However, he does not consider that these overcome his reasons for refusing the appeal.
35. The Secretary of State agrees with the Inspector's reasoning and conclusions on the Planning Obligation Agreement in IR1058-1068. For the reasons in IR1058-1065, he considers that the obligations are necessary and would meet the tests of Regulation 122 of the CIL Regulations 2010 as amended and paragraph 204 of the Framework. However, the Secretary of State does not consider that they are sufficient to overcome his concerns with the proposed scheme as identified in this decision letter.

Overall conclusions

36. The Secretary of State concludes that a strong case has been made for the development. He considers that it would deliver economic benefits and environmental gains, and that it would be reasonably consistent with sustainable development objectives. However, he also considers that it would give rise to substantial Green Belt harm, to which he attaches very serious weight. He considers that the Employment Land Study addresses some of the shortcomings in the supporting evidence identified by the Inspector, but fails to establish that the need for the proposal is such that a decision on the future of the Green Belt at the application site should be taken now, ahead of a wider consideration of Green Belt boundaries through the Local Plan.
37. Taking all of the benefits of the proposed development into account, both on an individual basis and cumulatively, the Secretary of State concludes that the harm to the Green Belt has not been clearly outweighed, and that very special circumstances do not exist to justify allowing the inappropriate development. He also concludes that there are no material considerations sufficient to overcome the conflict he has identified with the Development Plan.

Formal Decision

38. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby refuses planning permission for comprehensive redevelopment comprising:

demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), general industrial uses (Use Class B2), storage and distribution (Use Class B8), hotel accommodation (Use Class C1), museum accommodation (Use Class D1), model car club facility, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), car showroom accommodation, replacement airport buildings, new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of highways/junctions on the existing highway network, stopping up/diversion of footpaths, associated parking, servicing and landscaping

on land within and to the north, west and south of Coventry Airport and land at the junctions of the A45 with the A46 at Festival and Tollbar Islands and the junctions of the A444 (Stivichall/Cheylesmore By-Pass) with the A4114 (London Road) and Leaf Lane, in accordance with the identical planning applications made by your client to Coventry City Council (Ref. OUT/2012/1791 dated 12 September 2012) and Warwick District Council (application Ref. W/12/1143 dated 12 September 2012).

Right to challenge the decision

39. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

40. A copy of this letter has been sent to Coventry City Council and Warwick District Council, Geoffrey Robinson MP, Jim Cunningham MP, Bob Ainsworth MP and Jeremy Wright MP.

Yours faithfully

Jean Nowak

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Annex A

Correspondence submitted after the close of the inquiry or too late to be considered by the Inspector

Correspondent	Date
Baginton Parish Council	17 June 2014
Geoffrey Robinson MP	11 and 25 November 2014
Jeremy Wright MP	14 November 2014
Bob Ainsworth MP	25 November 2014
Jim Cunningham MP	2 December 2014
Dan Byles MP	15 December 2014
Coventry & Warwickshire LEP	14 January 2015
Coventry & Warwickshire First	16 January 2015
Coventry & Warwickshire Chamber of Commerce	16 January 2015
British Chambers of Commerce	22 January 2015

Annex B

Representations received in response to reference back to parties

Correspondent	Date
The Community Group	8 & 24 December 2014
Baginton Parish Council	9 December 2014
Councillor Bertie Mackay	11 December 2014
George R Illingworth	11 December 2014
RW Fryer	11 & 22 December 2014
CPRE Warwickshire	12 & 24 December 2014
Marrons Shakespeares	15 & 23 December 2014
Warwick District Council & Coventry City Council	15 December 2014
David A Ellwood	15 December 2014 and 12 January 2015
Rod Wheat	22 December 2014



Report to the Secretary of State for Communities and Local Government

by Terry G Phillimore MA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 16 October 2014

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPLICATIONS MADE TO

COVENTRY CITY COUNCIL AND WARWICK DISTRICT COUNCIL

BY

COVENTRY AND WARWICKSHIRE DEVELOPMENT PARTNERSHIP LLP

Inquiry held on 8-11,15,16,23,24,29,30 April & 1,2,7-9,13 May 2014;
site visits made on 14 & 15 May 2014

Land within and to the north, west and south of Coventry Airport and land at the junctions of the A45 with the A46 at Festival and Tollbar Islands and the junctions of the A444 (Stivichall/Cheylesmore By-Pass) with the A4114 (London Road) and Leaf Lane

File Refs: APP/U4610/V/13/2202736 & APP/T3725/V/13/2202738

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File Ref: APP/U4610/V/13/2202736 (Application A)

Land within and to the north, west and south of Coventry Airport and land at the junctions of the A45 with the A46 at Festival and Tollbar Islands and the junctions of the A444 (Stivichall/Cheylesmore By-Pass) with the A4114 (London Road) and Leaf Lane

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 29 July 2013.
- The application is made by Coventry and Warwickshire Development Partnership LLP to Coventry City Council.
- The application Ref OUT/2012/1791 is dated 12 September 2012.
- The development proposed is comprehensive redevelopment comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), general industrial uses (Use Class B2), storage and distribution (Use Class B8), hotel accommodation (Use Class C1), museum accommodation (Use Class D1), model car club facility, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), car showroom accommodation, replacement airport buildings, new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of highways/junctions on the existing highway network, stopping up/diversion of footpaths, associated parking, servicing and landscaping.
- The reason given for making the direction was that the Secretary of State is of the opinion that the application is one that he ought to decide himself because he considers that the proposal may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: its consistency with the development plan for the area; its conformity with the policies set out in the National Planning Policy Framework particularly on Protecting Green Belt Land and Building a strong competitive economy and any other matters the Inspector considers relevant.

Summary of Recommendation: The application be refused

File Ref: APP/T3725/V/13/2202738 (Application B)

Land within and to the north, west and south of Coventry Airport and land at the junctions of the A45 with the A46 at Festival and Tollbar Islands and the junctions of the A444 (Stivichall/Cheylesmore By-Pass) with the A4114 (London Road) and Leaf Lane

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 29 July 2013.
- The application is made by Coventry and Warwickshire Development Partnership LLP to Warwick District Council.
- The application Ref W/12/1143 is dated 12 September 2012.
- The development proposed is comprehensive redevelopment comprising demolition of existing structures and the erection of new buildings to accommodate offices, research & development facilities and light industrial uses (Use Class B1), general industrial uses (Use Class B2), storage and distribution (Use Class B8), hotel accommodation (Use Class C1), museum accommodation (Use Class D1), model car club facility, small scale retail and catering establishments (Use Classes A1, A3, A4 and/or A5), car showroom accommodation, replacement airport buildings, new countryside park, ground modelling work including the construction of landscaped bunds, construction of new roads/footpaths/cycle routes, remodelling of highways/junctions on the existing highway network, stopping up/diversion of footpaths, associated parking, servicing and landscaping.
- The reason given for making the direction was that the Secretary of State is of the opinion

- that the application is one that he ought to decide himself because he considers that the proposal may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: its consistency with the development plan for the area; its conformity with the policies set out in the National Planning Policy Framework particularly on Protecting Green Belt Land and Building a strong competitive economy and any other matters the Inspector considers relevant.

Summary of Recommendation: The application be refused

PROCEDURAL MATTERS

1. The planning applications are described as 'hybrid', in that full planning permission is sought for the replacement airport buildings and their associated parking, servicing and landscaping; and for the remainder of the scheme outline planning permission is sought with all matters of detail reserved for later approval other than means of access.¹
2. The site lies within the administrative areas of Coventry City Council and Warwick District Council², and the applications were submitted in identical form to both Councils. Before the call-in the relevant Committee of each Council resolved that they were minded to approve the elements of the proposal within their area.³
3. During the consideration of the applications by the Councils an amendment to the proposal was made involving a change in the access arrangements along Bubbenhall Road and the introduction of a roundabout at the junction with Stoneleigh Road.⁴ At the inquiry a further revised drawing was submitted by the applicant showing a change in the geometry of this junction.⁵
4. Also prior to the call-in a revision to the proposed layout of part of the development in the north-west area of the site was made, with a consequent update to the Parameters Plan.⁶
5. These amendments do not change the fundamental nature of the proposal, and within the overall context of the scheme they are relatively minor in extent. They were taken into account at the inquiry, and this Report deals with the proposal on the revised basis. I consider that no interest would be prejudiced by determining the applications in the same way.
6. At the inquiry a draft version of a legal agreement between the applicant, Coventry City Council, Warwick District Council and Warwickshire County Council containing planning obligations pursuant to Section 106 of the Act was submitted.⁷ I was advised that the agreement was in its final form but remained to be signed by Coventry City Council, which it was anticipated would be done following a meeting of its Cabinet sometime in June. I did not adjourn the inquiry pending this due to the lack of a precise timescale. However, the Report

¹ Documents A.4 & P.1 para 5.18

² A.7

³ Coventry City Council on 12 December 2012 and Warwick District Council on 12 June 2013

⁴ A.180

⁵ APP2.5

⁶ A.183; A.8

⁷ P.8

takes the draft obligations into account in the expectation of a completed version of the agreement being received.

7. Rule 6(6) status for the inquiry was given to the Campaign to Protect Rural England (Warwickshire branch); The Community Group (formed by the Parish Councils of Baginton, Bubbenhall and Stoneleigh & Ashow); and Councillor Bertie MacKay (a member of Warwick District Council for Stoneleigh Ward).
8. I made accompanied and unaccompanied visits to the site and surrounding area on 14 and 15 May according to an itinerary provided by the main parties. I also drove along roads in the vicinity of the site on an unaccompanied basis at various times of day during the period of the inquiry.
9. On 14 August a letter was sent to the main parties drawing their attention to the judgment after the inquiry of the High Court in the case of Redhill Aerodrome Limited vs Secretary of State for Communities and Local Government, Tandridge District Council and Reigate and Banstead Borough Council [2014] EWHC 2476 (Admin). The parties were invited to comment on this as relevant to the cases made at the inquiry if they wished to do so by 2 September. Responses were subsequently received from all the main parties and a third party⁸, and these were cross-copied. However, on 9 October 2014 the judgment was overturned by the Court of Appeal ([2014] EWCA Civ 612). The comments made are therefore no longer material, and are not included in the reports of the parties' cases set out below.

ENVIRONMENTAL INFORMATION

10. The applications were supported by an Environmental Statement⁹, and the proposal is Environmental Impact Assessment development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Together with other material information and comments from statutory consultees, these items form the environmental information which is taken into account in this Report. Whether the information can be considered to be adequate for the purposes of assessing the significant environmental effects of the proposal was raised as an issue at the inquiry, and is dealt with in the reporting of the cases and conclusions below.

THE SITE AND SURROUNDINGS

11. The application site is described in the Statement of Common Ground (SoCG) between the applicant and Councils.¹⁰ It adjoins the southern edge of the city of Coventry, covering an area of some 308ha.¹¹ The site includes land within and to the north, south and west of Coventry Airport, land within the approved Whitley Business Park to the north of the A45 and land within and adjacent to various highways including the A45, A46, A444, A4114, Bubbenhall Road, Rowley Road and Leaf Lane. As stated above, the site straddles the boundary between two local planning authority areas, such that the majority of the site is within Warwick District but much of the highway land is within Coventry City.

⁸ APP18,LPA16,CPRE14,TCG11,BM9,TP3/1

⁹ A.86-A.130

¹⁰ P.1 section 3.0

¹¹ Location shown by A.131 Figures A & B

12. The application divides the site into 4 zones.¹² Zone A comprises land to the south of Coventry Airport and to the south and east of Middlemarch Business Park which abuts the Airport. This area contains a range of existing land uses including sewage sludge lagoons, a vehicle test track and a small business estate (Alvis). Parts of Zone A have also formerly been used for tipping, as sewage drying beds and as a scrapyard. The rest of this Zone is in agricultural use, including the old farmhouse and barns of Rock Farm (which remain occupied).
13. Bubbenhall Road forms the south-western boundary of Zone A. There are some dwellings and rural businesses on the opposite side of this road. Agricultural land adjoins the southern boundary of the site, with another dwelling and an equine business on Bubbenhall Road. The Airport and Middlemarch Business Park adjoin the northern boundary of Zone A, while the River Avon forms the eastern boundary, with agricultural land beyond. The village of Bubbenhall is to the south-east of Zone A, approximately 310m from the site boundary at the closest point (which is measured from the rear wall of the Grade II Listed Church of St. Giles). This part of Bubbenhall is designated as a Conservation Area, the boundary of which is some 255m from the boundary of the application site.¹³
14. Zone B comprises land to the north and west of the Airport. This area contains a range of existing land uses including an overgrown former landfill site, land that currently falls within the Airport boundary (including existing hangars and other Airport buildings), the Trinity Guild Rugby Club (which includes a model car racing circuit) and the Electric Railway Museum. The remainder of the area is in agricultural use, including some modern agricultural buildings.
15. The A45 forms the northern boundary of Zone B. The village of Baginton adjoins much of the western boundary, with the site abutting dwellings on the eastern edge of the village. Baginton Conservation Area is close to the western boundary of the site (some 30m away), although the dwellings that adjoin the site are not within this. The remainder of the western boundary of Zone B adjoins the Lunt Roman Fort (a Scheduled Ancient Monument) and further agricultural land on the opposite side of the River Sowe. There is also a pair of Grade II Listed Buildings alongside this boundary (The Lunt Cottages). The Airport adjoins the southern boundary of Zone B, and the Stonebridge Industrial Estate forms the eastern boundary.
16. Zone C comprises land within and alongside existing and proposed highways, and is largely within Coventry. This Zone also includes part of Whitley Common and land within Whitley Business Park, with the Jaguar Land Rover headquarters lying adjacent. Nearby beyond the Zone are some predominantly residential areas of Coventry.
17. Zone D comprises various parcels of land within the operational boundary of Coventry Airport.
18. Almost the whole of the site lies within the West Midlands Green Belt, including all of Zones A, B and D and parts of Zone C, and the entirety of that within Warwick District. There are a large number of trees and hedgerows on various

¹² A.6; more detailed existing land use zones are shown at A.9

¹³ A.86 Figure 11.1

parts of the site.¹⁴ The most significant of these in terms of individual specimens are a number of oak trees, a horse chestnut and a False Acacia within Zone A, and two oak trees within Zone C (on the southern edge of the A45). There are also a number of significant groups of trees.

19. The majority of the site is on land categorised as Flood Zone 1, although parts of Zones A, B and C are within Flood Zones 2 and 3.¹⁵ Of the 74.9ha of agricultural land within the development site, 20.6ha is categorised as Grade 2, 31ha is Grade 3a, 8.2ha is Grade 3b and 13.4ha is Grade 4.¹⁶
20. Zone C adjoins the Stonebridge Meadows Nature Reserve. There are also a number of Local Wildlife Sites (LWS) and potential Local Wildlife Sites (pLWS) within Zones A and C (Siskin Drive Bird Sanctuary LWS, River Avon LWS, Lower Sowe and Sherbourne Valleys LWS, Leaf Lane LWS, Lower Sowe and Sherbourne Valleys Extension pLWS and Rock Farm Sludge Lagoons pLWS).¹⁷
21. The highway network within and surrounding the site is under the control of three Highway Authorities. The A46 south of the Festival Island/Stivichall Junction and north of Tollbar End Island, the Festival Island and Tollbar End junctions themselves, and the A45 Stonebridge Highway between these junctions are part of the Strategic Trunk Road network and therefore under the control of the Highways Agency. All other roads are either within the control of Coventry City Council or Warwickshire County Council.
22. The parts of Zone C that are not within Warwick District (and are therefore within Coventry City) are the entirety of the A45 between the Tollbar End and Festival Islands, the section of the A45 to the west of Festival Island, all land north of the A45, the northern half of the Festival Island junction and the existing highways immediately adjacent to the Stonebridge Trading Estate.¹⁸

THE PROPOSAL

23. A description of the proposal (commonly referred to as 'Coventry and Warwickshire Gateway') is included in the SoCG, with additional information contained in the application documents.¹⁹
24. Permission is sought for total new build floorspace of 439,280sqm. The proposed development is divided into five parts.²⁰
25. Firstly, on land to the south of Coventry Airport (within Zone A) a logistics park is proposed. This is the part of the site currently occupied by a redundant Severn Trent sewage treatment works, a vacant former military tank test track facility, agricultural land including some farm buildings and a small existing business estate. The logistics park would accommodate up to 343,740sqm of general industrial (Use Class B2) and storage/distribution (Use Class B8) floorspace, with a maximum of 30% intended to be for B2 use. The existing railway museum and

¹⁴ A.100

¹⁵ A.117

¹⁶ LPA4/1 paras 6.36-6.37

¹⁷ A.86 Figure 6.1

¹⁸ A.7

¹⁹ P.1 sections 5.0 & 6.0

²⁰ A.8; A.10; APP9.7 is an aerial photograph with an overlay of the development masterplan

- model car club to the north of the Airport on Rowley Road would also be relocated onto the logistics park site.
26. The height of buildings within this area would be between 10.5m (82.85m AOD) and 20.5m (102.45m AOD). Building sizes would vary substantially, ranging from units of 5,000sqm floorspace up to units of 103,000sqm.
 27. Secondly, north of Coventry Airport, on land either side of Rowley Road between the Airport and the A45, a technology park is proposed. This Zone B part of the site currently comprises agricultural land, the railway museum, a former landfill site, and land occupied by Trinity Guild Rugby Football Club and the model car racing track. The proposed technology park would accommodate up to 65,032sqm of business floorspace (Use Class B1). This is intended to comprise primarily research and development and light industrial uses. The technology park would also accommodate up to 4,645sqm of car showroom floorspace, 11,617sqm of hotel accommodation (with up to 350 bedrooms), and up to 2,300sqm of small scale retail, restaurant, public house and hot food takeaway floorspace (Use Classes A1, A3, A4 and A5). Total floorspace within the technology park would therefore be 83,594sqm.
 28. Units in this area of the site would have ridge heights of between 8m (94m AOD) and 16.5m (94.5m AOD). Building sizes would again range substantially, from units with 750sqm floorspace up to units of 15,000sqm.
 29. A new access road would link the technology and logistics parks. This would follow an alignment to the rear of Oak Close in Baginton Village and alongside the western end of the Airport runway. The access road would incorporate part of Bubbenhall Road south of Baginton Village, which would be set within a cutting where it passes the runway end.
 30. Thirdly, a new publicly accessible linear countryside park of approximately 105.5ha is proposed across parts of both Zones A and B. This would be to the immediate west of the technology park; to the south, west and east of the logistics park; and to the immediate east of the existing Middlemarch Business Park. The area is at present largely open countryside, although it also includes parts of the military test track and the small existing business estate.
 31. Where this countryside park adjoins the proposed technology and logistics parks its topography would be characterised by large new mounded areas or bunds. The maximum height of the mounded areas visible from the Lunt Roman Fort and Baginton Village would range from 73m AOD (around 3m above the finished floor levels of the proposed adjacent buildings) to 93m AOD (around 8m above adjacent building finished floor levels). The mounded areas visible from Bubbenhall Road and Bubbenhall Village would range in height from 82m AOD (around 10m above the finished floor levels of the proposed adjacent buildings) to 92.5m AOD (around 15m above adjacent building finished floor levels).
 32. Fourthly, it is proposed that some existing Airport buildings/structures which would need to be demolished to accommodate the scheme would be replaced elsewhere within the perimeter of the Airport in Zone D. The new buildings/structures would total 11,946sqm, an increase of some 773sqm on the floorspace of those demolished. They would comprise offices, an aircraft hanger, air cadets building, equipment store, fuel farm, fire training compound, fuel point and gatehouse.

33. Lastly, works are proposed to the surrounding highway network, with the key elements as follows:²¹

- Creation of a new junction on the A45 between the Tollbar End and Festival/Stivichall Islands which would include a bridge over the A45 between the Whitley Business Park/Jaguar site and the proposed technology park.
- Changes to the design of the Festival Island/Stivichall junction to improve its capacity. These would include the introduction of traffic signals on the slip road from the A45 to A46 (including removal of the existing segregated lane from the A45 to the A46), on the slip road from the A45 eastbound and on the slip road from the southbound Stivichall bypass.
- Extensive redesign of the junction at the northern end of Leaf Lane where it meets traffic crossing over the bridge from the Whitley/Jaguar site. It is proposed to erect a new bridge across the Stivichall bypass with slip roads on either side. The redesigned junction would continue to allow for 1 way traffic only at the north end of Leaf Lane out onto the bypass but would enable vehicles to approach and leave the Whitley/Jaguar site to/from the A46 to the south without the need for a U-turn around the Stivichall bypass/London Road junction to the north.
- Enhancement of the Stivichall bypass/London Road junction. This would include signalisation of the approach to the junction from the bypass and widening to 2 lanes of the southbound right turn coming onto the roundabout from the eastbound London Road to access the Whitley/Jaguar southbound access off the bypass.
- The provision of 2 new roads within the Whitley/Jaguar site comprising, firstly, a link road from the new A45 bridge to the new bridge over the Stivichall bypass, and secondly a road connection from the Festival Island junction to this link road.
- Improvements to the capacity of the St. Martin's roundabout where Leamington Road/St. Martin's Road meet the A45 through some minor changes in the geometry of the junction and the introduction of traffic signals with pedestrian crossings.
- A contribution towards improvement of the A45/Kenilworth Road junction.
- Minor enhancement of the A46 roundabout junction with the A428.
- Minor improvement works to the junction of London Road/Humber Road/Allard Way and to the next A46/B4082 junction north.
- Re-design of the A46/Stoneleigh Road junction between Coventry and Kenilworth including replacement of the existing roundabout junction where Dalehouse Lane and Stoneleigh Road meet with a signals junction.
- Provision of a new roundabout at the junction of Bubbenhall Road and Stoneleigh Road with the link road between the proposed technology and logistics parks.

34. Car parking within the site is proposed to be restricted to 5,250 spaces, comprising 4,500 for employees and 750 for visitors.

35. Proposals for improved non-car access to the site are put forward in association with the applications.²² These include the provision of a new bus route from Coventry railway station and Pool Meadow bus station in Coventry city centre to

²¹ A.45-A.83; A.131

²² A.131; A.131 Appendix F

the proposed technology and logistics parks via the Whitley Business Park site; an extended bus service from Wood End in Coventry via Coventry city centre, Willenhall and Middlemarch Business Park to the development; and provision of further commuter bus services where demand exists. There would also be enhancement of pedestrian/cyclist routes to and within the site.

36. Separately to the applications, extensive improvement works are currently being undertaken by the Highways Agency to the Tollbar End junction, the A45 Stonebridge Highway and Festival Island junction.²³
37. Coventry City Council has obtained separate permission for a scheme of modification to the Whitley interchange. This would provide for some of the works proposed in the current applications, including a new two-way bridge over the A444 and two new southbound facing slip roads. Funding for the scheme has been obtained from the Regional Growth Fund and construction is programmed to start in Summer 2014.²⁴

PLANNING HISTORY

38. The SoCG records that there have been a significant number of previous planning applications relating to the various parts of the application site.²⁵ The following planning decisions are specifically identified.
39. **Land north of Rowley Road:** Planning permission was granted for a golf course in 1977. This permission was not implemented. Subsequent permissions were granted for agricultural buildings in 1983.
40. **Electric Railway Museum:** Permission was granted for the railway museum in 1983.
41. **Trinity Guild Rugby Football Club:** Various permissions have been granted for the use of this site as a Rugby Football Club and for the erection and extension of the clubhouse. There have also been permissions relating to mobile phone masts.
42. **Land south of Rowley Road and west of the Rugby Club:** In 1982 permission was granted for a change of use from a disused sewage works and agricultural playing fields to general recreational use.
43. **Alvis site/vehicle test track:** A number of permissions have been granted for the use of the track for the testing of vehicles and machinery and for driver testing. There have also been permissions for the construction of new hard surfaces in and around the track and for the erection and extension of industrial and storage buildings within the Alvis site.
44. **Severn Trent Rock Farm:** Various permissions have been granted in relation to the sludge lagoons and associated buildings. An application for the reclamation of the southern area of lagoons to low grade agricultural use was refused in 1994 due to concerns about heavy vehicle movements through Baginton. Permission

²³ N.2; LPA2/1 paras 2.13-2.16; LPA2/2 Figure 7

²⁴ LPA2/1 paras 2.53-2.54; LPA2/2 Figure 17; APP2.1 para 6.01

²⁵ P.1 section 4.0

has previously been granted for a car breakers yard on land between the Alvis site and the Severn Trent site.

45. **Rock Farm (agricultural holding)**: Permissions have been granted for the erection of agricultural buildings and an extension to the farmhouse.
46. **Coventry Airport**: The application site covers parts of Coventry Airport that have been the subject of a number of previous permissions for aviation related buildings and uses. There have also been some applications relating to other parts of the Airport and the adjacent Middlemarch Business Park that have implications both for the operation of the Airport as a whole and for the use of the part of the Airport to the rear of the houses in Oak Close. A 1998 permission for the Parcelforce building on Middlemarch Business Park was subject to a Section 106 agreement which imposed limitations on the area to the rear of Oak Close. In 2006 permission was granted on appeal for an interim passenger facility on the Siskin Parkway West side of the Airport. This permission was subject to a number of conditions and a Section 106 agreement that restricted the operation of the interim passenger facility and any associated flights. In 2007 the Secretary of State refused permission for a permanent passenger terminal.²⁶ The interim passenger facility is not currently in use, but could be brought back into use under the terms of the 2006 planning permission.
47. **Whitley Business Park**: Outline permission for this business park was granted by the Secretary of State in 2001.²⁷ Reserved Matters were approved for the entire site in 2006. A revised outline permission was granted in 2008 which allowed minor variations to certain conditions regarding the phasing of various matters. There have been three subsequent full permissions granted relating to highway works/car parking and some plots within the site.

PLANNING POLICY

48. The adopted Development Plan relating to the site comprises the saved policies of the Warwick District Local Plan 2007²⁸ and of the Coventry Development Plan 2001²⁹, as these apply to the respective local planning authority areas.

Warwick District Local Plan

49. The following policies of the Warwick District Local Plan are identified as being relevant in the SoCG³⁰ or referred to elsewhere by the parties.
50. Policy DP1 requires development to positively contribute to the character and quality of its environment through good layout and design, and gives criteria which should be met in this respect. Under policy DP2 unacceptable adverse impacts on nearby amenity or unacceptable future amenity will not be permitted.
51. Policy DP3 requires development to protect important natural features and positively contribute to the character and quality of its natural and historic environment through good habitat/landscape design and management. Objectives including on ecology, historic character, management and

²⁶ N.1

²⁷ N.3

²⁸ B.7

²⁹ B.2

³⁰ P.1 section 7.0

- maintenance, and protecting the best and most versatile agricultural land are set out. Policy DP4 seeks to prevent harm to Scheduled Ancient Monuments and sets out requirements on archaeology.
52. Policy DP6 requires development to provide safe, convenient and attractive access routes for pedestrians, cyclists, public transport users and other users of motor vehicles. Development should not cause harm to highway safety, be designed to give priority access to pedestrians, cyclists and public transport services, and integrate access routes into the overall development. Under policy DP7, development will not be permitted which generates significant road traffic movements unless practicable and effective measures are taken to avoid adverse impact from traffic generation. Policy DP8 indicates that parking provision should not encourage unnecessary car use, has regard to the location and accessibility of the site by means other than the private car, and does not result in on-street parking detrimental to highway safety, among other requirements.
53. Policy DP9 on pollution control indicates that development will only be permitted which does not give rise to soil contamination or air, noise or light pollution, among other impacts, where this could cause harm to sensitive receptors. It also requires that, where there is evidence of existing land contamination, it should be ensured that the land is made fit for its intended purpose and does not pose an unacceptable risk to sensitive receptors. Policy DP11 encourages development to incorporate sustainable drainage systems or an acceptable means of surface water disposal which does not increase the risk of flooding or give rise to environmental problems. Energy efficiency is promoted by policy DP12, and policy DP13 sets out requirements for renewable energy developments.
54. Policy DP14 deals with crime prevention. Policy DP15 encourages accessibility and inclusion. Policy SC4 supports cycle and pedestrian facilities. Policy SC8 aims to protect community facilities that serve local needs in redevelopment and change of use. Policy SC12 seeks contributions towards sustainable transport improvement from all development that would lead to a material increase in traffic on the road network. Policy SC13 seeks contributions towards open space, sport or recreational facilities, and policy SC14 towards community facilities in general. Policy SC15 deals with public art.
55. Policy UAP2 seeks to direct new employment development, and includes a restriction on locations where B2 and B8 development will be permitted. Policy UAP3 on retail development sets out that, outside town centres, this will not be permitted unless there is a proven need, there are no sequentially preferable sites or buildings, it would reduce the need to travel by private car, it is or can be made accessible by a choice of means of transport, and it will not have a significant adverse effect on centres. Policy UAP6 deals with the development for motor vehicle sales in existing employment areas.
56. In the rural area, policy RAP6 sets out limited circumstances where new employment development will be permitted. These include proposals on identified major developed sites within the Green Belt and on committed employment land within the Middlemarch Business Park, Siskin Drive. Policy RAP10 seeks to prevent development that would require major modification to surrounding rural roads in a way that would change the character of these in the vicinity. Under policy RAP11 the development of new or expansion of existing shops and services within settlements will be permitted where these meet local retail or service needs, and the loss of such units will be restricted to particular circumstances. Policy RAP13 restricts the development of new outdoor sport

and recreation development. Policy RAP16 requires that the development of new buildings for visitor accommodation will not be permitted.

57. Policy DAP3 deals with the protection of nature conservation, geology and geomorphology. Development will not be permitted which would destroy or adversely affect sites of national importance, and will be strongly resisted where it would destroy or adversely affect locally important sites/features. In assessing the latter, mitigation and compensatory measures and proposed long term management should be taken into account, among other things. Protection is given to listed buildings by policy DAP4, and to conservation areas by policy DAP8.

Coventry Development Plan

58. Relevant Coventry Development Plan Policies are identified as follows.
59. Policy OS 4 seeks to create a more sustainable city and policy OS 5 a higher quality of life and living environment. Policy OS 6 requires developments to be compatible with nearby uses. Policy OS 9 deals with access by disabled people. Policy OS 10 sets out how planning obligations will be used.
60. Policy EM 2 seeks to avoid damage to air quality from development. Policy EM 3 sets out requirements on water resources and quality, with policy EM 4 requiring development to be designed and located to minimise risk of flooding and maximise absorption of surface water run-off by the ground. Policy EM 5 sets out a pollution protection strategy. Under policy EM 6 development on or adjacent to contaminated land will be permitted only if measures for remediation and protection are identified and implemented. Policy EM 8 sets out requirements to avoid harm from light pollution.
61. Policy E 1, on overall economy and employment strategy, allocates and seeks to retain a portfolio of sufficient employment land and provide a framework for investment and regeneration of the city's economy. Policy E 2 aims to consolidate and strengthen the city's existing economic base, with policy E 3 supporting the diversification of the local economy. Policy E 6 identifies principal employment sites, which include Jaguar Whitley. Restrictions on the redevelopment of existing employment sites are set out in policy E 8. Requirements on warehousing development are given by policy E 12.
62. Policy AM 1 promotes an integrated, accessible and sustainable transport strategy. Policy AM 2 promotes public transport, policy AM 3 requires major new development to facilitate the provision of bus services, and policy AM 4 promotes bus priority measures. Policies AM 8 and AM 9 seek to improve and provide pedestrian routes. Policy AM 10 expects traffic calming measures where the traffic movements associated with development would otherwise be harmful. Provision for cycling in new developments and cycle routes are sought by policies AM 12 and AM 13. Policies AM 14, AM 15 and AM 16 deal with road schemes, with policy AM 22 requiring new developments to have safe and appropriate access to the highway system and satisfactory on-site arrangements.
63. Policy BE 1 sets out an overall built environment strategy, and policy BE 2 provides principles of urban design. Policy BE 15 seeks to protect archaeological sites. Policy BE 19 on lighting seeks carefully designed proposals. Policy BE 20 requires a high standard of landscape design and boundary treatment in development. Policy BE 21 deals with safety and security.

64. Policy GE 1 sets out the aims of a green environment strategy. Policy GE 2 aims to establish a network of Green Space enhancement sites, while policy GE 3 promotes and seeks to protect a network of Green Space corridors. Policy GE 6 deals with control over development in the Green Belt, not allowing inappropriate development unless justified by very special circumstances and requiring development within or conspicuous from the Green Belt not to harm its visual amenities. Policy GE 7 deals with industrial or commercial buildings in the Green Belt, and policy GE 8 deals with control over development in urban green space. Policy GE 11 requires that development which would have an adverse impact on sites of special scientific interest, local nature reserves and Coventry nature conservation sites will not be permitted. Policy GE 12 requires development on other sites of nature conservation value to be permitted only if the benefits clearly outweigh the extent to ecological harm likely to be caused, with the harm required to be reduced, offset or compensated for to the fullest practicable extent. Landscape features are protected under policy GE 14. Policy GE 15 requires the design of new development to accommodate wildlife.

Emerging development plan policy

65. Coventry City Council's Proposed Submission Core Strategy (October 2012)³¹ was withdrawn in April 2013. According to the SoCG, new Core Strategy proposals are due to be published for consultation in early 2014.³²
66. The publication of the Warwick District Local Plan Preferred Options in May 2012³³ was followed by the issue of the Warwick District Council Revised Development Strategy (June 2013)³⁴. Public consultation took place on this during June and July 2013. It included RDS 8 which proposed that an area of land in the vicinity of Coventry Airport is identified for a major employment site of sub-regional significance. This stated that a policy framework for the site would be developed which:
- a) limits the uses on the site to predominantly B1, B2 and B8 uses;
 - b) ensures the whole site is planned and developed in a comprehensive way, taking full account of the infrastructure requirement and minimising environment impact;
 - c) sets out the very special circumstances that would need to be demonstrated to allow this development within the Green Belt. These very special circumstances would include demonstrating the need for a major sub-regional employment development, the creation of a significant number of new jobs, evidence that there is a lack of alternative sites that are available and suitable and the delivery of other community and environmental benefits;
 - d) ensures the land is retained within the Green Belt until such time the site is fully developed.

³¹ B.6

³² P.1 para 7.11

³³ B.8

³⁴ B.9

67. During the course of the inquiry, on 23 April 2014, the issue of the Warwick District Local Plan 2011-2029 Publication Draft was agreed.³⁵ Its policy DS16 Sub-Regional Employment Site is as follows:

"Land in the vicinity of Coventry Airport (totalling 235 hectares) as shown on the Policies Map, will be allocated as a major employment site (for B1, B2 and B8 uses) of sub-regional significance.

The Council will require that a Masterplan or Development Brief is prepared which will ensure that the site is developed in a comprehensive manner."

68. The supporting explanation in paragraphs 2.68 to 2.74 refers to the vision set out in the Strategic Economic Plan (SEP) published by the Coventry & Warwickshire Local Enterprise Partnership in March 2014; the key investment programmes identified in the SEP; the SEP's identification that the sub-region would benefit from at least one new major employment site and that land in the vicinity of Coventry Airport should be the priority site to fulfil this role; that this assessment by the SEP corroborates the studies that have been undertaken for the Council, including in terms of needs and location. It adds requirements relating to landscaping, traffic and contamination that would need to be met. An accompanying plan shows the areas proposed for buildings in the current scheme as excluded from the Green Belt.

Other policy

69. The West Midlands Regional Spatial Strategy (RSS) was revoked on 20 May 2013. However, reference is made by the parties to the evidence base underlying both the RSS and the RSS Phase 2 Revision which had been under preparation.³⁶
70. The following Supplementary Planning Guidance Documents are identified in the SoCG as being relevant:
- Warwick District Council Supplementary Planning Guidance/Documents relating to Open Space (June 2009), Sustainable Buildings (December 2008), Vehicle Parking Standards and the Warwickshire Landscape Guidelines.
 - Coventry City Council Supplementary Planning Guidance/Documents entitled 'Delivering a more sustainable city' and 'Green Space Strategy for Coventry'.³⁷
71. As stated above, the Coventry & Warwickshire Local Enterprise Partnership published the final version of its Strategic Economic Plan on 31 March 2014, replacing a draft version issued in 2013³⁸. It refers to the Coventry and Warwickshire Gateway as the priority employment site for the delivery period of the economic plan.³⁹

³⁵ P.5; LPA11 & LPA12

³⁶ B.10, B.17, B.18, B.24

³⁷ P.1 para 7.9

³⁸ C.34, C.27

³⁹ C.34 p8

National policy

72. Relevant Government policy is set out in the National Planning Policy Framework (March 2012), with further advice contained in the national Planning Practice Guidance.

AGREED MATTERS

73. A number of other areas of agreement are set out in the SoCG between the applicant and the Councils, in addition to the matters already referred to above. These are consistent with the resolutions by the Councils to support the proposals, and are 381616dealt with in the cases of the parties outlined below. A separate amended version of the SoCG was put forward jointly by the Rule 6 parties, reflecting their grounds of opposition to the proposal.⁴⁰ Again their positions are set out below in their cases.
74. The summaries of cases of the main parties as now set out are based on the closing submissions⁴¹ supplemented by the written and oral evidence and with references given to relevant sources.

THE CASE FOR COVENTRY AND WARWICKSHIRE DEVELOPMENT PARTNERSHIP LLP

Overview

75. The proposal has the support of the two relevant local planning authorities, and there are no reasons for refusal to address. It is also supported by the Coventry & Warwickshire Local Enterprise Partnership (LEP), and represents the "*priority employment site for the delivery period of the economic plan*"⁴². The unqualified support of these bodies, together with the lack of objection from any of the statutory agencies that have all engaged with the proposal⁴³, should be given substantial weight.
76. National policy does not prevent inappropriate development in the Green Belt, but requires it to be justified by very special circumstances. The very special circumstances case put forward is compelling, and its essence has not been significantly challenged. The clearest example of this relates to the economic case for development. The objectors do not suggest that there is anything other than a significant and pressing need for new employment floorspace. Indeed, generally, objectors endorse the proposition that there is such a need⁴⁴, and other objectors including CPRE do not challenge it. Instead, the objectors suggest that this need may be met by alternative sites, but no alternative site is identified that is not taken into account by the applicant and against the background of which the pressing need has been established.
77. The objectors' approach thus accepts the problem facing the area but fails to engage in finding a solution. The danger is that substantial investment would go

⁴⁰ P.2

⁴¹ APP16, LPA15, CPRE13, TCG10, BM8

⁴² C.34 p8; para 3.4.1 p31

⁴³ No objection from the Highway Authority, the Highways Agency, English Heritage, Natural England and the Environment Agency

⁴⁴ E.g. cross-examination of Mr Symes, Mr Roe & Councillor MacKay; evidence in chief of Councillor Illingworth ; BM6 para 1

elsewhere or be lost entirely. That outcome would be contrary to national policy objectives and would represent a serious missed opportunity for the LEP and Coventry.

78. Local planning authorities are exhorted by national policy to look for solutions to problems, approve applications for sustainable development where possible, and to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.⁴⁵ The authorities in this case have done so. The development is a strong opportunity for the area which advances all elements of sustainability, and may appropriately be described as a 'win-win' case.⁴⁶

Application Background

79. The proposal responds to a clear need for high quality new employment sites to meet the requirements of the market, the economic and social requirements of Coventry and the LEP area generally, and to ensure the area can achieve its economic potential. This is consistent with national policy, with the Government committed to ensuring that barriers to economic recovery and growth are removed.⁴⁷ The Local Growth White Paper set out the terms of reference of LEPs, stating that they

*"will provide the clear vision and strategic leadership to drive sustainable private sector-led growth and job creation in their area."*⁴⁸

80. The National Planning Policy Framework (NPPF) sets out the Government's commitment to ensuring that the planning system does everything it can to support sustainable economic growth, and responsibility is placed on planning authorities to seek opportunities to meet the development needs of their area. The NPPF emphasises that, in planning for business needs within the economic markets operating in and across their areas, planning authorities should work closely with LEPs as well as other authorities. The role of LEPs is considered in further detail in the national Planning Practice Guidance (PPG), which lays stress on analysis of practical market realities in economic land assessments.
81. The Coventry & Warwickshire LEP strongly supports the proposal. In its Strategic Economic Plan (SEP), submitted to Government on 31 March 2014, the LEP states that Coventry and Warwickshire Gateway is

*"..the priority employment site for the delivery period of the economic plan. It provides the largest available employment site at 12ha and without development the CWLEP will be unable to meet its expected employment growth."*⁴⁹

82. Given the emphasis the Government has placed on the role of LEPs in leading growth and job creation, the support of the LEP for the proposal should be given substantial weight.

⁴⁵ B.1 para 187

⁴⁶ Evidence in chief of Mr Rhodes

⁴⁷ B.1, C.1

⁴⁸ C.33 para 2.6

⁴⁹ C.34 executive summary page 8; para 3.4.1 page 31

83. The proposal spans the administrative boundary between Warwick District and Coventry City. In broad terms, the proposed employment floorspace lies within Warwick District, with the northern highway works being within Coventry City. While the Site is at the periphery of both administrative areas, it is immediately adjacent to the built-up area of Coventry, and the proposal would make a major contribution to Coventry and its economic area. Failure to permit the proposal would result in a continuation of Coventry's relative economic decline, rather than stimulating its regeneration by providing the opportunity for it to play to its strengths.
84. In the evolution of the proposal the applicant consulted extensively and iteratively with the two relevant local planning authorities, as well as with the wider community, to ensure that any environmental impacts would be minimised and the benefits maximised.⁵⁰ The process of consultation and finalisation of the proposal was intended to ensure that full advantage was taken of the opportunity offered by the development.
85. The result of that process is a scheme which would not only provide much needed employment floorspace, but also major environmental benefits. In particular, this part of the urban edge of Coventry is fragmented and contains areas of poor quality landscape, including land contamination, which contribute little to the amenity of the area or to the objectives of the Green Belt. The proposal would bring substantial gains in these respects. Land contamination would be remediated, the effects of existing industrial estates would be mitigated, ecological enhancements would be introduced, and a major area of countryside park would be provided. Further, the development would bring coherence to the existing fragmented nature of the area by creating a clear division between town and countryside, providing Coventry with an appropriate gateway. There is no prospect of these improvements being brought about other than by private development.
86. In addition, the scheme would unlock the opportunities of Whitley Business Park and, in addressing existing transport issues, bring substantial highway benefits.
87. In recognition of these benefits, both Coventry City Council and Warwick District Council, as well as the LEP, support the proposal, and the Councils resolved to grant planning permission for it.⁵¹ The applications were scrutinised fully by the Councils, and the independent consultants they engaged to examine them gave support.⁵² The resolutions of the Councils are a significant endorsement of the proposal and its compliance with the policy and approach to economic development expounded in the NPPF.

National Planning Policy

88. Emphasis is placed in national planning policy on ensuring that areas achieve their economic potential. That is fundamental to this case.

⁵⁰ APP10.1 para 5.21

⁵¹ B.19-B.21

⁵² Richard Morrish Associates on landscape aspects - A.190; GL Hearn on economic case - C.20

89. There is no dispute that the proposal as a whole amounts to inappropriate development in the Green Belt, and would cause some harm to the purposes for including land within the Green Belt. As such the relevant policy test is whether very special circumstances exist such that the potential harm to the Green Belt by inappropriateness, and any other harm, is clearly outweighed by other considerations.⁵³

Green Belt Harm

90. An assessment of the proposal against the purposes of the Green Belt reveals harm but equally discloses the opportunity presented by the application site.
91. The development would add to the sprawl of the urban area, in that it comprises development beyond the urban area.⁵⁴ However, the relevant Green Belt purpose refers to checking "*unrestricted*" sprawl. The development would be well defined by a corridor ranging from 100-300m in width, with the river beyond. Zone B is further contained by the existing Stonebridge trading estate, the Airport and the A45. Thus, in land use terms any addition to sprawl would be within clear limits. Moreover, the proposal would bring substantial benefits by creating an attractive coherent urban edge to the city, in place of the damaged and fragmented landscape that now exists.
92. Similarly, the proposal would not materially contribute to the merging of towns.⁵⁵ The neighbouring towns south of Coventry are Kenilworth, Rugby and Leamington, and the development would not lead to either actual or perceived merger with any of these. Although built development within Zone B would extend closer to the north-east corner of Baginton, a substantial landscape gap would be maintained to the existing settlement. This would extend to about 200m wide on the northern side of Rowley Road and a clear boundary and buffer would exist. South of Rowley Road, the buffering landscape to the eastern side of Baginton would narrow from 200m down to about 60m towards the southern edge of the village. However the inclusion of significant mounding and planting throughout this area would maintain a fully connected and continuous buffer between Baginton and Zone B and the existing Airport. Further, the proposal would result in the removal of the large-scale hangar and other buildings of the Airport currently located closer than 60m. Therefore the landscape gap to Baginton in the south would increase from that existing at present.
93. There would be some encroachment on the countryside.⁵⁶ There are, however, countervailing considerations. The parts of the site north of the A45 are already located in an urban context and are clearly separated from countryside to the south, and therefore have no significant role in performing this function. South of the A45, the site presently contains sewage works, former landfill sites, a former scrap yard, existing commercial uses and a test track. It is not countryside in the commonly used sense of that word.

⁵³ B.1 para 88

⁵⁴ APP10.1 paras 7.9-7.15

⁵⁵ APP10.1 paras 7.16-7.20

⁵⁶ APP10.1 paras 7.21-7.25

94. The majority of the site⁵⁷ falls within parcel C10 as considered by the 2009 Coventry Joint Green Belt Review⁵⁸. C10 is described as largely an extension of the urban area, having a sense of urban fringe decline, and "*additional development potential*" is identified. A similar part of the site is covered by the Dunsmore area, identified in the Warwickshire Landscape Guidelines as being an area of decline.⁵⁹ Although the part of Zone B between Rowley Road and the A45 does not fall within parcel C10, the Council's landscape consultant expressed the view that this area has "*poor landscape condition.*"⁶⁰
95. The proposed remediation of the sewage facilities, and the other previous uses of the land, would restore contaminated land to a usable resource. Large areas of the site would be dedicated to the public as recreational countryside. Guidance places strong emphasis on sensitive treatment of urban fringe. For instance, the Natural England National Character Area profile relating to Dunsmore and Feldon refers to softening urban fringe developments.⁶¹ It also refers to accommodating development pressure from Coventry "*by designing a network of multi-functional green infrastructure which respects the surrounding landscape character and which provides for links into the wider countryside and increased opportunities for people, nature and wildlife.*"⁶² This approach is contained in other guidance, including the Warwickshire Landscape Guidelines.⁶³ The landscaping proposed in the scheme would not only limit any effects of the development (as well as of existing development such as Middlemarch Business Park) on the wider countryside, but would also, pursuant to the above guidance, improve this area of the urban fringe which is of weak character, low value and in declining condition.
96. The setting of historic towns (as well as the setting of Conservation Areas, in particular Bubbenhall and Baginton) would not be adversely affected.⁶⁴ Great care has been taken to protect all heritage interests, in consultation with English Heritage (which does not object to the proposal) as well as the relevant Councils. This is dealt with in more detail below.
97. The proposal would not discourage the regeneration or recycling of urban land.⁶⁵ Rather, it arises from the lack of sufficient employment land within urban areas to meet the social and economic needs of the area and the market, and would assist in the recycling of derelict land. This is also considered in more detail below.
98. Further, in assessing "*other harm*" for the purposes of the Green Belt test, the positive benefits of the proposal should be recognised.⁶⁶ Most notably, the consequence of the development would be to remediate large areas of land that are within the Green Belt but contaminated, disfigured and unusable. In addition

⁵⁷ LPA3/1 Appendices A & B

⁵⁸ H.1 Appendices 11 & 12

⁵⁹ D.3; APP9.1 paras 4.15-4.17

⁶⁰ A.190 para 4.6

⁶¹ APP9.6 p19 (SEO 4)

⁶² APP9.6 p37 (foot of left hand column)

⁶³ D.3 p36

⁶⁴ APP10.1 paras 7.26-7.30

⁶⁵ APP10.1 paras 7.31-7.33

⁶⁶ APP10.1 paras 7.34-7.35

to its built form, the proposal would deliver a very substantial countryside park and a network of public rights of way that would make this part of the Green Belt attractive and useable for public recreation, and promote its biodiversity.⁶⁷ Promotion of beneficial use of the Green Belt in these ways, as well as remediation, is strongly encouraged by the NPPF.⁶⁸

99. Careful thought has been given to the balance of benefits and impacts in the design of the scheme. Those aspects of the development that would clearly impact on Green Belt function, in particular the buildings, are placed to relate to the existing large scale employment developments. The landscaping and countryside park are located so as best to contain the development, facilitate recreation from the nearby villages and establish long term boundaries. Thus, those parts of the site that can best fulfil the purposes of the Green Belt would be restored and given over to landscaping, recreation and accessibility as a countryside park; those parts that can best and least harmfully contribute to the economic growth of the area would be remediated and developed. This is a good example of the three strands of sustainability being advanced cohesively.

Very Special Circumstances

100. In this case, the limited harm to the Green Belt is significantly outweighed by a strong combination of very special circumstances, which are apparent when the major benefits of the proposal are examined.

101. If the needs of Coventry and the LEP area are to be met it is inevitable that this will involve development within the Green Belt. Coventry and Warwick Councils recognise this through their support for the proposal. The need for development within the Green Belt has been apparent at least since the formulation of the evidence base for the Regional Spatial Strategy (RSS) and its revision, which remain relevant, despite abolition of the RSS itself.⁶⁹ As long ago as 2001, the permission granted for Whitley Business Park recognised that the urban non-Green Belt areas could not provide for the employment needs of Coventry.⁷⁰

102. The recent exchange of correspondence between the Planning Minister and the Chief Executive of the Planning Inspectorate about Green Belt policy is relevant.⁷¹ The present case does not involve adjustment of a Green Belt boundary through a Local Plan review. However, the Minister emphasised the importance of the views of local planning authorities in relation to the Green Belt. In the present case, the relevant authorities strongly support the proposal.

103. A scheme of this size and nature would deliver many and diverse benefits. These must be viewed as a whole, and there are many inter-relationships between factors that weigh in favour. The matter of very special circumstances (VSC) will be considered under the following topics:

- The employment case; the need for floorspace and for jobs;
- Special suitability of the application site;

⁶⁷ APP9.1; A.19; A.25

⁶⁸ B.1 para 81

⁶⁹ APP10.1 paras 744-7.47; B.10, B.24

⁷⁰ APP10.1 para 7.50; N.3

⁷¹ APP10.4 Appendix 1

- Land contamination;
- Landscape benefits;
- Ecological and biodiversity benefits;
- Transport benefits.

VSC: The employment case; the need for floorspace and for jobs

National Policy Background

104. In March 2011 the Government published 'The Plan for Growth', which set out disturbing facts about the state of the nation's economy. This stated:

*"If we do not act now, jobs will be lost, our country will become poorer and we will find it difficult to afford the public services we want. If we do not wake up to the world around us, our standard of living will fall, not rise."*⁷²

It continued:

*"We now have to step up a gear. Our economy needs to become much more dynamic, less burdened by pointless barriers and retooled for a high tech future, if we are going to create the jobs and prosperity we need for the next generation."*⁷³

105. Against that background, the Government prepared the NPPF. This explains that at the heart of both plan making and decision taking is an expectation that planning authorities should positively seek opportunities to meet the development needs of their areas unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.⁷⁴ Of the three dimensions of sustainable development - economic, social and environmental – referred to, the greatest emphasis is given to the need to build a strong, competitive economy, in the light of the need for national growth.

106. The NPPF places emphasis on proactively driving and supporting sustainable economic development to deliver the business and industrial units the country needs.⁷⁵ It refers to Local Plans taking account of market signals, and setting out a strategy for allocating sufficient land for development. There is a commitment to securing economic growth in order to create jobs and prosperity.⁷⁶ It is stated that the planning system should do everything it can to support sustainable economic growth.⁷⁷ Significant weight is to be placed on the need to support economic growth through the planning system. The importance of planning proactively to meet the development needs of business is emphasised.⁷⁸

107. Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area.⁷⁹ To achieve this they should work together with county and neighbouring authorities and with LEPs, as well as the business community. The guidance recognises that

⁷² C.1 p3

⁷³ C.1 p4

⁷⁴ B.1 para 14

⁷⁵ B.1 para 17

⁷⁶ B.1 para 18

⁷⁷ B.1 para 19

⁷⁸ B.1 paras 20-22

⁷⁹ B.1 para 160

administrative boundaries do not necessarily reflect how people travel to work, where a need may arise, or where the benefits of a development may be felt.

108. The PPG gives guidance on assessing economic needs.⁸⁰ It states that an examination of need is to be based on quantitative assessments, but also on an understanding of the qualitative requirements of each market segment. Thus policy recognises that markets are not uniform, and that there are different requirements within general categories. Not all economic development has the same appeal to different potential occupants. Further, it is required that there be taken into account the increasing diversity of employment generating uses, and the need for an "*appropriate variety of employment sites*".
109. The PPG states that needs should be assessed in relation to the relevant functional economic market area, with guidance on how these are defined. There is an emphasis on the requirements of the market in terms of location of premises, and the guidance suggests that the factors to be taken into account include the extent of any LEP, as well as Travel to Work Areas.
110. Reference is made to the importance of market intelligence and market signals, and of recognising that existing stock may not meet future needs, while also drawing attention to the relevance of take-up as a factor in the assessment of need.
111. Overall, the NPPF and PPG place great emphasis on taking opportunities for economic growth and enabling areas to achieve their economic potential. In order for that potential to be realised, local authorities are to work together, with LEPs and the business community.
112. It is significant that these crucial elements of national planning policy guidance were not taken into account by the objectors. Although CPRE considered planning policy in its economic evidence⁸¹, no regard was had to this policy guidance. Similarly, The Community Group (TCG) produced evidence on economic and planning matters⁸², but entirely ignored the policies set out above. The point of drawing attention to this is not to criticise. None of those who gave evidence against the proposal had planning qualifications, and they were not professionally represented. However, it is significant that the objectors' evidence was not placed in the appropriate planning context.

Meeting the needs of the LEP area, focusing on Coventry

113. The applicant has followed this national guidance, considering the economic needs of the LEP area as a whole by reference to the relevant market areas for Zones A and B respectively. This is considered below.
114. There are particular reasons to seek to focus development on meeting the socio-economic needs of Coventry. The national economy has moved in a cyclical way since the turn of the century. Coventry, however, exhibits a structural decline beyond the cyclical movement as a result of changes in its employment base. It has the highest unemployment claimant rate of authorities
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⁸⁰ B.25 para 2a-003-06032014

⁸¹ CPRE2/1

⁸² TCG1 & TCG7

within the LEP area.⁸³ There are approximately 20,000 people in Coventry who would like a job but cannot find one.⁸⁴ Coventry residents who have work are relatively poorly paid⁸⁵, and the skills profile of Coventry residents is lower than elsewhere in the LEP area⁸⁶. The working age population of the LEP is projected to increase by 45,000 by 2021⁸⁷, and around two-thirds of that growth will occur in Coventry, so that the need for economic expansion to create jobs is set to continue. The suggestion that there would be recruitment problems for the development is hard to understand in light of this.⁸⁸

115. The proposal is well-placed to help meet these structural employment issues. It would have highly beneficial impacts for Coventry in particular and the LEP area generally. On any analysis, it would generate a very substantial number of jobs, say 7,800 for present purposes.⁸⁹ In addition, there would be job creation as a result of the road improvements brought about as part of the proposal acting as a catalyst for the further development of the Whitley Business Park. Although the Council is in the process of improving the Whitley junction access from that site onto the A444, the proposal would provide it also with access onto the Festival Island roundabout (Stivichall) and, crucially, the A45. The Whitley Business Park would benefit additionally from the proposed new rapid bus public transport route connecting to the centre of Coventry. This is quite apart from the broader transport benefits that would be brought about by the development, as considered later.

116. The working age population of Coventry is well-placed to benefit from the job creation that the scheme would deliver. All of Coventry City is within 10km of the site, and over 115,000 of its residents live within 5km.⁹⁰ The proposal would deliver substantial accessibility enhancements to allow workers from Coventry (and Baginton and Bubbenhall) to access the development sustainably.

117. Analysis by reference to Travel to Work Areas and the LEP area, as endorsed by the NPPF and the PPG, allows these real benefits to be taken fully into account. The mere fact that the employment floorspace would lie within Warwick District would not prevent the proposal from bringing major economic benefits to Coventry.

118. CPRE argues that if a large site is to be made available for employment development in the LEP area, it should be north of Coventry so as to be of greatest benefit to Nuneaton and Bedworth, given the levels of unemployment and deprivation in that District. This contention has no validity. Coventry has the greatest concentration of unemployed people in the LEP area.⁹¹ There are 13,100 unemployed people in Coventry, as opposed to 4,300 in Nuneaton and Bedworth. Indeed, Coventry has 49% of the unemployed in the LEP area as a whole. Further, the rate of unemployment is greater in Coventry than in

⁸³ LPA1/1 p82 figure 18

⁸⁴ APP1.1 p56

⁸⁵ APP1.1 para 6.33 & figure 6.9

⁸⁶ LPA1/1 para 7.34

⁸⁷ APP1.1 para 6.29

⁸⁸ Oral addition to closing submissions in response to TCG10 (Summary top of p2)

⁸⁹ LPA1/1 section 8

⁹⁰ APP10.4 p12

⁹¹ LPA1/3 p5 Table 1

Nuneaton and Bedworth (8.3% as compared with 6.7%). Employment and GVA growth has been lower in Coventry than in Nuneaton and Bedworth⁹²; Coventry's relative economic performance has been declining.

119. None of that is to deny that Nuneaton and Bedworth District suffers from deprivation. It does, and needs economic development in order to bring prosperity. However, Coventry has a particular concentration of socio-economic problems, and it is entirely appropriate to seek to address those. It is instructive that Nuneaton and Bedworth Council does not oppose the proposal. Instead, it is itself appropriately promoting development, in particular on the Green Belt sites of Bermuda and the extension at Prologis Keresley.⁹³

120. Furthermore, the proposal would be accessible to residents of Nuneaton and Bedworth, being well within the Coventry Travel to Work Area. There will be enhanced public transport connections between Nuneaton, Bedworth and Coventry as part of the NuCKLe project.⁹⁴ Those services will connect with the rapid bus service proposed to the site from Coventry city centre. Further, bespoke bus services to the site from Nuneaton and Bedworth are contemplated as part of the dedicated commuter services proposals.⁹⁵ Finally, all of Nuneaton and Bedworth is within 45 minutes' drive time of the site.⁹⁶

121. In summary, there are strong reasons why the focus for meeting the economic development needs of the LEP area should be Coventry.

The assessment of the need

122. The evidence of the applicant's economic witness⁹⁷ presents a comprehensive analysis of supply and demand factors in the LEP area and in the market areas for the Zone A and B proposals. In summary, the proposal provides the opportunity, which should not be missed, for Coventry and the LEP area generally to achieve their potential.

123. The proposal is of a strategic scale and would be highly attractive to the market. It is this attractiveness that would deliver the benefits to Coventry and the surrounding area. An argument of 'no need', if successful, would either allow those benefits to go elsewhere or result in their being lost entirely.

124. Zone A would deliver flexible units for B2/B8 uses. It would cater for large floor plate requirements (generally to 46,400sqm, but potentially up to 92,900sqm). It would be a high quality development that would appeal to the advanced manufacturing and logistics sectors, which are growth sectors identified by the LEP. The particular location means that it is very well served by the strategic highway network. Thus the development would have a particular identity in the market, and fulfil a need that cannot be met by provision elsewhere.

⁹² APP10.6 Tables 28 & 29

⁹³ APP1.1 pp88-89

⁹⁴ APP10.5 para 17; LPA2/1 para 2.75 onwards

⁹⁵ APP2.1 para 7.13

⁹⁶ A.131 Appendix A to Appendix H

⁹⁷ Mr Allen: APP1.1-APP1.5

125. Zone B would deliver up to 83,794sqm of B1 buildings intended primarily for automotive, aerospace and digital technologies. It would also provide uses to serve the employment space at Zones A and B (a hotel, and a small number of retail and showroom units). Zone B offers a particular product as a high technology, research and development and advanced manufacturing technology park. There is no alternative facility within the LEP area that will meet the same market sector requirements. The Zone B development is supported by Coventry University.⁹⁸ It would serve sectors particularly identified by the LEP as growth sectors. TCG's economic witness said that Zone B was "*coherent and attractive*" and that it "*could be a very coherent piece of development.*"⁹⁹ That remark by a determined opponent of the proposal is revealing of the merits of the Zone B element.
126. The development overall is consistent with the strategy promoted by the LEP to focus on the area's core strengths, which include advanced engineering and high value manufacturing, automotive, and logistics.¹⁰⁰
127. The applicant's economic witness has undertaken a supply and demand analysis to help demonstrate the benefits the scheme would deliver, albeit that no other site could replicate this in terms of the benefits it would bring to Coventry and the range of demand it could satisfy.¹⁰¹
128. Demand can be loosely measured through take-up. Take-up is, however, heavily influenced by supply. If a good product is brought to market it is likely of itself to unlock latent demand. Companies tend not to make their demand known until a site has planning permission.¹⁰² It would therefore not make sense to grant permission only where there are named occupiers, and given the costs of infrastructure sites need to be large enough to cater for demand several years ahead.¹⁰³
129. Notwithstanding this imperfect correlation between take-up and demand, the market information in relation to Zone A shows that the requirement for large units for major industrial and distribution developments is very substantial.
130. By reference to distribution and industrial buildings larger than 9,290sqm, in the market area the take-up of such buildings has averaged 256,000sqm over the past five years.¹⁰⁴ The supply is 185ha of land available with planning permission, able to accommodate some 714,300sqm of floorspace.¹⁰⁵ That means there is 2.8 years' supply.
131. This was not challenged by those opposing the proposal, save that CPRE argues that Birch Coppice Phase 3 should be added to the supply. It is understood that Phase 3 has the benefit of a resolution to grant planning permission. If this site is counted as part of the supply, it would add 19ha to the

⁹⁸ APP1.2 Appendix 5 & APP1.4

⁹⁹ Re-examination of Mr Roe

¹⁰⁰ C.34 pp20,23,24

¹⁰¹ APP1.1 sections 7.0 & 8.0

¹⁰² APP10.2 Appendix 2 para 32

¹⁰³ Oral addition to closing submissions in response to CPRE13 para 46

¹⁰⁴ APP1.1 para 7.42

¹⁰⁵ APP1.1 para 7.55 & figure 7.13

185ha supply, making little difference to the overall picture.¹⁰⁶ Other sites suggested by CPRE¹⁰⁷ as 'alternatives' for Zone A, such as Ryton and Rugby Gateway, have all been counted as part of the supply. There is no evidence to support the suggestion that were different market areas chosen the supply would be greater.¹⁰⁸

132. Further, the applicant's assessment is conservative, comparing take-up of buildings larger than 9,290sqm with sites capable of providing a new B2 or B8 unit of at least 4,645sqm.¹⁰⁹ There could therefore be sites counted as part of the supply which are too small to accommodate a requirement of 9,290sqm.
133. Demand generally, and the attractiveness of this area in particular, is shown by the take-up of floorspace at Prologis Park, Ryton, where take-up in 2013 alone exceeded 50,000sqm.¹¹⁰
134. As well as the supply being very limited, a number of sites are subject to constraints in terms of maximum unit size that can be accommodated, uses permitted, and physical characteristics. Not all of the sites are fully available for B2 and B8 use; 20% of the supply is restricted to B8 use, and a further 17% is restricted to B2.¹¹¹ Further, the larger the requirement, the fewer the sites that can accommodate such a requirement, and the largest requirements could not be met in the vicinity of Coventry.¹¹²
135. The applicant's economic witness has also considered future *potential* supply of land for the major distribution and industrial developments of the type intended to be provided at Zone A, that is the 'pipeline'.¹¹³ There is no assurance on whether or when any of these sites will gain planning permission. The DIRFT 3, Peddimore and Ford sites are outside the LEP area as well as the Coventry Travel to Work Area. They will not assist in meeting the economic needs of Coventry, which requires its own sites if it is to achieve its economic potential and reversal of its decline. In any event, the DIRFT 3 site is intended to serve a different market, being a National Distribution Centre catering for national distributors requiring rail access. Many operators do not require or cannot use rail, and there is no prospect of making all sites accessible by rail.¹¹⁴ Further, the Peddimore and the Bermuda sites are draft allocations, all within the Green Belt, and therefore not preferable in policy terms to the application site. To the extent that future potential supply might become available on sites which would meet needs similar to those which would be met by Zone A, a range of sites is needed, and the amount of further potential supply is not sufficient to detract from the case for the proposal.
136. The need for the proposed development at Zone A in the light of the above considerations is clearly pressing and urgent. It is notable that Lambert Smith

¹⁰⁶ LPA1/1 para 6.95

¹⁰⁷ CPRE2/1

¹⁰⁸ Oral addition to closing submissions in response to CPRE13 para 34

¹⁰⁹ APP1.1 para 7.51

¹¹⁰ APP1.1 para 7.49

¹¹¹ APP1.1 para 7.71

¹¹² APP1.1 paras 7.68-7.69

¹¹³ APP1.1 p87 onwards

¹¹⁴ Oral addition to closing submissions in response to CPRE13 para 32

Hampton reach a similar conclusion, describing the need for industrial and logistics space in the West Midlands as "acute."¹¹⁵ A supply of less than three years is plainly inadequate, quite apart from the fact that not all sites are suitable or available for all uses within the B2 and B8 categories. A properly functioning planning system should identify a range and choice of sites and at least a five year rolling supply of employment land.¹¹⁶ A five year supply is often used in planning as a measure of adequacy of supply, for example for housing¹¹⁷, and the Panel reporting on the RSS revision supported the requirement for a five year rolling supply of employment land.¹¹⁸ The suggestion of using a buffer of 5% has not been properly explained.¹¹⁹

137. Overall, examination of supply and demand in relation to Zone A shows a clear need, and very special circumstances justifying the grant of planning permission.

138. The same applies with regard to the development proposed in Zone B. The established science and technology park locations in the area have little remaining capacity for further development, despite the emphasis of local economic strategy on these sectors.¹²⁰ Zone B is needed to provide the amount and range of accommodation this market requires. The 'ancillary' uses also proposed, including hotel space, are important to the success of the business park.¹²¹

139. The support expressed for the proposal by Coventry University¹²² is highly significant in this regard and should be given substantial weight. In its most recent letter the University states the intention that Zone B would have an association with its own Technology Park and that:

*"The concept is to build on its success by ensuring successful companies have access to (1) grow-on space; and/or (2) combined office/light industry/product development facilities. The current Coventry University Technology Park and our planned developments at Ansty, does not permit the development of any manufacturing or light industry buildings or uses. Indeed, this combination of facilities does not really exist at all in the city and is a significant opportunity for growth."*¹²³

140. Other sites on which it has been suggested the proposed development at Zone B might be provided either target different segments of the market or are complementary, offering a necessary range of choice. The sites characterised by CPRE and others as 'alternatives' are again all ones taken into account by the applicant's economic witness (and the Councils' economic witness¹²⁴), and would serve different sectors of the market, different areas, or both.

¹¹⁵ TCG5/2 Appendix 5.16 4th page

¹¹⁶ APP10.5 para 11

¹¹⁷ B.1 para 47

¹¹⁸ B.17 paras 5.6-5.10

¹¹⁹ Oral addition in response to CPRE13 para 16

¹²⁰ APP1.1 p106 figure 8.6

¹²¹ APP1.1 para 3.24 onwards

¹²² APP1.2 Appendix 5 & APP1.4

¹²³ APP1.4

¹²⁴ Mr Ireland: LPA1/1-LPA1/3

141. CPRE places much reliance on the Ansty Park site.¹²⁵ The focus of this site is on research and development and high technology, rather than manufacturing, and that is the purpose for which the Homes and Communities Agency (HCA) has confirmed the site is being promoted.¹²⁶ The Manufacturing Technology Centre is entirely research and development, and not for manufacturing.¹²⁷ The same is true of the 'Catapult' (which is about transforming ideas into products) and the 'Aerospace confidential' facility. Manufacturing of any significant scale does not take place at Ansty, and is not supported by the site owner, the HCA. That is confirmed by the latest letter from Coventry University.¹²⁸

142. Whitley Business Park is also put forward by CPRE as an 'alternative'.¹²⁹ However, it is clear that the B1 element there is intended to be mainly offices.¹³⁰ CPRE suggests that, were the current proposal approved, Zone B could be used solely or mainly for offices, like Whitley.¹³¹ That is not the case, since a proposed condition would limit B1(a) use to 10% of the proposed floorspace in Zone B.¹³²

143. CPRE also refers to the Friargate site in the centre of Coventry.¹³³ Again, insofar as B1 development is proposed this is to be an office development, in which the City Council has already committed to extensive office space.¹³⁴ The elements of that development other than offices will be city centre uses such as hotel, retail or residential. Coventry University has entered into an exclusivity agreement with the City Council in relation to the site that the City Council is to vacate when it moves to Friargate. However, that site is small (0.4ha), and if any B1 space is provided it would be similar to the accommodation at the University's existing Technology Park, which as the University has stated does not include manufacturing/light industry.¹³⁵

144. The only other site in the vicinity of Coventry referred to as an 'alternative' to Zone B is Lyons Park.¹³⁶ This is being promoted by the HCA principally for B2 purposes and the master plan includes only a small B1 element.¹³⁷ Further, Lyons Park's attractiveness is limited by its proximity to residential and poor road access.¹³⁸ There is no evidence of any interest in that site for B1 purposes.

