
Container storage area with containers stored up to 15 metres high (5 containers) together with rail terminal lighting columns at 25 metres high.

**Application Reference:
18/01527/FULM**

Zone C, East Midlands Gateway, Land North of East Midlands Airport, Castle Donington, Derbyshire.

**Date Registered:
28 August 2018
Consultation Expiry:
3 October 2018
8 Week Date:
27 November 2018
Extension of Time:
None Agreed**

**Applicant:
SEGRO (EMA) Ltd**

Case Officer:
[REDACTED]

**Recommendation:
PERMIT**

1. Proposals and Background

Planning permission is sought for a 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 (Rail Terminal), East Midlands Gateway Rail Freight Interchange, Castle Donington, Leicestershire. The application site, to which the proposal forms part, lies to the east of Castle Donington, south of Lockington and Hemington, west of Kegworth and north of East Midlands Airport and is outside the defined Limits to Development. Zone C would be provided in the eastern area of the site in close proximity to the A453.

On the 12th January 2016 the Secretary of State for Transport granted a Development Consent Order (DCO) for The East Midlands Gateway Rail Freight Interchange and Highway Order 2016 (Statutory Instruments 2016 – No. 17), which comprised the following development as outlined in Schedule 1 of the DCO and which consisted of three separate Nationally Significant Infrastructure Projects (NSIPs): -

- Part 1 – NSIP 1: The Construction of a Rail Freight Interchange;
- Part 2 – NSIP 2: The Construction of a New Highway;
- Part 3 – NSIP 3: The Alterations of Existing Highways;
- Part 4 – Associated Development.

In more detail these works comprised the following:

- Provision of up to 557,414 square metres of rail-served warehousing and ancillary service buildings;
- An intermodal freight terminal accommodating up to 16 trains per day each way of up to 775 metres in length and which will include container storage and HGV parking;
- A new rail line connecting the terminal to the Castle Donington freight only branch line;
- Substantial improvements to Junctions 24 and 24A on the M1;
- A southern bypass of Kegworth to the east of the M1;
- Other new roads and alterations to existing road infrastructure;
- A bus interchange;
- Alterations to public rights of way;
- Demolition of existing structures and structural earthworks to create development plots and landscape zones; and
- Strategic landscaping and open space, including the creation of new publically accessible open areas.

As part of the consideration of the DCO application a Parameters Plan was submitted which outlined

within the rail terminal area (Zone C) that the lighting columns would be at heights of 15 metres and the containers would be stored to a height of 10 metres (totalling 3 containers). This application seeks to provide the lighting columns to heights of 25 metres as well containers being stored to a height of 15 metres (totalling 5 containers) and as such breaches the dimensions set by the Parameters Plan approved as part of the DCO. On the basis that the height of the lighting columns and container storage height would not accord with the terms of the DCO a separate planning application has been submitted for consideration by the Local Planning Authority. All other aspects of the rail terminal within Zone C would be provided in accordance with the DCO.

Relevant information on the development can be seen on the submitted plans.

A landscape and visual appraisal has been submitted in support of the application.

Within the wider site covered by the DCO a planning application was considered under reference 17/01165/FULM for the construction of a B8 warehouse together with ancillary buildings, associated access, parking, service and yard areas and landscaping which was approved on the 6th November 2017.

2. Publicity

One neighbour notified 5 September 2018.

A site notice was displayed on the 10 September 2018.

A press notice was published in the Derby Evening Telegraph on the 12 September 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Castle Donington Parish Council has no comments to make as application not within Castle Donington Parish.

Charnwood Borough Council has no objections.

East Midlands Airport Safeguarding has no objections subject to conditions.

Highways England has no objections subject to conditions.

Kegworth Parish Council has no objections.

Leicestershire County Council – Ecology has no comments to make on the application.

Leicestershire County Council – Highways Authority has no objections.

Leicestershire County Council – Lead Local Flood Authority has no objections.

NWLDC – Environmental Protection has no objections.

At the time of this report no representations have been received from Derby City Council, Derbyshire County Council, Erewash Borough Council, Lockington cum Hemington Parish Council, Long Whatton and Diseworth Parish Council, Nottinghamshire County Council or South Derbyshire District Council.

