

Segro (EMG) Ltd c/o [REDACTED]  
Oxalis Planning Ltd  
Unit 7 Wheatcroft Business Park  
Landmere Lane  
Edwalton  
Nottinghamshire  
NG12 4DG

Application reference 18/01527/FULM

Registered 28 August 2018

## PLANNING PERMISSION

### Town and Country Planning Act 1990

**Container storage area with containers stored up to 15 metres high (5 containers) together with rail terminal lighting columns at 25 metres high at Zone C, East Midlands Gateway Development, Castle Donington, .**

In pursuance of its powers under the Town and Country Planning Act 1990 North West Leicestershire District Council hereby grants planning permission for the above development in accordance with the application and plans submitted subject to and as may be modified by the following conditions:

- 1 The development shall be begun before the expiration of five years from the date of this permission.

*Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

- 2 The proposed development shall be carried out strictly in accordance with the following drawing numbers: -
  - 3899-RF A100 Revision P3 (Rail Freight Site - Site Layout Plan), received by the Local Authority on the 28th August 2018;
  - 3899-RF A101 Revision P1 (Site Location Plan - Rail Freight Interchange), received by the Local Authority on the 28th August 2018;
  - 3252 L-51 Revision A (Landscape Cross Section B Figure 1), received by the Local Authority on the 28th August 2018;
  - EMG-BWB-RDG-RA01-DR-D-600 Status S4 Revision P2 (Rail Terminal Proposed Finished Levels), received by the Local Authority on the 28th August 2018;
  - EMG-BWB-RDG-RA02-DR-D-600 Status S4 Revision P2 (Rail Terminal Proposed Finished Levels), received by the Local Authority on the 28th August 2018;
  - EMG-BWB-RDG-RA03-DR-D-600 Status S4 Revision P2 (Rail Terminal Proposed Finished Levels), received by the Local Authority on the 28th August 2018;
  - EMG-BWB-RDG-RA04-DR-D-600 Status S4 Revision P2 (Rail Terminal Proposed Finished Levels), received by the Local Authority on the 28th August 2018;
  - 14056-1-A (East Midlands Gateway), received by the Local Authority on the 28th August 2018;

- 3D43157-02 Revision A (25M Tubular Flange Plate Mounted Column with Katana 4 Luminaire), received by the Local Authority on the 28th August 2018.

unless otherwise required by another condition of this permission.

*Reason - for the avoidance of doubt and to determine the scope of the permission.*

- 3 The lighting to be installed within the rail terminal (Zone C), hereby permitted, shall be capped below the horizon in order to prevent any upward light spill.

*Reason - to ensure there would be no adverse effect upon flight safety as a result of the development in accordance with Policy Ec5 of the adopted Local Plan and to accord with Schedule 16 of the DCO.*

- 4 No lamps associated with the lighting columns within the rail terminal (Zone C), hereby permitted, shall be directly visible (or visible by reflection) to the M1 Motorway users.

*Reason - to ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety, in accordance with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF (2018) and to accord with Schedule 19 of the DCO.*

- 5 The storage containers to be stored within the rail terminal (Zone C), as defined on drawing number 3899-RF A100 Revision P3, received by the Local Authority on the 28th August 2018, shall not exceed a height of 15 metres as measured from the ground level referenced on drawing number 3252 L-51 Revision A, received by the Local Authority on the 28th August 2018.

*Reason - in the interests of the preservation of visual amenities and to limit the impact on the wider environment in accordance with Policy D1 of the adopted Local Plan and Paragraphs 124 and 127 of the NPPF (2018).*

- 6 Construction works associated with the provision of the lighting columns within the rail terminal, hereby permitted, must not take place other than between 07:30 and 19:00 hours on weekdays and 08:30 and 13:00 hours on Saturdays, excluding public holidays. The above applies unless alternative hours are first submitted to and agreed in writing by the Local Planning Authority. Outside the above periods the following works will be permitted:

- (a) Pre-planned construction works to highway or rail infrastructure requiring possessions where first notified to the Local Planning Authority and local residents;
- (b) Emergency works; and
- (c) Works which do not cause noise that is audible at the boundary of the Order Limits.

(2) Regardless of sub-paragraph (1) no piling operations are to take place after 18:00 hours unless otherwise agreed in writing by the Local Planning Authority.

(3) Any emergency works carried out under sub-paragraph (1)(b) must be notified to the Local Planning Authority within 72 hours of their commencement.

*Reason - in the interests of the preservation of neighbouring residential amenities in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2018) and in order to accord with Requirement 20 of the DCO.*

7 For normal daytime construction works, associated with the provision of the lighting columns within the rail terminal hereby permitted, carried out on weekdays, between 07:30 and 19:00 and on Saturdays between 08:00 and 13:00, the noise level measured at a noise sensitive receptor must not exceed Leq 12 hour 65 dB(A) wherever practicable. Where this is not practicable prior approval under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(a) must be obtained. The sensitivity receptor used must be as defined in Document 5.2 (Environmental Statement) Chapter 9, Table 9.24 Figure B1 covering the East Midlands Gateway Rail Freight Interchange and Highways Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016.

(2) An assessment of construction noise must be undertaken in accordance with British Standard 5228:2009 - "Code of Practice for Noise and vibration control on construction and open sites" (Part 1 - Noise) at a noise sensitive receptor. Noise levels must be measured weekly during the stages of construction including ground works, piling and road and rail construction stages unless complaints are received in which case the procedures in condition 21 must be followed.

(3) Subject to health and safety requirements, broadband reversing alarms must be employed on mobile plant.

*Reason - in the interests of the preservation of neighbouring residential amenities in accordance with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF (2018) and in order to accord with Requirement 21 of the DCO.*

8 The ground level on which the lighting columns and storage containers will be positioned shall be in strict accordance with the levels shown on drawing number 3252 L-51 Revision A, received by the Local Authority on the 28th August 2018. The above applies unless an alternative ground level is first submitted to and approved in writing by the Local Planning Authority. Any alternative ground level upon which the lighting columns and storage containers would be positioned shall than be provided in accordance with the details subsequently approved.

*Reason - to ensure the development takes the form envisaged by the Local Planning Authority in the interests of the visual amenities of the landscape and in order to accord with Policy D1 of the adopted Local Plan, Paragraphs 124 and 127 of the NPPF (2018) and Requirement 12 of the DCO.*

9 The development, hereby permitted, must be carried out in accordance with the following so as to ensure the safety of the adjacent airport operator:

(a) The management strategy for safeguarding East Midlands Airport which is contained in Document 6.12 of the DCO covering the East Midlands Gateway Rail Freight Interchange and Highway Order 2016, which was approved under the DCO granted by the Secretary of State for Transport on the 12th January 2016;

*Reason - to ensure there would be no adverse effect upon flight safety as a result of the development in accordance with Policy Ec5 of the adopted Local Plan and to accord with Schedule 16 of the DCO.*

## **INFORMATIVES :-**

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination phase which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 17th January 2018 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £116.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 If there are any works proposed as part of an application which are likely to affect the flows in a watercourse or ditch, then the applicant may require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.
- 4 Any cranes to be provided on the site during the construction phase will require a permit from East Midlands Airport and charges may apply to these permits and any appropriate assessment.
- 5 The applicants attention is drawn to the consultation response of East Midlands Airport Safeguarding of the 17th September 2018 in particular their requirement for a local lighting check once the lighting columns are installed.

Your attention is drawn to the enclosed notes.

Signed: 

  
Planning & Development Team Manager  
Proper Officer of the Council

Dated: ..... 16.10.18 .....