145. All the other sites suggested by CPRE for consideration as 'alternatives' to Zone B are too far from Coventry to assist with the city's economic problems. MIRA is 14 miles north of Coventry, and in any event is focusing on the transport sector.¹³⁹ The Blythe Valley Business Park is primarily an office development,

¹²⁵ CPRE2/1 para 103 onwards

¹²⁶ APP1.1 para 9.21; LPA1/1 para 6.60 and supplementary proof paragraph 6.14

¹²⁷ BM1/2

¹²⁸ APP1.4

¹²⁹ CPRE 2/1 para 118 onwards

¹³⁰ APP1.1 paras 9.23, 9.32; LPA1/1 paras 6.33-6.39; LPA1/3 paras 6.11-6.13

¹³¹ CPRE 2/1

¹³² P.6 condition 16

¹³³ CPRE2/1 para 130 onwards

¹³⁴ APP1.1 para 9.32

¹³⁵ APP1.4

¹³⁶ CPRE 2/1 para 134 onwards

¹³⁷ LPA1/1 para 6.144

¹³⁸ APP1.1 para 7.74

¹³⁹ CPRE2/1 para 144 onwards; evidence in chief of Mr Allen & Mr Ireland

and lies in Solihull outside the LEP area.¹⁴⁰ Tournament Fields is again largely focused on offices and primarily serves the South Warwickshire/M40 market.¹⁴¹ Birch Coppice Phase 3 could not be a potential substitute for Zone B, given that the proposed planning permission only provides for B1(c) and not (a) or (b), so that unlike Zone B there could not be a mixture of B1 (a), (b) and (c).¹⁴² Further, given its location, it could not assist in solving Coventry's economic problems.

146. To summarise in relation to Zone B, the evidence is of clear need. It is recognised there are other sites in the general area on which B class development can take place. However, a number of these are too far from Coventry to provide employment for substantial numbers of Coventry residents, and it is important to use the rare opportunity of this part of the economic cycle to capitalise on Coventry's potential. Further, none offers the facility for B class occupiers to combine research and development with manufacturing as is intended for Zone B. There is no evidence that the proposal would be detrimental to the development of those other sites, and no objections have been received from them.¹⁴³
147. Two final general points should be noted in relation to need. First, some objectors suggest that, because of a lack of 'synergy' between the two Zones, there is no good reason why they should be proposed in one application.¹⁴⁴ However, the two Zones are proposed as part of the same application because both are needed in order to make provision of the necessary infrastructure viable.¹⁴⁵ Both the applicant's and the Councils' analyses of need have dealt separately with that for Zone A and B, and it is accepted that it is necessary to establish the need for each. Nevertheless, the applicant's economic witness considers it is likely that there would be synergy between the B2 element of Zone A and the uses on Zone B.¹⁴⁶ That potential must strengthen the overall case.
148. Secondly, CPRE suggests that there may be some combinations of uses for which the proposal could not make provision, for example a company seeking B1 and B2 use on the same site. While that is true (although B1 could be provided in Zone B with B2 nearby in Zone A) the mere fact that it does not accommodate all possible needs should not count against the proposal. As the above analysis shows, the proposal would meet a strong and urgent need. There has been no change in the applicant's position on this, and the need has become more severe.¹⁴⁷
149. Overall, the analysis in relation to both Zones A and B underscores the need for the high quality employment floorspace that the proposal would deliver, and highlights the benefits that would flow from the development.

¹⁴⁰ CPRE2/1 para 149 onwards; APP2/1 9.32(vi); LPA1/1 para 6.71

¹⁴¹ CPRE2/1 para 154 onwards; LPA1/1 para 6.148; cross-examination of Mr Allen

¹⁴² CPRE2/2, page 98

¹⁴³ Oral addition to closing submissions in response to TCG10 p22

¹⁴⁴ E.g. TCG1/1 para 1.4.7

¹⁴⁵ Evidence in chief of Mr Rhodes

¹⁴⁶ APP1/1 para 9.46

¹⁴⁷ Oral addition in response to CPRE13 para 30

Need as assessed by the Local Authorities

150. CPRE's evidence cites the employment land policies of the local authorities which make up the LEP area.¹⁴⁸ It is important to note that none of those authorities has objected to the proposal.
151. Although the Nuneaton and Bedworth Local Plan identifies an employment land shortfall of only 4.6ha, the Plan dates from 2006 and its employment land targets came from the Warwickshire Structure Plan of 2001, which is outdated and no longer planning policy.¹⁴⁹ The Local Plan goes on to state that a plan, monitor and manage approach will be used to ensure site availability in the future, and that the regional authority through the RSS is looking to allocate a sub-regional site which will inform revisions to the Plan. It follows that even at the time that it was produced, the Nuneaton and Bedworth Local Plan was not purporting to deal with sub-regional or regional needs.
152. There is an emerging Borough Plan for Nuneaton and Bedworth (now at Preferred Options stage), but that can only have limited weight because it has not been to Examination.¹⁵⁰ The document specifically recognises that, although the RSS is now revoked, this does not invalidate the evidence base which remains sound, and that it will be necessary to allocate land outside the urban areas.¹⁵¹ Green Belt allocations are proposed at Bermuda and Prologis Park, Keresley. However, these do not purport to provide for regional or sub-regional needs, and the earlier Issues and Options Draft specifically stated that in addition to allocations to meet the District's own needs, there may be a need to identify a Regional Investment Site.¹⁵²
153. Rugby has an adopted Core Strategy of 2011. As with Nuneaton and Bedworth, this is not seeking to deal with needs for the overall LEP area or for any needs outside the District. The target of 108ha of employment land which it is seeking to meet appears to be taken from the target for Rugby contained in the former proposed RSS Revision 2 at table 4. However footnote (d) to that table makes clear that there is unlikely to be enough employment land in Coventry and that joint discussions will be needed between Coventry and other districts to ensure continuity of supply.¹⁵³ The Rugby Core Strategy does not seek to provide for Coventry's needs. Instead, the need to take account of and provide for the needs of the sub-region and of other districts has been taken forward through the LEP.¹⁵⁴
154. The adopted Local Plan for Stratford-on-Avon is out of date, running only up to 2011.¹⁵⁵ There is an emerging Plan, but it can have only little weight as yet, given that it has not been subject to Examination. Again, it is not seeking to meet the needs of any other district or those of the sub-region or LEP area, with

¹⁴⁸ CPRE2/1 para 13 onwards

¹⁴⁹ CPRE 2/1 para 14 ; APP10/4 para 3.13

¹⁵⁰ Cross-examination of Mr Yates; APP10.4 para 3.13 onwards

¹⁵¹ B.16 paras 1.5, 5.31, 6.10

¹⁵² APP10.4 para 3.15 (iii)

¹⁵³ B.24 p97

¹⁵⁴ CPRE2/1 para 20 onwards

¹⁵⁵ CPRE 2/1 para 24 onwards

the emerging Plan making clear that the Council will work with the LEP to deal with the sub-regional economy.¹⁵⁶

155. In relation to North Warwickshire, again the adopted Local Plan is out of date, having been adopted in 2006 and running only up to 2011.¹⁵⁷ The emerging Core Strategy clearly recognises a need for provision for employment needs beyond those arising solely within the District. In particular, it confirms that work is continuing with neighbouring authorities to develop a sub-regional spatial strategy, reflecting issues arising from the creation of the LEP¹⁵⁸. It is clear that North Warwickshire Council is content with the current proposal, and there is no suggestion that this in any way conflicts with that Council's own policies.¹⁵⁹

156. CPRE relies on the local policies of Coventry and Warwick Districts to assert that there is no need for the proposal.¹⁶⁰ Such an argument is entirely artificial since both Districts actively support the proposal.

157. In relation to Coventry, there is a Local Plan adopted in 2001 which is now plainly out of date.¹⁶¹ The 2009 draft Core Strategy can have no weight because it has been withdrawn.¹⁶² In any event, it recognised that not all employment needs were likely to be able to be met in the built-up area in the longer term.¹⁶³ Furthermore, while acknowledging¹⁶⁴ regional policies concerning the need for a new Regional Investment Site, the draft did not tackle the need for such a site, and the Examination Inspector recorded that there was no suitable location in the city for such a site.¹⁶⁵ Although Coventry Council produced a 2012 draft Core Strategy¹⁶⁶, the draft was withdrawn after the appointed Inspector had written to the Council advising that the plan did not meet with the legal requirements of the 2004 Act because the Council had not engaged constructively with neighbours on strategic planning matters.¹⁶⁷ The failure of the 2012 Core Strategy was a direct reflection of the attempt to plan without Green Belt release.

158. Finally, in relation to Warwick District, the Local Plan is plainly out of date.¹⁶⁸ The Plan took its employment land requirements from the Structure Plan of 2001 and in any event purported to deal only with the period to 2011. The emerging Local Plan provides no assistance for opposition to the proposal, in that it proposes allocation of the application site as a sub-regional employment site.¹⁶⁹ Criticisms of the employment land allocation in policy DS9 of the emerging Plan

¹⁵⁶ APP12 pp 97 to 98

¹⁵⁷ CPRE2/1 para 28 onwards

¹⁵⁸ APP13 para 5.9

¹⁵⁹ CPRE5 part 3 (second page of letter)

¹⁶⁰ CPRE2/1 para 32 onwards

¹⁶¹ B.2

¹⁶² B.3

¹⁶³ B.3 paras 5.10 & 6.72

¹⁶⁴ B.3 p54

¹⁶⁵ B.4 paras 3.43-44

¹⁶⁶ B.6

¹⁶⁷ APP10.1 para 4.45

¹⁶⁸ B.7; APP10.1 paras 4.39-4.40

¹⁶⁹ P.5 p31 policy DS16

also do not help the case against the proposal since the need for this is considered separately from these local employment needs.¹⁷⁰

159. In summary, consideration of the Local Plans of the authorities in the LEP area does not assist the opposition case. Some are out of date. Further, with the exception of the emerging Warwick Plan, the plans do not deal with needs other than those local to the relevant district, and do not seek to meet the needs of other districts or the LEP area or sub-region more generally. In those circumstances the adopted and emerging Local Plans do not provide the basis for a contention that enough employment land has been identified in the area, and that the proposal is not needed.

The Local Enterprise Partnership

160. For an assessment and appreciation of more than local needs for economic development, it is principally to the LEP that reference should be made. With the abolition of Regional Spatial Strategies, it is apparent from the NPPF that local planning authorities are to work closely with other authorities and with LEPs.¹⁷¹ The local authorities and LEP in this area have cooperated particularly closely.¹⁷²

161. The SEP is the product of that close cooperation.¹⁷³ This makes quite clear that Coventry and Warwickshire Gateway is the priority employment site.¹⁷⁴ It is one site in a list of available employment sites that is stated not to be exhaustive.¹⁷⁵ However, the fact that there are other sites known to the LEP, some of which are positively promoted in the SEP, does not detract from the importance of this one or from the weight given to it by the LEP. It is explicit in the SEP that the LEP wishes to see successful delivery of all the listed sites, with Coventry and Warwickshire Gateway is seen as "*the priority*".¹⁷⁶ A comparison of the total hectarage of the sites with demand forecasts in the SEP is false, since the forecasts of need are net and some of the existing sites are of low quality.¹⁷⁷

162. There was a suggestion during the inquiry that the weight to be attached to the LEP's support for the development should be less because Sir Peter Rigby¹⁷⁸ was its chairman at the time the SEP was published on 31 March 2014. However, as evidenced by its 2011 application for Enterprise Zone status for the site, the LEP supported it strongly well before Sir Peter became chairman in July 2012.¹⁷⁹ When asked about this matter, the applicant's planning witness stated that he had ascertained that the agreed procedure in relation to conflict of interest set out in the SEP had been followed; and that Sir Peter had declared his interest whenever the issue of CWG was raised and had not participated in the decision making process in relation to it.¹⁸⁰ There was no challenge to this at the

¹⁷⁰ CPRE2/1 table on p17; TCG7/1

¹⁷¹ B.1 paras 160 & 180

¹⁷² Evidence chief of Mr Ireland

¹⁷³ C.34

¹⁷⁴ C.34 executive summary p8, para 3.4.1

¹⁷⁵ C.34 pp30-31

¹⁷⁶ C.34 p30

¹⁷⁷ Oral addition in response to CPRE13 para 27 footnote 41

¹⁷⁸ Chairman of Rigby Group Plc

¹⁷⁹ C.3

¹⁸⁰ Cross-examination of Mr Rhodes; C.34 para 7.7 p89

inquiry. Furthermore, it is inevitable in a body such as the LEP, where the Government has specifically sought the participation of local business leaders, that on occasion a Board member will have an interest. That is why it is necessary to have a proper procedure for dealing with such occasions, and provided that is followed, as it was in this case, there is no cause for concern.

163. Objectors also draw attention to the fact that the SEP refers to a report by Atkins commissioned to inform the SEP, and that at the time of the inquiry that report is still in draft.¹⁸¹ Irrespective of this, considerable weight should be given to the SEP and the LEP's support. It is of great significance that a body comprising representatives of all the local authorities within the LEP area as well as business leaders has decided that Coventry and Warwickshire Gateway is so important to the economic prosperity of the area as to make it its top priority site. It could perhaps have been expected that the authorities might not agree about this, and that each would compete for the naming of a site within its district as the top priority. However, the authorities did agree, and the LEP as a body has chosen this one. That says much about the development's merits.
164. TCG suggests that the proposal for substantial B8 development within the scheme does not fit with the "*high-tech, high value added, high skill agenda*" of the SEP.¹⁸² There is no validity in this assertion. Logistics is identified within the SEP as a "*key sector*", and there can be no doubt about its importance.¹⁸³ In addition, it is clear from research by Prologis that the proportion of skilled jobs in logistics is rising.¹⁸⁴
165. In summary, the support of the LEP is of substantial importance to the determination of the application, and should weigh strongly in its favour.

Job numbers and delivery

166. TCG's economic witness criticises the proposal in terms of the types and numbers of jobs that would result from the development.¹⁸⁵ He argues that there is inevitable uncertainty about the numbers of jobs because of uncertainty about its viability, the demand, and the proportion of the site that would be developed for the various uses. He also criticises the assumptions about displacement of jobs used by the Councils' economic witness in his assessment of the jobs likely to be created within the scheme,¹⁸⁶ and the use of average job densities as contained in the HCA guidelines¹⁸⁷. These points are dealt with in turn.

Viability

167. The PPG states that decision taking on individual applications does not normally require consideration of viability. The guidance goes on to explain that
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¹⁸¹ C.34 p29. The Councils advised that a draft of the report had been prepared which was being considered by the LEP local authorities, and it was not made available to the inquiry

¹⁸² TCG1/1 paras 1.4.7(c), 1.4.12(g), 1.6.4

¹⁸³ C.34 p7 & paras 1.5, 2.6, 3.2, 3.4

¹⁸⁴ C.14 p1: in the latest survey an average of 12% of the jobs are administrative/support staff, 9% managerial, and 25% "other"-IT, customer service, sales and engineering

¹⁸⁵ Mr Roe; TCG1/1

¹⁸⁶ LPA1/1

¹⁸⁷ C.12

viability can be important when planning obligations or other costs are being introduced, such as where the level of affordable housing a residential scheme might be expected to support is determined through viability appraisals. However, there is no planning policy or guidance requirement for an applicant to demonstrate the viability of proposals unless relief is being sought from planning obligations on the ground of a claimed lack of viability if the obligation is imposed. The latter is not the position in this case, where the applicant has willingly committed to a substantial package of measures set out in the Section 106 agreement.¹⁸⁸ RICS guidance on viability is not planning guidance suggesting that viability assessments should be submitted in particular types of case.¹⁸⁹

168. Further, reliance placed by an objector¹⁹⁰ on Brown v Carlisle City Council [2014] EWHC 707 (Admin) is entirely misplaced. In that case the freight distribution centre proposed was contrary to the development plan and the applicant sought to justify it on the grounds that part of the development would enable commercial flights to operate from the loss-making airport, keeping this open and preserving jobs. It was thus a case of 'enabling development', and the viability of the airport (not the proposed development itself) was a critical consideration put forward by the applicant and taken into account by the local planning authority in granting permission. The case has no bearing on the usual principles explained above.
169. Regardless, there can be confidence as to the viability of the proposal. A statement by David Keir, the Executive Chairman of Roxhill Developments Limited (the co-applicant) has specifically addressed this matter.¹⁹¹ He states that the total anticipated cost of delivering the whole development (including remediation) is £250m, and that his company is confident that there is sufficient difference between total costs and total end value to provide an appropriate profit. The applicant has already invested over £3m and would not have done so were the scheme not viable.¹⁹² In addition, this is not a case where the developers have already bought the land so that they have to make enough money to justify the price paid; the price paid will directly reflect the cost of the development.¹⁹³
170. Mr Keir's confidence in the project should be given significant weight, given his experience of development of this nature, and that of his colleagues. Mr Keir and his partners have been involved in industrial and commercial development for the past 20 years.¹⁹⁴ For example, Prologis entered the UK market by acquiring Kingspark Developments, a company in which Mr Keir was a Director and one of the main shareholders. Mr Keir and his colleagues became directors of Prologis and carried out subsequent developments. Roxhill is the most recent company to be established by Mr Keir and his colleagues, but it has already won awards, and in the last 12 months has commenced development of projects with named

¹⁸⁸ P.8

¹⁸⁹ C.11

¹⁹⁰ Mr Ellwood; TP3

¹⁹¹ APP10.4 Appendix 3

¹⁹² APP10.4 Appendix 3 para 17

¹⁹³ Cross-examination of Mr Allen

¹⁹⁴ APP10.2 Appendix 2; APP10.4 Appendix 3

customers to a total value of £100m. The considerable experience of Mr Keir and his team can give confidence that Mr Keir is right when he says that the proposal is viable.

171. Mr Keir did not give oral evidence to the inquiry, but no one asked to cross examine him, and in reality his evidence was not challenged. The criticism of his evidence was confined to a suggestion that a more detailed assessment of viability should have been produced, but none is necessary. TCG's economic witness accepted that the applicant must have carried out its own viability assessment and been satisfied on the viability of the proposal, and that had a more detailed viability assessment been produced it could properly have been redacted to remove commercially confidential figures.¹⁹⁵ In those circumstances it is impossible to see what could have been gained by insistence on the production of such an assessment.

172. In any event, any uncertainty about viability cannot be a reason to refuse planning permission for the proposal. The development will be allowed only if the Secretary of State considers there is a real need for it. If this need is not accepted, there will be no very special circumstances, and planning permission will be refused. Conversely, if the case on need is accepted, planning permission can safely be granted. The development will then happen, and the floorspace for which there is a clear need will be provided. Should, contrary to the applicant's firm view, the proposal turn out not to be viable, the development will not happen, and the opponents of the application will have achieved their aim that this does not go ahead. There is no risk that the development will proceed without the provision of the proper infrastructure given the proposed conditions and obligations.¹⁹⁶ If infrastructure is provided, a major development site is thereby created in essence free of constraint, so that there can be no realistic doubts about the viability of further development. There is no evidence of risk that the site would be left disturbed with contamination.¹⁹⁷ Estimates of the costs of remediation have been made.¹⁹⁸

173. The approach of demanding 'certainty' before planning permission can be given is fundamentally flawed, since the reality is that there can never be certainty. Had even the most detailed viability assessment been produced, it could not lead to certainty, since costs and values change. What the planning system can and should do is to ensure that, if permission is granted, there are conditions and/or obligations such that development can occur only with the proper infrastructure in place. That has been done in this case.

Demand

174. The contention about uncertainty in relation to *demand* can be dealt with shortly. As already stated, the granting of planning permission is dependent on establishing a need for the floorspace, in which case there can be confidence about the likely demand for it.

¹⁹⁵ Cross-examination of Mr Roe

¹⁹⁶ APP10.4 para 4.23

¹⁹⁷ Oral addition in response to TCG10 top of p31

¹⁹⁸ Oral addition in response to CPRE13 para 71; cross-examination of Mr Fairlea

175. TCG's assertion that there is uncertainty about the proportion of the site that will be developed for particular uses is, of course, correct. Up to 10% of Zone B could be developed for B1(a) offices, but it may be that a smaller proportion would be developed for that use. Furthermore, the precise split between B1(b) and B1(c) cannot be known at this stage. Again, in relation to Zone A, up to 30% could be developed for B2, but the proportion might be less. However, such 'uncertainty' cannot be a good reason to refuse planning permission for the proposal. As TCG's economic witness recognised, it would be wholly wrong for a major scheme such as this, which would be developed out over a substantial period, to be more prescriptive as to the use mix that would be provided.¹⁹⁹

Job numbers

176. TCG's arguments about job numbers²⁰⁰ also suffer from the weakness of insisting on certainty. It can never be certain how many jobs would be provided by a particular development. That is especially so for a large development of this type, which would inevitably be delivered over a period of years. If certainty were required, planning permission would never be granted for employment generating development. Figures on average job densities are a useful tool for estimating how many jobs might be created, and all local authorities use the HCA guidelines. It is notable that the HCA job density figure for B8 of 1/80sqm²⁰¹ is remarkably similar to the average job density derived from research by Prologis²⁰².

177. Insofar as it is argued that the number of jobs would or might be less than contended by the applicant and the Councils, policy does not demand that in order to be acceptable a development must produce a specific number of jobs. To require it to do so would mean discriminating against employment land uses such as B8 which have a lower job density than other employment uses. The result of such an approach would to deny the economy all the benefits of that type of development. The benefits of logistics developments are not confined to the numbers of jobs they provide. The country needs logistics in order to ensure that goods are distributed, and it would not make sense to refuse planning permission on principle for such uses. National policy does not contain such an approach; as set out in the NPPF, policy seeks to ensure that the needs of business are met.

178. The case for the development is not weakened if some of the jobs provided within the development will be 'displacement', that is replacing jobs elsewhere within the area.²⁰³ A firm moving to new premises is likely in itself to have economic benefits, in that the move will lead to greater efficiency.

179. The cogency of the criticisms made by TCG in these respects is greatly reduced in that its evidence is not set in the context of planning policy. It is national policy as contained in the NPPF to provide for the needs of business. This provision is crucial for the country's economy, and its benefits cannot be assessed simply by reference to provision of a given number of jobs. Moreover,

¹⁹⁹ Cross-examination of Mr Roe

²⁰⁰ TCG1/1 para 1.3.0

²⁰¹ C.12 p6

²⁰² C.14

²⁰³ Argument put by Mr Roe in cross-examination of Mr Ireland

the development would provide, on any analysis, thousands of jobs. To the extent that it is the objective of policy to provide jobs, the lower the job density within any particular employment development, or for any particular land use, the *more* land is needed in order to provide the desired number of jobs. The logical result of the TCG's argument is to indicate that there is a need for more development, not less. It is plain from the SEP and the Mackie report on Coventry's economy that manufacturing is key to the area's future.²⁰⁴

180. Accordingly, the reasons given for opposing the proposal on grounds of delivery and job numbers should be rejected.

VSC: The special suitability of the application site

181. As well as plainly being suitable in planning terms for the proposed use, viewed realistically the application site represents poor Green Belt land. It is of poor landscape character and quality with no public access, containing land contamination which provides an ongoing risk to groundwater and human health, and it forms a fragmented edge to Coventry containing substantial employment development which was poorly planned. It would be far better in the public interest and land use planning terms for the site to be developed.

182. That is the opportunity the site affords, which the scheme would take. It would deliver a major transformation entirely consistent with planning policy and of which the planning system and the Government could be proud. That is the case even without the overwhelming benefits of meeting the specific economic needs identified above. In addition, the particular transformation has been devised to deliver significant benefits to the natural environment through remediation and habitat creation and ecological management. All of the NPPF's key objectives for the natural environment²⁰⁵ would be significantly advanced by the proposal.

183. Further, the site is to a substantial degree previously developed. In terms of the proposed development footprint, approximately two-thirds of the area is previously developed land.²⁰⁶ That is consistent with the previous land uses, which include the sewage works and lagoons, a former test track, a scrapyard, areas of landfill, a model car club and railway museum.²⁰⁷ Although TCG's policy witness disputes this analysis, it is hard to see how he can do so when he has not visited the previously developed parts of the site²⁰⁸, and he appears to have confused a plan of habitats²⁰⁹ with an assessment of whether the land is previously developed. No landscape designation is affected by the proposal, and the development control issues are easily addressed, as set out below.

VSC: Land contamination

184. The site, due to its past uses, is contaminated to such a degree that the Environment Agency considers that in its present condition it poses "*significant*

²⁰⁴ Oral addition in response to TCG10 p32; C.5 para 8.50

²⁰⁵ B.1 para 109

²⁰⁶ LPA4/2 Appendix 18 [80.135ha out of 121.758 ha = 65.8%]

²⁰⁷ A.9

²⁰⁸ Cross-examination of Mr Wintle

²⁰⁹ APP8.2 Appendix 2 Figure 3

"risk" to groundwater in principal and secondary aquifers.²¹⁰ The applicant's specialist consultant (Waterman Energy Environment and Design) has conducted detailed site investigations. As a result, they conclude that the site presents a high risk of contamination to controlled waters, including surface water courses and groundwater, and a risk to human health.²¹¹ Groundwater contamination from various sources is ongoing, and the landfill in Zone A continues to be actively gassing.

185. There is no real prospect of this harm and risk being resolved without the redevelopment of the site. Warwick Council's position is clear that Severn Trent will not be required to remediate the land²¹², and there is no prospect of this being secured voluntarily²¹³. There is no other realistic or foreseeable option to remediate the land, so that if the site is not redeveloped the harm and risk will continue.²¹⁴

186. Objectors suggest that the remediation strategy will not work. The basis for this suggestion is not clear. It is not based on evidence or expertise, and is an unsubstantiated concern. It is hoped that the objectors have been reassured by the evidence of the applicant's remediation witness.²¹⁵ Waterman and its representatives are very experienced experts in land contamination and remediation issues.²¹⁶ There are other examples where sewage lagoons and works have been successfully remediated for similar uses, such as at Minworth, Birmingham.²¹⁷ Based on the site investigations carried out to date and the future large scale tests still to be undertaken, and taking into account the phased approach to the remediation of the site that would be secured by conditions, the applicant's witness is totally confident that the land would be remediated as proposed. In any event, the proposed conditions would secure that, if the proposed strategy is not demonstrably effective, then it would not be deployed unless revised to ensure that it is.²¹⁸

187. The staged approach of the proposed methodology²¹⁹ has been approved by the Environment Agency²²⁰. Based on considerable site investigation a 3D electronic model of the whole site has been constructed, showing indicatively the extent and nature of the known geology, ground conditions and contamination. On this basis, the outline remediation programme and method has been devised. Further detailed investigation and tests would be carried out. A full remediation design and model would be developed in response to this, with these verified and approval obtained before any project works are commenced. Also prior to commencement there would be submitted and approved a long-term monitoring and maintenance plan, which would contain contingency planning. This would require that, on completion of the monitoring, it is demonstrated that all long-

²¹⁰ APP5.2 Appendix D p2

²¹¹ APP5.1 para 2.42

²¹² LPA4/1 para 5.13; Appendix 12

²¹³ APP10.5 para 45e

²¹⁴ Inspector's questions to Mr Fairlie

²¹⁵ Mr Fairlie (speaking to the written evidence of Mr Handy – APP5.1)

²¹⁶ APP5.4

²¹⁷ Evidence in chief of Mr Fairlie

²¹⁸ P.6 conditions 72-77

²¹⁹ APP5.1 paras 3.5-3.60

²²⁰ APP5.2 Appendix D

term remediation works have been carried out and that the agreed remediation targets have been achieved. In practice this means that the scheme must be designed, verified, tested, commenced and again verified. There could be no occupation until the remediation strategy has been completed. It is unlikely that significant unforeseen contamination would be encountered once all future investigations are completed²²¹, but should any be discovered, works would cease until that issue is addressed through an addendum to the method statement.

188. There is no evidence of substance to suggest that this approach would not be entirely successful.
189. In terms of planning acceptability, the proposal has more than demonstrated compliance with the policy tests in the NPPF:
- a) The new development is appropriate for its location (taking into account the effects of pollution on health, natural environment and amenity); where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner;
 - b) Planning decisions should ensure that the site is suitable for its new use; after remediation land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990; and adequate site investigation information, prepared by a competent person, is presented;
 - c) The focus should be on whether the development is an acceptable use of land and on the impact of use rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.²²²
190. Furthermore, the scheme goes well beyond compliance with development control policies. The method agreed with the Environment Agency and the Councils seeks to remediate the land in a cost effective way by re-using the material from the site.²²³ The Environment Agency, referring to the extensive pre-application discussions, records that: "*From a sustainability perspective, we are encouraged by the proposals to recover/reclaim as many of the site won materials as possible post remediation and then re-use on-site as part of the ongoing redevelopment*".²²⁴ In addition, the use of the CL:AIRE Code Of Practice ensures that all materials are suitable for use, and meets the environmental, social and economic goals for sustainable remediation.²²⁵
191. It is an objective of Green Belt policy to plan positively to enhance the beneficial use of the Green Belt by promoting access, and improving damaged or derelict land.²²⁶ It is also a key objective of policy relating to the natural environment to prevent both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable

²²¹ Evidence in chief of Mr Fairlie

²²² B.1 paras 120-122

²²³ APP5.1 paras 3.15-3.16

²²⁴ APP5.2 Appendix D p2

²²⁵ APP5.1 para 3.17; O.6

²²⁶ B.1 para 81

levels of pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.²²⁷

192. In this case the concepts of removing existing risk, bringing the land back into beneficial use, reusing previously developed land, and promoting access to Green Belt land all go hand in hand. The proposal would deliver this opportunity offered by the redevelopment of the site. The private development would bring enormous and sustainable public benefit deriving from the particular site circumstances and scheme design, amounting to a very special circumstance in support of the proposal.

VSC: Landscape benefits

193. The applicant's landscape witness has assessed the landscape and visual baseline for the site and the surrounding area through his own analysis and by reference to published character area appraisals and studies.²²⁸ No other party to the inquiry has conducted such an assessment. Without this, a proper assessment of the impacts of the development is not possible.

194. The evidence provides a summary of the landscape and visual resources.²²⁹ There are no relevant local or national landscape designations that affect the site. It occupies an urban fringe landscape defined and contained by a variety of uses and elements. These include existing surrounding employment sites, the A45 road corridor and other connecting major roads and junctions, the Airport, areas of housing and settlement, and a variety of landscape areas. It is clear that the character of the site is fragmented and relates to the urban fringe. It contains a mix of large scale buildings and infrastructure uses, which continue immediately adjacent to both Zones A and B, and significant areas of despoiled and damaged land. It is important to note that the spread of development south of the A45 including Stonebridge, the Airport, Middlemarch and the existing industrial and infrastructure development within the Zone A area represent a very ragged and fragmented edge to Coventry. That is addressed through the proposal.

195. The independent studies identify the landscape across much of the site as in need of enhancement (in an enhancement zone)²³⁰ and as displaying a sense of urban fringe decline and of low landscape value²³¹.

196. The local authorities commissioned an independent review of the landscape and visual impacts of the proposal by Richard Morrish Associates.²³² This presents a further objective view that a number of elements of the site are visual detractors, undermining the landscape; that the busy road corridors are also detractors; that much of the development land is a degraded landscape and the scheme offers the opportunity to reclaim and re-use the land; and that the development scheme would fit well with the strategy referred to in the Coventry Joint Green Belt Review²³³. The Morrish review further confirms that the land

²²⁷ B.1 para 109

²²⁸ Mr Rech; APP9.1 section 4

²²⁹ APP 9.1 para 4.45

²³⁰ APP 9.2 Appendix 3; D.3

²³¹ APP 9.1 para 3.12; H.1 pdf p135 zone 10a & p136 C11a; LPA3/1 Appendix A

²³² A.190

²³³ H.1

between Rowley Road and the A45 has poor landscape condition, and that the proposal could create a gateway to Baginton (to be emphasised by design).²³⁴

The review presents a valuable endorsement of the applicant's conclusions and the opportunities that the site presents, and support for the design strategy.

197. The proposal successfully responds to the detailed landscape and visual analysis. The concept and detail of the countryside park is fundamental to the scheme. It is an unusual feature, giving (and managing) 105ha of the site over to landscape, biodiversity and public access in perpetuity. The proposed bunding is also important. Its height would vary in parts around the site and responds to the existing topography. The applicant's photomontages show how the bunding is consistent with the character of the landscape and not, as suggested by objectors, an alien feature.²³⁵ It would make sustainable and valuable use of the material presently on site. The bunding is not intended to hide the development in its entirety, although it would screen the activity and substantial parts of the proposed buildings. There are no valid grounds for the assertions that the landscaping on top of the bunds would not thrive. The applicant's landscape witness has experience of such schemes and has provided examples.²³⁶ Further, the levels across the site have been carefully considered and would be controlled through condition to minimise any adverse visual impact.²³⁷
198. The Landscape Masterplan²³⁸ shows the breadth and extent of the proposed countryside park, and how it would relate to the landscape and topography to the south moving towards the Avon valley²³⁹. The park would also relate to the river corridor as it moves north, providing a valuable ecological corridor (with restricted public access). The park would have two distinct areas. The 82ha area in Zone A would include substantial wetland and habitat creation, new ponds, and over 6km of footpaths cycle and bridleways, including a route between Bubbenhall Road and the A45 south of Tollbar Island and links to the existing public footpath network. The 23ha in Zone B includes a heritage walk focusing on the Lunt Fort (and offering a viewing platform towards it), a new pond and habitat creation, as well as recreational opportunities.
199. The applicant's landscape witness gives the only professional and expert evidence on the visual and landscape effects of the proposal.²⁴⁰ The photomontages are representative of the visual impacts of the development and demonstrate the effectiveness of the mitigation strategy.²⁴¹ The context of the landscape and visual effects includes the existing developments at Middlemarch and Stonebridge Estates, the Airport, and the transport infrastructure. The assessment concludes that the effects on landscape character would vary between negligible to minor/moderate adverse effects, with moderate adverse effects experienced only initially. The specific effects on landscape features within the site would vary between minor adverse and moderate beneficial on

²³⁴ A.190 paras 3.1, 3.2, 3.3, 4.3. 46, 4.7

²³⁵ APP9.2 Appendix 6; APP9.8

²³⁶ APP 9.4 paras 1.42-1.53

²³⁷ P.6 condition 9

²³⁸ APP 9.2 Appendix 8; A17 & A18

²³⁹ APP9.2 Appendix 10 landscape cross-sections

²⁴⁰ APP9.1 section 6

²⁴¹ APP9.2 Appendix 6; APP9.8

completion of the proposal. In Zone A the new development in landscape character terms would represent an extension to the existing adjoining Middlemarch Business Park and Airport. There would be local landscape enhancement from new woodland and other habitat around the mounded perimeter. In Zone B, the loss of the relatively less valuable farmland in the central part of the area north of Rowley Road would be offset by the conservation and enhancement of the open landscape and pasture setting approaching the Lunt Fort and north eastern edge of Baginton. There would also be a local landscape benefit from the retention and appropriate management of the landscape buffer to Baginton south of Rowley Road and its extension to the south. The landscape of Zone C is already dominated by roads and the Jaguar Whitley development, and the effect of the new transport infrastructure would be minimal.²⁴² The beneficial effects on landscape character and features would increase over time.

200. Overall the visual effects would be predominantly localised and contained. The greatest visual effects would arise during construction, which would be moderate adverse from some locations, with subsequent effects lessened through the formation of the perimeter mounding and landscape strategy proposals. Upon completion and during operation the visual effect would generally vary between negligible and minor/moderate adverse, and again lessening in the longer term. From Bubbenhall and the Avon valley to the south, the built development, including the existing harmful views of Middlemarch, would be substantially screened, with any available views being limited to the very highest parts of the proposed Zone A buildings. The conserved and new landscape along the western side of the site would substantially screen views from Baginton, including existing views towards the Airport. The removal of some of the most proximate airport buildings and infrastructure would have localised benefits for some views from Baginton.
201. The proposed bridging over the River Stowe would be sited in a low and visually contained position and not result in any significant loss of trees or other visually important planting. The bridge crossing and road link into Whitley Business Park would not result in any serious landscape or visual impacts on the River Sowe corridor, and the overall impact would be minor adverse.²⁴³
202. Fundamentally, the conclusion is that the landscape and visual effects would be predominantly localised and contained, and that any adverse impacts are clearly outweighed by the benefits of the proposal. The Councils agree with this.
203. The night time visual effects of the development would not be significant due to the presence of existing notable light sources in and around the site, the contained area with potential views towards it, the effective visual screening which would be provided, and the attention that would be given to the adoption of best practice in lighting design.²⁴⁴
204. The objectors focus on the appearance of the buildings themselves. Whilst understandable, such an approach misses the point. It fails to appreciate that the proposal comprises a carefully considered composite scheme, which would

²⁴² APP9.1 paras 6.3-6.11

²⁴³ APP9.4 paras 1.3-1.23

²⁴⁴ APP9.1 paras 6.51-6.58; APP9.2 Appendices 5 & 7; APP9.4 paras 1.24-1.41 & Appendix 2

mitigate any effect the development would otherwise have by the delivery of a very substantial landscape and visual resource in the countryside park and the land-forming and planting surrounding the buildings. When this is considered fairly and in the round, the applicant's landscape witness is right to express pride and confidence in the scheme, which is very generous in its landscape provision and goes well beyond mitigation.²⁴⁵

Public access and recreation

205. The site is presently inaccessible to the public in its entirety. There are no public rights of way, and no evidence of any unofficial or tolerated use. On the contrary, the sewage works are a highly restricted area.

206. The NPPF identifies an objective of Green Belt policy as being to enhance its beneficial use including by providing access and opportunities for recreation.²⁴⁶ The proposal meets this objective very strongly, not only providing public rights of access, but effectively giving over 105ha of Green Belt (brought back into usable condition) to the natural environment and public use.

VSC: Ecological and biodiversity benefits

207. Assessment of the ecological benefits of the proposal needs to have regard to the issues of contamination/remediation and scheme design. The objections of TCG on ecological grounds²⁴⁷ fail to do so, and seem to argue for maintenance of the status quo so as to avoid harm to biodiversity. This ignores that the site requires and would benefit significantly from remediation, and this provides an opportunity for comprehensive assessment of the ecological interest within the site to ensure it is maintained and enhanced.

The ecological impact

208. TCG's ecology witness suggests that, even if the scheme delivers net ecological benefits within the site itself, permission should be refused on ecological grounds.²⁴⁸ This runs counter to the Government's key objectives for the natural environment.²⁴⁹ These include minimising impacts on biodiversity and providing net gains where possible; contributing to the commitment to halt the overall decline in biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures; and remediating and mitigating despoiled, degraded, derelict, and land contamination.

209. There is no substantial dispute as to the quality or quantity of the ecological measures proposed through the scheme; no dispute as to their suitability for the site; and no dispute as to the present value of the ecological interest within the site.²⁵⁰

²⁴⁵ Evidence in chief of Mr Rech

²⁴⁶ B.1 para 81

²⁴⁷ TCG3/1

²⁴⁸ Cross-examination of Mr Wintle

²⁴⁹ B.1 para 109

²⁵⁰ Cross-examination of Mr Wintle

210. In short, there is no dispute based on any evidence with respect to the conclusion of the applicant's ecology witness that the proposal would lead to a substantial net ecological and biodiversity gain.²⁵¹ Not only would the scheme provide the ability to remediate the land, but it would also secure its long-term management to maximise the enhancement of the biodiversity interest.

Full understanding

211. The practice of the applicant's ecology witness (FPCR Ltd) was instructed at the earliest stage of the proposal and was the first discipline to survey and appraise the site.²⁵² Comprehensive surveys were commissioned and reported through the Environmental Statement, so that a thorough understanding of the ecological interest within the site was obtained and presented.²⁵³

212. This understanding has been developed and shared with all relevant ecological consultees. The consultation responses recognise the extensive pre-application discussions which fed into the proposal in an iterative fashion. At the end of this process there is no concern expressed by any body as to the full understanding of the ecological interest within the site.²⁵⁴ None of those bodies, heavily involved in the development of the strategy, either criticises the specific mitigation measures proposed to generate a net biodiversity enhancement, or suggests further or alternative measures to do so.

213. All of these measures would be secured through the planning obligation and conditions.²⁵⁵ In particular, the planning obligation provides for the approval and implementation of a scheme to deliver the agreed measures, which would be further discussed and agreed with the relevant bodies and approved by Warwick Council.

Policy and legislation

214. The NPPF seeks contributions to enhancement of the natural environment. It refers to distinctions between the hierarchy of international, national and locally designated sites and seeks to ensure that protection given to such sites is commensurate with their importance.²⁵⁶ It states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.²⁵⁷

215. This policy is therefore permissive of development where any potential significant harm to biodiversity is adequately mitigated or compensated.

216. As noted above, there is no dispute based on evidence that the mitigation and compensation provided would be adequate, and indeed would provide a substantial gain to biodiversity.

²⁵¹ Ms Hollins; APP8.1 sections 7 & 9

²⁵² APP8.1 para 1.5; cross-examination of Ms Hollins

²⁵³ A.86 and onwards

²⁵⁴ Cross-examination of Mr Wintle; APP8.2 Appendix 1

²⁵⁵ P.8; P.6

²⁵⁶ B.1 paras 109 & 113

²⁵⁷ B.1 para 118

217. In reality, TCG's objection is therefore not an ecological one as such, but one founded on the approach to site selection and planning policy.²⁵⁸

218. However, this objection is not made good. TCG's ecology witness confirmed that it is no part of his case to suggest an alternative development site capable of accommodating the development proposed in the application.²⁵⁹ Therefore, the proposal accords with the mitigation strategy of the NPPF. There is no alternative site capable of delivering the development put forward by any party.

Statutory sites

219. Brandon Marsh SSSI has the potential to be affected by the scheme through the removal of the industrial lagoons within the sewage works, with the open water providing support to its over-wintering birds.²⁶⁰ Natural England has been consulted and raises no objection, concluding specifically: "*Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted.*"²⁶¹

220. This conclusion is endorsed by Warwickshire Wildlife Trust, who state that subject to the mitigation proposed, that is the provision of an equivalent amount of open water habitat, their concerns are addressed.²⁶² No conservation body maintains any objection or concern that relates to Brandon Marsh SSSI, subject to the mitigation proposed being delivered.

221. The particular interest relating to Brandon Marsh would be secured through the open water habitat created (not the reedbed). That habitat is proposed to be managed to ensure that its carrying capacity supports at least that interest currently supported, but not significantly more, in order to avoid potential conflict with the Airport. The proposed water bodies would be further from the Airport, on the other side of the proposed buildings from the runway, and relate to the River Avon, which provides a natural navigational aid and movement corridor for the wildfowl in question.²⁶³ A Bird Strike Risk Assessment²⁶⁴ has been approved by the Airport²⁶⁵. The management methods for the ponds would be enforceable, reliable, agreed with the relevant conservation bodies, and a significant improvement over the existing situation which includes no ecological based management whatsoever.²⁶⁶

222. The other potentially affected statutory site is Stonebridge Meadows Local Nature Reserve.²⁶⁷ There is again a consensus among the conservation experts who have considered this LNR that there would be no unacceptable impact on the site (including in particular Warwickshire Wildlife Trust²⁶⁸).

²⁵⁸ Cross-examination of Mr Wintle

²⁵⁹ Cross-examination of Mr Wintle

²⁶⁰ APP8.1 para 6.3 onwards

²⁶¹ APP8.2 Appendix 1 letter of 21 November 2012

²⁶² APP8.2 Appendix 1 letter of 23 November 2012 p35

²⁶³ APP8.4 paras 2.3-2.7

²⁶⁴ APP8.5

²⁶⁵ APP8.4 para 2.5

²⁶⁶ Cross-examination of Ms Hollins

²⁶⁷ APP8.1 paras 6.9 onwards

²⁶⁸ APP8.2 Appendix 1 letter of 23 November 2012 pp36-7

Other sites

223. The evidence of the applicant's ecology witness identifies designated Local Wildlife Sites (LWS), potential LWS and Ecosites.²⁶⁹ Through the detailed site survey work there is a thorough and up-to-date understanding of the ecological interest supported by these sites and of the potential impacts upon them. The proposal has used that detailed information to mitigate and compensate for any impact on the habitats and species within the sites, so that their biodiversity and ecological interest would be protected. This includes the Lower Sowe and Sherbourne Valleys LWS where there would be a loss of grassland, trees and shrubs from road works linking with the Jaguar site.²⁷⁰
224. Warwickshire Wildlife Trust (WWT) accepts that the ecological interest found within those sites would be mitigated for and/or compensated, so that there would be no loss of individual habitat or harm to protected species.²⁷¹ The only outstanding objection from WWT is a policy objection based on the impact on a LWS, notwithstanding that the ecological impact would in fact be mitigated/compensated.²⁷²

Habitats

225. The applicant's evidence relating to the creation and maintenance of principal important habitats is unchallenged.²⁷³
226. The ecological proposals focus on delivering habitats capable of supporting high value species on the site, which could connect to the wider ecological networks to maximise biodiversity overall. This is based on a full understanding of what presently exists on site, the networks and corridors that exist and can be enhanced outside the site, and how these interests could be managed in the long term to ensure their full ecological value is reached. The benefits of a mitigation strategy which connects to the wider network to ensure maximum benefit should not be underestimated.²⁷⁴
227. The proposed countryside park would in Zone A alone deliver 80 ha of carefully selected and managed habitat.
228. Looking at the balance of habitat creation, the proposed habitats are targeted to maximise biodiversity.²⁷⁵ For example, the existing grassland on the site which is species-poor and invaded by scrub would be replaced by the creation and maintenance of species rich grassland. Overall the proposal would result in two and half times as much hedgerow, twice as much woodland, twice as much species rich grassland, and twice as much open water tailored to support great crested newts.²⁷⁶

²⁶⁹ APP8.1 paras 6.14 onwards

²⁷⁰ APP8.1 paras 6.18-6.20

²⁷¹ APP8.2 Appendix 1 p37

²⁷² APP8.1 paras 6.40-41

²⁷³ APP8.1 paras 6.42-6.50

²⁷⁴ APP8.1 paras 6.45 & 7.9

²⁷⁵ APP8.1 p32 Table 3

²⁷⁶ APP8.1 section 7

229. The current proposal does not involve any loss of reedbed habitat²⁷⁷, so that the only point of ecological substance referred to by the RSPB²⁷⁸ has been addressed.
230. The proposed maintenance and monitoring to ensure that the value of each habitat would be maximised in comparison to the existing situation (where none of the land is managed for ecological purposes) is by itself a very significant benefit.
231. The only important habitat loss that would not be fully mitigated or compensated for is the loss of three veteran trees.²⁷⁹ Measures are proposed to minimise the harm from their loss (they would be kept as monoliths). This loss must be balanced in the context of the wider substantial ecological benefits, by which the loss would be more than substantially outweighed. Any loss must also be balanced against the overall benefits of the proposal.

Biodiversity offsetting

232. The pilot Warwickshire Biodiversity Offsetting scheme has been applied to the development.²⁸⁰ Its role appears to have been misunderstood. The development does not rely upon the offsetting metric for its ecological acceptability. As set out above, there would be a substantial ecological gain from the development within the site itself. The offsetting scheme is overseen by Warwickshire County Council in co-ordination with the local planning authorities, and the applicant agreed with those bodies to apply the offsetting metric to the scheme of ecological mitigation. Those bodies are entirely satisfied as to the acceptability of the proposal in ecological and biodiversity terms, subject to the proposed mitigation secured through the planning obligation and conditions.
233. The application of the biodiversity metric to the site has in fact led to a greater level of ecological enhancement than would ordinarily have been the case. The metric contains a very conservative allowance for the risks of establishing high value habitats and the time it may take to do so. The consequence is that the scheme was amended and developed through negotiation with the County Council and WWT to deliver in qualitative and quantitative terms a very substantial increase in biodiversity, which would endure for the long term.²⁸¹
234. TCG's ecology witness contends that the scheme is not acceptable because the metric suggests that some off-site habitat creation or enhancement is required through the Environment Bank²⁸². This misunderstands the very objective of the biodiversity offsetting metric, and fails to recognise that the off-site additional compensation demonstrates a net enhancement utilising the metric. The reality is that the ecological mitigation strategy would lead to significant enhancement of wider biodiversity interest.

²⁷⁷ APP8.1 p32 Table 3; para 6.49

²⁷⁸ TCG3/2 Appendix 3-1 Letter of 22 November 2012

²⁷⁹ APP8.1 para 6.46

²⁸⁰ APP8.1 para 6.47; APP8.2 Appendix 4; A.86 Chapter 6 paras 6.5.1 & 6.8.4

²⁸¹ APP8.1 6.47-6.48

²⁸² APP8.1 6.50; TCG3/1

Conclusion

235. The ecological impact of the scheme including the proposed mitigation would be a substantial net gain. There is no evidential dispute as to that conclusion. The application of the Biodiversity Offsetting metric in the further development of the mitigation proposals has satisfied its guardian local authorities that the scheme would provide a net biodiversity enhancement.
236. In addition, the ecological benefits must be considered as part of a range of measures that would conserve and enhance the natural environment and are entirely consistent with policy. These include the remediation of despoiled, degraded, derelict, and contaminated land, encouraging the re-use of previously developed land, and improving damaged and derelict land in the Green Belt.²⁸³ It is within this wider environmental balance that the planning balance must be struck, representing very special circumstances.

VSC: Transport benefits

237. Not only is the proposal entirely acceptable in transport terms, as will be set out below, but it would bring benefits to the road network. Those benefits are significant enough to warrant consideration as a very special circumstance.
238. The evidence of the applicant's transport witness is that, if the proposal does not proceed, there would be extensive queuing at numerous locations on the network.²⁸⁴ These include the key Festival Island at Stivichall, the St Martin's Roundabout on the A45 and the A46/A428 Roundabout. Critically, the Festival Island would become heavily congested long before 2022, becoming so bad by then that is difficult to envisage how many of the 'Committed' developments could, or would indeed choose, to ever come forward in the absence of the improvements funded by the present proposal.
239. The access issues for the Whitley/Jaguar site would be resolved partly by now planned Coventry City Council works to the A444 and partly by the current proposal.²⁸⁵ Only the latter could deliver the much needed Jaguar Link Road, which is important in helping to open-up the Whitley Business Park. In the medium term without the Link Road, both the Whitley Business Park and Jaguar site itself would struggle to maintain a viable access the nearer 2022 gets, because of traffic growth and increased congestion. This access will become increasingly dependent on delivery of the proposal. Without it, access via even the improved A444 Interchange at Whitley will be unlikely to suffice.²⁸⁶
240. There has been no challenge to this evidence. The background documents reveal what would, in fact, happen in the absence of the proposal. The Paramics Option Testing Report shows²⁸⁷ that in 2022, the design year, the road network simply does not function without it; there is gridlock. When the modelling was done to compare the situation with and without the proposal, in order to make the model work at all in the absence of this a substantial amount of

²⁸³ B.1 paras 81,109,111

²⁸⁴ Mr Johnstone; APP2.1 para 8.06

²⁸⁵ APP2.1 para 3.05

²⁸⁶ APP2.1 para 8.09

²⁸⁷ A.141 pdf pp10-11 paras 2.11-2.12

improvements to the network had to be assumed.²⁸⁸ Those improvements are not committed, and there is no indication that there is any funding available for them. Even with those improvements, the model performed better by 15% (that is, with 15% less congestion) with the proposal and its associated improvements in place.

241. Further, as well as bringing improvements necessary to enable the road network to function, the proposal would provide public transport connections to the centre of Coventry.²⁸⁹ These would benefit not only the application site but also other employment sites in the vicinity, including Whitley Business Park.

242. In her oral evidence the Councils' transport witness said that she did not consider the scheme would bring significant improvement.²⁹⁰ It may be that when she gave evidence she had not appreciated the reality as described above. On any reasonable view the improvements would be highly significant, with the alternative being that the road network is in gridlock. In those circumstances, the transport gains as a result of the scheme are plainly a very special circumstance. It is unrealistic to assume that the highway authorities would ensure that gridlock did not occur, and that the funds necessary for carrying out the necessary improvements would somehow be found. The fact is that no one has begun to identify where the funds would come from. In any event, at the very least, by itself bringing about the improvements the proposal would provide a massive saving to the public purse.

Inevitability of Green Belt Release, and Alternative Sites

243. The urgent and pressing need that the proposal would meet has been addressed above. That need will have to be met from Green Belt land, and it is clear that the site is the best one to meet it.

244. The question of alternative sites was considered within the application.²⁹¹ A detailed Needs and Comparative Sites Assessment Study (NCSAS)²⁹² was submitted with this, which reviews the extent to which allocated or unallocated land in the area is able to meet the needs it identifies. The Environmental Statement also contains a section on alternatives.²⁹³ It explains the NCSAS and sets out the approach to iterative design development, as well as dealing with the alternatives raised by the Councils. The conclusion is reached that the site is the most appropriate location for meeting the need identified.

245. It is highly significant that no one has suggested any alternative to the site, even for either Zone A or Zone B taken separately, other than land already in or identified for employment use. Such land cannot substitute for the application site, which is needed in addition to it. Other than these sites, the objectors are reduced to arguing that there would be 'windfalls', such that sites currently not identified would supply any need. That is a wholly inadequate response to the Government's emphasis on meeting the needs of the economy nationally and in

²⁸⁸ Cross-examination of Mr Johnstone

²⁸⁹ APP2.1 para 7.08 onwards

²⁹⁰ Evidence in chief of Ms Archer

²⁹¹ APP10.5 para 39 onwards

²⁹² C.24

²⁹³ A.86 section 2.10

this area. It cannot be good enough to rely on the mere hope that other sites will come forward.

246. There are no alternative sites within the urban area. Were a 'windfall' site to become available in the urban area (and there is no evidence that is likely), it would be a former employment site; that would be no substitute for the proposal, because re-development of such a site would only replace, probably only in part, the jobs formerly provided on it. Outside the urban area, any site is likely to be within the Green Belt, which wraps tightly round the towns, in which case the same or greater policy constraints would apply as for the current site.²⁹⁴ No sites have been brought forward through Local Plans to support the suggestion that there are suitable sites outside the Green Belt.²⁹⁵
247. Given the strength of national policy on the Green Belt, it is unsurprising that local policy accords importance to it. However, an examination of the relevant local policies and studies shows that the authorities have been prepared to release Green Belt where necessary. There has been a consistent acceptance of Green Belt release in local policies. The Coventry Development Plan of 2001²⁹⁶ proposed the release of Green Belt land at Whitley (in the Green Wedge) and Keresley²⁹⁷, and contemplated that following the issue of Regional Guidance there should be an early review of the Plan to consider any further releases.²⁹⁸ The Warwick District Plan of 2007 has already been considered. While understandably emphasising the importance of the Green Belt, its employment allocations are long out of date, as has been pointed out.
248. Since adoption of their Local Plans, both Coventry and Warwick Councils have recognised that the Green Belt boundaries would need to be re-drawn. The emerging Warwick Local Plan of course recognises that, and suggests allocation of the proposal site²⁹⁹ (and the release of 13 sites from the Green Belt). For Coventry, the 2007 Green Belt review confirmed that the Council intended to review its Green Belt as part of the preparation of its LDF in parallel with the revision of the RSS.³⁰⁰ It recommended that work to examine possible Green Belt releases across Coventry's borders should be taken forward via a joint sub-regional study.
249. The RSS is now abolished, but the Panel was prepared to contemplate Green Belt release if necessary to meet housing and employment targets, despite CPRE's objections.³⁰¹ It was also prepared to contemplate release of Green Belt land in other districts if necessary to meet Coventry's needs - again, despite CPRE's objections.³⁰² The Panel drew special attention in that context to the importance to the Green Belt of the Meriden gap, which was stated by CPRE to be

²⁹⁴ For example, Daw Mill mentioned by Mr Ellwood – TP3

²⁹⁵ Oral addition in response to CPRE13 para 12 (p4)

²⁹⁶ B.2

²⁹⁷ B.2 paras 5.33, 5.34 & the plan on the page opposite 9.52

²⁹⁸ B.2 paras 4.43, 9.51

²⁹⁹ P.5 policy DS 16, p31 onwards

³⁰⁰ CPRE1/2 Appendix C para 1.6

³⁰¹ B.17 paras 5.10, 5.18

³⁰² B.17 para 8.37

crucial³⁰³, and recognised the potential instead of the north/south growth strategy centred on Coventry³⁰⁴.

250. The Coventry Joint Green Belt Review of 2009 followed.³⁰⁵ The purpose of this thorough study was to review the Green Belt land that surrounds the urban areas of Coventry, Nuneaton and Bedworth, Kenilworth, Warwick and Leamington Spa, and to examine what sites might be most suitable for development if Green Belt land were needed. It assessed the comparative merits of all undeveloped land around Coventry and other towns against a common set of criteria, particularly the five purposes of the Green Belt. However, it also went further and assessed the suitability of sites for development by reviewing constraints.³⁰⁶

251. Reference was made above to what the Review said about parcel C10a, which covers most of the site. However it is important in the present context to refer to the comparison drawn between that parcel and other sites.³⁰⁷ Parcel C10a scored 7.5; no other large site scored less. Further, 1 point was awarded for landscape value, the lowest possible score, 2 points were awarded because of the existence of a planning permission (not affecting the current site) and 4 points because of the location within a flood zone. However, the flood zone covers only that part of the site where development is not proposed.³⁰⁸

252. Local policy has therefore consistently recognised that Green Belt boundaries cannot be immutable. Further, the recent joint Review, dealing with all of the undeveloped land surrounding the towns in this area, clearly supports the conclusion that the application site is suitable and the best site, should land outside the urban area be needed - which it is.

253. Overall, the site is the most appropriate location for the development, having careful regard to the alternatives. It is highly accessible to Coventry, as well as being commercially the best location³⁰⁹. Further, no objector has put forward a proper 'alternative site', that is one which could deliver the development proposed for either Zone A or Zone B, or meet the need through some other form of development. That is not to say that the burden is on the objectors, but simply reflects the evidential position. The applicant has not been able to identify an appropriate alternative site, and nor has any objector.

Development Control Issues

Transport

254. The proposal is a strategic development that would create accessible and sustainable jobs on a regional scale. Public transport provision is proposed to minimise the number of private car journeys that would otherwise be produced by the scheme, together with a number of non-vehicular measures to encourage walking and cycling. The transport package is robust. As the transport

³⁰³ B.17 para 8.39

³⁰⁴ B.17 para 8.35

³⁰⁵ H.1

³⁰⁶ H.1 paras 4.3.4 onwards

³⁰⁷ APP10.5 para 43; H.1 Appendix 13

³⁰⁸ H.1 Appendix 5 Coventry plan

³⁰⁹ APP10.5 para 44

Statement of Common Ground attests, all the relevant authorities agree that there is no objection to the proposal on highway grounds.³¹⁰

255. The Transport Assessment³¹¹ was based on conservative assumptions about the modal shift to public transport that the new public transport initiatives would provide. Nevertheless, it demonstrates that the traffic impact of the development could be accommodated on the external highway network, subject to various highway improvements proposed. Full use has been made of validated VISUM and PARAMICS strategic traffic modelling software to underpin the traffic predictions and the overall findings.

256. The following conclusions can be drawn:

- a) The proposed development could be satisfactorily accessed via a series of junctions with the strategic highways network. Those junctions would accommodate the forecast traffic demands as at the design year of 2022, with the necessary improvements in place.
- b) On certain local routes unsuitable for substantial increases in traffic flow, particularly HGVs, access restrictions are proposed to address those needs; a separate Accessibility Report³¹² presents technology and enforcement measures proposed at these locations. There is a great deal of experience of ANPR (automatic number plate recognition) technology on many sites, and its installation and maintenance is inexpensive.³¹³ Access could be allowed to local services in Baginton, including the Oak Public House, while preventing rat running.³¹⁴
- c) The proposed Public Transport Strategy³¹⁵, comprising new bus services, the provision of real-time travel information and the control of fares, together with a level of parking in the development which assumes that modal shift is delivered (with control of space allocation by the Travel Plan coordinator³¹⁶), would all positively influence modal share of public transport and hence limit traffic generation.
- d) Providing a comprehensive network of internal pedestrian and cycle routes throughout the site, together with improved connections and complementary improvements to the external networks through the Non-Motorised User Access Strategy³¹⁷, would further limit traffic movements by encouraging non-vehicular travel. Overall and in combination with the Public Transport Strategy, this would deliver an exemplar development from the point of view of sustainable access.

257. Transport objections are raised by CPRE and Cllr Mackay's group. Neither of their transport witnesses claims any relevant qualifications.³¹⁸

³¹⁰ APP2.6

³¹¹ A.131

³¹² A.132

³¹³ Evidence in chief of Mr Johnstone; APP2.4 paras 2.23-2.24

³¹⁴ APP15

³¹⁵ A.131 section 10

³¹⁶ A.133; APP2.4 paras 2.01-2.07,2.13

³¹⁷ A.131 Section 11

³¹⁸ Mr Langley and Mr Bush respectively

258. CPRE argues³¹⁹ that the location for the proposal is unsustainable. The basis for this is a comparison between Zones A and B as they are now, without the extensive public transport improvements proposed, with existing employment developments in the area.³²⁰ It is wrong to compare the existing employment sites with the public transport they have in place, with the application site without the proposed public transport measures. The comparison is also false because the existing employment sites are not alternatives to the proposal, which is needed in addition to these.

259. CPRE asserts³²¹ that the design year chosen should have been later than 2022, which was agreed with the relevant authorities. This point relies on paragraph 25 of Circular 2/2013, which refers to the choice between either 10 years after registration of the planning application in question or the end date of the relevant Local Plan, whichever is the later. However, 10 years after registration of the planning application is 2022, and both the relevant Local Plans are out of date, so that having regard to their end date would not dictate a later design year than 2022. The footnote to paragraph 25 allows the Secretary of State to extend the review period for individual cases, but the guidance provides that this will be only in exceptional circumstances. It has not been required in this case, and the practice of the Highways Agency is to require assessment as at the year of opening of the first development on a site.³²² That would almost certainly mean a design year earlier than 2022 in this instance.

260. CPRE criticises³²³ the traffic forecasting, trip distribution and mode share calculations, suggesting³²⁴ (as does Cllr MacKay's group³²⁵) that the traffic generated by Zone A has been underestimated. The criticisms are based on a mistaken impression that the traffic generated by the development had for road network capacity purposes been assessed using the assumptions as to modal split employed for the purpose of assessment of car parking³²⁶. However, those assumptions were not used for the capacity assessment.³²⁷ Traffic generated by Zone A was predicted using data from a site in Swan Valley, factored up to take account of the fact that B2 is proposed, and factored up again to take account of yet higher trip rates that had been predicted for a development at Andover Airfield.³²⁸ These assumptions are conservative in that:

- a) the Swan Valley site had at the time of the surveys a modal split of 92% car use (by comparison with 81% currently in the area surrounding the application site);
 - b) the Andover site has a very high job density (about 1 job per 45sqm compared to the HCA average of 1 job per 80sqm) but the actual trip rates to the Andover site were half those predicted.
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³¹⁹ CPRE3/1 section 2

³²⁰ CPRE3/1 table at p5

³²¹ CPRE3/1 section 3

³²² Cross-examination of Mr Johnstone

³²³ CPRE3/1 section 4

³²⁴ CPRE3/1 paras 26 & 32

³²⁵ BM5/1 para 5.11

³²⁶ i.e. 65% car use, with assumptions about the percentage of employees who would be absent from the site on any particular day

³²⁷ Evidence in chief of Mr Johnstone; APP2.4 paras 2.01-2.07

³²⁸ A.131 Appendix G (pdf p219 onwards)

261. With respect to criticism³²⁹ of the assumptions about distribution of trips, these are in accordance with the pattern revealed by the 2001 Census. The differences between this approach and the use of a gravity model relate mainly to the proportion of trips to and from central Coventry, which is where the effect of the public transport improvements associated with the proposal would be most marked.³³⁰ In those circumstances, the relevant authorities agree that it is appropriate to use the Census results.

262. Points are raised about the relationship of the proposal to the Highways Agency's Tollbar End scheme.³³¹ The Highways Agency decided to implement a scheme with three lanes on the relevant section of the A45, as opposed to the four lanes originally proposed by the current application.³³² That gives rise to no difficulties for the proposal, which would be able to connect to the A45 simply by completion of the new slip roads. There is no intention to prevent traffic from the Middlemarch and Stonebridge estates from accessing the A45 via Tollbar End, as they do now. That traffic would have the alternative of also being able to use the new junction onto the A45 to be built as part of the proposal. In the modelling it was assumed, for robustness, that all such traffic would use both junctions onto the A45.

263. CPRE expresses concerns about the effect of the proposal on the capacity of the road network and of individual junctions.³³³ However, no evidence is adduced that there would be any need to improve junctions or links other than as proposed in the application. Cllr MacKay's group suggests that the Zone A access road would not have sufficient capacity³³⁴, but the maximum flow of 1046 vehicles would be well below the practical capacity of that road of about 1400³³⁵.

264. With regard to criticisms of the public transport provision to the site and the provision for cycling and walking³³⁶, the following points are made in response:

- a) The criticisms do not reflect the extent of the applicant's commitment to funding of public transport and initiatives for cycling and walking, pursuant to the Section 106 agreement. For instance, the public transport commitment is for 10 years, not the 5 years assumed, and the capital sums committed are very large. The provision for cycling and walking (a combination of the Section 106 obligations and the cost of physical work which would have to be carried out) is around £5m.³³⁷ The public transport contribution is £12.5m. These would be substantial contributions to maximising non-car use at the site, which would also bring enhanced public transport to neighbouring sites.
- b) The public transport measures (including choice of route for the rapid bus service, and modelling of the effect on modal split of that service) have been developed in co-operation with Centro, the public transport undertaker, as well as the highway authority. The assessment that the bus service would account

³²⁹ CPRE3/1 para 35 onwards

³³⁰ Cross-examination of Mr Johnstone

³³¹ CPRE3/1 section 5; BM5/4

³³² Cross-examination/chief of Mr Johnstone

³³³ CPRE3/1 section 6

³³⁴ BM5/1 para 5.26 onwards

³³⁵ Cross-examination of Mr Johnstone; APP2.4 paras 2.09-2.10

³³⁶ CPRE3/1 sections 7 & 8

³³⁷ Evidence in chief of Mr Johnstone

for 11% public transport use was made by Centro, who chose the route.³³⁸ The highway authority has all the powers it needs to facilitate that route.

- c) There is substantial experience of operating Travel Plans of the sophistication envisaged for this site.³³⁹ The contributions that are being made to public transport and cycling and walking are so large that there is every expectation that a substantial proportion of trips would be made other than by car.
265. In summary, there is no reasonable objection to the proposal in transport terms. It would deliver a highly sustainable development, facilitating access to the site by non-car modes.

Heritage

266. The heritage assessment in the Environmental Statement³⁴⁰ was prepared following discussions and agreement with the two local authorities and English Heritage. All three of these bodies agree that the development is acceptable. English Heritage states that: "*If the proposals discussed can be made a condition of the approval and English Heritage can be consulted throughout the development of the detail of this part of the scheme then we shall be glad to withdraw our objection to this planning application.*"³⁴¹ These conditions will be met.
267. The proposal does not directly affect any designated heritage asset. Its potential impacts on the settings of assets have been thoroughly assessed by reference to the English Heritage guidance '*The Setting of Heritage Assets*'.³⁴² Its five-step approach involves an assessment of how the setting contributes to the significance of the asset before an assessment of the impacts of the development on that significance, and seeks to maximise the enhancement of the significance or minimise harm to it through mitigation. This reflects the kernel of heritage planning policy which is to conserve the '*significance*' of an asset.³⁴³

The Lunt Fort

268. The Lunt Fort is a Scheduled Ancient Monument and comprises the earthworks and buried remains of a Roman fort.³⁴⁴ It has been in part reconstructed, and is presently available to the public on a restricted and part fee-paying basis.
269. The setting of the Fort to the east contributes to its significance.³⁴⁵ The Fort is positioned on elevated ground, which served two functions. Firstly, it provided a defensible point of surveillance looking in particular northwards over the natural defences of the rivers Sowe and Sherbourne. Secondly, the elevated position contributed to the Fort's (and its occupiers') display of power and dominance. Therefore, views both to and from the Fort contribute to its significance.
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³³⁸ A.133 Appendix F; LPA6

³³⁹ Evidence in chief of Mr Johnstone; APP2.4 para 2.13

³⁴⁰ A.86 Chapter 11

³⁴¹ APP7.2 Appendix 5 Letter dated 6 February 2013

³⁴² APP7.1 paras 3.5.4 onwards

³⁴³ B.1 Annex 2

³⁴⁴ APP 7.2, Appendix 2

³⁴⁵ APP7.1 para 4.4.4 onwards

270. Views from the Fort to the north have become restricted. Views to the north-east and east remain and now include the A45, the Lunt Cottages and parts of the Stonebridge Trading Estate. Views to the Fort are very limited due to a lack of public access. There are no public views to the Fort from within the application site.

271. The proposal responds to this setting positively. There would be an impact from development within the Fort's setting. The proposal has been amended in consultation with English Heritage to ensure that long distance views remain through and above the development, which would be set back some distance from the Fort behind the countryside park.³⁴⁶ This is shown by representative views.³⁴⁷ The countryside park also takes the opportunity to provide a circular walk from which views to the Fort would be experienced, including a viewing platform, so better revealing the significance of the asset in accordance with policy and guidance.³⁴⁸

272. In addition, a planning obligation would provide for a contribution of £100,000 to be made to enhance the experience and understanding of the Lunt Fort.³⁴⁹

Conservation Areas

273. The assessment of the applicant's heritage witness is that in relation to both the Bubbenhall and Baginton Conservation Areas there would be no adverse impact.³⁵⁰ In relation to specific views identified by TCG in Bubbenhall³⁵¹, due to the proposed mitigation and the screening of Middlemarch Business Park there will be a beneficial effect³⁵². There would be no impact on Baginton Conservation Area due to its visual and physical separation from the site.