Third Party Representations

One third party representation has been received objecting to the application with the comments raised summarised as follows:

- The proposal is a further physical eyesore with the height of the container stacks being out of proportion with the surrounding landscape and will dominate the skyline.
- Additional hard surfaces will increase surface water run-off and increase flood risk.
- There will be an increase in vehicular traffic bringing the containers onto the site which will add to an already congested highway network and increase air pollution levels.
- There will be further disturbance to the local community and wildlife in the area.
- Increase in the height and number of lights will increase light pollution.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 9 and 10 (Achieving sustainable development);
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);
 Paragraphs 38, 44 and 47 (Decision-making);
 Paragraphs 54 and 55 (Planning conditions and obligations);
 Paragraphs 80, 82 and 84 (Building a strong, competitive economy);
 Paragraphs 105, 106, 108, 109 and 110 (Promoting sustainable transport);
 Paragraph 117 (Making effective use of land);
 Paragraphs 124, 126 and 127 (Achieving well-designed places);
 Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraphs 170, 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
 Paragraphs 192, 194, 196, 199 and 200 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 – Future Housing and Economic Development Needs;
 Policy S2 – Settlement Hierarchy;
 Policy S3 – Countryside;
 Policy D1 – Design of New Development;
 Policy D2 – Amenity;
 Policy Ec1 – Employment Provision: Permissions;
 Policy Ec5 – East Midlands Airport: Safeguarding;
 Policy IF4 – Transport Infrastructure and New Development;
 Policy En1 – Nature Conservation;
 Policy En6 – Land and Air Quality;
 Policy He1 – Conservation and Enhancement of North West Leicestershire’s Historic Environment;
 Policy Cc2 – Water – Flood Risk; and
 Policy Cc3 – Water – Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document – April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 66 and 72.

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

National Networks National Policy Statement – December 2014.

The Logistics Growth Review – November 2011.

Local Transport Plan (Leicestershire County Council) – April 2011.

The Community Infrastructure Levy Regulations.

5. Assessment

Principle of the Development

The application site is situated outside the defined Limits to Development where the principle of development is generally restricted to those forms of development specified within Policy S3 of the adopted Local Plan. Part (s) supports the provision of employment land in accordance with the provisions of Policy Ec2. Development under part (s) of Policy S3 would also need to adhere to criteria (i) to (vi) of this Policy.

It is noted that the principle of the development of the site for the provision of a Strategic Rail Freight Interchange (SRFI) has been established by the granting of a Development Consent Order (DCO) by the Secretary of State in January 2016.

The development granted under the DCO allowed for the provision of a rail terminal with lighting columns within the area of the terminal limited to 15 metres in height as well as the storage of containers to a height of 10 metres. Accordingly this application seeks to increase the height of the lighting columns within the rail terminal area as well as the height to which storage containers would be stacked. For the avoidance of doubt the remainder of the rail terminal development, including buildings, car parking and landscaping, would be undertaken in accordance with the terms of the DCO and its relevant Requirements (which are in effect the planning conditions of the DCO).

On the above basis it is considered that the main matters for consideration relate to whether the increase in height of the lighting columns and the height to which storage containers would be stacked would have an adverse visual impact on the landscape and whether any greater implications to airport safeguarding or highway safety would arise. Secondary matters would relate to the impacts on residential amenity, ecology and flood risk.

Landscape and Visual Impacts

An assessment of the visual impacts of the consented development on the landscape was undertaken by the Examining Authority (ExA) who provided a recommendation to the Secretary of State for Transport on the SRFI. The ExA concluded the following: -

“Although of a significant size and scale, the built development within the SRFI site would largely be screened from external views due to the landform changes and the mounding with associated landscape planting. In their joint LIR, LCC and NWLDC consider that it would be inevitable that development of this scale would give rise to a significant landscape and visual impact at the local level. This would particularly be the case until the proposed landscaping had matured, and it would then assist in screening the majority of the built development.

There also would be substantial areas of grassland pasture and open space both preserved and created. Several of the photomontages show how prominent the existing two main areas of woodland at The Dumps and King Street Plantation are, and therefore their retention as proposed, coupled with significant additional planting, are important elements of mitigation. When set in the context of the major built landscape development in the locality we do not consider that the wider landscape impacts would be significantly detrimental. We therefore concur with the conclusions in the ES on this matter.”

