

SEGRO

Application reference 22/00867/FULM

[REDACTED]
Oxalis Planning Ltd
Toll Bar House
Landmere Lane
Edwalton
Nottinghamshire
NG12 4DG
United Kingdom

Registered 23 May 2022

Decision Date 4 August 2022

PLANNING PERMISSION

Town and Country Planning Act 1990

Container storage area with containers stored at up to 15 metres high (5 containers) together with rail terminal lighting columns at up to 25 metres high at East Midlands Gateway Ashby Road 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: -
 - EMG-BWB-GEN-XX-SK-D-SK499 S8 Revision P02 (Phase 2 Rail Terminal Red Line Plan for Change to Parameters), received by the Local Authority on the 23rd May 2022;
 - EMG-BWB-RGN-RT2a-DR-C-0602 S8 Revision P01 (Rail Terminal Phase 2 Finished Levels Sheet 2), received by the Local Authority on the 23rd May 2022;
 - EMG-BWB-RGN-RT3a-DR-C-0603 S8 Revision P01 (Rail Terminal Phase 2 Finished Levels Sheet 3), received by the Local Authority on the 23rd May 2022;
 - 22-110-1A (East Midlands Gateway Phase 2), received by the Local Authority on the 23rd May 2022;
 - 22-110-2A (East Midlands Gateway Phase 2), received by the Local Authority on the 23rd May 2022; and
 - 3252 L-51 Revision B (Landscape Cross Section B Figure 1), received by the Local Authority on the 23rd May 2022.

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 horizontal 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 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, 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 EMG-BWB-GEN-XX-SK-D-SK499 S8 Revision P02, received by the Local Authority on the 23rd May 2022, shall not exceed a height of 15 metres as measured from the ground level referenced on drawing number 3252 L-51 Revision B, received by the Local Authority on the 23rd May 2022.

Reason: In the interests of the preservation of visual amenities and to limit the impact on the wider environment.

- 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 and bank 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 the above, 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 (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 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 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 B, received by the Local Authority on the 23rd May 2022. 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 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 Schedule 16 of the DCO.

INFORMATIVES :-

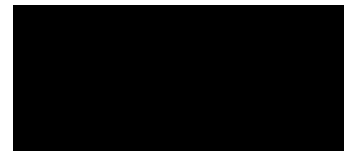
- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable 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 The applicant's attention is drawn to the advice notes within the consultation response of East Midlands Airport Safeguarding of the 20th June 2022 (ref: 2022/091) which is available for viewing at the following link: [22/00867/FULM](https://www.nwleics.gov.uk/22/00867/FULM) | Container storage area with containers stored at up to 15 metres high (5 containers) together with rail terminal lighting columns at up to 25 metres high | East Midlands Gateway Ashby Road Castle Donington (nwleics.gov.uk).

- 4 The application site is located within the flight path of East Midlands Airport. In the interests of aviation safety and to prevent distraction and confusion to pilots caused by dust and smoke clouds, measures to minimise and manage the creation of dust and smoke should be implemented for the full duration of all construction works, including demolition and excavation, in accordance with the advice of East Midlands Airport and the Civil Aviation Authority.

- 5 The applicant's attention is drawn to the advice notes within the consultation response of Leicestershire County Council Lead Local Flood Authority (LLFA) of the 31st May 2022 (ref: 2022/0867/07/F) which is available for viewing at the following link: [22/00867/FULM](#) | Container storage area with containers stored at up to 15 metres high (5 containers) together with rail terminal lighting columns at up to 25 metres high | East Midlands Gateway Ashby Road Castle Donington (nwleics.gov.uk).

Your attention is drawn to the enclosed notes.

Signed:




**Planning and Development Team Manager
Proper Officer of the Council**

NOTE TO APPLICANT

□ **THIS IS A PLANNING PERMISSION ONLY.** Separate approvals or consents may be required for the following:-

- **Building Regulations.** Approval is required for new buildings, extensions, some internal alterations and certain changes of use. Work must not commence until Building Regulation Approval has first been obtained. If in doubt contact the District Council offices.
- **Listed Buildings.** It is an offence to alter or demolish any part of a Listed Building without first having obtained Listed Building Consent. This includes fixtures, walls and structures within the curtilage. If in doubt contact the District Council offices.
- **Demolition of Buildings in Conservation Areas.** It is an offence to demolish a building or part of a building (with some minor exceptions within a Conservation Area) or to demolish any part of a wall which is over 1m in height which abuts a highway or which is over 2m in height in any other case.

- **Vehicular access and works within the highway**

Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a minor/major section 184 permit or a section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

Public Rights of Way

A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980. A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

• **APPEALS TO THE FIRST SECRETARY OF STATE.**

- If you want to appeal against your local planning authority's decision to grant permission subject to conditions then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
- **The First Secretary of State** can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- **The First Secretary of State** need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **In practice**, the First Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

□ **PURCHASE NOTICES.** If either the local planning authority or the First Secretary of State refuses permission to develop land or grants subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- **In these circumstances**, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

• **SCREEN WALLS AND FENCES: SAFETY AND STABILITY.** The developer should ensure that any screen wall or fence proposed in the application, or required by planning condition, is designed and constructed to ensure structural stability, particularly in high winds. Felt damp-proof courses should not be used in free standing walls.

• **SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS AND BUILDINGS TO WHICH THE PUBLIC ARE ADMITTED: ACCESS AND PROVISION FOR DISABLED PERSONS.** The Local Planning Authority is required to bring your attention the requirement of the Chronically Sick and Disabled Act 1970 (Sections 4, 6, 7, 8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice, BS5810 : 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2 Park Street, London, W1A 2BS. (Tel: 020 7629 9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Handicapped to Educational Buildings".

The buildings to which these requirements apply are:-

- a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick and Disabled Persons Act 1970 applies.
- b) Office, Shops and Railway Premises as defined in the Offices, Shops and Railway Premises Act 1963 or premises deemed to fall within that Act.
- c) Factories as defined by Section 175 of the Factories Act 1961.
- d) Educational buildings as defined by Section 29B of the Disabled Persons Act 1981.

□ **LIMITATIONS ON STORAGE BUILDINGS : LEICESTERSHIRE ACT 1985 - SECTION 53.** You are advised that if more than 7,000 cubic metres of space in any building is used for storage purposes, the requirements of Section 53 of the Leicestershire Act 1985 come into effect. This enables the District Council to require the subdivision of buildings or (as is more likely) to require fire detection/precaution/extinguishment measures to be incorporated. You are advised to seek advice from Building Control before proceeding with any such use.