274. These conclusions follow from analysis of the significance of the conservation areas in question. In relation to Bubbenhall³⁵³, the focus is around the historic core of the village extending to the Church to its northeast. There are important views to the countryside to the south, which would be unaffected. There are limited public views north from within the Conservation Area, and Church Road is quite enclosed. As one approaches and walks around the Church and Church yard, views remain restricted, including by modern planting.³⁵⁴

275. The countryside that surrounds the village, and within it the Conservation Area, contributes to the significance of the Area in providing its historic rural setting. This contribution is primarily made by the immediate setting of the village down to the River Avon. The application site, being distant from the Area, makes little if any material contribution. However, where the site is visible and forms part of the setting of the village, so too is Middlemarch Business Park which harms the views and the setting of the Conservation Area.³⁵⁵

³⁴⁶ A.14; APP7.2 Appendix 4 (note this shows the un-amended layout)

³⁴⁷ APP 9.2 Appendix 6 & APP9.8 – viewpoints 1 & 11

³⁴⁸ B.2 paras 131 & 137; English Heritage Setting Guidance pp 20-22

³⁴⁹ APP10.11

³⁵⁰ Mr Clemons; APP7.1 para 4.4.27 onwards

³⁵¹ TCG2 p5

³⁵² Cross-examination of Mr Clemons; APP7.1 para 4.4.36

³⁵³ Shown at Appendix 7, p2

³⁵⁴ APP 9.2 Appendix 6 & APP9.8 – viewpoint 5

³⁵⁵ APP 9.2 Appendix 6 & APP9.8 – viewpoints 6

276. The development would contain substantial mitigation to its southern edge, including the landscape bunds, planting and countryside park. This would have the effect of largely screening the development, and in doing so it would also mitigate the existing harm caused by Middlemarch. Filtered views to only the highest parts of the Zone A units would be possible in the early years, with the vast majority of built development no visible. Active elements on the site would be visually screened, and the proposed mounding would not appear discernibly different to existing landscape.³⁵⁶ The proposal would have no adverse impact on the setting of the Conservation Area or its special character, indeed through the proposed mitigation its effect would be a positive one.³⁵⁷

277. In relation to Baginton Conservation Area, its significance and special character lies within the historic core focused on the Church and the setting of what was Baginton Hall (destroyed by fire in 1889) and the Green.³⁵⁸ The site is separated from the historic core by Coventry Road and the modern residential development along it. Views out of the Conservation Area are restricted, and there are no significant views towards the site. The setting of the Conservation Area does not make a positive contribution to its special character or significance, and no-one has suggested that it does. The impact of the development would be negligible.

278. TCG contends that the Environmental Statement (ES) used a 500m search area which had led to the omission of heritage assets that would be affected by the development, in particular the Stoneleigh Estate.³⁵⁹ That is incorrect.³⁶⁰ Stoneleigh Conservation Area and Stoneleigh Abbey Park (each a designated heritage asset) were identified, discussed and the impact of the development on these assessed in the ES³⁶¹, notwithstanding that they are respectively 3.3km and 1.3km from the nearest boundary of the site (and so well beyond 500m). These assets were therefore considered, but due to the distances involved, the lack of inter-visibility, the topography, intervening roads, and vegetation, and also taking into account the changes within those assets (for example the registered park and garden is now a golf course), the impact of the development was assessed as negligible, as agreed by the local planning authorities. No contribution that the site makes to the significance of these assets has been identified.³⁶²

Undesignated assets

279. Archaeological investigations of the site have taken place, and heritage benefits would be delivered through the recording of excavations during the development process, secured by condition.³⁶³

³⁵⁶ APP9.1 p31 re: viewpoint 5

³⁵⁷ APP 7.1 para 4.4.36

³⁵⁸ APP 7.2 Appendix 8

³⁵⁹ TCGR3/5

³⁶⁰ APP 7.4

³⁶¹ A.86 paras 11.4.83,84,94-101; 11.5.44,48,49; Tables 11.6, 11.7

³⁶² TCGR3/5

³⁶³ APP7.1 paras 4.5.1-4.5.14

Conclusion

280. The applicant's heritage witness has fully set out the relevant policy context and assessed the proposals against it, concluding that in all heritage respects the development is acceptable. He has given considerable importance and weight to the desirability of preserving the assets and their settings in carrying out his assessment and reaching his conclusions.³⁶⁴

Air quality

281. The applicant's air quality witness has identified potentially sensitive receptors and assessed the predicted changes in air quality based upon the traffic modelling.³⁶⁵ No alternative air quality modelling or analysis has been put forward, or any counter evidence called.³⁶⁶

282. The assessment takes into account the highway works proposed as part of the scheme, but also other committed highway improvements at the design year of 2022. The overall conclusion is that there would be improvements in air quality at sensitive receptors in the design year of 2022.³⁶⁷

283. The approach to air quality assessment was agreed with the local planning authorities following a scoping opinion³⁶⁸ and through pre-application discussions. It addresses impacts of the construction phase as well as the operational phase.

284. Following the agreed approach, those areas potentially more sensitive to air quality have been identified. These tend to be locations already experiencing poor air quality to the north and north-east of the site towards Coventry and in the A45 corridor. As would be expected, the areas more sensitive to changes in air quality are those where there is considerable road traffic. The effect of the scheme highway works and the Highway Agency's Tollbar End improvements is that in these more sensitive areas there would be traffic reductions and accordingly an improved air quality. As a result, in the more sensitive areas the scheme would deliver improvements.³⁶⁹

285. Elsewhere, the area surrounding the application site has good air quality, so that in those few locations where increased pollution concentrations may be experienced, the increases would have a negligible effect on the concentration of NO₂ and PM₁₀.³⁷⁰ It follows that the proposed development would not create any materially adverse consequence for the health of local residents, and by contrast would assist in delivering improvements to air quality. The proposed roundabout on Bubbenhall Road has been included in the assessment.³⁷¹ Further, it is agreed

³⁶⁴ In accordance with Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] and its implications for the application of Section 66 of the TCP(LB)A 1990 (and by analogy s72).

³⁶⁵ Dr Beckett: APP3.1; A.86 Chapter 10; A.173

³⁶⁶ Although Dr Beckett was cross-examined by CPRE and TCG

³⁶⁷ APP3.1 paras 6.8-6.16

³⁶⁸ B.22

³⁶⁹ APP3.1 paras 4.7-4.8

³⁷⁰ APP3.1 para 4.10; APP3.2 Appendix B p8 tables 2.3 & 2.4

³⁷¹ APP3.4; APP2.4 paras 2.18-2.19

with the local authority that no mitigation is required in relation to air quality (other than through a Construction Management Plan).³⁷²

286. The air quality impacts comply with the relevant local and national policy framework.³⁷³

287. In summary, the question of air quality was carefully considered following an agreed approach and found to be in effect a non-issue.

Noise

288. There is no evidence put forward to contradict the noise assessments of the applicant's noise witness, and no challenge to the substance of his conclusions.³⁷⁴

289. The starting point for any assessment is the existing 'baseline' conditions. The existing noise environment is dominated by road traffic noise from the local road network, in particular the A45 and A46, with intermittent contributions from aircraft and operations at the Airport.³⁷⁵

290. The relevant national planning context³⁷⁶ advises that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as the result of new development; to mitigate and reduce adverse impacts to a minimum, including through conditions; and to recognise that development will often create some noise. The applicant's noise witness interprets this policy guidance by use of the National Policy Statement, WHO Guidelines (1999 and 2009) and particular British Standards.³⁷⁷ There is no challenge to this analysis or to the appropriate standards by which the question of whether significant adverse impacts arise should be assessed. This means in effect that there is no evidence that any relevant threshold of significant adverse effect would be exceeded, in that the noise impacts in almost every case would fail to register an 'Observed' adverse effect, falling well short of a significant adverse effect.³⁷⁸

Operational noise

291. Operational noise has been assessed by reference to absolute and comparative assessments. The comparative assessment (BS4142:1997) takes a worst case approach, comparing the lowest occurring background noise with the highest predicted activity levels.³⁷⁹ The results for the closest residential receptors demonstrate that for the most sensitive properties the impact does not exceed minor negative.

292. The absolute assessment uses standards set out in BS8233:1999.³⁸⁰ This BS has recently been replaced by BS 8233:2014. Significantly, the new document

³⁷² P.1 para 8.38

³⁷³ APP3.1 section 5

³⁷⁴ Mr Griffiths: APP4.1

³⁷⁵ APP4.1 paras 2.1-2.3; evidence in chief of Mr Griffiths

³⁷⁶ Principally B.1 para 123

³⁷⁷ APP4.1 section 2

³⁷⁸ APP4.1 section 5

³⁷⁹ APP4.1 para 5.12 onwards; A.86 Chapter 9 Tables 9.14 & 9.15

³⁸⁰ APP4.1 para 3.25 onwards

continues to apply 30dB (L_{Aeq}) at night as a good standard for bedrooms. This is therefore a Governmental endorsement of the WHO 1999 guidance, in preference to the 2009 WHO guidance. It is now clear that for the assessment of internal noise levels at night the Government endorses the 1999 guidance standard of 30dB (L_{Aeq}), which amounts to 45dB externally. The applicant's assessment demonstrates that this threshold, which equates to an Observed impact and not a Significant impact, would not be exceeded for any of the most sensitive properties³⁸¹ (and, further, the more stringent 2009 WHO guidance is also met³⁸²). The predicted daytime noise levels also fall well below any recognised guidance threshold.³⁸³ There can therefore be absolute confidence that there would be no significant adverse noise impact from operational noise.

293. As part of the comprehensive assessment, maximum noise levels from individual noise events at night have also been considered. The levels would be well below those recommended by the WHO 1999 and BS 8223:1999 (and now BS 8223:2014).³⁸⁴ In response to objectors' concerns, consideration has also been given to repetitive noise events against the WHO 1999 guidance. The relatively low predicted level of the highest L_{Amax} inside assessment (38dB) against guidance of 45dB L_{Amax} demonstrates that the impact would fall well below the precautionary guidelines.³⁸⁵
294. Questions are raised by objectors about the confidence there can be in mitigation when the precise measures would have to be devised once the particular buildings and occupiers were known. This poses no difficulty given the proposed uses and the nature of the plant, and is normal practice. A bespoke scheme for each building would be approved under the conditions.³⁸⁶

Road traffic noise

295. Road traffic noise has been assessed for the most sensitive receptors by reference to two scenarios for 2022 (i.e. the design year), these being with and without the development (but with other relevant committed highway works, for example the Highways Agency works to Tollbar Island).³⁸⁷
296. Using cautious assumptions, and focusing on the nearest receptors, the applicant's thorough assessment demonstrates that there would be no more than a negligible effect and in many cases a positive benefit due to the highway improvement works.³⁸⁸ This includes taking account of the inclusion of the proposed roundabout junction on Bubbenhall Road³⁸⁹.
297. No objector has prepared any specific noise evidence that purports to carry out a noise assessment. Further, no objector presents even an expert critique of the comprehensive noise assessment undertaken by the applicant.

³⁸¹ APP4.1 para 5.19

³⁸² APP4.1 para 5.19 & Table 4.3

³⁸³ APP4.1 para 5.18

³⁸⁴ APP4.1 para 5.20 & Table 5.5

³⁸⁵ APP4.1 para 6.24-6.25

³⁸⁶ Cross-examination of Mr Griffiths

³⁸⁷ APP4.1 para 5.7

³⁸⁸ APP4.1 Tables 5.1 & 5.2, as updated by APP4.4 Tables 1 & 2 for receptors T23 and T24

³⁸⁹ APP4.4 section 2; APP2.4 paras 2.18-2.19

Miscellaneous

298. A number of points would be addressed by the suggested conditions.³⁹⁰ For example:
- a) There would be a Construction Noise Management Plan to be approved by the local planning authorities. A spot assessment has been undertaken to give confidence that standard mitigation measures would be acceptable.³⁹¹
 - b) The fixed plant does not present an issue, and particular units within the development would be designed at reserved matters stage with noise mitigation in mind, with standards to be achieved subject to conditions.
 - c) Specific mitigation measures such as acoustic screens are shown indicatively on the drawings³⁹²; the precise design and location of these would be addressed at reserved matters stage. There are no difficulties in providing the proposed mitigation and this would be considered alongside building design and orientation, including matters relating to the Airport, at that stage.
299. Various other points raised make no material difference to the assessment of the noise impacts:³⁹³
- a) The noise modelling is carried out on the basis of the applicant's traffic modelling, but that is the best, and indeed only, traffic information relating to the development. The matters of detail raised with the applicant's noise witness were not pursued with the applicant's transport witness, indicating that they are of no substance.
 - b) The highway modelling was undertaken for a design year of 2022. That is the most reliable information available.
 - c) Many of the criticisms are addressed by the time periods over which the noise energy is considered in carrying out a noise assessment, which differs from the standard presentation of traffic movements.
 - d) Assumptions made on the number of HGV movements to units within Zone A as part of the night-time operational noise assessment are robust.³⁹⁴
 - e) Further, the night-time operational noise assessments were undertaken on a worst-case basis, comparing the highest periods of activity against lowest background noise levels, notwithstanding these would not be coincidental, and by modelling night-time operational noise as a five minute LAeq.³⁹⁵
 - f) The assumption of no HGV movements in Zone B relates to operational noise, rather than road traffic noise passing through it.³⁹⁶ The assumption reflects the fact that such movements would not be regular occurrences so as to give rise to an identifiable operational noise impact. Deliveries would be infrequent and the operational noise impact negligible. HGV movements through the area are taken into account in relation to the assessment of road traffic noise.³⁹⁷

³⁹⁰ P.6 conditions 69-71

³⁹¹ Cross-examination of Mr Griffiths

³⁹² APP4.2 Appendices 6(F) & 7(G)

³⁹³ Cross-examination of Mr Griffiths

³⁹⁴ APP4.5

³⁹⁵ A.86 para 9.4.30

³⁹⁶ APP4.2 Appendix 4(D) p12

³⁹⁷ Cross-examination of Mr Griffiths

With regard to operational noise, the nearest residential receptors from Zone B units are distant³⁹⁸, and given the proposed uses there would be no material adverse effect.

- g) The proportion of HGV movements derives from the traffic modelling, and no alternative analysis has been provided. The road traffic noise is not assessed on an hourly basis but averaged over longer periods, which differ for day-time and night-time noise assessment³⁹⁹, and on a worst case basis. The assessments show overall road traffic noise impacts for the most sensitive receptors as ranging from negligible to moderate positive, and that there would not be a material adverse impact, let alone a significant one.

Conclusion

300. Overall, assessed on a precautionary and worst case basis against guidance expressly stated to be precautionary and conservative, the conclusion in relation to road traffic noise is that that there would be a range of negligible and beneficial impacts, and that with mitigation the operational noise impacts would all fall within the conservative WHO guidelines.⁴⁰⁰

Drainage and flooding

301. The Environment Agency and the local planning authorities participated in extensive pre-application consultation relating to the drainage strategy for the site.⁴⁰¹
302. The Environment Agency has no objection on drainage or flood risk grounds and suggests conditions. It considers that the approach to the siting of the development "*is entirely in accordance with the sequential test approach*".⁴⁰² A full Flood Risk Assessment and drainage strategy were provided with the application.⁴⁰³ The drainage scheme was designed taking full account of the relevant contamination issues, and the ecological and biodiversity evidence.⁴⁰⁴
303. The proposal accords with relevant national planning policy.⁴⁰⁵ The local planning authorities agree with this.⁴⁰⁶
304. None of the objectors takes issue with the drainage strategy proposed or suggests that there would be any adverse flood risk or drainage consequence of the development.
305. In relation to flood risk, the applicant's unchallenged evidence is that the building footprint would be located entirely within Flood Zone 1.⁴⁰⁷ The proposed bridge across the River Sowe necessitates a minor incursion into Flood Zone 3. However, the mitigation strategy would secure more than level for level

³⁹⁸ APP4.2 Appendix 2(B) – receptors T30, 32, 34 give an indication

³⁹⁹ A.86 Chapter 9 Tables 9.8 and 9.9 pp23-27; APP4.1 updated Tables 5.1 & 5.2

⁴⁰⁰ APP4.1 section 7

⁴⁰¹ APP6.1 para 6.1.1; APP6.2 Appendix 1 p6 under heading 'Drainage and Flood Risk'

⁴⁰² APP6.2 Appendix 1 p6 under heading 'Drainage and Flood Risk'

⁴⁰³ A.86 Chapter 8; A.117; A.74-A.79

⁴⁰⁴ Evidence in chief of Mr Rassool

⁴⁰⁵ APP6.1 section 4

⁴⁰⁶ P.1 paras 8.3 & 8.4

⁴⁰⁷ APP6.1 para 3.2 onwards

compensation, with the effect that in the equivalent storm event the proposal would reduce the risk and potential consequences of flooding by providing an additional 2,952cu.m of increased compensation.⁴⁰⁸ Therefore, in the only area of any flood risk sensitivity the proposal would deliver a substantial reduction in flood risk so that, in the relevant 1 in a 100 year event, water levels in the vicinity of the breach would be 40mm lower allowing for climate change.⁴⁰⁹

306. The highway works are most appropriately treated as essential infrastructure, although in reality little turns on this since the mitigation strategy for these, as described above, would not only provide safe use and access for all users, but also deliver betterment in terms of flood risk to the immediate and wider area.⁴¹⁰

307. The proposed drainage strategy has been devised on a precautionary basis to assume in relation to surface water attenuation that soakaway solutions would not be used⁴¹¹, pending further ground investigations. Applying this approach, the strategy for all development areas is to provide sustainable drainage systems in the form of swales and ponds to mimic greenfield characteristics, but with these designed to be impermeable. This ensures that there would be no adverse impact on ground pollution. If future opportunities arise to use soakaway solutions they would be taken.⁴¹² This would give rise to changes in engineering details of the strategy rather than alter the layout. There is certainly more than enough physical capacity designed into the scheme for drainage purposes.

308. A collaborative approach has been taken between the hydrological and ecological disciplines to ensure that the on-site and off-site drainage and attenuation ponds would be sized and managed to maximise their ecological value while remaining fit for purpose.⁴¹³

309. As controlled by the agreed conditions⁴¹⁴, there would be no adverse consequences from the scheme in terms of flood risk or drainage. The conditions are ones that could be readily discharged.⁴¹⁵

Third party risk

310. A witness for TCG has raised a number of matters relating to questions of risk to third parties.⁴¹⁶ Some of these have been addressed by the evidence.⁴¹⁷ The outstanding point involves the proposal to lower Bubbenhall Road and provide footpaths and cycleways alongside the carriageway. The concern is the potential impact of these works on the operational safety of the Airport.

⁴⁰⁸ Evidence in chief and re-examination of Mr Rassool; A.117 paras 3.15-19 & Appendix H [The incursion into the 1 in 100 year floodplain is 4247 cu m whereas the proposed compensation is 7199 cu m]

⁴⁰⁹ APP6.1 para 3.6

⁴¹⁰ Cross-examination of Mr Rassool

⁴¹¹ APP6.1 paras 3.8-3.9

⁴¹² Inspector's questions to Mr Rassool

⁴¹³ Evidence in chief of Ms Hollins

⁴¹⁴ P.6 conditions 54-60

⁴¹⁵ Cross-examination of Mr Rassool

⁴¹⁶ Mr Astle; TCG6/1; TCG6/5

⁴¹⁷ Cross-examination of Mr Astle

311. Insofar as this is material to the planning decision, the Airport operator is the appropriate consultee.⁴¹⁸ It is its responsibility to assess development proposals against the safety requirements required to maintain the aerodrome licence. Failure to do so is dealt with through the aerodrome licensing regime administered by the Civil Aviation Authority (CAA).
312. The Airport operator was consulted on the application and was fully aware of the proposal to lower the road and of potential concerns relating to the perimeter fence and the Instrument Landing System.⁴¹⁹ It has clarified that the lowering of the road provides benefits through removing HGVs from the Obstacle Limitation Surface.⁴²⁰ The Airport also confirms that it has no safety concerns relating to the perimeter fence. The issues have therefore been considered by the relevant consultee, and it is in its interest to consider these properly.
313. Accordingly, no issue of concern arises from TCG's evidence. It can be noted that the Runway End Safety Zone (RESA) is an area that falls to be approved by the CAA as part of the aerodrome licensing process. The current approved RESA as disclosed by the Airport⁴²¹ is not as TCG's witness had anticipated it⁴²². Based upon this approved RESA, and informed by the application drawings submitted to it, the Airport has confirmed that it has no safety concerns relating to the application. In fact, the cross-section provided by the applicant's transport witness relating to this section of Bubbenhall Road shows the proposed perimeter fence line (illustratively) in the wrong location.⁴²³ Its exact location would be agreed through reserved matters, but it would not be further east than the retaining wall shown on that drawing, while remaining within the application red line boundary.⁴²⁴ As such it would be further from the end of the runway than shown on the drawings on which the Airport was consulted.
314. A two-way emergency access route has been agreed with the Airport that would allow access from Zone A to the adopted highway to the east of the runway. This route would also allow traffic from the Middlemarch Business Park to escape in an emergency through Zone A. This offers considerable betterment on the current situation, and could be secured by condition.⁴²⁵

Environmental Impact Assessment

315. CPRE has raised some points on the Environmental Impact Assessment (EIA) process relating to the assessment of alternatives and of cumulative impacts.⁴²⁶
316. The argument appears to be that the Environmental Statement (ES) is inadequate, in other words that the environmental information submitted does not amount to an "Environmental Statement" within the meaning of Regulation 2
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⁴¹⁸ LPA7; TCG6/3

⁴¹⁹ B.20 pp99 & 194

⁴²⁰ APP2.8

⁴²¹ APP2.8

⁴²² TCG6/2 Appendix 12

⁴²³ APP2.4 p13; cross-examination of Mr Johnstone

⁴²⁴ APP2.4 para 2.31; APP2.7

⁴²⁵ APP2.4 paras 2.26-2.27

⁴²⁶ CPRE4/1; CPRE13

of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

317. It is well-recognised that the adequacy of an ES is a matter primarily for the judgment of the local planning authority. The applications have been called-in by the Secretary of State. However, the environmental information has already been deemed adequate by the two relevant local planning authorities. As in R(Blewett) v Derbyshire CC [2004] Env LR 29, at paragraph 68, the information will only be inadequate where the deficiencies are so serious that the document cannot be described, in substance, as an environmental statement for the purposes of the Regulations (and R (Bedford and Clare) v Islington LBC [2003] Env LR 22 at paragraph 203).

Alternatives

318. CPRE's principal submission is that the environmental information is inadequate because it fails to consider required alternative scenarios taking into account their environmental effects.⁴²⁷

319. The definition of Environmental Statement in regulation 2 requires it to be a
"(a) statement that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
(b) that includes at least the information referred to in Part 2 of Schedule 4."

320. Schedule 4 then requires the ES to include: "*An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects.*"

321. The applicant applied for and obtained a scoping opinion from Warwick Council which set out the alternative scenarios to be considered.⁴²⁸ The applicant therefore provided in the ES information relating to its consideration of alternatives, including an outline of the main alternatives studied (that is those referred to in the scoping opinion) and an indication of the main reasons for the choice made, taking into account as applicable the environmental effects.⁴²⁹ CPRE appears to misread Schedule 2, part 1 paragraph 2 as requiring an evaluation of the environmental effects of specific alternative developments. As is clear from the above, it does not.

322. The ES is therefore entirely adequate. The local planning authorities did not request further environmental information and none was necessary.

Cumulative effects

323. The CPRE submissions focus on the interaction between the current proposal and the previously permitted (and implemented) Whitley Business Park. It is asserted that the whole of the latter proposal should have been re-assessed through the ES.

⁴²⁷ CPRE4/1 para 49; CPRE13 paras 108-110

⁴²⁸ B.22 para 3.49

⁴²⁹ A.86 Chapter 2 section 2.10

324. There is substantial confusion in this. Firstly, and most importantly, CPRE refer to and rely upon provisions that relate to whether or not development should be considered EIA development.⁴³⁰ Similarly, reference is made⁴³¹ to amendments made through the 2011 Regulations following the decision in R (on the application of Baker) v Bath and North East Somerset Council [2009] Env LR 27. These changes relate to whether or not a change or extension to a proposal may amount to EIA development and so require environmental impact assessment.

325. There is no doubt that the current application is for EIA development, and of course an ES has been prepared and further environmental information submitted. As in relation to alternatives, the relevant question is whether the ES is adequate. Schedule 4 paragraph 4 of the 2011 Regulations requires an ES to include:

"A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short medium and longer, permanent and temporary, positive and negative effects of the development resulting from –

- (a) The existence of the development;*
- (b) The use of natural resources;*
- (c) The emission of pollutants, the creation of nuisances and the elimination of waste,*

And the description by the applicant or appellant of the forecasting methods used to assess the effects on the environment."

326. Therefore, the basis of the submission that it is necessary on the current proposal to reassess the entirety of the impact of the whole Whitley Business Park site⁴³² is not correct. The requirement is to consider the effects of the current proposal including cumulative effects of the development in combination with the extant Whitley permitted development (and any changes to it).

327. That was done. The ES addresses cumulative effects in two ways. Firstly, it considers the interactions in summary between the proposal and other likely developments in the vicinity, including Whitley Business Park.⁴³³ Secondly, the individual chapters of the ES provide further detail of the cumulative impacts of the proposal with the developments that have been identified as having the potential to produce cumulative effects, again including Whitley Business Park.

328. The structure of each chapter is broadly similar. For example Chapter 5, on landscape and visual effects, describes cumulative effects including Whitley.⁴³⁴ A similar approach is taken in Chapter 6 on ecology and nature conservation⁴³⁵ and Chapter 8 on Water resources and drainage⁴³⁶. In other chapters cumulative

⁴³⁰ CPRE4/1 paras 53 & 55

⁴³¹ CPRE13 para 102

⁴³² CPRE para 103

⁴³³ A.86 Chapter 14

⁴³⁴ A.86 Chapter 5 paras 5.6.17-5.6.23 [Whitley at 5.6.21]

⁴³⁵ A.86 Chapter 6 section 6.8

⁴³⁶ A.86 Chapter 8 section 8.7

impacts are assessed by an assumption that such other developments are commitments, for example in relation to highways⁴³⁷ (and consequently noise and air quality).

329. Therefore whilst CPRE may disagree with the description of effects, it is clear that the environmental information is adequate to constitute an Environmental Statement, and planning permission may lawfully be granted for the development. The ES for the scheme has considered and described the impacts that it would have cumulatively with the Whitley proposals and this includes the effects of the current proposal on Whitley.

330. In the event of a future further planning application relating to Whitley Business Park then this would have to be made and determined in accordance with the EIA Regulations. There is no authority for the submission that it would be "*fundamentally wrong*" to permit the current proposal where it may result in changes to the Whitley scheme.⁴³⁸ There is no reason in planning law why the proposal should not be granted planning permission; all the relevant environmental information is available for this.

Prematurity: The need should be met now

331. The application is not premature to the Warwick Local Plan, and the decision can and should be made now rather than reaching a decision in the context of the Local Plan examination. This is for the following reasons:⁴³⁹

- a) Consent for a development of this nature is long overdue, and the need exists now. There has been a serial failure to put in place sufficient employment land through the Development Plan process.
- b) There is an urgent shortage of high quality employment land at a time when Coventry finally has the opportunity to capitalise on its inherent strengths. It would be highly regrettable for the planning system to deny that opportunity through the inadequate provision of land.
- c) The application site is not central to the Local Plan. The Local Plan seeks to find sufficient employment land for Warwick District itself, and then, in addition, identifies the application site as a sub-regional site. It follows that to grant planning permission for the proposal now would not prejudice the Plan process.
- d) If it is decided that the proposal should await the Local Plan process, there might be a very substantial delay, lasting longer than the (uncertain) timetable for the examination of the Local Plan itself. There could well be pressure to consider the proposal within the context of a sub-regional strategy on housing, which will not be completed until 2020.⁴⁴⁰ A decision on the proposal would then not be forthcoming until the end of the decade or beyond. Thus, the opportunity would be missed, and the need would remain unmet.

⁴³⁷ A.86 Chapter 13 para 13.5.25

⁴³⁸ CPRE13 para 107

⁴³⁹ Inspector's questions to Mr Rhodes

⁴⁴⁰ P.5 Appendix 5 para 6.1

- e) The Secretary of State has sufficient evidence to decide on the acceptability of the proposal. The amount of evidence, and the scrutiny it has received, is at least as great as is likely to be available at a Local Plan examination.
- f) Whitley Business Park provides a local precedent for Green Belt release by the grant of planning permission after a call-in inquiry, in circumstances where the Local Plan is at draft stage.⁴⁴¹ Similarly, permission was granted for employment development in the Green Belt at Ryton.⁴⁴² That application was not called in, despite the acknowledged impact on openness.

Conclusions

332. The following points can be made in summary:

- a) The proposal would make a major contribution to fulfilling the crucial Government policy planning objectives of promoting sustainable economic development and building a strong and competitive economy.
- b) There are no preferable alternatives to the proposal for meeting the need that has been identified.
- c) The harm to the Green Belt is clearly outweighed by the contribution the proposal would make to sustainable economic development and other very special circumstances, including remediation of land contamination, landscape and ecological benefits, and transport improvements.
- d) In relation to development plan policies, those policies do not prevent development in the Green Belt where there are very special circumstances; further, and in any event, the development plan policies are out of date and fail to make adequate provision for employment development.
- e) The application site is in a sustainable location, given its proximity to large centres of population, and the proposed provision for non-car modes of access would ensure that use of the car is minimised.
- f) There is no reasonable objection to the proposal by reason of development control matters, including heritage, transport, public open space, air, light, noise, drainage and flood risk, ecology, land contamination and effect on the Airport.

333. In conclusion, the proposal would meet a strong need, and comprise sustainable development within the meaning of the NPPF. There are very special circumstances justifying the development within the Green Belt. There is very little 'other harm' to add to the harm by reason of inappropriateness to weigh against the substantial benefits. For these reasons, planning permission should be granted as soon as possible.

THE CASE FOR COVENTRY CITY COUNCIL AND WARWICK DISTRICT COUNCIL

The Key Issues

334. The Secretary of State attaches significant weight to both the protection of the Green Belt and the need to support economic growth and create prosperity and

⁴⁴¹ N.3

⁴⁴² LPA4/2 Appendix 19

jobs. Against that background, the proposal raises two fundamental questions of principle.

335. First, where there is incontrovertible evidence that the rate of attrition of good quality employment land will exhaust the supply of that land in the very near future, may supply properly be regarded as inadequate and defective now?
336. Second, if it is demonstrated that an adequate supply can only be secured and maintained by developing land in the Green Belt, may that amount to very special circumstances which outweigh harm arising from its inappropriateness and any other harm the development would cause?
337. This issue is subtly different from that which arises when there is an existing shortfall of good quality employment land⁴⁴³. In the latter case, it is well established that need may be sufficient to constitute very special circumstances for allowing inappropriate development in the Green Belt. Whitley Business Park is one local example of this approach⁴⁴⁴, and there are others⁴⁴⁵. It would be absurd to argue that the same very special circumstances cannot operate when the objectively assessed supply of land is demonstrably inadequate. Planning is by definition a proactive, forward looking activity. Its purpose is to foresee and avoid problems, not to identify potential hazards and then only provide a solution after walking straight into them.
338. The Councils' case is straightforward. Taken as a whole, the development of commercial premises on 121ha at the site would be inappropriate development in the Green Belt that causes significant harm. However, the imperative to secure Coventry's economic growth requires that the dangerously low supply of good quality employment land to serve Coventry is remedied immediately. Otherwise economic growth in the UK's thirteenth largest city would be choked-off and thousands of potential jobs would be lost, frustrating the regeneration of north-east and south-east Coventry and the wider Coventry & Warwickshire Local Enterprise Partnership (LEP) area. The development is necessary to boost and ensure the continuity of supply. It is also ideally located to tackle worklessness and deprivation in poorer parts of the city. That amounts to very special circumstances, which outweigh the harm the development would cause to the Green Belt and any 'other harm', and on that basis planning permission should be granted.
339. In their evidence the Councils focus on the scheme's contribution to economic growth compared with its effect on the Green Belt. They have adopted the applicant's evidence and consultees' representations in respect of all other considerations, except for the impact on highways and sustainable travel. Those matters which the Councils have treated as subsidiary issues are addressed below only to the extent that is necessary to weigh them in the overall planning balance.

⁴⁴³ Inspector's questions from the Inspector to Mr Rhodes

⁴⁴⁴ LPA4/2 Appendix 3 Decision para 8

⁴⁴⁵ LPA1/1 pp56 to 75 [references to Ansty, Ryton, Birmingham Business Park, Hams Hall, Bermuda Business Park]

The Development Plan and the weight to be attached to it

340. The development plan comprises the saved policies of the Coventry Development Plan 2001⁴⁴⁶ and the Warwick District Local Plan 2007⁴⁴⁷. The relevant policies⁴⁴⁸ of both plans restrict commercial and industrial development in the Green Belt: these are policies GE 6 and GE 7 of the Coventry Development Plan and policy RAP6 of the Warwick District Local Plan. Policy RAP6 of the latter also restricts large scale employment development in rural areas.⁴⁴⁹
341. The proposals conflict with those policies, and for that reason were advertised as a plan departure.
342. However, both Plans' policies for the supply of employment land are time expired. Therefore they inevitably fail to strike an up-to-date balance between the need for economic growth and the protection of the environment. Although the Coventry Development Plan generally encourages the strengthening and diversification of the city's economy, and the provision of a mixed portfolio of employment sites⁴⁵⁰, it fails fully to capture the imperative to support economic growth. That flaw is exemplified by policy E12. Its object of restricting the development of large-scale warehousing was found to be unduly restrictive by the Inspector examining Coventry's Core Strategy in 2010, even by pre-NPPF standards.⁴⁵¹ The Warwick District Local Plan is similarly outdated in focusing solely on meeting local employment needs. When new plans are adopted, a proper balance will be struck based on an up-to-date appreciation of competing needs. Until then the development plan should only be accorded limited weight.
343. In the interim the most material guidance on planning for economic growth is that contained in the NPPF. The Plan for Growth, the Strategic Economic Plan for Coventry & Warwickshire and the emerging Warwick District Local Plan also provide valuable guidance on how planning and the private sector should interact to deliver growth.⁴⁵²

Consistency with National and other Local Policy Documents

The Plan for Growth

344. The Plan for Growth published in March 2011⁴⁵³ lays the ground for the National Planning Policy Framework's focus on securing economic growth. It aims to secure a more broadly based economy which distributes growth and prosperity more evenly across the whole of the UK and especially outside the south-east of England. The Plan places particular emphasis on supporting private sector-led growth in advanced manufacturing and engineering, digital, aerospace and creative industries. Following the abolition of regional development agencies, the Plan charges local enterprise partnerships with providing "*a powerful voice for business in the planning system*". Local Enterprise
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⁴⁴⁶ B.2

⁴⁴⁷ B.7

⁴⁴⁸ P.16, paras 7.2-7.3

⁴⁴⁹ LPA1/1 paras 4.3-4.9

⁴⁵⁰ LPA1/1 paras 4.10-4.12

⁴⁵¹ B.4 paras 3.68-3.71

⁴⁵² LPA1/1 pp16-22; evidence in chief of Ms Darke; LPA1/3 paras 2.1-2.10

⁴⁵³ C.1

Partnerships (LEPs) now take the lead in the production of strategic plans to align economic priorities in their areas. They should also facilitate decision making on complex planning applications.⁴⁵⁴ The current proposal falls into that category.

The National Planning Policy Framework

345. The NPPF's policy on the Green Belt mirrors the development plan. The challenge for the applicant and the Councils in this case is therefore to establish very special circumstances by showing the potential harm that the proposal would cause to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.⁴⁵⁵
346. The contribution the proposal would make to securing economic growth, prosperity and jobs may constitute very special circumstances; these objectives attract "*significant weight*".⁴⁵⁶ Specifically, local planning authorities are required to plan proactively to meet the development needs of business.⁴⁵⁷ Planning policies must recognise and address barriers to investment. In drawing up their plans authorities should set a clear economic vision and strategy which positively and proactively encourages sustainable economic growth. Criteria should be set or strategic sites identified for local and inward investment to meet anticipated needs. Support should be given to existing and new or emerging sectors likely to locate in their areas. Policies should be flexible, and calculated to allow a rapid response to changes in economic circumstances.⁴⁵⁸ The same proactive and positive approach is required to be applied to decision making.
347. Reflecting the Plan for Growth, the NPPF recognises that LEPs play an important role in shaping and determining strategic planning priorities.⁴⁵⁹

The Coventry & Warwickshire Enterprise Partnership's 5 Year and Strategic Economic Plans

348. The Coventry & Warwickshire LEP was formed in October 2010.⁴⁶⁰ It was in the 'first wave' of LEPs. It is now well established as the body charged with leading and coordinating economic strategy across each of the local authorities in Coventry and Warwickshire.
349. The LEP developed its economic strategy on the back of its initial 5 Year Strategy⁴⁶¹ and two detailed sectoral studies.⁴⁶² They indicate a significant variation in economic performance, prosperity, vulnerability and resilience across the LEP. The south is performing quite strongly; its per capita GVA is well above the national average, whereas in the north the GVA per person is well below average and the economy less resilient and more vulnerable.⁴⁶³ Coventry sits in the north of the LEP area, and Warwick District in the south. Coventry possesses

⁴⁵⁴ C.1 paras 2.35-2.38

⁴⁵⁵ B.1 paras 87 & 88

⁴⁵⁶ B.1 paras 18 & 19

⁴⁵⁷ B.1 para 20

⁴⁵⁸ B.1 para 21

⁴⁵⁹ B.1 para 180

⁴⁶⁰ C.9 p.2

⁴⁶¹ C.2

⁴⁶² C.9; C10

⁴⁶³ C.9 p3

a much higher proportion of low value manufacturing industries and higher absolute and relative levels of deprivation, unemployment and worklessness than is found in the south of the LEP area.⁴⁶⁴ CPRE and The Community Group (TCG) seek to argue that the greatest need for regeneration is in Nuneaton and Bedworth District, but the evidence demonstrates that this view is factually incorrect.⁴⁶⁵

350. The challenge now is to rebalance the area's economy. Greater emphasis is to be placed on manufacturing. This is intended to build on the "*clear competitive advantage*" that is conferred by Coventry and Warwickshire's specialisation in manufacturing and the skilled workforce that is associated with it.⁴⁶⁶

351. The LEP has translated this analysis into a coherent plan of action. The 5 Year Strategy⁴⁶⁷ specifies the same target sectors as the Coventry and Warwickshire Economic Assessment⁴⁶⁸. It aims to increase employment numbers by focusing on inward investment, and ensuring appropriate infrastructure and sites are provided for target sectors.⁴⁶⁹ A "*Priority Objective*" is to identify and address the "*planning issues*" which act as "*obstacles and barriers*" to the growth of business in its area.⁴⁷⁰

352. Subsequently, the LEP was required to publish a Strategic Economic Plan (SEP) by 31 March 2014. At its heart is a programme to unlock the potential for growth. The SEP identifies a need to make good a "*lack of readily available high quality and large employment sites*".⁴⁷¹ It responds with a "*high level 'jobs led spatial plan'*".⁴⁷²

353. The spatial plan is underpinned by the LEP area's central location on the national motorway, trunk road and rail network. This is a "*key competitive*" asset, and it is "... *a key logistics hub for the country*".⁴⁷³ That competitive asset is used to derive and define three corridors. The corridors have the highest concentration of AMEs (advanced manufacturing and engineering) within the LEP area. They also include areas of local deprivation which were within the former Coventry and Nuneaton Regeneration Zone. Investment is to be focused in the corridors on those sites judged most likely to contribute to the delivery of the strategy.⁴⁷⁴ The SEP identifies the need for "*at least one new large site of sub-regional importance and possibly two or three such sites in order to remain competitive and attract further investment from major British or international companies.*"⁴⁷⁵

⁴⁶⁴ LPA1/1 p82 Figure 18, p83 Figure 19, p84 Figure 20, p85 Figure 21

⁴⁶⁵ LPA1/2 pp5-6 Tables 1 and 2

⁴⁶⁶ C.9 p6

⁴⁶⁷ C.2

⁴⁶⁸ C.9

⁴⁶⁹ LPA1/1 paras 4.32-4.33

⁴⁷⁰ C.2 p9

⁴⁷¹ C.34 p26 bullet 3

⁴⁷² C.34 p24

⁴⁷³ C.34 p24

⁴⁷⁴ C.34 p30 penultimate paragraph

⁴⁷⁵ C.34 p30

354. One growth corridor is drawn along the A45 and A46.⁴⁷⁶ The application site is located within this. The Coventry and Warwickshire Gateway is identified as "*the priority employment site*". Its development is justified by its "...central strategic location which capitalises [on] and unlocks current and planned investment and supports economic and social priorities across the CWLEP area". The SEP emphasises that the site lies in a "*High Technology Corridor...[and]...is well located in relation to both local universities and to other major employment sites across the CWLEP area...*". The SEP states openly that the site is "*partly owned by Coventry City Council*".⁴⁷⁷ It adds that the need for a site and merits of the development are evidenced by studies carried out by GL Hearn and WS Atkins. The former was prepared by the Councils' economic witness and has been tested at the inquiry.⁴⁷⁸ The facts and opinions it contains properly justify the decision to prioritise the site, and no more evidence is needed on this.⁴⁷⁹

355. Objectors have sought to portray the LEP as unaccountable. That criticism is irrelevant. The Government has charged the LEP with its role. The criticism is also factually incorrect. The LEP Board includes 7 councillors; in addition, a Joint Committee for Growth and Prosperity is being established, comprising the Leaders of each local authority in the LEP.⁴⁸⁰ Its role is to "*discharge...functions relating to economic development, regeneration and strategic planning including spatial planning.*"⁴⁸¹ The LEP's responsibility for these issues has been calculated to discharge the Councils' duty to cooperate that arises under Section 33A of the 2004 Act.⁴⁸² That has been possible because of the active participation of key decision makers in the LEP, including senior councillors, chief officers and senior planning officers. The LEP's work is an exemplar of coordinated strategic planning and inter-authority cooperation. In accordance with the NPPF, the economic strategy that is set out in the SEP should therefore be given significant weight.

The submission draft Warwick District Local Plan

356. The submission draft version of the Warwick District Local Plan was approved for publication on 23 April 2014⁴⁸³, which is consistent with the programme specified in the Local Development Scheme. Policy DS16 proposes the allocation of 235ha in the vicinity of Coventry Airport for a major employment site. Its purpose is to attract regional, national and international investors and address deprivation in Coventry and Warwickshire. The policy is expressly underpinned by the economic strategy that is set out in the SEP.⁴⁸⁴

357. Some weight may be accorded to policy DS16. The policy is 'plan led', with the land first mooted as a site for an enterprise zone in June 2011.⁴⁸⁵ It was

⁴⁷⁶ C.34 p27

⁴⁷⁷ SEP, p.31, para 3.4.1

⁴⁷⁸ Mr Ireland, referring to C.21

⁴⁷⁹ Oral addition to closing submission

⁴⁸⁰ Plus Hinckley and Bosworth Borough Council

⁴⁸¹ C.34 pp84-85

⁴⁸² Evidence in chief of Ms Darke

⁴⁸³ P.5

⁴⁸⁴ P.5 paras 2.68-2.74

⁴⁸⁵ C.3

subsequently incorporated into the Preferred Options version of the Local Plan⁴⁸⁶ before the planning application was made. The policy is justified by a substantial evidence base which was developed alongside the planning application. The Plan (and development at the site) has been subject to two full rounds of public consultation. It has had the support of the Executive and the full Council at each of the three stages of the plan making process that have been completed so far. As the Plan has progressed, the policy has evolved from a proposal "to explore the case" for identifying the land as a regional employment site⁴⁸⁷ to a specific proposal to remove land from the Green Belt for a site of "sub-regional significance"⁴⁸⁸. The evidence shows there is no room for doubt that the site will be advanced as a firm allocation at the Examination later this year.

358. The history of the Plan is important. It illuminates the weight that Warwick Council (and others) attach to the LEP's economic strategy. It also indicates that the majority of its councillors have been, and remain, persuaded that the merits of the development constitute exceptional circumstances for removing the land from the Green Belt.
359. That leads on to the critical question: how and to what extent is the development likely to support economic growth? That has been the principal matter in dispute. None of the objectors have sought to deny that, if it is demonstrated that the proposal would deliver growth and large numbers of jobs, very special circumstances are likely to be made out.

The Merits of the Economic Case for Granting Planning Permission

360. The economic case has four main components:-

- i) Unless planning permission is granted, the supply of good quality sites in the relevant market areas that are capable of accommodating large B2/B8 and B1b/c footplates will be effectively exhausted by around 2018 and 2019 respectively. That would choke-off investment in AME and logistics and defeat the object of creating prosperity and economic growth in Coventry and across the LEP area generally.
- ii) If the development is not provided, 7,800 FTE jobs that would otherwise be created directly and indirectly by it would be lost to the LEP area.
- iii) The loss of those 7,800 jobs would have a significant adverse impact on the regeneration of Coventry and the LEP as a whole, because the location of the proposal means that it is ideally placed to address problems of unemployment and deprivation in the city.
- iv) If it does not proceed, the development of the neighbouring Whitley Business Park would probably remain in a deep stall, which would block the delivery of around 3,500 additional jobs.

The dangerously low supply of good quality employment sites

361. The economic witnesses for the Councils and the applicant each identify discrete market areas for the B2/B8 uses that would occupy Zone A and the

⁴⁸⁶ B.8

⁴⁸⁷ B.8 p37 policy PO8

⁴⁸⁸ P.5 policy DS16

B1b/c uses in Zone B.⁴⁸⁹ Those areas are broadly similar, and both have been carefully justified. Objectors do not dispute the market area identified for Zone B, but TCG's commercial witness argues that Zone A is drawn too narrowly.⁴⁹⁰

362. On the evidence, the applicant's and Councils' assessment of the Zone A market area is to be preferred. The applicant's economic witness is a Chartered Surveyor and a Director of Savills, a leading firm of international property advisers.⁴⁹¹ He possesses an in-depth and expert knowledge of the commercial property market in and beyond the LEP's area. The Councils' economic witness is a director of GL Hearn.⁴⁹² He and his firm have acquired an intimate knowledge of the LEP's economic geography and the operation of its commercial property market in the course of producing the Coventry and Warwickshire Strategic Housing Market Assessment and completing employment land studies for three of its districts. His evidence is informed by Coventry based Chartered Surveyors, D&P Holt. In comparison, although TCG's witness has operated logistics businesses, he conceded he has no particular knowledge or experience of the development industry or the operation of the market for B8 premises.⁴⁹³ His view that demand for logistics space will spill well beyond the area specified by the Councils is contradicted by Jones Lang LaSalle/Lambert Smith Hampton's market assessment, included in his evidence.⁴⁹⁴ It is therefore probable that most investment decisions by logistics companies would follow the pattern that is predicted by the applicant and the Councils.

The need for the Zone A component: B2/B8 floorspace

363. The Councils' economic witness has analysed the supply of large sites for B2/B8 use under five categories:

- A) Major existing employment sites
- B) Additional land at major employment sites which have planning permission
- C) Potential strategic employment sites outside the Green Belt
- D) Other potential locations for strategic employment
- E) 'Other' key employment sites.⁴⁹⁵

364. CPRE contends that supply is understated because it discounts potential windfalls. That is factually incorrect. The analyses for categories (C) and (D) identify and give reasons for discounting potential adventitious sites. Once that issue is discounted, it appears that CPRE and the Councils broadly agree about the number and location of large good quality sites for B2 and B8 which might be alternatives to the development, if it existed today. Therein lies the fundamental flaw in CPRE's approach. The Councils accept that the Zone A market area is served by some large sites for B2 and B8 uses. However, if planning permission is granted, Zone A would not come on stream before 2017. In the interim (as shown below) the supply of sites will be all but exhausted. Consequently, the

⁴⁸⁹ Respectively Mr Ireland - LPA1/1 para 6.22 onwards; Mr Allen – APP1.1 sections 7.0 & 8.0

⁴⁹⁰ Mr Symes

⁴⁹¹ APP1.1 section 1.0

⁴⁹² LPA1/1 section 2

⁴⁹³ Cross-examination of Mr Symes

⁴⁹⁴ TCG5/2 Appendix 16

⁴⁹⁵ LPA1/1 pp56-73

'alternatives' identified by CPRE are not alternatives at all; they are merely part of an insufficient supply.

365. There is a robust measure of the severe shortage of good quality B2/B8 sites. Based on the average take-up of premises for B2/B8 units in the Zone A market area, the stock of land and premises that is available to the market and capable of accommodating uses requiring more than 9,290sqm of floorspace will be exhausted in just 1.9 years (1.8 years if Banbury is included in the market area).⁴⁹⁶ Taking a broader view, the picture of the rate at which large B2/B8 sites, including those that are 'in the pipeline', are likely to be built out is stark: a year after the proposal is planned to commence, only DIRFT 3 is likely to contribute significantly to supply.⁴⁹⁷ No comfort may be drawn from this. Setting to one side the absence of choice, DIRFT 3 is relatively remote from the A45 and A46 corridors and areas of high unemployment in Coventry. It is also targeted at companies that wish to develop national distribution centres. The employment land supply situation is therefore critical now.

366. The picture is clear, but the objectors continue to dispute the need for the proposal. This is because they fall into the error of planning for today rather than the future. CPRE's economic witness agreed that the adequacy of supply is a function of the stock and flow of employment land. He also conceded he had produced no evidence about the rate of attrition of the sites that he and the Councils identified as comprising the existing and pipeline supply.⁴⁹⁸ That is surprising: the national Planning Practice Guidance flags up the importance of analysing supply and demand to identify any quantitative or qualitative mismatch. The disregarding of that advice by CPRE's witness means he is unable objectively to dispute or even engage with the Councils' and applicant's evidence that the existing supply will be consumed in the next few years.

367. That evidence is likely to be robust for three reasons.

- i) First, the take-up rates are probably suppressed by the effects of a deep recession.⁴⁹⁹
- ii) Second, since 2011 development is likely to have been hindered by the absence of up-to-date local plans in any part of the LEP area except Rugby.
- iii) Third, the bald comparison of quantitative supply and demand for B2 and B8 uses takes no account of the effect of market segmentation and the particular focus of sites that comprise the putative supply, notwithstanding that in most cases this is more restricted than permitted by the various planning permissions. This issue is central to the assessment of need.⁵⁰⁰

368. The evidence of the Councils and applicant is therefore to be preferred.

CPRE's witness does not have the expertise or detailed market knowledge that is required to undermine their conclusions, which have been carefully researched over many months.

⁴⁹⁶ LPA1/1 paras 5.95-5.98; LPA1/5

⁴⁹⁷ LPA1/3 Figure 2

⁴⁹⁸ Cross-examination of Mr Yates

⁴⁹⁹ Cross-examination of Mr Yates

⁵⁰⁰ B.25 para 2a-033-20140306

The need for the Zone B component: B1b/c floorspace

369. The case for the development of the technology park was set out eloquently by TCG's economic witness as follows:

*"Zone B is an attractive thing to develop on its own. It avoids a lot of cash. A credible case can be made for a technology park. Take out the hotel and car showrooms it makes sense. Coventry University will go there. There seems to be a demand.....It is almost no contest that Zone B looks a relatively coherent and attractive proposition. I don't understand the need for an hotel and shop, but subject to that, it could be a very coherent development."*⁵⁰¹

370. The witness is an eminent development economist. Whilst the Councils do not agree with what he says about the hotel and car showrooms, the expert opinion he expresses on the merits of the technology park deserves to be accorded substantial weight.

371. In the circumstances, it is not necessary to delve deeply into the competing evidence of the Councils and CPRE. The key point to emphasise is that even were CPRE right to ignore the clear differentiation of the market offer of Ansty, Lyons Park and Whitley Business Park (and it is not), it again overlooks the issue of stock and flow. The failure to analyse demand means there is no answer the Councils' conclusion that, when the development of Zone B is planned to commence, there will only be two year's supply of good quality B1b/c land in the Coventry area.⁵⁰²

372. In reality, supply is, and is likely to remain, far more limited than that. With respect to the relatively small number of 'alternative' sites, the evidence is that:

- i) The HCA has resisted the introduction of B1(c) manufacturing uses at Ansty.⁵⁰³
- ii) Whitley Business Park's offer is focused on B1a offices.⁵⁰⁴
- iii) Lyons Park is marketed primarily for B2 users engaged in heavy manufacturing rather than B1 floorspace.⁵⁰⁵ Even if it has the potential to accommodate B1b/c users that is likely to be limited to the very short term; a recent surge in interest for the site by B2 users indicates it likely to be built out by 2017.⁵⁰⁶
- iv) It is unrealistic to regard Friargate as an alternative to Zone B. A good part of the scheme will be occupied as offices by the City Council and the Royal Institution of Chartered Surveyors.⁵⁰⁷ Although Coventry University has indicated it may take some space to provide incubation units for micro businesses, the site cannot provide the kind of large scale B1c production facilities or grow on space that would be provided on Zone B.

⁵⁰¹ Re-examination of Mr Roe

⁵⁰² LPA1/3 p15

⁵⁰³ LPA1/3 para 6.6

⁵⁰⁴ LPA1/1 paras 6.33-6.39; LPA1/3 paras 6.11-6.13

⁵⁰⁵ LPA1/1 paras 6.143-6.146

⁵⁰⁶ LPA1/3 paras 6.9-6.10

⁵⁰⁷ Ireland, oral evidence in chief; LPA1/3 para 6.17

373. The factual accuracy of (i) to (iii) has not been questioned. It follows that there is a strong case for arguing that Zone B is required now. That is certainly the view that has been expressed on behalf of Coventry University:

*"The current Coventry University Technology Park and our planned development at Ansty, does not permit the development of any manufacturing or light industry buildings or uses. Indeed this combination of facilities does not really exist at all in the city and is a significant opportunity for growth."*⁵⁰⁸

374. Evidence of the need for Zone B is compelling.

The number of jobs that would be generated by the proposal

375. The principal dispute about job numbers is whether the warehousing component of Zone A would be likely to yield a significant number of jobs.

376. The Councils' economic witness has calculated the jobs the scheme would generate using the HCA's methodology.⁵⁰⁹ This is the 'industry standard', and there is no credible alternative approach.⁵¹⁰ That is not challenged, and no alternative has been advanced. An inherent uncertainty attaches to the application of average densities when the amount and the user of new floorspace are unknown.⁵¹¹ Nevertheless, it is possible to make a sensible estimate of how many jobs would probably be created by Zone A. TCG's economic witness agreed⁵¹² that his calculation of a 60% probability that 90% occupancy of Zone A would deliver less than 2500 jobs⁵¹³ also means it is more likely than not that Zone A would create up to 2500 jobs. Comparing this with the calculation of the Councils' economic witness⁵¹⁴, after stripping out from this the multiplier used to calculate indirect jobs and adjusting for the assumption of 100% occupancy, this would produce about 2500, so that the figures are only "*a couple of hundred jobs apart*"⁵¹⁵.

377. TCG's economic witness argued that his assessment is stated to be subject to a range of uncertainties, referring to an earlier document⁵¹⁶. In fact, the whole point of the probability distribution in his assessments is to grapple with uncertainty by explaining what is and is not likely. His work confirms that the Councils' assessment is likely (but not certain) to be right.

378. This assessment of the total number of jobs that could be created is unchallenged except for two contentions:

- i) Existing and approved development sites would absorb more than double the number of all unemployed workers in Coventry and Warwick.⁵¹⁷
- ii) The development would displace existing jobs.

⁵⁰⁸ APP1.4

⁵⁰⁹ LPA1/1 section 8

⁵¹⁰ Evidence in chief of Mr Ireland

⁵¹¹ Cross-examination of Mr Ireland

⁵¹² Cross-examination of Mr Roe

⁵¹³ M.7 p27

⁵¹⁴ LPA1/1 p101

⁵¹⁵ Cross-examination of Mr Roe

⁵¹⁶ M.2

⁵¹⁷ TCG1 p8 para 1.3.0 k

379. The first of those points falls away once it is recognised that the proposal responds to the need for jobs that is generated by the forecast increase in the city's working age population. That is not challenged, nor is the Councils' evidence on the scale of displacement of existing jobs⁵¹⁸ and that displacement tends to stimulate "*significant investment and support value added and productivity*"⁵¹⁹.

380. In summary, there is compelling evidence that the proposal has the potential to create up to 7,800 jobs. If planning permission is refused, that potential would be lost.

The development's potential to promote the regeneration of Coventry

381. Nearly half of all the LEP area's unemployed and employment deprived persons live in Coventry.⁵²⁰ Those problems are concentrated in the north-east and south-east of Coventry. Whilst other parts of the LEP area also suffer from significant worklessness and deprivation, the absolute and relative scale of the problems in Coventry dwarf those found in neighbouring districts, even in the north of the LEP area.

382. The site is strategically positioned to tackle unemployment and economic deprivation. Businesses located there would be proximate to the region's largest pool of labour, which would be drawn primarily from adjoining areas of Coventry to the north and (to a lesser extent) the higher skilled workforce of the south.⁵²¹

383. TCG nevertheless contends that the occupiers of Zone A would be unable to attract a workforce. CPRE argues that regeneration ought to be focused on Nuneaton and Bedworth. Both assertions are wrong.

384. Although most of the site is in Warwick District, the whole of the city centre and south-east Coventry, and many of the city's more deprived suburbs in its north-east sector, lie within a 5km radius of Zone B.⁵²² The site sits within a strategic transport corridor. The Section 106 agreement would secure a bus rapid transit route and the extension of an existing bus service into the application site for a period of 10 years.⁵²³ Having regard to the sheer size of Coventry's population, and the site's potential accessibility by car and sustainable modes of transport, it is simply implausible and unsupported by the facts to argue that employers would be unable to attract workers to this highly accessible location.

385. Nuneaton and Bedworth must of course be regenerated, but that will take place alongside the regeneration of Coventry. It is notable that Nuneaton's need for large, good quality sites will be met by developing land in the Green Belt as extensions to Bermuda Business Park.⁵²⁴ That development would reduce out commuting from Nuneaton. Only about 4% of the current proposal's employees

⁵¹⁸ LPA1/1 p101 Appendix D

⁵¹⁹ Evidence in chief of Mr Ireland, referring to C.21 para 9.68

⁵²⁰ LPA1/3 pp5-6 Tables 1 & 2

⁵²¹ LPA1/3 paras 3.10-3.11

⁵²² A.133 pdf p37 Figure 5

⁵²³ P.8

⁵²⁴ CPRE2/1 paras 137-139

would be drawn from that District.⁵²⁵ The risk that the development might harm the regeneration of Nuneaton may thus be discounted.

386. The population of the LEP area is forecast to grow by about 200,000 persons over the next 15 years.⁵²⁶ If existing and pipeline employment sites are built out, worklessness and deprivation in Coventry will be exacerbated after 2017-2018 unless the development is provided.

The unlocking of 3,500 jobs at Whitley Business Park

387. Whitley Business Park was granted planning permission in 2001. It was thought likely to create about 2500 jobs.⁵²⁷ The Highways Agency objected to the formation of an access to the south of the site from the A45 at Festival Island. However, planning permission was granted for that component of the scheme. The owners have been unable to negotiate a Section 278 agreement with the Highways Agency.⁵²⁸ There is no evidence that this difficulty can or will be resolved. As a result, development has been restricted to the northern end of the site, and only about 500 jobs have been created.⁵²⁹ None of those facts are disputed.

388. Coventry City Council is due to commence works during the summer at Whitley junction to provide a new bridge across the A444 and improvement to the junction of the bypass with the A4114 London Road. These works would significantly improve access to the Whitley/Jaguar site. Together with the Highways Agency Tollbar scheme, this will provide significant additional capacity to the strategic local highway network in the vicinity of the site.⁵³⁰

389. The current scheme would create an access into the southern part of Whitley Business Park. That would avoid the need to construct an access via Festival Island. The proposal would maximise the economic benefit arising from the substantial investment of public money in the committed Whitley and Tollbar schemes through the provision of complementary additional infrastructure investment. This would deliver substantial benefits to the sub-regional economy by helping to unlock the currently stalled but consented Whitley Business Park site and through the competitiveness benefits arising to existing businesses including Jaguar Land Rover and companies on the Middlemarch Business Park and Stonebridge Industrial Estate.⁵³¹

390. Application of HCA floorspace densities to the areas that are specified in the reserved matters approval for Whitley Business Park produces about 3,500 jobs over the remainder of the site.⁵³² In the absence of any evidence that it is possible to resolve the 13 year old impasse in the provision of an access from Festival Island, the number of jobs that would be created indirectly by the grant

⁵²⁵ LPA1/3 p6 Table 3

⁵²⁶ C.34 p9

⁵²⁷ LPA4/2 Appendix 3 Inspector's report para 109

⁵²⁸ Evidence in chief of Ms Darke

⁵²⁹ Evidence in chief of Mr Ireland

⁵³⁰ LPA4/1 paras 3.101-3.102

⁵³¹ LPA4/1 paras 3.101-3.102

⁵³² Evidence in chief of Mr Ireland

of planning permission would increase from 200 to about 3,700. That benefit ought to be given substantial weight.

Miscellaneous matters

Synergy

391. Objectors assert that there would be no synergy between Zones A and B. This appears to be linked with a suggestion that either or both components could be accommodated within the urban area of Coventry. However, none of those who oppose the scheme have identified a site within Coventry's urban that could meet the (unchallenged) criteria for the development.⁵³³ In any event, there would be a synergy between the Zones.⁵³⁴ Although B8 users might not form strong links with businesses in the technology park, the introduction of a spread of uses across the site would probably be healthy.

Viability

392. The proposal is led by highly experienced individuals with a long track record of delivering logistics parks and other commercial development. The applicant's witnesses gave evidence that they have carried out assessments of the viability of the scheme. That is unsurprising: several million pounds have already been invested in its success. The probability is that the scheme is and will be viable. The Councils have no evidence to the contrary, and the objectors' concerns amount to speculation. In the circumstances a viability assessment is unnecessary.

Summary of the economic benefits of the development

393. Although the provision of land and buildings does not guarantee economic activity or new jobs, the kinds of activities and employment that would be associated with the development will not be realised at all if the supply of land is constrained. Supply is already too low. The development would therefore:

- Avoid the economic growth of Coventry and the LEP area being choked-off after 2017;
- Deliver about 7,600 direct FTE jobs and between 200 and 3,700 indirect FTE jobs.
- Demonstrably assist the regeneration of the largest area of deprivation in the LEP area.

394. Those benefits are of such a scale that they ought to be accorded great weight, especially in the light of the coincidence of the job estimates of the Councils' and TCG's economic witnesses for warehousing in Zone A and the latter's support for Zone B. They constitute very special circumstances that outweigh the proposal's inappropriateness and the other harm it would cause.

The Extent of Harm Caused to the Green Belt

395. The proposal would encroach on the countryside and extend the built up area of Coventry, and openness would be reduced. This would cause significant but

⁵³³ LPA1/1 p54 Figure 12

⁵³⁴ Evidence in chief of Mr Ireland

not insuperable harm.⁵³⁵ That conclusion is indicated by five important considerations:

- i) In 2009 a Joint Green Belt Review found the site lies within one of the least constrained areas of Green Belt around Coventry.⁵³⁶
- ii) The potential of the Green Belt to accept the development without fundamentally undermining its function is indicated by Warwick Council's decision to allocate the site for employment use in the submission draft Local Plan.⁵³⁷
- iii) The most important purpose of the Green Belt in the vicinity of the site is to prevent the coalescence of Bubbenhall and Baginton with the main built-up area of Coventry. The scheme would secure that objective, with a gap of about 240m generally maintained between Coventry and Baginton. The gap narrows to about 60m in the vicinity of Oak Close.⁵³⁸ However, little change would be perceived on the ground: Airport buildings already intrude on Oak Close, and the scheme would essentially replace and slightly augment existing built development.
- iv) The proposal would not cause substantial harm to the settings of Baginton or Bubbenhall. Baginton is already viewed against the backdrop of the Airport.⁵³⁹ Any additional impact would be mitigated by landscaped bunds. These are not inappropriate development, and would also serve to create a clear defensible barrier to further built development.⁵⁴⁰ There would also be little impact on Bubbenhall, with the village and its Conservation Area more than 600m from proposed buildings in Zone A.
- v) The scheme would not harm the regeneration of Coventry; only the proposed car showrooms and possibly the hotel would be likely to locate on an alternative site in the urban area.⁵⁴¹

396. On this basis, the Councils are satisfied that the potential economic benefits of the scheme outweigh the significant but less than strategic harm that would be caused to the Green Belt.

Impact on Highways Infrastructure

397. The applicant prepared a comprehensive Transport Assessment.⁵⁴² The forecast of traffic generated by the development was derived without taking account of any reduction of movements associated with the implementation of the Travel Plan.⁵⁴³ Based on that assessment, the Highways Agency does not object to the impact of the development on the Trunk Road network.⁵⁴⁴ The package of works the applicant proposes to carry out or fund by way of the Section 106 agreement for off-site improvements (including the provision of bus

⁵³⁵ LPA3/1 para 58

⁵³⁶ H.1; LPA3/1 paras 41-42 [the bulk of the site is in identified parcel 10a]

⁵³⁷ P.5

⁵³⁸ LPA3/1 para 48

⁵³⁹ LPA3/1 para 54

⁵⁴⁰ LPA3/1 para 37; B.1 para 90

⁵⁴¹ LPA4/1 paras 6.40 onwards

⁵⁴² A.131

⁵⁴³ LPA2/1 para 4.5; evidence in chief of Ms Archer

⁵⁴⁴ LPA6

infrastructure works)⁵⁴⁵ would result in nil detriment when assessed for a future design year of 2022.⁵⁴⁶ Although objectors question the use of a nil detriment test and the choice of design year, the conclusion that the scheme would cause no detriment in 2022 has not been challenged.

398. Therefore it may safely be concluded that the development would not cause harm to the safe and efficient operation of the highway infrastructure.

Accessibility by Sustainable Transport

399. The site is within 4km of the dense network of local and inter-city services provided by Coventry Station, and within 5km of the central bus station at Pool Meadow. The Section 106 agreement guarantees that the development would be served for a period of 10 years by a high quality bus service comprising:

- A dedicated high frequency bus rapid transport route from the city centre (including the station), which would run 7 days a week;
- The extension of a cross-city bus route into the site;
- The provision of dedicated commuter services to cater for employees travelling from further afield and shift workers.⁵⁴⁷

400. There is no evidence to demonstrate that the bus services would not be financially viable in the long term. In any event, modal shift would be promoted by a comprehensive package of measures implemented through the Travel Plan which would support the use of public transport, limit car parking on site and prevent parking on surrounding highways.⁵⁴⁸

401. The site would also be accessible to cyclists and pedestrians. The Section 106 agreement makes provision for a £2.5m cycling and walking fund. That would be used to improve access to and from the site to adjoining residential areas and north into the city centre.⁵⁴⁹ The adequacy of the funding for these works and the effectiveness of the arrangements that are proposed are not challenged.

402. The proposals contained in the Travel Plan and guaranteed by the Section 106 agreement are comprehensive, and tried and tested. There is no reasonable room for doubt that the development would be well served by a variety of sustainable modes of transport.

Other Material Considerations

403. Particular regard should be had to the following matters:

- The provision of a country park
- The remediation of damaged and derelict land
- The impact on the Lunt Fort
- The impact on wildlife.

⁵⁴⁵ P.8

⁵⁴⁶ LPA2/1

⁵⁴⁷ P.8

⁵⁴⁸ A.133

⁵⁴⁹ LPA2/2 Figures 2 & 24

404. The provision of the countryside park would open up about 105ha of Green Belt to the public for recreation. It offers the potential to link the Sowe Valley corridor with the Coventry Way and Centenary Way long distance footpaths.

That accords with the aim of the NPPF to enhance the use and appearance of the Green Belt. Although the park is intended to mitigate the impact of development on the Lunt Fort and Baginton, it would provide significant benefits that weigh in favour of the scheme.⁵⁵⁰

405. The scheme would also result in the remediation of around 80ha of derelict and damaged land.⁵⁵¹ The land that would be reclaimed all falls within the NPPF's definition of previously developed land.⁵⁵² Warwick Council's pollution control officer has made clear that there is no scope for the Council to compel Severn Trent to remediate the sewage treatment works.⁵⁵³ The improvement and re-use of the land would accord the NPPF⁵⁵⁴, and would be unlikely to take place without the development. This element of the proposal also weighs in favour of the scheme.

406. Zone B would introduce built development into views to the north-east of the Lunt Fort Scheduled Ancient Monument.⁵⁵⁵ However, the nearest buildings would be a quarter of a mile away and screened in part by bunds. The country park would afford public views back towards the ramparts, and the Section 106 agreement makes provision for a financial contribution to enhance the Fort.⁵⁵⁶ English Heritage does not object to the scheme. On balance, the proposal would cause less than substantial harm, which would be mitigated effectively. The impact on the Lunt Fort is therefore broadly neutral.