A revised Landscape and Visual Appraisal (LVA) has been submitted in support of this application and this has concluded the following: -

“The proposed increased heights would apply to the central and southern parts of the Rail Terminal plot (on the western side of the sidings). This area is relatively more enclosed and visually contained than the northern part of the plot and therefore is more likely to limit the extent of any increased visual effects. Views towards elements of the Rail Terminal would be possible from the north, north-east and from limited positions to the east and south. This would not differ markedly from the extent of

views assessed from the Rail Terminal parameters for the consented EMG development. (Paragraph 7.5 of the LVA)

In terms of views from the south, the only views into the Rail Terminal plot would be from alongside the site, for a short stretch of the A453 and from the new access road into the EMG development. From these elevated viewpoint positions, the Rail Terminal plot as a whole is clearly visible and would form a dominant and active feature within the roadside views. However, the overall nature and extent of these close views would be similar whether the heights were increased as proposed or remain unchanged. In comparative terms, the proposed increased heights would inevitably extend the visible presence of these Rail Terminal features in these particular views, yet not to a major or significant extent. (Paragraph 7.6)

Due to the nature of the existing and proposed landform, there would be no other views towards the Rail Terminal plot from the south or south-east beyond the immediate surroundings. Similarly, there would be no views towards the stored containers or lighting columns at the Rail Terminal from beyond the EMG site to the west or north-west. This would include from Lockington, Hemington and more distantly from Castle Donington. No properties or receptors within these settlements would have views towards the Rail Terminal features. (Paragraph 7.7)

From the Junction 24 roundabout and approaching roads, elements of the Rail Terminal are likely to be more visible. From these closer views, perimeter moulding (still to be formed in places close to the roundabout junction) and native tree and shrub planting on the western side of the junction would however provide some effective lower level screening and filtering of these views. Higher elements of the Rail Terminal, including gantry cranes and the higher containers and lighting columns would still be visible to varying degrees from positions around and approaching Junction 24. (Paragraph 7.8)

In these views, the majority of the stored containers are unlikely to be visible and would be largely screened by the surrounding mounding and other existing and new planting. The dominant visual components of the EMG development are also likely to remain the large scale employment buildings sited on the relatively higher ground to the south-west of the Rail Terminal. The increase in height of the stored containers within the central and southern part of the Rail Terminal would result in some increased visibility, yet would not result in a significant change or marked increase to the visual effects assessed for the consented EMG SRFI development. (Paragraph 7.9)

There would be increased visibility of the containers, principally from the major roads and junction to the east and north-east and also from some properties and receptors in these general directions. Whilst this would lead to some increased visual effects from these receptors, the nature of the increase is unlikely to be significant in comparison with the visual effects, as stated in the ES for the consented EMG development (Paragraph 7.10).

For those visual receptors that would have views towards the containers and light columns, the resultant visual effects would also generally reduce over time with the maturing of the surrounding planting proposals. Many of the closer road views would be increasingly filtered and restricted by the proposed planting as it matures. (Paragraph 7.11)

It is considered that the conclusions of the LVA are reasonable and as such whilst it is accepted the visual influence of the Rail Terminal on the landscape would increase as a result of the modification to the height of the lighting columns and the heights at which storage containers would be stacked the impacts would not be of such significance that a reason to resist the development could be substantiated. This view is taken given that substantial landscaping would be provided within the site, and to its boundaries, which would assist in screening the proposals as well as the fact that views established in the area would assess the development in the context of other urban influences including Radcliffe on Soar Power Station, lighting columns associated with the strategic highway network as well as the proposed buildings to be constructed on the site which would remain the main

visual influence.

Overall the implications to the landscape and visual appearance of the land would not be of such detriment, particularly taking into account the development as approved under the DCO, as to warrant a refusal of the application.

Design and the Impact on the Character and Appearance of the Area

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

The proposed lighting columns (a total of 28 columns) are of a design that would be consistent with lighting columns permitted within the wider DCO development as well as those that exist to the highways within the immediate area. It is also considered that any storage containers to be stacked would be of a simplistic design.

It is noted that the finished ground level within the rail terminal is 15.75 metres lower than that to the eastern boundary of the site with the A453 and 21.5 metres lower than that to the western boundary of the terminal area which would adjoin with the intermodal area. In this context, as well as the fact that landscaping would be provided to these boundaries, it is considered that the proposed storage containers would not be visible from outside the confines of the site with only the upper parts of the lighting columns being particularly prominent. Given that lighting columns associated with the wider site, as well as other highway networks within the vicinity of the site (including the M1, A453 and A50), would be visible in any view established of the proposed rail terminal lighting columns it is considered that the overall implications to the character and appearance of the immediate and wider area would not be significantly adverse as to warrant a refusal of the application.