407. The proposal would be likely to have some short term negative impacts on some local wildlife sites and the Brandon Marsh SSSI. The applicant has provided compelling evidence that this harm would be mitigated on site and by biodiversity off-setting. The Councils adopt that evidence and are satisfied no material harm would be caused to ecological interests. The overall impact is therefore neutral or positive.⁵⁵⁷

The Planning Balance

408. The proposal would extend the built up area of Coventry and encroach on countryside in the Green Belt. However, this part of the Green Belt is able to accommodate change. Although the development would harm the Green Belt, it would continue to function satisfactorily.

409. That harm would be offset by the economic benefits associated with the development. The site would be of a very high quality. It is well positioned to capture mobile investment and retain local businesses to deliver jobs in manufacturing, especially AME, and logistics. That would probably create about

⁵⁵⁰ LPA4/1 para 4.1 onwards

⁵⁵¹ LPA4/1 para 5.2 onwards; LPA4/2 Appendix 18

⁵⁵² LPA4/2 Appendix 18

⁵⁵³ LPA4/2 Appendix 12 E-mail Jenkins to Horsman dated 24 January 2014

⁵⁵⁴ B.1 para 81

⁵⁵⁵ LPA4/1 paras 5.36 onwards & 6.20 onwards

⁵⁵⁶ APP10.11

⁵⁵⁷ LPA4/1 paras 5.22 onwards & 6.28 onwards

7600 direct FTE jobs, 200 indirect jobs and could lever 3500 more at Whitley Business Park. The boost to employment would help to regenerate south-east and north-east Coventry. It is potential that would be lost without the development. New and expanding businesses require land and premises, and the supply of other large, good quality sites will be all but exhausted by the time the development could be brought on-stream. The economic argument is compelling. It aligns with the Plan for Growth, Part 1 of the NPPF, the LEP's 5 Year Plan and SEP, and the submission draft Warwick District Local Plan.

410. Other material considerations generally weigh in favour of the proposal, or do not tip the balance one way or the other.

411. The objectors' failure to recognise that the modern planning system should be used to find solutions to problems and proactively support economic growth has blinded them to the scheme's merits. These are both manifest and impressive in scale. The grant of planning permission is therefore invited.

THE CASE FOR THE CAMPAIGN TO PROTECT RURAL ENGLAND

Lack of Consistency with the Development Plan

412. The Local Planning Authorities have confirmed that Warwick District has sufficient land to meet its local employment needs.⁵⁵⁸ According to the latest version of the emerging Local Plan, "*the District has a good range of land within its employment portfolio*".⁵⁵⁹ An analysis of adopted Local Plans shows that there is an overall excess of available employment land across the Coventry & Warwickshire Local Enterprise Partnership area.⁵⁶⁰ Policies in adopted plans remain relevant (providing they do not conflict with the NPPF) unless they are time-limited or have not been saved.

413. If approved, the proposal would hinder implementation of other plans in the area. It would encourage more out-commuting from Nuneaton and Bedworth; exacerbate over-supply of employment land in Rugby; and also undermine the objectives of Stratford-on-Avon and North Warwickshire Councils to reduce levels of commuting. The addition of 97ha of employment land would compete with existing sites, undermining their completion and conflicting with many development plan policies. It would also add to the need to travel and hinder policies on urban regeneration.⁵⁶¹

414. Although the combined Development Plans for the Local Enterprise Partnership (LEP) area show that there is no need for more employment land, the applicant and the Councils claim that the proposal is to meet a sub-regional need. With the abolition of regional plans, and specifically the RSS, Development Plans do not establish or propose targets for such needs.

415. As set out below, there is no clear evidence that there is a sub-regional need. On the contrary, the abolition of the RSS has left ex-regional sites, such as Birch Coppice and Ansty Park, excluded from Development Plans despite these sites

⁵⁵⁸ Evidence in chief of Ms Darke

⁵⁵⁹ B.26 section 3.13

⁵⁶⁰ CPRE2/1 section C, summarised in the table on p19

⁵⁶¹ CPRE2/1 section C; para 74

having substantial amounts of available employment land.⁵⁶² Were these large sites properly taken into account, there would be a greater excess of employment land available.

416. The proposal is contrary to the adopted local plans across the LEP area and in places would undermine the implementation of local plans.⁵⁶³ The Councils' planning witness accepted that the proposal does not comply with policies of the adopted plans of Warwick District and Coventry City.⁵⁶⁴ This includes policies not specifically identified as relevant by the Councils, such as Coventry's policies on Warehousing (E12) and Industrial/Commercial Buildings in the Green Belt (GE7); and Warwick's policies on Directing New Employment (UAP2) and Car Showrooms (UAP6). She also confirmed that the proposal does not comply with the Sequential Test for town-centre uses such as hotels.⁵⁶⁵ There is no evidence that the proposal complies with the national Planning Practice Guidance, which states that: "*it is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission).*"⁵⁶⁶ The applicant has failed to demonstrate compliance.

417. The proposal does not comply with the Development Plan or national guidance. Approval would be contrary to the plan-led planning system.

Unsound emerging Local Plans

418. In their attempts to establish new Local Plans, Coventry City and Warwick District Councils have made major changes between various versions of emerging plans, even as late as after completion of Examination in Public.⁵⁶⁷ This record makes clear that it would be very high risk to place any significant weight on any version of these emerging plans. Further consultation is necessary in both cases and there are major unresolved issues, some of which have provoked great controversy.

419. The Councils state that the Warwick Revised Development Strategy accepted that land for the application proposal would be amongst that to be released from the Green Belt.⁵⁶⁸ Such proposed Green Belt release provoked protest across District. It seems certain that when the latest version of the draft plan starts consultation in mid-May, there will be a further wave of objections. At a later date, there will be an Examination in Public at which many of these views will be heard and the independent Inspector will no doubt take a view. It is by no means certain that the plan will survive to adoption in anything like its present form.

420. If approved, the proposal would cause a massive oversupply of employment land in Warwick District. 97ha of employment land completely dwarfs the emerging plan's small allocations of brownfield land, and is inconsistent with the

⁵⁶² CPRE2/1 paras 30 & 21

⁵⁶³ CPRE1/1 section B; CPRE2/1 section C

⁵⁶⁴ Cross-examination of Ms Darke

⁵⁶⁵ Cross-examination of Ms Darke (referring to the Sequential Test in the Planning for Town Centres guidance (C22) at the time the Councils considered the applications)

⁵⁶⁶ B.25

⁵⁶⁷ CPRE2/1 sections C.5 & C.6

⁵⁶⁸ LPA 3/1 paragraph 59

Council's criteria for directing new employment development to urban areas. The emerging plan falsely claims an increased need for employment land when there is actually an excess.⁵⁶⁹

421. The Councils' planning witness accepted that development of the site could lead to further pressure for housing development in Warwick District.⁵⁷⁰ A self-reinforcing spiral could develop, with employment and housing development driving each other, leading to the inevitable loss of further Green Belt. There is already evidence of such an approach in the Strategic Economic Plan (SEP).⁵⁷¹
422. There is no evidence that 'a sub-regional employment site' has been supported in the most recent version of the emerging plan after a process of Sustainable Appraisal of the application option against reasonable alternatives. As specified in the national Planning Practice Guidance⁵⁷², reasonable alternatives should be identified and considered at an early stage and sustainability appraisal must be carried out including of alternatives, considering environmental, economic and social objectives⁵⁷³. Failure to do this means that the proposal does not comply with the Strategic Environmental Assessment Directive (2001/42/EC).
423. Coventry's emerging plan is even more uncertain, with no proposal visible.⁵⁷⁴ The Inspector's report on the 2009 Coventry Core Strategy found no need to allocate any additional employment land outside the city boundary, over and above that available at Ryton, to meet the overall economic objectives of the Core Strategy.⁵⁷⁵ The 2012 Core Strategy also found no need to identify new employment land.⁵⁷⁶ The proposal would undermine the regeneration of Coventry. The site is outside the urban area of the Coventry and Nuneaton Regeneration Zone and does not meet the defined criteria of a Regional Logistics Site of the RSS.⁵⁷⁷

Harm to the Green Belt

424. As the applicant acknowledges, the NPPF "sets a high test for development in the Green Belt and attaches great importance to Green Belts".⁵⁷⁸ The applicant's claim that "*the principle of Green Belt release around Coventry to meet employment needs is not in doubt*"⁵⁷⁹ is not accepted.
425. The Councils assess that "*the proposals would cause significant harm to the openness of the Green Belt*".⁵⁸⁰ They accept that there would be significant harm in respect of two of the five purposes of the Green Belt and a lesser degree of harm to two others. However, that assessment greatly under-estimates the impact on the Green Belt, as set out below.
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⁵⁶⁹ CPRE2/1 section C.6

⁵⁷⁰ Cross-examination of Ms Darke

⁵⁷¹ C.34

⁵⁷² B.25 p548 (ID 11-001-20140306) & p558 (ID 11-017-20140306)

⁵⁷³ B.1 para 152

⁵⁷⁴ CPRE2/1 section C.5

⁵⁷⁵ B.4 sections 3.39, 3.42, 3.45

⁵⁷⁶ B.6 sections 3.15, 8.10, 8.13

⁵⁷⁷ CPORE2/1 paras 48-49

⁵⁷⁸ APP10.1 para 7.3

⁵⁷⁹ APP10.1 para 7.55

⁵⁸⁰ LPA3/1 para 7

426. The applicant repeatedly contends that Coventry is completely encased by Green Belt and "*tightly constrained in every direction by Green Belt*".⁵⁸¹ The Councils similarly argue that "*the urban area of Coventry is tightly constrained by Green Belt and therefore development within the Green Belt on the edge of the urban area will be necessary to meet the growth needs of Coventry and the sub-region*".⁵⁸² These claims are not accepted because:

- There is not continuous Green Belt around Coventry but a gap between Coventry and Bedworth. There is also very little Green Belt between Bedworth and Nuneaton. The Green Belt does not tightly constrain the built-up areas of those settlements.⁵⁸³
- It has not been proven by the applicant or the Councils that, if there is to be an employment site to meet sub-regional needs, it must be on the edge of the urban areas. Unless this can be established, development beyond the Green Belt is preferable in policy terms to development within the Green Belt.

427. The proposal would also create a precedent for further development in the Green Belt. The process described by the Councils (referring to Whitley Business Park and Ansty Park) shows how one inappropriate development in the Green Belt can act as a precedent for another.⁵⁸⁴ The applicant similarly argues that there is already a well-established pattern of releasing Green Belt land for development in this area.⁵⁸⁵ Were the proposal to be approved, it would doubtless be quoted in a few years' time as a precedent for further encroachment into the Green Belt in the area south of Coventry.

428. The applicant has put forward arguments relating to the current Green Belt having a "*ragged edge*" and having "*an urban feel*". Neither of these arguments has any grounding in planning policy; they are merely subjective assessments.

429. The applicant's case has not been consistent, varying between the claim that the proposal is the only solution, it is the best solution, there is the need for a substantial margin of choice of sites, and that the site and all other sites are required to meet needs. If the argument for a substantial margin for choice is accepted, some employment sites would not be developed at all or only partially developed by the end of the SEP period. In that case, the proposal site would still be competing against other sites. If some urban sites were not developed in full, urban regeneration would have been undermined by the proposal.

430. The NPPF states that "*sufficient*" employment land should be made available.⁵⁸⁶ In the context of housing, it identifies that an additional buffer of 5% would ensure choice and competition in the market for land.⁵⁸⁷ There is no evidence that there is a need for further choice for employment land; even if there were, that would not justify inappropriate development in the Green Belt.

⁵⁸¹ APP10.1 para 7.48; cross-examination of Mr Rech

⁵⁸² LPA3/1 para 8

⁵⁸³ APP10.9 and TCG-R1

⁵⁸⁴ LPA3/1 para 60

⁵⁸⁵ Evidence in chief of Mr Rhodes

⁵⁸⁶ B.1 paras 7 & 17

⁵⁸⁷ B.1 para 47

431. The Government has repeatedly reaffirmed its commitment to protect the Green Belt; for example, recent ministerial statements (in the context of housing) about unmet need alone being unlikely to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt.⁵⁸⁸
432. The applicant claims that the omission of a reference to employment needs in these statements is significant.⁵⁸⁹ The assertion would lead to erosion of the Green Belt in the way the Government is seeking to prevent. Planning permission for employment development in the Green Belt would probably be followed by applications for housing development nearby in the Green Belt.⁵⁹⁰ Employment development would thus act as a 'Trojan Horse', leading to pressure for housing development in the Green Belt, contrary to Government policy. Such an interpretation should therefore be rejected.
433. In their current state, land uses on the site such as the former sludge lagoons, landfill sites and test track do not significantly damage the openness of the Green Belt. Coventry Airport consists predominantly of open land and there is no current proposal to change that situation. The Rugby Club is also predominantly open land and constitutes appropriate development in the Green Belt. The Green Belt in this area makes a substantial contribution towards safeguarding open countryside, and not just "*some contribution*" as contended by the Councils.⁵⁹¹
434. Narrow strips of Green Belt, such as that between the A45 Stonebridge Highway and Rowley Road, are of particular value in restricting urban sprawl. The Councils refer to a "*narrow strip of Green Belt... between the Whitley Business Park and the A45*", and claim that the area to the rear of Oak Close, Baginton is "*part of the Green Belt that is already intruded upon by urban features*".⁵⁹² The implication is that these areas are somehow less valuable. In fact, conversely, areas of Green Belt such as these are particularly valuable because of their very narrowness and vulnerability.
435. The applicant makes exaggerated claims in relation to the Joint Green Belt Review of 2009.⁵⁹³ There is a key parcel of land between Rowley Road and the A45 Stonebridge Highway that is of critical importance for the Green Belt.⁵⁹⁴ This satisfies all five objectives of the Green Belt and was assessed as having "*strategic importance as a gap between Stoneleigh, Kenilworth, Coventry and the airport*"⁵⁹⁵. It is essential to protect this strategically important gap in its entirety and not to allow part of it to be built upon as a large part of Zone B in the proposal. To the south of Coventry, the land is predominantly open and rural in nature with scattered villages such as Baginton, Bubbenhall and Stoneleigh, with the A45 currently presenting a clear boundary between Coventry and the area of Warwickshire near Baginton. With the proposal, predominantly open countryside would be replaced by an urban built form with very large buildings, extending Coventry well into the countryside and compromising the strategic function of

⁵⁸⁸ CPRE1/1 para 5 onwards; CPRE2/2 Appendix A

⁵⁸⁹ APP10.4 para 2.12

⁵⁹⁰ Cross-examination of Ms Darke

⁵⁹¹ LPA3/1 para 52

⁵⁹² LPA3/1 paras 47 & 48

⁵⁹³ H.1

⁵⁹⁴ CPRE1/1 paras 65-67; cross-examination of Mr Rhodes

⁵⁹⁵ H.1 Land parcel C11a/b p136

Green Belt policy to prevent urban sprawl. It would lead to the coalescence of Baginton and Coventry.⁵⁹⁶

436. It is claimed that a Green Belt location is required for roads and junctions because it is necessary to connect with the existing road network.⁵⁹⁷ This is only the case if the highway proposals are accepted uncritically. Highways could have been designed in many different ways, with lesser or possibly no impact on the Green Belt. Claims⁵⁹⁸ that existing accessibility to the Green Belt is limited in the area of the site are also false, since roads and some footpaths provide considerable access to the Green Belt. Sporting and recreational use of the proposed new cycleways and footpaths is likely to be very limited in and adjacent to an area of large-scale urban development.

437. High bunds are needed to try to hide the huge buildings proposed.⁵⁹⁹ These bunds would impact on openness, as illustrated by the concerns raised by English Heritage. There is no good solution to this problem. The Councils suggest that the bunds can be treated as engineering operations.⁶⁰⁰ In reality, they are large-scale, artificial features (up to 12m high, 180m wide, 2.2km long, with slopes of 1 in 3 or more⁶⁰¹) designed to facilitate the encroachment of development into the countryside, and would reduce openness. They constitute inappropriate development in the Green Belt. Bunds should not be regarded as features in the landscape that could legitimately form a permanent new long-term Green Belt boundary as sought by the NPPF⁶⁰²; they could be removed as easily as they are built.

438. It is argued in favour of the proposal that Zone A is far enough away from Bubbenhall not to damage the historic setting of the Conservation Area, and that it would be screened by a bund.⁶⁰³ However there is no support for either argument in the NPPF or the Development Plan. Bunds would only partially screen the view of Zone A from Bubbenhall churchyard, for example.

439. The historic panorama of Coventry as viewed across fields from Rowley Road would be lost.⁶⁰⁴

440. The development would therefore seriously damage the ability of the Green Belt south of Coventry to continue to meet the five purposes of the Green Belt set out in the NPPF. In particular, the proposal would seriously undermine the Green Belt's key characteristics of openness and permanence.

Failed Economic Case

441. The applicant's claim of "*compelling*"⁶⁰⁵ economic evidence in support of the development is mistaken. The central proposition that demand is outstripping

⁵⁹⁶ CPRE1/1 paras 9,12,14

⁵⁹⁷ LPA3/1 para 40

⁵⁹⁸ LPA3/1 para 62

⁵⁹⁹ LPA3/1 para 28; CPRE4/1 section A.2

⁶⁰⁰ LPA3/1 para 37; B.1 para 89

⁶⁰¹ CPRE4/1 para 12

⁶⁰² B.1 para 85

⁶⁰³ E.g. LPA3/1 para 53

⁶⁰⁴ CPRE1/1 para 28

⁶⁰⁵ APP10.1

supply is misleading; the data on which such claims are based is partial and in places wrong. The applicant's methodology is flawed.

442. The NPPF requires Local Planning Authorities to work with LEPs to "*prepare and maintain a robust evidence base.*"⁶⁰⁶ The SEP fails to provide a robust evidence base: a key report is not complete or available.⁶⁰⁷ Without this, the claimed demand numbers appear to be unjustified and untested. Primary responsibility for a robust evidence base remains with the Councils, but they have not analysed the key economic forecasts in the SEP. Unless these forecasts are thoroughly explained, with their strengths and weaknesses discussed, little weight can be attached to them.

443. The SEP's figures on employment land supply indicate that there is a very healthy supply compared with likely demand. It gives a supply of 213ha of employment land without the application site.⁶⁰⁸ However, it also notes that these sites are not an exhaustive list of all available employment sites and that additional sites will continue to be prioritised.⁶⁰⁹ Forecasts of demand are 175ha, 201ha and a 'high growth' forecast of 292ha. Only the latter would mean any stretch at all in reaching it. No 'low growth' forecast is provided. Even including the high growth forecast, the average of all forecasts is 223ha; once sites such as Birch Coppice and Rugby Gateway are added into the supply, the average figure would be met comfortably without the application proposal.

444. Doubts about the SEP's quantitative data are compounded by the LEP's inconsistent treatment of employment sites. Each document it produces seems to have a different list of key sites.⁶¹⁰ There is no evidence on the process used to support the claim that the application proposal is the first priority or essential to meeting the LEP's growth targets. The "*first priority*" tag was added at the eleventh hour, doubtless in an attempt to boost the chances of planning permission being granted.⁶¹¹

445. The SEP identifies its Spatial Justification for Jobs-led Growth as a critical element.⁶¹² This aims to provide local employment opportunities to maintain a jobs-housing balance and provide "*local employment opportunities that may reduce overall commuting distances among residents*". The SEP shows a large disparity between Warwick District and Nuneaton and Bedworth – Warwick District has more jobs than houses, Nuneaton and Bedworth has considerably fewer jobs than houses. Siting the development in Warwick District would be contrary to the objective to address these disparities.⁶¹³ Both the north of Coventry and Nuneaton and Bedworth are in need of regeneration. The applicant's claim that the area has the worst unemployment in the region is

⁶⁰⁶ B.1 para 160

⁶⁰⁷ Variously described as 'Employment Land Review 2014' and 'Employment Land Study' from Atkins; C.24 p29

⁶⁰⁸ C.34 Table on p31

⁶⁰⁹ C.34 p30

⁶¹⁰ E.g. brochure in CPRE6 Appendix 3 compared with draft Strategic Economic Plan of December 2013 (C.27) and Final SEP March 2014 (C.34)

⁶¹¹ CPRE2/1 para 91

⁶¹² C.34 section 3.3

⁶¹³ CPRE2/1 para 75 onwards

factually incorrect; even Coventry's current unemployment rate is slightly below the regional average.

446. The applicant's various claims that the proposal is justified have shifted during the application process. The applicant started by positioning it as a regional site, using regional (RSS) policies to artificially eliminate alternative sites.⁶¹⁴ Both the applicant and the Councils continued to depend on regional policies long after the Government made clear its policy to abolish the RSS. Once the abolition was complete, the development was redefined as a 'sub-regional' site (without changes to the proposal), but the applicant continued to place weight on RSS policies such as the Urban Regeneration Zone.⁶¹⁵ The applicant attempts to explain inconsistencies in its evidence on the market in terms of need and comparative sites by pointing to the change in planning environment⁶¹⁶, but analysis of market need and availability of alternative sites should be independent of the planning approach.
447. During the inquiry the applicant's case again shifted to a position where choice of employment sites was claimed to be necessary.⁶¹⁷ When it became clear that there is no Government policy support for substantial amounts of redundant employment land provision, the applicant's position shifted again, now claiming that all sites are necessary, including the application site and all other identified sites, in order to satisfy need. There is no robust evidence to support this.
448. An example is the applicant's claim that there is a substantial difference between the logistics facilities needed for National Distribution Centres and Regional Distribution Centres. The claimed distinctions are not supported by Government policies or industry analysis.⁶¹⁸ Rail linkage is beneficial to regional as well as national distribution; most occupants of Birch Coppice recognise availability of rail facilities as 'future proofing'.⁶¹⁹ As well as Birch Coppice, DIRFT and Prologis Coventry have rail facilities; the emerging case for redevelopment of the recently closed Daw Mill colliery is also based on continued use of its rail facilities.⁶²⁰ The application site has no prospect of rail linkage, making it an inappropriate one for the very large warehouses proposed – the larger the warehouses, the greater the benefit of rail.
449. The Councils' economic case largely reflects the applicant's. It persisted even longer with emphasis on obsolete RSS policies, for example directing consultant studies to consider policies from a version of the RSS that would never be part of the Development Plan.⁶²¹ There are significant differences in market areas chosen by the applicant's and Councils' economic witnesses as the basis for their respective evaluations of the same Zones. If there is not even agreement on the definition of the market for a Zone, there can be little confidence in the validity of the subsidiary claims based on market area.

⁶¹⁴ A.86; A.24; K.4

⁶¹⁵ APP1.1 p29 Figure 4.1 & para 5.41; CPRE2/1 section B

⁶¹⁶ APP1.1 para 7.80

⁶¹⁷ Evidence in chief of Mr Allen

⁶¹⁸ APP1.2 Appendix 8; C.26; cross-examination of Mr Allen

⁶¹⁹ CPRE2/2 Appendix JJ

⁶²⁰ TP3

⁶²¹ CPRE2/1 section B

450. Transactional data used by the Councils is particularly sensitive to the boundary of the chosen market area. A considerable proportion of the transactions listed were peripheral to or outside the chosen market area, being in Banbury, Birmingham, Staffordshire, Leicestershire and Northamptonshire.⁶²² With a slightly changed market area, the result of the analysis would be completely different. In addition, some data is invalid, and this is not robust evidence.⁶²³

451. Methodologies used for market analysis are also flawed. For example, the demand side of the employment land equation is based on projection of historic take-up rates rather than identification of specific occupiers. This is understandable in light of the speculative nature of the proposal but such extrapolation over a long time period makes forecasts very high risk; this is further compounded because extrapolations are critically dependent on the historic period chosen. In contrast, the supply side of the equation is based only on named large employment sites. This makes no allowance for missed sites, smaller sites, windfalls, more intensive use of existing sites, and similar. Such a biased and distorted approach cannot be justified. This is particularly the case when it is widely recognised that further sites, such as those in urban areas, will become available in the strategic plan period, for example in the evidence base for the Coventry Core Strategy 2012⁶²⁴ and in the SEP⁶²⁵. An earlier example illustrates this point: when the Secretary of State decided to approve Whitley Business Park⁶²⁶, sites such as Ryton (Peugeot), Lyons Park (Jaguar Browns Lane) and Ansty Park (a Major Investment Sites dedicated to GEC/Marconi) were not generally available. They all became available after the Whitley Business Park decision, and all have languished under-utilised since.

452. Adopted development plans include policies to protect employment land from other uses but both Coventry and Warwick District practice to the contrary. There are examples of major employment sites in the urban area being released for residential use and further proposals for this.⁶²⁷ Replacing employment land in urban areas with new employment land outside urban areas, such as the proposal, undermines urban regeneration and conflicts with national and local plan policies.⁶²⁸

453. A review of alternative sites shows that there is a rich portfolio of employment land.⁶²⁹ Many sites offer comparable or superior facilities to those proposed. **Ryton** continues to offer B1/B2/B8 space almost adjacent to the site. **Ansty Park** has B1 space with excellent road links adjacent to Coventry. A recent flexible approach makes it a strong alternative, and it has a track record with the Manufacturing Technology Centre 'catapult centre' for advanced engineering. **Whitley Business Park** has permission for B1/B2/B8 'technology park' use and if this were fully implemented it would be a clear competitor. **Rugby Gateway** is a strong alternative for B2/B8 with good access. **Friargate** is an important

⁶²² LPA1/1 Figure 9; LPA1/4

⁶²³ Cross-examination of Mr Ireland

⁶²⁴ B.6 section 5.17

⁶²⁵ B.34 p30

⁶²⁶ N.3

⁶²⁷ CPRE2/2 Appendices DD & MM; CPRE2/1 paras 67-68

⁶²⁸ E.g. B.1 para 95

⁶²⁹ CPRE2/1 section E; summary table on p41

part of the supply of employment land for B1 in a sustainable location. **Lyons Park** in Coventry could be B1 or B2. **Bermuda Park** is a successful B1/B2/B8 estate in an urban area of Nuneaton with a new station planned, and its proposed extension addresses the 'output gap' of the northern part of Coventry and Warwickshire. **Birch Coppice** has similar characteristics. **MIRA** on Warwickshire's north border has Enterprise Zone status for B1 and has been selected as a catapult centre, making it superior for key sectors.⁶³⁰ **Blythe Valley** Business Park has B1 use including an innovation centre with good road links and substantial space available. **Tournament Fields** is an important part of the portfolio for B1/B2/B8 space.

454. A business and innovation hub does not have to be in a single location. The complete portfolio of available sites should be considered as a whole. Sites should not be rejected as alternative locations just on the basis of existing permissions, since it is likely that more flexibility could be forthcoming, as seen at Ansty Park. There are so many alternatives that the claim of exhaustion of the portfolio seems far-fetched.⁶³¹

455. There is very little evidence of demand to substantiate claims that this outstrips the supply of the type of facilities proposed. The case needs to be proved separately for both Zones A and B.⁶³² There are letters from Coventry University and Jaguar Land Rover, but neither makes any firm commitment to occupancy.⁶³³ Since alternative sites are available, the claimed economic benefits could be realised through those at least as well as through the proposal.⁶³⁴

456. Despite acknowledging a lack of market research on the nebulous concept of 'Hybrid B1', both the applicant and the Councils depend on this as justification for the 'technology park'⁶³⁵. Even were there demand for this, there is no evidence that it could not be accommodated at existing sites with generic B1 permission, such as Ansty Park. There are many examples of mixed use businesses for which the proposed zoning of the development would be too restrictive in practice, such as for businesses requiring hybrid B1/B8 or B1/B2 or B1/B2/B8, which would not be possible within either Zone A or Zone B.⁶³⁶

457. The case also depends on a claimed need for 'grow-on' space for technology park businesses. Such space is, or will be, available over a wide area, for example from Blythe Valley through Coventry to MIRA Technology Park. There is no compelling evidence that the proposal is the only solution, or even the best solution, for any such needs.

458. There is compelling evidence that the north-south divide in the LEP area must be addressed.⁶³⁷ If a line is drawn from east to west through the centre of Coventry, the greatest socio-economic problems lie to the north of that line.

⁶³⁰ CPRE5 Appendix 8

⁶³¹ CPRE2/1 section F

⁶³² CPRE2/1 para 164

⁶³³ A.185; APP1.4; CPRE2/1 para 165

⁶³⁴ CPRE2/1 para 169

⁶³⁵ APP 1.1 para 3.22; LPA1/1 para 1.22

⁶³⁶ LPA1/1 paras 5.105, 5.107; CPRE2/2 Appendix MM

⁶³⁷ C.9, C.10, C.34

Warwick and Stratford-on-Avon Districts south of the line are much more prosperous and have comparatively full employment. It is perverse to propose a logistics park south of Coventry, not easily accessible from the areas of greatest need of employment.

459. There is no synergy between the proposed Zones A and B of the development.⁶³⁸ Businesses that might be attracted to either zone have a wide choice of sites on which to locate. For example, the LEP identifies the A5 corridor as a strategic investment corridor and this includes key sites such as Birch Coppice and MIRA Technology Park. Businesses locating on these sites are well positioned to help to rebalance the north-south divide in the LEP area, providing employment opportunities for the most deprived areas in the north of the area.
460. Although the applicant has put forward arguments about the need for 'critical mass', these are not supported by any evidence. There is therefore no need for a single development of the massive scale proposed. Quite apart from the wide variety of alternatives already available, the employment land portfolio is dynamic with further sites likely to come forward over time. There is no shortage of employment land; the local economy has performed well and is expected to continue to do so.⁶³⁹ The applicant's claim that "*supply is at historically low levels*"⁶⁴⁰ is not supported by evidence⁶⁴¹. Businesses have a wide choice of employment facilities within the LEP area. The proposal would offer negligible additional economic benefit but would have significant environmental impacts as well as causing substantial harm to the Green Belt.

No Justification of Economic 'Very Special Circumstances'

461. The NPPF specifies that inappropriate development in the Green Belt is harmful and should not be approved except in very special circumstances. It defines the three dimensions of sustainable development, of which economic considerations make up just one.⁶⁴² Its economic requirement includes the need to provide sufficient land of the right type in the right place at the right time. This is the starting point for evaluation of 'very special circumstances'.
462. In light of the lack of synergy between zones, individual elements of the proposal must be assessed separately. If this were not done, any element could be added to the development provided it remained a minority in the overall scheme. Therefore, Zones A and B should each require very special circumstances; and the proposed car showrooms and hotel space should also be justified in their own right, as should infrastructure elements such as bunds. There is no evidence to show that showrooms are necessary to support the development or need to be located in the Green Belt; they are designed to be very visible rather than screened.⁶⁴³

⁶³⁸ C.21 para 8.11; APP1.1 para 9.43

⁶³⁹ LPA4/1 para 3.32; B.26 para 3.11

⁶⁴⁰ APP10.1 para 4.3 (last bullet)

⁶⁴¹ APP1.1 p73 Figure 7.6

⁶⁴² B.1 paras 87 & 7

⁶⁴³ CPRE4/1 para 25

463. Were the proposal a detailed planning application for an employment site, evaluation of the right type/right place/right time part of the economic dimension might involve that:

- There is a named employer active in a specific business;
- It decides to invest in a new opportunity and that requires a new location;
- Its business case provides a clear idea of the number of people to be involved on specific tasks and the economic benefits the new venture should bring;
- It knows how large its new facility needs to be;
- It knows why this is the right time for the investment;
- It has funding in place to satisfy financial viability;
- If it has special requirements, it can describe exactly why it needs to be on a particular site and how large its facility should be.

464. In that scenario, there should be sound economic information that could be weighed up alongside the social and environmental dimensions. Additionally, if the chosen site is in the Green Belt, clear evidence would have to be provided that no other site outside the Green Belt could meet the identified needs; that is, what is unique about this site as the location for the new facility?

465. With all that information, it should then be possible to make a reasonable assessment of whether the case for the proposed inappropriate development in the Green Belt could clear the high bar of 'very special circumstances'.

466. By contrast, in the current case:

- The proposal is speculative development, so there is no information about who the employers might be;
- There is no information about what each building would be used for (it could be Research and Development or light engineering; general industry or warehousing);
- The possible number of jobs supported by the proposals relies on 'industry averages' (and there have been many different guesses using the same HCA methodology);
- As there is no clear information on what the output or product might be for any specific building, broader economic benefit cannot really be assessed;
- There can be no confidence that the buildings proposed are the right size or right type for the intended use (because the intended use is not known);
- There is no data on financial viability and deliverability;
- There is no clear evidence of what might make the proposal unique, or very special.

467. This speculative development, with all its uncertainties, thus does not provide the quality of information needed to secure the case for 'very special circumstances'. Heavy reliance on 'reserved matters' compounds the uncertainty and further weakens the case for 'very special circumstances'.

468. Whitley Business Park provides a precedent right next to the site. That proposal over a decade ago made a similar case for a speculative high-tech

business park in the Green Belt, convincing the Secretary of State that lack of land at that time (when neither Ryton, Ansty Park nor Lyons Park were generally available) made the circumstances 'so very special' that outline planning permission was granted.⁶⁴⁴ After many subsequent planning approvals and years of marketing, Whitley Business Park supports only a few small businesses. It is now described by the current applicant as relating to the "*over-supplied out-of-town office market*".⁶⁴⁵

469. Whitley Business Park was speculative development that has clearly failed to fulfil the 'very special circumstances' claimed at the time. There is no reason why this proposal should fare any better; in fact, the reverse is true because of the immense risks and challenges of infrastructure, such as remediation.

470. Other claimed 'very special circumstances' are addressed later.

Massive Scale of Development

471. The scale of the proposed development is an issue that relates to many topics. The applicant's evidence often cites its scale as a reason why environmental impact could not be avoided or mitigated further. It is therefore a cross-cutting issue to be addressed before considering the individual topics.

472. The scale of the proposal, and resultant unavoidable effects, are mentioned in the applicant's evidence on the following:

- Landscape⁶⁴⁶;
- Ecology⁶⁴⁷;
- Noise⁶⁴⁸;
- Remediation⁶⁴⁹;
- Heritage⁶⁵⁰.

473. It is possible that environmental impact could be avoided or reduced were smaller scale development to be considered, either on this site or at alternative locations. During cross-examination, witnesses for the applicant were repeatedly asked whether they had evaluated comparative environmental impacts at alternative sites; none had been involved in assessment of alternative sites. It was also established that the environmental witnesses had not been involved in selection of the site; none were engaged on the project until after the site had been determined.

474. There is no evidence that the so-called mitigation hierarchy⁶⁵¹ has been followed correctly in order to first avoid, then mitigate biodiversity impacts.⁶⁵²

⁶⁴⁴ N.3 especially Decision Letter para 8

⁶⁴⁵ APP1.1 para 9.23

⁶⁴⁶ APP9.1 para 9.61; cross-examination of Mr Rech

⁶⁴⁷ APP8.1 para 7.12

⁶⁴⁸ APP4.1 para 6.57

⁶⁴⁹ APP5.1; cross-examination of Mr Fairley

⁶⁵⁰ Cross-examination of Mr Clemons

⁶⁵¹ B.1 para 118

⁶⁵² CPRE4/1 section B

Comparative environmental impacts of alternative sites have not been assessed. There is no evidence that the proposal complies with the NPPF's requirement⁶⁵³ to plan new development in locations and ways which reduce greenhouse gas emissions. Smaller scale developments, for example in urban locations, may avoid or reduce environmental impacts.

475. The question of alternative scenarios is addressed further in relation to EIA assessment below.

Transport for an Unsustainable Location

476. It appears to be common ground that the site is not a sustainable location as regards access to and from the existing transport system.⁶⁵⁴ The site performs poorly in terms of access to the strategic highway network, public transport access, and cycling and walking.⁶⁵⁵ The issue therefore becomes whether the proposed transport improvements are sufficient to transform this situation and whether they would cause any problems in other respects.

477. In contrast to most of the rest of the proposal, detailed permission is sought for the majority of the highway elements. These are complex, and several significant changes have been made since the planning applications were submitted in 2012.⁶⁵⁶ Not all of these were even discussed with the local highways authorities. Several proposals remain ill-defined and by no means all have been properly environmentally assessed or safety audited. They therefore provide an uncertain basis for the grant of detailed permission. It is also a serious issue that emergency access to the site has not been progressed in parallel with most of the other highway proposals.⁶⁵⁷

478. The applicant has chosen a design year of 2022 on which to base the transport assessment. Since the proposal would take a long time to develop fully, a later design year should have been used, in accordance with the footnote to Circular 02/2013.⁶⁵⁸ Due to the complexity of the scheme, it is possible that the bulk of the development would not even have started by 2022.⁶⁵⁹ This makes the whole transport assessment unsound and misleading. The Tollbar End scheme has a design year of 2031, which makes it impossible to be satisfied that the two sets of proposals are compatible.

479. The development would be nowhere near as accessible by either car or public transport as the applicant claims. The Councils' transport witness confirmed that, even after improvements, typical peak hour travel times from north Coventry and Nuneaton would be an hour or more.⁶⁶⁰ This is well in excess of the misleading 45 minute drive time claimed⁶⁶¹ and of the national average commuting journey of 28 minutes⁶⁶².

⁶⁵³ NPPF paragraph 95

⁶⁵⁴ CPRE3/1 section 2

⁶⁵⁵ CPRE3/1 p5 Table

⁶⁵⁶ CPRE3/1 paras 1-2; CPRE4/1 section A.3

⁶⁵⁷ P.6 condition 47

⁶⁵⁸ CPRE3/2 section 3; CPRE3/2 Appendix 5

⁶⁵⁹ CPRE3/2 Appendices 1 & 2

⁶⁶⁰ Cross-examination of Ms Archer

⁶⁶¹ A.131 Appendix H pdf p335

⁶⁶² Figure from National Travel Survey for 2012

480. The proposal involves important changes from the Highways Agency A45/A46 Tollbar Scheme.⁶⁶³ Several problems would be created on the A45 by adding a third junction to the 1.2km section between Tollbar End and Festival Island. A number of departures from standards are required as a result.⁶⁶⁴ There is no justification for drawing a policy distinction between new and existing roads in this respect. The proposals, together with the reduction of the speed limit to 50mph, would significantly delay long-distance through traffic on this important strategic route.

481. The assumption that a substantial amount of traffic would be removed from the eastbound A45 by the new Whitley/Jaguar roads is questionable and not something that can be easily modelled. The route is lengthy and complex with potential for serious delay, both as an access to the site and for other destinations such as Middlemarch Business Park. This in turn casts doubt on the proposal to reduce the A45 at Festival Island to one lane and east of the new junction to two lanes.

482. No convincing reasons have been given for linking the new junction on the A45 to Whitley Business Park via the new Jaguar roads, or as to why this would be superior to the access and egress onto the Stivichall (Festival) Island as approved in 2001.⁶⁶⁵ The applicant's analysis shows that there could be significant queuing in the AM peak at the eastbound Jaguar Expansion Road junction with the Jaguar Link Road, and on the southbound Jaguar Link Road in the AM and PM peaks. This new link would damage landscape and ecology and contravenes a condition in the latter's planning permission, without which permission might not have been granted at all.⁶⁶⁶ Clear evidence has not been provided that (in the light of Coventry City Council's committed Whitley Interchange scheme) the proposed new roads and A45 junction are necessary to open up Whitley Business Park for development, or that access problems have been the main impediment to its full development in the past.

483. Traffic modelling has been based on questionable assumptions about trip generation and distribution.⁶⁶⁷ This includes in relation to employment numbers, the use of old 2001 Census data, and interpretation of forecast traffic flows. There is no policy basis for the application of a 'nil detriment' criterion.⁶⁶⁸ The extra traffic from the development, coupled with potential growth in 'background traffic', is likely to result in significantly longer queues, leading to greater delays.⁶⁶⁹

484. The applicant claims that the total cost of the highway improvements amounts to some £30m, but there is no evidence on the cost of the individual elements to enable this to be independently verified.⁶⁷⁰

⁶⁶³ CPRE3/1 section 5

⁶⁶⁴ A.147; A.64

⁶⁶⁵ CPRE3/1 paras 48-48

⁶⁶⁶ CPRE3/1 para 52

⁶⁶⁷ CPRE3/1 section 4

⁶⁶⁸ A.131 para 7.18

⁶⁶⁹ CPRE3/1 section 6

⁶⁷⁰ CPRE3/1 para 53

485. The highways authorities, Coventry City Council and Warwickshire County Council, have concluded that there would be no significant net beneficial effect on the wider highway system.

486. The target of 15% of employees using public transport is weak in comparison with the comparable target for the neighbouring Whitley Business Park (25%).⁶⁷¹ Even this low target seems to have been based on a more extensive system of rapid transit bus services than the single route now proposed.⁶⁷² Significant problems with that route remain to be overcome, such as congestion and pinch points, and it is not clear that they could be.⁶⁷³ The long term future of the service beyond the period of subsidy would not be guaranteed.⁶⁷⁴ As with non-motorised travel, no clear evidence has been provided that the targets for mode share could be met. In principle, development within the built-up area of Coventry or close to existing public transport routes would stand a much better chance of achieving worthwhile sustainable transport targets.

487. While the applicant's traffic modelling was based on less ambitious assumptions than the target of 65% employees travelling by private car, falling short of meeting this target, which the applicant admits could happen, would still undermine the claim that the proposal is sustainable in transport terms.⁶⁷⁵

488. It is not clear how many, if any, dedicated coach services would actually be provided in practice, as they would be demand-dependent.⁶⁷⁶ The likelihood of varied shift working patterns in Zone A would be likely to reduce their viability. The extension of bus route 21, if it happened at all, would follow a circuitous route with frequent stops and could not offer an attractive journey time, particularly to and from Zone A.⁶⁷⁷

489. There is no evidence that the ambitious cycling and walking mode share of 10%, compared with 4% for the country as a whole, would be achievable.⁶⁷⁸

490. The parking and traffic management proposals are a highly complex attempt at micro-management.⁶⁷⁹ There would be many loopholes for employees and others to exploit, and dealing with infringements would be a very time-consuming activity for the Travel Plan Coordinator. There is a serious risk that the system would break down in practice for a complex development of this nature involving many different companies. Its demanding nature would also be likely to deter firms from moving to the development when they have a choice of other sites with much less onerous requirements. Even with a team of people, it would be virtually impossible for the Travel Plan Coordinator to do justice to the many demands on this post, or to liaise effectively with coordinators for each individual firm.⁶⁸⁰

⁶⁷¹ N.3

⁶⁷² A.133 Appendix F; CPRE3/1 section 7

⁶⁷³ CPRE3/1 para 61

⁶⁷⁴ P.8

⁶⁷⁵ A.131 para 5.30; CPRE3/1 section 4

⁶⁷⁶ CPRE3/1 para 65; A.131 para 10.10

⁶⁷⁷ CPRE3/1 para 64

⁶⁷⁸ CPRE3/1 section 8; CPRE3/2 Appendix 6

⁶⁷⁹ A.134; CPRE3/1 section 9

⁶⁸⁰ A.133 para 5.2.2; CPRE3/1 section 11; CPRE3/2 Appendix 3

491. Traffic management proposals rely on a system of 'barred routes' to keep development traffic away from Baginton and its surroundings, reinforced by the use of ANPR cameras.⁶⁸¹ They are likely to be of limited effectiveness and difficult to enforce.⁶⁸² The new signs and camera installations proposed in and close to Baginton would have a significantly detrimental effect on the character and visual amenity of the village. This impact has not been assessed by the applicant or the Councils.

492. For all these reasons, the transport proposals would be most unlikely to achieve sustainable transport access to the development. The Councils assess that the transport proposals overall are 'reasonable and acceptable' rather than 'very good or excellent'.⁶⁸³ Even that assessment is optimistic. The Councils also confirm that the highway proposals do not amount to 'very special circumstances'. They are a long way from this; at best, they would provide mitigation of the impact of the development, but they would not even achieve full mitigation.

Remediation

493. The potential risk of the proposal for remediation is very high. There is much uncertainty over what could be found in large areas of the site. Terms such as 'expect' and 'anticipate' are used while describing large variations in possible conditions (for example, the thickness of made ground could vary from 2m to 15m).⁶⁸⁴

494. The applicant's evidence refers to "*likely*" treatment techniques to "*help*" lock in contaminants. The disadvantages of the preferred option are described as including:

- Volume estimates could be highly inaccurate;
- Up to date contamination concentrations are not known;
- There may be long-term liability for management of the landfill site;
- Risk of contamination leaching from the bunds.⁶⁸⁵

495. If the applicant's preferred option has so many disadvantages, it indicates how serious the overall situation could be. No convincing explanation has been put forward by the Councils to explain why the site has not been designated Contaminated Land under the Environmental Protection Act; either they have wrongly assessed the degree of pollution or their lack of action is indefensible. This issue should be addressed through the Environmental Protection Act, with regulatory action to require the land owner to undertake necessary remediation. The applicant's claim that "*reclamation and improvement of despoiled and derelict land*" is a 'very special circumstance' for inappropriate development in the Green Belt is rejected.⁶⁸⁶

⁶⁸¹ A.132

⁶⁸² CPRE3/1 section 10

⁶⁸³ Cross-examination of Ms Archer

⁶⁸⁴ APP5.1

⁶⁸⁵ A.116 Appendix D

⁶⁸⁶ A.87 section 3

496. With such risks, the implications on costs and schedules could be immense. When questioned about likely costs, the applicant's witness on contamination stated that he and his company had made no cost estimates.⁶⁸⁷ Other evidence claims the applicant knows the cost of upfront work on infrastructure including remediation work.⁶⁸⁸ There is no explanation of how remediation costs have been estimated.

497. Pollution and remediation issues have potential to invalidate the viability and deliverability of the whole proposal. This makes the lack of evidence on viability and deliverability particularly unacceptable.

Landscape, Visual Amenity and Lighting

498. The applicant's evidence on Landscape and Visual Impact is predicated on an assumption that the site is not within one of the designations which should receive the highest level of protection according to the NPPF.⁶⁸⁹ Even though the Green Belt is included in such designations in the NPPF⁶⁹⁰, the applicant's landscape witness expressed his opinion that this does not apply "*from a landscape perspective*".⁶⁹¹ The applicant claims that the site is of "*lesser environmental value*" as defined in the NPPF because it is not within its 'protected landscapes'.⁶⁹² There is no evidence that this interpretation is supported in any national policy. The applicant's witness summed up his attitude to the local landscape by saying "*there are going to have to be sacrifices in order to grow*".⁶⁹³ Growth can occur in areas that are not in the Green Belt, so that this opinion does not justify inappropriate development in the Green Belt

499. The site does lie within one of the designated areas in the NPPF, is of considerable environmental value and should be protected. The proposal would be contrary to recommendations in the Warwickshire Landscape Guidelines 1993.⁶⁹⁴ The proposed bunds would in many cases not hide the massive buildings but only help to shield activities at ground level.⁶⁹⁵ Steep sided bunds high above natural ground level would be unlikely to blend into natural landscape. There is no evidence that the construction would be able to sustain new planting for screening.

500. The applicant's Zone of Visual Influence⁶⁹⁶ omits the key area of Stonebridge Nature Reserve, to which there is access. The proposed bridge high above the River Sowe would undoubtedly impact the landscape and visual links provided by the river corridors. The impact of the bridge, walls and embankments has been seriously under-estimated by the applicant.⁶⁹⁷

⁶⁸⁷ Cross-examination of Mr Fairley

⁶⁸⁸ £60m-£70m according to APP10.4 Appendix 3 para13

⁶⁸⁹ APP9.1 para 3.4

⁶⁹⁰ B.1 para 14 and footnote 9

⁶⁹¹ Cross-examination of Mr Rech

⁶⁹² APP9.1 para 8.3, referring to B.1 para 17 bullet 7 & para 14 footnote 9

⁶⁹³ Cross-examination of Mr Rech

⁶⁹⁴ D.3 p42

⁶⁹⁵ Cross-examination of Mr Rech; CPRE4/1 section A.2

⁶⁹⁶ A.86 Figure 11.1

⁶⁹⁷ CPRE4/1 paras 5 & 8

501. Even though access is not a reserved matter, no detailed road lighting design has been completed or assessed for environmental impact.⁶⁹⁸ A 'conflict area' such as the new roundabout proposed on Bubbenhall Road would have to meet many possibly conflicting demands and constraints (road safety, aircraft safety, avoidance of light pollution for nearby residences), but there is no evidence of how this could be achieved.⁶⁹⁹

502. When asked about cumulative impact assessment, the applicant's witness could only refer to Chapter 14 of the Environmental Statement.⁷⁰⁰ That in turn refers⁷⁰¹ to "*ES technical chapters*", but the chapter on Lighting, for example, makes no mention of cumulative effects. The cumulative effect with Whitley Business Park is an illustration of how this has not been assessed properly.

503. The applicant's evidence on landscape, visual amenity and lighting is fundamentally flawed. Methodology is based on subjective opinion rather than policy, claims are unjustified and results are missing. The proposal would undoubtedly have an impact on the openness and visual amenity of the Green Belt.

Ecology and Nature Conservation

504. Focussing on one small aspect of the evidence on Ecology and Nature Conservation, the proposal would mean a loss of veteran trees.⁷⁰² The NPPF includes veteran trees within its statement on loss of irreplaceable habitat, stating that planning permission should be refused unless the need for, and benefits of, the development in that location clearly outweigh the loss.⁷⁰³

505. There would be an extended period of time before newly created habitats could be established such as on the bunds. The bunds are claimed to be for landscaping, but would be industrial scale works. It would be likely to take many years (if ever) for biodiversity to recover after such devastation of the environment.⁷⁰⁴

506. There is no need for the proposed development. However, even if there were a proven need, there is no convincing evidence that development in this location clearly outweighs the loss. The lack of environmental assessment of alternative sites, combined with loss of irreplaceable habitat at the application site, leads to the conclusion that planning permission should be refused.⁷⁰⁵

507. Cumulative assessment with Whitley Business Park has not been completed satisfactorily on this topic⁷⁰⁶, as dealt with below.

⁶⁹⁸ CPRE4/1 paras 10,15-17

⁶⁹⁹ CPRE4/1 section A.3

⁷⁰⁰ Cross-examination of Mr Rech

⁷⁰¹ A86 chapter 14 para 14.4.1

⁷⁰² CPRE4/1 para 43; APP8.1 p33 Table 3

⁷⁰³ B.1 para 118 bullet 5

⁷⁰⁴ CPRE4/1 paras 20-21

⁷⁰⁵ CPRE4/1 paras 43-47

⁷⁰⁶ CPRE4/1 section A.1

Air Quality

508. The applicant's evidence on Air Quality changed radically after publication of the Environmental Statement.⁷⁰⁷ Even then, it continues to omit assessment of many pollutants included in Air Quality Directives. There is a complete absence of assessment of carbon emissions (carbon monoxide and carbon dioxide). It ignores the recent agreement⁷⁰⁸ that smaller particulates must be controlled by 2020.
509. For those pollutants that have been assessed, the applicant's air quality witness could not explain anomalies in results, repeatedly referring to the need to look at the computer model.⁷⁰⁹ The assessment depends on assumptions on traffic mix which appear to be unjustified.⁷¹⁰ The statements included in the Non-Technical Summary are misleading and complacent, making it unfit for purpose.⁷¹¹ The air quality assessment is inadequate to comply with the standards defined in Air Quality and Environmental Impact Assessment directives.

Noise and Vibration

510. The applicant's noise assessment does not comply with the methodologies claimed.⁷¹² For example, the assumptions used for modelling of traffic noise do not meet the declared standards.⁷¹³ Shortcomings of the transport assessment (such as the design year and assumptions about traffic mix) mean that the noise and vibration assessment is inadequate. For example, traffic modelling should be based on a period of 15 years after opening; the assumption of 'no heavy vehicles' in Zone B is invalid; the unjustified assumption of heavy vehicle mix on the Access Road has a very large effect on noise pollution.⁷¹⁴
511. These shortcomings are particularly important for assessing night noise impact.

Heritage

512. The Lunt Roman Fort is of national significance and its current setting is predominantly rural.⁷¹⁵ The buildings in Zone B would be clearly visible from the Fort and, together with the new road bridge over the A45, would change the setting to a predominantly urban one, notwithstanding the proposed countryside park in the foreground. Bunds would be only 3 metres in height and screening would only partially obscure the buildings, particularly in winter.
513. Although English Heritage appeared to withdraw its objection to the proposal, this was conditional. Recent correspondence indicates that its conditions have
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⁷⁰⁷ A.173

⁷⁰⁸ Gothenburg Protocol agreed in 2012 adds PM2.5 particulates to the list of pollutants to be controlled by 2020

⁷⁰⁹ Cross-examination of Mr Beckett

⁷¹⁰ CPRE4/1 para 34

⁷¹¹ A.87 section 10

⁷¹² APP4.1 para 3.35

⁷¹³ Cross-examination of Mr Griffiths

⁷¹⁴ CPRE4/1 section A.3

⁷¹⁵ LPA4/1 para 6.23

not been met: it has not been consulted on a revised plan showing changes to the proposal or on a planning condition.⁷¹⁶ English Heritage has also not been involved in discussions about how the proposed developer contribution⁷¹⁷ might be used.

514. The visual impact of Zone A on heritage sites such as the Bubbenhall Conservation Area, Stoneleigh Deer Park and Motslow Hill is of concern. Zone A would sit on a plateau highly visible from these areas across the very rural valley of the River Avon. Neither the proposed bund (an alien feature in the landscape) nor associated planting would be sufficient to obscure Zone A. Even if there were some benefit as claimed by the applicant from better screening of Middlemarch Business Park, this factor does not outweigh the damage likely to be caused by Zone A.

515. The scale of the proposal would cause significant impacts on heritage assets.

Flood Risk and Drainage

516. The applicant's approach to drainage lacks clarity because most of the key decisions depend on investigation of ground conditions and have been postponed to reserved matters stage.⁷¹⁸ There is therefore a higher risk than normal that a viable approach will prove impossible or too expensive to deliver.

517. The proposal is totally dependent on a new bridge and embankment crossing the River Sowe and the associated 'Floodplain Landscape Reserve'. It has not been demonstrated that these works are 'essential infrastructure' and therefore the method used to assess them is inappropriate. The applicant has failed to carry out a cumulative assessment of the combined impact of the proposal and the Whitley Business Park development on the environment. The proposed bridge, embankment and consequential flood compensation area would damage the landscape and ecology and would be directly contrary to the extant planning permission for Whitley Business Park.⁷¹⁹

Further Invalid 'Very Special Circumstances'

518. Economic factors, land reclamation and highway improvements as possible 'very special circumstances' for inappropriate development in the Green Belt have already been rejected. Other 'very special circumstance' claims made by the applicant are now addressed.

519. The applicant's witnesses often refer⁷²⁰ to the proposed "Country Park", sometimes also referring to this as a countryside park. Public access and creation of recreational facilities are claimed to be a 'very special circumstance'.⁷²¹ The proposal falls far short of the standards expected for a Country Park, failing even to meet the essential criteria.⁷²² There is no assurance

⁷¹⁶ TCG7/6

⁷¹⁷ APP10.11

⁷¹⁸ P.6 conditions 54-60

⁷¹⁹ N.3

⁷²⁰ APP10.1 para 5.21; evidence in chief & cross-examination of Mr Rech, Ms Hollins, Mr Johnstone

⁷²¹ E.g. A.87 section 3

⁷²² CPRE8

behind the claim⁷²³ that the Country Park would be maintained in perpetuity. Part of this area could be subject to flooding.⁷²⁴ The proposal to partially surround a new urban development with a 'buffer zone' called a Country Park does not justify inappropriate development in the Green Belt, particularly as there is no shortage of more 'natural' recreational facilities in this area.

520. Biodiversity offsetting has also been referred to as a 'very special circumstance'.⁷²⁵ Offsetting is by definition mitigation or compensation, not a benefit. In fact, the biodiversity offsetting proposals depend on off-site compensation, leaving a net deficit of biodiversity on the application site.⁷²⁶

Non-Compliance with EIA Regulations

521. The application fails to comply with the current EIA Regulations.⁷²⁷ For example, the Regulations (Schedule 4 'Information for inclusion in Environmental Statements' Part 4 section 2) state that the ES should include:

"An outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice made taking into account the environmental effects."

522. The applicant has presented considerable economic information about alternative sites (which is not accepted as accurate), but has not included any substantive assessment of the environmental impact of further development of alternative sites. The environmental witnesses for the applicant (such as on ecology and decontamination) advised that comparative assessment of alternative sites was outside their briefs and that they were unaware of any work to evaluate the comparative environmental effects of use of alternative sites.
523. Answers given to questions about cumulative impact with Whitley Business Park also confirmed that the combination of two EIA Developments has not been assessed in a way that satisfies the 2011 Regulations.

Inadequate cumulative assessment

524. The Whitley Business Park (WBP) development was approved in 2001 following a call-in inquiry.⁷²⁸ It was 'EIA Development' and the planning approval was dependent on many conditions and S106 Obligations in order to mitigate environmental impact. A small part of the development has been built.
525. The red-line area of the current proposal overlaps substantially with the red-line area of the WBP site. However, neither site is a subset of the other, making cumulative impact assessment complex. The applicant claims that the proposal would "*help to facilitate the development*" of WBP.⁷²⁹ The Councils agree that it "*will help to unlock land for redevelopment for employment use at the Whitley Business Park site*"⁷³⁰, and it includes "*provision of two new roads within Jaguar*
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⁷²³ Cross-examination of Mr Rech

⁷²⁴ Cross-examination of Mr Rassoul

⁷²⁵ A.22 paras 5.16.23-5.16.28

⁷²⁶ CPRE4/1 section B

⁷²⁷ J.1, J.2; CPRE4/1 sections C.1 & C.2

⁷²⁸ N.3

⁷²⁹ A.22 para 2.3.3

⁷³⁰ Statement of Case for Local Planning Authorities section 5.4

"Whitley Business Park site".⁷³¹ In fact the proposal changes roads approved as part of the WBP permission and adds more roads within WBP. Some of the roads approved with WBP have been constructed but others remain unbuilt, and the current proposal affects both categories.

526. The applicant claims that the proposal, in 'helping to unlock' WBP, would lead to a 60% intensification of use in WBP.⁷³² Despite this very significant increase in use, there is no evidence of revised environmental assessment of the whole WBP site. For example, there is no evidence that WBP parking provisions have been reassessed. If further car parking has to be provided for the 1,500 extra staff now projected, there could be consequential environmental impacts because of drainage, lighting, etc.
527. The applicant concedes that some aspects of the current proposal conflict with conditions and obligations included in the WBP permission. The most obvious example is the proposed road bridge complex over the A45 and River Sowe; this includes development in the River Sowe 'Floodplain Landscape Reserve' which was designated a no development area in the WBP conditions and obligations.⁷³³ According to the applicant: "*the scheme will contravene two of the main objectives of the [WBP] River Corridor Strategy*".⁷³⁴
528. The prohibition of development in the Floodplain Landscape Reserve was part of mitigation for the whole WBP development. Although the applicant claims to have completed cumulative impact assessment in the Environmental Statement, this is insufficient to satisfy the EIA Regulations (2011).⁷³⁵ There appears to have been no environmental assessment of the impact of the whole WBP development if a key part of the mitigation of environmental impact – the prohibition of development in certain areas – is not complied with. This conflicts with the intent of the 2011 update of the EIA Regulations, which was necessary in order to comply with EU Directives and to reflect UK case law.
529. The scheme proposes a lower Public Transport mode share target than WBP.⁷³⁶ WBP has a Public Transport mode share target of 25% by 2006, but that for the current proposal is 15%. This lower target is despite the claim that the proposal would provide a better public transport offer for WBP. This difference has not been justified and so the credibility of mode share targets is questionable.
530. The 2011 EIA Regulations respond to case law by requiring the effects of the development as a whole once modified to be considered.⁷³⁷ "*Changes or extensions to existing or approved development*" must be fully evaluated in order to meet the EIA Directive. 'Fully' means not just the proposed changes as such, but the whole development including any proposed changes to the approved development. 'EIA development' includes subsequent applications in respect of existing or approved EIA development.

⁷³¹ B.19 p5

⁷³² From 2,500 projected jobs (N.3 Decision Letter para 11) to 4,000 jobs (LPA3/1 para 61)

⁷³³ CPRE4/1 section A.1; CPRE2/2 Appendix EE

⁷³⁴ A.170 para 8.1; CPRE4/1 section C.2

⁷³⁵ J.1, J.2

⁷³⁶ Cross-examination of Mr Johnstone

⁷³⁷ J.2 section 7.3: R (on the application of Baker) v Bath and North East Somerset Council [2009] EWHC 595.

531. The applicant depends on vague claims such as "*much of the section of road included in Zone C has already been approved under the Whitley Business Park planning application*" and "*effects have already been fully assessed for the Whitley Business Park scheme*".⁷³⁸ Even though substantial and significant changes are proposed to the approved WBP scheme, the ES focuses on additional impacts, such as additional habitat loss. The environmental impact of the whole WBP site has not been (re-)assessed, even though the current proposal includes changes and extensions to the approved WBP development and its package of environmental impact mitigation.⁷³⁹

532. The Councils attempt to dismiss this issue by claiming that a subsequent planning application for WBP "*is likely*" to be progressed in order to address these conflicts.⁷⁴⁰ If such an application were made, it would be a material change because of the effect it would have on the planning permission originally granted. There is no certainty that such an application (if made) would be approved. The A45 road bridge is treated by the applicant as an essential part of the current proposal but it would prevent mitigation measures for WBP from being implemented as specified. No contingency plan has been put forward in case planning approval for this allegedly essential component were not to be granted. No condition has been proposed by the applicant or the Councils to require suitable approvals for the WBP site before any work on the current scheme could be started (including roads).⁷⁴¹

533. The applicant goes further, claiming that permission for WBP can be obtained "*following approval and implementation of The Gateway scheme*".⁷⁴² This does not address what would happen if the determination process for the WBP application led to refusal of permission for the necessary changes.

534. There have also been suggestions that any planning permission for the proposal would simply over-ride the conditions and obligations in the extant permission for WBP. That would not be possible if the EIA Regulations had not been satisfied. Considering the complex overlaps between the two sites, there is no evidence that full environmental impact has been completed properly.

535. It would be fundamentally wrong to approve the current proposal when it is critically dependent on developments within the WBP site which conflict with conditions and obligations designed to mitigate environmental impact caused by the approved development for the whole of the WBP site. The current application fails to meet the requirements of the EIA Regulations.

Inadequate assessment of alternative scenarios

536. The ES recognises that Warwick Council's EIA Scoping Opinion required the applicant to consider three alternative development scenarios related to the site.⁷⁴³ These alternative scenarios are distinct from alternative sites.⁷⁴⁴

⁷³⁸ A.86 Chapter 6 paras 6.5.12-6.5.13 & 6.5.27

⁷³⁹ N.3 Decision Letter dated 1 February 2001 para 17

⁷⁴⁰ E.g. B.20 pdf pp81-82 & Addendum p6

⁷⁴¹ P.6

⁷⁴² A.166 section 5 issue 10

⁷⁴³ A.86 Chapter 2 para 2.10.6; B.22 para 3.49

⁷⁴⁴ CPRE2/1 section E

Alternative scenarios could be significant in reducing the environmental impact of the proposal and limiting damage to the Green Belt. However, the applicant appears to have dismissed these scenarios, mainly on commercial grounds, in three paragraphs in the ES.⁷⁴⁵

537. For example, the ES asserts that one alternative scenario (omitting the 'Logistics Park' – scenario (ii)) "*would not be viable or deliverable*", without presenting any evidence to support that assertion. There is little in the ES to distinguish the viability of this alternative scenario from the proposed scheme, on which there is also no evidence that it would be viable and deliverable. Compared with the extensive material produced for the proposed scheme, there is no evidence that the required alternative scenarios have been evaluated properly taking into account their relative environmental impacts. EIA Regulations require that the ES must take into account the environmental effects of alternative scenarios.⁷⁴⁶
538. There is no mention of the required evaluation of these alternative scenarios in the ES Non-Technical Summary.⁷⁴⁷ The ES and Summary are inadequate to meet the requirements of the EIA Regulations including the need to make sure that the predicted effects, and the scope for reducing them, are properly understood by the public and the authorities.⁷⁴⁸
539. The proposed roundabout on Bubbenhall Road, and associated relaxation of vehicle restrictions, has not been assessed adequately in the ES. Its environmental impacts, including noise, air quality and light pollution, have not been assessed as required by the EIA Regulations.⁷⁴⁹

Conclusions

540. The harm that would be caused by the proposal has been seriously underestimated by both the applicant and the Councils. Even were the proposed development not in the Green Belt, there would be good reasons for refusing planning permission. Additionally, there is no validity in any of the reasons put forward to try to justify 'very special circumstances' for inappropriate development in the Green Belt.
541. The case for refusing planning permission is overwhelming. There is no good reason for locating very different types of development in a single location. Even if this could be justified, the applicant has failed to show any valid reason for the choice of the site instead of, or even in addition to, other more sustainable sites elsewhere in the LEP area. Both the applicant and the Councils have sought to diminish the significance of the Government's Green Belt policy and to make light of the environmental damage the development would cause. They have consistently exaggerated the extent of the economic problems of the LEP area and played down the variety of ways in which those problems could be addressed. Objective consideration of national policy and the Development Plan does not lead to the conclusion that planning permission should be granted.

⁷⁴⁵ A.86 Chapter 2 paras 2.10.7-2.10.9

⁷⁴⁶ J.1 Schedule 4 Part 1 section 2

⁷⁴⁷ A.87

⁷⁴⁸ CPRE4/2 Appendix D

⁷⁴⁹ CPRE4/1 section A.3

THE CASE FOR THE COMMUNITY GROUP

Inconsistency with the Development Plan

542. Warwick District Council is presently consulting on a new draft Local Plan⁷⁵⁰, but the Adopted Local Plan of 2007⁷⁵¹ remains relevant to this proposal.
543. Policy DAP1 on Protecting the Green Belt was not saved when the Plan was reviewed in 2007, but this was only because at the time the policy repeated national policy. Its principle that no development should be permitted in Green Belt except in exceptional circumstances remains intact.
544. Policies RAP1-16 deal with the Rural Area. Most relevant is RAP6 on Directing New Employment, which sets out circumstances where new employment development will be permitted. Policy SSP2 on Major Developed Sites in the Green Belt is cross-referred to. Coventry Airport is not one of the sites identified by that policy.
545. Policy RAP10 on Safeguarding Rural Roads states that development will not be permitted that would require major modification to surrounding rural roads in a way that would change the character of such roads in the vicinity. The proposal now includes the sinking of Bubbenhall Road into a cutting and construction of a traffic island at the junction of Stoneleigh Road and Bubbenhall Road to the south-west of the Airport.⁷⁵² There is no justification for the use of Bubbenhall Road since vehicular movements within the proposal could run parallel to the existing road. However, it is clear that the operational constraints of the Airport are directly influencing the scheme.
546. The proposal potentially separates and isolates the villages of Bubbenhall and Baginton. Residents travelling between these to access postal and other widely used services would either have to risk mixing with commercial vehicles near the site or make a diversion via Tantara Lodge and Cloud Bridge to Chantry Heath Lane and Stoneleigh Road, interacting with commercial traffic at the proposed traffic island. This would result in increased traffic flows and congestion at two small and poorly defined junctions, both with poor visibility. This would lead to significant harm to highway safety and represent a significant and detrimental change to the character of rural roads in the vicinity of the proposal.⁷⁵³
547. Policy RAP16 on Directing New Visitor Accommodation does not permit new buildings for that use. A hotel is proposed as part of the development which is clearly contrary to this policy. The need for a 350 bedroom hotel is unclear given the presence of existing hotels in the area.
548. Policy DAP3 is on Protecting Nature Conservation, Geology and Geomorphology. In addition to the nearby Brandon Marsh site of Special Scientific Interest (SSSI) there are seven designated sites of SSSIs within Warwick District. One of these is Waverley Wood Farm, Bubbenhall. Local Nature Reserves include Stoneleigh and Crackley Woods. As set out below (under Ecology), there would be adverse impacts on nature conservation that the

⁷⁵⁰ P.5

⁷⁵¹ B.7

⁷⁵² APP2.5

⁷⁵³ TCG2 section 2.6

mitigation and compensation proposals mostly fail to address. Therefore, with reference to paragraph 118 of the NPPF, the proposal should be refused.

549. Baginton village and Bubbenhall village both contain designated conservation areas as well as nearby Stoneleigh village and therefore policy DAP8 on Protection of Conservation Areas needs to be considered.

550. The proposal would do nothing to enhance or preserve the setting and special character of the adjacent historic villages of Baginton and Bubbenhall. The protection of these villages by their inclusion in the Green Belt preserves their setting in open countryside despite their proximity to the city of Coventry. The proposal would dominate the historic settings of the villages and adversely affect the character and appearance of the conservation areas, as set out below.⁷⁵⁴

551. In addition there are nearby scheduled Ancient monuments: The Lunt Fort, Baginton Castle, a prehistoric pit formation near Bubbenhall and a deserted medieval village at Kings Hill. The development would dominate the historic setting of these sites and adversely affect their character and appearance.

552. Policy SSP7 is on Coventry Airport. The objective of this site specific policy is to direct aviation development to land to the south-east of the runway⁷⁵⁵, and therefore away from nearby residential properties in Baginton and to protect the Green Belt which covers the remainder of the Airport. The policy also ensures that the potential impact of any development is properly assessed and that any adverse effects are mitigated or compensated for. Where adverse impacts cannot be mitigated to acceptable levels or compensated for, development will not be permitted. The proposal would have such an impact on the protected areas in the form of significant increases in traffic and associated noise and light pollution.

National Policy on Protecting Green Belt and the Environment

553. The NPPF states that there are three dimensions to sustainable development: economic, social and environmental.⁷⁵⁶ These dimensions give rise to the need for the planning system to perform a number of roles.

554. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. However, the presumption in favour of sustainable development does not apply to Green Belt.⁷⁵⁷

555. The scheme does not consider the role or character of the Green Belt land on which it is proposed. It would undermine the vitality of the main urban areas of Coventry and the existing business centres nearby. The proposal would result in the irrevocable loss of important Green Belt land and would permanently change the intrinsic character and beauty of the countryside it destroys. The proposal to integrate heavy industrial traffic with local traffic using Bubbenhall Road and Stoneleigh Road would fragment thriving rural communities that rely on this public highway to access the post office and other services in Baginton.

⁷⁵⁴ TCG2

⁷⁵⁵ B.7 para 10.48

⁷⁵⁶ B.1 para 7

⁷⁵⁷ B.1 para 14

*Protecting Green Belt land*⁷⁵⁸

556. The A45 and A46 form a physical and permanent barrier to development outside the West Midlands conurbation on the southern side of Coventry. Were this boundary to be breached there would be no robust barrier to the unrestricted sprawl of the large built-up areas out into the countryside, and the coalescence of surrounding villages into the West Midlands conurbation.
557. The villages of Baginton, Bubbenhall and Stoneleigh are all included in the Green Belt. The open character of these villages contributes to the openness of the Green Belt. Warwick Council has proposed that Baginton is given a village boundary and be removed from the Green Belt under the revised development plan consultation.⁷⁵⁹ This is an example of opportunistic behaviour by the Council to support the current proposal, which may not be justified and could be found unsound at Examination.
558. No element of the proposal conforms to any of the appropriate uses listed as exceptions in the NPPF, and therefore the application is clearly 'inappropriate development in the Green Belt' by definition. There are no 'very special circumstances' to justify the development. There would harm by reason of inappropriateness, and many other harmful consequences for the environment, landscape and ecology that would result, as set out below. The proposal is clearly contrary to the principles of the NPPF.

Conserving and enhancing the natural environment

559. According to the NPPF, the planning system should contribute to and enhance the natural and local environment.⁷⁶⁰
560. The proposal would replace predominantly open countryside with an industrial site, subjecting the surrounding environment to both noise and light pollution. This would result in the complete loss of natural habitat within the development area and degradation of the quality of the surrounding environment.
561. The vast majority of the application site is currently open agricultural land. The proposed development would fundamentally change the landscape to one of an urban industrial estate with associated noise impacts, light pollution, air quality degradation and potential water pollution. These impacts would extend far beyond the immediate environs of the application site, affecting nearby woodlands and wetlands and large areas of natural countryside. This would be contrary to the NPPF.⁷⁶¹ There are existing alternative sites with extant planning permissions in the area which should be re-used in preference to developing greenfield sites.
562. The Councils claim that the works of constructing roads and bunds fall within appropriate development in the Green Belt under paragraph 90 of the NPPF.⁷⁶² However, the paragraph relates to essential engineering operations and not the destructive enabling work for an unnecessary speculative development. High
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⁷⁵⁸ B.1 paras 79-88

⁷⁵⁹ P.5 para 2.80

⁷⁶⁰ B.1 para 109

⁷⁶¹ B.1 paras 110 & 111

⁷⁶² LPA3/1 para 3

earth bunds would themselves be an artificial intrusion which would damage the natural character of the Dunsmore plateau.

563. The Councils concede that urban sprawl and encroachment on the countryside breach purposes of the Green Belt in paragraph 80 of the NPPF⁷⁶³, but fail to mention that it is also in opposition to the purpose of urban regeneration by recycling derelict urban land. The Councils accept that the development would cause significant harm to the Green Belt.⁷⁶⁴
564. The Councils claim that Green Belt boundaries are being reviewed under paragraphs 84 and 85 of the NPPF for sustainable growth.⁷⁶⁵ However, the proposal is not sustainable development, since it does not comply with the NPPF definition. The proposed revision to the Local Plan of April 2014⁷⁶⁶ is not yet an approved Local Plan.

Building a Strong and Competitive Economy

565. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and meet the twin challenges of global competition and a low carbon future.⁷⁶⁷ This is not disputed by The Community Group (TCG), but the need for this particular development in the Green Belt in order to achieve that aim is disputed.
566. The Councils have fulfilled the NPPF's requirement to identify their own needs and plan proactively to meet the development needs of business and support an economy fit for the 21st century. This does not include the need for the application proposal.
567. At the time when Warwick Council considered the application, the latest iteration of the emerging Local Plan was the new Revised Development Strategy of June 2013.⁷⁶⁸ The Warwick Employment Land Review had identified a need for 36ha of employment land for the period 2011–2030.⁷⁶⁹ There already exists 48ha of available employment land⁷⁷⁰, therefore there is in fact an excess of employment land already available in Warwick District.
568. The approach of the emerging Local Plan was to turn a substantiated excess of employment land into a claimed deficit of employment land.⁷⁷¹ This resulted in the proposed policy RDS6⁷⁷², which specifies that 22.5ha of new employment land should be allocated between 2011 and 2029, mostly in the Green Belt. The calculation uses a figure of 16.5ha as a "*margin to provide flexibility of supply*". The bottom line figure of 17.5ha is then increased again by an additional 5ha "*to allow for flexibility and the assumptions used in modelling and forecasting*".⁷⁷³

⁷⁶³ LPA2/1 para 7

⁷⁶⁴ LPA2/1 para 45

⁷⁶⁵ LPA2/1 para 8

⁷⁶⁶ P.5

⁷⁶⁷ B.1 para 18

⁷⁶⁸ B.9; TCG7/1 section 7.5.0

⁷⁶⁹ C.18 Figure 21

⁷⁷⁰ C.18 para 7.6

⁷⁷¹ B.9 para 4.5.7 Table 4

⁷⁷² B.9 para 4.5

⁷⁷³ B.9 para 4.5.8

Error in modelling/forecasting can go either way (plus or minus), not just in one direction. This further 'buffer' of an additional 5ha increases the "*margin to provide flexibility of supply*" of 16.5ha to 21.5ha. This represents a 60% contingency. A 16.5ha margin or 46% extra on top of the established requirement of 36ha is already excessive; increasing this to 60% above the established demand is a wholly unjustified amount of flexibility. The environment cannot afford such generous flexibility.

569. The 2013 Revised Development Strategy sets out that:

*"The Council is making provision for a sub-regional employment site in the north east of the District in the vicinity of Coventry Airport. The case for this proposal is set out in detail in section 5.5. This will primarily meet the needs of the sub-region, however it may also have a role in ensuring the right type of employment land and buildings are available to meet the needs of existing companies in the District. If the development of a similar nature to (the) planning application takes place, it is estimated that 6.5 hectares of existing employment land will be released through displacement. From this it is reasonable to assume that the site could provide for 6.5 hectares of the District's local employment demand."*⁷⁷⁴

Therefore, of the 308ha of industrial development proposed by the development, only 6.5ha of employment land are considered to benefit Warwick District.

570. The Revised Development Strategy goes on to allocate a "Sub-Regional Employment Site" (Policy RDS8). Section 5.5 is based on the current planning application, presenting claims from this as though they were sufficient justification for the District's development strategy. For example:

*"The Council has been working with the CWLEP to first explore, and then establish the case for a major employment site in this location. This includes supporting work currently underway through the CWLEP to develop a coherent approach to ensuring a ready supply of major employment sites by linking the work of the LEP's Planning, Inward Investment and Access to Finance sub groups. The impetus provided by the CWLEP can now be backed up by a body of evidence that has been independently prepared to assess the planning application, but which demonstrates that regardless of the merits of the specific scheme proposed in the application, there is a case for a major employment allocation."*⁷⁷⁵

571. This does not appear to be the independent assessment that was called for by the preferred options paper⁷⁷⁶, rather it appears to be supporting documentation provided by the applicant as part of the application. It is arguable whether the Savills report or even the GL Hearn reports⁷⁷⁷ can be considered as truly objective. They could be perceived as having been commissioned by the applicant or the Council to support the application.

572. Even if a 'sub-regional' need were justified, no justification is provided for siting the development entirely in Warwick District and in the Green Belt. Any
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⁷⁷⁴ B.9 para 4.6.5

⁷⁷⁵ B.9 para 5.5.6

⁷⁷⁶ B.8; TCG7/1 section 7.4.0

⁷⁷⁷ C.20, C.21

'sub-region' contains at least Coventry, North Warwickshire, Nuneaton and Bedworth, Rugby, Stratford-on-Avon and Warwick. The proposal is acknowledged by all to be inappropriate development in the Green Belt and relies on demonstrating 'very special circumstances'. TCG's view is that there are none.⁷⁷⁸

573. Justification for the proposed development relies almost entirely on the Regional Spatial Strategy for the West Midlands⁷⁷⁹. Even following the abolition of the RSS, Warwick Council continues to rely on it, and the unadopted RSS Phase 2, in order to justify the proposal.

574. Yet the RSS stated that: "*Employment growth is encouraged in the northern part of the Coventry and North East Warwickshire sub-region, whilst in the area which includes Warwick and Leamington, employment provision should not be at a level which undermines the regeneration of the metropolitan areas.*"⁷⁸⁰ The RSS also stated that: "*Although derelict and brownfield sites present challenges in attracting investment, they offer opportunities for regeneration. It is essential to ensure that development aims to bring brownfield land back into use.*"

575. The RSS did not support a Regional Logistics Site or a sub-regional employment site at this location.

576. The development would have a detrimental effect on many existing employment sites throughout the region that remain largely undeveloped because of lack of demand, not because of any inherent weakness in the sites themselves. These provide perfectly adequate alternatives, and the proposal would undermine their redevelopment. This would be contrary to NPPF policies on urban regeneration and using brownfield land first.

577. According to the 2013 Revised Development Strategy: "*An independent assessment of the range of uses proposed by the current Coventry & Warwickshire Gateway application has estimated that the proposal will generate approximately 8,200 jobs. Furthermore, the associated highway works will provide access to further land (within Coventry) that would deliver up to a further 4,000 jobs. By way of example, this is considered a significant level of job creation.*"⁷⁸¹

578. However, GL Hearn state that: '*When displacement is taken into consideration, there is a net negative effect (in workplace terms) on the Coventry economy.*'⁷⁸²

579. The proposed development comprises sections of B8 distribution in one part, and B1 together with A1 retail, A3 restaurants, hotel and car showrooms in another. These elements could and should be accommodated elsewhere if disaggregated; there is no benefit in locating them together, as confirmed by GL Hearn.⁷⁸³

⁷⁷⁸ TCG1/1 section 1.4.8

⁷⁷⁹ B.10, B.24

⁷⁸⁰ B.10

⁷⁸¹ B.9 para 5.5.9

⁷⁸² C.19 para 4.28

⁷⁸³ C.21

580. There is no identified demand for the types of development proposed, and it cannot be demonstrated to be a development of the right type. There are many alternative locations where the types development could be accommodated, and which would have much less harmful impacts. Numerous alternative sites exist which consist of previously developed land and no justification is given as to why this particular site, in this particular location, is so special as to be considered the right place. Given that there are many previously developed and allocated sites in the wider region that remain undeveloped, and would be competing with the scheme for occupiers, this cannot be considered to be the right time, as defined in the NPPF.

581. In considering employment need, the Councils should seek to direct employment land allocation to where it is most needed in cooperation with neighbouring Local Planning Authorities. Alternative sites such as Birch Coppice are located north of Coventry with Nuneaton and Bedworth nearby. They are in the same location as the areas with high unemployment, and their remediation and regeneration would provide an ideal opportunity to create employment where employment is needed. Regeneration of such sites would facilitate jobs, solve economic problems and benefit the environment. It would provide jobs for people where there is unemployment. The current proposal is located in Warwick District, where the unemployment numbers are very small.

582. With respect to the Zone B element, many alternative sites already exist that have benefitted from public funds such as nearby Ansty Park. If there is a genuine need, based on demand from Coventry University high tech research and development, for the offices, research & development facilities, there are alternatives which are not in the Green Belt.

583. The Core Planning Principles in the NPPF require planning to "*take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them*".⁷⁸⁴ The proposal fails to meet this requirement. It would damage the environment and irrevocably harm the Green Belt.

584. A strong and competitive economy can be achieved without this Green Belt development. The development could and should be provided on alternative sites either inside the Green Belt boundary or beyond the outer Green Belt boundary.⁷⁸⁵

Economic considerations (benefits)

585. TCG is fully supportive of the Government's commitment to secure faster economic growth in order to create jobs and prosperity. It also recognises the economic problems of the Coventry area, especially high levels of unemployment in some parts. However, it disputes fundamentally that the evidence is sufficient to show that the proposal could make a significant and special contribution to addressing those local economic problem such as to contribute to 'very special circumstances'.

⁷⁸⁴ B.1 para 17

⁷⁸⁵ B.1 para 84

586. Neither the applicant's nor the Councils' evidence on the topic of Economics was written or defended by a qualified economist.⁷⁸⁶ Their evidence fails to cover several important issues that one expects to see in a full and persuasive economic impact assessment. These are now addressed.

The uncertainty over job numbers

587. For much of the period after the application was submitted the applicant gave high publicity to a likely job creation target of 14,000 new jobs.⁷⁸⁷ At the start of the inquiry this number had been reduced to only 7,800 jobs (quoted by the applicant⁷⁸⁸) or 7,600 jobs (quoted by the Councils⁷⁸⁹). The new figures are barely more than half of those claimed originally.

588. This reduction confirms the fundamental point that all the forward-looking job figures presented are inherently uncertain.⁷⁹⁰ They refer only to potential job numbers and not to the likely job numbers, on which Warwick Council had asked GL Hearn to advise when undertaking their second Report early in 2013.⁷⁹¹

589. GL Hearn's estimates of future job numbers rely on four key assumptions:

- i) that the site will be fully built out;
- ii) that the project is financially viable;
- iii) that the HCA job density numbers - specifically the average job density parameter for each planning category - are correctly used in this case; and
- iv) that job displacement would be 25% of the gross jobs created.⁷⁹²

590. The applicant has produced no evidence to support assumptions (i) and (ii).

591. Assumption (iii) is unsound.⁷⁹³

592. Assumption (iv) is based on national parameters and not on any specific evidence for the Coventry area.⁷⁹⁴ Indeed, evidence on enquiries for industrial and warehouse space shows that most of these are from companies already located in the Coventry area.⁷⁹⁵ If such firms constitute a main source of the client base for the development then the level of job displacement would be far higher than the assumed 25%.

593. Therefore all four assumptions are likely to lead to even lower job numbers than those now claimed by the applicant and the Councils, and potentially much lower if assumption (ii) about commercial viability is not substantiated. The applicant conflates an indicative projection of what job numbers may potentially

⁷⁸⁶ APP1.1 Mr Allen; LPA1/1 Mr Ireland

⁷⁸⁷ TCG1/2 Appendix 1; TCG1/1 section 1.3.0; M.3

⁷⁸⁸ APP11 para 49

⁷⁸⁹ LPA5 para 17

⁷⁹⁰ C.20, para 4.11; cross-examination of Mr Roe

⁷⁹¹ C.21

⁷⁹² Cross-examination of Mr Ireland

⁷⁹³ TCG1/1 section 13.0; cross-examination of Mr Roe

⁷⁹⁴ Cross-examination of Mr Ireland

⁷⁹⁵ LPA1/1 p46 Figure 11 [8 of the 9 enquiries listed]; LPA1/3 p19 Appendix A [9 out of the 12 enquiries listed]

be possible in certain circumstances with a forecast of what new jobs are likely.⁷⁹⁶

594. Bubbenhall Parish Council wrote to Warwick Council in February 2013 to request that the brief to GL Hearn be extended to some additional assessment of the financial viability of the proposal.⁷⁹⁷ The Council did not make any such addition to the brief⁷⁹⁸, so the opportunity to introduce more certainty was lost.

595. Roxhill as a business includes a number of individuals with previous experience in the land development business but little evidence of any significant delivered development. It has limited funds at its disposal.⁷⁹⁹

Failure to examine alternative scenarios

596. The applicant did not comply with Warwick Council's Environmental Impact Assessment Scoping Opinion of July 2012 in that it failed to assess the alternative scenarios in which Zone A is omitted from the development.⁸⁰⁰ The Environmental Statement is therefore incomplete. The applicant asserted that partial development would not be viable for the developer, but no viability assessment was provided to support this claim.⁸⁰¹

597. The applicant admits that there is no synergy between the Zone A and Zone B components of the proposal.⁸⁰² There is no evidence as to why the other proposed components (such as car showrooms, a hotel and retail facilities) would complement the Technology Park activities of Zone B.⁸⁰³

598. The lack of sectoral focus of the development was recognised by the Department for Communities and Local Government in rejecting the application for Enterprise Zone status in 2011.⁸⁰⁴ This is strong independent evidence of a lack of 'very special circumstances'.⁸⁰⁵

Financial viability assessments in Planning

599. According to the NPPF, pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking; plans should be deliverable.⁸⁰⁶

600. However, the applicant and the Councils have persistently stated that they do not need to assess financial viability or conduct a financial viability assessment (FVA) for the development. This is clearly wrong.⁸⁰⁷ The national Planning Practice Guidance of December 2013 states:

⁷⁹⁶ TCG1/1 p6

⁷⁹⁷ TCG1/2 Appendix 5

⁷⁹⁸ Cross-examination of Mr Ireland

⁷⁹⁹ TCG5/1 pp2-4

⁸⁰⁰ B.22 para 3.49

⁸⁰¹ TCG1/1 p20; A.86 Chapter 2 para 2.10.8

⁸⁰² APP1.1 para 9.46

⁸⁰³ TCG1/1 section 1.4.7

⁸⁰⁴ TCG7/5

⁸⁰⁵ TCG1/1 section 1.4.12

⁸⁰⁶ B.1 para 173

⁸⁰⁷ TCG1/1 section 1.5.3

"Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site in question."

*"Assessment of costs should be based on robust evidence which is reflective of market conditions. All development costs should be taken into account."*⁸⁰⁸

601. The RICS provides similar guidance on good practice and detailed advice on the wide range of costs that need to be included in a FVA.⁸⁰⁹
602. In this case the need for an FVA is particularly important because of the large but uncertain costs, especially due to the problem of land remediation (one of the costs explicitly recognised by the RICS).
603. There are also additional reasons. First, should future waivers be sought from some of the Section 106 obligations on the grounds that full compliance imposes unaffordable costs, it would be impossible to know without an FVA whether the 'affordability' argument has any basis in fact. Second, an FVA provides the statistical basis for all standard methods of Economic Impact Assessment of large projects (e.g. cost:benefit analysis). Without that statistical basis it is very difficult to conduct a complete economic impact assessment and answer the question about the economic contribution of the proposal posed by the Secretary of State.
604. Doubts about the financial viability of the proposal derive in part from the virgin nature of the site and the acknowledged serious problems of preparing the land for safe use; soil remediation is but one component of this. In this situation, break-even rents (i.e. those needed to achieve full cost recovery) are likely to be higher than on competitive sites. Local market rental rates are currently around £5 to £6 per square foot. The site has no infrastructure or services, all of which have still to be delivered.
605. By contrast, because it is a brownfield site (as a former car manufacturing plant), the Prologis site at Ryton, for example, has these already in place, with a consequent cost saving. The market will establish the rent achievable and it would be the margin between cost to build and market rent which would determine whether the development is viable and deliverable. In terms of cost to market, logistics businesses are able to obtain more immediate property at competitive market rates than would be the case with this development.⁸¹⁰
606. The Councils and the applicant maintain that an FVA is only required when a developer attempts to reduce the impact of Section 106 obligations in order to maintain viability and deliverability. While the RICS guidance is not planning policy, it was issued specifically as a guide to its members (with the applicant's planning witness⁸¹¹ being one of these) on the interpretation of that aspect of the NPPF.

⁸⁰⁸ B.25

⁸⁰⁹ C.11 Appendix C

⁸¹⁰ TCG5/1 p5

⁸¹¹ Mr Rhodes

607. Further, a local planning authority cannot know that it is deriving an appropriate benefit from a Section 106 Agreement in the absence of an FVA, which is required to enable an informed judgment.
608. The High Court Judgment on 21 March 2014 in *Brown -v- Carlisle City Council (Interested Party: Stobart Air Limited)* is relevant.⁸¹² The circumstances in that case bear some similarities to those in the present one:
- 1) In both cases, the proposal involves a Freight Distribution Centre adjacent to an Airport which the applicant operates (though in Carlisle a much smaller development).
 - 2) In both cases, there had been an earlier attempt to achieve development which also included the Airport.
 - 3) In both cases, the applicant and the Airport operator were different companies but, in Carlisle, Collins J treated them as one, saying: "*While the airport may be a different company within the Stobart Group, in reality it is the group that matters.*"
 - 4) In both cases, the applicant did not seek to claim that the development was not viable. On the contrary, in Carlisle, the applicant maintained that it was.
609. The difference between the two cases is that, in Carlisle, the need for a Viability Assessment was recognised but it was fatal to the application that a particular feature was missing from it. In this case, there is no similar Assessment for anyone to judge whether or not it is sound.
610. The applicant should have provided a Viability Assessment, the Councils should have required one, and their failure to do so is fatal to the application, quite independently of all other submissions.
- The labour market***
611. The applicant and the Councils have failed to provide a complete analysis of the labour market.
612. It is assumed instead that it is sufficient to state than in 2014 there is significant unemployment in parts of the local labour market - 13,000 in the LEP area.⁸¹³ This fact is not in dispute, but it is only one small part of the labour market analysis that is needed.
613. What is missing is any analysis of the future situation in the years when the development would be seeking labour. There are many things happening that will create jobs competitive to those at the site. Examples are Friargate in the centre of Coventry which will create up to 15,000 jobs⁸¹⁴; HS2 from 2017 will start to create many new construction jobs at the marshalling yard for building works just two miles south of the site; Warwick University has a major building programme. Together these are estimated to require 1000 workers a year from 2015.

⁸¹² TP3 attachment

⁸¹³ LPA1/1 p82 Figure 18

⁸¹⁴ C.27 p18

614. All the arguments about alternative sites have been about their respective strengths and weaknesses (location, planning limitations, access etc.). However, the reality is that what may matter more than all these factors is the competition between different sites for labour. That competition would determine whether there is sufficient suitable labour to meet the requirements of potential occupiers of the development; if not then those occupiers would go elsewhere.⁸¹⁵

615. All that has been offered is an assertion, with no evidence presented, that the future growth of the labour force in the Coventry area will be rapid, and so add to the existing levels of unemployment. This proposition is subject to very large uncertainty. The growth-rate based projections prepared for the recent SHMA depend fundamentally on how many inward migrants there will be: some of the SHMA projections actually show negative labour force growth through 2029.⁸¹⁶

616. A second omission relates to the location of the available labour. There is an inconclusive argument about how many of those unemployed in 2014 are 'close' to the site and how many are a long way away, either in the northerly areas of Coventry itself or in other administrations such as Nuneaton and Bedworth. Many of the jobs at Zone A would be relatively low-skilled (3,068 jobs are projected to be in Storage and Distribution, where HGV drivers and warehouse operatives are in the majority).⁸¹⁷ In addition, the Zone A area is almost five miles from Coventry city centre. So even if most unemployed workers live at or near the centre of Coventry, many would not be willing to travel to work at the development for what may be only a zero hours contract and little more than the minimum wage. This will be especially true when some at least of the jobs at Friargate become available from 2015 onwards and provide direct competition. This point applies even more forcefully to the significant number of job claimants who live in the more northerly parts of Coventry and in Nuneaton and Bedworth (including to the west of these areas).

617. A third weakness of the labour market analysis is the assertion⁸¹⁸ that there are many local people seeking work additional to the registered job claimants (perhaps more than 10,000). Close scrutiny of the statistics reveals the fallacy of this argument. The most numerous within the category "*economically inactive*" identified by the Office of National Statistics data for the Coventry labour market are (i) students (many of whom are from overseas or from other parts of the UK – if they 'want a job' it will not be in the Coventry area that they are seeking work); (ii) the retired and (iii) the permanently sick. Most of these cannot be seen as 'available labour' even if some state that they may like a job.⁸¹⁹

618. There are therefore several reasons why the development would be likely to face serious problems in recruiting the labour force it needs. These problems would be readily apparent to potential occupiers and a strong deterrent to take-up.

⁸¹⁵ TCG5/1 pp5-6

⁸¹⁶ TCG1/2 Appendix 11

⁸¹⁷ LPA1/1 p101

⁸¹⁸ APP11; LPA1/3 p5 Table 1

⁸¹⁹ APP1.4

Demands from businesses for the development sites

619. Given that the proposal has been in preparation for more than two years, remarkably little evidence of real business demand from real businesses to occupy the various zones has been presented.
620. Only one letter of formal support indicating a possible interest in taking up space (in Zone B) has been produced - from Coventry University.⁸²⁰ Even this is compromised because (i) Coventry University is also known to have given outline commitment to take up space at the existing city centre buildings occupied by Coventry City Council and at Ansty; and (ii) with only 600 jobs in total at the existing Coventry University Venture Centre and only enterprises employing around 50 persons or more being targeted by Zone B, it would seem that at most two serious possible tenants for Zone B might be found from the Coventry University source.
621. Warwick University is a partner in the LEP and was visited by GL Hearn as part of their enquiry.⁸²¹ Although the University works collaboratively with hundreds of different technology and other companies (the Warwick Manufacturing Group alone is working with or has worked with over 500 companies), there is nevertheless no evidence at all that the University has indicated any need for the type of facilities proposed in order to advance its work with such companies. Indeed its own recent announcement of a new £100m National Automotive Innovation Campus, funded by Jaguar Land Rover (JLR) and Tata Industries, indicates that many of the needs supposedly catered for by a future technology park are already being met in other more effective ways.
622. It is asserted that JLR would have been interested had the site been available when it decided on the location of its new huge engine plant at the i54 site in Staffordshire. No evidence of this contention has been adduced. Indeed, it is inconceivable that Zone A (which includes a proposed 104,000sqm B2 facility) could have out-competed the i54 site. That site benefits from extremely good motorway access which offers JLR easy travel routes to its main manufacturing sites at Halewood and Castle Bromwich and, most significant, the tax and other benefits of Enterprise Zone status – a status that the current site failed to achieve.⁸²²
623. Had JLR, or a similar modern manufacturing plant, come to the site, it would radically reduce the already reduced job creation possibilities of the development a whole. JLR's factory at i54 will initially provide 750 jobs on a site broadly of the same size as the B2 component on Zone A.⁸²³ This is no less than 2,257 fewer jobs than the GL Hearn projects for that B2 space.⁸²⁴ In time the JLR job numbers may grow to 1,400⁸²⁵ but this is still almost 1,600 jobs less than stated for the space.

⁸²⁰ APP1.4

⁸²¹ LPA1/1 p39

⁸²² TCG1/2 Appendix 8; TCG7/5

⁸²³ LPA1/1 p107

⁸²⁴ LPA1/1 p101

⁸²⁵ LPA1/1 p103

624. As such the 7,600 jobs stated by the applicant would be cut back to a figure close to 5,000 jobs, with this figure to be reduced further by any or all of the four assumptions noted above.

Costs of developing and fully building out the scheme

625. A further omission is any estimate of the costs of delivering the proposal.⁸²⁶ The only hard number presented is a figure of £60-70m.⁸²⁷ However, this is merely the total cost of the upfront infrastructure for roads, soil remediation, the construction of the proposed country park and footpaths, the work to protect heritage sites etc. The applicant must have very detailed estimates of these costs but has chosen not to reveal any of them.

626. In addition to the up-front infrastructure costs, there would be the costs of constructing the sheds and other buildings for the use of potential occupiers. In the public relations materials a figure of £250m has frequently been mentioned⁸²⁸ (this includes the infrastructure costs), but no evidence has been adduced to justify it. Without a firmed up number it is impossible to assess the benefits of the proposed expenditures on local incomes.

627. The biggest omission from the economic analysis concerns the likely costs to the future occupants of the investments needed in order to make effective economic use of those buildings. Sheds alone would create zero jobs.

628. One example demonstrates the huge scale of this omission. From information on the costs of the JLR B2 facility at i54 engine plant in Staffordshire, it is clear that the 750 jobs there will cost £355m.⁸²⁹ This is an investment cost per job for each job created of £473,333. Extrapolating from this, and assuming similar modern technology at the B2 space in Zone A, suggests that the investment cost of creating the projected 2,997 jobs⁸³⁰ would be well in excess of £1.4billion. The credibility of the job claims should be assessed in terms of whether an investment of this scale is likely or possible. This has not been done. The failure to do so is a major flaw in the analysis since those expenditures will be a key part in determining the size of any benefit that the development might bring to the local area.

The consequences of a project failure

629. It is clear from the above that the project involves a wide variety of very large risks. A complete analysis of its likely economic contributions should have included an explicit recognition of those risks and some assessment of their possible consequences. In the worst case scenarios these factors could completely swamp the types of benefits that have been assessed.⁸³¹

630. Failure could easily lead to development blight, and as a consequence of that a major problem and cost/financial loss for Warwick Council. No scenarios

⁸²⁶ TCG1/1 section 1.5.3

⁸²⁷ Evidence in chief of Mr Rhodes

⁸²⁸ TCG1/2 Appendices 1 & 2

⁸²⁹ LPA1/1 p107

⁸³⁰ LPA1/1 p101

⁸³¹ TCG1/1 section 1.5.0

involving possible partial or complete failure of the project have been explored and presented.

631. As just one example, at an early stage of the development it would be necessary to cut a swathe for an access route into the area to become Zone A (even if the access road itself is not built until later). This would immediately disturb thousands of tonnes of polluted soil. If the detailed work including the checking on the contents of this soil and the determination of the costs of its remediation show that those costs cannot be borne by the project and plans to commercially develop Zone A are abandoned, it is unknown what would happen next. The developer may seek to sell on parts of the site, but it is not clear why any second phase developer would have an interest in taking this land on. By that stage the Green Belt would already been disturbed, the polluted soil would pose a far bigger threat to human health than it does in its present undisturbed state, and the land would have become commercially unattractive. A large contingent liability would thus fall on the Council and on the population at large through Council tax bills.

632. These possibilities should at the very least have been sketched out and examined in the economic arguments required of the applicant. They have not been, and that is another crucial omission and failure of the evidence base.

The role of the Coventry & Warwickshire Local Enterprise Partnership

633. The LEP has played an undoubted part in the development and political promotion of the proposal, but it has no formal role and has submitted merely one letter of support.

634. However, the LEP support lacks all credibility given (i) the clear conflict of interests of the former Chair, who has a pivotal financial interest in the development; (ii) the fact that the LEP Strategy draft of December 2013⁸³² did not prioritise the site above eighteen other sites which it proposed to promote; and (iii) the fact that there are many financial and other challenges constraining the possible achievement of the LEP's targets. The claim in the final Strategic Economic Plan (SEP) of March 2014 that, without development of the site, "*the LEP will be unable to meet its expected employment growth*"⁸³³, is at best naïve.

635. As regards point (ii) above, the final SEP shows the site (Gateway) at the top of the list of eleven sites.⁸³⁴ In the December 2013 draft, it was listed as the sixth entry among nineteen sites⁸³⁵. However, all the substantive analysis for the SEP strategy was done in the 18 months leading up to the draft issued in December 2013. It is inconceivable that radical new evidence could have arisen in those few weeks of editorial change to enhance so dramatically the importance of the proposal in the manner suggested by the LEP letter of support. A more realistic likelihood is that an editorial change was made after December 2013 mainly in response to the circulation of TCG's evidence submitted in February 2014, which noted the lack of any special status or ranking for the proposal.⁸³⁶ If

⁸³² C.27

⁸³³ C.34 p8

⁸³⁴ C.34 p31

⁸³⁵ C.27 p17

⁸³⁶ TCG1/1 section 1.4.12

so, it is a cynical adjustment, demonstrating that the pressure for its approval is actually driving the LEP Strategy rather than the Strategy informing the choice of sites. No evidence has been adduced to show how or why the ranking of the site suddenly emerged from the analysis which produced that Strategy, rather than it being merely one of nineteen sites.

636. It is also significant to the uncertainty around job numbers that the latest SEP anticipates only 4,100 jobs by 2021⁸³⁷, which is a small part of the total it expects in that period.

The historical context

637. Research carried out for Coventry Council⁸³⁸ shows the huge collapse of manufacturing jobs in Coventry from 1976 to 2006, including from 1996 to 2006. This collapse continued apace even after the recovery of the UK automotive sector had started its impressive recovery in the late 1980s and 1990s. Many industrial factory sites in this area, which had formed the basis of Coventry's historical pre-eminence in automotive manufacturing, were closed and demolished in the period from 1980 to 2008.⁸³⁹

638. These facts throw doubt on the proposition that the undoubted resurgence of the national automotive sector must mean that Coventry will have significant potential to benefit from that resurgence and so new sites must be found for this.⁸⁴⁰ Evidence on all new investments in UK automotive activities since 2011 reveals that:

- all the major investment by the seven major automotive producers have been in other areas, for example the JLR ones at Castle Bromwich, Halewood and Wolverhampton as well as Solihull (in the Birmingham and Solihull LEP area);
- almost all the new investments by supplier companies have been located conveniently to the volume producers (i.e. not, for the most part, in the Coventry area);
- the few automotive investments located in the Coventry area have mostly small implications for jobs (e.g. the Black Cab rescue by Geely) and took place on existing sites which had proved adequate for the expansions needed.⁸⁴¹

639. Therefore there is no persuasive evidence that the UK's impressive automotive resurgence has impacted Coventry and its need for space for manufacturing activity to a significant extent.

640. There has been an undoubted success for Coventry in terms of automotive-related research and development; it is now a world leader in this and early stage design work. However, the industrial space needed to develop this further is quite different from what would be needed if cars and their main component parts were actually made in large volume in the area, which is regrettably no longer the case. Jaguar in particular now has its main R&D team located at Warwick University and its commitment, together with Tata, to the £100m large

⁸³⁷ C.34 p31

⁸³⁸ C.5

⁸³⁹ C.5 p51 Map

⁸⁴⁰ LPA1/1 para 5.49 onwards

⁸⁴¹ LPA1/1 Appendix E

new National Automotive Innovation Campus at the University bears testimony to this.⁸⁴²

641. Furthermore, Jaguar Land Rover does not now manufacture anything of significance in the Coventry area. The SEP notes that JLR is the area's largest private sector employer in the area, but almost all those jobs at Whitley, Gaydon, Browns Lane and the University are in areas such as administration, R&D, design, prototyping and testing, and not in manufacture (B2). The idea that the Coventry area needs a huge B2 facility such as the 100,000sqm proposed for Zone A is therefore hard to defend.

Social Considerations

642. With respect to the three dimensions of sustainable development⁸⁴³, the residents of Baginton, Bubbenhall, Stoneleigh and Ashow, whom TCG represent, feel strongly that the social dimension of the proposal has not been given sufficient consideration.⁸⁴⁴ The development would definitely not support the 'social and cultural wellbeing' of the surrounding communities.

643. The huge logistics park operations would run day and night every day, with the proposed long access road running directly behind properties in Baginton. Accepting the imposition of 2000 heavy goods vehicle movements per day 30m to the rear of existing housing would be a clear failure of sensible planning control and contravene Warwick Council's policy in the emerging Local Plan to protect the health of residents⁸⁴⁵. There would be unacceptable noise, pollution, light and vibration, and the mitigation measures would do little to reduce these problems. Residents of Baginton have experience of the ineffective use of bunds to minimise these very issues in connection with work at the Airport.

644. The Baginton Village Shop and Post Office, the only shop left in Baginton, Bubbenhall and Stoneleigh, is not included in the list of local businesses surveyed by the applicant. At present, the shop serves Stonebridge Industrial Estate, Middlemarch Business Park and Coventry Airport. Only by its continuing to do so can the residents continue to enjoy the benefit of an essential part of the community. A proposed shop in Zone B would serve workers on the development.⁸⁴⁶ As those workers would be prohibited by the ANPR system from accessing Baginton village in any event, it is likely that the facility of the Village Shop and Post Office would be lost.

645. The development would neither protect nor enhance the 'natural, built and historic environment', which is a central tenet of the NPPF.⁸⁴⁷

646. Traffic impacts on all the villages of Baginton, Bubbenhall and Stoneleigh would be very significant, with Stoneleigh Bridge, a scheduled ancient monument, bearing much of the increase in traffic from the south. This would result in significant detriment to the environment of these villages and the lives of their residents.

⁸⁴² TCG1/1 sections 1.4.6, 1.4.12

⁸⁴³ B.1 paras 7 & 8

⁸⁴⁴ TCG2 section 2.1

⁸⁴⁵ P.5 para 5.29

⁸⁴⁶ LPA4/1 para 6.47

⁸⁴⁷ B.1 para 7.

647. Approximately 800 objections were received to the planning application by Warwick Council, including from the Parish Councils of all three Parishes affected. They represent a strong local voice and articulate the strength of local feeling against the proposal. The objections, from a wide spectrum of the population, address the issue of inappropriate development in the Green Belt, the visual impact of the proposed development, traffic, noise, air and light pollution, environmental damage and the threat to what was described as the 'integrity' of the villages.⁸⁴⁸

648. Many of the letters are from residents with experience in manufacturing, the logistics sector, highway matters, economics, planning, and in developing science parks. They present not only passionately held views but informed views. They argue that the development is misjudged, that the economic benefits are overstated, and that there are no 'very special circumstances' to justify the sacrifice of 308ha of Green Belt.

649. The electoral rolls of Baginton (608), Bubbenhall (552) and Stoneleigh (560) total approximately 1,700 registered electors. Allowing for the fact that some letters were from concerned individuals outside the three villages, and assuming that on average there was a letter per household, these letters represent a significant proportion of the local population. There is no silent majority in favour of the proposal.

650. Residents remain as opposed to the development now as they have been since the summer of 2012, when they began to question what they were told by the developers and by Council officers.⁸⁴⁹ In addition to earlier public meetings, over 200 residents attended a meeting at Bubbenhall Village Hall on 21 March 2014. The meeting was also attended by five Warwick District Councillors, all of whom are opposed to the proposal and three of whom gave evidence at the inquiry. Many residents have also written to the Planning Inspectorate to reinforce their opposition.

Green Belt policy

651. The area comprising Baginton, Bubbenhall and Stoneleigh parishes could be a textbook case study to illustrate why a national Green Belt policy is essential. Baginton is separated from Coventry by the narrowest of green spaces. The boundary between the city and the village is, therefore, extremely fragile. All three villages are 'washed over' by Green Belt.⁸⁵⁰

652. The applicant refers to the "*raw urban edge*" around Middlemarch Business Park being "*a very poor entrance to Coventry*". Green Belt was created to check urban sprawl, and to blunt such '*raw urban edges*' with green space which is open and permanent. Green Belt land should not be used to improve the entrance to a city by annexing a portion of an ancient village.

653. The applicant's landscape witness suggests that the proposed "*landmark*" bridge over the A45 would become a "*positive Gateway feature*".⁸⁵¹ It would

⁸⁴⁸ TCG2 section 2.1

⁸⁴⁹ TCG2 section 2.1

⁸⁵⁰ TCG2 section 2.2

⁸⁵¹ Evidence in chief of Mr Rech

actually be a symbol of coalescence, of the joining up of Coventry with Warwick District, and the unrestricted movement of Coventry's southern boundary into the Warwickshire countryside. His contention that there are natural boundaries which would curtail this southern movement, for example the River Avon, does not address the fact that, were the proposed development granted permission, another natural boundary, the A45, would have failed to do so.

654. Residents applaud the rigour with which the Green Belt is protected in respect of small-scale individual applications, including on appeal.⁸⁵² They are dismayed and disappointed that Warwick Council should choose to allow the area to the north, south and west of Coventry Airport to be developed as an employment site, a development which is clearly inappropriate in Green Belt. The proposal is inconsistent with the Council's own planning policy as evidenced in these recent decisions. There are no 'very special circumstances' to justify it.

655. If permission is granted, Coventry will inexorably absorb the village of Baginton. The precedent set by the development and the lack of a credible Green Belt boundary around it would lead to a very high risk of all three villages in due course being surrounded by further fingers of development until they became virtual suburbs of Coventry. This is, therefore, a crucial planning decision which will have an irrevocable effect on the boundaries of the City of Coventry and Warwick District, and may have national implications for the security of Green Belt anywhere.

656. The applicant's argument that "*by focusing this strategic development around the existing long developed hub of Coventry Airport, it does assist indirectly in addressing Natural England's objective of 'conserving more remote areas from development'*"⁸⁵³ should be rejected. It suggests that sacrificing 760 acres of Green Belt here might preserve other areas of Green Belt in the locality.

Special character of historic villages

657. The NPPF states that heritage assets are "*an irreplaceable resource*", and emphasises the importance of ancient buildings and their surroundings. It reiterates that the significance of a heritage asset derives not only from its physical presence but also from its setting.⁸⁵⁴

658. The villages of Baginton, Bubbenhall, and Stoneleigh are built on ancient foundations. All three are listed in the Domesday Book. They each have Conservation Areas with one Grade I and two Grade II listed churches, many Grade II listed buildings and several scheduled Ancient Monuments. The list of the Non-Designated Heritage Assets⁸⁵⁵ indicates that the application site is rich in Roman remains, in addition to historic buildings and artefacts from the medieval period onwards.⁸⁵⁶

⁸⁵² TCG2 section 2.2

⁸⁵³ APP9.1 para 8.13

⁸⁵⁴ B.1 paras 126, 128

⁸⁵⁵ APP7.2 Appendix 2

⁸⁵⁶ TCG2 section 2.3

Baginton

659. One of the most effective elements of the Green Belt around Baginton is the pasture land at the end of Rowley Road overlooking the A45. Here the rural scene of grazing sheep blunts the impact of the Stonebridge Trading Estate to the east and enhances the setting of the Lunt Fort to the west.
660. With the Zone B proposal, approximately half the area in front of the Lunt Fort would become a technology park. Offices and manufacturing buildings would create a continuous urban landscape which would join up with the Whitley Business Park across the A45 and merge with Coventry beyond.
661. The applicant's photomontages of the view from the Lunt Fort seriously underestimate the impact of the urban landscape which would result from the technology park.⁸⁵⁷ A compensation payment of £100,000 is proposed in mitigation of potential harm to the Lunt Fort.⁸⁵⁸ The 'menu' lists desired improvements which are transient and temporary in nature; once Green Belt land is built on, it can never be restored. This ancient farm land is a crucial element in the vista from the Scheduled Ancient Monument.
662. The setting of Baginton Conservation Area, and the way the asset is experienced, would be affected by the impact of noise, vibration, odour and other factors. The noise from 24/7 operations of a very large logistics park, including day and night-time HGV movements, would be audible and visible as they pass within yards of the village.

Bubbenhall

663. The area of land which forms Zone A is part of the landscape setting and contributes to the significance of the Bubbenhall Conservation Area. The proposal would significantly detract from that significance. St Giles Church is the principal building, focal point and landmark in the Conservation Area. The Conservation Area is only 250m from the boundary of Zone A.
664. The 'key view' is that looking north and north-west across the countryside adjacent to the churchyard. The applicant's photomontages placed the camera near the wall of the churchyard.⁸⁵⁹ The photomontages conceal the actual view from the churchyard: if the camera had been positioned close to the back of the church, or further up on the sloping Church Fields, or on Stoneleigh Road, the photomontages would have shown a clear view of the Dunsmore plateau and the poplar trees bordering the test track. The photomontages deliberately minimize the impact of Zone A on the Bubbenhall Conservation Area.
665. The applicant states that the proposed bunds would "*substantially screen*" the warehouses, but that the tops of the highest buildings will be visible.⁸⁶⁰ It is claimed that temporary visual and noise detriment during construction could be partially reduced through early planting of the proposed green buffer zone. However, the applicant's landscape witness acknowledged that the bunds would

⁸⁵⁷ APP 9.2 Appendix 6 & APP9.8 – viewpoints 1 & 11

⁸⁵⁸ APP10.11

⁸⁵⁹ APP 9.2 Appendix 6 & APP9.8 – viewpoint 5

⁸⁶⁰ APP9.1 para 9.39

take 2-3 years to be constructed, and that it would be some 10 years before any screening was effective.⁸⁶¹

666. Having come into the project at a later stage, the applicant's heritage consultant has not worked in conjunction with the landscape consultant. The latter agreed that the proposed warehouses would constitute a 'large scale change' and would be both 'intrusive' and 'discordant' in their impact.⁸⁶² It is impossible that bunds would completely camouflage the gigantic industrial buildings, which would be visible from Bubbenhall churchyard and from miles around. Moreover the bunds would be alien to this natural landscape rising above the River Avon.
667. The noise from 24/7 operations of a very large logistics park including day and night-time HGV movements would be audible 250m away in the Bubbenhall Conservation Area, and would affect its setting and the way that is experienced.
- Visual/construction impact of the development*
668. The most immediate impact of the development would be visual.⁸⁶³
669. The first stage, the construction of roads and other infrastructure, would instantly scar the landscape. The volume of earthworks would be four million cubic metres, of which one million would be used to create the screening bunds. In the period of 2-3 years it would take to construct the bunds there would be large HGV movements accompanied by noise, dust and unsightly mounds of soil. The remediation of contaminated areas would create another eyesore in addition to the earthworks.
670. The village of Baginton would bear the brunt of this intrusive activity. This could go on for many years if the site is developed in successive phases over a 15 year period or longer, as the application envisages.
671. The second stage would be the erection of office buildings and light industrial premises in Zone B and the erection of large industrial warehouses and manufacturing premises in Zone A. These would be constructed only when tenants are found, so the timescale is unpredictable and likely to be protracted.
672. The buildings of Zone B, together with the ubiquitous bunds, would come perilously close to the edge of Baginton village.
673. The urban conurbation in Zone A would be visible from Bubbenhall, particularly from the houses on Stoneleigh Road and from Lower End. It would also be visible from Stoneleigh Park and from Motslow Hill in Stoneleigh. The warehouses would loom on the horizon on the approach to Baginton via Cloud Bridge and Bubbenhall Bridge. They would be visible when driving to Bubbenhall from Tantara Lodge, and from the A445 when driving from Leamington to the A45.
674. Even more than the ugliness created by the building of roads, remediation and the giant warehouses, the residents of Baginton, Bubbenhall, Stoneleigh and

⁸⁶¹ Cross-examination of Mr Rech

⁸⁶² Cross-examination of Mr Rech

⁸⁶³ TCG2 section 2.4

A show fear the effect on the 'development' of uncertainty. It is quite likely that competition from superior alternative sites, and the high rents which would need to be charged to pay for the expensive remediation of parts of the site, would mean that Zone A and Zone B would not be rolled out in successive stages with full occupancy achieved by 2029. Instead, there could be two separate sites which splutter sporadically into activity with a few tenants who can afford the high rents, but which do not develop at the rate predicted. Eventually this would come to a halt, with the infrastructure in place but no sign of new businesses.

675. Recent reports on the Enterprise Zones created in 2011 make sobering reading.⁸⁶⁴ As of February 2013, only 1,700 jobs had been created in total, less than 100 jobs per Enterprise Zone, on sites which had the advantage of favourable terms and enhanced funding. Moreover, the Department for Communities and Local Government has admitted that only between 6,000 and 18,000 of the target of 54,000 new jobs to be created by the Enterprise Zones by the end of the current Parliament are likely to be secured.

676. These reports have increased the concern that, rather than the thousands of jobs and the revitalisation of the local economy which are promised, the development could become yet another failed employment site. It would then be open to the two Councils to reallocate the 760 acres for other purposes.⁸⁶⁵ The result would be no longer an effective Green Belt to protect the villages from the encroachment of Coventry, no economic regeneration, but a scrubby, derelict wasteland with a question mark over its future. The landscape would have been destroyed, and nothing of real value put in its place.

'Very special circumstances'

677. Among the 'very special circumstances' put forward by the applicant is the creation of a "*significant new public open space and community areas designed for the benefit of all residents*".

678. Residents know that the value of Green Belt is its permanence and its openness in spatial terms, more than accessibility. The local area is already well supplied with public footpaths and designated walks, including the Coventry Way. Nearby Ryton Pools Country Park, Ryton Woods and Brandon Marsh SSSI offer opportunities for woodland walks, bird watching and other recreational facilities, with ample car parking and easy access.⁸⁶⁶

679. A narrow so-called 'country park' around the perimeter of a vast industrial site, with difficult access, few apparent car parking spaces and an artificially created landscape which would take years to mature, is not compensation for the loss of the open spaces which the Green Belt so effectively provides. It is not necessary to have access to areas of land to be able to appreciate their intrinsic character and beauty. Indeed, it is the openness and permanence of the Green Belt surrounding Baginton, with its well established wildlife, valued farmland and naturalised areas, which villagers currently enjoy, that would be devastated by the development.

⁸⁶⁴ TCG2 section 2.4; Appendix 2

⁸⁶⁵ NPPF paragraph 22

⁸⁶⁶ TCG2 section 2.5

Traffic

680. The application promises that no HGVs or other traffic resulting from the development of the site would use roads in and around Baginton and Bubbenhall. All construction traffic is to be routed through the main site entrance, and when the site is completed all employee traffic would be routed via the A45 and A46.

681. However, it is hard to believe the assurance that there would be no increase in traffic on country roads to the south of the site.⁸⁶⁷

682. The site at present has no public transport, apart from an inadequate bus service. The optimistic traffic plan which targets a reduction of single driver car journeys to 65%, 10% of employees walking and cycling to work, and a 15% improvement in public transport is Utopian in the extreme. It would not happen overnight, if ever. The three villages would bear the burden of traffic congestion and resulting carbon emissions, regardless of any increased public transport or car sharing.

683. Another potential hazard would be illicit parking in surrounding lanes by employees who fail to secure parking permits.

Light pollution

684. Low impact lighting to reduce the glare from the site is promised. Residents fear, to the contrary, that the night time operations would be visible for miles around, virtually eliminating darkness around Baginton and Bubbenhall.⁸⁶⁸

685. Most of the area to be developed as Zone A is on agricultural land south of the Airport which currently has no lighting. The installation of lighting for a logistics and manufacturing park operating 24/7 on a raised plateau of land, with 20m high warehouses and constant HGV movements, would cast a glow of light south into the Warwickshire countryside throughout the night. The change to the environment, in terms of sky glow, glare and light trespass would be dramatic.

686. The applicant's night-time photographs⁸⁶⁹ were all taken from the north of the proposed site, and none from the south, for example from Stareton, Tantara Lodge, Manor Farm on the Stoneleigh Road in Bubbenhall, from Bubbenhall Bridge, or from Cloud Bridge, all receptors from which there are currently no visible lights.

Noise

687. The applicant claims that the noise from the fully developed scheme would be 'negligible to minor'.⁸⁷⁰ Residents do not share this confidence.⁸⁷¹ A modern logistics site operates 24/7, with HGV movements throughout the night. Electronic equipment emits intrusive noise, both external and internal to the warehouses. Mechanical loading devices are similarly noisy.

⁸⁶⁷ TCG2 section 2.6; Appendix 3

⁸⁶⁸ TCG2 section 2.7; Appendix 3

⁸⁶⁹ APP9.2 Appendix 7

⁸⁷⁰ APP4.1

⁸⁷¹ TCG2 section 2.8; Appendix 3

688. The applicant's noise witness agreed that the estimate of noise could not be exact because the nature of the future plant on Zone A is unknown. The noise predictions would be undertaken at the detailed design stage.⁸⁷² This is an additional element of uncertainty which compounds residents' anxiety.
689. The HGV movements would be particularly audible as they approach and leave the new roundabout to be created at the junction of Bubbenhall and Stoneleigh Roads in Baginton, and as they negotiate a new cutting at the end of the runway. Bus services from Rowley Road to Zone A from 6.00am to 10.00pm would be an additional disturbance.
690. It is unlikely that the bunds would muffle this noise, which would add to the adverse effects on the houses nearby.

Consequences

691. The social consequences of the proposal have been seriously underestimated. The professional planners, the members of the Warwick Council and the developers have ignored the strong and vehement opposition to the project by local residents. The opposition has been articulated in letters to the Council and the Planning Inspectorate, and demonstrated by attendance at public consultations and Council meetings.
692. If the development is approved, the changes to the social, historic and natural environments of the three villages hitherto protected by Green Belt would be irreversible. The integrity of three unique, ancient and resilient Warwickshire communities would be destroyed.

Cultural and Landscape Heritage

693. The applicant's evidence concerning cultural, heritage and archaeological issues⁸⁷³ omits several matters.
694. The Cultural Heritage Receptors drawing⁸⁷⁴ adopts a search radius of only 500m. Choosing this very limited 'search zone' (normally described by English Heritage as a 'Zone of Visual Influence' or 'Zone of Theoretical Visibility') has resulted in a failure to identify all the heritage assets and settings which may be affected. Views of the proposed development would be evident from several high points of the Stoneleigh Estate and in particular from those within Stoneleigh Deer Park and Abbey Park. The full effect on the Visual Receptors within this historic park and its listed buildings is not shown or its features discussed in detail.⁸⁷⁵
695. It is more usual to take a search radius of 1 or 2km⁸⁷⁶ to ensure that the Zone of Theoretical Visibility is fully covered.
696. The fact that the evidence does not adequately cover the historic designed landscape renders the work flawed. The applicant's landscape witness admitted that his proposals had not considered the heritage aspects of the site as he had

⁸⁷² Cross-examination of Mr Griffiths

⁸⁷³ APP 7.1; A.86 Chapter 11

⁸⁷⁴ A.86 Figure 11.1

⁸⁷⁵ TCG3/5

⁸⁷⁶ English Heritage note concerning The Setting of Heritage Assets, June 2012

designed a modern landscape scheme.⁸⁷⁷ The failure of two key designers to work together has resulted in an unsatisfactory landscape design which is unsuitable for an historic site. An urban extension into Warwickshire's Green Belt⁸⁷⁸ is not a suitable form of development for an important rural site.

697. Baginton is a medium sized parish of around 650ha lying five miles to the south of Coventry. The village sits on a plateau between the valleys of the rivers Sowe and Avon. This location, classified as Dunsmore landscape, is an ancient site which has been inhabited for more than 2,000 years. The situation offers a dry and strategic ridge overlooking the adjacent Arden landscape. Testimony to the strategic importance as a defensible plateau is given by the Lunt Roman Fort to the north and the 14th century Baginton Castle to the west, and this level area had a 20th century use of the agricultural land to the east as a World War 2 aerodrome. In the last 50 years this ridge has formed an important visual barrier to the outward expansion of the city of Coventry. The landscape to the south and west of the Dunsmore plateau is a characteristic Arden landscape. The Dunsmore landscape effectively shields and encloses the lower lying Arden landscape from views to the north of the A45 and the urban sprawl around Coventry.⁸⁷⁹

698. Since the Norman Conquest until the 20th century, the parish of Baginton has had a consistent pattern of land ownership, all the land being held by a single family. This has contributed to its landscape character of a nucleated estate village with a Church in the centre of the village, together with the sites of the residences of the landowners, remnants of a designed landscape, a Home Farm and a number of tenanted farms.

699. The historic Warwickshire estates were closely connected: The Stoneleigh Estate included the estate villages of Ashow and Stoneleigh and the hamlet of Stareton, while the Baginton Estate included the villages of Baginton and Bubbenhall. This historic symbiosis is still seen in the pattern of rural settlements, lanes and fields which provides important heritage links with Warwickshire's past.

700. Links between Baginton and the Stoneleigh landscape to the south remain intact. Extensive views towards the Baginton Plateau are apparent from Stoneleigh Deer Park, part of Stoneleigh Abbey Park which was included on the English Heritage register of Parks and Gardens of Special Historic interest in 1986 at Grade II*. The Baginton plateau can be viewed from many locations and from elevated ground within the park.

701. The Corporation of Coventry was a major purchaser of land in the parish, particularly land lying in the northern eastern section. The first purchase was in 1897 and more was purchased after World War 1, including a large part of Home Farm. Some of this land was initially used as a sewage plant, and in 1933 became the site for a civil airfield. Baginton Aerodrome opened in 1935 and the Armstrong Whitworth Aircraft Factory developed at the same time. During World War 2 more land was requisitioned by the Air Ministry, the Civil Airport being used as a military airfield. By then Coventry Corporation owned several other

⁸⁷⁷ Cross-examination of Mr Rech

⁸⁷⁸ Cross-examination of Mr Rech

⁸⁷⁹ TCG3/1 pp20-21; TCG3/5

farms including Lodge Farm (used as a Sewage Plant for Coventry), Oak Tree Farm, Grange Farm in Willenhall and Rock Farm.

702. The applicant's heritage witness acknowledged that he only carried out a desk top study of the area, with the exception of further detailed investigation of the archaeology close to the Lunt Fort.⁸⁸⁰ No original research was undertaken into the wider landscape, and Warwick Council did not review these aspects, despite that the proposal would alter the heritage features permanently.
703. Neither the Coventry Joint Green Belt Review, designed to focus on building land for Coventry, nor the Warwick Council Green Belt and Green Field review, November 2013⁸⁸¹, designed to identify housing land, considered the wider landscape, environment and social issues as now required under the NPPF.
704. Had detailed consideration had been given to this section of the Green Belt, the evidence supporting its heritage significance would have undermined the choice of this unsuitable site in preference to other Green Belt areas serving Coventry which are closer to the areas of need.
705. Baginton is an agricultural/horticultural landscape. The applicant's description of the landscape as one of Low Value⁸⁸² is misleading. Although much agricultural land has been subsumed by Coventry Airport, horticulture is important, with a preponderance of plant nurseries in the area indicating the fertile quality of the local soil.
706. Many of the lanes in the area are characterised by hedgerows established in the 18th century or earlier. This is particularly evident with the lanes coming from Stoneleigh in the south of the parish which are distinguished by hedgerow oaks of considerable size. The river crossings over the Sowe and Avon still retain their sandstone bridges.
707. Warwick Council's Green Belt and Green Field Review 2013⁸⁸³ deals with the parcels of land at Baginton. Its Outline Value Assessment classifies BAG1, which approximates to Zone B, as of Medium to High Landscape Value and BAG 3, which approximates to Zone A, as of High Landscape Value.
708. With respect to parcel BAG1 it confirms that, in terms of Green Belt openness, it would be adversely affected as "*the east of the parcel is a slightly elevated plain which is visible from a considerable distance.*" The analysis considered that the parcel is significant in 'Checking Unrestricted Sprawl' and the loss of this Green Belt parcel and its appropriate agricultural use might lead to ribbon development, reducing the defensible boundary between the existing urban area and open countryside. It states that "*There is a complex and mixed character of Green Belt parcels with a role to play in maintaining the open character of the village with a strong environmental and Heritage value.*" The Outline Value Assessment is Medium /High.
709. Parcel BAG3 confirms that, in terms of Green Belt openness, this is generally a flat open landscape, where development would adversely affect the openness of

⁸⁸⁰ Cross-examination of Mr Clemons

⁸⁸¹ BM3/AppxA; APP10.12

⁸⁸² APP9.1 p18

⁸⁸³ BM3/AppxA; APP10.12

the Green Belt. The Review considers that the loss of this Green Belt parcel would reduce the defensible boundary between the existing urban area and open countryside and may set the precedent for the Green Belt southwards. In considering the policy of encouraging urban regeneration, the Review considers the loss of this Green Belt Parcel would reduce the use of brownfield land adjoining the Green Belt because this is a significant site in close proximity to the urban area.

710. The Review concludes that parcel BAG3 plays an important role in containing the southern spread of development; it is of environmental value and maintains the open setting of the Green Belt and the villages of Baginton and Bubbenhall. The Outline Value Assessment is recorded as High.
711. The proposal to construct high artificial earth bunds to partially screen the 20m high warehouses is contrary to the landform of the Dunsmore plateau edge and would alter its natural form and beauty.
712. The landscape is in need of restoration in parts due to neglect by the current owners but the Dunsmore plateau at Baginton is an important landscape and irreplaceable historical asset.
713. The applicant claims that this Green Belt area is fragmented and therefore suitable for the extension of the Coventry urban area. The only neat Green Belt fringes around Coventry are where the city has spread out to meet an immovable boundary, such as the M6 motorway or A46 bypass. Examining the Green Belt areas around Coventry, only Coombe Abbey has a higher intrinsic value. Of the other surrounding areas, none has the 2,000 year historical value of the Dunsmore plateau feature.
714. Smothering the area with industrial buildings is not an appropriate future for the important Baginton landscape.

Environmental Considerations

Contamination

715. Fire Service records reveal the location of shallow buried radioactive waste materials on the site.⁸⁸⁴ There is also much contamination from Coventry's heavy metal industries, as well as many years of effluent from Severn-Trent Water.⁸⁸⁵ However, the applicant has not carried out any detailed investigation to determine the type and level of pollution on the site, even though it is known to be considerable and highly toxic. Despite the applicant's confident assertion that there is an engineering solution to every contamination 'challenge'⁸⁸⁶, the proposed remediation consists of the reduction, not the removal, of the toxic waste, and this would not be the first site to leak toxic gases.
716. The Local Authority has a duty to carry out a search of the whole site and ensure appropriate remediation.⁸⁸⁷

⁸⁸⁴ TCG 4/1

⁸⁸⁵ TCG4 sections 4.2, 4.3

⁸⁸⁶ Cross-examination Mr Fairlie

⁸⁸⁷ TCG 7/7

717. The Environment Agency has not objected to the proposal, subject to detailed conditions. However, this is of great concern to the local community. Such a potentially serious health issue is far too important to be left to conditions, but instead requires a detailed investigation before granting any planning permission.
718. The proposal to remediate the site by forming bunds of cement and ash to contain the pollutants would not be satisfactory. The applicant has given no indication that they know the level or pollutant types on the site.⁸⁸⁸ The applicant claims that there is no reason to believe there would be degradation of bunds or leaching from them as stabilisation techniques are well established and often used. Bunds would be constructed with horizontal compacted layers, as with any embankment. The suggested method lacks credibility as to how it could provide a safe environment. The bunds would be susceptible to erosion as well as spreading the contamination during construction.⁸⁸⁹
719. There would be a potential danger to the bore hole drinking water supply. It is suggested by the applicant that the bore hole in Green Lane is perfectly safe because maps indicate the necessary area of protection. This has been shown in the past to be insufficient, with herbicide (applied for weed control on the local rail track) finding its way into water supply.
720. The applicant claims that the scheme would remove current contamination risks. However, the land in question and the consequential risks are managed at present, and the responsibility to do so and remediate the site remains with Severn Trent Water. The key test is 'source – pathway – receptor'. If any one of these can be removed, there will be no risk. At present there are pathways from both sewage lagoons and landfill, but some contaminants are already locked in.
721. The presence of radioactive material cannot be verified until the material has been excavated and tested. If necessary, such material would need to be transported to a licensed waste disposal site, possibly some distance away. The applicant claims it is not appropriate or necessary to have done further testing at outline stage, but acknowledges that the estimated breakdown of material may change after more detailed work has been undertaken. A variation in depth of made ground is normal and this can differ substantially over a very short distance.
722. The Environment Agency's phrase 'totally free of any contamination' is apparently not supported by the applicant, who claims that what this really means is 'no significant harm'.⁸⁹⁰
723. The applicant's contamination witness considers it would be "*stupid*" to build the Zone A access road before the remediation work is done⁸⁹¹, but this is what is actually proposed. It is not clear whether the decontamination work would be completed for the whole site before any building work takes place as this is proposed to be undertaken in a phased manner.

⁸⁸⁸ TCG4 pp5-6

⁸⁸⁹ TCG4 para 4.3.13

⁸⁹⁰ Cross-examination of Mr Fairlie

⁸⁹¹ Cross-examination of Mr Fairlie

724. The remediation strategy, option A, is still considered by the applicant to be the most feasible and sustainable.⁸⁹² However, an overall cost estimate for remediation has not been provided, and this further adds to concerns about viability and deliverability.

725. It is questioned whether there is capacity to provide sufficient fresh water and also cope with sewerage levels if the development goes ahead. This concern was raised on the 2009 Coventry Core Strategy, and Severn Trent admitted they were at full capacity in both aspects.

Ecology

726. The proposal would result in complete habitat loss in the Rock Farm area of the site and there would be wider impacts on:

- a significant population of breeding great crested newts
- extensive badger activity across all of Zone A
- widespread bird populations including many red and amber list species
- loss of veteran trees that cannot be replaced
- overall loss of undisturbed open water habitat, particularly damaging for many birds as well as newts.⁸⁹³

727. The RSPB has several serious concerns about the principle of development in this location with regard to national policy on biodiversity conservation, and in particular with the plans for mitigation, compensation and 'biodiversity offsetting'. It states that the development would lead to a significant net loss of biodiversity on a District scale or possibly even on a County scale.⁸⁹⁴

728. The RSPB points out that significant areas proposed for development are recognised, or are proposed as, County Wildlife Sites. In particular, the complex of pools and reedbeds around Rock Farm is a locally scarce wetland habitat which supports a range of specialised species and would not be replaced through the biodiversity offsetting proposals. These pools and their margins probably form part of an ecological network with other sites that have similar habitats, including Brandon Marsh and Ryton Pools. The impact on this ecological network has not been properly assessed by the applicant. There is for example the possibility that these pools offer a severe weather refuge for water birds in winter periods as they are deeper and less prone to freezing. Along with the breeding and wintering bird assemblage, the invertebrate interest in such habitats is also likely to be significant on at least a District scale.⁸⁹⁵

729. Biodiversity offsetting is a pilot scheme which is due to end in May 2014 and has not yet been fully evaluated. Development is proposed on the ecologically highest value land of Rock Farm, the Sewage Works and tank test track. No consideration has been given to an alternative site layout to avoid ecological damage. This was overruled by considerations other than environmental, such as economic.⁸⁹⁶

⁸⁹² Cross-examination of Mr Fairlie

⁸⁹³ TCG7/1 para 7.3.7.04 onwards

⁸⁹⁴ TCG3/1 p8; TCG3/2 Appendix 3-1

⁸⁹⁵ TCG3/2 Appendix 3-1

⁸⁹⁶ TCG3/1 pp14-15

730. The mitigation hierarchy appears to have been ignored by the applicant, as steps 1 (avoid impact through locating on an alternative site) and 2 (mitigate against alternative impacts) have not been considered. Step 3 (compensation, such as through biodiversity offsetting) should be a last resort. Biodiversity offsetting appears to be presented as the default position.⁸⁹⁷ The proposal shows how biodiversity offsetting principles can easily be misused to imply some false environmental credentials, offered as very special circumstances when there would be significant impacts on biodiversity with no evidence that the harm could not be avoided in the first instance.⁸⁹⁸

731. Within the proposed landscape, 83% of what is described by the applicant as mitigation would in fact be compensation.⁸⁹⁹

732. Only a small proportion of the site is actually previously developed land. It is largely improved grassland and arable land, that is Open Agricultural Land.⁹⁰⁰

733. There has been no consideration of alternative sites for the development which would have less harmful impacts.⁹⁰¹ The result of the proposed development would be a net loss of biodiversity.⁹⁰² Off-site compensation of 7ha of land would be required despite there being 308ha of land available within the application site. This clearly demonstrates that the applicant needs to maximise the development footprint to maximise job number claims, with no space left for ecology or environmental gains.

734. According to the NPPF the application should be refused as it has failed to balance the economic and environmental considerations. The NPPF advises that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.⁹⁰³

Impact on Brandon Marsh Site of Special Scientific Interest (SSSI)

735. The loss of Rock Farm and its overwintering bird population of District importance could have implications for the nationally important overwintering bird populations of Brandon Marsh. The lack of replacement wetland within the proposal means that this issue is outstanding. SSSI's have statutory protection

⁸⁹⁷ TCG3/1 p7 & section 3.4.0

⁸⁹⁸ TCG3/1 para 3.4.25

⁸⁹⁹ APP8.6; TCG3/4

⁹⁰⁰ TCG3/1 section 3.2.3

⁹⁰¹ TCG3/1 section 3.5.0

⁹⁰² TCG3/1 p9 onwards

⁹⁰³ B.1 para 118; TCG3/1 section 3.3.0

under the Wildlife and Countryside Act 1981 (as amended) and so this should be a reason for refusal.⁹⁰⁴

Loss of overwintering birds

736. The same applies, but the impact on the birds themselves is a significant and outstanding loss of biodiversity in the event that no replacement wetland habitat is being created within the on-site mitigation measures. There is concern about conflict with Coventry Airport with respect to bird strikes.⁹⁰⁵

Impact on Stonebridge Meadows Local Nature Reserve

737. The A45 flyover would require an embankment in the floodplain which could alter the hydrology on the adjacent Stonebridge meadows grassland.⁹⁰⁶ This is not assessed within the Environmental Impact Assessment. Local Nature Reserves have statutory protection under the National Parks and Access to the Countryside Act 1949 and so outstanding impacts on these features are also a reason for refusal.

Local Wildlife Sites

738. These are sites that have features that are of county importance for wildlife and have non-statutory protection through the planning system. Four Local Wildlife Sites would be directly or indirectly affected by the proposal, which is therefore unacceptable and unjustifiable. The sites are Leaf Lane LWS, Lower Sowe LWS, Sherbourne LWS and River Avon LWS. Mitigation has to some extent been included for these sites in the landscaping proposals, although there would still be a deficit of habitat loss overall.⁹⁰⁷

Rock Farm

739. This site is outlined as a potential Local Wildlife Site (pLWS), which broadly affords the same level of protection as Local Wildlife Sites. The site and its mosaic of habitats would be lost and mitigated for only in part on site. The outstanding wetland issue also relates to this impact.⁹⁰⁸

Protected species

740. The site supports great crested newts, roosting bats, reptiles, badgers and breeding birds, all of which are protected under various UK legislation. There would be impacts on these species that require mitigation. Any outstanding impacts on protected species, after mitigation has been provided, would still be a reason for objection.