On this basis the proposal would accord with Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, as well as a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs 192, 193, 194 and 196 of the NPPF.

In terms of heritage assets the information submitted in support of the DCO application identified that there are 402 listed buildings within a five kilometre radius of the site, including those within the settlements of Castle Donington, Hemington, Lockington and Kegworth, with the most notable being the Grade I listed St Nicholas' Church in Lockington and the Grade II listed The Nunnery in Hemington. The Conservation Areas of Castle Donington, Hemington and Lockington also exist within the vicinity of the site. Therefore the impact of the development on the fabric and setting of these heritage assets should be given special regard as required by the 1990 Act.

In concluding on the impacts of the development on heritage assets the ExA stated the following: -

“Overall, we consider that the proposed development would not give rise to substantial harm to the setting of the conservation areas or listed buildings that lie within the vicinity of the application site for the following reasons:

- *A substantial amount of mitigation is proposed through the creation of development plateaus that are generally at a lower level than the surrounding areas, with associated landscape*

planting and earthwork bunds; this would largely screen any views of the proposed development from the nearby settlements;

- *The nearest of any of the proposed warehouse buildings would be some distance from the boundaries of the Lockington, Hemington and Castle Donington Conservation Areas; we consider that these distances, combined with the proposed landform changes and landscape planting would be sufficient to ensure that any impacts on the settings of the Castle Donington, Hemington or Lockington Conservation Areas or the setting of any listed buildings within any of these or other nearby settlements, would not be significantly detrimental; and*
- *The Castle Donington Conservation Area (CDCA) is primarily within the central part of the settlement, and as such there is already other built development located between the boundary of the conservation area and the proposed development; in our view, the existing built development around the CDCA would serve to mask views into and out of the CDCA with regard to the SRFI site.”*

As is concluded in the ‘Landscape and Visual Impacts’ and ‘Design and Impact on the Character and Appearance of the Area’ sections above the proposed increase in the height of the lighting columns and height at which containers would be stacked in the rail terminal area would not have a substantial visual impact on the landscape or character of the wider area. On this basis it is considered that there would be no impact on the significance of the setting of heritage assets, over and above that previously deemed acceptable under the DCO, given the wider landscaping strategy for the site mitigating the visual effects of the rail terminal which itself lies at a substantially lower land level to that of the wider development. Given that no harm would arise to the significance of heritage assets an assessment in the context of Paragraph 196 of the NPPF is not required.

Overall the proposal would accord with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenities

The nearest residential receptors to the site are those on Windmill Way, Kegworth, set 420 metres to the east, and Church, Street, Lockington, set 400 metres to the north-west.

It is considered that the granting of the DCO has established that the overall development would have an acceptable impact on the amenities of neighbouring residents which includes the lighting columns and stacked height of storage containers within the rail terminal area (Zone C), as permitted. Whilst the height of the lighting columns and stacked height of storage containers would increase it is considered that given that the rail terminal is situated at a lower land level than the remainder of the development permitted by the DCO the implications to neighbouring residential amenities would not be significantly adverse given the separation distance involved and presence of lighting columns on both the A453 and M1 which sit at a higher land level than the rail terminal. It is also noted that the Council’s Environmental Protection Team have raised no objections to the application.

On the basis that conditions are imposed to ensure the development is undertaken in accordance with the information as submitted it is considered that the proposal would accord with Policy D2 of the adopted Local Plan as well as Paragraph 180 of the NPPF.

Highway Safety

The impacts of the entire development on the highway network were assessed by the ExA in their consideration of the DCO where no significant concerns were raised subject to the relevant road improvements being carried out as part of the development.

It is considered that the containers being stored at a height 5 metres higher than that allowed by the DCO would have no implications to highway safety particularly given that they would not be visible from the wider highway network. With regards to the lighting columns it is considered that such structures are not uncommon on the wider highway network and therefore the provision of the

columns themselves would not compromise highway safety. On this basis the main matter for consideration would relate to whether the lighting element of the structure would compromise highway safety.

As part of the consideration of the application both Highways England and the County Highways Authority have been consulted and no objections raised subject to the lighting being shielded in a manner that would not compromise the safety of road users. On the basis that a condition could be imposed to ensure that the lighting was provided in a manner that would not compromise the safety of road users it is considered that the proposal would be compliant with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF.