Habitats

741. The value of all habitats has been calculated using DEFRA's biodiversity offsetting model, of which Warwickshire is a pilot area (led by the County Council). This in effect provides a way of quantifying the impact of the

⁹⁰⁴ TCG3/1 section 3.4.07

⁹⁰⁵ TCG3/1 pp17-18

⁹⁰⁶ TCG3/1 section 3.4.08

⁹⁰⁷ TCG3/1 section 3.4.09

⁹⁰⁸ TCG3/1 pp16-17

development, so that any mitigation proposals should provide enhancements or replacements to the value of that lost. The model has changed significantly from that submitted with the application, resulting in a habitat deficit. This means that there would be a net loss of biodiversity from the site, which in planning terms is contrary to national planning policy and a reason for objection.⁹⁰⁹

742. The NPPF makes it very clear that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.⁹¹⁰

Pollution

743. According to the NPPF, planning decisions should aim to:

- avoid noise from new development giving rise to significant adverse impacts on health and quality of life;
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.⁹¹¹

Noise

744. Clearly the development of a logistics park, the sole purpose of which would be distribution, would necessitate very large numbers of vehicle movements and the loading and unloading of vehicles within the park. This would be in close proximity to the villages of Baginton and Bubbenhall, and would be a 24 hour operation. The noise levels generated would give rise to a very significant adverse impact on health and quality of life for residents of those villages which are presently areas of tranquillity.

Light

745. Night time light pollution and sky glow are also inevitable undesirable consequences.

Air quality

746. The NPPF advises that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.⁹¹² Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

747. The site immediately abuts an Air Quality Management Area at Tollbar End. The increased traffic generated by the development would be bound to result in a negative impact on air quality as well as noise generation, which is clearly contrary to the NPPF.

⁹⁰⁹ TCG3/1 sections 3.5.0, pp15-16

⁹¹⁰ B.1 para 119

⁹¹¹ B.1 para 123

⁹¹² B.1 para 124

Safety

Airport

748. There is concern about the proximity of the development to Coventry Airport and, in particular, the provision of the access road to service Zone A.⁹¹³
749. The access road would utilise the existing Bubbenhall Road, proposing to lower this into a 2m cutting and make it wide enough to facilitate large numbers of HGVs to use the road. The plans also include a pedestrian footpath, a bridleway/cycle path, maintenance strips on each side and an Airport security fence.⁹¹⁴ It is thus inevitable that the north-eastern boundary of the road and Airport fence would have to be relocated closer to the Instrument Landing System (ILS) array and further into the Runway End Safety Area (RESA). The latter is an area that should be free of hazards that could pose a risk to overrunning or undershooting aircraft, and the proposed cutting is an example of just such a hazard.⁹¹⁵
750. The movement of the fence nearer to the ILS array would also have an effect on the performance of the ILS transmitter. No evidence of modelling the effect this would have or whether it could be done has been provided.⁹¹⁶
751. There are no detailed plans to show how the modifications to the Bubbenhall Road could be achieved in the limited space available between the ILS array (which the applicant asserts cannot be moved) and the southwestern boundary of Bubbenhall Road. According to the applicant's transport witness, the current plans are only indicative.⁹¹⁷ He also suggests that a safety case in relation to the relocation of Bubbenhall Road must have been carried out, but no evidence of it has been produced. There is no evidence from the Councils that they have checked that what is proposed is actually possible; there are no detailed plans to enable any analysis.
752. A letter from Coventry Airport⁹¹⁸ fails to show any details of the safety case. The letter includes what appears to be an inaccurate diagram showing the extent of the RESA; it is believed that the existing Bubbenhall Road is already in the Airport RESA. Even if that is not the case, the Civil Aviation Authority has stated that every effort should be made to 'delethalise' the area beyond the RESA and that no new hazards, such as a cutting, should be introduced into that area. As an example of this, both the ILS array and the runway approach lights, which are on either side of Bubbenhall Road, are frangible structures in order to reduce the risks to overrunning aircraft.

Emergency access

753. The lack of any detailed information about the proposed Emergency access is also of concern.⁹¹⁹ The applicant and Warwick Council agree that this should be
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⁹¹³ TCG6/1

⁹¹⁴ TCG6/2 Appendices 6.1, 6.2, 6.3

⁹¹⁵ TCG6/1 para 16 onwards; TCG6/7

⁹¹⁶ TCG6/5

⁹¹⁷ Cross-examination of Mr Johnstone

⁹¹⁸ APP2.8

⁹¹⁹ TCG6/1 paras 11-16

left to reserved matters. However, the Council should have insisted that this be resolved at the beginning of the process since, with the businesses in Middlemarch Business Park relying on it, the access would need to be available at all times during building. How and if this could be achieved must have a bearing on any assessment of the viability of the project.

Renewable energy

754. A further issue connected with safety is the proposal by the Council that the development should achieve at least 10% of its energy requirement from renewable sources.⁹²⁰ This would be impossible because the development is so close to an Airport. There are strict guidelines from the CAA about the use of wind turbines near to airports, and the use of solar panels would also be limited because of problems associated with reflections affecting aircraft landing and taking off.⁹²¹

Summary

755. The proposed development is clearly contrary to both the NPPF and the adopted Warwick District Local Plan.⁹²²

756. TCG is fully supportive of the Government's commitment to secure faster economic growth in the UK in order to create jobs and prosperity, building on the country's inherent strengths. It also recognises the special economic problems, especially relatively high unemployment, in parts of the Coventry area. However, it disputes fundamentally that the evidence adduced by the applicant is anything like sufficient to show that the proposal would make a significant and special contribution to addressing those local economic problems.

757. There is a vital need to prevent the unrestricted sprawl of Coventry and safeguard the local villages from encroachment, thus preserving its scale, setting and special character. The development would encroach on previously undeveloped Green Belt fields, which provide a vital buffer between the villages and Coventry. It would ruin openness and create unacceptable urban sprawl, and harm the quality of life of residents.

758. The proposal is clearly inappropriate development in the Green Belt. The required 'very special circumstances' for such development do not exist, and permission should not be granted.

THE CASE FOR COUNCILLOR BERTIE MACKAY

759. The applicant's marketing publication "*Delivering Jobs & Growth*"⁹²³ claims to have taken its lead from the Government's Plan for Growth and the NPPF. It welcomes the strong support received from the Local Enterprise Partnership. However, the Government's emphasis on growth does not advocate promoting development in the Green Belt.

⁹²⁰ P.6 condition 81

⁹²¹ TCG6/6

⁹²² TCG7/1

⁹²³ A.158

760. Part of the applicant's argument is that the fragility of the country's economic situation is well articulated by the Government and taken forward by the LEP.⁹²⁴ The LEP was chaired by Sir Peter Rigby who is the major architect behind the planning applications. Growth means development and Government recognises that its plan for growth is not without controversy. The applicant refers to the 'presumption in favour of sustainable development' and the opening up of more land for development. This conveniently ignores the fact that the Green Belt is exempt from such a presumption.⁹²⁵

761. The three dimensions to sustainable development (an economic role, a social role, and an environmental role) are mutually dependent. However, the NPPF makes it clear that sustainable development includes making it easier for jobs to be created in cities, towns and villages, and local planning authorities are required to "*proactively drive and support sustainable economic development to deliver the homes, business and industrial units*".⁹²⁶ Local planning authorities are also required to identify strategic sites for local and inward investment to meet anticipated needs.⁹²⁷

762. Coventry and its hinterland have long been known as a Centre of Engineering Excellence. Jaguar Land Rover and Aston Martin are changing the industrial scene. In order to sustain this turnaround in economic prospects, space to carry out this research, development and manufacture has to be available. At the moment it is not in the right place or of the right type. The proposal aims to remedy this deficiency.

763. The LEP has set a strategy for economic and employment growth.⁹²⁸ As part of this it has selected the application site as the best and most appropriate location to stimulate and prosper economic and job growth.

"The Gateway is a scheme of major strategic importance to Coventry and Warwickshire and it represents a long-term opportunity to create high value jobs, attract inward investment and make major improvements to the infrastructure of the area. It is a once-in-a-generation opportunity."

764. The proposed development is situated to the north and south of Coventry Airport on land predominantly within Warwick District. It would combine public and private investment to resolve long-standing difficulties on the strategic highway network along the A46 and the A45.

765. At this point, issue is taken with the promoters of the scheme for five reasons.

766. The first is the statement that "*the developers behind the CWDP have a strong history of the successful implementation of large-scale projects of this nature including Coventry Colliery, Blyth Valley Park and Grange Park Northampton.*" Sir Peter Rigby has either previously been or is currently associated with up to 80 companies. None of these suggest the scale and nature of this development. The three major projects referred to above must therefore depend on the experience of Roxhill. Neither Rigby Holdings nor Roxhill had any involvement

⁹²⁴ APP10.1 para 4.5 onwards

⁹²⁵ B.1 para 14 footnote 9

⁹²⁶ B.1 para 17

⁹²⁷ B.1 para 21

⁹²⁸ C.34

with these projects or indeed had any financial investment in them. It is possible that some of Roxhill's employees previously worked on these developments for different companies, but that is a long way from stating that the developer did. Significantly, each of the named developments was completed before Roxhill was founded. The proposal, if granted permission, might well succeed, but that would not be on the back of previous success in this sort of enterprise.

767. Secondly, the proposal is in the wrong place. Warwick District and Coventry are close together, and Baginton is near to urban sprawl. However, the travel distance between the site and Nuneaton is 15 miles.

768. The third reason is that it is wrong to suggest that the Coventry/Nuneaton Regeneration Zone could be assisted by the development, as planning officers have done.⁹²⁹ The south Warwickshire-based development would have little in common with Nuneaton and Bedworth, with this aggravated by distance. On the other hand, refusal could give rise to the expectation that an alternative site might be focused on Coventry and Nuneaton rather than Coventry and this site. Of course Nuneaton and Bedworth Borough Council has proposals of its own. Nevertheless, the Borough has some of the most deprived wards in Warwickshire, the highest unemployment rate, and (having regard to the likelihood of people having to travel to the site) the highest number of people who travel outside the area to work and the lowest car-ownership levels in Warwickshire. Conversely, the unemployment rate of Warwick District is barely 2%. Rather than employment in Nuneaton and Bedworth benefitting from the development, it might well be damaged. In terms of commuting, not only would the separation distance be an obstacle to Nuneaton and Bedworth residents, but all the deprived areas of Nuneaton lie on the west side, which would make commuting even more challenging.

769. It would appear that Coventry Council, in its rush to be a major participant in the development, and to protect its Whitley Business Park, greatly weakened the chances of exploiting the Coventry/Nuneaton Regeneration Zone to be a preferred option for this development.

770. Warwick Council officers have stood the evidence on its head by maintaining the proposal is supported by the RSS.⁹³⁰ RSS Phase 2 revision was never an adopted policy. The primary aim of the RSS was to focus development on the Zones of Deprivation and to achieve Urban regeneration and curtail the outflow of people and jobs. Warwick District with 1.5% unemployment is clearly not a zone of deprivation nor an urban area in need of a regeneration zone. RSS policy PA2 did not support the creation of employment zones outside urban areas. Under policy PA3, Solihull-Coventry-Warwickshire is defined as a High Tech Corridor; this does not provide any justification for building high tech offices starter units in the Green belt. With regard to policy PA7, the preferred location for Regional Investment Sites is Coventry and Nuneaton Regeneration Zone. Under Policy PA8, Ansty is identified as the Major Investment Site.⁹³¹ The development does not meet the requirements for a Regional Logistics Site of Policy PA9. To comply

⁹²⁹ B.19, B.20, B.21

⁹³⁰ BM3; B.21

⁹³¹ BM1/2

with the RSS, development in Warwick District should not undermine urban regeneration, which this proposal in rural Warwickshire would do.

771. The fourth reason involves the imbalance between Coventry and Warwick districts. The development would be based entirely in Warwick District, that is both the Zone A logistics park (B8, B2) and Zone B technology park (B1). The single carriageway access would start with a slip road from the A45 and terminate at Zone B and Zone A. HGVs would operate to and from Zone A, with a capacity of 1,000 vehicles in and 1,000 vehicles out every 24 hour period. Car travel, intended public transport, and parking would be added, with a claim of up to 14,000 jobs created. The result would be upheaval in Warwick District, and nil activity in Coventry, the irony being that the Local Authority with the lesser facilities would carry the burden.

772. The final reason, which should bring the proposal to an immediate end, is the resultant disrupted environment of a village with a near 1,000 year history (Baginton).⁹³² It has listed buildings, historical ruins, restructured Roman remains, and a Conservation Area. These mean little to the scheme's promoters, and the community of Baginton is disregarded, with consideration given only to the proposed warehouses and other uses. The adverse impact that the activities would have is recognised by the promoters, with mitigation proposed such as by way of bunds, noise receptors, air quality monitors, and earth mounds. It is not clear whether hotels and car showrooms are mitigation, or part of a hidden agenda. If the development is granted permission, this would be in outline, and the reserved matters (determined by the applicant) might be very different from the B8, B2 and B1 Use Classes. There is no doubt that the existence of the proposal in Warwick District, and specifically in Baginton, is due to the Rigby lease and operation of Coventry Airport.

773. There is a contradiction in the references to the land values of the site. On the one hand the quality of land is described as crucial to the choice of site, but on the other the land requires reclamation and decontamination. Neither Coventry City nor Warwick District requires any additional land for employment use, so that the reason for developing in the Green Belt and changing the community life of two villages is unclear.⁹³³

774. The Zone A area requires remediation of Severn Trent lagoons and a new access road from Tollbar End. It has no infrastructure, whereas all the alternative sites have this in place. It is questioned why this site is selected when alternatives are available. From the beginning the applicant has treated Zones A and B as if they were combined. However, it is generally accepted that there is no synergy between the two.⁹³⁴ Each is capable of being accommodated on an alternative site separately. It appears that they are being promoted as a combination in order that the size of the twin zones cannot be accommodated by any alternative site.

⁹³² BM4/2

⁹³³ BM2

⁹³⁴ BM6

Access

775. Many transport issues would have to be addressed to enable the site to be brought forward. These include:

- Only one access route
- Restricted shift patterns and staggered shift changes
- Costs of providing staff transport
- Cost of travel co-ordinator
- ANPR operational costs and impact on staff
- Restrictive Modal split
- Walking/cycling distances.

776. In this context it is questioned whether customers could be found that would accept the costs and conditions that would be applied to the units in Zone A.

777. Road traffic access is critical to major new development. Its ability to achieve the stated benefits is directly related to this factor. In this case the split physical locations of Zones A and B, the lack of any direct access to motorways or rail networks, the rural nature of the local road system, and the proposed complicated and disjointed road access scheme are all fundamental issues. There would be a direct negative impact on many local communities and business that would never be addressed. All the benefits expected to be derived from the multi-million pound, Government funded Highways Agency improvement to Tollbar Island would be put in jeopardy.⁹³⁵

778. The proposal is directly contrary to the Government's objectives to promote sustainable transport choices and reduce the need to travel, especially by car. This is because it seeks to site a major B2/B8 development with high projected employment levels in a remote location where the existing road systems would be incapable of supporting the proposed traffic types and volumes. Provision of the required infrastructure would require substantial changes to local communities, resulting in a negative impact on the local population, roads and villages. HGV traffic would be a major factor.

779. The location is some 11.5km from the nearest motorway, 8.5km from the nearest railway station, at the end of a cul-de-sac some 4.3km from the nearest major road at Tollbar End/A45. This would require dedicated, extensive and expensive transport provision to be made, running mostly over the local public road network and through local villages, resulting in congestion and generating high emissions and noise levels.⁹³⁶

780. Any public transport services would not be financially viable and could not be totally integrated into a through service with Zone B due to different shift times. It would therefore require external funding, but this would be provided for a

⁹³⁵ BM5/1 p2

⁹³⁶ BM5/1 p5

limited period only. The need for subsidy by businesses would make this a high cost location.⁹³⁷

781. A target figure of 65% private car transport is given by the applicant, but it has conceded that given the location a more appropriate figure of 81% should be used.

782. The changes made to the scheme involving the road system around Baginton in November 2012 are significant areas where traffic assessment has not been undertaken.⁹³⁸ If assessed correctly, major long term issues would be identified.⁹³⁹

783. Under the original scheme it was proposed that the new Zone A access road and Bubbenhall Road (integrated as one continuous road) would be closed to non-development related traffic and isolated from the local rural road network. This was to ensure that projected employee traffic volumes, bus services and HGV traffic could be accommodated along the single carriageway road.⁹⁴⁰

784. The revised road system produced in November 2012 removed the 'closed' roads and restricted access controls on public roads but introduced ANPR on local roads for all development related traffic. The change also introduced a road traffic island on the Zone A access road at the southern end of Baginton. Located at the junction of Bubbenhall Road, Coventry Road and Stoneleigh Road, this would open up the development road system to all local and commuting traffic and conversely the local road network to development traffic. The impact of this design change has not been quantified or validated nor has its impact on the capacity of the local road network been stated. The development would result in traffic levels well in excess of those the proposed traffic island and link road could deal with at peak times, especially as the applicant has assumed that peak hour traffic levels would be spread uniformly in the hour prior to shift start and after shift end.⁹⁴¹

785. The proposed introduction of ANPR is fraught with problems. From a practical perspective it could not achieve its stated aim of controlling access routes into Zones A and B; if a vehicle is not registered it could not be controlled. Multiple road signs would be required. Any vehicle turning round would impede traffic in both directions, putting other road users at risk. Alternatively, vehicles could possibly continue using inappropriate roads. All options for siting control units would be unacceptable.

786. A second issue with ANPR is one of legality. The restriction of choice could be open to legal challenge, rendering the proposed system of control totally ineffective. The same applies to the restriction of trade that there would be on businesses.

787. Major design details are missing from the road access system, such as on the gradient of the lowering of Bubbenhall Road. The plans are therefore not credible.

⁹³⁷ A.131 para 10.6; A.133

⁹³⁸ BM5/5

⁹³⁹ BM5/1 p4

⁹⁴⁰ BM5/1 p6

⁹⁴¹ BM5/1 p7 onwards

788. No provision has been made in respect of potential road closure during emergency situations or bad weather. This is especially concerning as there would be a cul de sac single carriageway road running in a cutting, with cars, HGVs and buses close to cycleways, footpaths and bridleways.
789. Given the peak hour traffic that would be generated within the site, vehicle volumes would inevitably be concentrated at the start and finish of shifts, resulting in congestion and traffic queues round the access island on Bubbenhall Road.⁹⁴²
790. Looking at the Zone A access in detail, a large number of restrictions have been identified.⁹⁴³ These involve limits on throughput rates and speed, conflicts with other vehicle movements and road users. It is questioned whether the road represents good design. The consequence is that the 16kph previously identified assessment speed of traffic on the Bubbenhall traffic island looks very optimistic. The single carriageway access route into the Zone A cul-de-sac results in traffic capacity and safety issue which cannot be resolved given the current projections for employment in Zone A.
791. In addition, HGVs and public transport accessing the site could affect traffic over a much wider area, such as traffic being directed off the A46 by satnavs.⁹⁴⁴
792. The applicant's evidence⁹⁴⁵ incorporates fundamental changes to the scheme for Tollbar End junction. These would have a consequent effect on the function of the local road network centred on the junction of Rowley Road and connectivity with Siskin Drive, and strategic changes to the function of parts of the road network. These changes have not been through public consultation or subject to EIA and the consequential impact has not been properly assessed.⁹⁴⁶
793. The applicant introduces a quantitative measure by which the proposed impact of road related changes can be measured, but this is subjective and from the standpoint of the road user only. It has not been applied as an overall measure from the standpoint of either the adjacent population or local businesses.
794. The agreed Highways Agency (HA) scheme for Tollbar had a direct dual carriageway link between Siskin Drive and Tollbar Island, giving priority access/egress for traffic from Middlemarch Business Park.⁹⁴⁷ Rowley Road is a T-junction off Siskin Drive. The applicant now proposes that there should be a dual carriageway link between Siskin Drive and Rowley Road, with only a single carriageway side road linking them both to Tollbar Island.⁹⁴⁸ The development commences half way along Rowley Road, and there is no clear explanation as to why changes need to be made to the original HA scheme. There is no justification for the proposed development to interfere with Middlemarch Business Park and its associated traffic.

⁹⁴² A.133 Appendix E; BM5/1 p9 onwards

⁹⁴³ BM8; BM5/6

⁹⁴⁴ BM5/1 p9

⁹⁴⁵ APP2.1

⁹⁴⁶ BM5/4 p2 onwards; BM5/5

⁹⁴⁷ BM5/4 Appendices 1 & 5

⁹⁴⁸ BM5/4 Appendices 3 & 4

795. It is not clear why it has been decided that it would be better to predominantly encourage traffic to use the new A45 junction rather than Tollbar Island; traffic would still be able to use Tollbar Island but would not be encouraged to do so. According to the applicant, as both options were tested in the ES no further work is required to justify the change. However, there is no right to make this change, and occupiers of Middlemarch have not been consulted. The stated claim is that it would remove the need for the applicant to build an additional west bound lane on the A45 between Tollbar Island and the proposed new development access road. It could give rise to major capacity problems at peak hours at the traffic roundabout off Rowley Road, and there is no evidence to demonstrate that it is viable. Traffic exiting the site to travel south or east would be required to use a single carriageway bridge over the A45 and turn right across the oncoming traffic from the Whitley Business Park. It is likely that this would generate queues back into the development. There is a need to re-run the traffic analysis.⁹⁴⁹

796. The applicant claims that the negative impact of local changes imposed by the development would be offset by improvement to the wider traffic environment. In reality they would be likely to make matters far worse and any benefits would not offset the problems created. Were the scheme rejected, other local development would come forward spread over a much wider area and have less of an impact.⁹⁵⁰

797. The applicant's evidence creates more problems than its answers. It is apparently no longer viable to progress the original proposal. The whole underlying fabric of site access, vehicle numbers, practicality and viability need to be re-examined against a sound plan that would not impact negatively on local businesses and communities.⁹⁵¹

The Efficacy of S106 Requirements

798. The planning system is predicated on an adversarial basis, which can be seen in the procedures stipulated for the running of an inquiry.⁹⁵² This adversarial two party nature fits well with the majority of cases, but that is not the situation in the current one. This is shown by the 'Statement of Common Ground' agreed between the applicant and Councils, but which excluded the Rule 6 Parties who were obliged to submit their own version.⁹⁵³

799. The Councils' position in this matter is demonstrated by the evidence of Warwick Councillors who were members of the December 2013 Planning Committee but who voted against the proposal and were then removed. That a Conservative, a Liberal Democrat, and an Independent should come together as one on this matter clearly supports the Government's desire for 'Localism' to be actively at work, and in a demonstrably non-partisan way in this case.⁹⁵⁴

800. Section 106 obligations normally work in the same adversarial way, but this time there are no Rule 6 Parties involved to ensure that the checks and balances

⁹⁴⁹ BM5/4 pp4-6

⁹⁵⁰ BM5/4 p6

⁹⁵¹ BM5/4 p7

⁹⁵² The Town and Country Planning (Inquiries Procedure) (England) Rules 2000

⁹⁵³ P.1; P.2

⁹⁵⁴ BM1/1; BM2; BM6

of a more neutral view be taken into account. Obligations could easily be varied or amended at any subsequent time if the applicant and local planning authorities are on the same side. This has already been clearly demonstrated with respect to the conditions attached to the Whitley Business Park permission.⁹⁵⁵ Stage 3 build has occurred on that site despite that previous stages, including access designed at the time to 'unlock' it, have not been completed. Obligations relating to the Flood Plain Reserve are now proposed to be set aside for the supposed greater good of building the current scheme's A45 road bridge buttresses in that area.

801. Any Section 106 obligations could therefore be easily amended, neutralised or ignored, as has happened previously within Warwick District.

Conclusion

802. No 'Very Special Circumstances' have been proven, so that the applications must be refused.

THE CASES FOR OTHER PARTIES WHO APPEARED AT THE INQUIRY

The Case for James Avery⁹⁵⁶

803. Mr Avery is Chair of the Cycle Coventry Advisory Group.

804. There is a strong and growing case for quality cycling provision, which involves giant leaps forward in terms of expectations. This scheme used out-of-date design standards when submitted, which would be positively obsolete by the time of the development unless a condition is attached to redesign them.

805. The development meets definitions for urban sprawl, being single use, low density, surrounded by surface level car parking, with no identifiable central point and no public square.

806. The following reserved matters conditions are suggested:

- Car parking should be a chargeable service
- There should be a zero tolerance policy towards parking outside designated areas
- All warehousing units should have a requirement that lorries based at the premises must be fitted with the latest safety equipment and that all drivers must have advanced safety training for cycle and pedestrian awareness.

807. A number of detailed suggestions are made on provision of routes and priority for cyclists. In order to be useful, the proposed park should be properly connected at both ends to a network of pathways within Coventry and the villages of Ryton and Bubbenhall.

The Case for Nicholas Butler⁹⁵⁷

808. Mr Butler is a local resident.

⁹⁵⁵ N.3

⁹⁵⁶ TP1

⁹⁵⁷ TP2

809. The proposed loss of open countryside would be a disaster, seriously affecting local villages. The site is especially sensitive because it lies within the West Midlands Green Belt. It is unlikely that the buildings would attract anything like the 14,000 or 10,000 jobs suggested. There is no need for the development here since it could easily be accommodated on empty sites in Coventry, Rugby, Nuneaton, Bedworth or elsewhere. A dangerous precedent for Green Belt development would be set, which is the greatest threat posed.

810. With respect to handling of the application, when this was considered one of the applicants was also a member of the Coventry Local Enterprise Partnership. Whether or not legally sound, this cannot be ethically sound. At the first of two meetings of the Planning Committee of Warwick Council the councillors were divided and the Chairman, who opposed the application, deferred it. Before the second meeting the composition of the Committee was changed in favour of supporters of the scheme. This was wrong, and new members would not have had sufficient time to digest all of the documents.

The Case for David Ellwood⁹⁵⁸

811. Mr Ellwood is a local solicitor, mediator and arbitrator.

812. Mr Keir, Roxhill's Managing Director, did not appear as a witness, and therefore little or no weight should be given to his untested 'evidence'.⁹⁵⁹ That also applies to the evidence on Green Belt for the Councils.⁹⁶⁰

813. The independence of the GL Hearn report⁹⁶¹ commissioned by Warwick Council Planning Committee cannot be taken for granted. In the 12 days from when the Councils received the first draft report, Sir Peter Rigby (Chairman of one of the applicant companies, operator of Coventry Airport and board member of the LEP and its Chairman while the applications were with the Councils) had apparently sought a meeting with only the Council's Leader and Chief Executive. This followed on from an earlier discussion with the Leader and a meeting with the Council representatives on the LEP. There is an absence of records of relevant meetings.

814. Little attention has been paid to the emergence of 'windfall' sites. Coventry City Council has announced its intention to be the anchor tenant of the Friargate development, leaving the four buildings it presently occupies in the centre of Coventry for Coventry University to expand into. A further example is that a planning application is to be submitted for a B1, B2 and B8 development of the former colliery site at Daw Mill in the north of the County. This has an existing railhead and is close to the M6. The argument that there is a declining bank of sites is ill-conceived.

815. A viability assessment for the proposal is needed in view of the toxic and largely unknown contamination of the site and the road infrastructure that would be required. This is in accordance with RICS guidance.⁹⁶² The High Court

⁹⁵⁸ TP3

⁹⁵⁹ APP10.2 Appendix 2; APP10.4 Appendix 3

⁹⁶⁰ LPA3/1

⁹⁶¹ C.21

⁹⁶² C.11

judgment of Brown v Carlisle City Council [2014] EWHC 707 (Admin) has similarities with the current case. In both cases

- a freight distribution centre adjacent to an Airport is involved.
- there had been an earlier attempt to achieve development which also included the Airport.
- the applicant and Airport operator are different companies, but in Carlisle they were treated as one since "*in reality it is the group that matters*".
- the applicant does not seek to claim that the development is not viable.

816. The difference is that, in Carlisle, the need for a viability assessment was recognised but it was fatal to the application that a particular feature was missing from it. In this case there is no similar assessment for anyone to judge whether or not it is sound. Quite independently of anything else, the absence of an assessment should be fatal to the proposal.

WRITTEN REPRESENTATIONS

Representations Submitted to the Councils

817. The representations received by the two Councils as a result of their consultation on the planning applications are summarised in some detail in the respective Committee reports and updates.⁹⁶³

818. Objections to the proposal were made by the **Parish Councils** of Baginton, Bubbenhall, Stoneleigh & Ashow, and Old Milverton & Blackdown, and by **CPRE**. These were set out in a number of rounds of responses, and are on grounds put forward at the inquiry in the cases of the Rule 6 parties.

819. **Individual representations:** By the stage of the second consideration of the proposal by Warwick Council's Planning Committee (12 June 2013), 819 individual objections had been received from residents and businesses. Again, the main grounds of these are those argued against the proposal at the inquiry. There had also been 6 individual representations of support, 2 containing both objections and support, and 3 making comments.

820. **Jeremy Wright MP** raised concerns regarding encroachment on the Green Belt, amalgamation of settlements, availability of alternative sites, questionable job figures, lack of demand for industrial and commercial development of the scale proposed in the area, increased traffic congestion and noise and disturbance from HGVs. He also advised that he is against a return to full-scale passenger operations at the Airport.

821. **Two petitions** of objection were submitted to Coventry Council on behalf of residents in the Cheylesmore area of Coventry. The first (771 signatures) objected to encroachment on an area west of the A444 to link traffic to and from the Whitley/Jaguar site and the intention to close the junction of Leaf Lane at the Festival Island-A45/A46 junction. It contended that the proposal would impact negatively on Stivichall and Cheylesmore residents and businesses.

⁹⁶³ B.19-B.21

822. The second (415 signatures) objected to the proposed development in a residential area of the widening of Black Prince Avenue and Leaf Lane on grounds of increasing road traffic, noise and pollution. Also raised was that the development would reduce parts of Whitley Common and playing fields, and remove trees and hedges. The field in Leaf Lane was stated to be common land which is frequented by both adults and children.
823. **Coventry City Councillors** Foster, Blundell and Sawdon raised objections to the proposal.
824. **Site occupiers:** An initial objection submitted by the occupants of Rock Farm was withdrawn after an agreement was reached with the landlord and applicant.
825. Similarly, Trinity Guild Rugby Football Club and the Electric Railway Museum withdrew their objections after agreeing relocation details with the applicant.⁹⁶⁴
826. Representations were made to the Councils by **Organisations, Statutory Bodies and Consultees** as follows.
827. English Heritage initially stated that the proposal would cause substantial harm to the setting of the Lunt Roman Fort Scheduled Ancient Monument and the Bubbenhall Conservation Area. In response to the subsequent proposed re-orientation of some of the buildings and reduced height of others, it was stated that if these amendments could be made a condition of the approval and English Heritage could be consulted throughout the development of the detail of this part of the scheme, it would be glad to remove its objection.
828. Warwickshire Wildlife Trust objected on the grounds that the proposal would result in a net loss of biodiversity from the site and would put a number of statutory and non-statutory wildlife sites at risk, together with a number of important species and habitats. Some of these concerns were addressed by further information and the proposed biodiversity offsetting to mitigate and compensate for the loss of individual habitats within the site, but concerns remained about wider impacts in terms of the loss of habitat mosaic, fragmentation, loss of ecological connectivity, increased exposure to disturbance and reduced climate change resilience. Securing no net loss of biodiversity would ultimately depend on the ability of the local authority to secure the effective delivery of the compensation scheme. The principle of off-site compensation is that this should be a 'last resort' for addressing adverse impacts on biodiversity, and should not be applied unless there is certainty that such impacts could not be avoided or mitigated in full on site. A £25k contribution for enhancing biodiversity is likely to be only a fraction of the funds needed to secure the delivery and long-term maintenance of the necessary mitigation and compensation measures required on site. The Trust is not "*supportive*" of the scheme as suggested by the applicant, and its views remain unchanged.
829. RSPB objected on grounds of Green Belt policy and a significant net loss of biodiversity, referring to the complex of pools and reed beds around Rock Farm as a wetland habitat which is locally scarce and supports a range of specialised species. The impact on this would not be adequately offset by the biodiversity offsetting proposals.

⁹⁶⁴ APP14

830. Objections were made by Friends of the Earth (various branches), Ramblers Association, Coventry Green Party and Coventry Trees Group on grounds relating to Green Belt policy, lack of need and environmental impact.

831. In their reports the Councils' recording of the final positions of the following consultees is (or equates to) one of no objection to the proposal, including where this is subject to conditions and/or the provision of further information and obligations: Natural England, Rugby Borough Council, Nuneaton & Bedworth Borough Council (no response made), Coventry Airport, Birmingham Airport, National Air Traffic Services, Sport England, Rugby Football Union, Highways Agency (conditions directed), Environment Agency, Civil Aviation Authority (no requirement to consult), Warwickshire Police, Severn Trent Water, Centro (public transport operator), NHS Warwickshire, WCC Fire & Rescue, West Midlands Fire Service, WCC Rights of Way, WCC Archaeology, WCC Ecology, WCC Highways, WDC Environmental Health, WDC Community Protection, WDC Waste Management, WDC Cultural Services, WDC/CCC Tree Preservation Officer, CCC Highways, CCC Landscape Architect, CCC Climate Change Officer (stating disappointment that a more strategic, site wide approach to energy efficiency and the sustainability of energy sources has not been taken), CCC Urban Design, CCC Environmental Health, CCC Flood Risk/Drainage Manager.⁹⁶⁵

832. Coventry & Warwickshire Local Enterprise Partnership expressed broad, in principle support for the proposal, stating that it would make significant strides towards the realisation of the key ambitions of the LEP.

Representations Made following the Call-In

833. Following the call-in of the two applications, further written representations have been received by the Planning Inspectorate.⁹⁶⁶

834. There are some 71 individual objections. The grounds of these are again largely encompassed by the arguments put forward by opponents of the scheme at the inquiry. An objection on behalf of Enterprise Inns plc raises concern about the potential effect on the operation of the Oak Public House in Baginton with respect to access and visibility, as well as more general matters.

835. RSPB confirms that its objection to the proposal stands. Warwickshire Wildlife Trust also advises that its objections remain unresolved, and gives broad support to representations made by The Community Group on the matters of concern.

836. There are an additional 2 individual representations in support of the proposal. The Coventry & Warwickshire LEP also reiterates its support for it, referring to the final version of the Strategic Economic Plan of 31 March 2014.

CONDITIONS AND OBLIGATIONS

Conditions

837. A set of suggested planning conditions in the event of the applications being granted permission was included in the Statement of Common Ground.⁹⁶⁷ A

⁹⁶⁵ WCC – Warwickshire County Council; WDC – Warwick District Council, CCC – Coventry City Council

⁹⁶⁶ INSP1

⁹⁶⁷ P.1 section 9.0

revised version was submitted during the inquiry.⁹⁶⁸ Written comments on the conditions were provided by CPRE.⁹⁶⁹

838. The conditions were discussed at the inquiry. Due to the number and detailed nature of points made during the discussion these are not set out individually here, but they are addressed below in the section of the Conclusions on conditions where there are material differences of view to resolve.

Planning Obligations

839. The Section 106 legal agreement (as submitted at the inquiry in its final draft form⁹⁷⁰) is between Coventry City Council (as 'Owner'), Warwick District Council, Warwickshire County Council (the 'Councils') and the applicant (as 'the Developer'). Schedule 1 contains the following covenants of the Owner relating to the carrying out of the development:

- Provision of an Employment and Training Strategy, covering both construction and operational phases, comprising measures to target opportunities at local people, with target ratios for provision (local defined as living within 12 miles of the site).
- Payment of a Whitley Common Open Space Payment (£40,000 index linked), providing the loss of open space has not already arisen as a result of implementation of planning permission reference FUL/2013/2599.
- Implementation of an approved Construction Ecological Protection and Mitigation Strategy, covering all common landscaped areas and estate roads/footpaths and cycleways.
- Implementation of an approved Biodiversity Offsetting Scheme, including maintenance for not less than 30 years.
- Payment of a Lunt Fort Mitigation Payment (£100,000 index linked) prior to commencement of units on the Technology Park.
- Implementation of an approved On Site Open Space and Common Infrastructure Management strategy (including for the Countryside Park).
- Payment of an Off Site Highway Contribution (phased and totalling £2,500,000 index linked).
- Payment of a Cycling/Walking Works Fund (£2,500,000 index linked) prior to occupation.
- Implementation of approved Travel Plans and appointment of a Travel Plan coordinator, including specification of monitoring and remedial measures.
- Public Transport measures including Bus Infrastructure Works (total maximum £5,000,000 index linked), provision of a City Centre Bus Service, a bus service to Wood End, and Dedicated Commuter Services (total expenditure not to exceed £12,500,000 index linked) over a 10 year period.

⁹⁶⁸ P.6

⁹⁶⁹ CPRE12

⁹⁷⁰ P.8

- Traffic Management measures including payment of TRO contributions (totalling £37,500 index linked), Leaf Lane Works contributions (phased and totalling £150,000 index linked) and implementation of an approved Bubbenhall Road/Rowley Road/Coventry Road/Stoneleigh Road Access Restriction Strategy.
- Use of reasonable endeavours to assist the relocation of businesses currently located within the site.
- Use of reasonable endeavours to achieve agreement for a lease or new premises for the Coventry Model Car Club and Electric Railway Museum.
- Payment of monitoring fees totalling £60,000.

840. Schedule 2 sets out the Councils' covenants, which specify the purposes on which the payments will be spent and periods after which they will be repaid if unexpended.

841. Coventry City Council, as 'Owner' in the Agreement, owns much of the land within the site (as shown on plan 1 to the Agreement). The remaining land, defined as the 'additional land', is intended to be bound by the obligations in due course by virtue of the provisions in a Deed of Adherence (Schedule 3 of the Agreement). Under Clause 5.1 of the Agreement, the Owner and Developer covenant not to implement the development unless and until a Deed of Adherence has been completed in respect of all the Additional Land to the effect that all of this is bound by the obligations in the Deed.

842. In this regard a parallel is drawn by the applicant to another call-in case which relied on such an arrangement.⁹⁷¹ That case related to applications by Southend United Football Club.⁹⁷² The Secretary of State had initial concern that under an agreement the developers were purporting to give a covenant in relation to other land included in the application site and which they had not yet acquired on the basis that it would be deemed to be bound by the planning obligation from the date on which they acquired it. The concern was that this covenant was of no value as the relevant land would only be bound once it had been acquired and the purchaser had given a direct covenant to the planning authority. The Secretary of State was satisfied in this respect by a subsequent deed of variation which introduced a prohibition on the commencement of development until a further planning obligation, binding the relevant land in the same terms, had been given to the local planning authority by the freehold owner and any others having a legal interest in the land.

843. The District Council, City Council and the applicant submitted an agreed statement of justification for all of the obligations having regard to the local and national policy and the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.⁹⁷³ This sets out in each case a reference to relevant policies and a statement on how the obligations are considered to comply with the tests in Regulation 122. CPRE provided written comments on the obligations.⁹⁷⁴

⁹⁷¹ APP10.1 paras 5.29-5.30

⁹⁷² APP10.2 Appendix 4 para 12 (refs D1590/07/1201353 & B1550/V/1201356 dated 30 June 2008)

⁹⁷³ P.4

⁹⁷⁴ CPRE12

CONCLUSIONS

844. The numbers in square brackets in this section of the Report are references to previous paragraphs which are particularly relied upon in reaching the conclusions.

Main Considerations

845. Having regard to the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the applications, the relevant policy context and the evidence to the inquiry, the main considerations that need to be addressed are as follows:

- i) The impact the proposal would have on the Green Belt with respect to inappropriate development, openness and purposes; and the effect on the beneficial use of the Green Belt including landscapes and visual amenity.
- ii) The effect the development would have on heritage assets in the vicinity.
- iii) The effect the development would have on biodiversity.
- iv) Whether the development would be sustainable in transport terms and the effect it would have on highways conditions.
- v) Whether the proposal would deal satisfactorily with contamination.
- vi) The effect the development would have on noise.
- vii) The effect the development would have on air quality.
- viii) The effect the development would have on flood risk and drainage.
- ix) The implications the development would have for public safety.
- x) The merits of the economic case put forward in support of the proposal.
- xi) The relationship of the proposal to the development plan and national planning policy.
- xii) The planning conditions and planning obligations that are required in the event of permissions being granted and the likely effectiveness of these with respect to mitigation of impacts on infrastructure and the environment.
- xiii) Whether there is adequate environmental information.
- xiv) Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify such inappropriate development; and the conclusion to be reached on the overall balance of planning considerations in the case.

i) The impact the proposal would have on the Green Belt with respect to inappropriate development, openness and purposes; and the effect on the beneficial use of the Green Belt including landscapes and visual amenity

846. The site adjoins the southern edge of the city of Coventry, covering an area of some 308ha and falling mostly within Warwick District. Part of the West Midlands Green Belt surrounds Coventry, and almost all of the area of the site is designated as Green Belt. This comprises the part of the site described as Zone A, which is to the south of Coventry Airport and to the south and east of the adjoining Middlemarch Business Park; Zone B, which is land to the north and west of the Airport; and Zone D, which consists of various parcels of land within the operational boundary of the Airport. The only element of the site outside the Green Belt is part of Zone C, which is largely in Coventry City and covers land within and alongside existing and proposed highways. [11-18]

847. The proposed development involves new build floorspace totalling some 439,280sqm. This would be to create a logistics park in Zone A with industrial and storage buildings of up to 343,740sqm in total; a technology park in Zone B with up to 65,032sqm of business floorspace, 4,645sqm of car showroom floorspace, 11,617sqm of hotel accommodation, and 2,300sqm of Class A uses (total 83,594sqm); and new buildings/structures for Airport use in Zone D totalling 11,946sqm (an increase of some 773sqm on those replaced). [24-28]
848. Paragraph 89 of the National Planning Policy Framework (NPPF) requires the construction of new buildings in the Green Belt to be regarded as inappropriate other than for limited, specified exceptions. The exceptions do not apply in this case, and there is agreement between all parties that in this respect the proposed buildings (and extensive proposed road infrastructure within Zones A, B and D) constitute inappropriate development in the Green Belt.
[89,338,430,558,572,759]
849. According to paragraph 90 of the NPPF, certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location. The Councils consider that the landscaped screening mounds (bunds) proposed in a new countryside park alongside the buildings in Zones A and B and the roads proposed in Zone C fall into these respective categories. In terms of the latter, the need for a Green Belt location is to be considered below as part of the overall assessment of the merits of the development. With regard to the bunds, these would be artificially created features ranging from 3-15m above the finished floor levels of the proposed adjacent buildings. As such they would constitute an intrusion on openness, and therefore in my view involve further elements of inappropriate development.
[31,197,395,437,462,499,514,562,669]
850. Regardless of this latter finding, the scheme as a whole includes a very substantial quantum of inappropriate development. It is subject to the requirement set out in paragraph 87 of the NPPF that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
851. Policy UAP2 of the adopted Warwick District Local Plan 2007 seeks to direct the location of new employment development, with policy RAP6 dealing with such development in rural areas; in the Green Belt this is limited to identified major developed sites, which do not include the application site. The adopted Coventry Development Plan 2001 in policy GE 6 follows Government policy on Green Belt. The proposal in these respects is in conflict with the development plan.
[55,56,64,416,340,544]
852. Paragraph 79 of the NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt openness

853. There are some existing industrial, agricultural and sewage works buildings in Zone A, and some Airport, agricultural and museum buildings in Zone B. These

buildings would be demolished, as would the Airport buildings that are proposed to be replaced in Zone C. However, they occupy only relatively small parts of the overall site, and it is otherwise notably free of existing buildings. In Zone A, the former sewage sludge lagoons and drying beds, whether or not representing previously developed land as defined in the NPPF, are ground level features that do not intrude on open vistas, as are the former tipped areas and vehicle test track. The remainder of this Zone is in agricultural use as open fields. Similarly, the former landfill site, rugby club playing fields and agricultural land of Zone B have an open and undeveloped nature. In Green Belt terms, these areas of land have strong characteristics of openness. [12-16,183,405,433,709,732]

854. The application scheme is mainly in outline but indicates the proposed areas of development and the parameters of the buildings that would be erected. The logistics park development in Zone A would substantially fill the wider south-west part of this area with new structures. The heights of the buildings would be between 10.5m and 20.5m, and sizes range from units of 5,000sqm floorspace up to units of 103,000sqm. Circulation and vehicle parking areas would also be created. [1,25-26]

855. In Zone B, the technology park buildings and associated development would occupy most of the eastern part of this area. The buildings would have ridge heights of between 8m and 16.5m, with building sizes ranging from units with 750sqm floorspace up to units of 15,000sqm. [27-29]

856. The overall effect of this extensive physical development, which would include some particularly large shed-like structures in Zone A, would amount to a major intrusion on openness within much of the existing open land of the site. These areas would as a result no longer have any of the characteristic openness that is the essential feature of Green Belts. This applies especially with respect to the building plots of Zone A but also within Zone B, where the individual buildings would be in a looser setting but nevertheless the overall effect would be to create a fully developed appearance. This destruction of openness would result notwithstanding the proposed planting of the bunds that would edge much of the development and the retention of open land as a linear park on the west side of Zone B and to the south, east and north of the development in Zone A. The proposed bridge across the A46 with its supporting structures would also be a new built element that would erode Green Belt openness.
[201,395,425,437,757]

Green Belt purposes

857. Paragraph 80 of the NPPF sets out five purposes served by Green Belt, and the proposal as it relates to the Green Belt falls to be assessed against these.

To check the unrestricted sprawl of large built-up areas

858. The city of Coventry is a large-built up area, and the site lies on the southern fringes of this. The A45 across the northern edge of the site forms a strong physical barrier, but there is already urban type development to the south of this. In particular in the vicinity of the site are the Stonebridge Trading Estate and Middlemarch Business Park, as well as the Airport. Nevertheless, the proposal would extend built-up development across substantial adjoining areas, and the applicant accepts that it would add to sprawl by comprising development beyond the existing urban area. [91,556]

859. With the abutment to the existing development, and the proposed landscaped corridor along the west, south and east sides of the new development, the applicant argues that the proposal does not amount to unrestricted sprawl because in land use terms it would be within clear limits. However, it would in effect involve a lifting of the restriction imposed by the Green Belt designation over a wide area, and thereby breach the NPPF's aim for the Green Belt to check such sprawl. [91,434,435,556,708,757]

860. Green Belt is not a landscape designation. Shortcomings in the quality of the existing landscape on the urban edge of Coventry, and the effect on this of the landscaping proposals in the scheme, do not negate the physical spread of the built-up urban area in terms of sprawl. The sheer geographical extent of the proposed development would amount to an element of strategic harm to the Green Belt in this respect. [91,652]

To prevent neighbouring towns merging into one another

861. The neighbouring towns south of Coventry are Kenilworth, Rugby and Leamington. The development would not lead to either actual or perceived merger with any of these, but such an outcome would not normally be expected from a single development, and the proposal should be assessed in terms of its contribution to a merging of developed areas. As noted by the Councils, the most important purpose of the Green Belt in the vicinity of the site is to prevent the coalescence of the villages of Bubbenhall and Baginton with the main built-up area of Coventry. [92,395]

862. The technology park in Zone B would bring urban development closer to the north-east corner of Baginton than currently exists. A mounded landscape buffer is proposed to the eastern side of the village. At its southern end this would narrow down to around 60m width, but with the removal of existing Airport buildings the gap to other buildings would be increased. Towards the north the gap would widen to some 200m. There would therefore not be an immediate physical coalescence of the development with the built-up area of Baginton. [92,395]

863. However, in broader terms, there would be a substantial infilling of the gap between the A45, the Stonebridge Trading Estate, the Airport and the village. The proposal would add to a perception of urban development extending to the south of the A45 to create a contiguous developed envelope that would include Baginton. The proposed bridge across the A45 would also contribute to the apparent linking of development. [435,556,653,660,820]

864. Similarly, while a substantial gap would remain between the Zone A buildings and Bubbenhall, development would project much further south of Coventry Airport and Middlemarch Business Park towards that village.

865. The outcome would materially contribute towards the merging of Coventry with other settlement beyond the existing built-up area, and therefore conflict with this purpose of Green Belt.

To assist in safeguarding the countryside from encroachment

866. There is no dispute that the proposal would involve an encroachment on the countryside. Large parts of both Zone A and B currently comprise agricultural fields. The former sewage lagoons, test track and landfill areas have open water

and scrub features that are also more akin to rural character than urban development. The encroachment on the countryside from the replacement of these areas by substantial buildings for business use would therefore be significant. [12,14,76,395,408,433,435,560,563,653,708]

To preserve the setting and special character of historic towns

867. The effect the proposal would have on designated heritage assets in the vicinity is considered below, where it is concluded that the settings of nearby Conservation Areas would be preserved.

868. There is a view northwards from Rowley Road across agricultural land on the site towards the buildings of central Coventry. This vista would to a large extent be curtailed by the Zone B development in the foreground. The view has no special status but the erosion of it would be an element of harm to the setting of Coventry as an historic centre seen from the countryside beyond. It is noted, however, that approved development within the Whitley Business Park would be likely to intrude on the near part of this view. [439,660]

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

869. According to the applicant, the proposal would not discourage the regeneration or recycling of urban land; instead, it is argued, the proposal arises from the lack of sufficient employment land within urban areas to meet the social and economic needs of the area and the market, and would assist in the recycling of derelict land. The applicant and Councils contend that the proposal is necessary to enable the regeneration of Coventry. Conversely, the objectors argue that it would undermine regeneration by way of competition with urban sites and with regeneration that should take place in Nuneaton and Bedworth rather than to the south of Coventry. [97,191,194,208,236,338,405,495,563,676]

870. The potential role of the proposal in relation to regeneration and competition with alternative sites is considered below, where it is concluded that the proposal would bring economic benefits and would be unlikely to have any significant negative effect on Nuneaton and Bedworth. Parts of the site can reasonably be regarded as derelict land which would be recycled by the proposal. However, this would not involve land that is urban. The overall effect of the proposal in relation to this purpose would neither demonstrably undermine nor contribute towards its intention in a way that should be accorded material weight.

Beneficial use of the Green Belt

871. According to paragraph 81 of the NPPF, enhancement of the beneficial use of the Green Belt should be sought. Examples given are looking for opportunities to provide access and for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

Access, outdoor sport and recreation

872. There is currently no public access to any part of the site, with the redundant sewage works being a highly restricted area. [205]

873. A new publicly accessible linear countryside park of approximately 105.5ha is proposed across parts of both Zones A and B, extending around the south edge of Zone A and projecting northwards along the eastern side of Middlemarch Business Park. The area is at present largely open countryside, providing a visual amenity, but the proposed new public access would enable the opportunity to link the Sowe Valley corridor with the Coventry Way and Centenary Way long distance footpaths. [30,206,404]

874. The proposal does not appear to meet the criteria for a designated Country Park, and there is already fairly extensive access to Green Belt countryside in the local area by way of roads and footpaths. Significant parts of the new landscape of the park would be artificially created in the form of bunds, and new planting here would take time to develop. Sections of new footpaths would also be in proximity to large new buildings. Nevertheless, with close attention to detailed landscaping it could be expected that the countryside park would be an asset to the area, including with respect to use by occupiers of the proposed development. Reasonable provision would be made to fund its future maintenance by way of a planning obligation, as considered later. The gain in access and the new opportunity for recreation on the site can be given some weight in favour of the proposal in line with this Green Belt beneficial use. [206,404,436,519,678-679,807,839]

Biodiversity

875. The biodiversity impact of the proposal is in dispute. This is considered below. It is concluded that there would be some benefits by way of new management and that the proposed mitigation and compensation would adequately deal with the effects of the development, other than on veteran trees, but this does not negate the need for the development to be justified on the basis that the harm it would cause to biodiversity cannot be avoided.

Damaged and derelict land

876. A large part of the site can be described as damaged and derelict land, in particular the former sewage works and tipped areas that are in need of remediation. There is a dispute on the likely effectiveness of the intended remediation of the site, which is addressed below, with the conclusion reached that the proposal would deal satisfactorily with contamination.

877. Within the context of NPPF policies that encourage such environmental improvements, this remediation is a positive aspect of the scheme, regardless of whether or not it could be achieved by other means. However, much of the reclaimed land would be used to accommodate inappropriate development in the Green Belt. As such this tempers the weight to be given to the remediation in the context of seeking enhancement of the beneficial use of the Green Belt.

Landscapes and visual amenity

878. The effect of the proposal in relation to landscapes and visual amenity overlaps with the effect on heritage assets, which follows below as another main consideration. Under the current heading the matter is addressed in general landscape terms, with the settings of specific heritage assets dealt with below.

879. The site is not covered by any national or local special landscape designations. It lies within Natural England's defined National Character Area of Dunsmore and

Feldon, with the Arden Character Area lying to the west. The Dunsmore landscape is generally rural and agricultural in nature, with a distinctive historic character. However, much of the site itself and the immediate vicinity can accurately be described as urban fringe. There are large-scale buildings and infrastructure uses present, as well as the despoiled sewage treatment and landfill parts of the site. The agricultural land within both Zones A and B is relatively undistinguished, although the eastern and southern fringes of Zone A alongside the River Avon corridor have a more pastoral farmland character. [94-95,194-196,697,705-710,712]

880. The key element in the approach of the scheme towards assimilating the development in the landscape is based on the proposed countryside park. This would run along the river corridor to the east of the site, continuing around the south of Zone A and northwards along the western side of Zone B. Within this area the topography would be altered by the formation of linear bunds of varied heights, profiles and gradients. The bunds would be planted to augment the retained vegetation and provide a screening effect, in addition to the intended recreational and ecological role of the park. [197-198]
881. The applicant's landscape and visual impact study has assessed the anticipated effects of the proposal based on conventional methodology, which applies judgments in a structured framework. In terms of landscape character, it concludes that the effects would vary between negligible to minor/moderate adverse, with moderate adverse effects experienced only initially. The specific effects on landscape features within the site are assessed to range between minor adverse and moderate beneficial on completion of the proposal. The beneficial effects derive from new woodland and other planting within the countryside park as an augmentation of retained planting, and the conservation and enhancement of the open landscape and pasture setting on the western side of Zone B to the east of the Lunt Fort and Baginton. The assessment considers that these beneficial effects would increase over time. [193,199,503]
882. The study concludes that the visual effects would overall be predominantly localised and contained. During construction there would be moderate adverse effects experienced initially from some locations, but these would reduce to a range between negligible and minor/moderate adverse on completion and lessen further in the longer term with the maturing of landscaping. It is assessed that from Bubbenhall and the Avon valley to the south, the built development, and also the current clear views of buildings at Middlemarch Business Park, would be substantially screened and limited to the very highest parts of the proposed Zone A buildings. Similarly, the conserved and new landscape along the western side of the site would substantially screen views from Baginton, including existing views towards the Airport. It is also assessed that the removal of some of the existing close Airport buildings and infrastructure would have localised benefits in some views from Baginton. [200-204,669]
883. The applicant's assessment was subject to an independent review undertaken for the Councils. This supports the importance in the baseline position of the presence of a number of significant landscape detractors within and around the site, and endorses the validity of the scheme's landscape strategy and the assessment's conclusions. While objectors suggest to the contrary that the landscape and visual impact of the development would be seriously harmful, my site visits generally confirmed the soundness of the professional assessments. As

part of this, the applicant's photomontages provide a helpful indication of the likely impact of the development both on completion and after a period (10 years). These cover the significant viewpoints and are reasonably representative in that respect, and appear to be properly undertaken. [196-204,395,503,642-644,669-673,714]

884. It should be noted that the intention of the landscaping is not to screen all views of the proposed buildings, and the upper parts would be visible from many positions even when ground level activity is concealed. However, the soft landscaping at the edges of development as part of green infrastructure in this location would be in keeping with aspects of both the Natural England profile for Dunsmore and the Warwickshire Landscape Guidelines. Subject to careful control by conditions including on geometry and planting, the bunds themselves would not be unduly prominent. At the same time there would be benefits from the degree of new screening to existing prominent commercial buildings.
[95,197,200,499,711]

885. There would be some considerable short term adverse landscape impacts during construction and before planting is established. The applicant argues that after this the proposal would bring substantial landscape benefits and that the landscape provision would go well beyond mitigation. The scheme would nevertheless introduce a substantial change in the character of much of the site itself, with the replacement of mainly open land by large-scale buildings and associated development. This would be particularly apparent in relation to Zone B by way of exposure to public viewpoints. In having regard to retaining and enhancing landscapes as an aspect of the beneficial use of Green Belt referred to in the NPPF, the landscape impact of such development would not be compatible with the existing characteristic open land quality, despite the current degraded condition of much of the site. [204,498,669,713]

886. The introduction of lighting into the developed parts of the site would also be a visual feature of the extension of the built-up area into this. However, the applicant makes a reasonable technical case that, with the use of modern lighting fixtures, the screening of the new and existing development would also limit the visible spread of night-time light including road lighting into the surrounding area. The installed lighting would need to be the subject of detailed conditions, but reserving aspects of the finished scheme in this way is a satisfactory approach which could ensure that there would not be a materially harmful increase in light pollution beyond the site. [501-503,539,560-561,643,647,684-686,745]

887. Taking the above into account, including that the impact of the scheme would reduce over time and that it would bring some localised benefits, the overall effect of the proposal on Green Belt landscapes and visual amenity can be fairly judged as amounting to a moderate adverse one, rather than an enhancement as sought by the NPPF.

888. The proposal would be able to achieve the detailed layout and design requirements and some aspects of the green space enhancement and maintenance objectives of policies DP1 and DP3 of the Warwick District Local Plan and policies GE 1, GE 2, GE 3, GE 14 and BE 20 of the Coventry Development Plan. Policy DP9 of the former and policy EM 8 of the latter would also be met with respect to light pollution. However, there would be a conflict with the

policies due to the adverse effects of the introduction and appearance of built development in this location. [50-53,60,63-64]

Conclusion on Green Belt

889. In addition to harm to the Green Belt by definition as a result of the inappropriate development, the proposal would therefore give rise to Green Belt harm by reason of a large-scale loss of openness and clear conflict with 3 of the 5 Green Belt purposes. In terms of the objective in the NPPF of enhancing the beneficial use of the Green Belt, moderate Green Belt benefits would arise from new opportunities for access and recreation, some gains to biodiversity, and from remediation. However, there would be a moderate adverse effect on landscapes and visual amenity.

890. The decision on Whitley Business Park by the Secretary of State in 2001 has been referred to as a local precedent in terms both of employment development being justified in Green Belt (with development at Ryton also cited in this way) and, conversely, the adverse consequences that are contended resulted from this. Other more general concerns are also expressed about the setting of a precedent. However, the proposal fails to be assessed based on the particular circumstances relating to it, and the same policy considerations would apply to other proposals for development within designated Green Belt should planning permissions be granted. [331,427,468-469,655,709,809]

891. Nevertheless, protection of the Green Belt is a national policy objective to which great importance is attached. As part of that, permanence is a key element. Paragraph 88 of the NPPF requires that substantial weight be given to any harm to the Green Belt. In this case there would be an overall substantial adverse effect on the Green Belt. A major contributory factor to this is the geographical extent of Green Belt land that would be affected. The proposal amounts to a very large swathe of built development in the Green Belt, including a projection well to the south of Coventry Airport. The harm to the Green Belt in this case, and the conflict with the development plan in that respect, is therefore a matter that should be accorded very serious weight in the decisions.

ii) The effect the development would have on heritage assets in the vicinity

Lunt Fort

892. Lunt Fort is a Scheduled Ancient Monument and therefore a designated heritage asset as defined in the NPPF. It comprises the remnants of a Roman military post which has been partially reconstructed. Zone B of the site lies to the east of the Fort, with part of the western boundary adjoining it. [15,268,551]

893. The Fort is on elevated ground, which originally provided for both outward surveillance and prominence. The principal remaining aspect is to the north-east and east of the Fort, thereby including part of the application site. From the Fort itself there is a view across part of the site towards the A45 and Stonebridge Trading Estate. This is currently open agricultural land with a scattering of vegetation. There are no publicly accessible views back towards the Fort, but nevertheless the open nature of the land provides the opportunity for such views. Zone B is part of the setting of the Fort and, in enabling a residual degree of

unrestricted aspect and prominence, this land contributes to its significance as an historic military post. [269-270,512,659,697]

894. The proposal would introduce new buildings and structures in Zone B. These would be visible in the middle distance from the Fort, but be well separated from it by the northern section of the new countryside park. The landscape mounding within the park would screen parts of the development, and views would remain through it and towards more distant open land beyond. These effects are illustrated by the applicant's photomontages 1 and 11. The loss of undeveloped land would reduce the historic contextual openness of the land to the east of it, and thus intrude on the setting and the relative dominance of the Fort within this. However, this would not be to the extent of the setting becoming predominantly urban.

895. It is also intended that the park would incorporate public access with a viewing platform, and together with improvement works at the Fort itself (provided by way of a planning obligation) this would enhance the scope for appreciation of the Fort. Taking into account the distance of the buildings, the screening, the remaining open aspect and the interpretation benefits, the overall degree of harm to the significance of the asset from the scheme would be slight and certainly less than substantial. The concerns of English Heritage appear to be met in the final version of the proposal. Under the NPPF, where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This harm is taken into the overall conclusion below. [31,266,271-272,404-406,512-513,551,660-662,772,827]

Conservation Areas

896. Baginton Conservation Area covers the historic core of the village centred on the listed St John the Baptist Church, the former Baginton Hall and the Green. Zone B lies relatively close by to the east, but is separated from the Conservation Area by the line of modern buildings along Coventry Road. Part of the countryside park with its landscape mounding would lie behind these, screening the activity of the site and new access road from the Conservation Area. No traditional agricultural landscape or estate ownership features that are important to the Area would be harmed given the previous degree of alteration in this location. The site does not contribute to the significance of the Area as part of its setting, and there would be no effect on this. [15,29,92,96,200,273,277,395, 435,549-551,658-662,672,697-705,710-712,744,772]

897. Bubbenhall Conservation Area is also focussed on the historic village core including its listed St Giles Church. With the outward views that exist towards the surrounding countryside, the Area has a distinctly rural setting which contributes to its significance as an early village settlement. These views include particularly that north-westwards and northwards across the River Avon towards the Dunsmore plateau from adjacent to the Church. Zone A forms the middle distance part of this vista (the boundary of the site being some 255m away from the boundary of the Area). The view is shown by the applicant's photo viewpoint 5, which is reasonably representative of the most important positions. [13,274,274,549,648,654]

898. With the development the proposed mounding and planting in the southern and eastern parts of the countryside park would edge the area of the large new

structures. The illustrative material (including the photomontages and sections) indicates that this would be effective in largely screening the new buildings on completion, with visibility of only the highest parts and at a considerable distance. There would be a change from the existing topography, but this would retain the sense of relative elevation of the Dunsmore plateau. The essential countryside landscape would remain. The proposal in this respect meets the concern of English Heritage about the setting of Bubbenhall Conservation Area, and there would be no adverse effect on the significance of the Area.

[31,96,200,266,274-276,395,435,438,514,550,663-667,673,699,827]

899. Reference has been made to a potential effect on the Stoneleigh Estate which lies to the west of the site. The designated heritage assets of Stoneleigh Conservation Area and Stoneleigh Abbey are 3.3km and 1.3km respectively from the site. As the applicant contends, due to distance, obstructions to views and the current features of these assets, the site does not contribute to their significance by way of being part of their settings. No effect on these assets from the proposal is anticipated. [278,435,514,549,658,673,694,699,700,706]

900. The applicant's identification of potentially affected heritage assets went beyond the initial 500m radius search in the Environmental Assessment, and was not unduly limited in that respect. Archaeological remains could be appropriately safeguarded by way of conditions. There is no evidence to suggest that there would be a material impact on any other designated or undesignated heritage assets. With the extent of changes that have taken place to the landscape of the site, especially in the 20th century, it is not of special historic value despite the long history of settlement and farming use in the area. [278-280,694-706]

901. There is some conflict with policy DP4 of the Warwick District Local Plan by way of the harm to Lunt Fort, but the proposal through preservation would otherwise comply with this policy and policy BE 15 of the Coventry Development Plan on archaeology. It would also comply with policies DP3, DAP4, DAP8 of Warwick District Local Plan and BE 1 of Coventry Development Plan on other aspects of historic environment. [51,57,63]

iii) The effect the development would have on biodiversity

902. Ecological surveys of the site were undertaken at a relatively early stage in the development of the scheme, and pre-application consultation took place with appropriate bodies. It can be accepted that there is a sufficiently full understanding of the ecological interest of the site. [209-212]

903. The proposal would result in a number of potentially harmful impacts on biodiversity when its effects are considered prior to taking any mitigation or compensation into account. It would displace the complex of pools and reedbeds of the Rock Farm potential Local Wildlife Site. This is recognised as a locally scarce wetland habitat supporting a range of specialised species, with the pools and their margins also probably forming part of an ecological network. The loss of open water could also affect the overwintering bird population associated with the nearby Brandon Marsh Site of Special Scientific Interest. Stonebridge Meadows Local Nature Reserve to the north of the A45 could be adversely affected by the proposed A45 bridge embankment works and its increased degree of isolation. A number of further non-statutory sites could also be harmed by way of direct loss of habitat and loss of habitat mosaic and fragmentation of habitat corridors. In addition, there would be an effect on protected species

recorded in the site surveys from loss of habitat associated with these, and three veteran trees would be directly impacted. Overall, prior to any mitigation and compensation, the potential impact on biodiversity would be one of significant harm. [219-223,548,726,728,735-740,800]

904. The NPPF states on biodiversity that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. A large proportion of the ecological measures that are put forward in conjunction with the scheme amount to compensation, and therefore are to be regarded as an acceptable approach only as a last resort. [214,474,730-731,734]

905. A central element of the case in favour of the development is that it is necessary on economic grounds and that there are no alternative sites. If this case is agreed with, which is considered below as part of the overall conclusion, stage one of the mitigation hierarchy as set out in the NPPF is met. [214-218]

906. A comprehensive set of intended mitigation and compensation measures would form part of the proposed green infrastructure, especially that associated with the countryside park. Generally the measures would result in at least equal area replacement or an improvement by comparison with existing habitats. Thus new areas of woodland, hedgerow, open water able to support great crested newts, and species rich grassland would be double that lost. There would be no quantitative loss of reedbed habitat, meeting this point of concern of the RSPB. The proposed new open water habitat has appropriate regard to the proximity of the Airport, with the applicant's Bird Strike Risk Assessment approved by the operator. Affected protected species would be safeguarded through mitigation measures. [221,223,226-230,407,727,829,835]

907. The veteran trees would be kept as monoliths, with no full mitigation or compensation for the effect on these. Under the NPPF (paragraph 118) this impact is acceptable only if the need for, and benefits of, the development clearly outweigh the loss. [231,504,726,734]

908. In other respects the proposal would enable the introduction of a management regime for the newly created habitats. This can be given some weight in favour of the proposal in that the context of much of the site's existing ecological interest is a setting within land that needs to be remediated due to its contamination, as considered below. [207,210,221,236]

909. The pilot Warwickshire Biodiversity Offsetting scheme has been applied to the proposal. The output of this is a need for a relatively small element of off-site habitat creation or enhancement through the Environment Bank arrangement, and this would be provided for. There are conservative assumptions in the offsetting metric regarding the risks in establishing new habitats and the time taken for this. The need for the off-site allowance does not in itself negate the potential on-site quantitative and qualitative gains that there would be through the proposed mitigation and compensation measures. [210,232-235,520, 548,733,741]

910. Natural England, the Environment Agency and Warwickshire County Council have no objections to the proposal on the basis that mitigation and compensation would be secured. Delivery of the strategy for this (considered under planning

conditions and obligations below) is a concern of the Warwickshire Wildlife Trust in addition to its in principle policy objection involving in particular the impact on Local Wildlife sites. [213,219-224,828,831,835]

911. It can be concluded that the proposed mitigation and compensation would adequately deal with the harmful effects of the development, other than on veteran trees, but this does not negate the need for the development to be justified on the basis that the harm it would cause to biodiversity cannot be avoided. Subject to this, in overall terms the requirements of policies DP3 and DAP3 of the Warwick District Local Plan and policies GE 11 and GE 15 of the Coventry Development Plan would be met. [51,57,64]

iv) Whether the development would be sustainable in transport terms and the effect it would have on highways conditions

Sustainable transport

912. The site lies in what is essentially a semi-rural location which is not well served by public transport. According to paragraph 17 of the NPPF, significant development should be focussed in locations which are or can be made sustainable. Paragraph 34 requires that plans and decisions ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. [476,682,778-779]

913. In addition to substantial highway works, extensive measures to improve non-car access to the site are put forward in association with the development. The issue is the degree to which these satisfy the NPPF's requirements. The measures include the provision of a new rapid transit bus route from Coventry railway station and Pool Meadow bus station in Coventry city centre to the site via Whitley Business Park, and a further bus service to it from Wood End in Coventry via Coventry city centre, Willenhall and Middlemarch Business Park. In addition, it is proposed to provide dedicated commuter bus services to other locations subject to demand from those travelling from further afield and shift workers. These measures would be secured by planning obligations with a commitment for a 10 year period and total expenditure limit of £12.5m. Also covered by planning obligations are proposals to enhance pedestrian/cyclist routes to and within the site. [33,35,254,258,399-401,488,780,807]

914. The number of car parking spaces within the development is proposed to be limited to a maximum of 5,250 spaces, of which 4,500 would be for employees and 750 for visitors. [34]

915. With this combination of public and private transport provision, a target modal split for the development is put forward of no more than 65% of employees driving to the site alone, with 10% car sharing, 15% using public transport and 10% cycling/walking. The target is proposed to be pursued and monitored by way of a Travel Plan, of which a draft has been prepared and which would be secured by planning obligation. A Travel Plan coordinator would have a range of responsibilities, including overseeing the allocation of parking spaces. The modal split target is ambitious and would require significant resource commitment to implementation of the Travel Plan. However, the new bus service provision and the modal split share for this have been developed in conjunction with the local public transport undertaker. The proposal in this respect has the support of the

highway authorities, with powers to secure the necessary routeing, and it can be expected that the service would be successfully implemented. [254,256,264, 399-402,486,490,529,682,775,780-781].

916. In addition, the site is located relatively close to Coventry with its dense network of local and inter-city transport services and the sub-region's main concentration of labour. Public transport improvements from Coventry to Nuneaton and Bedworth are in progress, and could facilitate journeys to the site from further north. However, only a fairly small proportion of workers are expected to derive from that District, and longer journey times at peak periods would not significantly reduce the accessibility of the site to the main anticipated labour force. [120,254,382-385,399,479,768]

917. The site can therefore be regarded as strategically well positioned for the proposed development in transport terms, and the proposed measures could be reasonably relied upon to significantly improve public transport accessibility. Car journeys in the area would also be substantially increased by the development, but the generation of additional travel is a general outcome of new development. Although it is not certain that the 65% single driver share or the 10% walking and cycling targets would be achieved, overall the location of the site would be made sustainable to the required level in terms of accessibility by modes other than the car. [487,489,492]

Highways impact

918. The proposed highway access package includes the construction of a new grade-separated junction onto the A45, which would serve both the application site and the Whitley Business Park/Jaguar site; a new link road through the Whitley/Jaguar site; and improvements to a number of other junctions in the vicinity. [33]

919. Local accessibility to the site is proposed to be restricted on certain routes, including where these would be unsuitable for substantial increases in traffic flows and particularly use by HGV's. In part this is proposed by way of an Automatic Number Plate Recognition system to monitor and control the movement of specific vehicles on these routes. The system would require a sophisticated degree of management through the Travel Plan coordinator and rely on introducing appropriate enforcement, but the technology for this and the methodology are indicated to be established and reliable. The approach could be expected to successfully limit undesirable movements to an acceptable degree, although new associated road signage in the locality would be a visual feature. [256,490-491,680-683,775,785-786]

920. The applicant's traffic modelling indicates that there would be no materially adverse effects on highway conditions in the area with the proposed road improvements in place. The application of a modal split in the assessment that assumes no shift from the existing 88% single car share in the area adds robustness to this conclusion. Criticism is made of the use of a design year of 2022, but this conforms to normal practice and there is no compelling reason as to why a later year should have been used in this case. [255-256,259,478,820]

921. With respect to the other modelling assumptions in the traffic generation forecasts and the applied road capacities, these elements appear to be soundly based and make use of appropriately conservative comparators for the reasons

given by the applicant. This includes with respect to the relationship with the Highways Agency's ongoing Tollbar End scheme; the proposal could be satisfactorily assimilated with this with no unacceptable departures from normal standards or worsening of flows on the strategic route. Access to the Middlemarch Business Park and Whitley/Jaguar sites would also be appropriately provided for. [260-263,480-483,777,784,789-794]

922. Concerns have been raised regarding changes introduced to the highway proposals following the original submission and about a lack of detail on these. The current scheme is dealt with by the evidence, and as set out above I consider that no prejudice would arise from the changes that have been made. Issues relating to environmental assessment are considered below. Outstanding detailed matters on the highway proposals could be addressed satisfactorily by way of conditions. [3-5,477,782-784,787-788,792]

923. All three responsible highway authorities agree that the proposal is acceptable in transport terms. Advice in paragraph 32 of the NPPF is that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. The assessment evidence indicates that the impacts in this case would not reach that threshold, with at worst the effect being one of nil detriment. Generally the proposal would comply with policies in the Warwick District Local Plan (DP6, DP7, DP8, DP15, SC4, SC12) and the Coventry Development Plan (AM 1, AM 2, AM 3, AM 4, AM 9, AM 10, AM 12, AM 13, AM 14, AM 15, AM 16, AM 22) that seek satisfactory access and accessibility, safety, and movement infrastructure provision. [52-54,62,254,265,297,492,797,821-822,831]

924. Policy RAP10 of the Warwick District Local Plan states that development will not be permitted if it would require the major modification of local rural roads in a way that would change their character. Bubbenhall Road is essentially such a road, and the proposal to sink part of this into a cutting, construct a traffic island at the junction of Stoneleigh Road and Bubbenhall Road and use a section of the road for access to the site involves some conflict with this policy. This would be an element of harm to be taken into the overall balance. [29,33,56,545-546,778-779]

Transport benefits

925. The proposed improved public transport connections from the site to the centre of Coventry would also benefit other employment sites in the vicinity, including Whitley Business Park/Jaguar. That would be a significant wider transport gain from the proposal. [35,115,241]

926. The applicant argues that, in addition, the proposal would bring wider transport benefits to the road network. This is on the basis of it being shown by the modelling that, without the proposal and its associated highway improvement works, there would be future extensive queuing at numerous locations on the network. This includes Festival Island at Stivichall, the St Martin's Roundabout on the A45 and the A46/A428 Roundabout. According to the applicant, the modelling suggests that in 2022, the design year, the road network would not function without certain improvements. Even with an assumption of those improvements being in place in order to make the model work, this performed with 15% less congestion on the basis of the proposal and its associated improvements being implemented. It is argued that the assumed improvements

are not committed, and that there is no indication of any funding available for them. [237-242]

927. There is no technical challenge to this evidence. However, at the inquiry the highway witness for the Councils did not acknowledge the suggested highway benefits as amounting to a significant improvement. I found no reason to believe that she was not aware of the details of the applicant's evidence, as suggested by the applicant. While it may be unrealistic to assume that the highway authorities would ensure that future gridlock does not occur, and that the funds for carrying out necessary improvements would somehow be found, the scope for other schemes to bring forward improvements is uncertain at present. Therefore the degree to which other developments would be reliant on the improvements associated with the current proposal is also a matter of speculation.

928. Further, there is no firm evidence to quantify the additional benefits that would result from the proposal by comparison with those that will arise from the now committed access improvements to the Whitley/Jaguar site, although some could be expected. The development would be complementary to the Highways Agency's Tollbar End improvement scheme, and the evidence also supports that the proposal would deal with the traffic impact that would result from the development itself. However, due to the uncertainty regarding the extent of likely benefit beyond that, the wider potential effect on the highway network carries only limited weight. [115,387-389,482,485]

v) Whether the proposal would deal satisfactorily with contamination

929. Much of the site is contaminated, with former sewage sludge lagoons, drying beds and tipped areas in Zone A, and a former landfill area in Zone B. In its present condition the Environment Agency considers that the site poses a significant risk to groundwater. The applicant's contamination specialist has also identified risks of contamination to surface water courses and to human health. [11-13,25,85,95,184,715,720]

930. Some site investigations have already been carried out, but the full extent and details of contamination are not presently known. The proposed methodology for remediation, intended to be secured by conditions, involves a staged approach. Through this a full remediation design and model would be developed on the basis of further investigation, with requirements for verification and monitoring of the programme of works including means to deal with any additional unforeseen contamination. Criticisms are made of this approach on the basis that there is an unacceptable degree of uncertainty and potential risk. Although this concern is understandable in the context of the envisaged extent of toxic material, the expert evidence as agreed by the Environment Agency indicates that such an approach is satisfactory in the particular circumstances.

931. The proposed method involves retaining as much of the remediated material as possible on site, to be used in particular in the construction of the proposed landscape bunding. There appear to be appropriate safeguards on practice to ensure that the materials would be suitable for retention in this way, and again the approach is supported by the Environment Agency. There is no expert evidence to the contrary on this matter, or to suggest that the objectives for remediation set out in the NPPF would not be met. [186-190,494,669,717-725,831]

932. Objectors argue that environmental protection powers should be used to address the site's contamination independently of the scheme. The Councils' position is that there is no scope for Warwick Council to compel Severn Trent as owner to remediate the sewage treatment works, nor are there any grounds to believe that this would be done on a voluntary basis. At present, no alternative means to secure remediation appears to be in prospect. [185,405,495,716]

933. It can be concluded that the proposal would deal satisfactorily with site contamination. The requirements of policy DP9 of the Warwick District Local Plan and policy EM 6 of the Coventry Development Plan on contaminated land are complied with. [53,60,192]

vi) The effect the development would have on noise

934. The applicant has carried out a technical noise assessment of the proposal, which considers the expected impact of the development having regard to existing noise conditions and relevant assessment criteria. This deals with both operational noise within the development and road traffic noise. It identifies the closest most sensitive residential receptors. The conclusion is that no relevant threshold of a significant adverse effect would be exceeded, and that some benefits would arise due to highway improvement works. [288-300]

935. Various criticisms have been made of this assessment and its conclusions, but there is no alternative expert evidence. Much of the assessment is based on the results of the applicant's traffic modelling, with the latter providing the inputs for the assessment's assumptions. The traffic modelling as considered above can be accepted as generally robust, and therefore the same degree of confidence can be extended to the traffic noise analysis. This includes assumptions about traffic mix and the design year, with no alternative evidence on this that can be regarded as reliable or preferable. An assumption made about there being no HGV movements in Zone B relates to operational rather than traffic noise, and based on the likely frequency of delivery movements appears to be reasonable. The assessment takes into account the effect of the introduction of a roundabout junction on Bubbenhall Road. Full details of noise from plant in Zone A cannot be certain at this stage when the precise users are not yet fixed, but this could be the subject of conditions. The use of conditions is also an appropriate way to deal with mitigation measures, including by acoustic screening, and with construction noise impact. [294-299,510-511,539,560-561,643,647,662,667,669,675,687-690,743-745,772,779,820,820,822]

936. Notwithstanding the third party concerns about noise impact, on the basis of the evidence and with the scope for conditions it appears that the development would not have a significant adverse effect on amenity in this respect. There would not be a breach of policy DP9 of the Warwick District Local Plan or policy EM 5 of the Coventry Development Plan in terms of noise. [53,60]

vii) The effect the development would have on air quality

937. The applicant has also carried out a technical assessment of air quality impact based on potentially affected receptors. It deals with identified pollutants that have an adverse effect on human health. Again the assessment relies on data from the traffic modelling, and can in this respect be regarded as having a reasonable basis. [281,285,509]

938. Road traffic is the main adverse factor in air quality in the identified sensitive areas. Due to general improvements and in particular the benefit of the Tollbar End scheme together with the development's road proposals, the overall effect is predicted to be an improvement in air quality in these locations. Elsewhere air quality is good and there would be minimal impact in terms of pollutants that have a potential effect on health. The introduction of the Bubbenhall Road roundabout has been taken into account in the assessment. Construction impact and especially dust could be appropriately dealt with by conditions. [282-287,508-509,539,561,647,746-747,772,822]

939. Impact on carbon emissions is primarily a matter of general policy on sustainable development, which is considered later. [508]

940. There is no alternative technical evidence to support contentions that the applicant's analysis is inadequate or that the proposal would have an unacceptable impact in terms of air quality. Policies DP7 and DP9 of the Warwick District Local Plan and policies EM 2 and EM 5 of the Coventry Development Plan are complied with on this matter. [52-53,60]

viii) The effect the development would have on flood risk and drainage

941. A Flood Risk Assessment accompanied the applications. The footprints of the new buildings would all be on land that is categorised as Flood Zone 1 (low probability of flooding). Part of the embankment structure for the new bridge where it crosses the River Sowe would be in Flood Zone 3 (high probability of flooding). Whether or not this amounts to essential infrastructure, and therefore is acceptable subject to the exception test in this Zone, depends on the conclusion reached on the acceptability of the scheme as a whole, having regard to the consideration of inappropriate development including the proposed highway works in this respect. [19,305-306,517]

942. Should the development be found to be acceptable in the Green Belt, the unchallenged technical evidence is that additional flood compensation storage would be provided as part of the works, thereby delivering a net benefit in drainage terms.

943. There is no objection to the proposal from the Environment Agency or Severn Trent subject to appropriate conditions. These would cover investigation of ground conditions as the basis for a full sustainable drainage scheme. This approach does not involve an unacceptable degree of risk given conservative assumptions made in the preliminary work. [302,305-309,516-517,831]

944. The potential ecological impact of the proposed flood and drainage proposals, including with respect to the relationship to the Whitley Business Park approved development, is taken into account in the above consideration of biodiversity. [302,308,517,737,800]

945. Policy DP11 of the Warwick District Local Plan on sustainable drainage and policies EM 3 and EM 4 of the Coventry Development Plan on water and flooding are complied with. [53,60]

ix) The implications the development would have for public safety

946. Part of Bubbenhall Road runs along the south-west edge of Coventry Airport at the end of the runway. This section of the road is proposed to be lowered in

conjunction with its use as part of the access route to Zone A, and widened to incorporate footpaths and cycleways alongside the carriageway. The potential safety implications of this with respect to operation of the Airport have been raised as a concern. [29,310,748-749]

947. In addition to the consultation carried out on the applications, various items of correspondence relating to this matter were provided during the inquiry. This correspondence confirms that it is the responsibility of the Airport operator to assess development proposals against the safety requirements needed to maintain an aerodrome licence as issued by the Civil Aviation Authority. That applies despite the Airport owner's involvement in the proposal in this case. The Airport has confirmed that it is satisfied with two particular aspects of the Bubbenhall Road works. Firstly, it considers that the lowering of the road would reduce the risk of HGVs penetrating the Obstacle Limitation Surface. Secondly, with regard to the defined Runway End Safety Areas (RESA), the perimeter fence proposed would not encroach on the RESA as correctly defined and does not present a safety concern. [311-313,748-752,831]
948. There is agreement that the perimeter fence would need to be relocated towards the runway as part of the proposal. That the new position is not yet fixed at this stage is unsatisfactory. Nevertheless, the consultation response is clear, and provides the only available proper authoritative basis on which to consider the proposal. The final position of the fence could be dealt with as part of the reserved matters, with any further implications arising from this matter being for the operator to resolve (including the performance of the Instrument Landing System). [313,748-752]
949. Any turbines proposed in order to meet renewable energy requirements would require approval pursuant to the relevant condition. [754]

950. Provisional arrangements to improve emergency access from the Airport and Middlemarch Business Park have been put forward, and could be secured satisfactorily by condition. [314,477,753,788]

x) The merits of the economic case put forward in support of the proposal

National economic policy

951. The NPPF sets out the Government's commitment to securing sustainable economic growth in order to create jobs and prosperity. It requires significant weight to be placed on the need to support economic growth through the planning system. Local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. [78,80,104,106,346,565]
952. For plan making, the NPPF urges local planning authorities to have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this they should work together with county and neighbouring authorities and with Local Enterprise Partnerships (LEPs). [104-107,111,344,347]
953. Within this national policy context the applicant and Councils claim that there is a compelling economic case in favour of the proposal. They argue that it would make a major contribution to fulfilling Government objectives on promoting sustainable economic development and building a strong and competitive

economy. The proposal is said to respond to an identified need for high quality new employment sites to meet the requirements of the market, which is necessary to ensure that Coventry and the Coventry & Warwickshire LEP area generally can achieve their economic potential and would secure substantial numbers of jobs. The merits of this case, which is disputed by objectors, will now be considered. [76,79,83,338,360,393,409,441,585,773]

National guidance on economic development needs assessment

954. The national Planning Practice Guidance (PPG) sets out how economic development needs should be assessed. The primary objective of identifying need is to identify the future quantity of land or floorspace required for economic development uses including both the quantitative and qualitative needs for new development; to provide a breakdown of that analysis in terms of quality and location, and to provide an indication of gaps in current land supply.⁹⁷⁵ Both quantitative factors and an understanding of the qualitative requirements of each market segment are to be addressed.⁹⁷⁶

955. Needs should be assessed in relation to the relevant functional economic market area, the definition of which should take into account the extent of any Local Enterprise Partnership and travel to work areas among other factors.⁹⁷⁷

956. Plan makers should liaise closely with the business community to understand their current and potential future requirements. Among other things, they should also consider:

- The recent pattern of employment land supply and loss to other uses (based on extant planning permissions and planning applications).
- Market intelligence and market signals.
- The existing stock of employment land, which will indicate the demand for and supply of employment land and determine the likely business needs and future market requirements (though existing stock may not reflect the future needs of business). Recent statistics on take-up of sites should be consulted at this stage along with other primary and secondary data sources to gain an understanding of the spatial implications of 'revealed demand' for employment land.
- The locational and premises requirements of particular types of business.
- Identification of oversupply and evidence of market failure.⁹⁷⁸

957. When examining the recent take-up of employment land, it is important to consider projections (based on past trends) and forecasts (based on future scenarios) and identify occurrences where sites have been developed for specialist economic uses. This will help to provide an understanding of the underlying requirements for office, general business and warehousing sites and (when compared with the overall stock of employment sites) should form the context for appraising individual sites.⁹⁷⁹

⁹⁷⁵ ID 2a-002-20140306

⁹⁷⁶ ID 2a-003-20140306

⁹⁷⁷ ID 2a-008-20140306; ID 2a-012-20140306

⁹⁷⁸ ID 2a-030-20140306

⁹⁷⁹ ID 2a-031-20140306

958. Plan makers should consider forecasts of quantitative and qualitative need but also its particular characteristics. The key output is an estimate of the scale of future needs, broken down by economic sectors. An idea of future needs should be developed based on a range of data which is current and robust, taking account of business cycles and making use of forecasts and surveys. Emerging sectors that are well suited to the area should be encouraged. Market segments should be identified within the employment property market so that need can be identified for the type of employment land advocated. The available stock of land should be compared with the particular requirements of the area so that 'gaps' in local employment land provision can be identified. Various types of assessment techniques should be considered.⁹⁸⁰ The increasing diversity of employment generating uses requires different policy responses and an appropriate variety of employment sites.⁹⁸¹ [80,108-110,366]

Position of the LEP

959. The Coventry & Warwickshire LEP was formed in 2010 as part of the first wave of LEPs. It expresses support for the proposal. Suggestions of a conflict of interest have been made, in that the former Chairman of the LEP is involved in the current scheme as a part applicant. However, his participation in the LEP is consistent with the role of these bodies to secure the contribution of the business community in formulating local economic policy. There is no evidence of a breach of the protocol of the LEP in this respect. Given the importance attached by the NPPF to working with LEPs in understanding business needs, its support for the scheme is a significant material consideration. [81-82,87,160-165,348, 355,633-634,772,810,813,832]

960. The final version of the LEP's Strategic Economic Plan (SEP) of 31 March 2014 identifies the current site proposal (referred to as Coventry and Warwickshire Gateway) as "*the priority employment site*", and states that without its development the LEP will be unable to meet its expected overall employment growth. Amongst a list of 11 existing and proposed major employment sites, the Gateway is specified as having the largest single site area remaining (121ha out of 334ha total) and gross jobs that could be accommodated by 2030 (10,300 out of 44,180 total).⁹⁸² Within the context of these figures, it can be understood why importance is attached to the site, although it was not given pre-eminence in the earlier draft version of the SEP (December 2013). In terms of evidential support for the proposal, the "*priority*" description in itself carries relatively little weight, but is indicative of the LEP's position. [75,81,161,444,635-636]

The LEP area economy and objectives

961. Research carried out for the LEP indicates significant economic differences across its area. The south is performing quite strongly, whereas in the north (the part in which Coventry lies) the economy is less resilient, following structural decline in its employment base. Coventry possesses a much higher proportion of low value manufacturing industries and higher absolute and relative levels of deprivation, unemployment and worklessness than is found in the south of the LEP area. Coventry has 49% of the unemployed persons in the LEP area as a

⁹⁸⁰ ID 2a-032-20140306

⁹⁸¹ ID 2a-033-20140306

⁹⁸² C34 Table on p31

whole. The working age population of the LEP area is projected to increase by 45,000 by 2021 and it is expected that around two-thirds of that growth will occur in Coventry. [114,349,637-638]

962. In this context the LEP seeks to rebalance the area's economy. Greater emphasis is to be placed on manufacturing in order to build on the area's specialisation in advanced manufacturing and engineering (AME) and the skilled workforce that is associated with it. The LEP aims to increase employment numbers by focusing on inward investment, as reflected in the SEP. While a return of large volume car manufacturing is not in prospect, the area has been successful in terms of attracting automotive-related research and development. The LEP area's central location on the national motorway, trunk road and rail network is also identified as a competitive asset, and logistics is a further strength of the area. [114,118-119,126,349,445,458,585,637-641,762]

963. The identification of these broad aspects of the area's economy and potential for growth sectors appears to be soundly based and can be accepted, despite doubts expressed by The Community Group about the space requirements of the automotive industry.

Evidence on employment land needs

LEP evidence

964. The LEP has commissioned an Employment Land Study for the area it covers, but at the time of the inquiry this was not available, apparently still being in draft form. The SEP advises that the Study has assessed future employment growth prospects and the resulting demand for employment land and premises based on a number of different scenarios. It states that this has produced 3 forecast requirements for B Class employment land of 201ha, 292ha and 175ha respectively, with a recommendation of 250ha as the additional employment land requirement that Coventry and Warwickshire should plan for between 2011 and 2031.⁹⁸³ [161,163,354,443]

965. The total site area of the major employment sites listed in the SEP less the 121ha of the Gateway site is 213ha. The forecast requirements represent a net need, and it can be expected that there will be some erosion of sites of low quality from the supply. However, the list of sites is stated not to be exhaustive. This available evidence does not indicate in broad employment land terms that without the current proposal there would be a degree of shortfall in the amount of land needed to meet the target requirement such as to warrant the scale of the development.

966. Since the detail of the Study was not provided at the inquiry, neither in final nor draft form, it could not be examined. There is no other such up-to-date quantitative analysis of employment land requirements for the LEP area as a whole. The position in evidence from the inquiry is therefore a deficiency in the detail that the PPG suggests is necessary in terms of quantitative estimates of land required to meet economic needs by market segment having regard to forecasts based on future scenarios. This represents a shortcoming in the evidence to support the proposal, and all that can be concluded from the

⁹⁸³ C.34 p30

information available from the Study does not appear to provide a justification for its scale. [161,163,354,442-443,641]

Development plan position

967. As identified in the SEP and described by the applicant and Councils, the proposal is expressly intended to meet a sub-regional need for employment land arising for the LEP area as a whole rather than responding to the more local needs of any individual district. While the former Regional Spatial Strategy (RSS) and its proposed revision sought to address such cross-boundary needs, following abolition this no longer forms part of the development plan and therefore carries no weight as policy.
968. The adopted Warwick District Local Plan only deals with employment land requirements up to 2011, and is out-of-date in that respect. The emerging Plan considers local employment needs separately from sub-regional ones, with the latter addressed in the most recent version by way of a specific proposal for use of the application site as a sub-regional employment site.
969. The adopted Coventry Development Plan of 2001 is also out-of-date with regard to employment land. A Core Strategy for the City is yet to be successfully brought forward, but a need for cooperation with adjoining authorities on strategic planning matters appears to have been highlighted by the shortcomings of the 2009 and 2012 emerging plans.
970. In terms of the other plans in the LEP area, the adopted plans for Nuneaton and Bedworth, Stratford-on-Avon and North Warwickshire similarly contain employment land policies which are out-of-date and do not deal with other than local needs. The 2011 Core Strategy for Rugby is more recent, but its employment land target also does not seek to provide for needs beyond the District.
971. It is therefore correctly asserted by objectors that an employment land requirement to support the current proposal does not appear in the various development plans for the LEP area. These plans do not identify any significant shortfall in employment land provision. However, in the context of a combination of out-of-date policies and other than local needs not being addressed by the plans, this absence of support for a wider sub-regional provision in the adopted plans does not in itself undermine the needs case for this, nor does the case advanced in favour of the proposal depend on the revoked RSS. It can also be noted that no objections to the proposal have been made by other local planning authorities, including any allegations on grounds of excessive provision of employment land. [150-159,342,356-358,412-417,423,566-577]

Market assessments

972. The market assessments of need for the proposal carried out on behalf of the applicant and the Councils have been undertaken by appropriately qualified experts with knowledge of the relevant local markets. The assessments identify separate market segments for the two elements of the proposal, recognising that justification is required for the components of both Zones. [122,147,362,455,462]

Zone A

973. Zone A is proposed to comprise flexible large floor plate units for B2 and B8 uses. The units would generally be in a range of sizes up to 46,400sqm but could be up to 92,900sqm. The Zone A component is intended to provide high quality accommodation for the advanced manufacturing and logistics sectors. [124]
974. The applicant and Councils have drawn market areas for Zone A. These are similar but not identical; some disparity is understandable given the degree of judgment required in this, and both were properly explained. While the demand for logistics space could potentially spread more widely, there is also independent market analysis support for there being a distinctive market within the areas defined. [131,361-362,449]
975. Within the identified market areas the applicant's and Councils' experts have analysed rates of take-up of distribution and industrial buildings larger than 9,290sqm and the available future land supply for such premises. Take-up rates are averaged over recent years. Based on a forward projection of these, the applicant's analysis indicates that the available land equates to a supply of 2.8 years. The Councils' assessment finds an available supply equivalent to 1.9 years. A number of sites referred to by objectors as current alternatives for B2/B8 use have been included in the assessments of available supply. The addition of Birch Coppice Phase 3 to the supply would not significantly change the calculated figure due to its relatively limited size. The applicant's and Councils' assessments of the available supply can be regarded as reasonably indicative of the quantum of this based on recent rates of take-up. [130-131,365,450-451, 580,774,809,820]
976. Turning to the potential future supply pipeline, this has been considered in both analyses. Sound reasons have been given for discounting certain sites as adequate alternatives having regard to considerations of location relative to the LEP and Travel to Work areas and the particular market segments of B2/B8 use. Specifically with respect to the substantial DIRFT 3 site, this is outside the LEP area and directed towards mainly national distributors. While it cannot be ruled out that there are further sites which could come forward including as windfalls, there is uncertainty in relying on these as a means to meet future needs. [135,245-246,364-365,451,814]
977. With respect to the adequacy of the available supply, the applicant suggests that a supply of 5 years is required to allow for a range and choice of sites, drawing a parallel with the housing land supply requirements of the NPPF. However, those relate to a calculation of full, objectively assessed needs, rather than just a forward projection of past take-up rates. CPRE suggests that a buffer of 5% is adequate, also drawing a comparison with the NPPF's housing supply guidance, but such a buffer is indicated by the NPPF to be necessary in addition to a 5 year supply. [136]
978. The rate of attrition of supply is clearly a key factor in assessing its future adequacy. Take-up rates over recent years are likely to have been suppressed by the effects of recession, adding an element of robustness to the projection of future requirements based on these. The rate of take-up of newly developed large-scale space at nearby Prologis Ryton is indicative of strong current local demand. There is also some separate independent market commentary confirming that there is pressure on the availability of industrial and logistics

space generally in the West Midlands. Overall the market evidence with respect to Zone A indicates a strong likelihood of future supply inadequacies for large-scale B2/B8 premises, with difficulty in meeting the largest space requirements in the vicinity of Coventry. [123,128,133-136,366-367]

979. An unmet need would be likely to lead to investment going elsewhere, or latent demand not being unlocked. This includes with respect to particular market segments that the LEP is seeking to target. This finding does not depend on identification of specific named occupiers seeking sites or a precise mix of B2/B8 uses (which is unlikely given the relatively long lead-in time anticipated for the development), but is a conclusion that can reasonably be drawn from the market assessments. [128,136,175,451,455,463,466,619-622]

980. However, as already noted, there is no development plan basis for the extent of employment land required beyond local employment needs, and the detail of LEP's employment land study was not available to the inquiry. There is therefore a deficiency in evidence in terms of an up-to-date quantitative basis for future land requirements in the sectors targeted by Zone A other than as derived from take-up rates. The scale of the Zone A proposal has not been specifically justified in this respect.

Zone B

981. The Zone B component of the scheme is presented as being a particular product which would combine research and development and advanced manufacturing in a technology park setting. The buildings are intended to be occupied primarily for automotive, aerospace and digital technologies. [125]

982. Again the applicant and Councils have looked within defined market areas at a range of other sites that could potentially accommodate this part of the proposal, which include those cited by objectors. There is little capacity available at the existing science and technology parks in the area. Other sites are ruled out in the assessments by virtue of distance from Coventry and/or due to having a focus on particular elements of B1 use. The basis for excluding some of these can be readily accepted, for example Friargate in Coventry city centre is largely committed for office use, and Blythe Valley Business Park, which is also primarily an office development, is outside the LEP area. However, the elimination of a number of potential comparables importantly depends on the differentiation of the proposal from other parts of the market in terms of the mix of uses that would be accommodated. For example, the development at Ansty Park is being promoted primarily (even if not exclusively) for research and development rather than manufacturing, the promotion of Lyons Park is largely for B2 use, and Whitley Business Park is currently aimed mainly for offices. The MIRA enterprise zone is technology based but a considerable distance north of Coventry and focussed on the transport sector. [130-131,138,140,142-146,365,372,582]

983. It is to be recognised that, in distinguishing the nature of the Zone B proposal in such a way, this inevitably limits the extent of direct comparables found by the assessments. There is an implicit assumption in these that other sites do not have the flexibility to provide for the particular hybrid use mix specification involved. As CPRE points out, whether there is actually scope for such flexibility on some alternative sites appears to be largely untested. With pending improvements to its access, the position on the Whitley Business Park site could change. At the same time, there will be examples of businesses seeking hybrid

use accommodation of a nature that would not be provided for within the development. [148,456,468]

984. Nevertheless, there is clear market evidence of a limited future supply of good quality full-range B1 land in the Coventry area. In addition, the Zone B proposal is avowedly aspirational in that it seeks to provide for a market segment that is not currently well served. Coventry University has confirmed that the proposed grow-on space and combined office/light industry/product development facilities would complement its own technology park provision, and there is also some independent expert confirmation that this represents a coherent proposal. It is one that fits well with the local economic strengths of the area as defined by the LEP, and with the aim of providing businesses with a choice of sites, rather than depending on currently identified occupiers. Although Ansty in particular appears to be a potential competitor, there is no evidence that the Zone B proposal would be detrimental to the successful development other sites. However, there is again no specific justification for the scale of the Zone B proposal in terms of the quantitative extent of employment land required in the LEP area based on an up-to-date assessment. [125,139,146,369-371,373,429,446-447,619-621]

985. The Zone B proposal also includes hotel, car showroom and retail type floorspace. The applicant describes these as 'ancillary' uses that are important to the success of the business park. Policy UAP3 of the Warwick District Local Plan sets out limited circumstances where retail development will be permitted outside town centres. It includes considerations of need, alternative sites, reducing the need to travel by car and accessibility, and impact on town centres. The retail and allied uses proposed (use classes A1, A3, A4 and A5) are relatively small scale and, given the influx of occupiers to the site which would potentially be served these, the criteria are essentially met. Allowing access to existing local facilities in Baginton, including the Oak Public House, through the detailed local road access controls would assist in maintaining the customer base of these. [27,55,138,256,579,597,644,834]

986. With respect to the proposed hotel, policy RAP16 does not permit new visitor accommodation buildings in rural areas, and the proposal is in breach of this. Under the NPPF, hotels are a main town centre use, to which the sequential test applies. While it can be understood that additional demand for accommodation would be likely to result from visitors to the business park development, and the incorporation of a hotel could add to its attractiveness, there is no explicit assessment of need for this or consideration of alternative sites. The proposal does not comply with these elements of local and national policy, as well as being inappropriate development. [56,138,370,395,416,547,579,597,773]

987. Car showrooms are a *sui generis* rather than a main town centre use as defined in the NPPF, and located outside an existing employment area are not covered by policy UAP6 of the Warwick District Local Plan. The A45 frontage would provide for visibility of these to road users, and the presence of such units would be consistent with the automotive technology activities intended for Zone B. However, there is no specific evidence of need for showroom floorspace in this location. [55,370,395,416,462,579,597,773]

Benefits of the location

988. The B1, B2 and B8 uses proposed for the two zones are closely aligned to the economic aspirations for the LEP area set out in the SEP, which identifies the

area's strengths and growth potential in AME and logistics. The achievement of its ambitions in this respect will require a supply of appropriately located good quality sites. [126,164,350,353]

989. The potential 'synergy' between the future occupiers of Zones A and B has been referred to. While the possibility of some such links is suggested, this does not appear to be an essential factor in support of the scheme as a single combined development, nor does its justification depend on it. However, provision of a development of sub-regional importance is identified as an aim in the SEP in order assist competitiveness and attract investment, and the proposal is consistent with this. There is no objection from any local authority that the proposal is inappropriately located in this respect. As set out above, it does not conflict with the development plans for the area in this regard, while receiving support from the LEP. The status of the scheme as a sub-regional scale development capable of attracting significant investment can be given weight, although with the proviso that the scale of the development has not been specifically justified in quantitative need terms. [123,163,351,353,459-460,462,597,774]

990. The merits of the site's location relative to the formerly identified Coventry and Nuneaton Regeneration Zone, which was part of the revoked RSS, is a matter of debate. The designation carries no policy weight, but the concentration of unemployment and deprivation within the area covered remains. Objectors contend on this basis that any sub-regional site should be located to the north of Coventry within Nuneaton and Bedworth District. While the application site is to the south of Coventry within Warwick District, as concluded above it would be reasonably accessible to all parts of Coventry, from which the majority of its labour force could be expected to be drawn.

991. As already indicated above, although the south of the LEP area is performing quite strongly, Coventry contains 13,100 unemployed people, which is the largest concentration of unemployment in the LEP area and the highest rate. It also has high proportions of low value manufacturing industry and high absolute and relative levels of deprivation. Around two-thirds of the projected increase in working age population of the LEP area by 2021 is expected to be in Coventry. In these respects the site is relatively well located to contribute to meeting the need for jobs arising from Coventry and assist in its regeneration by way of economic expansion. It does not appear that the proposal would prevent the provision of land within Nuneaton and Bedworth required to respond to that District's regeneration needs, or add materially to out commuting from that Borough. [114-121,349,353,379-386,413,423,445,446 458,572,581,616,767-770,809,820]

992. The site is not served by rail or proposed to be so. Rail linkage can be important for distribution operators, but not all will require or be able to use rail. While the site does not have the benefit of rail accessibility, and therefore lacks that as a factor in its favour, there is no evidence that this would preclude the development's attractiveness to the intended logistics market in any significant way. [135,353,448,453,774,777,814]

Job numbers

993. Job creation is a key element of Government economic policy, and is also an objective of the SEP. There is no dispute that the number of jobs that would be

provided within the development cannot be certain, especially given the absence of specified occupiers and the likely long timescale of implementation. A figure of up to 7,800 jobs is agreed by the applicant and Councils as being the likely number that would be generated. The calculation of this figure uses the standard approach of applying HCA job density methodology, which is based on reasonable assumptions. The potential number of warehouse jobs in Zone A appears to be the main area of contention, but even applying probability as advocated by The Community Group does not produce markedly dissimilar estimates of the most likely number. Displacement could be higher than 25%, but the likelihood is that, assuming a high occupancy of the development, a substantial number of jobs in the order of several thousand and possibly up to 7,800 would be created. This carries significant weight. [104,106,115,164,166,176-180,334,346,352,359-360,375-380,393,489,466,565,585,587-588,623-624,809,820]

994. The potential for the development to 'unlock' around 3,500 jobs at Whitley Business Park by way of the access provisions in the proposal has been referred to. Given that the pending already-approved access works which are separate to this scheme are also intended to provide such benefits, relatively little weight can be given to this additional jobs factor. [115,360,389,393,489,468,482,526]
995. The Community Group argues that there has been no complete analysis of the local labour market. Other developments will give rise to a demand for labour in the area, and some economically inactive might not be seeking work. However, with the extent of existing unemployment in the area, and the available projections of working age population growth, suggestions that there would be problems in attracting a labour supply to the development do not amount to identification of a serious risk. [114,381-386,611-618]

Other economic benefits

996. Displacement of existing jobs can be associated with new investment by firms. The provision of necessary facilities for the logistics industry is of wider benefit in helping to meet the needs of businesses for the distribution of goods. In terms of other quantifications of the potential economic benefits of the proposal, some are included in the applicant's evidence (as extracted from the application supporting material⁹⁸⁴) but these were not central to the cases advanced in support of the proposal at the inquiry and are essentially untested. They are a suggested potential to generate over £440m in increased productivity or economic output as measured by Gross Value Added (based on an earlier estimate of 10,000 jobs on the site, which reflected an assumed higher proportion of B1 use); around 900 construction jobs per year; a build cost of £250m; business rate retention for Warwick Council of £1.7m per year. Some weight can be placed on these benefits in line with Government and the LEP's economic objectives. [177-178,378-379,578,592,625-628]

Viability and deliverability

997. There is no doubt that implementation of the development would involve incurring substantial costs, particularly in the carrying out of remediation and road construction works, as well as from planning obligations. Nevertheless,

⁹⁸⁴ Summarised in APP10.10

there is no claim by the applicant that deliverability would be compromised by the scale of obligations and other costs. Therefore the normal circumstances of requiring financial appraisal information to be submitted where this is necessary in order to support assertions made relating to the implications of such costs for viability do not arise. In fact the applicant contends that the development would be viable. While the identity of an applicant is not usually material to determination of an application, the information available on the experience of the developer team in this case does not lead to any serious doubt that the judgment made on viability is unsound. There is no firm contrary evidence to suggest that the development would not be viable. [147,166-173,392,463,466, 497,537,589,593-596,599-610,724,753,766,797,812,815]

998. With respect to the judgment in Brown v Carlisle City Council [2014] EWHC 707 (Admin), cited by objectors, that involved a viability justification for a development proposed to support a loss-making operation, and does not appear to warrant a requirement for a viability assessment in the different circumstances of the current case. [168,608,815]
999. Conversely, in terms of the justification for the scale of the scheme put forward by the applicant by way of an argument that both Zones are needed in order to make provision of the necessary infrastructure viable, or that omission of Zone A would not be viable or deliverable, little weight can be given to this as it is unsupported by any evidence. As such there is no demonstration of the minimum development required, for example, to provide for the site remediation or particular transport measures. [147,537,596]
1000. Uncertainty and risk cannot be excluded from the possible outcome of granting permission for development on the scale and of the nature of the proposal. Submission of a detailed viability appraisal would not in itself achieve this. However, the imposition of appropriate conditions and obligations relating to phasing and infrastructure provision, as considered below, would provide reasonable safeguards against The Community Group's postulated scenario of project failure. [172-175,629-632,674-676]
1001. The current site was the subject of an unsuccessful application for enterprise zone status in 2011. This preceded the submission of the present proposal, which is required to be considered on the basis of the current associated evidence rather than pre-determined by the reasons for that application's rejection. [162,357,598,622]

Conclusion on economic case

1002. National policy strongly promotes economic growth in order to create jobs and prosperity. It requires local authorities to work together and with LEPs in order to understand business needs. The PPG provides guidance on assessing economic needs. Both quantitative factors and an understanding of the qualitative requirements of each market segment are to be addressed.
1003. The Coventry & Warwickshire LEP gives support to the proposal, and this is a significant material consideration, with the recent identification of the 'Coventry and Warwickshire Gateway' in the SEP as its priority site indicating the LEP's position.

1004. There are significant economic differences across the LEP area, with the north (containing Coventry) showing significant structural problems and a high proportion of expected future working age population growth. The LEP's aim to rebalance the area's economy and emphasise in particular advanced manufacturing and engineering and its central location is worthy of support.
1005. Detailed information from a recent Employment Land Study for the LEP area was not available for the inquiry, and this is a shortcoming in supporting evidence. Broad forecasts of employment land requirements contained in the SEP do not justify the scale of the proposal. This is also not warranted by the development plans for the area, but on employment land these are out-of-date and/or do not address other than local employment needs. They therefore do not preclude a need for a wider sub-regional level provision, and there is no local authority objection to this.
1006. Market assessments have been carried out by experts for the applicant and Councils for the individual Zone A and B elements of the proposal. For Zone A, these indicate a restricted future land supply for large scale B2 and B8 uses based on demand projections from recent take-up rates. Currently available sites and the future pipeline have been reasonably considered. This and other market evidence suggests a strong likelihood of future inadequacies in the supply of large-scale premises, which would be likely to lead to investment going elsewhere or latent demand not being unlocked as well as restrict choice. However, the specific scale of the Zone A proposal has not been justified by up-to-date quantitative evidence on future land requirements. The Zone B component, seeking to combine research and development and advanced manufacturing opportunities in a technology park setting, is finely distinguished from the offer of other sites in the market appraisals. However, that reflects the aspirational nature of this element, which attempts to build on the local economic strengths of the area and provide businesses with a choice of sites. There is evidence of pressure on science park sites and a limited future supply of good quality full-range B1 land in the Coventry area, but the scale of the proposal is again not specifically justified by quantitative evidence. The hotel and car showroom space also proposed in Zone B are not supported by explicit evidence of need although could contribute to attractiveness.
1007. Overall the B1, B2 and B8 uses proposed match the economic ambitions for the LEP. The proposal does not depend on synergy between the zones, but its capacity to attract investment as a sub-regional scale development can be given weight. The location of the site is appropriate to assist in meeting the specific economic needs of Coventry, despite the regeneration needed in Nuneaton and Bedworth. The development not being served by rail is a shortcoming but this would not significantly affect its logistics potential.
1008. The number of jobs that would result from the proposal is uncertain, but the likelihood is that, assuming a high occupancy, a substantial number in the order of several thousand and possibly up to 7,800 would be created. This carries significant weight. Potential jobs at Whitley Business Park are of limited weight as an indirect benefit in the light of separate progress being made to improve its access. Labour supply problems do not amount to a serious risk. The proposal would generate wider economic benefits in terms of investment, distribution, output and other quantitative indicators. There is no firm evidence to suggest that the scheme would not be viable, although conversely there is also none to

demonstrate that it represents the minimum development necessary, for example, to provide for the site remediation or particular transport measures. Risks of delivery can reasonably be addressed by way of conditions and obligations.

1009. Overall a strong case has been made of future inadequacies in the supply of business accommodation of the type that would be provided in Zone A, and that both this and the Zone B component would be well suited to the economy of the LEP area, bringing important economic benefits. However, based on evidence to the inquiry there is not a compelling case that the scale of development proposed is fully justified (as opposed to potentially viable) in terms of quantitative provision needed to meet forecast future employment land requirements.

xi) The relationship of the proposal to the development plan and national planning policy

Development Plan position

1010. The adopted Development Plan relating to the site comprises the saved policies of the Warwick District Local Plan 2007 and of the Coventry Development Plan 2001, as these apply to the respective local planning authority areas. [48-64]

1011. The proposal is in conflict with policies that seek to restrict commercial and industrial development in the Green Belt. While the employment policies of the plans are not up-to-date, and there are many other policy areas where no conflict has been found, due to this fundamental conflict the proposal is overall not in accordance with the development plan. [150-159,340-342,416-417,542-552]

Emerging Development Plan position

1012. For Coventry City, there is no currently emerging plan that carries any weight (as at the time of the inquiry). [65,157,418-419,423]

1013. With respect to Warwick District, on 23 April 2014 the issue of the Warwick District Local Plan 2011-2029 Publication Draft was agreed. This replaced the Warwick District Council Revised Development Strategy (June 2013). In both versions the application site (as it falls within that District) is identified as a specific proposal for a major employment site of sub-regional significance. Under policy RDS8 of the June 2013 version, the proposed development for predominantly B1, B2 and B8 uses was to require a demonstration of very special circumstances, and the land was to be retained within the Green Belt until such time as fully developed. In the more recent version, under policy DS16 the land is proposed for the same uses with a requirement for a Masterplan or Development Brief to ensure that it is developed in a comprehensive manner, with land at the site proposed to be removed from the Green Belt. The supporting justification for the policy makes reference to the vision of the SEP and the need for the development, but with requirements relating to landscaping, traffic and contamination having to be met. [66-68,158,356-358,418-422,542,567-570]

1014. This emerging plan position clearly indicates the current view on the site of Warwick District Council, as reflected in the case made for the Councils, including on the weight to be given to the SEP and with respect to Green Belt. The Councils go on to suggest that some weight may be accorded to the emerging

policy in view of the evidence base and the public consultation that has been carried out, and the expectation that the policy will be advanced as a firm allocation at the Examination later this year. However, on the basis of the volume of objections to the current application, it can be anticipated that the policy will be the subject of substantial objection. This limits the weight the policy can be accorded, despite the stage reached in preparation of the Plan and the economic policies of the NPPF. [248,357-358,418-419,564]

1015. The applicant argues that the application is not premature to the emerging Plan and that a decision on the proposal can and should be made now rather than in the context of the Plan's Examination. In part this argument relates to the contended urgency of the economic need. The weight given to this, and to the suggested harm that could result from delay, depends on the economic evidence already considered. In my view this does not establish a degree of urgency such that serious harm to local economic interests would result from a time to adoption likely to be associated with an Examination in 2014. The emerging Plan should be the means for ensuring coordination of strategic economic and housing development matters. Notwithstanding this, if the current evidence is considered to warrant the development, it would clearly not be desirable to delay a bringing forward of the proposal on the basis of the timescale for a sub-regional strategy on housing which is due to be completed in 2020. [331,357,421-422]

1016. With respect to the applicant's contention that the proposal is not central to the emerging Plan, although relating to more than local needs it is plainly a substantial development involving land that is currently in Green Belt. A grant of permission now would predetermine a decision about the scale and location of a major development that is an important element of the Plan. Substantial evidence is available from the inquiry relating to the proposal, but as I have noted this does not include the detail of the LEP's Employment Land Study, which could be expected to be provided as part of the evidence for the Examination. Finally, precedent (including with respect to the Whitley Business Park decision) does not establish a requirement in respect of how the current proposal should be considered. [331]

1017. A grant of permission now would therefore result in significant prejudice to the Plan, although a rejection could also be expected to feed into the preparation of this having regard to the reasons given for such a decision. This finding on prejudice to the Plan is taken into the overall conclusion below.

National policy position

1018. The NPPF highlights the importance of achieving sustainable development, with the Government's view of what this means in practice set out by the policies in paragraphs 18 to 219 taken as a whole. Given that the proposal constitutes inappropriate development in the Green Belt, which can only be approved on the basis of very special circumstances, the provisions for applying a presumption in favour of sustainable development in decision-taking set out in paragraph 14 do not apply in this case. Nevertheless, in the context of the goal of sustainable development, the performance of the proposal in this respect is a matter to be addressed, dealing with the economic, social and environmental roles of the planning system in this. [99,105-106,553-554,761]

1019. In terms of the environmental role, the design and technical aspects of the development would be capable of meeting sustainability criteria subject to appropriate conditions as set out below. Contaminated land would be remediated and a new countryside park with provision for biodiversity management would be delivered. The incursion into Green Belt and loss of undeveloped land would be a negative environmental effect, as would the loss of land of agricultural value (51.6ha falling in the best and most versatile categories). [19]
1020. With the non-car access improvements the proposal reasonably represents a focussing of significant development in a location which is or can be made sustainable as sought by paragraph 17 of the NPPF. The extent to which it would give rise to an increase in journeys reliant on the private car would be a negative environmental outcome, with an associated adverse effect in terms of carbon emissions. However, an increased demand for travel is a general consequence of new development. [508]
1021. There is strong local recognition of the value of Green Belt and objection to the proposal on this ground. With the evidently widespread wish to safeguard the Green Belt from development, an overriding of this could be regarded as an adverse social consequence. On the positive social side, recreational uses would be secured by way of new opportunities and a safeguarding of existing facilities through planning conditions on relocation, as set out below. [642,647,691,772, 818-820,825,830-831,834]
1022. In terms of the economic dimension of sustainable development, there is a strong national commitment to economic growth, including through meeting local development needs. The potential economic benefits of the proposal would contribute significantly to these national objectives. However, in national policy there is no dispensation for economic development to override the Government's continuing firm commitment to Green Belt protection either generally or within this area. The requirement for very special circumstances to be established remains applicable for any exception to be made. [88,461]
1023. Subject to such very special circumstances being accepted, including a requirement for the development to be in the particular location of the site, it can be concluded that the proposal would overall be reasonably consistent with sustainable development objectives.

xii) The planning conditions and planning obligations that are required in the event of permissions being granted and the likely effectiveness of these with respect to mitigation of impacts on infrastructure and the environment

Conditions

1024. Suggested planning conditions to be imposed on grants of permission were discussed at the inquiry. All matters on these were agreed between the applicant and Councils, with a limited number of points of difference put forward by CPRE. The conditions fall to be considered against the advice in the PPG. Taking into account that advice and the views expressed on the proposed conditions, and the above conclusions, a set of amended conditions that are recommended in the event of the development being permitted is included in an Annex. [837-838]
1025. The recommended conditions incorporate a number of minor detailed changes to improve the wording, as agreed. Some of the originally suggested conditions have been deleted, again as agreed. The numbering in the original list has been

retained for ease of cross-reference to this. Details of the changes together with a justification for the recommended conditions are now set out under the headings of the groups into which the conditions are arranged, after some preliminary general matters.

General points

1026. As already noted, the application site lies within two local planning authority areas, with the majority of the site in Warwick District but parts, including much of the highways land, in Coventry City. The applications were submitted in identical form to the two authorities, and therefore comprise the same proposal. A number of the suggested conditions require the submission of details for the subsequent approval of the local planning authority. Amendments are made to these conditions to refer to the "*relevant*" authority and provide for an alternative plural form to apply to circumstances where the approval of both authorities would be required, in particular for the highway works. The determination of the approval(s) required would need to be addressed by the developer and authorities as part of the approval of details process for these conditions. With this adjustment the same set of conditions is recommended for the two applications. [2,11]

1027. The main parties describe the proposal as a 'hybrid' submission, in that full permission is sought in respect of the replacement Airport buildings and their associated parking, servicing and landscaping, while for the remainder outline permission is sought with details only of access being provided at this stage. They confirmed that this description is to be understood as meaning that, were permissions to be granted, there would be no reserved matters relating to the Airport development. The conditions are sub-divided to reflect this, separating out the Airport element with its own time limit and specifying the approved plans for this. [1]

Reserved matters, phasing and time limits

1028. Appropriate timescale conditions are required to reflect the outline nature of the remaining elements of the proposal and the need for subsequent approval of reserved matters. Given the scale and relative complexity of the development, a five year period for submission of the reserved matters is justified. Similarly, separation of the reserved matters into phases is appropriate; in condition 3, 'phase' should be defined according to the specification to be submitted and approved under condition 6. An implementation clause is added to condition 3. Under condition 6, it is appropriate that temporary arrangements for certain elements of infrastructure are put in place, with this clarified by adding reference to "*pending final provision*" in each case.

1029. To ensure the development is in accordance with the scale proposed and assessed, and to provide certainty, it is necessary to impose a restriction on its scale to being within the submitted parameters (condition 7). A requirement for approval of a Masterplan and Design Code in accordance with the Design and Access Statement is an effective means to ensure design quality and consistency across the development (condition 8), with materials also to be controlled (condition 10). In part (iii) of condition 8, shrubs and hedges are added to be consistent with condition 20. Control over ground works and levels, with boundary and surface treatment also added, are warranted by the extent of such works within the development and to ensure a satisfactory relationship with the

surroundings (condition 9, in which the plan number is corrected and an implementation clause added).

Use restrictions

1030. To reflect the very special circumstances case in justification for the inappropriate development in the Green Belt, which includes a need for specific types of business floorspace, restrictions on the locations and extent of particular uses within the site are warranted. These controls are also necessary to ensure that the traffic impact of the proposal is within the levels assessed in order to safeguard highway conditions on the surrounding road network.
1031. In condition 13 the reference to "Technology Park" is amended to "Zone B" for consistency with condition 11. In condition 16, "*within buildings*" is deleted since the restriction on proportion is intended to apply to the zone as a whole rather than to individual units.

Landscaping and tree retention

1032. In order to minimise the visual impact of the development and ensure a satisfactory relationship with the surroundings, specific requirements on landscaping and trees are needed as part of the reserved matters to be submitted on this. In addition, given the extent of ground shaping within the scheme, controls on mounding and soil management are needed (conditions 21 and 23 respectively). In condition 18 the requirement for adherence to good practice is extended to apply to original as well as any replacement planting. The duration of the period on a need for replacement planting to 5 years in this condition is raised as a concern by CPRE, but longer term landscape maintenance is covered by a planning obligation.
1033. The pursuit of options for retention of oak tree T38 in condition 22 is consistent with objectives on safeguarding trees of value.

Highways

1034. A large number of conditions (24-40) reflect the requirements of the Highways Agency in its relevant direction with respect to scale, improvement works and phasing, and are needed to safeguard traffic and safety conditions on the strategic road network. The discharging of these conditions would be likely to involve consultation with the Highways Agency, but this would be a matter of good practice rather than a requirement to be imposed in the conditions on the local planning authority; as agreed, these references are therefore deleted, with similar amendments made elsewhere to requirements to consult other bodies.
[831]

1035. In condition 24, the limits on floorspace for each use are more appropriately referred to as "*maxima*" rather than "*thresholds*". The number of the amended drawing for the Bubbenhall Road roundabout is corrected to that submitted during the inquiry. [3]

1036. In condition 25, a reference to updated drawings in relation to the Tollbar End scheme is added to allow for subsequent changes to this. In condition 26, "*the*" in reference to proposed modifications to balancing ponds is deleted since the changes shown in the plans at this stage are indicative, as pointed out by CPRE.

1037. Condition 32 on the sequencing of highway works can be deleted as a duplication of condition 31. The latter includes a requirement for submission for approval of a phasing plan, which would allow for any necessary updating.
1038. Condition 33 is effectively duplicated by condition 38, and similarly 34 duplicates 39; therefore 33 and 34 are deleted.
1039. Condition 35 on a construction management plan should prevent any works generally commencing prior to the approval of this (and not just construction). Condition 36 is intended to restrict the hours of vehicular movements including of construction workers, and is amended to clarify this.
1040. Condition 37 relating to a need for approval and commencement of the Tollbar End scheme is outdated and can be deleted.
1041. In conditions 39 and 40 on phasing, CPRE suggests the addition of works to the A45/Kenilworth Road and Asda junctions, but these are separately covered by payments in the planning obligations.
1042. Further highway requirements covering provision of infrastructure, footways/cycling, safety audits and emergency access are required to ensure satisfactory highway conditions and sustainable travel (conditions 41-48). In condition 46, "*exiting the development*" is deleted in relation to discouraging the use by vehicles of the Tollbar End roundabout since, consistent with the transport evidence, this aim extends more generally (a point raised by CPRE which reflects the dropping of a proposed fourth westbound lane on the A45). [804-807,821-822]
1043. In condition 47 on emergency access, this is clarified as being two-way for the avoidance of doubt, as suggested by CPRE.

Car parking and sustainable travel

1044. Additional requirements on maximum parking provision and management, and on a Travel Plan and associated provision, are needed to achieve sustainable travel objectives. The parking ratios in conditions 48(ii) and 51 reflect local standards. [806]

Drainage and flood risk

1045. Conditions relating to provision for drainage and control of flooding are needed to secure the mitigation set out in the submitted assessments in these respects. These include with respect to habitat compensation (condition 60). In condition 55(iii) a cross reference to condition 58 on management of the drainage scheme is added.

Relocation and protection of community facilities

1046. Requirements relating to provision for certain community facilities that would be affected by the development are needed to ensure that these are safeguarded in accordance with policy SC8 of the Warwick District Local Plan in particular. With regard to references made in certain conditions to the quality of provision, Warwick District Council gave assurance that it would be adequately able to assess this through the required approval of details submissions. [54,825]

Archaeology

1047. Provision should be made for archaeological investigations, consistent with the submitted evidence. [279,831]

Crime and anti-social behaviour

1048. Given the extent and nature of new road provision within the development, controls relating to crime and anti-social behaviour are warranted in the interests of community well-being. This includes the details of the ANPR camera system to ensure that the access control objectives of this would be met.

Noise, dust and odour

1049. Controls relating to potential aspects of pollution are needed to ensure appropriate mitigation, including in accordance with the relevant submitted assessments, in order to safeguard the environment and amenity.

Contamination

1050. Similarly, detailed measures to deal with contamination, including that identified during the course of undertaking the works, are required in order to secure the remediation and control of risk as set out in the submitted evidence. [187,831]

Waste management

1051. Environmental quality objectives also justify a requirement on waste management. The relevant submission under condition 78 should be prior to any ground works rather than demolition.

Fire safety

1052. Having regard to the scale and nature of the development, a requirement on fire safety infrastructure is warranted.

Lighting

1053. Control over lighting is needed to ensure satisfactory provision within the development and appropriate regard to the rural surroundings.

Sustainable buildings

1054. A target for the use of renewable energy reflects local policy requirements and is needed in the interests of sustainable development.

Marketing strategy for Zone B

1055. The very special circumstances case includes the intended function of the Zone B development as a technology park. In order to assist the achievement of economic objectives in this respect a requirement for approval of the marketing strategy for this is justified.

CPRE additional suggested conditions

1056. CPRE suggests a Grampian-style condition requiring no commencement without a prior approval of amendments to conditions and agreements for the Whitley Business Park development. This is intended to ensure compatibility

between the two proposals. However, any amendments needed on the Whitley development would be a matter for the relevant developer to pursue. Such a requirement on the current scheme would not be reasonable, despite the argued merits in support of helping to bring forward that development.

1057. Secondly, CPRE suggests a requirement for biodiversity to be achieved in perpetuity. Provision for future biodiversity is more appropriately dealt with by planning obligation.

Obligations

1058. The NPPF sets out policy tests for the seeking of planning obligations, and there are similar statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations (2010) which must be met for obligations to be given weight. The submitted obligations have been considered in the light of these requirements and the joint evidence put forward in support of them. [839-840,843]

1059. Economic benefits to the local area are a key element of the very special circumstances case, and the obligation on employment and training would help secure these.

1060. The payment towards Whitley Common Open Space is needed to compensate for a loss of space from highway works should this arise from implementation of the current proposal, in accordance with policy GE 8 of the Coventry Development Plan. Ecological mitigation and protection, and biodiversity offsetting, are required to meet ecological objectives, pursuant to policies DP3 and DAP3 of the Warwick District Local Plan and policy GE 11 of the Coventry Development Plan. [51,57,64,822]

1061. The contribution towards enhancement works at Lunt Fort would provide a public benefit to help mitigate the less than substantial harm to the setting of the Fort from the proposal.

1062. The proposed new Countryside Park with public access is part of the very special circumstances case. The open space and common infrastructure obligation would provide for the delivery of this, together with assisting achievement of a high quality landscaped environment within the developed areas of the site. This accords with policy SC13 of the Warwick District Local Plan and the Warwick District Open Space Supplementary Planning Document. [54,70]

1063. A number of obligations relate to the carrying out of off-site highways works and securing enhanced transport facilities. These are needed, in accordance with the evidence, to accommodate and control the assessed traffic impact of the proposal and ensure that the development provides appropriate opportunities for sustainable travel options, including by walking, cycling and bus. The traffic impact and sustainability objectives set out in policies AM 1, AM 3, AM 8, AM 9, AM 10 and AM 12 of the Coventry Development Plan and policies SC12 and DP8 of the Warwick District Local Plan are especially relevant in these respects. [52,54,62]

1064. An obligation to assist the relocation existing businesses that would be affected by the development is required to support economic objectives. Assistance for the Coventry Model Car Club and Electric Railway Museum accords

with policy SC8 of the Warwick District Local Plan on providing for community needs. [54,825]

1065. The monitoring fee payments would address expenditure for the authorities arising from specific development.

1066. All of the above obligations meet the tests of being necessary, directly related to the development and fairly and reasonably related in scale and kind to it, and therefore can be given weight in support of the proposal. Should a fully executed agreement in the form of the final draft not be received, the absence of such obligations would indicate towards refusal of the applications. [6]

1067. With regard to the additional land not at present owned by parties to the agreement, the approach adopted is the inclusion of a clause to prevent implementation of the development unless and until a further deed has been completed which binds this land by all of the obligations. A previous case cited by the applicant provides a precedent for acceptance by the Secretary of State of such an arrangement. In the particular circumstances of the current case, including the extent and location of the land owned by Coventry City Council, this is considered to provide satisfactory assurance that the obligations would be enforceable in the event that the development is implemented. [791-801,841-842]

Conclusion on conditions and obligations

1068. The suggested planning conditions and planning obligations would be capable of dealing in an effective way with mitigation of impacts on infrastructure and the environment were permissions to be granted.

xiii) Whether there is adequate environmental information

1069. As already indicated, the proposal is Environmental Impact Assessment development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The environmental information comprises the original Environmental Statement (ES) and the supplements to this subsequently submitted, together with the information provided for the purposes of the inquiry and comments from statutory consultees. [10]

1070. CPRE argues that there are a number of reasons as to why the environmental information is inadequate. I deal with this matter in the event that the Secretary of State disagrees with my recommendations on the applications. [315-316,521-523]

Alternatives

1071. In relation to alternatives, the requirement of the Regulations is that the ES gives an outline of the main alternatives studied by the applicant and an indication of the main reasons for the choice, taking into account the environmental effects. Alternatives were explicitly addressed in the ES on that basis, and took into account those identified through the scoping process. There is no requirement for a full evaluation of alternatives in the ES. The environmental information is not deficient in this regard. [318-322,536-538]

1072. The Bubbenhall Road roundabout proposal has been adequately considered in the information for the inquiry. [3,33,285,296,501,539,689]

Cumulative effects

1073. CPRE's particular concern on cumulative impact is in relation to the approved Whitley Business Park development. Part of the current application site overlaps with that site. Attention is drawn by CPRE to implications of the current proposal on the mitigation requirements imposed on that approval involving a preclusion of development in the River Sowe 'Floodplain Landscape Reserve'. Under the current proposal the new bridge works would take place in part of that area. [16,33,47,323,482,507,517,524-527,800]
1074. CPRE refers to case law and the incorporation in the 2011 Regulations of a requirement to evaluate changes or extensions to existing or approved development in relation to Schedule 2. That schedule deals with the question of the need for an EIA. In this case one has been undertaken, and it is established that the proposal is EIA development. [324-325,530]
1075. As to whether the EIA should re-assess the whole of the Whitley development in the circumstances of the changes to its mitigation, as CPRE contends, the information that should be included in an ES is set out in Schedule 4 of the Regulations. One aspect is a description of cumulative effects, which in this case would be the current proposal and the permitted Whitley development among others. The ES explicitly considers cumulative impact, including with respect to Whitley. This is addressed in relation to ecology, flooding and landscape in particular, and has regard to the proposed Floodplain Landscape Reserve as part of the Whitley approval. There is also further environmental information on this as part of the available evidence. [325-330,502,526-531]
1076. My conclusions above on individual topics have taken this cumulative assessment into account, and the information has enabled appropriate regard to the likely relationships between the current and Whitley proposals. A need to take cumulative impact into account is a different matter to the question of whether the cumulative impact would be acceptable, including whether the development would undermine the agreed mitigation for the approved scheme. Whether or not a new planning permission would be needed for the Whitley site as a result of changes to that proposal and, if that is the case, the likely outcome of any submission, are not for decision by way of the current applications. However, for the purposes of the EIA there has been due consideration of cumulative effects, and the EA is not inadequate in that regard. [330,532-535]

Conclusion

1077. Acceptability of the environmental information does not require agreement with its conclusions. In this case the environmental information is adequate for the purposes of the Regulations. The two local planning authorities found it to be so. The information meets the purposes of the Regulations in this respect and is not defective such that this should prevent the granting of planning permissions. [317]

xiv) Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify such inappropriate development; and the conclusion to be reached on the overall balance of planning considerations in the case

Summary of harm

Green Belt harm

1078. The proposal is inappropriate development in the Green Belt. In addition to harm to the Green Belt by definition as a result of the inappropriate development, it would give rise to Green Belt harm by reason of a large-scale loss of openness and clear conflict with 3 of the 5 Green Belt purposes.

1079. With regard to assertions on precedent, the policy test applicable to any other proposals for inappropriate development would not alter should planning permissions be granted. In this case, however, the extensive swathe of Green Belt land that would be affected is a particular factor to be borne in mind. Overall there would be a substantial adverse effect on Green Belt openness and purposes, and conflict with the development plan in this respect. The Green Belt harm is a matter that should be accorded very serious weight in the decisions.

Landscapes and visual harm

1080. Although the landscape and visual impact of the scheme would reduce over time and it would bring some localised benefits, the overall effect of the proposal in this respect would amount to a moderate adverse one.

Heritage harm

1081. There would be a slight, less than substantial degree of harm to the significance of the Scheduled Ancient Monument of Lunt Fort by reason of the net effect on its setting. Such harm could be justified by the public benefits of the proposal, and would be outweighed were very special circumstances to be found that warrant the inappropriate development.

Biodiversity harm

1082. Significant harm to biodiversity would potentially result from the development but this could be adequately mitigated and compensated for (other than loss of three veteran trees). The avoidance of harm should be the first option. Again, if very special circumstances are accepted on the basis of need for the development and the absence of alternatives (as contended by the supporters), this would establish that the harm could not be avoided and justify an approach based on mitigation and compensation (and also outweigh the effect on the veteran trees).

Transport harm

1083. The site is not well served by public transport, but the measures proposed to improve this would meet the requirement of the NPPF for development to be in sustainable locations. However, the target modal split would still include a dominance of travel by car, and in absolute terms it can be expected that the proposal would give rise to a substantial increase in journeys reliant on the

private car. This would be a negative outcome, as would the effect on the character of Bubbenhall Road.

Agricultural land harm

1084. There would be a loss of 51.6ha of agricultural land of the best and most versatile grades.

Emerging plan harm

1085. A grant of permission now would result in significant prejudice to the emerging Warwick District Local Plan.

Other considerations

1086. The applicant has put forward a number of topics that are referred to as contributing to very special circumstances. The NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These factors will therefore now be addressed as 'other considerations'; the existence or otherwise of very special circumstances cannot be identified until the end of the Green Belt balancing exercise. [100,103-242]

1087. The first consideration is "*The employment case; the need for floorspace and for jobs*". The merits of this are explored above, and the conclusion reached that there is a strong case that the proposal would bring important economic benefits but that on the evidence available to the inquiry there is a shortcoming in terms of justification for the scale of the proposal. Nevertheless, the need to support economic growth through the planning system is identified as carrying significant weight in the NPPF, and this consideration can be accorded such weight.

1088. The second consideration is "*The special suitability of the application site*". The applicant contends that, as well as being suitable in planning terms for the proposed use, the site represents poor Green Belt land and would be better developed as proposed. This argument refers to existing landscape character, contamination, lack of public access, the degree of previous development, and environmental benefits that would be delivered. As concluded above, the proposal can be regarded as a reasonably sustainable development. However, beyond that the factors referred to are either ones that have been taken into account in assessing the degree of Green Belt harm or are aspects of other considerations put forward in support of the proposal. The notion of poor Green Belt land is incompatible with the great importance attached by the NPPF to Green Belts and their permanence, and its advice that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. This consideration therefore provides little additional weight in favour of the development.

1089. Thirdly, reference is made to "*Land contamination*". The assessment of this matter above concludes that the proposal would deal satisfactorily with the contamination of the site. Within the context of NPPF policies that encourage such environmental improvements, this remediation is a positive aspect of the scheme, regardless of whether or not it could be achieved by other means. However, much of the reclaimed land would be used to accommodate inappropriate development in the Green Belt. As such this tempers the weight to be given to the remediation in the context of seeking enhancement of the

beneficial use of the Green Belt. In addition, there is no firm evidence to demonstrate that the scale of the proposed development is necessary to support the remediation. A limited degree of weight can be given to this consideration.

1090. The fourth topic identified by the applicant is "*Landscape benefits*". The conclusion of the earlier consideration of the effect of the proposal on landscapes and visual amenity is that it can be fairly judged as amounting to a moderate adverse one. No positive weight can therefore be given to this consideration.

1091. The fifth topic is "*Ecological and biodiversity benefits*". As assessed above, acceptance of the development would result in significant potential harm to biodiversity, which would then need to be mitigated and compensated for. The proposed scheme would secure this (other than for veteran trees), with some spatial and management gains. However, this provision is largely a neutral factor since essentially it is to address a requirement arising from the development itself, and therefore it carries only limited positive weight.

1092. Finally are "*Transport benefits*". As set out above, the provision for improved public transport connections put forward with the scheme would benefit other employment sites in the vicinity, including Whitley Business Park. Significant weight can be accorded to this. The proposed highway measures would also provide a net benefit in terms of future traffic conditions, but the extent of this is difficult to assess on the evidence, especially in the context of the likely impact of the committed Whitley access improvement scheme. The traffic benefit also carries limited positive weight.

1093. While not referred to by the applicant as a specific topic under very special circumstances, the applicant also cites the "*Inevitability of Green Belt release, and [a lack of] alternative sites*." It could be expected that, were planning permissions to be granted for the current proposal, there would as a consequence be a redrawing of the Green Belt boundary in Warwick District through the emerging Local Plan to exclude areas of the site; indeed that is proposed in the current version. However, what is presently under consideration through the proposal is not in itself a change to Green Belt designation, but an assessment of whether or not inappropriate development in the Green Belt is justified. The merit and detail of any potential reviews of Green Belt boundaries are a matter for the development plan process. [66-68,102,243-253,357,419, 426,564]

1094. This element of the applicant's case is otherwise in essence an extension of the arguments on the degree of Green Belt harm and the economic benefits of the proposal, which have already been assessed. This includes the market assessments of need and alternative sites. Nevertheless, some additional weight can be accorded at this point to the support for the proposal by two local planning authorities in the light of the importance of their views and the duty for authorities to cooperate in planning matters. [102,355,358]

1095. A further discrete consideration is the proposed countryside park. The gain in access and the new opportunity for recreation on the site together with provision for biodiversity management can accorded a moderate degree of weight in favour of the proposal. [98,519]

Neutral impacts

1096. With regard to the other considerations raised by the proposal that have been examined, no material harm has been established with respect to the effect on Conservation Areas (the settings of which would be preserved), noise, air quality, flooding (subject to the exception test being met through acceptance of very special circumstances) or public safety.