Ecology

In the assessment of the DCO the ExA concluded that no adverse impacts would arise in relation to the impacts of the development on ecological species and as part of the consideration of this application the County Council Ecologist has no comments to make on the application given that it was anticipated as part of the grant of the DCO that lighting columns and storage containers would be present in the rail terminal area. On this basis the proposal would accord with Policy En1 of the adopted Local Plan as well as Paragraph 175 of the NPPF and Circular 06/05.

With regards to the representation of the third party it is considered that there is no control on the amount of lighting columns which could be provided in a particular phase of the development and the increase in height of the columns would not increase the level of light pollution over and above that which could occur in accordance with a scheme progressed under the terms of the DCO.

Landscaping

Requirement 8 of the DCO requires the submission of landscaping and ecological mitigation details and in respect of this particular phase the details of the landscaping have been agreed under a separation submission to accord with Requirement 8. Given that this landscaping would be provided in accordance with the details agreed under Requirement 8 it would not be necessary to impose a condition requiring the submission of further landscaping details as part of this application.

On this basis the proposal would accord with Policy D1 of the adopted Local Plan.

Airport Safeguarding

It was concluded by the ExA in their assessment of the DCO that *"the effects of the proposed development on civil aviation have been properly assessed in line with paragraph 5.59 of the NSPNN. The applicant and EMA have agreed that the protection of the airport authority is appropriately secured in the draft DCO...We conclude therefore that the proposed development would not significantly impede or compromise the safe operation of the EMA, in compliance with paragraph 5.63 of the NPSNN."* Relevant Requirements were then incorporated into the DCO to ensure that the finer details of the development were agreed with East Midlands Airport Safeguarding.

Accordingly the matter for consideration as part of this application is whether the increase in the height of the lighting columns and stacked height of the storage containers would result in any greater implications to the safe operation of East Midlands Airport over and above that permitted by the DCO, which allowed lighting columns of 15 metres in height and containers being stacked to 10 metres in height within the rail terminal area. As part of the consideration of the application the East Midlands Airport Safeguarding have been consulted and they have raised no objections subject to any permission being conditioned so as to ensure that lighting is capped so as to prevent upward light spill, that a pre-start meeting will be required with East Midlands Airport Safeguarding and that a local lighting check would be required once the lighting columns were installed.

It is considered that a condition would be imposed to ensure that the lighting columns are capped so as to prevent upward light spill but in terms of the requirement for a pre-start meeting and a local

lighting check it is considered that such conditions would be onerous in the circumstances that development could proceed within Zone C, as well as other 'zones' of the development site, in accordance with the DCO which would result in the provision of lighting columns and lighting to the units themselves which would have similar implications to aviation safety and which are not subject to such controls. On this basis such conditions would not meet the tests as outlined in Paragraph 55 of the NPPF. It will, however, be outlined to the applicant of their need to conform to Schedule 16 of the DCO, associated with the protection of the airport operator.

On the above basis it is considered that the proposal would not impact adversely on the operational safety of the airport and as such the development would accord with Policies Ec5 of the adopted Local Plan.

Development and Flood Risk

The area of the rail terminal lies within Flood Zone 1, and is therefore at the lowest risk of flooding, and is not within an area impacted by surface water flooding as defined by the Environment Agency's Surface Water Flood Maps. The proposal alteration to the height of the lighting columns and stacked containers would not alter the surface water drainage proposals for this particular phase of the development which are to be agreed separately with the Lead Local Flood Authority (LLFA) under the terms of Requirement 17 of the DCO. On this basis the LLFA have no objections to the application and as such it accords with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 163 of the NPPF.

No foul drainage is connected with the proposal and therefore it would accord with Paragraph 180 of the NPPF. Details of foul drainage associated with any buildings to be provided within this phase would be agreed under Requirement 19 of the DCO.

Conclusion

Whilst the application site is outside the Limits to Development, it is considered that the principle of the proposal has been established by the granting of the Development Consent Order (DCO). It is also considered that the increase in height of the lighting columns and stacked height of storage containers within the rail terminal, over and above the Parameters set by the DCO, would not lead to detriment to residential amenities, the landscape, the visual amenities of the wider environment, heritage assets, highway safety, airport safety, ecology or landscaping, nor would the development further exacerbate any localised flooding impact. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to above.

It is therefore recommended that the application be permitted.

RECOMMENDATION – PERMIT, subject to 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 $L_{eq, 12 \text{ hour}}$ 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.

Notes to Applicant

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.