The Green Belt balance

1097. The Green Belt balancing exercise is a matter of judgment on which different views can legitimately be reached. There are extensive representations against the proposal, but conversely it is supported by the two local planning authorities as well as the applicant.

1098. A strong case has been made in favour of the development. It would deliver economic benefits and environmental gains, with some other supporting factors, and would be reasonably consistent with sustainable development objectives. However, it would give rise to substantial Green Belt harm, which should be accorded very serious weight given the importance attached to Green Belts, together with some other harm. Further, there is a shortcoming in evidence to support the scale of the proposal. The Green Belt test is for the harm to be clearly outweighed. In my view, and taking all of the benefits into account both on an individual basis and cumulatively, that threshold has not been met on the basis of the current cases. Very special circumstances do not exist to justify allowing the inappropriate development.

Overall planning balance

1099. The conflict with the development plan is not outweighed, and the overall balance is against the granting of permissions for the development.

RECOMMENDATIONS

1100. I recommend that the applications A and B be refused.

TG Phillimore

INSPECTOR

ANNEX: RECOMMENDED CONDITIONS

The following two conditions to apply to the element of the development comprising replacement Airport buildings and their associated parking/servicing/landscaping:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details shown on the approved drawings nos. 3924.024-P13, 3924-A001-P5, 3924-B001-P4, 3924-C001-P4, 3924-D001-P5, 3924-E001-P3, 3924-F001-P3 & 3924-H001-P2, and specification contained therein, submitted on 12 September 2012.

The following conditions to apply to the remainder of the development:

Reserved matters, phasing and time limits

- 3) Details of the following reserved matters for each phase of the development as approved pursuant to condition 6 shall be submitted to and approved in writing by the relevant local planning authority/authorities before any part of that phase of the development (other than demolition or ground works) is commenced:
 - i) the layout of the phase and its relationship with existing adjoining development;
 - ii) the scale of the buildings;
 - iii) the appearance of the buildings; and
 - iv) the landscaping of the site.
- The development shall subsequently be carried out as approved.
- 4) Application for approval of the reserved matters referred to in Condition 3 shall be made to the relevant local planning authority/authorities not later than five years from the date of this permission.
- 5) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 6) Prior to the commencement of development, details regarding the phasing of the development, to accord with Conditions 21 and 31, shall be submitted to and approved in writing by the relevant local planning authority/authorities and such details shall include:
 - i) a plan(s) showing the boundaries of each phase, the extent and use of building development in each phase, the phasing of works within the proposed Countryside Park and arrangements in respect of the phasing of all transportation infrastructure;
 - ii) temporary access arrangements for vehicles and pedestrians in respect of each phase pending final provision;
 - iii) car parking arrangements in respect of each phase;
 - iv) any interim surface, boundary treatment, external lighting or landscaping measures in respect of each phase pending final provision;
 - v) a report to demonstrate that the phasing proposals do not affect the conclusions of the noise and air quality assessments included in the Environmental Statement (including supplementary noise and air

- quality assessments and details of further mitigation measures, if necessary); and
- vi) a temporary drainage strategy in respect of each phase pending final provision.

Once approved the development of each phase shall be carried out in full accordance with such approved details or any subsequent amendments so approved.

- 7) In respect of the Reserved Matters to be submitted in accordance with Condition 3 for each development zone, as shown on approved pHp Architects Parameters Plan drawing no. 3924 029 RevP20, the building ridge heights and footprints and the overall Gross Internal Area of all building floorspace within each zone shall be within the minimum and maximum limits set down in that Parameters Plan.
- 8) Prior to the submission of any Reserved Matters in respect of the development hereby permitted a Master Plan and Design Code shall be submitted to and approved in writing by the relevant local planning authority/authorities. These shall:
 - i) Accord with the pHp Architects Parameters Plan drawing no. 3924 029 RevP20 and the principles set down in the Design & Access Statement forming part of the approved application documentation;
 - ii) Define principles regarding building design, materials, elevational detailing and public realm hard/soft landscaping in respect of Zones A, B and C as identified on the above-mentioned Parameters Plan;
 - iii) Identify those trees, shrubs and hedges to be retained or removed as part of the development and the number and location of new trees, shrubs and hedges to be provided as compensation;
 - iv) Identify locations for public art features;
 - v) Show the location of each pond;
 - vi) Include design principles in respect of layout, scale, appearance and landscaping for the Technology Park aimed at minimising its visual impact on the Lunt Roman Fort;
 - vii) Contain details on how permeability will be achieved in respect of the network of estate roads within the Technology and Logistics Parks;
 - viii) Detail principles on how legibility will be achieved within the Technology and Logistics Parks including design principles in respect of the new A45 bridge and land to the immediate south of it comprising the gateway into the development;
 - ix) Include landscape design principles in respect of Zones A, B and C as identified on the above-mentioned Parameters Plan, aimed at ensuring that soft landscaping within these areas is satisfactorily integrated with the Countryside Park and neighbouring land;
 - x) Contain principles in respect of disabled access throughout the development and to/from buildings;
 - xi) Detail principles on how crime prevention matters will be addressed in respect of the development.

Any subsequent Reserved Matters applications shall accord with the approved Master Plan and Design Code.

- 9) The reserved matters to be submitted in accordance with Condition 3 for each phase shall include details of all boundary and surface treatment,

earthworks, mounding and the finished floor levels of all buildings and structures, together with details of existing and proposed site levels in that phase and the relationship with adjacent land and buildings and such details shall accord with pHp Architects Parameters Plan drawing no. 3924 029 RevP20 forming part of the approved application documentation. The development shall subsequently be carried out as approved.

- 10) The reserved matters to be submitted in accordance with Condition 3 for each phase shall include sample details of facing, roofing and hard surfacing materials for that phase, such details to include information on the recycled/reclaimed content of such materials. Thereafter the development shall be constructed in full accordance with such approved details or any amendment of these subsequently approved in writing by the relevant local planning authority/authorities.

Use restrictions

- 11) Floorspace falling with Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, in units where such floorspace constitutes the primary use shall be sited only within Zone B as defined on pHp Architects Illustrative Masterplan drawing no. 392 020 RevP23.
- 12) The gross floorspace of any unit the primary use of which falls within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, erected under this permission shall not exceed 4,999 square metres.
- 13) No unit the primary use of which falls within Use Classes B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, shall be located within Zone B unless otherwise approved in writing by the relevant local planning authority/authorities.
- 14) No building approved under this permission used primarily for purposes falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, shall exceed 250 square metres gross internal floor area.
- 15) No car showroom floorspace or floorspace falling within Classes A1, A3, A4, A5 or C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, shall be occupied unless and until at least 9,290 square metres (GFA) of floorspace falling within Use Class B1 of the said Order has been occupied within Zone B as identified on pHp Architects drawing no. 3924 029 Rev P20 (Parameters Plan) forming part of the approved application documentation.
- 16) No more than 10% of the total B1 floorspace in Zone B as defined on pHp Architects Illustrative Masterplan drawing no. 3924 020 RevP23 shall be occupied for purposes falling within Class B1a of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to

that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

- 17) No more than 30% of the total floorspace within Zone A as defined on pHp Architects Illustrative Masterplan drawing no. 3924 020 RevP23 shall be occupied for purposes falling within Use Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Landscaping and tree retention

- 18) Any soft landscaping referred to in condition 3 in respect of each phase shall be completed in all respects within 6 months of the substantial completion of development in that phase. Any such landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the substantial completion of development in that phase shall be replaced within the next planting season with landscaping of a similar size and species to that which they replace. Any new or replacement hedging, trees or shrubs shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations.
- 19) No demolition or construction works shall commence in any phase (including any ground remodelling works), until a Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment in respect of those trees earmarked for retention under Condition 8 above have been submitted to and approved in writing by the relevant local planning authority/authorities. Thereafter, all demolition and construction works (including any ground remodelling works) in that phase shall be undertaken in strict accordance with the approved Tree Protection Plan, Arboricultural Method Statement and Arboricultural Implications Assessment.
- 20) The existing trees, shrubs and hedges indicated under condition 8 to be retained shall not be cut down, grubbed out, topped, lopped or uprooted without the written consent of the relevant local planning authority/authorities. Any trees, shrubs or hedges removed without such consent or dying, or being severely damaged or diseased or becoming, in the opinion of the relevant local planning authority/authorities, seriously damaged or defective, within five years from the substantial completion of development shall be replaced, as soon as practicable with tree(s), hedge(s) or shrub(s) of such size and species as have been approved in writing by the relevant local planning authority/authorities. All tree(s), hedge(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations (excluding hard surfaces).
- 21) The construction of buildings within Zones A and B shall be phased in strict accordance with the earthworks and sequence plan (drawing no. 3924 048 P2). None of the buildings within Zone A shall be occupied until all of the proposed mounds have been completed in strict accordance with the approved plans.
- 22) No development shall commence until:
- a scheme to consider options for the retention of the oak tree marked as T38 on the tree survey has been submitted to and approved in writing by the local planning authority;

- ii) if the scheme approved under (i) demonstrates to the satisfaction of the local planning authority that it is not feasible or practical to retain the tree, details of compensatory measures shall be submitted to and approved in writing by the local planning authority.

If retention of the tree is approved under (i), the tree shall be retained in accordance with the approved scheme. If removal of the tree is approved under (i), the compensatory measures approved under (ii) shall be implemented in strict accordance with the approved details.

- 23) Prior to commencement of site works including demolition, a detailed soil management plan, conforming to the *Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009)*, shall be submitted to and approved in writing by the relevant local planning authority/authorities. The plan shall detail proposals for soil stripping, movement, storage, and spreading and also identify soil remediation works where required. All earthworks shall be carried out in strict accordance with the approved details.

Highways

- 24) The development shall be implemented in accordance with the Transport Assessment forming part of the submitted Environmental Statement (as amended by the revised Zone A access arrangements shown on drawing no. 11 0540 SK78 dated 10 April 2014), including the quantum, general layout of development, the proposed means of access and associated highway infrastructure. Such development shall not exceed the following maxima in respect of the specified uses as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification:

- i) 65,032 square metres (GFA) of B1 floorspace in Zone B
- ii) 343,740 square metres (GFA) of B2/B8 floorspace in Zone A
- iii) 11,617 square metres (GFA) of hotel floorspace in Zone B.

- 25) Prior to the commencement of any works on the site full details of how the site access provisions, generally as illustrated on TH:DA drawings nos. 11-0540 200A and 201A General Arrangement Whole Scheme – Sheets 1 of 2 and 2 of 2 (August 2012), will align with the Highways Agency's Tollbar End Improvement scheme as illustrated on those drawings shall be submitted to and approved in writing by the relevant local planning authority/authorities, with the illustrative drawings updated as appropriate. The full details to be submitted and approved shall include:

- i) How the development scheme interfaces with the A45/A46 Strategic Road Network highway alignment, including details of highway surface water drainage, the carriageway markings and lane destinations.
- ii) Full direction and traffic signing, lining, lane markings and lighting details.
- iii) Provision for Non-Motorised Users (NMUs).
- iv) Confirmation of full compliance with the current Design Manual for Roads and Bridges (DRMB) and Departmental Policies and Advice Notes, and the necessary relaxations/departures from those standards approved by the Highways Agency.

- v) Independent Stages One and Two Road Safety Audits carried out in accordance with the current Design Manual for Roads and Bridges (DRMB) and related Advice Notes.

Thereafter the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the relevant local planning authority/authorities.

- 26) Where the proposals in Condition 25 above affect the design and/or access to the proposed surface water run-off balancing ponds, under the provisions generally as illustrated on TH:DA drawings nos. 11-0540 200A and 201A General Arrangement Whole Scheme – Sheets 1 of 2 and 2 of 2 (August 2012), details of proposed modifications to the balancing ponds shall be submitted to and approved in writing by the relevant local planning authority/authorities prior to the commencement of works on the site. Thereafter the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the relevant local planning authority/authorities.
- 27) Full details, as defined in condition 25, of the proposed alterations to the A46/ Stoneleigh Road/ Dalehouse Lane junction generally as illustrated on TH: DA General Arrangement drawing no. 11-0540 212 (Revision A) (August 2012) shall be submitted to and approved in writing by the relevant local planning authority/authorities, prior to the commencement of construction at this junction under the Phase 2 highway works defined in condition 31. Thereafter the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the relevant local planning authority/authorities.
- 28) Full details, as defined in condition 25, of the proposed alterations to the A46/ Binley Roundabout generally as illustrated on TH: DA General Arrangement drawing no. 11-0540 213 (August 2012) shall be submitted to and approved in writing by the relevant local planning authority/authorities, prior to the commencement of construction at this junction under the Phase 3 highway works defined in condition 31. Thereafter the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the relevant local planning authority/authorities.
- 29) Full details, as defined in condition 25, of the proposed alterations to the A46/A45/A444 Stivichall Interchange (also known as Festival Island) as generally illustrated on TH: DA General Arrangement drawing no. 11-0540 208 Rev B (August 2012) shall be submitted to and approved in writing by the relevant local planning authority/authorities, prior to the commencement of construction at this interchange under the Phase 3 highway works defined in condition 31. Thereafter the development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the relevant local planning authority/authorities.
- 30) Full details, as defined in condition 25, of the proposed alterations to the A46 Walsgrave junction as generally illustrated on TH: DA General Arrangement drawing no. 11-0540 238 (October 2012) shall be submitted to and approved in writing by the relevant local planning authority/authorities prior to the commencement of construction at this junction under the Phase 3 highway works defined in condition 31. Thereafter the development shall be undertaken

in full accordance with these approved details or any amendments subsequently approved in writing by the relevant local planning authority/authorities.

- 31) No construction shall commence on site until a detailed Highway Improvement Works Phasing Plan generally in accordance with Lawrence Walker Ltd Site Access Proposed Improvements Phasing; Figure 2 Rev P22 (July 2012) and pHp Architects Construction Highways Sequence Plan drawing no. 3924 041 Rev P7 (August 2012) has been submitted to and approved in writing by the relevant local planning authority/authorities. Thereafter the phasing of development shall be undertaken in full accordance with these approved details or any amendments subsequently approved in writing by the relevant local planning authority/authorities.
- 32) [Deleted]
- 33) [Deleted]
- 34) [Deleted]
- 35) No works shall commence on site until a detailed Construction Management Plan incorporating permitted construction traffic arrival and departure times and a Construction Vehicle Routing Plan have been submitted to and approved in writing by the relevant local planning authority/authorities. Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the relevant local planning authority/authorities.
- 36) Access to and departure from the development site by construction worker vehicles and construction delivery vehicles shall not be permitted between 8:00 and 9:00 AM and between 5:00 and 6:00 PM until either the Highways Agency's A45 Tollbar End Improvement scheme is complete and open to traffic, or the Phase 2 access highways works, as defined in condition 31 are complete and open to traffic whichever is the sooner.
- 37) [Deleted]
- 38) No more than 9,290 square metres (GFA) of development falling within Use Classes B1a, B1b or B1c of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, within the proposed Technology Park forming development Zone B as illustrated on pHp Architects Illustrative Masterplan drawing no. 3924 020 RevP23 shall be brought into use and occupied until the Phase 2 site access highway works as illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P22 (July 2012) have been constructed in accordance with the detailed highways drawings in respect of such phase 2 works forming part of the approved application documentation to the written satisfaction of the relevant local planning authority/authorities and opened to traffic.
- 39) No part of the development hereby approved within Zone A as identified on pHp Architects Illustrative Masterplan drawing no. 3924 020 RevP23 falling within Use Classes B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, shall be brought into use and occupied until:

- i) Phases 1 to 4 inclusive of the site access highway works illustrated on Lawrence Walker Ltd Site Access Proposed Improvements Phasing Figure 2 Rev P22 (with the exception of the St. Martin's roundabout) have been constructed in accordance with the detailed drawings in respect of these phases forming part of the approved application documentation to the written satisfaction of the relevant local planning authority/authorities and opened to traffic unless
 - ii) In respect of Condition 31 above an alternative highway works phasing scheme has been submitted to and agreed in writing by the relevant local planning authority/authorities to secure the construction, and completion of the entirety of these highway works including alternative phasing arrangements within which such works will be constructed and completed in relation to the occupation of floorspace within the development, in which case the phasing requirements of condition 34 above shall not apply and completion and opening to traffic of these highway works in general accordance with the above-mentioned detailed drawings to the written satisfaction of the relevant local planning authority/authorities shall be undertaken in accordance with the revised phasing arrangements agreed under Condition 31.
- 40) No more than 18,581 square metres (GFA) of the development hereby approved within Zone B as identified on pHp Architects drawing no. 3924 029 RevP20 (Parameters Plan) shall be brought into use prior to completion of the:
- i) Phase 3 and 4 site access highway works illustrated on Lawrence Walker Ltd drawing no. Figure 2 Rev P22 (Site Access Proposed Improvements Phasing) with the exception of the St. Martin's roundabout and in accordance with the detailed drawings in respect of these phases forming part of the approved application documentation; and
 - ii) the highway works at the junction of the A45 with Baginton Road as illustrated on TH:DA drawing no. 11-0540 200A (General Arrangement Whole Scheme – Sheet 1 of 2) in general accordance with that drawing and;
 - iii) the highway works at the junction of the A46 with the B4082 as illustrated on TH:DA drawing no. 11-0540 238 (General Arrangement Walsgrave Roundabout) in general accordance with that drawing;
- unless in respect of Condition 31 above an alternative highway phasing scheme has been submitted to and agreed in writing by the relevant local planning authority/authorities to secure the construction and completion of the entirety of these highway works including alternative phasing arrangements within which such works will be constructed and completed in relation to the occupation of floorspace within the development, in which case completion of these highway works in general accordance with the drawings referred to in i), ii) and iii) above shall be undertaken in accordance with those alternative phasing arrangements agreed under Condition 31.
- 41) The construction of any highway structure as identified on TH:DA drawing no. 11-0540 202 RevA (Structures Location Plan) shall be undertaken only in full accordance with details, which shall include an approval in principle report, which have previously been submitted to and approved in writing by the relevant local planning authority/authorities.

- 42) No more than 18,581 square metres (GFA) of building floorspace within the development shall be occupied unless and until the footway and cycleway improvements shown in Red and Purple on the Coventry and Warwickshire Gateway Cycling and Walking Access Infrastructure Requirements Plan, in Appendix G of the Travel Plan (August 2012) forming part of the approved application documentation have been constructed in full accordance with details submitted to and approved in writing by the relevant local planning authority/authorities.
- 43) No highway works approved as part of the development shall be undertaken unless and until
- i) A Stage 1 and 2 Safety Audit (incorporating associated designers responses); and
 - ii) The details of any relaxations or departures from the highway standards utilised by the relevant Highway Authority at that time; in respect of those highway works, have been submitted to and approved in writing by the relevant local planning authority/authorities.
- 44) No development shall commence within Zone A as illustrated on pHp Architects drawing no. 3924 029 RevP20 (Parameters Plan) unless and until a link road has been constructed between Rowley Road and Zone A in accordance with TH:DA drawings nos. 11-0540 203 RevA and/or 11-0540-210 and 11-0540 237 RevB forming part of the approved application documentation.
- 45) Street lighting shall be provided in respect of each phase of the development hereby permitted which involves the construction of highways, footpaths or cycleways in full accordance with details that shall be submitted to and approved in writing by the relevant local planning authority/authorities.
- 46) At all times following the completion and opening to traffic of the phase 3 highway works in respect of the new A45 junction between the Festival and Tollbar Islands, as illustrated on Lawrence Walker Ltd drawing no. Figure 2 Rev P22 (Site Access Proposed Improvements Phasing) signage, traffic signal or other traffic management arrangements shall be in place on Rowley Road in accordance with details previously submitted to and approved in writing by the relevant local planning authority/authorities, to discourage vehicles from utilising the roundabout element of the completed Highways Agency Tollbar End Improvement Scheme in order to access the strategic highway network.
- 47) No development shall commence in respect of Zone A as identified on pHp Architects drawing no. 3924 029 Rev P20 (Parameters Plan) unless and until a scheme for the provision of two-way emergency access from Middlemarch Business Park to Bubbenhall Road and from Zone A to Siskin Parkway West both during the construction and operational phases of development with respect to that zone has been submitted to and approved in writing by the relevant local planning authority/authorities. At all times following the commencement of development in respect of Zone A such emergency access shall be provided in full accordance with the approved scheme.
- 48) No building within the development hereby permitted shall be occupied unless and until the following transportation infrastructure has been provided in respect of that building in accordance with Reserved Matters details submitted to and approved in writing by the relevant local planning authority/authorities:

- i) Motor vehicle, pedestrian and cyclist access to that building from the boundary of the application site;
- ii) All the Car parking approved for that building which shall include disabled car parking comprising at least 2% of the total number of car parking spaces provided for that building plus 6 further spaces;
- iii) Covered cycle and motorcycle parking; and
- iv) Servicing arrangements in respect of that building.

Thereafter such transportation infrastructure shall remain in place and available for such use at all times.

Car parking and sustainable travel

- 49) The number of car parking spaces to be provided within the application site in respect of the development hereby permitted shall not exceed 5,250, of which a maximum of 750 shall be allocated for visitors and no more than 2,700 for the employees of the developments falling within either Use Classes B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, in Zone A.
- 50) Prior to any part of the development being brought into use and occupied a detailed Car Parking Management Strategy for the control, management and enforcement of on-site (development plot) parking and of off-site (access and distributor road) parking shall be submitted to and approved in writing by the relevant local planning authority/authorities. Thereafter car parking associated with the development shall be managed in full accordance with this approved Strategy unless otherwise agreed in writing by the relevant local planning authority/authorities.
- 51) Car parking shall not exceed the following maximum ratios on individual development plots in respect of the uses specified, as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification:
 - i) B1 – 1 space per 35 square metres GFA
 - ii) B2 – 1 space per 125 square metres GFA
 - iii) B8 – 1 space per 125 square metres GFA
 - iv) A1/A3/A4/A5 – 1 space per 23 square metres GFA
 - v) C1 – 1 space per 0.8 bedrooms
 - vi) Car showroom(s) – 1 space per 21 square metres GFA
- 52) No part of the development shall be occupied or brought into use until a detailed Travel Plan in accordance with the outline Travel Plan and outline Travel Monitoring Strategy forming part of the Environmental Statement, both dated August 2012, has been submitted to and approved in writing by the relevant local planning authority/authorities. This Framework Travel Plan shall include the following:
 - i) Modal share targets
 - ii) The methods to be employed to meet the agreed targets
 - iii) The mechanisms for monitoring, review and updates
 - iv) The measures to be applied in the event that the agreed targets are not met; and
 - v) Timescales of implementation and operation thereafter.

The approved details shall subsequently be adhered to.

- 53) The reserved matters to be submitted in accordance with condition 3 in respect of any single unit exceeding 1000 square metres (GFA) shall be accompanied by details of showering and changing facilities for employees working in or visiting that unit. Thereafter such approved facilities shall be provided in the construction of that unit and at all times following the first occupation of that unit those facilities shall remain in place and be available for use by persons employed in that unit.

Drainage and flood risk

- 54) At the Reserved Matters stage, before each phase of development commences, a scheme to show the location of each pond with the associated discharge rate and storage volume for the 1 in 100 year plus 20% for climate change flood event shall be submitted to, and approved in writing by the relevant local planning authority/authorities. The scheme shall be fully implemented and subsequently maintained, in accordance with the phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the relevant local planning authority/authorities.
- 55) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the relevant local planning authority/authorities. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 plus 20% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- i) Full drainage calculations for a range of events (Microdrainage windes or similar)
 - ii) Construction details for the ponds/swales
 - iii) Details of how the scheme will be maintained and managed after completion in accordance with condition 58.
- 56) The development hereby permitted shall not be commenced until such time as a scheme to provide details of the proposed bridges and bridge extensions has been submitted to, and approved in writing by, the relevant local planning authority/authorities. The scheme shall include construction details, details of bridge openings and details of any floodplain compensatory works. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements in the scheme, or any alternative arrangements as may subsequently be agreed, in writing, by the relevant local planning authority/authorities.
- 57) The development approved by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 'Environmental Statement Chapter 8 Water Resources and Drainage' and the associated appendices in Chapter 8.1.
- 58) The development hereby permitted shall not be commenced until such time as a Surface Water Management Plan has been submitted to and approved in

writing by the relevant local planning authority/authorities. This shall include mitigation measures to prevent pollution of the watercourse in the construction phase. The scheme shall be implemented as approved.

- 59) The reserved matters submitted under Condition 3 above in respect of any phase of the development shall include details for the disposal of foul sewage associated with any development in that phase. Thereafter infrastructure for the disposal of foul sewage in respect of that phase of the development shall be provided in accordance with the approved details before the development in that phase is first brought into use.
- 60) No development shall take place until a scheme for the provision and management of compensatory habitat creation, to compensate for the impact of the proposed development on the River Sowe and River Avon, has been submitted to and agreed in writing by the relevant local planning authority/authorities. This shall include an investigation into the feasibility of river bank and floodplain restoration. Thereafter the development shall be implemented in accordance with the approved scheme.

Relocation and protection of community facilities

- 61) No development shall commence in respect of the land within the application site occupied by the Coventry Model Car Club unless and until the club have been relocated to the site shown on approved pHp Architects drawing no. 3924 049 RevP1 and that site has been laid out with replacement facilities of at least equal quality for the Club in accordance with details submitted to and approved in writing by the relevant local planning authority/authorities.
- 62) No development shall commence in respect of land within the application site occupied by the Electric Railway Museum, including development in respect of that part of the proposed link road between the Technology and Logistics Parks which lies within that land, unless and until that Museum has been relocated to the site shown on approved pHp Architects drawing no. 3924 049 RevP1 and that site has been laid out with replacement facilities for the Museum in accordance with details submitted to and approved in writing by the relevant local planning authority/authorities.
- 63) For the duration of highway construction works on Rowley Road and thereafter at all times following the completion of those highway works access for the Midland Air Museum to and from Rowley Road shall be maintained in accordance with details submitted to and approved in writing by the relevant local planning authority/authorities.
- 64) The development hereby permitted shall not be commenced on the site occupied by Trinity Guild Rugby Football Club unless and until:
 - i) the Trinity Guild RFC have moved to a new site and playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities have been provided for the Club on that site which are at least equivalent in terms of quantity and quality to those which the Club currently have on their existing site in accordance with details submitted to and approved in writing by the relevant local planning authority/authorities and;
 - ii) those playing pitch, clubhouse and car parking facilities together with vehicle and pedestrian access to those facilities on that new site are available for use by the Club.

Archaeology

- 65) No development shall take place on any phase of the development hereby permitted until arrangements have been made to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the relevant local planning authority/authorities. The development shall be carried out in accordance with the programme so approved or any amended programme subsequently approved in writing by the relevant local planning authority/authorities.

Crime and anti-social behaviour

- 66) No part of the development hereby permitted shall be occupied until:
- details of measures to prevent illegal road racing or other anti-social or dangerous use of the roads within the development have been submitted to and approved in writing by the relevant local planning authority/authorities; and
 - the measures approved under i) have been implemented in strict accordance with the approved details in relation to that part.
- 67) No part of the development hereby permitted shall be occupied until Automatic Number Plate Recognition (ANPR) cameras have been provided in accordance with a scheme submitted to and approved in writing by the relevant local planning authority/authorities. The ANPR equipment shall comply with the ACPO ANPR standards and with the information security requirements of Warwickshire Police. Warwickshire Police shall be provided with access to the live feeds from the ANPR cameras at all times thereafter.

Noise, dust and odour

- 68) Fume extraction and odour control equipment (including external ducting flues) associated with any catering operation shall be properly installed in its entirety in accordance with details first submitted to and approved in writing by the relevant local planning authority/authorities and such installation shall have been inspected by the local planning authority before that catering operation commences. Any external ducting shall be colour coated in accordance with the approved details within one month of its installation and any replacement or modification shall be colour coated to match within one month of its installation. The equipment shall be permanently operated and maintained in accordance with the manufacturer's specifications.
- 69) Noise arising from any plant or equipment within the application site, when measured one metre from the façade of any residential property, shall not exceed the background noise level by more than 3dB(A) (measured as LAeq(5 minutes)). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc) or if there are discrete impulses (bangs, clicks, clatters, thumps etc) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
- 70) None of the buildings within Zones A or B shall be first occupied until:
- a report detailing noise mitigation measures for the development within that Zone (including noise calculations) has been submitted to and approved in writing by the relevant local planning authority/authorities; and

- ii) the noise mitigation measures for that Zone approved under (i) have been implemented in strict accordance with the approved details.

The approved noise mitigation measures shall be maintained in a manner that achieves the noise attenuation specified in the report approved under (i) at all times thereafter. For the purposes of this condition, Zone A shall include the new access road from the A45 that runs to the east of Baginton village.

- 71) The Construction Management Plan to be submitted under Condition 35 above shall also include detail in respect of those matters set out in Sections 4, 5 & 6 of the Construction Sequence and Programme report forming part of the approved application documentation and shall include details of measures to control dust and noise from construction activities.

Contamination

- 72) No development shall take place on any phase of the development until:
- i) a preliminary risk assessment has been carried out (to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information) and, using this information, a diagrammatical representation (conceptual model) for the site of all potential contaminant sources, pathways and receptors has been produced;
 - ii) a site investigation has been undertaken in accordance with details approved by the relevant local planning authority/authorities using the information obtained from the preliminary risk assessment;
 - iii) a method statement detailing the remediation requirements (including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation) has been submitted to and approved in writing by the relevant local planning authority/authorities. The method statement shall include details of how the remediation works will be validated upon completion.

No remediation should be undertaken before the method statement has been so approved. The approved remediation requirements shall thereafter be implemented in full and all development of the site shall accord with the approved method statement.

- 73) If, during development, contamination not previously identified is found to be present at the site then no further development shall take place until an addendum to the remediation method statement has been submitted to and approved in writing by the relevant local planning authority/authorities. The addendum to the method statement shall detail how this unsuspected contamination will be dealt with. The remediation requirements in the approved addendum to the method statement shall thereafter be implemented in full.

- 74) No phase of the development shall be first occupied until a verification report demonstrating completion of the works set out in the approved remediation method statement and the effectiveness of the remediation has been submitted to and approved in writing by the relevant local planning authority/authorities. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a plan (a "long-term monitoring and maintenance plan") for long-term monitoring of pollutant linkages, maintenance and arrangements for

contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in strict accordance with the approved details.

- 75) No recycled aggregate shall be imported to any part of the application site to be used in the construction of the development hereby permitted until:
- i) a scheme of validation sampling has been submitted to and approved in writing by the relevant local planning authority/authorities; and
 - ii) the recycled aggregate has been sampled in accordance with the scheme approved under i) and the results of the sampling have been submitted to and approved in writing by the relevant local planning authority/authorities.
- 76) No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the local planning authority has been submitted to and approved in writing by the relevant local planning authority/authorities. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the relevant local planning authority/authorities. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the relevant local planning authority/authorities.
- 77) No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the relevant local planning authority/authorities. This consent will only be granted for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Waste management

- 78) Prior to the commencement of development, including any ground works, a Site Waste Management Plan covering both the construction and operational phases of the development shall be submitted to and approved in writing by the relevant local planning authority/authorities. Thereafter the development shall be constructed and operated in full accordance with the approved Site Waste Management Plan or any amendments to it subsequently approved in writing by the relevant local planning authority/authorities.

Fire safety

- 79) Construction work shall not begin on any phase of the development hereby permitted until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the relevant local planning authority/authorities. No part of any phase of the development shall be occupied until the approved scheme has been implemented for that phase of the development.

Lighting

80) No development shall commence on any phase of the development hereby permitted until a lighting scheme for that phase of the development, excluding street lighting, has been submitted to and approved in writing by the relevant local planning authority/authorities. No lighting shall be installed other than in strict accordance with the approved lighting schemes.

Sustainable buildings

81) No work shall commence on any of the buildings permitted in the development unless and until a scheme showing how 10% of the predicted energy requirement of the building will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the relevant local planning authority/authorities. Each building shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Marketing strategy for Zone B

82) No development shall commence in respect of the construction of any of the buildings in the Zone B Technology Park, as identified on the Parameters Plan drawing no. 3924 029 RevP20 forming part of the approved application documentation, until a strategy in respect of the marketing of the development of that Zone B Technology Park primarily for research & development and light industrial activities falling within Use Classes B1b & B1c of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, has been submitted to and approved in writing by Warwick District Council as local planning authority for that part of the application site occupied by the said Technology Park. The purpose of the marketing strategy shall be to require the Zone B development to be marketed to those activities which are identified as Advanced Manufacturing and Engineering activities as defined in Section 1.3 and Section 4 of the Strategic Economic Plan published by the Coventry & Warwickshire LEP on 31 March 2014. That Zone B Technology Park shall thereafter be marketed in full accordance with the aforementioned approved marketing strategy.

APPEARANCES

FOR THE APPLICANT:

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Assisted by Guy Williams of Counsel

They called:

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MSc BA(Hons) MCIEEM
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BSc(Hons) MSc DPhil CSci
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James Griffiths
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Jason Clemons
BA(Hons) MA MSc
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BEng(Hons) CEng
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Martin Fairlie
BSc(Hons) MSc DIC CEng
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Steven Johnstone
BSc(Hons) CEng MICE
MCIHT
John Rhodes
BSc(Hons) MRICS
Ben Holmes

Instructed by Morag Thomson LLB(Hons)
LARTPI and Paul Wakefield BA(Hons)
LARTPI, Marrons Shakespeares

Director, FPCR Environment and Design Ltd
Senior Associate, FPCR Environment and Design Ltd
Director, Savills (UK) Ltd

Director, Phlorum Limited in association with Vanguardia Consulting Engineering

Director, Vanguardia Consulting

Director, CgMs Ltd

Service Director, BWB Consulting Limited

Regional Director, Waterman Transport & Development Ltd

Director, Lawrence Walker Limited

Director, Quod

Oxalis Planning (for session on Conditions)

FOR THE LOCAL PLANNING AUTHORITIES:

Timothy Leader of Counsel

He called:

Joanne Archer
MSc MILT MIHT
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Rob Young
BSc(Hons) DipTP MRTPI

Instructed by Tracy Darke, Head of Development Services, Warwick District Council and Clarissa Evans, Team Leader Commercial Team, Coventry City Council

Senior Engineer, Coventry City Council

Head of Development Services, Warwick District Council
Planning Director, GL Hearn

Senior Planning Officer, Warwick District Council (for session on Conditions)

FOR CPRE WARWICKSHIRE:

Alan Yates BSc
Peter Langley MA MPhil DipURS

FOR THE COMMUNITY GROUP:

David Wintle MCIAT ACIOB MaPS	Local resident
Mark Symes	Bubbenhall Parish Councillor
Bob Fryer	Local resident and graduate chemist
Joanne Shattock	Chair, Bubbenhall Parish Council
Councillor Julie Keightley	Chair, Baginton Parish Council
Victoria Fletcher	Secretary, Bubbenhall Village Hall Committee; Chair, Bubbenhall Village Events Committee
Hazel Fryer	Local resident and landscape architect
John Astle	Local resident (retired British Airways Captain)
Alan Roe	Professional economist
Bob Powell	Bubbenhall Parish Councillor (assisted with advocacy)
Rod Wheat	Local resident (assisted with advocacy)

FOR COUNCILLOR BERTIE MACKAY:

Councillor Bertie MacKay	Member of Warwick District Council
Councillor George Illingworth	Member of Warwick District Council
Roger Fawcett	Baginton Parish Councillor
Walter Bush	Baginton Parish Councillor
Robin Fryer	Local resident (retired architect)
Councillor Ann Blacklock	Member of Warwick District Council

INTERESTED PERSONS:

James Avery MA	Chair of Cycle Coventry Advisory Group
Nicholas Butler	Local resident
David Ellwood	Local solicitor, mediator and arbitrator

CORE DOCUMENTS

A. Application Documents

- A.1 Application covering letter dated 12 September 2012
- A.2 Planning application forms Coventry City Council
- A.3 Planning application forms Warwick District Council
- A.4 Revised site address/project description
- A.5 Schedule of owners and agricultural tenants
- A.6 3924-013-P6 - Location Plan
- A.7 3924-025-P24 - Red Line Application Plan
- A.8 3924-029-P20 - Parameters Plan
- A.9 3924-046-P2 - Existing Land Use & Demolitions Schedule
- A.10 3924-020-P23 - Illustrative Masterplan
- A.11 3924-033-P14 - Framework Plan
- A.12 3924-031-P15 - Development Zones Illustrative Masterplan
- A.13 3924-018-P16 - Zone A Illustrative Layout Plan

- A.14 3924-019-P21 - Zone B Illustrative Layout Plan
- A.15 3924-026-P11 - Constraints Plan
- A.16 Proposed Model Car Club Relocation Plan 3924 049 P1
- A.17 Landscape Masterplan 4772 Fig 5.11 I
- A.18 Landscape Masterplan Detail Zone B 4772 Fig 5.12 I
- A.19 Public Access Routes – Site & Context 4772 Fig 5.14 D
- A.20 Topographical Survey Zone A
- A.21 Topographical Survey Zone B
- A.22 Planning Statement
- A.23 Design & Access Statement
- A.24 Need & Comparative Site Assessment Study (Including Appendices 1-10)
- A.25 Green Infrastructure Strategy
- A.26 Soil Resources & Agricultural Use/Quality Report
- A.27 Sustainability Strategy
- A.28 Statement of Community Involvement (Including Appendices A-E)
- A.29 Section 106 Heads of Terms
- A.30 Sequential Statement
- A.31 Rugby Club Relocation Statement
- A.32 3924.044P1 - Rugby Club Relocation Plan
- A.33 3924-024-P14 - Development Plan Zone D
- A.34 3924-A001-P5 - Airport Modifications Proposed Replacement Anson House
- A.35 3924-B001-P4 - Airport Modifications Proposed Replacement Aircraft Hanger
- A.36 3924-C001-P4 - Airport Modifications Proposed Relocation of Air Cadets Hut
- A.37 3924-D001-P5 - Airport Modifications Proposed Replacement Vehicle Store
- A.38 3924-E001-P3 - Airport Modifications Proposed Fuel Farm Relocation
- A.39 3924-F001-P3 - Airport Modifications Proposed Fire Training Relocation
- A.40 3924-H001-P2 - Airport Modifications Proposed Replacement Gatehouse
- A.41 3924-A002-P1 - Airport Modifications Anson House Site Plan
- A.42 3924-B002-P1 - Airport Modifications Hanger Site Plan
- A.43 3924-G001-P1 - Airport Modifications Replacement Fuel Point
- A.44 3924-H001-P3 - Airport Modifications Gatehouses
- A.45 11-0540-200A GA - Scheme Sheet 1
- A.46 11-0540-201A GA - Scheme Sheet 2
- A.47 11-0540-202A Structures Location Plan
- A.48 11-0540-203A GA - Zone B Roundabouts
- A.49 11-0540-204 GA - New A45 Junction
- A.50 11-0540-205 GA - Jaguar Link Junction
- A.51 11-0540-206C GA - Whitley Junction
- A.52 11-0540-207A GA - Whitley Roundabout
- A.53 11-0540-208B GA - Festival Island
- A.54 11-0540-209 GA - St Modwen's Junction
- A.55 11-0540-210 GA - Rowley Road Junction
- A.56 11-0540-212A GA - Stoneleigh Junction
- A.57 11-0540-213 GA - Binley Roundabout
- A.58 11-0540-214 - Highway Junction Geometry Zone B
- A.59 11-0540-215 - Highway Junction Geometry Whitley Junctions & Zone C
- A.60 11-0540-216 - Highway Junction Geometry Festival Island & Zone A
- A.61 11-0540-217 - Highway Junction Geometry Off-site Junctions
- A.62 11-0540-218 - Highway Longsections Zone A Access Road
- A.63 11-0540-219 - Highway Longsections New A45 Junction

- A.64 11-0540-220 - Departures Plan
- A.65 11-0540-221 - Highway Longsections Jaguar Link Road
- A.66 11-0540-222 - Highway Longsections Jaguar Expansion Road
- A.67 11-0540-223 - Swept Path Analysis Zone B
- A.68 11-0540-224 - Swept Path Analysis Whitley Junctions
- A.69 11-0540-225 - Swept Path Analysis Zones A & C
- A.70 11-0540-226 - Swept Path Analysis Off Site Junctions
- A.71 11-0540-227 - Swept Paths BRT Route Sheet 1 of 2
- A.72 11-0540-228 - Swept Paths BRT Route Sheet 2 of 2
- A.73 11-0540-229 - Typical Cross Sections
- A.74 11-0540-230 - Drainage Strategy For Development Zone A
- A.75 11-0540-231 - Drainage Strategy For Development Zone B
- A.76 11-0540-232 - Drainage Strategy For Development Zone C
- A.77 11-0540-233 - Drainage Strategy For A45 Sheet 1 of 2
- A.78 11-0540-234 - Drainage Strategy For A45 Sheet 2 of 2
- A.79 11-0540-235 - Drainage Standard Details
- A.80 11-0540-236 - General Arrangements Jaguar Roads
- A.81 11-0540-237B - GA Zone A Access Road
- A.82 11-0540-238 - Walsgrave Junction
- A.83 3924-041-P7 - Highways Sequence Plan
- A.84 3924-042-P5 - Earthworks Sequence Plan
- A.85 3924-048-P2 - Proposed Earthworks & Sequence Plan For Development Plots
- A.86 Environmental Statement
- A.87 Environmental Statement Non-Technical Summary
- A.88 ES Chapter 2 Appendices - Construction Sequence & Programme
- A.89 ES Chapter 2 Appendices - Indicative Outline Programme Chart
- A.90 ES Chapter 2 Appendices - NTH/2113/HD100 P1 Proposed A45 Bridge Traffic Management Plan
- A.91 ES Chapter 2 Appendices - Fig 2 P22 Site Access Proposed Improvements Phasing
- A.92 ES Chapter 4 Appendices - Census Data Warwick & Baginton
- A.93 ES Chapter 4 Appendices - Census Data Coventry & Whitley
- A.94 ES Chapter 4 Appendices - Census Data Rugby & Ryton
- A.95 ES Chapter 5 Appendices - Landscape Visual Impact Assessment Methodology
- A.96 ES Chapter 5 Appendices - Landscape Character Assessment Relevant Published Extracts
- A.97 ES Chapter 5 Appendices - Visual Effects Table
- A.98 ES Chapter 5 Appendices - Landscape Management Plan Contents
- A.99 ES Chapter 6 Appendices - Phases 1 & 2 Habitat Survey Baseline Report
- A.100 ES Chapter 6 Appendices – Revised Arboricultural Assessment November 2012
- A.101 ES Chapter 6 Appendices – Revised Biodiversity Off-Setting Report November 2012
- A.102 ES Chapter 6 Appendices - Great Crested Newt Report
- A.103 ES Chapter 6 Appendices – Bat Survey Report
- A.104 ES Chapter 6 Appendices - Badger Survey Report
- A.105 ES Chapter 6 Appendices - Breeding Bird Survey Report
- A.106 ES Chapter 6 Appendices - Wintering Bird Survey Report
- A.107 ES Chapter 6 Appendices - Reptile Survey Report
- A.108 ES Chapter 6 Appendices - Water Vole & Otter Report

- A.109 ES Chapter 7 Appendices - Baseline site impacts & effects risk matrices
- A.110 ES Chapter 7 Appendices - Construction phase short term impact assessment and effects risk
- A.111 ES Chapter 7 Appendices - Operational phase impact & effects risk assessment
- A.112 ES Chapter 7 Appendices - Geo-environmental Desk Study Report
- A.113 ES Chapter 7 Appendices - Zone A Rock Farm Preliminary Geo-environmental Interpretative Report
- A.114 ES Chapter 7 Appendices - Zones B & D Preliminary Geo-environmental Interpretative Report
- A.115 ES Chapter 7 Appendices - Zone A Rock Farm Preliminary Quantitative Groundwater Risk Assessment
- A.116 ES Chapter 7 Appendices - Strategic Framework for Reclamation and Remediation
- A.117 ES Chapter 8 Appendices - Flood Risk Assessment
- A.118 ES Chapter 9 Appendices - Noise & Vibration; Glossary of Terms
- A.119 ES Chapter 9 Appendices - Noise Survey Results
- A.120 ES Chapter 9 Appendices - Noise sensitive receivers along traffic network
- A.121 ES Chapter 9 Appendices - Mitigation measures relating to traffic network
- A.122 ES Chapter 9 Appendices - Noise sensitive receivers impacted by operational activities
- A.123 ES Chapter 9 Appendices - Mitigation measures relating to operational activities
- A.124 ES Chapter 10 Appendices - Windrose Data
- A.125 ES Chapter 11 Appendices - Heritage Assessment
- A.126 ES Chapter 11 Appendices - Archaeological Evaluation Report
- A.127 ES Chapter 12 Appendices - Q5 Quadro lighting details
- A.128 ES Chapter 12 Appendices - XMOD lighting details
- A.129 ES Chapter 12 Appendices - Cross Section 4772 E
- A.130 ES Chapter 12 Appendices - Cross Section 4772 B
- A.131 Transport Assessment
- A.132 Accessibility Report
- A.133 Travel Plan
- A.134 Parking Management Strategy
- A.135 Travel Monitoring Strategy
- A.136 Stage 1 Road Safety Audit
- A.137 2009 Coventry Highway Model - Local Modal Validation Report
- A.138 Coventry Public Transport Model 2008 Local Model Validation Report
- A.139 2009 Coventry Variable Demand Model – Stage 2 Choice Model Development & Validation
- A.140 Coventry Gateway Modelling Report
- A.141 Coventry & Warwickshire Gateway - Paramics Option Testing Report
- A.142 Non-Motorised User (NMU) Context Report
- A.143 Stage 1 Non-Motorised User (NMU) Audit
- A.144 Directional Signage Strategy
- A.145 Approval In Principle (Bridge Design) - A45 Overbridge
- A.146 Construction Sequence & Programme
- A.147 Departure Report
- A.148 VISUM Model Results 2022
- A.149 SK28.F – Highway Layout 4 Lane A45 Option
- A.150 K107 BM01157 01 A45/A46 Rambler Routes
- A.151 SK60 BM01157 01 A45/A46 Local Development Proposals

- A.152 SK70 BM01157 01 A45/A46 Friday Pedestrian Summary
A.153 SK71 BM01157 01 A45/A46 Saturday Pedestrian Summary
A.154 SK72 BM01157 01 A45/A46 Sunday Pedestrian Summary
A.155 SK74 BM01157 01 A45/A46 Friday Cyclist Summary
A.156 SK75 BM01157 01 A45/A46 Saturday Cyclist Summary
A.157 SK76 BM01157 01 A45/A46 Sunday Cyclist Summary
A.158 Coventry & Warwickshire Gateway – Delivering Jobs & Growth Brochure Autumn 2012
A.159 Invertebrate Survey October 2012
A.160 Supplementary Bat Survey November 2012
A.161 Savill's Response Socio Economic & Property Market Issues November 2012
A.162 Landscape & Visual Statement Response To Issues November 2012
A.163 Trees Response to Planning Issues Raised November 2012
A.164 Air Quality Response to CPRE November 2012
A.165 Highways Technical Note 5 – Response To Issues November 2012
A.166 Applicant Statement In Response To Issues 6 November 2012
A.167 Response To Noise Issues 9 November 2012
A.168 Tree T38 Analysis Email 14 November 2012
A.169 Tree T38 Analysis Drawings 12 November 2012
A.170 Supplementary Ecology Information 14 November 2012
A.171 Waterman Advice Note re ES Chapter 7 14 November 2012
A.172 Email From Agent 15 November 2012
A.173 Air Quality ES Addendum 15 November 2012
A.174 Email From Agent 16 November 2012
A.175 Email From Tim Jackson 19 November 2012 re Tree T9
A.176 Email From Agent 19 November 2012
A.177 Air Quality Response 19 November 2012
A.178 Noise Response 21 November 2012
A.179 Agent Emails Re Sustainability x 2 22 November 2012
A.180 Email From Agent 22 November 2012
A.181 Air Quality Info 22 November 2012
A.182 Roxhill Coventry Gateway Briefing Note – 30 November 2012
A.183 Email From Agent 12 December 2012
A.184 Principles of ANPR Control Document 12 December 2012
A.185 Jaguar Land Rover Support Letter 13 December 2012
A.186 Email From Agent 18 December 2012
A.187 Coventry & Warwickshire Gateway – 'Benefits' and opportunities for Warwick District May 2013
A.188 Email from Agent 7 June 13 clarifying noise matters
A.189 Letter from DCLG calling in the applications 29 July 2013
A.190 A further review of the proposed Coventry & Warwickshire Gateway planning application (March 2013) - Richard Morrish Associates

B. Planning Policy

- B.1 National Planning Policy Framework, 2012
B.2 Coventry City adopted Development Plan 2001
B.3 Coventry City Core Strategy Proposed Submission, 2009 (withdrawn)
B.4 Inspector's Report on the Examination into Coventry's Core Strategy, 2010
B.5 Coventry City Proposed Core Strategy, 2011
B.6 Coventry City Proposed Core Strategy, 2012 (withdrawn)
B.7 Warwick District Local Plan 2007
B.8 Warwick District Preferred Options, 2012

- B.9 Warwick District Revised Development Strategy, 2013
B.10 Regional Spatial Strategy for the West Midlands Region, 2008 (revoked)
B.11 Warwick District Council SPG/SPD relating to Open Space (June 2009)
B.12 Warwick District Council SPG/SPD relating to Sustainable Buildings (December 2008)
B.13 Warwick District Council SPG/SPD relating to Vehicle Parking Standards
B.14 Coventry City Council SPG/SPD - Delivering a More Sustainable City
B.15 Coventry City Council SPG/SPD - Green Space Strategy for Coventry
B.16 Nuneaton & Bedworth Borough Plan Preferred Options 2013
B.17 WMRSS Phase 2 Revision Panel Report Volume 1
B.18 WMRSS Phase 2 Revision Panel Report Volume 2
B.19 Coventry Officer's Report to Planning Committee 12 December 2012
B.20 Warwick Officer's Report to Planning Committee 19 December 2012
B.21 Warwick Officer's Report to Planning Committee 12 June 2013
B.22 WDC Scoping Opinion for the Coventry & Warwickshire Gateway applications 2012
B.23 Draft National Planning Practice Guidance - Assessment of Housing and Economic Development Needs
B.24 WMRSS Phase 2 Revision Draft Submission
B.25 National Planning Practice Guidance
- C. Socio-Economic**
- C.1 The Plan for Growth 2011 - HM Treasury and BIS
C.2 Coventry & Warwickshire Local Enterprise Partnership: 5 Year Strategy (2011-2026) April 2011
C.3 Coventry & Warwickshire LEP, Enterprise Zone Application, May 2011
C.4 Please see C.9
C.5 Coventry's Economy 1976 to 2026, Myles Mackie, Coventry City Council, September 2008
C.6 Coventry, Solihull and Warwickshire Sub-Regional Employment Land Study 2007
C.7 Coventry Employment Land Study 2012
C.8 Coventry's Economy: Employment Land Requirement Update - January 2012
C.9 Coventry and Warwickshire Economic Assessment - 2011
C.10 Driving Growth, Centre for Cities, Coventry & Warwickshire LEP, 2013
C.11 Financial Viability in Planning: 1st edition Guidance Note, RICS 2012
C.12 Employment Densities Guide, 2nd edition, Home and Community Agency (HCA), Office of Project & Programme Advice and Training (OffPat), 2010
C.13 Not Just Stacking Shelves (2006) - Prologis
C.14 Do Distribution Warehouses Deliver Jobs? Technical Notes from Prologis, September 2012
C.15 Employment Densities: A Full Guide (2001) - Arup
C.16 East Midlands Strategic Distribution Study (2006) - MDS Transmodal Ltd, Roger Tym & Partners & Savills
C.17 West Midlands Economic Strategy 2007
C.18 Warwick District Employment Land Review 2013
C.19 GL Hearn Economic and Demographic Forecast Study for Warwick District Council and Coventry City Council December 2012
C.20 Review of Need and Comparative Site Assessment Study - December 2012 (GL Hearn)
C.21 Review of Economic and Employment Matters relating to the planning application for the Coventry and Warwickshire Gateway: April 2013 (GL

- Hearn)
- C.22 DCLG Practice Guidance on Need, Impact & the Sequential Approach (2009)
- C.23 WMRSS Phase 2 Preferred Option Employment Land Background Paper (2009)
- C.24 West Midlands Regional Logistics Study Reports - Stage 1 (2004)
- C.25 West Midlands Regional Logistics Study Reports - Stage 2 (2005)
- C.26 West Midlands Regional Logistics Study Reports - Update (2009)
- C.27 The LEP Strategic Economic Plan (2013) (draft)
- C.28 West Midlands Regional Economic Strategy - "Creating Advantage" (1999)
- C.29 West Midlands Regional Economic Strategy - "Connecting to Success" (2007)
- C.30 Coventry, Solihull and Warwickshire Sub-Regional Strategy (2008)
- C.31 West Midlands Innovation Strategy 2010
- C.32 Coventry & Warwickshire City Deal
- C.33 Local Growth: Realising Every Place's Potential (2010)
- C.34 Coventry & Warwickshire Local Enterprise Partnership Strategic Economic Plan 31 March 2014
- D. Landscape**
- D.1 Coventry Green Infrastructure Study (2008)
- D.2 Warwick District Strategic Green Infrastructure Delivery Assessment (2012)
- D.3 Warwickshire Landscape Guidelines, Warwickshire County Council 1993
- D.4 Warwickshire, Coventry & Solihull Sub-Regional Green Infrastructure Study
- D.5 Options for Future Urban Expansion in Warwick District: Considerations for Sustainable Landscape Planning (November 212) - Richard Morrish Associates
- E. Heritage**
- E.1 Coventry Historic Environment Record SE Area (2009)
- F. Drainage**
- F.1 Coventry City Council Strategic Flood Risk Assessment (2008)
- F.2 NPPF Technical Guidance on Flood Risk
- G. Ecology**
- G.1 Coventry Habitat Biodiversity Audits & Species Map
- G.2 Coventry Green Belt Ecological Review (2008)
- G.3 Natural England White Paper: "The Natural Choice: securing the value of nature" 2011
- G.4 Biodiversity Offsetting in England Green Paper, DEFRA, September 2013
- H. Green Belt**
- H.1 Coventry Joint Green Belt Review (2009)
- I. Noise**
- I.1 World Health Organisation Guidelines for Community Noise 1999
- I.2 World Health Organisation Europe Night Noise Guidelines for Europe 2009
- I.3 European Environment Agency Good Practice guide on noise exposure and potential health effects 2010
- J. Environmental Impact**
- J.1 The Town & Country Planning (Environmental Impact Assessment) Regulations 2011
- J.2 Explanatory Memorandum 2011 Number 1824
- K. CPRE Submissions**
- K.1 Response Overview

- K.2 Response on Green Belt
- K.3 Appendix A on Whitley Business Park
- K.4 Response on Economics
- K.5 Response on Transport
- K.6 Response on Environment
- K.7 Supplementary Objections
- K.8 Reply on Economic Issues
- K.9 Reply on Transport
- K.10 Reply to responses to Issues
- K.11 Response to Officers' Reports
- K.12 Abolition of Regional Strategy
- K.13 Biodiversity Impact
- K.14 Alternative Sites
- K.15 Response to Claimed Benefit

L. Airport Operation

- L.1 CAP 168: Licencing of Aerodromes

M. Parish Council Submissions

- M.1 Baginton Parish Council Objection 12 October 2012
- M.2 Bubbenhall Letter & Report 24 October 2012
- M.3 Bubbenhall Letter & Report 8 November 2012
- M.4 Baginton Parish Council Objection 11 November 2012
- M.5 Stoneleigh & Ashow Parish Council Objection 21 November 2012
- M.6 3 Parish Councils Objection 25 November 2012
- M.7 Alan Roe Objection including Savills Report 27 November 2012
- M.8 Stoneleigh & Ashow Joint Parish Council Objection 4 December 2012
- M.9 Bubbenhall Parish Council Objection 5 December 2012
- M.10 Baginton Parish Council Objection 6 December 2012
- M.11 Bubbenhall & Baginton Parish Council 24 December 2012
- M.12 Stoneleigh & Ashow Parish Council 25 January 2013
- M.13 Brief to GL Hearn 29 January 2013
- M.14 Stoneleigh & Ashow Parish Council 10 February 2013
- M.15 Stoneleigh & Ashow Parish Council 20 February 2013
- M.16 Baginton Parish Council Objection 10 March 2013
- M.17 Stoneleigh & Ashow Joint Parish Council 10 May 2013
- M.18 Baginton Parish Council (3PCs on Biodiversity) 16 May 2013
- M.19 Bubbenhall Parish Council response to GL Hearn 21 May 2013
- M.20 Stoneleigh & Ashow Joint Parish Council 21 May 2013
- M.21 Baginton Parish Council Further Objection 23 May 2013
- M.22 Bubbenhall Parish Council 24 May 2013
- M.23 Bubbenhall Parish Council (3PCs letter re Peugeot Browns Lane) 24 May 2013
- M.24 Stoneleigh & Ashow Objection 29 May 2013
- M.25 Stoneleigh & Ashow letter 31 May 2013
- M.26 Baginton Parish Council further objection 10 June 2013

N. Planning Decisions

- N.1 APP/T3725/A/05/1189038 - Coventry Airport DL and IR
- N.2 DPI/U4610/09/53 - A45/A46 Tollbar End Junction DL and IR
- N.3 WMR/P/5105/223/12 - Whitley Business Park DL and IR

O. Remediation

- O.1 Part IIA of the Environmental Protection Act 1990
- O.2 The Contaminated Land Statutory Guidance 2012 (DEFRA)
- O.3 The Building Regulations Approved Document C - Site Preparation and

- Resistance to Contaminants and Moisture (2004 inc 2010 and 2013 Amendments)
- O.4 The Environmental Permitting (England and Wales) Regulations 2010 ss 12, 23 & 69
- O.5 CIRA report C665, Assessing Risks Posed by Hazardous Ground Gases to Buildings
- O.6 CL: AIRE Code of Practice - The definition of waste: Development Industry Code of Practice' Version 2 (March 2011)
- O.7 Standard Rules 2008 No.27 Environmental Permit - Mobile Plan Licence for the remediation of land (Environment Agency)
- P. Additional Joint Core Documents**
- P.1 Statement of Common Ground (between the Applicant and the Councils)
- P.2 Statement of Common Ground (as modified by the Rule 6 parties)
- P.3 Draft Section 106 agreement
- P.4 Statement of compliance with Community Infrastructure Levy Regulations (agreed between the Applicant and the Councils)
- P.5 Warwick District Local Plan 2011-2029 Publication Draft
- P.6 Revised Schedule of Conditions
- P.7 Site visit note
- P.8 Final draft Section 106 agreement

INQUIRY EVIDENCE AND SUBMISSIONS – COVENTRY AND WARWICKSHIRE DEVELOPMENT PARTNERSHIP LLP

- APP1.1 Mr Allen's Proof
- APP1.2 Mr Allen's Appendices
- APP1.3 Mr Allen's Summary
- APP1.4 Letter from Coventry University dated 10 April 2014
- APP1.5 Savills Note on Core Document A.92
- APP2.1 Mr Johnstone's Proof
- APP2.2 Mr Johnstone's Appendices
- APP2.3 Mr Johnstone's Summary
- APP2.4 Mr Johnstone's Rebuttal
- APP2.5 Bubbenhall Road 3 Arm Roundabout drawing no. SK78
- APP2.6 Signed Transport Statement of Common Ground
- APP2.7 Plan of boundary lines at Bubbenhall Road junction – drawing no. 061 Rev P1
- APP2.8 Letter from Coventry Airport dated 30 April 2014
- APP3.1 Mr Beckett's Proof
- APP3.2 Mr Beckett's Appendices
- APP3.3 Mr Beckett's Summary
- APP3.4 Mr Beckett's Rebuttal
- APP4.1 Mr Griffiths's Proof
- APP4.2 Mr Griffiths's Appendices
- APP4.3 Mr Griffiths's Summary
- APP4.4 Mr Griffiths's Rebuttal
- APP4.5 Mr Griffiths's note (Vanguardia) on HGV assumptions for noise
- APP5.1 Mr Handy's Proof (presented by Mr Fairlie in place of Simon Handy
BSc(Hons) CEng MICE)
- APP5.2 Mr Handy's Appendices
- APP5.3 Mr Handy's Summary
- APP5.4 Mr Fairlie's qualifications, experience and endorsement

APP6.1	Mr Rassool's Proof
APP6.2	Mr Rassool's Appendices
APP6.3	Mr Rassool's Summary
APP6.4	Mr Rassool's modifications to proof in light of publication of NPPG
APP7.1	Mr Clemons's Proof
APP7.2	Mr Clemons's Appendices
APP7.3	Mr Clemons's Summary
APP7.4	Mr Clemons's Rebuttal
APP8.1	Ms Hollins's Proof
APP8.2	Ms Hollins's Appendices
APP8.3	Ms Hollins's Summary
APP8.4	Ms Hollins's Rebuttal
APP8.5	Bird-strike risk assessment March 2014
APP8.6	Figure 5.17 - Ecological Compensation and Mitigation Areas
APP9.1	Mr Rech's Proof
APP9.2	Mr Rech's Appendices
APP9.3	Mr Rech's Summary
APP9.4	Mr Rech's Rebuttal
APP9.5	Amended section A1 no. 4772 Rev F
APP9.6	Natural England National Character Area Character profile 96: Dunsmore and Feldon 2013
APP9.7	Aerial photograph with masterplan overlay, no. 4772-L-XX
APP9.8	Set of enlarged viewpoint montages
APP10.1	Mr Rhodes's Proof
APP10.2	Mr Rhodes's Appendices
APP10.3	Mr Rhodes's Summary
APP10.4	Mr Rhodes's Rebuttal
APP10.5	Mr Rhodes's speaking note
APP10.6	Extract from Coventry & Warwickshire joint Strategic Housing Market Assessment Final Report November 2013
APP10.7	Letter from Secretary of State for Communities and Local Government to Coventry & Warwickshire Local Enterprise Partnership
APP10.8	Report to Warwick DC Regulatory Committee 22 January 2013 re: Finham Sewage Treatment Works
APP10.9	Plan and schedule identifying other relevant sites
APP10.10	Summary of Quantified Economic/Employment Effects
APP10.11	Possible uses of Section 106 funds at Lunt Roman Fort
APP10.12	The origin of "Appendix 8" – a Joint Note
APP11	Opening statement
APP12	Extract from Stratford-on-Avon Submission Core Strategy
APP13	Extract from North Warwickshire Submission Core Strategy
APP14	Email dated 6 December 2012 re: Trinity Guild Rugby Club
APP15	Response to representations made on behalf of Enterprise Inns Plc in respect of The Oak Public House
APP16	Closing submissions
APP17	Annex to closing submissions
APP18	Responses to Redhill Aerodrome judgment

INQUIRY EVIDENCE AND SUBMISSIONS – LOCAL PLANNING AUTHORITIES

LPA1/1	Mr Ireland's Proof, Figures & Appendices
LPA1/2	Mr Ireland's Summary

LPA1/3	Mr Ireland's Supplementary Proof
LPA1/4	GL Hearn Schedules of Take-up of B2 and B8 units and Available B2/B8 Floorspace
LPA1/5	GL Hearn Clarification of Take-up and Supply Statistics
LPA2/1	Ms Archer's Proof & Summary
LPA2/2	Ms Archer's Appendix
LPA3/1	Mr Young's Proof, Summary & Appendices (treated as a written representation)
LPA4/1	Ms Darke's Proof
LPA4/2	Ms Darke's Appendices
LPA4/3	Ms Darke's Summary
LPA5	Opening statement
LPA6	Highway's Agency TR110 response dated 10 December 2012
LPA7	Bundle of correspondence relating to Coventry Airport
LPA8	Centro applications response dated 12 November 2012
LPA9	Extract from Stratford-on-Avon District Draft Core Strategy 2012
LPA10	Extract from North Warwickshire Local Plan Core Strategy Proposed Submission November 2012
LPA11	Summary of decisions of Warwick District Council Executive 23 April 2014
LPA12	Summary of decisions regarding Local Plan of Warwick District Council 23 April 2014
LPA13	Extracts from Nuneaton & Bedworth Borough Local Plan Proposals Map
LPA14	Growth Deals; Initial Guidance for Local Enterprise Partnerships July 2013 (extract)
LPA15	Closing submissions
LPA16	Responses to Redhill Aerodrome judgment

INQUIRY EVIDENCE AND SUBMISSIONS – CPRE WARWICKSHIRE

CPRE1/1	Green Belt Proof (treated as a written representation)
CPRE1/2	Green Belt Appendices
CPRE1/3	Green Belt Summary
CPRE2/1	Economic Proof (Mr Yates)
CPRE2/2	Economic Appendices
CPRE2/3	Economic Summary
CPRE2/4	Mr Yates's qualifications and experience
CPRE3/1	Transport Proof (Mr Langley)
CPRE3/2	Transport Appendices
CPRE3/3	Transport Summary
CPRE3/4	Mr Langley's qualifications and experience
CPRE4/1	Environmental Proof (treated as a written representation)
CPRE4/2	Environmental Appendices
CPRE4/3	Environmental Summary
CPRE5	Rebuttal Appendices
CPRE6	Further Appendices
CPRE7	Opening statement
CPRE8	Country Parks Accreditation Handbook – criteria checklist
CPRE9	Letter from Brindley Twist Tafft & James dated 21 March 2014
CPRE10	Extract from Coventry & Warwickshire Joint Strategic Housing Market Assessment Final Report November 2013
CPRE11	Letter from Inspector on Examination of the North Warwickshire Core

CPRE12	Strategy dated 28 March 2014
CPRE13	Response to proposed conditions and obligations
CPRE13	Closing submissions
CPRE14	Response to Redhill Aerodrome judgment

INQUIRY EVIDENCE AND SUBMISSIONS – THE COMMUNITY GROUP

TCG1/1	Economic Proof (Mr Roe)
TCG1/2	Economic Appendices
TCG1/3	Economic Summary
TCG2	Social Proof, Appendices & Summary (Ms Shattock, Ms Keightley, Ms Fletcher)
TCG3/1	Ecology & Landscape Proof (Mr Wintle)
TCG3/2	Ecology & Landscape Appendices
TCG3/3	Ecology & Landscape Summary
TCG3/4	Ecology & Landscape Rebuttal
TCG3/5	Heritage Rebuttal (Ms Fryer)
TCG4	Contamination Proof & Appendices (Mr Fryer)
TCG4/1	Contamination Rebuttal (Fire Brigade Log extract)
TGC5/1	Commercial Proof (Mr Yates)
TGC5/2	Commercial Appendices
TCG6/1	Safety & Third Party Risk Proof (Mr Astle)
TCG6/2	Safety & Third Party Risk Appendices
TCG6/3	CAA email response to Caroline Pickering dated 17 April 2014
TCG6/4	CAP670 Air Traffic Services Safety Requirements - extract
TCG6/5	Letter from Civil Aviation Authority dated 1 May 2014
TCG6/6	CAP 764 CAA Policy and Guidelines on Wind Turbines
TCG6/7	Annotated Google Earth photo
TCG7/1	Policy Proof (Mr Wintle)
TCG7/2	Policy Appendices
TCG7/3	Policy Summary
TCG7/4	Policy Rebuttal
TGC7/5	Policy Rebuttal bundle of documents
TGC7/6	Note of correspondence with English Heritage
TGC7/7	Extract from DEFRA Circular 01/2006
TCG8	Opening statement
TCG9	Mr Roe's curriculum vitae
TCG10	Closing submissions
TCG11	Response to Redhill Aerodrome judgment

INQUIRY EVIDENCE AND SUBMISSIONS – COUNCILLOR BERTIE MACKAY

BM1/1	Councillor MacKay's Proof
BM1/2	Councillor MacKay's Appendices
BM1/R1	Councillor MacKay's Rebuttal
BM1/AppB	Appendices B1-B4
BM2	Councillor Illingworth's Proof
BM2/AppA	Letter from Nick Boles MP to Jeremy Wright MP
BM3	Mr Fryer's Proof
BM3/AppA	Appendix 8: Green Belt and Green Field Review
BM4/1	Mr Fawcett's Proof
BM4/2	Mr Fawcett's Appendices

BM5/1	Mr Bush's Proof
BM5/2	Mr Bush's Appendices
BM5/3	Mr Bush's Summary
BM5/4	Mr Bush's Rebuttal
BM5/5	Mr Bush's note re: application amendments
BM5/6	Mr Bush's bundle of plans
BM6	Councillor Blacklock's Proof
BM7	Opening statement
BM8	Closing submissions (with attachments)
BM9	Response to Redhill Aerodrome judgment

INQUIRY EVIDENCE AND SUBMISSIONS – OTHER THIRD PARTIES

TP1	Submission by James Avery dated 3 June 2013
TP2	Statement by Nicholas Butler
TP3	Statement and attachments by David Ellwood
TP3/1	David Ellwood's response to Redhill Aerodrome judgment

INSPECTOR'S DOCUMENTS

INSP1	Post call-in representations (2 folders)
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Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.